

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

SPECIAL JOINT SESSION OF THE VILLAGE BOARD OF TRUSTEES  
with the CDA BOARD OF DIRECTORS and VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, May 2, 2005**

President Whowell called the Village Board Meeting to order at 5:04 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

**Also present:** Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Village Attorney Dale Thorpe

**Announcement for Board of Trustees to Consider Going Into Closed Session** - President Whowell

Trustee Petersen/Trustee Pollitt 2<sup>nd</sup> made a MOTION for the Village Board to go into closed session pursuant to Chapter 19.85 (1) (c) Wis. Stats. for the purpose of “considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, Chapter 19.85 (1) (e) Wis. Stats., for the purpose of “deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require,” and Chapter 19.85 (1) (g) Wis. Stats., for the purpose of “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” and the roll call vote followed:

O'Connell – Yes

Bromfield – Yes

President Whowell – Yes

Petersen – Yes

Larson – Yes

Pollitt – Yes

Turner - Yes

Trustee Bromfield Left the Closed Session at 5:50 pm.

**Adjournment of Closed Session**

Trustee O'Connell/Trustee Petersen 2<sup>nd</sup> made a MOTION to adjourn the closed session of the Village Board at 6:04 pm and to reconvene in open session after a five-minute recess for a special meeting with the CDA and Plan Commission, and the MOTION carried without negative vote.

President Whowell announced at 6:10 pm that the Village Board was in Open Session and the agenda items with regard to the joint session portion of the meeting with the CDA were going to be moved up to conduct the posted public hearing.

CDA Chairman Turner called the CDA's Open Session to order at 6:10 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**CDA Commissioners present:** Roll call vote: Chairman Turner, Petersen, Chanson, Koepsel

**CDA Commissioners absent:** Bliss, McHugh, O'Brien

**Also present:** Cheryl Bartz, Ken Bell, Police Lt. Brad Buchholz, Joe Eberle, Librarian Nancy Krei, reporter Jordan Madrosky, Jim Mann, Building Inspector Ron Nyman, Arlene Patek, Treasurer Peg Pollitt, Bob Sandy, reporter Chris Schultz, CDA Director Cindy Wilson, Carol and James Whowell, Rallee Whowell, Public Works Director Craig Workman

**Visitors Heard**

None

**Announcements**

Hayden-Staggs announced that the CDA Board's May meeting and Joint Session with the Plan Commission will be held Wednesday, May 4, 2005, at 6 pm; the Chris Schwenn Memorial Benefit Golf Outing, Dinner and Silent Auction will be held Friday, May 20, 2005; the Plan Commission's next monthly meeting will be Monday, May 23, 2005, at 6 pm; Accurate Appraisal will hold Village Hall office hours on Friday, May 27, 2005, from 10 am to 3 pm; the CDA will hold its June meeting on Wednesday, June 1, 2005, at 6 pm; a Town Hall Meeting on the revaluation process will be held Saturday, June 4, 2005, at 9 am; and the Third Quarter VOF Newsletter article deadline is Friday, June 10, 2005, at 4 pm.

**CDA Public Hearing – Chairman Turner**

**Public Hearing of the Community Development Authority of the Village of Fontana with regard to the proposed lease of real property by the CDA to the Village of Fontana in connection with the implementation of the redevelopment plan approved by the CDA on April 3, 2002**

Chairman Turner opened the public hearing at 6:11 pm. After he explained the proposed lease revenue bond, Turner asked if there were any comments or questions from the audience or Village officials. Turner closed the public hearing at 6:14 pm after no comments were made. Hayden-Staggs announced the Lease will be ready for CDA and Village Board action at a special joint meeting scheduled for Thursday, May 19, 2005.

**CDA General Business**

**Accept Resignation of Sharon O'Brien**

Chairman Turner announced that O'Brien submitted her resignation from the CDA Board because of time constraints. O'Brien will remain a member of the Park Commission and the Library Board. Chairman Turner/CDA Commissioner Petersen 2<sup>nd</sup> made a MOTION to accept O'Brien's resignation, and the MOTION carried without negative vote.

**Recommend Appointment to Village Board**

Chairman Turner stated the CDA is soliciting candidates to take O'Brien's position on the Board of Directors.

