

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

SPECIAL JOINT SESSION MEETING of the VILLAGE OF FONTANA  
BOARD OF TRUSTEES & PLAN COMMISSION  
**Tuesday, June 1, 2010**

Village President Arvid Petersen and Plan Commission Chairman George Spadoni called the special meeting of the Village of Fontana Board of Trustees and Plan Commission to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Village Board members present:** Roll call: President Petersen, George Spadoni, Micki O'Connell, Pat Kenny, Cindy Wilson

**Village Board members absent:** Tom McGreevy, Peg Pollitt

**Plan Commissioners present:** Roll call: Chairman Spadoni, Mike Poivey, Harry Nelson, Micki O'Connell, President Arvid Petersen, Sarah Lobdell

**Plan Commissioner absent:** Derek D'Auria

**Also present:** Martha Atkinson, Rose Chimpoulis, Joe Eberle, Charles Harrett, Rick Hastings, Trudy Havens, Administrator/Treasurer Kelly Hayden, Rob Ireland, Gary Johnson, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Wes Milner, Gary Neilson, Sharon O'Brien, Tom O'Brien, Rick Pappas, Ted Peters, Margaret Reuland, Mike Slavney, Village Attorney Dale Thorpe, Jill Wegner, Donald West, Trustee Cindy Wilson

**General Business**

**Discussion/Direction on Village of Fontana Municipal Code Chapters 17 & 18 Rewriting Project**

Hayden stated that the special meeting was scheduled in order to provide Village Planner Mike Slavney an opportunity to run through the options and associated cost estimates for rewriting Chapters 17 and 18 of the Village of Fontana Municipal Code. Slavney presented the project proposal, which is broken down into four tasks. Slavney also presented a list of five scope decisions that provide options for reducing costs. Spadoni stated that the Village needs to complete the rewrite project in the right manner and involve the public as much as possible, even if the cost is higher with more public participation and meetings included in the initial schedule. Spadoni stated that the funds are not budgeted this year, and it is important to not cut corners, so he suggested waiting until 2011 to budget and complete the project. Spadoni stated that rather than rushing to undertake the project this year, and not fund it until next year, it is important to plan properly and get the project done right the first time. O'Connell stated that she also feels public participation is very important. O'Connell stated that the Village Board just completed updating its Comprehensive Plan and Park and Open Space Plan, and both those processes included as much public participation as possible. Spadoni stated that by looking at the large crowd that came to the special meeting that night, he thinks that residents will respond to the meetings that will be scheduled for rewriting Chapters 17 and 18. Spadoni stated that as long as special mailings are sent to property owners and notices are posted, people will show up for the project. President Petersen stated that there is currently nothing in the budget to fund the project. Hayden stated that the special meeting was scheduled because of Slavney's offer to start work on the project in 2010, but not to bill the Village until 2011. Hayden stated that as long as the Village takes delivery of the product in the 2011, the auditor stated it would be allowable to authorize the work in 2010 and pay for it in 2011. Spadoni stated that the budget planning is only three months away for 2011, and he suggested waiting until then to commence with

the project. Spadoni stated that if the project is commenced in 2011 it will be completed by 2012. Eberle stated that the professional staff members need to know if the Village Board and Plan Commission are envisioning a six-month process, or a three-year process, or something in between. Eberle stated that there is a big difference in cost estimates and the continuity of the rewriting project if the time period is extended. Spadoni stated that the Village should be able to complete the project within one year, and President Petersen stated that he agreed. Lobdell stated that the Village has the framework of the recently undated Comprehensive Master Plan available as a starting point and a good outline, which should help expedite the rewriting project. Wilson asked how much of the Comprehensive Master Plan can be used for the rewriting of Chapters 17 and 18 and asked if the rewriting project could be completed in 12 months. Slavney stated that with his experience working for the Village and with rewriting Zoning and Subdivision Codes, the project could be completed within 12 months. Poivey asked if the Village would have the \$40,000 to \$50,000 available next year to fund the project. Kenny stated that there is no money available this year, but he thinks the Village can work with Slavney, Thorpe and Eberle to come up with a total project costs that can be funded in next year's budget. Spadoni stated that Slavney has offered to enter into a contract with a "not to exceed" total fee, and if the Village approves that maximum number, it will get the job done right. O'Connell stated that the project has been on the radar for a few years, and the Village should get it done. Joseph McHugh stated that the Village's current Zoning Code has districts that conflict with the Village's land use plan. McHugh stated that the Village can not move forward if the Zoning Code and land use plan don't match. Hayden stated that she agrees that the project needs to be completed, but the Village needs to know the total cost estimate. Hayden stated that staff needs to know how many meetings and how much public participation should be included in the process so the cost estimate can be calculated.

