

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, May 5, 2008**

President Pollitt called the monthly meeting of the Village Board to order at 5:31 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call vote: Turner, O'Connell, President Pollitt, Kenny, Lewis

**Trustees absent:** Spadoni, Petersen

**Also present:** Village Administrator Kelly Hayden-Staggs, 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**

O'Connell/Kenny 2<sup>nd</sup> made a MOTION for the Village Board to go into closed session pursuant to Chapter 19.85 (1) (g) Wis. Stats. to confer 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, specifically the development of Lots 24 & 49 of Country Club Estates Subdivision, and pursuant to Chapter 19.85 (1) (e) Wis. Stats. to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require, specifically 138 Fontana Boulevard, and the roll call vote followed:

O'Connell – Yes

President Pollitt – Yes

Kenny – Yes

Lewis – Yes

Turner – Yes

The MOTION carried on a 5-0 vote.

**Adjournment of Closed Session**

Turner/O'Connell 2<sup>nd</sup> made a MOTION to adjourn the closed session at 6:09 pm, and to reconvene in open session, and the MOTION carried without negative vote.

President Pollitt announced that the Village Board was in open session at 6:09 pm.

**Also present:** Allen Anderson, Skip Bliss, Ryan Halsted, Rob Ireland, Fire Chief Jon Kemmett, Cary Kerger, David Lindelow, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Police Chief Steve Olson, Rick Rosenow, Jim Van Dreser, Andrew Westbrook, Carol Whowell, Director of Public Works Craig Workman, Patricia Yeager

**Closed Session Item**

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve the professional engineering services proposal as submitted by Ruckert-Mielke for a storm water study in the area of Lots 24 and 49 in the Country Club Estates Subdivision for an estimated cost of \$6,000 on a time and material basis, and the MOTION carried without negative vote.

**Visitors Heard**

None

**Announcements**

1. Book Signing Event at the Fontana Public Library – Tuesday, May 6, 2008 at 6:30 pm

2. Park Commission Walking Tours of Village Parks – Thursdays, May 8 and 15, 2008 at 6:00 pm
3. Geneva Lake West Chamber of Commerce Citizen of the Year Awards Luncheon at Abbey Spring Yacht Club – Wednesday, May 7, 2008 beginning at 11:30 am
4. CDA Monthly Meeting – Wednesday, May 7, 2008 at 6:00 pm
5. GLEA Clean Boats/Clean Water Seminar at the Fontana Park House – Thursday, May 8, 2008 at 10:00 am
6. Lake Geneva Extreme Sports Marathon – Saturday, May 10, 2008
7. Randall Arendt Seminar at the Fontana Village Hall – Wednesday, May 14, 2008 at 7:00 pm
8. Fourth Annual Chris Schwenn Memorial Golf Outing at the Abbey Springs and Abbey Resort – Friday, May 16, 2008
9. Fontana Community Church Pancake Breakfast – Saturday, May 17, 2008, 7:00 am to Noon
10. Monthly Meeting of the Protection Committee – Monday, May 19, 2008 at 5:00 pm
11. First Meeting of the 2008 Board of Review – Wednesday, May 21, 2008 at 9:30 am
12. Monthly Meeting of the Park Commission – Wednesday, May 21, 2008 at 6:00 pm
13. Fontana Garden Club Plant Sale at the Fontana Park House – Saturday, May 24, 2008
14. Village Hall and Public Library Closed for Memorial Day Holiday – Monday, May 26, 2008
15. Memorial Day Parade – Monday, May 26, 2008 at 11:30 am
16. Plan Commission Monthly Meeting Rescheduled for Memorial Day Holiday – Tuesday, May 27, 2008 at 5:30 pm

#### **Approval of Minutes**

O’Connell/Kenny 2<sup>nd</sup> made a MOTION to approve the minutes for meetings held April 7, 21 and 23, 2008, as presented, and the MOTION carried without negative vote.

#### **Village Treasurer’s Report**

O’Connell/Kenny 2<sup>nd</sup> made a MOTION to accept the Treasurer’s Report for March 2008 and to place it on file for the audit, and the MOTION carried without negative vote.