**Environmental Master Plan Ongoing Maintenance Proposal**

**A. Agrecol Contract**

Chairman Turner stated that the \$161,514 contract with Agrecol is for agriculture and plant-restoration work in the redevelopment area. The first step will be addressing the Hildebrand Conservancy, Fontana Fen and Headwaters areas. The contract includes taking out the current undesirable species and planting 14,000 new plants and trees. Chairman Turner stated that \$120,000 of the funding will be taken from the CDA land sale, and \$40,000 will be taken from the CDA's miscellaneous budget.

Chairman Turner/CDA Commissioner Petersen 2<sup>nd</sup> made a MOTION to approve the contract with

Agrecol, and the MOTION carried without negative vote.

CDA Commissioner Joe McHugh arrived at 6:20 pm.

### **B. Cedarburg Science**

Chairman Turner stated that the second part of the Environmental Master Plan Ongoing Maintenance Proposal is a \$9,810 contract with Cedarburg Science. The contract calls for Cedarburg Science to supervise the project and to monitor Agrecol's activities. Cedarburg Science also will write grant applications in an attempt to solicit funding to offset the Village's expenses on the Environmental Master Plan. Cedarburg Science will charge the Village for its time in writing the grant applications only if grant monies are secured.

CDA Commissioner Chanson/Commissioner Koepsel 2<sup>nd</sup> made a MOTION to approve the Cedarburg Science contract, and the MOTION carried without negative vote.

### **Adjourn CDA**

CDA Commissioner Koepsel/Chairman Turner 2<sup>nd</sup> made a MOTION to adjourn the CDA at 6:23 pm, and the MOTION carried without negative vote.

### **Approval of Village Board Minutes**

Trustee Turner/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve the minutes for the April 4, 2005 Regular Village Board Meeting and the April 6, 2005 Special Village Board Meeting, and the MOTION carried without negative vote.

### **Village Treasurer's Report**

Trustee Petersen/Trustee Bromfield 2<sup>nd</sup> made a MOTION to accept the Treasurer's Report for March and to place it on file for the audit, and the MOTION carried without negative vote.

### **Approval of Village and Utility Payables**

Trustee Petersen/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve the Village and Utility Payables, and the MOTION carried without negative vote.

### **General Business – President Whowell**

#### **Approval of Resolution 050205-01, Determining Scope of Projects for Purposes of Ordinance 040604-01**

Hayden-Staggs stated the proposed resolution was not ready for action at the meeting.

Trustee Petersen/Trustee Larson 2<sup>nd</sup> made a MOTION to table action on the Resolution until the special meeting on May 19, 2005, and the MOTION carried without negative vote.

#### **Action on Claim filed by James and Carol Whowell**

Thorpe stated that based on a discussion in closed session, it was an appropriate time to make a motion to deny the claim and to direct the village attorney to send a notice announcing the decision to James and Carol Whowell.

Trustee Pollitt/Trustee O'Connell 2<sup>nd</sup> made a MOTION to deny the claim and to direct Thorpe to send a notice announcing the decision to James and Carol Whowell, and the MOTION carried without negative vote. President Whowell abstained.

#### **Action on Claim filed by James Begg**

Thorpe stated that the Village Board should take no action on the claim and move on to the next agenda item.

#### **Raze Proposal for 181 Kinzie Avenue Property (Tabled April 4, 2005)**

Workman stated that the Village received a second bid for the raze contract for the recently

purchased residence at 181 Kinzie Avenue. Down to Earth Contractors, Inc., Lake Geneva, submitted a bid of \$6,900 to raze the house, haul away all debris and rubble, disconnect the sewer and water laterals, and fill the hole with dirt provided by the Village. The Village also previously received a bid totaling \$12,500 from Robert Stewart Excavating, Inc., Fontana, to raze the home.

Trustee O'Connell/Trustee Bromfield 2<sup>nd</sup> made a MOTION to accept the \$6,900 bid submitted by Down to Earth Contractors, Inc., with the condition Down to Earth file a Certificate of Insurance with the Village, and the MOTION carried without negative vote.

### **GLLEA Update**

President Howell stated that the Village of Fontana will continue its pursuit of matters to professionalize the GLLEA Board of Directors and the management of the boat patrol, and to resolve the continued stonewalling from the other three municipalities that comprise the GLLEA. Many of the Village Board members indicated they would attend the GLLEA meeting scheduled for May 4, 2005, at which some of the items requested by President Howell were included on the agenda. Since it was stated that most of the Village Board members planned on attending the meeting, the village clerk added a note to the posted agenda for the May 4, 2005 GLLEA meeting.

