

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, June 5, 2006

President Whowell called the meeting of the Village Board to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

Trustee late: Bromfield (arrived at 5:43 pm)

Also present: Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Attorney Michael Orgeman (via telephone), Don Roberts

Announcement for Board of Trustees to Consider Going Into Closed Session

Petersen/Turner 2nd made a MOTION for the Village Board to go into closed session pursuant to 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," specifically the lawsuit filed by BZA, and Chapter 19.85 (1) (c) Wis. Stats. "considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility," specifically Police Department LTE officer issue, and the roll call vote followed:

Bidwill – Yes

Pollitt – Yes

Turner – Yes

O'Connell – Yes

President Whowell – Yes

Petersen - Yes

The motion carried 6-0, with Bromfield absent.

Don Roberts left the meeting room during the closing session.

Village Attorney Dale Thorpe and Trustee Bromfield entered the meeting room at 5:43 pm.

Adjournment of Closed Session

O'Connell/Bidwill 2nd made a MOTION to adjourn the closed session at 6:00 pm and to reconvene in open session after a five-minute recess, and the MOTION carried without negative vote.

President Whowell announced the Board was in open session at 6:05 pm.

Also present: Lt. Brad Buchholz, Megan and Jim Feeney, Tom Greenwald, Bruce Jensen, Library Director Nancy Krei, Laurie and Richard Larson, Lou Loenneke, CDA Executive Director Joseph McHugh, Lynne Novak, Peter Novak, Building Inspector Ron Nyman, Chief Steve Olson, Arlene Patek, Treasurer Peg Pollitt, Patrick Romenesko, Aaron West, Carol Whowell, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs announced that a special Village Board meeting to approve the refinancing bond sales will be held Wednesday, June 7, 2006, at 5:30 pm; the CDA will hold its monthly meeting on Wednesday, June 7, 2006, at 6:00 pm; Accurate Appraisal will hold office hours at the Village Hall on

Friday, June 9, 2006, from 10:00 am to 4:00 pm; Open Book will be held Tuesday, June 13, 2006, from 4:00 to 6:00 pm; the Board of Review will be conducted on Thursday, June 29, 2006, at 2:00 pm; Accurate Appraisal will hold office hours at the Village Hall on Friday, August 4, 2006, from 10:00 am to 4:00 pm; and the Highway 67 Construction Project will cause road closures from May 1 to June 30, 2006 and from August 21 to early November.

Approval of Minutes

Bromfield/Petersen 2nd made a MOTION to approve the minutes for meetings held May 1 and 17, 2006, and the MOTION carried without negative vote.

Village Treasurer's Report

Pollitt/O'Connell 2nd made a MOTION to accept the Treasurer's Report for April 2006 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Pollitt/Bromfield 2nd made a MOTION to approve the Village and Utility Payables as distributed, with the addition of four village payables and eight utility payables presented at the meeting, and the MOTION carried without negative vote.

General Business/Administrator's Report – President Whowell/Administrator Hayden-Staggs

Approve Appointments and Resignations – Park Commission, Joint ETZ Committee, Board of Appeals, Protection Committee, Public Safety Board of Appeals, Library Board

President Whowell asked Hayden-Staggs to present his proposed nominations and to seek approval for three resignations. There still is an open position for a citizen member on the Public Safety Board of Appeals.

O'Connell/Bidwill 2nd made a MOTION to accept the resignations of Susan Geye and Rallee Whowell-Chupich and to approve the appointment of Jill Wegner to the Park Commission, and the MOTION carried without negative vote.

O'Connell/Bromfield 2nd made a MOTION to approve the appointment of Laruie Larson to the Joint ETZ Committee, and the MOTION carried without negative vote.

O'Connell/Petersen 2nd made a MOTION to approve the appointment of Michelle Teale to the Board of Appeals, and the MOTION carried without negative vote.

Bromfield/O'Connell 2nd made a MOTION to approve the resignation of Thomas McGreevy and the appointment of Michal Van Dyke to the Protection Committee, and the MOTION carried without negative vote.

O'Connell/Bromfield 2nd made a MOTION to approve the appointment of Anne Catlow to the Library Board to fill the position recently vacated by Fran Hill, and the MOTION carried without negative vote.