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

Kenny/Turner 2<sup>nd</sup> made a MOTION to approve the Village and Utility Payables as submitted and including pay order requests submitted by Mann Brothers, Inc. for the Dade and Wild Duck Roads reconstruction contract, \$13,234, and the Porter Court Plaza project, \$17,685, as recommended by the Village engineer, and the MOTION carried without negative vote.

#### **Protection Committee – President Pollitt Police Officer Memorial Day Proclamation**

The annual proclamation designates May 15, 2008 as Peace Officer’s Memorial Day and the week in which May 15 falls as National Police Week.

Kenny/O’Connell 2<sup>nd</sup> made a MOTION to approve the Police Officer Memorial Day Proclamation as presented, and the MOTION carried without negative vote.

#### **Approval of MABAS Contract**

President Pollitt stated that the Protection Committee recommended approval of the updated contract for the Mutual Aid Box Alarm System program. Chief Kemmett stated that the updated contract is for Wisconsin, and the initial MABAS contract that was approved actually is the contract drafted by the state of Illinois. Chief Kemmett stated that the contracts contain the same provisions. President Pollitt/Turner 2<sup>nd</sup> made a MOTION to approve the updated Mutual Aid Box Alarm System contract as recommended, and the MOTION carried without negative vote.

#### **Class B Beer and Class C Wine License Application Filed for Georgie B’s, 441 Mill Street, Suite 102**

Martin stated that the new restaurant is not ready for the required inspections to be completed, but the background checks and other application requirements have been completed for a Class B Beer and Class C Wine license.

Turner/O’Connell 2<sup>nd</sup> made a MOTION to approve the granting of a Class B Beer and Class C Wine License to Georgie B’s Restaurant, 441 Mill Street, Suite 102, Agent Pamela B. Carper, 1040

Tolman Street, Lake Geneva, WI, with the condition that all of the required inspections are successfully completed. The MOTION carried without negative vote.

#### **Federal Department of Justice Grant Approval**

Chief Olson stated that the Police Department has been participating in the federal grant program for the purchase of new ballistic vests and replacement vests since 1999. Chief Olson asked the Village Board to consider approving a motion to authorize the continuous annual submission of grant applications for new ballistic vests since new vests are needed almost every year – when new officers are hired and when old vests need to be replaced.

Kenny/Turner 2<sup>nd</sup> made a MOTION to approve the indefinite participation in the Federal Department of Justice Grant Program for ballistic vests only, and the MOTION carried without negative vote.

#### **Approve Hiring of CSO Joshua Moore – Starting Date May 9, 2008**

Chief Olson stated that the Protection Committee conducted interviews and recommended hiring Joshua Moore for the Community Service Officer position. Chief Olson stated that Moore is scheduled to graduate this spring with a degree in criminal justice. The position is in the budget.

President Pollitt/O’Connell 2<sup>nd</sup> made a MOTION to approve the hiring of Joshua Moore for the Community Service Officer position as recommended by the Protection Committee, and the MOTION carried without negative vote.

#### **Approve Temporary LTE Pay Rate for Part-Time Officer Dennis Warne Effective May 16, 2008**

The Protection Committee recommended approving a pay rate increase for Police Officer Dennis Warne to the LTE level effective May 16, 2008.

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve the pay rate increase for Police Officer Dennis Warne to the LTE level effective May 16, 2008, and the MOTION carried without negative vote.

#### **Approve Temporary Pay Raise for Part-Time Officer Ryan Halsted to LTE Pay Rate Effective May 24, 2008**

The Protection Committee recommended approving a pay rate increase for Police Officer Ryan Halsted to the LTE level effective May 24, 2008.

Turner/Lewis 2<sup>nd</sup> made a MOTION to approve the pay rate increase for Police Officer Ryan Halsted to the LTE level effective May 24, 2008, and the MOTION carried without negative vote.

#### **Authorize Enrollment in TRIP Program**

Chief Olson stated that the Wisconsin Department of Revenue Tax Refund Interception Program allows municipalities to collect unpaid fines and past due municipal bills from taxpayer refunds, other refundable credits and lottery prizes. There is no cost to enroll in the program. There is a \$5 information submission fee for the individual taxpayers; however, the \$5 fee can be added to the amount of money intercepted from the taxpayer refunds, other refundable credits and lottery prizes.