Chairman Spadoni/Commissioner Nelson 2<sup>nd</sup> made a MOTION to recommend that the proposals to rewrite Chapters 17 and 18 of the Village of Fontana Municipal Code be referred to the Finance Committee to work out a not-to-exceed cost recommendation, and the Finance Committee recommendation should be brought back to the Plan Commission and Village Board for consideration. The MOTION carried without negative vote.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to refer the proposals to rewrite Chapters 17 and 18 of the Village of Fontana Municipal Code to the Finance Committee to work out a not-to-exceed cost recommendation, and the Finance Committee recommendation should be brought back to the Plan Commission and Village Board for consideration. The MOTION carried without negative vote.

### **Possible Moratorium on Development Proposals During Chapters 17 & 18 Rewriting Project**

Thorpe stated that during the initial discussion on the need to rewrite Chapters 17 and 18 of the Municipal Code he suggested that the Village may want to enact a moratorium on certain development proposals. Thorpe stated that a moratorium will prevent property owners from rushing in project applications under the old regulations of the Subdivision and Zoning Codes before the new regulations are adopted. Slavney stated that when a project is planned and proposed in a short amount of time in order to beat a deadline, it is never because the rushed project is a better proposal. Spadoni stated that the Village Board and Plan Commission members need to know exactly what is being proposed before considering a moratorium. Spadoni stated that there has not been a building boom in the Village and the Plan Commission and Village Board has been doing a very good job controlling growth. Wilson stated that she wanted a clarification on a letter submitted by Sharon O'Brien and Charles Harrett that requests "consideration of a moratorium on land use actions by the Board of Trustees." O'Brien stated that they want a moratorium enacted as soon as possible on land use issues. Thorpe stated that if the Village Board authorizes a moratorium the level of the moratorium needs to be determined, and the moratorium should not include basic Building Permit issues. Thorpe stated that proposals to change the zoning or to file new plats would be good items to make subject of the moratorium. Martha Atkinson stated that she owns a home on North Lakeshore Drive and she supports the desire for the Village to rewrite its master plan and to make major

amendments to the Subdivision and Zoning Codes. Atkinson stated that she likes the idea of enacting a moratorium on land use issues and the subdivision of land, but not on Conditional Use Permit applications. Tom O'Brien stated that if the Village is going to rewrite Chapters 17 and 18, a moratorium should be enacted so property owners don't try to take advantage of the old code. Spadoni stated that the Village should be careful that it does not enact a moratorium that hampers the development efforts of the CDA and the TIF District. President Petersen stated the Village could be inviting potential lawsuits if a moratorium is enacted. Thorpe stated that if the moratorium only targets rezone proposals or platting matters, and not Building Permits or CUP applications, the Village should be safe from lawsuits. Spadoni stated that he agrees with Thorpe's suggestion, but asked if a caveat could be made that the moratorium is not for commercial properties or business proposals.

Commissioner O'Connell/Chairman Spadoni 2<sup>nd</sup> made a MOTION to recommend that the Village Board direct the Village staff members to begin the process of establishing a moratorium on rezone and platting proposals to be enacted while the Village completes the process to rewrite Chapters 17 and 18 of the Municipal Code. The MOTION carried without negative vote.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to direct the Village staff members to begin the process of establishing a moratorium on rezone and platting proposals to be enacted while the Village completes the process to rewrite Chapters 17 and 18 of the Municipal Code. The MOTION carried without negative vote.

#### **Adjournment Plan Commission**

Commissioner Lobdell/Commissioner Nelson 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 7:19 pm, and the MOTION carried without negative vote.

#### **Revised Boiler Quote**

Hayden stated the Westenn is preparing another quote that covers additional equipment that is needed to replace the boiler in the Village Hall/Public Library building. Hayden stated that the quote is going to exceed \$21,000, so the matter will have to be brought back to Village Board for additional consideration at its next monthly meeting on Monday, June 7, 2010.

#### **Possible eBay Sales**

The Department of Public Works requested authorization to sell a utility cart, a Bush Hog mower and the Kubota tractor on eBay.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to authorize the sale of the utility cart, Bush Hog mower and the Kubota tractor on eBay, and the MOTION carried without negative vote.

#### **Adjournment**

Trustee Spadoni/Trustee Wilson 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 7:22 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 and Plan Commission, the official minutes will be on file at the Village Hall.

APPROVED: VB – 6/7/10; PC – 6/28/10