### **Action on Appeal to Circuit Court – Jeff Rothe**

President Howell stated that Jeff Rothe filed an appeal with regard to a Fontana Municipal Court conviction he received for drunken driving. Lt. Buchholz stated that the Village has a strong case if the Village Board votes to defend the appeal.

Trustee Petersen/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve Thorpe's expenses to defend the appeal, per a discussion held in closed session, and the MOTION carried without negative vote.

### **Ordinance Amending Architectural Control Board Appointments**

Hayden-Staggs presented the proposed Ordinance, which designates the responsibility of architectural control review to the Plan Commission, as previously discussed by the Village Board, CDA and Plan Commission. Trustee Turner suggested that the amended section in the Ordinance should be: "The Plan Commission shall serve as the architectural control board."

Trustee Bromfield/Trustee Turner 2<sup>nd</sup> made a MOTION to approve Ordinance 05-02-05-01 with the amended section, "The Plan Commission shall serve as the architectural control board," and the MOTION carried without negative vote.

### **NMNA Memorial Park Dedication Parade Request for Saturday, May 28, 2005, from 8:30 to 10:30 am**

President Howell stated that the Old Boy's and Alumni Association of St. John's Northwestern Military Academy, Delafield, requested Village approval of a parade to be held in conjunction with the NMNA Memorial Park Dedication on May 28, 2005. The parade will consist of about 270 SJNMA cadets and tactical non-commissioned officers marching from the parking lot at The Abbey Resort to the former Northwestern Military and Naval Academy in Linn Township. The parade will be held from 8:30 to 10:30 a.m. Gov. Doyle is planning to be present for the parade at 11:00 a.m. and will be presenting awards and making remarks, according to the information submitted by local coordinator Gonzalo Davila. Approval of the parade request was recommended by the Protection Committee and Police Department Executive Committee.

Trustee Bromfield/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the parade request, and the MOTION carried without negative vote.

### **Protection Committee**

#### **Peace Officers' Memorial Day Proclamation Approval**

President Howell stated the annual proclamation in recognition of Peace Officers' Memorial Day on May 15, 2005, and National Police Week from May 15 to 21, 2005, was distributed to the Trustees.

Trustee Bromfield/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the Proclamation, and the MOTION carried without negative vote.

#### **Police Department Staffing**

President Whowell stated that a special meeting of the Village Board and Protection Committee was held April 30, 2005 to discuss Investigator Jeff Recknagel's resignation and the options to replace him. More information will be presented at the next meeting of the Protection Committee.

#### **Public Works - Trustee Petersen and Public Works Director Workman**

##### **Tarrant Drive Project Update**

Workman reported that the problems caused by the new raised curbing on Tarrant still haven't been resolved. The curbing doesn't meet the specifications called for in the contract. Workman said a solution that the Village feels is adequate still may be worked out, or the Village will put Mann Brothers on notice per the contract terms. Workman said the restoration work on the properties along Tarrant still may begin the week of May 9, 2005. Workman stated he will update the board on at its special meeting on May 19, 2005, and he will send a letter to residents of Tarrant Drive to provide a project completion schedule.

##### **Main Lift Station Project Update**

Workman distributed sketches of the preliminary design and floor plan for the new Main Lift Pumping Station to be constructed in Reid Park under the restrooms.

##### **Mill Street Project Update**

Workman stated the Mill Street construction project is underway, and everything is going according to schedule.

##### **Mill Street Project Pay Request No. 1**

Workman stated that Ruckert-Mielke recommended approval of Pay Request No. 1 from Odling Construction, Inc., totaling \$50,758 for the Mill Street and Porter Court Sanitary Sewer, Water Main, Storm Sewer and Street Reconstruction project.

Trustee Petersen/Trustee Turner 2<sup>nd</sup> made a MOTION to approve Odling Construction's Pay Request No. 1 totaling \$50,758, and the MOTION carried without negative vote.

##### **Main Street Project Update**

Workman stated the project is underway, and everything is going according to schedule.