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve the enrollment into the Wisconsin Department of Revenue Tax Refund Interception Program, and the MOTION carried without negative vote.

#### **General Business/Administrator’s Report – President Pollitt/Administrator Hayden-Staggs Lakefront Sidewalk Proposal**

Hayden-Staggs stated that some of the Park Commission members are working with the lakefront business owners on a plan to install new portions of sidewalk along Lake Street for the public lakeshore path. There is no approval required for the sidewalk installation on the privately owned property; however, if a portion of the new sidewalk will be installed on Village property, the proposal will have to go through the approval process.

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

#### **Possible Direction on Park Place LLC Liquor License**

Hayden-Staggs stated that an email from Police Chief Olson with regard to the department’s inability to conduct random compliance checks at businesses with liquor licenses prompted the inquiry on the

possible violation of the Municipal Code section governing liquor licenses. The agenda item was scheduled for the Village Board to consider the scheduling of a hearing to consider the non-renewal of the license approved and issued to Park Place for potentially violating Section 6-12 (b) of the Municipal Code. Subsection 6-12 (b) (2) states: “*Continuing business* is hereby defined as follows: Engaging in any activity requiring a license under sections 6-3 and 6-4 of this Code for a period of at least 90 consecutive days, or longer, during the license year. For a license issued for a period of less than one year, the 90-day business continuation period shall be prorated according to the number of months or fractions there remaining until the following June 30.” Park Place manager Patty Yeager stated that the business has been open all year, and during times when the business was not open to the general public, there were private parties catered at the business. Martin stated that an issue with regard to the license issued for the Park Place and the required Wisconsin Seller’s Permit was brought to the attention of the Village Clerks’ Office on May 5, 2008 in an email from Wisconsin Department of Revenue Agent Walter J. Strahota. Strahota states in the email to Martin that the Wisconsin Seller’s Permit was issued to Richard C. Rosenow on July 15, 2005 and was inactivated June 30, 2007. The current license year began July 1, 2007 and runs through June 30, 2008. An active Wisconsin Seller’s Permit that is in good standing is one of the statutory requirements for issuance of a liquor license. Thorpe stated that if is the intention of the Village Board to consider nonrenewal of the liquor license issued for Park Place, due process must be followed per the state statutes. Thorpe stated that the agenda item that night was to consider the setting of a hearing date, not to consider any evidence with regard to the potential municipal code violation or the Wisconsin Seller’s Permit issue. Thorpe stated that if so directed by the Village Board, that the staff members could work on the scheduling and posting requirements for a hearing to consider nonrenewal. Turner stated that prior to scheduling a hearing to consider nonrenewal of the license, Rosenow and Yeager should be given an opportunity to present evidence of compliance with the municipal code and to resolve the Wisconsin Seller’s Permit issue. Turner stated that a special meeting could be scheduled for Thursday, May 8, 2008 beginning at 5:00 pm at which the evidence of compliance with the municipal code and resolution of the Wisconsin Seller’s Permit issue could be presented, or the Board could consider setting a hearing to consider revocation or nonrenewal of the license.

Turner/Kenny 2<sup>nd</sup> made a MOTION to table the item until a special meeting of the Village Board on Thursday, May 8, 2008 beginning at 5:00 pm, and to direct Village staff to review the evidence to be provided by Richard Rosenow and Patty Yeager, and the MOTION carried without negative vote.

#### **Possible Room Tax Agreement with Abbey Resort for CVB Enrollment**

Allen Anderson stated that the Abbey Resort would like the Village to commit a portion of the room taxes that it collects to the Lake Geneva Area Chamber of Commerce so that the Abbey Resort can be incorporated into the Lake Geneva Convention and Visitors Bureau marketing programs.

Anderson stated that the Village would have to commit a minimum of \$64,000 of the annual room taxes it collects to the Lake Geneva Area Chamber of Commerce in order for the resort to be eligible for inclusion in the Lake Geneva CVB Internet and print marketing programs. President Pollitt stated that the proposal could be considered, but the Village has to meet the budgeted room tax revenue projections. Kerger stated that the Abbey Resort just wanted to present the proposal to open a dialogue with the Village because the resort management believes membership in the CVB will increase the room occupancy rate at the resort. Kerger stated that the resort and the Village would benefit from increased occupancy rates. Turner stated that when the Village established the room tax back in the 1980s, the intent was to use the funds to promote tourism.