Fireworks Ordinance Update/Temporary Resolution

Chief Olson stated that he drafted some proposed language for an ordinance to govern the issuance of fireworks display permits. The proposal, which would supplement Chapter 42-44 of the Municipal Code, includes provisions suggested by the Geneva Lake Use Committee. Chief Olson stated that the next step in the approval process is to have the Village Board members and Fire Chief Jon Kemmett review the proposal. Two of the main intents of the lake-wide ordinance is to have extraordinary expenses covered by the applicants and to ensure the Geneva Lake Law Enforcement Agency and Geneva Lake Water Safety Patrol are notified of fireworks displays at least 72 hours prior to the events.

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

Update on Meeting Held with Rollette Oil

O'Connell reported she, Trustee Bromfield and village staff members met with Rollette Oil owner Paul Simon and his attorney, Tom Greenwald. McHugh stated that when he contacted the Wisconsin DOT following the meeting with Simon and Greenwald, he was informed by the DOT that it will not be issuing another letter that states the Highway 67 construction plan prepared by an engineer

hired by Simon does not meet their standards. Greenwald stated that the amended plan prepared by Simon's engineer does not eliminate the medians from the new highway; it proposes to have the medians lowered, and to have one slightly relocated from a left-turn lane area in front of Fontana Citgo. O'Connell stated that after participating in the meeting, it is her recommendation to stick with the plan that currently is under construction. Turner stated that the Highway 67 construction project necessitated a change in the Village Hall driveway, but the plan has been approved for a very long time. President Whowell stated that the Village considered the proposals presented by Rollette, but the consensus of the Village Board is to stick with the plan that is being constructed.

Notice of Claim – BZA Wrongful Termination

President Whowell stated the matter was discussed in the closed session.

Petersen/Turner 2nd made a MOTION to deny the Notice of Claim filed by BZA alleging wrongful termination, and the MOTION carried without negative vote.

Ordinance Authorizing Lakefront Service Officer and Harbormaster to Issue Tickets

President Whowell stated the proposed ordinance would give the Community Service Officer, Lakefront Service Officer and Harbormaster authorization to issue parking violation tickets. Chief Olson stated that he reviewed the ordinance amendment and he has no concerns with regard to the proposal since it is limited to parking violations.

Bromfield/O'Connell 2nd made a MOTION to approve Ordinance No. 06-05-06-01 as presented, and the MOTION carried without negative vote.

Pioneer Park Turnaround Update

Hayden-Staggs stated that a joint meeting was held by the Park Commission and the Lakefront and Harbor Committee, and the matter will be on the agenda of the next Plan Commission meeting. The Park Commission recommended not moving forward with either of the two proposals, and the Lakefront and Harbor Committee reaffirmed its recommendation supporting the proposal to construct turnaround lanes through Pioneer Park. The Plan Commission previously voted to table the proposal to construct turnaround lanes in Pioneer Park and it has not considered a second proposal to realign Third Avenue. Trustee Pollitt asked if an answer had been provided to Bob Chanson regarding his question about who authorized and funded the Third Avenue realignment plan design presented to the Park Commission and the Lakefront and Harbor Committee. Turner stated that the preliminary concept was discussed last year during a staff meeting when President Whowell stated that an architect suggested that the village look "outside the box" for solutions with regard to the congestion problem at the launch and the adjacent neighborhoods. Turner stated that the cost for the CDA engineering firm to put together the concept plan was very minimal, and it was not specifically approved by the CDA Board. Turner stated that he thought the Village Board should pay the bill to Ruckert-Mielke. Trustee Pollitt stated that if decisions are made at staff meetings and they involve unapproved village general fund expenditures, the Village Board members should be notified.

Finance Committee – Trustee Pollitt

2005 Audit Report from Patrick W. Romenesko, S.C.

Romenesko presented highlights from the recently completed 2005 audit and his audit report recommendations. Romenesko stated that his three recommendations regarding internal accounting control and other operating matters are very minor items, which is a tribute to the Village of Fontana staff. The three recommendations made by Romenesko are with regard to delinquent personal property taxes, accounting for employees' time spent on water utility duties, and the fund balance of the debt service fund reported in the financial statements. Following his presentation and some questions from the Village Board, Trustee Pollitt thanked Romenesko for an "excellent job."