##### **Plow Truck Purchase Bid Approval**

Workman stated that the Village Board approved the purchase of the chassis and cab for the new truck at last month's meeting. Bids were subsequently received from seven area dealerships for the plow, dump box and other amenities on the truck. The Public Works Committee recommended accepting the \$25,529 bid submitted by Northland even though there were two other bids submitted that were slightly lower. One of the companies that submitted a lower bid has not provided good service to the Village in the past, and the other company that submitted a lower bid has since been purchased by a different company. Workman stated that the total price for the new truck, \$63,437, is \$5,313 over budget; however, the Public Works Department has sold old equipment this year and the revenue earned has exceeded the estimate in the budget.

Trustee Petersen, Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the \$25,529 bid submitted by Northland, and the MOTION carried without negative vote.

#### **Lakefront and Harbor - Trustee Bromfield**

##### **Freytag Pier Permit Approval**

Bromfield stated that the DNR and Lakefront and Harbor Committee approved a pier permit

application submitted by Thomas and Kristen Freytag, W3874 Lackey Lane.  
Trustee Bromfield/Trustee Larson 2<sup>nd</sup> made a MOTION to approve the pier permit application submitted by Thomas and Kristen Freytag, and the MOTION carried without negative vote.

#### **Pending Update on Chapter 54**

Hayden-Staggs stated that the Lakefront and Harbor Committee is scheduled to finalize the recommended amendments to the Public Waters and Beaches section of the Municipal Code at its next meeting Wednesday, May 18, at 8:00 a.m.

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

##### **Adoption of Resolution Authorizing Ehlers and Associates, Inc. to Provide Certain Financial Advisory Services In Conjunction With General Obligation Village Project Financing in the Village of Fontana on Geneva Lake, Wisconsin (Tabled April 4, 2005 to May 19, 2005)**

Hayden-Staggs stated the matter still wasn't ready to be acted on and suggested tabling the item until the special meeting on May 19, 2005.

Trustee Petersen/Trustee Bromfield 2<sup>nd</sup> made a MOTION to table the item until the special meeting on May 19, 2005, and the MOTION carried without negative vote.

#### **WPPA Mediation – May 12, 2005**

Hayden-Staggs stated that the mediation hearing for the Police Department's union contract is scheduled for May 12, 2005.

#### **Village of Fontana/Village of Walworth Building Inspection Intergovernmental Agreement**

Hayden-Staggs stated the IGA was not ready for action because there are a few items to work out with the Village of Walworth.

Trustee Petersen/Trustee O'Connell 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote. Trustee Bromfield abstained.

#### **F/W WPCC - Trustee Petersen**

##### **Monthly Update**

Petersen stated that the screen project is scheduled to be completed within the next 10 days.

#### **Park Commission - Trustee Larson**

##### **Environmental Master Plan Ongoing Maintenance Proposal**

###### **A. Agrecol Contract**

###### **B. Cedarburg Science**

Larson stated she worked on the contracts with Hayden-Staggs and they came up with some language changes that both firms were amenable to when contacted. Agrecol and Cedarburg Science representatives were scheduled to attend the joint CDA and Plan Commission meeting on May 4, 2005. Hayden-Staggs stated the Village Board has to approve the Agrecol contract because the Village will incur ongoing maintenance expenses totaling \$19,000 for the next three years.

Trustee Petersen/Trustee Bromfield made a MOTION to approve the Agrecol Contract, and the MOTION carried without negative vote.

#### **CDA – Trustee Turner**

##### **Monthly Update**

Turner stated that he presented all the current CDA information earlier in the meeting.

#### **Appointment of CDA Membership**

##### **A. Trustee**

Trustee Turner/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the re-appointment of Trustee

Petersen to the CDA Board, and the MOTION carried without negative vote. Trustee Petersen abstained.

**B. Replacement for Sharon O'Brien**

Turner announced the CDA is seeking a resident to replace O'Brien on the Board.

**LakeUse Committee – Ken Bell**

**Monthly Update**

Bell announced that the Lake Use Committee did not meet last month.

**GLEA – Trustee O'Connell**

**Monthly Update**

O'Connell stated that she had nothing new to report with regard to the Geneva Lake Environmental Agency.

**Pending Items for Future Village Board Agendas**

President Whowell stated that pending items include the Lyon Woods Pre-Annexation Agreement and Developer's Agreement; the FEMA Floodplain Designation; and the Abbey Bridge Study.

President Whowell announced the Village Board was going to move on to the Organizational Meeting agenda items.

**Organizational Meeting General Business – President Whowell**

**Section 2-39 Liaison Appointments**

**A. Library Board**

President Whowell recommended the reappointment of himself as the Board's liaison to the Library Board.