O’Connell/Turner 2<sup>nd</sup> made a MOTION to direct the Village administrator to investigate the Abbey Resort proposal to have the Village divert some of the room taxes it collects to the Lake Geneva Area Chamber of Commerce Convention and Visitors Bureau, and to report back to the Village Board. The MOTION carried without negative vote.

#### **Human Resource Committee Appointments**

President Pollitt stated that the candidate he was going to nominate for the open position on the Human Resources Committee is not a Village of Fontana resident or property owner, so he is seeking other candidates.

President Pollitt/O’Connell 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

### **Park Commission Appointments**

President Pollitt stated that there will be two vacant positions for the Park Commission after Dawn Sammons resignation is accepted by the Park Commission at its May 21, 2008 monthly meeting. President Pollitt stated that he is nominating Robert Stewart, Sr. for the position vacated by Brent Horvath, who resigned last month. President Pollitt stated that he will make the second appointment at the June 2, 2008 Village Board meeting.

O'Connell/Kenny 2<sup>nd</sup> made a MOTION to approve the appointment of Robert Stewart, Sr. to the Park Commission to complete the term of Brent Horvath until April 2009, and the MOTION carried without negative vote.

### **Fireworks Permit Application Filed by the Abbey Resort for Saturday, May 24, 2008**

The Abbey Resort filed an application for a Permit to Display Fireworks for a private party being held at the resort on Saturday, May 24, 2008. The application is subject to all applicable fees to cover additional expenses for police and fire personnel during the event. An approved application also must be submitted to the Geneva Lake Law Enforcement Agency and the Geneva Lake Water Safety Patrol. Turner stated that he is opposed to all the special fireworks shows that are being staged throughout the summer on Geneva Lake. Turner stated that there are at least 10 special fireworks shows staged each summer and he is personally "so sick of fireworks." Fire Chief Jon Kemmett asked if the application includes a fee to cover the extra fire protection expenses. Hayden-Staggs responded that the VOF Municipal Code Section 42-44 calls for the applicant to pay any costs for additional fire or police services for the event, as determined by the fire chief and police chief.

Kenny/President Pollitt 2<sup>nd</sup> made a MOTION to approve the Application for Permit to Display Fireworks as submitted by the Abbey Resort for Saturday, May 24, 2008 beginning at 9:00 pm, and the MOTION carried on a 4-1 vote, with Trustee Turner opposed, and Trustees Petersen and Spadoni absent.

### **Corporate Boundaries Legal Description Update Proposal – Ruekert-Mielke**

Hayden-Staggs stated that the Village is required to provide an updated legal description of the Corporate Boundaries to the Wisconsin Office of the Secretary of State. Four recent annexations have to be added to the legal description. Ruekert-Mielke submitted a proposal to clarify the existing description to show the intent of the boundary, to insert the legal descriptions of the four recent annexation ordinances, and to produce a map of the Corporate Boundary using the Walworth County digital mapping system for an estimated cost not to exceed \$1,800.

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve the Ruekert-Mielke proposal to clarify the existing Village of Fontana Corporate Boundaries Legal Description to show the intent of the boundary, to insert the legal descriptions of the four recent annexation ordinances, and to produce a map of the Corporate Boundaries using the Walworth County digital mapping system for an estimated cost not to exceed \$1,800. The MOTION carried without negative vote.

### **Municipal Clerks Week Proclamation**

Municipal Clerks Week is recognized May 4 to May 10, 2008. The proclamation extends appreciation to all municipal clerks for the vital services they perform and their exemplary dedication to the communities they represent.

O'Connell/Lewis 2<sup>nd</sup> made a MOTION to approve the Municipal Clerks Week Proclamation as presented, and the MOTION carried without negative vote.

### **Schmitz License Agreement**

The licensing agreement is needed so the Schmitz can continue to use the Village gate through the new lakefront fence to drive onto their property. McHugh stated that the proposed license agreement has been sent to Sara J. Schmitz for her review and signature, and if she requests any changes, the agreement will be brought back for Village Board consideration.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve the Schmitz License Agreement as presented, and the MOTION carried without negative vote.