Pollitt/Bromfield 2nd made a MOTION to accept the 2005 Audit Report as presented, and the MOTION carried without negative vote.

Lake Geneva Marine Lease

Trustee Pollitt stated that the Finance Committee discussed the lease with Kevin Kirkland on May 25, 2006. The lease expires at the end of the year and the committee and Kirkland preliminarily discussed a three-year lease with a 90-day cancellation clause. Pollitt stated that the proposal would

require that the cancellation clause not to take affect during the summer months. The committee also is proposing a 3 percent rent increase per year. Pollitt stated that the Finance Committee wants to review a draft of the proposed lease prior to making its final recommendation to the Village Board.

Quarterly Department Reports

Trustee Pollitt stated that the Finance Committee recently completed its first quarter review of the department budgets. Pollitt stated that all of the budgets are on target and the department heads did a good job presenting their reports.

Lakefront and Harbor - Trustee O'Connell

Robert Youngquist Pier Permit Approval

O'Connell stated that the Lakefront and Harbor Committee and the DNR approved the proposed pier extension plan submitted by Youngquist.

Turner/Bromfield 2nd made a MOTION to approve the pier permit as presented, and the MOTION carried without negative vote.

Protection Committee – Trustee Bromfield

Approval of Published Liquor License Applications for 2006-2007

All of the liquor license renewal applications were published in the Lake Geneva Regional News, the establishments all successfully passed inspections by the Building Inspector, the Police Chief and the Fire Chief, and the Wisconsin Department of Revenue reported that all nine of the license holders are in good standing.

Bromfield/O'Connell 2nd made a MOTION to approve the application submitted by the Abbey Resort Management, LLC (Vance T. Antoniou), d/b/a The Abbey Resort, located at 269 Fontana Blvd., RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license; Agent: Edwin L. Snyder III, 237 Maple Avenue, Walworth, WI, and the MOTION carried without negative vote.

Bromfield/Turner 2nd made a MOTION to approve the application submitted by Abbey Springs, Inc., located at 1 Country Club Drive, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license; Agent: Nancy Dlabal, 439 Frost Drive, Williams Bay, WI, and the MOTION carried without negative vote.

Bromfield/O'Connell 2nd made a MOTION to approve the application submitted by Big Foot Country Club, Inc., located at 770 Shabbona Drive, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license; Agent: Robert Timm, 480 Fox Lane, Walworth, WI, and the MOTION carried without negative vote.

Bromfield/Petersen 2nd made a MOTION to approve the application submitted by Chucks Lakeshore Inn, Inc., P.O. Box 170, located at 352 Lake Street, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license; Agent: Carol J. Whowell, W6267 Willow Bend Road, Walworth, WI, and the MOTION carried without negative vote.

Petersen/Bidwill 2nd made a MOTION to approve the application submitted by Country Club Estates Golf Association, located at 365 Pottawatomi Drive, RENEWAL CLASS "B" BEER and CLASS "C" WINE license; Agent: Scott Berg, 1093 Sauganash Drive, Fontana, WI, and the MOTION carried without negative vote. O'Connell abstained.

Bromfield/Turner 2nd made a MOTION to approve the application submitted by Gordy's Boat House, Inc., located at 336 Lake Street, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license; Agent: Trallee Whowell Chupich, N1844 Six Corners Road, Walworth, WI, and the MOTION carried without negative vote. President Whowell abstained.

Thorpe stated that there are problems that need to be worked out with the application filed for the renewal of the combination liquor license issued to Novaks'. State statutes dictate that liquor licenses can only be issued to the individual, partnership, corporation, nonprofit corporation or Limited Liability Company that holds the Wisconsin Seller's Permit. Thorpe stated that state statutes also dictate that when a LLC applies for a liquor license, all of its officers must be listed on the

application. One of the officers of Novaks' of Fontana LLC has background check issues. Thorpe stated that the renewal application will have to be amended in order to be approvable and he was not made aware of the situation until earlier that day. The current license does not expire until June 30, 2006, and if the license holder or the agent is not changed, an amended application will not have to be republished before the Village Board can vote on the renewal. President Whowell told the applicants the Village Board will schedule a special meeting in order to act on an amended liquor license renewal application in time to renew the license by July 1, 2006.