Trustee Turner/Trustee O'Connell made a MOTION to approve the appointment of President Whowell to the Library Board, and the MOTION carried without negative vote.

**B. Park Commission**

President Whowell recommended the reappointment of Trustee Larson to the Park Commission.

Trustee O'Connell/Trustee Turner 2<sup>nd</sup> made a MOTION to approve the appointment of Trustee Larson to the Park Commission, and the MOTION carried without negative vote.

**C. Lake Use Committee**

President Whowell recommended the reappointment of himself as the Board's liaison to the Lake Use Committee.

Trustee Turner/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve the appointment of President Whowell to the Lake Use Committee, and the MOTION carried without negative vote.

**Section 2-61 Environmental Committee Appointments**

President Whowell stated he was recommending the reappointment of Trustee O'Connell and Workman and the initial appointment of Nyman to the Environmental Committee. There is one position that still needs to be filled on the committee.

Trustee Petersen/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve the appointments of Trustee O'Connell, Workman and Nyman to the Environmental Committee, and the MOTION carried without negative vote.

**Section 2-62 Finance Committee Appointments**

President Whowell stated he was recommending the reappointment of the current Finance Committee members, including Trustee Pollitt, Jim Feeney, Lou Loenneke, Arlene Patek, Rick McCue and Andrew Gilchrist.

Trustee O'Connell/Trustee Petersen made a MOTION to approve the appointments of Trustee

Pollitt, Jim Feeney, Lou Loenneke, Arlene Patek, Rick McCue and Andrew Gilchrist to the Finance Committee, and the MOTION carried without negative vote.

### **Section 2-63 Lakefront and Harbor Committee Appointments**

President Howell stated he was recommending the reappointment of the current Lakefront and Harbor Committee members, including Steve Beers, Ed Snyder, Rick Rosenow, Lee Eakright and Joel Bikowski, and the appointment of Trustee O'Connell as the chairman to replace Trustee Bromfield.

Trustee Bromfield/Trustee Larson 2<sup>nd</sup> made a MOTION to approve the appointments of Trustee O'Connell, Steve Beers, Ed Snyder, Rick Rosenow, Lee Eakright and Joel Bikowski to the Lakefront and Harbor Committee, and the MOTION carried without negative vote.

### **Section 2-64 Human Resource Committee Appointments**

President Howell stated he was recommending the reappointment of the current Human Resource Committee members, including Trustee Pollitt, Sandra Erickson, Jennifer Johnson, Jeff Koepke and George Spadoni.

Trustee O'Connell/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve the appointments of Trustee Pollitt, Sandra Erickson, Jennifer Johnson, Jeff Koepke and George Spadoni to the Human Resources Committee, and the MOTION carried without negative vote.

### **Section 2-66 Protection Committee Appointments**

President Howell stated he was recommending the reappointment of the current Protection Committee members, including Robert Allen, David Eshoo, Roger O'Brien, Ken Ryndak, Robert Sandy, Ron Frankel and Alternate Hal Grabow, and the appointment of Trustee Bromfield as the chairman to replace himself.

Trustee Turner/Trustee Larson 2<sup>nd</sup> made a MOTION to approve the appointments of Trustee Bromfield, Robert Allen, David Eshoo, Roger O'Brien, Ken Ryndak, Robert Sandy, Ron Frankel and Alternate Hal Grabow to the Protection Committee, and the MOTION carried without negative vote.

### **Section 2-67 Public Works Committee Appointments**

President Howell stated he was recommending the reappointment of the current Public Works Committee members, including Trustee Petersen, Bruce Adreani, Mark Kennedy, Brian Ptacek, Rick Rosenow, Robert Stewart and John Tierney.

Trustee Pollitt/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve the appointments of Trustee Petersen, Bruce Adreani, Mark Kennedy, Brian Ptacek, Rick Rosenow, Robert Stewart and John Tierney to the Public Works Committee, and the MOTION carried without negative vote.

### **Section 2-68 Emergency Management Committee Appointments**

President Howell stated he was recommending the reappointment of the current Emergency Management Committee members, including Steve Olson, Jon Kemmet, Tom Westphal, Craig Workman, Kelly Hayden-Staggs and himself, and the appointment of new member Al Kaminski to fill a vacant citizen position.