### **Payroll Resolution Amendment – Summer Employees**

Hayden-Staggs stated that the Payroll Resolution has to be amended to include the summer positions and for a proposed new part-time cross-connections inspector position at \$10 per hour. The



resolution amendment also increases the part-time public works position salary to a range from \$8.00 to \$10.50 per hour, sets the beach manager salary at \$5,000 per season, sets the harbormaster salary at \$13,900 for the season, and increases the range for boat ramp and lot attendant positions to \$7.25 to \$10 per hour. Hayden-Staggs stated that the Finance Committee and Village Board budgeted for 3 percent salary increases for all village employees, but the Lakefront and Harbor Committee approved a motion that recommends a 5 percent raise for the harbormaster position. Hayden-Staggs stated that since the other departments were held to 3 percent salary increases, she recommends keeping the harbormaster position at a 3 percent salary increase. President Pollitt stated that the Finance Committee would agree with the recommendation to keep the harbormaster salary increase at 3 percent as initially set in the budget.

President Pollitt/Turner 2<sup>nd</sup> made a MOTION to approve Resolution 050508-02 amending Resolution 010708-02 setting exempt salaried and hourly non-union personnel rates for 2008 as presented, with the exception that the harbormaster salary be set at a 3 percent increase from 2007 and that the part-time building inspector position for cross connection inspections and other Department of Public Works residential inspections be added to the resolution, and the Roll Call vote followed:

President Pollitt – Yes

Kenny – Yes

Lewis – Yes

Turner – Yes

O’Connell – No

The MOTION carried on a 4-1 vote.

### **Report on Ad Hoc Joint Service Committee**

Hayden-Staggs stated that the committee met unofficially earlier that day because the Village of Fontana did not have a quorum of members present at the meeting. Research gathered on other joint services consolidation agreements were presented at the meeting. Hayden-Staggs stated that statistics gathered on the municipal courts in the Village of Fontana and the Village of Walworth also were presented at the meeting and the court issue will be discussed at the next meeting.

### **Part-Time Building Inspection Employee for Cross Connections**

Hayden-Staggs stated that because of the state requirements for cross connection inspections, the Building and Zoning Department is having difficulty keeping up with the rest of the required workload while still adhering to the state standards for cross connection inspections. Hayden-Staggs stated that the Village could hire a part-time inspector for \$10 an hour to conduct the cross connection inspections this summer. McCarthy stated that the Village of Fontana is required to complete cross connection inspections for at least 217 residences per year. Hayden-Staggs stated that the funds to pay a part-time inspector are available in the budget if Barney Brugger is used for fewer inspections this year than initially anticipated. Hayden-Staggs stated that the administration is proposing the hiring of Tim Yorgey for the part-time building inspection position. Hayden-Staggs stated that Yorgey would schedule the inspections and prepare all the required reports. Hayden-Staggs stated that if approved, Yorgey would be able to complete enough inspections this summer to meet the cross connection inspection requirements for a two-year period. Workman stated that if hired, Jorge could also complete other required inspections regarding sump pumps, drains and other water related features.

Turner/President Pollitt 2<sup>nd</sup> made a MOTION to approve the hiring of Tim Yorgey at \$10 per hour to serve as a part-time building inspector to conduct cross connection inspections and other Department of Public Works residential inspections, and the MOTION carried without negative vote.

### **208 Dewey Avenue Lease Extension to June 1, 2008**

Hayden-Staggs stated that Nancy Krei has requested another one-month extension on the residential lease for 208 Dewey Avenue. The lease was initially extended to May 1, 2008 when Krei requested more time to locate a new residence. Hayden-Staggs stated that Krei has indicated that she has found a new residence to lease; however, Krei will not be able to move into the new residence until next month.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve the extension of the lease with Nancy Krei for 208 Dewey Avenue to June 1, 2008, and the MOTION carried without negative