Turner/Bromfield 2nd made a MOTION to table the application filed by Novaks' of Fontana, LLC for the premises located at 158 Fontana Boulevard, d/b/a Novaks', RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license; Agent: Bruce C. Voss, W6780 Highway 67, Walworth, WI, and the MOTION carried without negative vote.

Petersen stepped down during the discussion and action on the liquor license renewal application filed by Richard C. Rosenow. The business is still in the same condition that it was when the license was initially issued on January 24, 2006. The applicant has not addressed building items with regard to a remodeling plan for the upper floor and has passed inspections for service on the lower level only.

O'Connell/Turner 2nd made a MOTION to approve the application filed by Richard C. Rosenow, DBA: Park Place, LLC, for the premises located at 268 Reid Street, RENEWAL CLASS "B" BEER and "CLASS B" LIQUOR license; Agent: Richard Rosenow, W1865 Huntington Drive, Lake Geneva, WI, with service allowed on the lower level only, and the MOTION carried with no negative vote. Trustee Petersen stepped down.

Bromfield/O'Connell 2nd made a MOTION to approve the application submitted by Rollette Oil Company, Inc., 2104 Beloit Avenue, Janesville, WI 53546, d/b/a Fontana Citgo, located at 286 Valley View Drive, RENEWAL CLASS "A" BEER license; Agent: Paul Russell Simon, 911 Suffolk Drive, Janesville, WI, and the MOTION carried without negative vote.

Approval of Operator's Licenses for 2006-2007

Bromfield/O'Connell 2nd made a MOTION to approve 20 Operator License applications submitted by Abbey Resort employees Cory W. Anderson, John L. Bilski, Jr., William F. Blum, Ilham Fatmi, Chelsea M. Polk, Michael P. Price, Maria G. Rios, Stefanie R. Rudar, Kayda M. Schiszik, Sara A. Sorrentino, Raymond F. Tavernier, Edward J. Virgin, Chris W. Wissell, Frank W. Blum, Barry E. Girard, Carol A. Hall, Josefina Sanchez, Edwin L. Snyder, Timothy G. Somerville and Yvette M. Somerville, and the MOTION carried without negative vote.

Turner/Bromfield 2nd made a MOTION to approve 11 Operator License applications submitted by Abbey Springs employees Siri E. Hansen, Ashley M. Pieters, Jeney M. Walter, Allison A. Breidenbach, Daniel J. Dlabal, Kevin J. Hommen, Peter G. McLaughlin, Jeffrey P. Peterson, John R. Shoger, Jacey J. Walter and Timothy L. Wuhrman, and the MOTION carried without negative vote.

Bromfield/Petersen 2nd made a MOTION to approve 9 Operator License applications submitted by Big Foot Country Club employees Jacob J. McHugh, Eric A. Stauffacher, Walter L. Erhard, Stephen W. Fairchild, Glenn Patrick Flannigan, Kim A. Fox, Loretta J. Fox, Pamela J. Keeler and Robert E. Timm, and the MOTION carried without negative vote.

Bromfield/O'Connell 2nd made a MOTION to approve 14 Operator License applications submitted by Chuck's Lakeshore Inn employees Jack C. Brown III, Gregg C. Christenson, Keith C. Edwards, John C. Friestad, Julie G. Friestad, Jamie J. Hanson, Roy A. Hanson, Ann-Marie G. Joly, Tom S. Judd, Jacob J. McHugh, Rebecca R. Millar, Kimberly E. Minette, Theodore K. Schultz and Julie K. Whowell, and the MOTION carried without negative vote.

Petersen/Bromfield 2nd made a MOTION to approve 4 Operator License applications submitted by Country Club Estates Golf Course employees Maria L. Kebbekus, Gail D. Nelson, Jayne A. Lagerhausen and Merilyce O'Connell, and the MOTION carried without negative vote. Trustee O'Connell abstained.