Trustee Bromfield/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the appointments of Steve Olson, Jon Kemmet, Tom Westphal, Craig Workman, Kelly Hayden-Staggs, President Howell and Al Kaminski to the Emergency Management Committee, and the MOTION carried without negative vote.

### **Section 2-231 Board of Appeals Appointments**

President Howell stated he was recommending the reappointment to three-year terms current Board of Appeals members George Spadoni and Daniel Maus, and the Village is seeking an alternate member to replace Jim Feeney.



Trustee Petersen/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve the appointments of George Spadoni and Daniel Maus to three-year terms on the Board of Appeals, and the MOTION carried without negative vote.

#### **Section 2-256 Board of Review Appointments**

President Howell stated he was recommending the reappointment of the current Board of Review members, including himself, Trustee Bromfield, Gary Walsh, Steve Beers and Dolly Schneidwind. Trustee Turner/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the appointments of President Howell, Trustee Bromfield, Gary Walsh, Steve Beers and Dolly Schneidwind to the Board of Review, and the MOTION carried without negative vote.

#### **Section 2-281 Joint Area Transit Commission Appointments**

President Howell stated that he was not going to reappoint Fontana residents to the Joint Area Transit Commission because the commission has not held a meeting since he has taken office as Village President.

#### **Section 2-311 Library Board Appointments**

President Howell stated he was recommending the reappointment to of Inger Fisher to a three-year term on the Library Board. After the meeting President Howell stated the reappointment of Fran Hill was inadvertently forgotten, so her appointment will be acted on at the next meeting of the Village Board.

Trustee Bromfield/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the appointment of Inger Fisher to a three-year term on the Library Board, and the MOTION carried without negative vote.

#### **Section 2-336 Park Commission Appointments**

President Howell stated he was recommending the reappointment of current Park Commission members Susan Geye, Sarah Lobdell, and Brent Horvath to two-year terms.

Trustee Turner/Trustee Larson 2<sup>nd</sup> made a MOTION to approve the appointments of Susan Geye, Sarah Lobdell, and Brent Horvath to two-year terms on the Park Commission, and the MOTION carried without negative vote.

#### **Section 2-366 Plan Commission Appointments**

President Howell stated he was recommending the reappointment of himself, Park Commission Chairman Rick Treptow and citizen Mike Poivey to the Plan Commission. President Howell also recommended the appointment of Trustee O'Connell to replace Shari Rauland-Mohr, who resigned her position. President Howell's term on the Plan Commission will run until April 2007; Treptow's term on the Plan Commission will run until April 2006; Poivey's term will run until April 2008; and Trustee O'Connell's term will run until April 2008.

Trustee Turner/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve the appointments of President Howell, Rick Treptow, Mike Poivey and Trustee O'Connell to the Plan Commission, and the MOTION carried without negative vote.

#### **Section 18 ETZ Appointments**

President Howell recommended the reappointment of Rick Treptow and Mike Poivey, and the initial appointment of Trustee O'Connell to the Joint ETZ Committee.

Trustee Bromfield/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the appointments of Rick Treptow, Mike Poivey and Trustee O'Connell to the Joint ETZ Committee, and the MOTION carried without negative vote.

#### **Section 2-392 Public Safety Board of Appeals Appointment**

President Howell recommended the reappointment of himself and Thomas Roche to the Public Safety Board of Appeals. President Howell's term is for two years and Roche's term is for three

years.

Trustee Bromfield/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the two-year appointment of President Whowell and the three-year appointment of Thomas Roche to the Public Safety Board of Appeals, and the MOTION carried without negative vote.

#### **Section 2-425 Police and Fire Commission Appointment**

President Whowell recommended the reappointment of Sherri Eshoo to a five-year term on the Police and Fire Commission.

Trustee Bromfield/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the appointment of Sherri Eshoo to a five-year term on the Police and Fire Commission, and the MOTION carried without negative vote.

#### **Section Appendix A FW/WPCC Appointments**

President Whowell stated he was recommending the reappointment of Trustees Bromfield, Petersen and O'Connell, and citizen John O'Neill to the Fontana-Walworth Wastewater Pollution Control Commission.

Trustee Bromfield/Trustee Turner 2<sup>nd</sup> made a MOTION to approve the appointments of Trustees Bromfield, Petersen and O'Connell, and citizen John O'Neill to the Fontana-Walworth Wastewater Pollution Control Commission, and the MOTION carried without negative vote.