### **Plan Commission – Trustee Spadoni**

#### **Building, Site and Operational Plan Filed for 310 Third Avenue – Peacock Trading**

President Pollitt stated that the Plan Commission recommended approval of the BSOP as submitted with four conditions. Carol Whowell stated that she does not have any concerns with adhering to the conditions for approval.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve the Building, Site and Operational Plan as submitted for Peacock Trading at 310 Third Avenue, with the following conditions: 1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any proposed signage. BSOP approval shall not alleviate the applicant from securing all required permits. Proposed signage shall be made in accordance to the Village of Fontana Municipal Code. 2. A depiction of the proposed permanent signage shall be submitted to the Building and Zoning Department for review of compliance and approval. The actual size of the sign shall not exceed 18 square feet. 3. Illumination of the permanent sign shall be limited to the hours of 8:00 am until 9:00 pm daily. 4. All outstanding cost recovery fees billed to date applicable to this project shall be paid within 30 days of the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed. The MOTION carried without negative vote.

#### **Building, Site and Operational Plan Amendment for Exterior Renovation of Abbey Resort Spa**

President Pollitt stated that the Plan Commission recommended Village Board approval of the BSOP amendment only with regard to the exterior building renovation work on the Fontana Spa door and entryway and the landscaping aspects of the amended plan as submitted, with the conditions that the applicant submit an updated, specific parking plan with lot and individual stall dimensions delineated, that Thorpe draft two separate approval documents for Village Board consideration, and that the lighting and signage aspects of the BSOP amendment be approved in a subsequent amendment. Thorpe stated that resolution he drafted for the meeting carves out the exterior building renovation work on the Fontana Spa door and entryway and the landscaping aspects of the amended plan. Thorpe stated that staff recommended approval of the resolution with the condition that a detailed parking plan be submitted. Cary Kerger stated that Warren Hansen is working on the detailed parking plan and it will be submitted to the Village as soon as possible. In response to a question from Turner, McCarthy stated that the detailed parking plan is being requested to ensure that the standards of the municipal code and the state are being met regarding parking stall and lane dimensions and that the standards of the Americans with Disabilities Act of 1990 are being met. Kerger stated there is flexibility in the overall plan to address any parking plan concerns that may come up in the final review. In response to a question about parking stalls being designated for valet parking only, Thorpe clarified that the type of parking stalls are not differentiated in the municipal code, only the total number available for guest parking. During further discussion on the parking plan, Thorpe stated that approval of the resolution presented that night could be contingent on the submission and final review of the parking plan. O'Connell stated that the Village Board should consider tabling the item that night because the Abbey Resort “is always playing catch-up” with regard to the required submission of development and renovation plans. Kerger stated that the Abbey would appreciate Village Board consideration of the proposed resolution that night so that the exterior building renovations and landscaping construction can commence at the same time that the previously approved interior renovations are being worked on.

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve Resolution No. 050508-01, amending the Unified Site Plan for the Abbey Resort Development in C-4, Resort Commercial, Zoning District as presented, with the condition that a compliant parking plan be submitted to the Village of Fontana within two weeks of the approval date, and the Roll Call vote followed:

O'Connell – Yes

President Pollitt – Yes

Kenny – Yes

Lewis – Yes

Turner – Yes

The MOTION carried on a 5-0 vote.

### **Third Avenue Parking Easement – Post Office**

The easement is being proposed to widen the parking area on Third Avenue in front of the Post Office. The work is scheduled to be completed at the same time as the Third Avenue Project, which received approval in the April 1, 2008 election. The Plan Commission recommended Village Board approval of the easement as presented. The Village board directed Workman to contact the limited liability corporation that owns the building to negotiate the easement at the same time an ordinance to accommodate Postal vehicle parking on the Third Avenue is being considered.

Turner/President Pollitt 2<sup>nd</sup> made a MOTION to approve the Third Avenue Parking easement as presented, and the MOTION carried without negative vote.

### **CDA – Trustee Turner**

#### **Wild Duck Erosion Control Bill – Prairie Tree (Tabled 2/4/08, 3/3/08 & 4/7/08)**

Workman stated that the issue was reviewed and a report that concludes that the Village will not approve the request for additional funds was submitted to Mann Brothers, Inc., the project contractor.

Turner/Kenny 2<sup>nd</sup> made a MOTION to deny the request for additional funds submitted by Mann Brothers, Inc. for the Wild Duck erosion control issue, and the MOTION carried without negative vote.