Bromfield/Bidwill 2nd made a MOTION to approve 18 Operator License applications filed by Gordy's Boat House employees Mindy L. Brunswick, Marna D. Hess, Kelly A. Oliver, Greg T. Spende, Heather L. Cannon, Jason C. Chupich, Jason G. Dixon, Kristina L. Ericson, Matt H. Faytle, Carrie C. Lee, Erin M. Perenchio, Karen M. Peterson, Susan L. Peterson, Kimberly A. Ries, Matthew R. Wesley, Steele G. Whowell, Thomas G. Whowell and Tigr T. Whowell-Workman, and the MOTION carried without negative vote. President Whowell abstained.

Bromfield/Turner 2nd made a MOTION to approve 4 Operator License applications filed by Park Place LLC employees John L. Bilski, Jr., Mary E. Gygax, Joe S. Ricciotti and Patricia J. Yeager, and the MOTION carried without negative vote. Trustee Petersen abstained.

Bromfield/Petersen 2nd made a MOTION to approve 8 Operator License applications filed by Fontana Citgo employees Joshua J. Lilly, Kevin L. Clark, Mary K. Hennerley, Sheila R. Langan, DeAnne L. Nokes, Tanya A. Schuckman, Jacqueline A. Thur and Kristen M. Welsh, and the MOTION carried without negative vote.

Approve Resignation of Officer Beau Douglas

Chief Olson stated the Officer Douglas has accepted a job offer with the Rock County Sheriff's Department so he submitted a letter of resignation. His last day of employment with the Village of Fontana Police Department will be Monday, June 12, 2006.

Bromfield/Turner 2nd made a MOTION to accept the resignation submitted by Officer Beau Douglas, and the MOTION carried without negative vote.

Pay Rate for LTE Officer Aaron West – Full-Time Proposal

Thorpe stated that the Village Board members stated concerns in the closed session with regard to Chief Olson's proposal to increase the salary of Officer West by \$1 an hour because the LTE salary would then exceed the levels set in the union contract for full-time officers. Chief Olson stated that the union president, Officer Mark Chalchoff, has indicated that the union has no problem with the proposal and the union would not cite the approval as a bargaining tool in future contract negotiations with the Village. Chief Olson stated he is recommending the increased salary for LTE Officer West retroactive to May 15, 2006 because of his longevity working for the department and because of the quality of service Officer West has provided. Following discussion, Chief Olson stated that Chalchoff would be willing to state in a letter to the Village that the union has no problem with the LTE pay raise proposal for Officer West and the union would not cite the approval as a bargaining tool in future contract negotiations. With regard to Chief Olson's recommendation to promote Officer West to full-time status to replace Officer Beau Douglas, President Whowell stated that the Village Board determined the proposal should be considered first by the Protection Committee and possibly by the Police and Fire Commission. Thorpe was directed to contact the PFC attorney to make sure the proper procedure is followed. The Village Board indicated it would like the matter considered by the Protection Committee and the PFC by the time Officer Douglas leaves the department on June 12, 2006.

Turner/Pollitt 2nd made a MOTION to approve the \$1 pay raise for LTE Officer Aaron West, retroactive to May 15, 2006, subject to the receipt of a letter from the police officer union president that states the approval will not be precedent setting or cited during future contract negotiations, and the MOTION carried without negative vote.

Petersen/Turner 2nd made a MOTION to table the proposal to promote LTE Officer Aaron West to full-time until the matter is considered by the Protection Committee and possibly by the Police and Fire Commission, and the MOTION carried without negative vote.

Public Works – Trustee Petersen

Pay Request No. 4 – Kovilic Main Lift Contract

Workman stated that the Main Lift Station project engineer Stand Associates, Inc., recommended approval of Pay Request No. 4 totaling \$349,712.29 to Kovilic Construction.

Petersen/Turner 2nd made a MOTION to approve Pay Request No. 4 totaling \$349,712.29 to Kovilic Construction, and the MOTION carried without negative vote.

Pay Request No. 3 – Willkomm Excavating, Fontana/Walworth Water Connection Project

Workman stated the Wilkomm Excavating & Grading, Inc. submitted a pay request totaling \$22,895.64, of which the Village of Fontana is responsible for half. Workman stated that the contract includes a provision that payments be withheld until all the site reclamation work is completed. Following discussion, the Board decided to withhold 4 percent of the contract paid to date until the restoration work is completed. Workman calculated the total payment due for the pay request is \$18,797.61, of which Fontana's half is \$9,398.80, and keeping a retainer of \$8,196.05 until the restoration work is completed.