#### **Section 54 Geneva Lake Law Enforcement Agency**

President Whowell stated he was recommending the reappointment of himself and Police Chief Steven Olson to the Geneva Lake Law Enforcement Agency Board of Directors.

Trustee Petersen/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the appointments of President Whowell and Chief Olson to the GLEEA Board of Directors, and the MOTION carried without negative vote.

#### **Section 54 Geneva Lake Use Committee**

President Whowell stated he was recommending the reappointment of Ken Bell to the Geneva Lake Use Committee.

Trustee Bromfield/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the appointment of Ken Bell to the Geneva Lake Use Committee, and the MOTION carried without negative vote.

President Whowell called for a recess prior to the joint session of the Village Board and Plan Commission.

President Whowell called the Village Board back to order and the Plan Commission to order at 8:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call vote: Spadoni, Poivey, O'Connell, President Whowell, Larson

**Plan Commissioners absent:** Eakright, Treptow

#### **Approval of Plan Commission Minutes**

Plan Commissioner Spadoni/Commissioner Poivey 2<sup>nd</sup> made a MOTION to approve the minutes for the March 29, 2005 Open and Closed Sessions, and the MOTION carried without negative vote.

#### **Village Board and Plan Commission General Business**

**Plan Commission Recommendation on Certified Survey Map Proposal Filed by Larry and Maxine Ellis, Walworth Township**

President Howell stated that following their reviews, staff members recommended approval of the CSM submitted by Larry and Maxine Ellis for their property in Walworth Township. The parcel is located within the Village of Fontana's extraterritorial plat review jurisdiction.

Plan Commissioner Spadoni/Commissioner Poivey 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the CSM as submitted, and the MOTION carried without negative vote.

#### **Village Board Action on Certified Survey Map Proposal Filed by Larry and Maxine Ellis, Walworth Township**

Trustee Turner/Trustee Bromfield 2<sup>nd</sup> made a MOTION to approve the CSM, and the MOTION carried without negative vote.

#### **Plan Commission Recommendation on Dennis Condon Pottawatomi Project**

Thorpe stated that the Village Board came to a consensus in closed session to correct the slope excavation/grading and clear-cutting violations and stormwater run-off problems associated with Condon's Pottawatomi Drive project. Condon agreed to sell Lot 8, which has been under a stop-work order, to the man who is purchasing Lot 7 and the residence already constructed on Lot 7. Condon also agreed to have the foundation removed from Lot 8 and to restore the hill to its original grade. Thorpe stated that Mr. Zick, the future owner of Lots 7 and 8, has no immediate plans to propose the construction of a residence on Lot 8; however, a residence could be proposed for the lot at some time in the future. In exchange for the lifting of the stop-work order and the issuance of an occupancy permit, Condon must provide the Village with adequate financial security that the infiltration trenches will be installed under the Village's supervision and that they will effectively handle the stormwater run-off, that the tree planting and landscaping plans are carried out and that the trees survive, and that all other developer obligations are met. Thorpe was directed to meet with Condon's attorney to execute the final amendment to the developer's agreement. The amendment will cover all the conditions discussed by Thorpe. Commissioner Spadoni stated he would like to see the foundation removed from Lot 8 and the hill brought back to its original grade within 30 days, weather permitting. Trustee Larson stated that the Village should hold off on issuing occupancy permits for the residences on Lots 5 and 6 until the foundation is removed, the hill is restored and the infiltration trenches are installed. Larson stated that occupancy permits should be issued for Lots 5 and 6 after all of the work is satisfactorily completed. Condon stated he has an excavation crew ready to remove the foundation as early as Monday, May 9, 2005, because he wants the job done as quickly as possible. Condon agreed that he will have the foundation removed and the hill brought back to grade within 30 days of the signing of the settlement agreement.

Plan Commissioner Poivey/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to enter into the settlement with Condon with the conditions that appropriate financial securities are filed and the letter of credit with the Village is extended to guarantee the developer meets all his obligations, the foundation poured on Lot 8 is removed and the hill brought back to its original grade, the infiltration trenches for the entire subdivision are installed at an appropriate time under the Village's supervision and that the trenches effectively handle the stormwater run-off, and the tree planting and landscaping plans are carried out and the trees survive. The MOTION carried without negative vote.