#### **Third Avenue Project Approval – Bid Set & Construction Administration**

Turner stated that the proposal submitted by Ruekert-Mielke seems too costly and he recommended having Workman and McHugh meet with the firm to further negotiate the proposal.

Turner/O’Connell 2<sup>nd</sup> made a MOTION to table the Third Avenue Project bid set and construction administration proposal, and the MOTION carried without negative vote.

#### **Kinzie Avenue Project Approval – Bid Set & Construction Administration**

Turner stated that the proposal submitted by Ruekert-Mielke seems too costly and he recommended having Workman and McHugh meet with the firm to further negotiate the proposal.

Turner/O’Connell 2<sup>nd</sup> made a MOTION to table the Kinzie Avenue Project bid set and construction administration proposal, and the MOTION carried without negative vote.

#### **Approve Appointment of Trustee Positions**

The trustee positions on the CDA Board are appointed to two-year terms to match the Village Board terms, so Trustee Turner’s term expired in April 2008. President Pollitt recommended the reappointment of Turner to a two-year term.

O’Connell/President Pollitt 2<sup>nd</sup> made a MOTION to approve the reappointment of Trustee Turner to a two-year term on the CDA Board, and the MOTION carried without negative vote.

#### **Abbey TIF Development Agreement Amendment**

McHugh stated that the TIF Development Agreement has to be amended to reflect the approval of the modified renovation plans, with the date of the amended plan added to the agreement. McHugh stated that the Village Board approval would be contingent on approval of the CDA Board.

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve the amendment to the previously approved TIF Development Agreement for the Abbey Resort Spa renovation plan amendment that was approved earlier in the meeting, subject to approval by the CDA Board, and the MOTION carried without negative vote.

#### **Finance Committee – President Pollitt**

##### **Budget Amendments (Tabled 4/7/08)**

President Pollitt stated that per the advice of Village Auditor Patrick Romenesko the amendments are required to adopt the final adjustments to the 2007 budget and to approve the carry over items from the 2007 budget into the 2008 budget. The Finance Committee recommended approval of the two resolutions.

Turner/President Pollitt 2<sup>nd</sup> made a MOTION to approve Resolution 050508-03, amending the 2007 budget, as presented, and the MOTION carried without negative vote.



Turner/Kenny 2<sup>nd</sup> made a MOTION to approve Resolution 050508-04, amending the 2008 budget for 2007 carry over items, as presented, and the MOTION carried without negative vote.

### **Utility Budget**

Hayden-Staggs stated that the 2008 Utility Budget is ready for action; however, the new PSC determined water and sewer non-tiered rates have to be plugged into the budget. Hayden-Staggs stated that the Village has been informed the PSC approved an approximate 15 percent increase in the total rate, and the elimination of the tiered rate system. President Pollitt stated that the new rate will not be effective retroactively, so the budget still is not balanced without borrowing. The Village will still have to borrow to fund the capital outlay projects this year.

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve the 2008 Utility Budget as presented, and the MOTION carried without negative vote.

### **Public Works – Trustee Petersen**

#### **Sanitary Sewer Infiltration and Inflow Reduction**

Workman stated that the Public Works Committee has recommended moving forward on the budgeted project in the southeast corner of the Village. Workman stated that clean water is infiltrating into the sanitary sewer line at a rate higher than the Village has ever experienced.

#### **Street and Utility Project Updates**

Workman stated that the Village is moving forward with the bidding process for the Timber Trail and Indian Hills Road construction projects. Bids are scheduled to be opened May 29, 2008 for both projects. Workman stated that the Harvard Avenue project will be put out for bids later in the summer, with construction anticipated to commence in late August or early September.

#### **Simplicity Tractor Sale**

The Public Works Committee recommended selling the equipment, and Workman stated that Village should be able to secure about \$3,000 for the tractor.

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve the sale of the Simplicity tractor, and the MOTION carried without negative vote.

#### **Timber Ridge Project Discussion**

Workman stated that the Timber Ridge lift station is about 20 years old and the pumps are failing and replacement equipment can no longer be located. Workman stated that the lift station also is not incorporated into the Village's electronic monitoring system. Workman stated that the Village may be able to abandon the lift station. Workman stated that the budgeted preliminary engineering study will help determine if the lift station can be abandoned or what the Village's other options are to address the situation.