Petersen/Pollitt 2nd made a MOTION to approve the payment of \$9,398.80 for Pay Request No. 3, and the retention of \$8,196.05 until the restoration work is completed, and the MOTION carried without negative vote.

Construction Project Updates

Workman provided updates on the Highway 67, Main Lift Station and beach house projects. Workman stated that steady progress is being made on the Highway 67 utility and grading work, and the storm sewer construction is just about complete in the Phase I area. During the previous week village crews have had to address several water main issues, and the construction crews have run into numerous utility line conflicts. Despite having crews work six days a week, Mann Brothers has applied to the Wisconsin DOT for an eight-day extension to complete Phase I of the contract. Workman stated that Mann Brothers still is working to meet the June 30, 2006 deadline. Workman stated that Kovilic Construction is behind on the amended construction schedule for the Main Lift Station in Reid Park. Workman stated that the second referendum on the Main Lift Station project authorized an additional \$160,000 for Kovilic to fund overtime expenses, and Kovilic's amended construction schedule for the lift station construction called for the site to be ready for the bathroom/pavilion building contractor by May 1, 2006. Kovilic Construction recently indicated the site will be ready for Magill Construction to begin work on the new bathroom/pavilion building by June 19, 2006. Workman stated that because of the delay getting on the site, Magill has requested a 49-day contract extension. Workman stated with the project already 40 days behind schedule, there is no way that Magill will be able to construct the new building by the initial target date of June 30, 2006. Workman stated that because of a delay in receiving materials, the beach house project also is slightly behind schedule; however, Gilbank Construction has made significant progress during the last few weeks. Workman stated that the trusses and timbers will be erected during the next week and the beach house could still be constructed by the target date of July 1, 2006.

Plan Commission – President Whowell

Approve Ordinance Amendment to 18-151 (a) and (b)

Nyman stated that proposed amendment addresses an inadvertent omission made during the recent amendment process to the nonconforming lots and buildings section of the Municipal Code. When Section 18-151 was amended by Ordinance 040306-10, the section that addresses proposed building addition or enlargements to existing nonconforming structures was omitted. The Plan Commission unanimously recommended approval of the amendment.

O'Connell/Turner 2nd made a MOTION to approve Ordinance No. 06-05-06-02 as presented, and the MOTION carried without negative vote.

Approve Wilkinson Lot Separation – Create Two Lots

Thorpe stated that the proposal to create two separate tax parcels out of the already platted lots is something that the property owner is entitled to do. Thorpe stated that during discussion of the tax parcel issue, a potential development proposal was presented by the applicants. The two platted lots currently comprise one residential lot zoned R-3. The applicants stated at the May 30, 2006 Plan Commission meeting that they would like to receive two separate tax bills for the lots. Staff review of the proposal found that the lots meet the minimum lot size standards of the Municipal Code; however, the staff has concerns with regard to development proposals for the lots because of storm water issues. The staff report states that the natural slope of the property creates a kettle that collects storm water run-off from several area properties. Thorpe stated following the Plan Commission meeting, he sent a letter to the applicants that addresses Chapter 18.30 of the Municipal Code and its impact on any development proposal for the lots. Thorpe stated that the Plan Commission and staff wanted to make sure that the applicants were aware that they will have to deal with Chapter 18.30 if they seek approval for development plans.

Turner/Bromfield 2nd made a MOTION to approve the creation of two tax parcels as presented, and the MOTION carried with one negative vote cast by Trustees Petersen.