#### **Village Board Action on Dennis Condon Pottawatomi Project**

The Village Board agreed that if Thorpe successfully negotiates the settlement, the developer's agreement should be amended to reflect the conditions recommended by the Plan Commission. Trustee Bromfield/Trustee Turner 2<sup>nd</sup> made a MOTION to approve the amendment to the developer's agreement with Dennis Condon for his Pottawatomi Drive Project with the conditions that appropriate financial securities are filed and the letter of credit with the Village is extended to guarantee the developer meets all his obligations, the foundation poured on Lot 8 is removed and the hill brought back to its original grade, the infiltration trenches for the entire subdivision are installed at an appropriate time under the Village's supervision and that the trenches effectively handle the

stormwater run-off, and the tree planting and landscaping plans are carried out and the trees survive. The MOTION carried without negative vote.

### **Adjourn Village Board**

Trustee Petersen/Trustee Bromfield 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 8:21 pm, and the MOTION carried without negative vote.

### **Plan Commission General Business**

#### **Tree Ordinance Review & Set Public Hearing Date**

The Park Commission made some amendments to the proposed Tree Ordinance, which was forwarded to the Plan Commission for a public hearing.

Plan Commissioner Spadoni/Commissioner Poivey 2<sup>nd</sup> made a MOTION to conduct a public hearing on the proposed Zoning Code amendment on Monday, May 23, 2005, at 6 pm, and the MOTION carried without negative vote.

#### **Review Conditional Use Permit Issued June 28, 2004 to John Noyer for Property Located at 154 W. Main Street**

President Whowell stated that the Noyers have not yet opened for business, although they did rent one room. Because of the West Main Street reconstruction project and the necessity to address some building code violations, it will most likely take another year before the business can be opened on a regular basis.

Plan Commissioner Poivey/Commissioner Larson 2<sup>nd</sup> made a MOTION to extend the CUP review to June 2006, and the MOTION carried without negative vote.

#### **“McMansion” Issue Report from VOF Building & Zoning Department**

Nyman discussed the report prepared by Code Specialist Bridget McCarthy. Following discussion, President Whowell stated he would like the Building and Zoning Department to continue its research on the matter and to provide other zoning mechanisms to address the problem of having people construct new residence that are too large for their lots or in relation to other neighborhood homes.

#### **Audino Quarry Project Update**

Hayden-Staggs stated that she had a conversation with David Audino and his group is continuing with the engineering and design process. The plat and zoning may be completed in time for the Plan Commission to start the approval process next month.

#### **Introduction of Conditional Use Permit Application Filed for James Winqvist, 304 Kinzie Avenue**

Winqvist requested that the item be removed from the agenda.

#### **Introduction of Precise Implementation Plan filed by Brian Pollard for the FairWyn, Ltd. Mill Street Development**

Pollard presented preliminary plans and an artist’s rendering of the proposed Mill Street Development precise implementation plan, which he will present for action at the Plan Commission’s May 23, 2005 meeting. If approved, Pollard stated he would like to begin construction in June on four to six of the town homes. There will be a total of 14 residential units in the development, with retail units on the north end. After it was pointed out that the south residential building exceeded the building code’s height limitation of 35 feet, Pollard stated he will address the restriction in the PIP. There also was concerns voiced with regard to the performance standards and the number of windows on the east and west sides of the residential buildings.

#### **Abbey Resort Signage Proposal Review**

Ed Snyder provided drawings of the proposed new signs, which were favored by the Plan

Commission. The proposed signage will be presented for approval at the next Plan Commission meeting on May 23, 2005.

**Building Inspection Activity Report**

The building permit report for April was distributed to the Plan Commissioners. Permits were issued for 18 different projects during the month.

**Pending Plan Commission Items for Future Agendas**

President Howell stated that pending Plan Commission agenda items include the ETZ Amended Rezone Petition filed by the Tracy Group, Inc., 200 Elizabeth Lane, Genoa City, WI 53128, from A-1 and R-1 to A-5 ETZ Rural Residential District, for the proposed Stonecrest subdivision located in Walworth Township; the Lyon Woods Pre-Annexation Agreement and Developer's Agreement; the Hubertz Annexation proposal; and an ETZ Ordinance amendment – PRD insertion.

**Adjourn Plan Commission**

Plan Commissioner Spadoni/Commissioner Poivey 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 9:20 p.m., 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, CDA and Plan Commission the official minutes will be on file at the Village Hall.

APPROVED: VB & CDA - 05/20/2005  
PC – 05/23/2005