### **Geneva Lake Law Enforcement Agency – President Pollitt**

#### **Accounting & Money Management**

President Pollitt stated that the GLEEA Board recently voted to have the accounting work and financial records moved to the main office in Williams Bay, instead of being taken care of at the residence of former GLEEA Secretary/Treasurer Bethel Lasch. President Pollitt stated that Lasch is no longer performing the work. President Pollitt stated this past month Village of Fontana Treasurer Peg Pollitt looked at the accounting records and at the time demands for preparing the checks for payroll and operating expenses, and she determined that there is not too much work required to add the responsibility to her other duties. President Pollitt stated that the GLEEA Board of Directors approved the proposal to pay Fontana \$3,000 annually to provide financial accounting services.

Turner/Kenny 2<sup>nd</sup> made a MOTION to authorize the Village of Fontana treasurer to perform the accounting and check writing duties for the Geneva Lake Law Enforcement Agency for an annual fee of \$3,000, and the MOTION carried without negative vote.

### **Park Commission – Trustee Lewis**

#### **501 c3 Status with Thorpe & Christian, SC**

Lewis stated that the Park Commission still has the goal of establishing a charitable organization to solicit tax-deductible donations for the Park Commission projects. The Park Commission stated they

would have one to two representatives on the organization's Board of Directors, but the organization would be a separate entity. Thorpe stated that Attorney Rebecca Lyall at his firm is working on the preliminary research, and that he has offered to provide the legal services for the project free of charge.

Turner/Kenny 2<sup>nd</sup> made a MOTION to approve the establishment of a 501 c3 charitable organization to work with the Park Commission, and the MOTION carried without negative vote.

### **Little Foot Playground Renovation Plan Phase 1 Approval**

Lewis stated that the Park Commission approved a motion at its last monthly meeting to recommend Village Board approval of the first phase of the Little Foot Playground subcommittee's renovation plan, to direct the subcommittee to move forward with final design detail planning, and to authorize the planning of a pig roast fundraiser to be held in Reid Park Saturday afternoon, August 30, 2008. The first phase of the project is estimated to cost about \$35,000, which is the amount of TIF funds the CDA Board allocated for the entire project. The Park Commission would like to raise the rest of the project funds through donations and fund-raisers, and as part of the annual budget if necessary. The Park Commission's Little Foot Park Playground renovation plan subcommittee will be taking a field trip to the showroom for Gerber Leisure Products in Mount Horeb before the entire plan is finalized.

Turner/Lewis 2<sup>nd</sup> made a MOTION to approve the \$35,000 first phase of the Little Foot Park Playground renovation plan as presented, and the MOTION carried without negative vote.

### **Little Foot Playground Fundraising Pig Roast in Reid Park & Temporary Liquor License Inquiry – Saturday, August 30, 2008**

Lewis stated that the Park Commission recommended approval of holding a pig roast fund-raiser to help raise money for the Little Foot Park Playground renovation plan. Hayden-Staggs stated that she and Park Commission members Dan Green and Sharon O'Brien are planning the event to be staged very similar to the Big Foot Lions Club's annual Lobster Boil and Streak Fry in Reid Park. Hayden-Staggs stated that a Temporary Liquor License to serve beer and wine at the event will be presented for consideration at next month's Village Board meeting. Hayden-Staggs stated that the Lions Club also will be contacted for assistance with the event.

Turner/Lewis 2<sup>nd</sup> made a MOTION to approve reserving Reid Park for the Saturday, August 30, 2008 Park Commission pig roast event and to approve the concept of issuing a Temporary Liquor License for the event, and the MOTION carried without negative vote.

### **Lakefront and Harbor – Trustee O'Connell**

#### **Update**

O'Connell stated that there is nothing new to report, except that she would like to thank the Department of Public Works for restriping the boat trailer parking lot.

### **F/W WPCC**

#### **Update**

O'Connell stated that everything is operating smoothly at the wastewater treatment facility.

### **Pending Items for Future Agendas**

1. Fontana Fen Property Line Delineation
2. Approve Ordinance Amendment Creating Section 74-342 (Tabled 12/3/2007)

### **Adjournment**

Kenny/Turner 2<sup>nd</sup> made a MOTION to adjourn at 8:38 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: 6/2/08