Approve Hehr CSM

Attorney Tony Calletti, representing Robert Hehr, stated his client was seeking approval of a CSM filed to create two residential lots from one existing residential lot located between Shabbona Drive and Jenkins Drive in the RS-3 District. The parcel is the site of the former Strawberry Hill Bed and Breakfast. The staff report states that the required total area for lots in a RS-3 district is 7,000 square feet, and the average lot width minimum is 75 feet. Both proposed lots conform to the total area requirements of the RS-3 District, and both lots have the minimum of 50 feet on a public or private right-of-way. The staff report recommends approval of the CSM as submitted with the conditions that a notation be placed on the face of the CSM that states that Lot 1 shall be accessed off Jenkins Drive and Lot 2 shall be accessed off Shabbona Drive, and that an accessory structure which exists on Lot 1 shall be completely removed and the site restored within one year of this approval. Calletti stated that his client has no problem adhering with both of the staff suggested conditions. The Plan Commission voted 5-2 in favor of a motion to recommend Village Board approval of the proposal. Bidwill stated that he would abstain on the motion to approve the CSM because he does business with the applicant.

Turner/Bromfield 2nd made a MOTION to approve the CSM as submitted with the conditions that a notation be placed on the face of the CSM that states that Lot 1 will be accessed off Jenkins Drive and Lot 2 will be accessed off Shabbona Drive, and that an existing accessory structure on Lot 1 shall be completely removed and the site restored within one year of the approval, and the Roll Call vote followed:

Turner – Yes

O’Connell – No

President Whowell – Yes

Bromfield – Yes

Petersen – No

Bidwill – Abstain

Pollitt- Yes

The MOTION carried on a 4-2 vote, with Trustee Bidwill abstaining.

Approve O’Neill CUP Easement Agreement

Thorpe stated that the easement agreement was submitted by John and Maureen O’Neill to fulfill a condition of the CUP issued March 1, 2005 and amended October 24, 2005. The easement was added as a condition for approval of the amended CUP application to protect the public right-of-way. The Plan Commission approved a motion on May 30, 2006 that directed Thorpe to revise the easement agreement submitted by John O’Neill and to forward the revised agreement with a positive recommendation to the Village Board. Plan Commissioner Laurie Larson stated that she voted against the motion and the amended CUP application because she feels the initial decision to order the removal of the landscaped retaining wall from the public right of way should not have been reversed. President Whowell suggested that the Village Board members tour the site to determine their opinions on the retaining wall.

O’Connell/Turner 2nd made a MOTION to table the matter, and the MOTION carried without negative vote.

Announce Public Hearing for June 26, 2006 Plan Commission Meeting

President Whowell stated that there will be one public hearing at the Monday, June 26, 2006 meeting of the Plan Commission, to consider an amended CUP application filed by Daniel Baughman, 479 North Lower Gardens Road. The applicant is seeking approval to add one more layer of shake shingles to the garage he is building at his residence. When the CUP was approved November 22, 2004, there was no provision in the code to allow for the extended shingles.

CDA – Trustee Turner

Monthly Update

Turner stated that CDA Executive Director Joseph McHugh will be compiling an updated financial analysis of the TIF District and the redevelopment area projects and it will be presented to the

Village Board at next month's meeting. Turner stated that the CDA Board and McHugh recently visited PDI to review the current contracts. Turner stated that the CDA Board will be looking at the current schedule of projects at its monthly meeting on May 7, 2006, and it may recommend postponing any future projects until Fall 2007. The CDA also is studying the options for the municipal lakefront building.

Park Commission – Trustee Bidwill

Hildebrand Park Entrance (Mill Street) Plan Update

Bidwill stated that the Park Commission voted at its last meeting to approve the plan for the entrance area park at the Hildebrand Conservancy. Bidwill also stated that the Park Commission held a joint session meeting with the Lakefront and Harbor Committee and another joint session will be held Wednesday, June 14, 2006, beginning at 5:00 pm. Larson stated that a walking tour of the Hildebrand Conservancy will be rescheduled from the initially set date of Wednesday, June 28, 2006.

F/W WPCC-Trustee Petersen

Update

Petersen stated that the wastewater treatment facility is operating routinely and the management is preparing for the large seasonal increase in volume.

GLEA – Trustee Bidwill

Update

Bidwill stated that he distributed copies of the minutes from the most recent meeting of the Geneva Lake Environmental Agency Board of Directors. Bidwill stated that the city of Lake Geneva again is sending a representative to the GLEA Board meetings.

Adjournment

Bromfield/Turner 2nd made a MOTION to adjourn the meeting at 8:25 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 on file at the Village Hall.

APPROVED: 07/10/06