

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, July 10, 2006

President Whowell called the meeting of the Village Board to order at 5:32 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

Trustee absent: Bromfield

Also present: Village Administrator Kelly Hayden-Staggs, Deputy Clerk Julie Olson

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 the roll call vote followed:

Pollitt – Yes

Turner – Yes

O'Connell – Yes

President Whowell – Yes

Petersen – Yes

Bidwill – Yes

The motion carried 6-0, with Bromfield absent.

Adjournment of Closed Session

Petersen/O'Connell 2nd made a MOTION to adjourn the closed session at 5:45 pm and to reconvene in open session, and the MOTION carried without negative vote.

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

Also Present: Joe Abell, Jerry Ames, Neal Bidwill, Skip Bliss, Brandee Brown, Bruce Jensen, Library Director Nancy Krei, Laurie Larson, Attorney Bob Leisble, Maureen Mayrand, CDA Executive Director Joseph McHugh, Pete Novak, Building Inspector Ron Nyman, Sharon O'Brien, Chief Steve Olson, Andy Pearce, Don Roberts, Attorney Dale Thorpe, Rick Treptow, Jamie & Carol Whowell, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs announced that the Park Commission Walking Tour of Hildebrand Conservancy and Headwaters Park will be held Tuesday, July 11, 2006, beginning at 5:30 pm at the Fontana Elementary School parking lot; the next Plan Commission meeting will be held Monday, July 31, 2006, at 5:30 pm; Accurate Appraisal will hold office hours at the Village Hall on Friday, August 4, 2006, from 10:00 am to 4:00 pm; Highway 67 construction will dictate road closures during Phase I from May 1 to July 14 and during Phase II from August 21 to early November; a CDA Lakefront Workshop will be held Saturday, September 30, 2006, at 9:00 am; and a CDA Duck Pond Workshop will be held Saturday, October 21, 2006, at 9:00 am. Librarian Nancy Krei announced that the Summer Reading Programs will be in the library starting July 11, 2006 at 10:30am.

Approval of Minutes

Petersen/Turner 2nd made a MOTION to approve the minutes for meetings held June 5, 7, 8, 19 and 26, 2006, and the MOTION carried without negative vote.

Village Treasurer's Report

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

Approval of Village and Utility Payables

Pollitt/Petersen 2nd made a MOTION to approve the Village and Utility Payables as distributed, and the MOTION carried without negative vote.

Public Hearing

Petition to Vacate Portion of Big Foot Street, Approval of Resolution, Approval of Easement

President Whowell opened the Public Hearing at 6:20 pm. Leibsle presented the proposal. The Plan Commission recommended approval of the proposal as presented at its June 26, 2006 meeting, with the condition that the Whowells enter into an easement with the Village. In response to the staff condition for approval of the street vacation proposal, Leibsle stated that his clients are aware of the Village's pending Third Avenue reconstruction proposal and he presented the proposed easement to the Village to accommodate the new sidewalk and street right-of-ways for the reconstructed street. Hayden-Staggs stated that the staff is recommending holding off on the Whowell's proposal to purchase the Village's portion of the vacated street until after the Third Avenue reconstruction and potential Pioneer Park projects are completed. Laurie Larson stated that she is concerned that the Village will be giving up valuable park land. Don Roberts asked if a building, site and operational plan approved for the property in 1992 can be amended. Thorpe responded that BSOPs can be amended. President Whowell closed the public hearing at 6:55 pm.

O'Connell/Turner 2nd made a MOTION to approve Resolution 07-10-06-01 as presented, with the conditions that an easement be entered into with the Village to accommodate the proposed new sidewalk and street right-of-ways for the Third Street Redevelopment plan, and that the easement is reviewed by Village Attorney Dale Thorpe, and the MOTION carried without negative vote. President Whowell abstained.

Plan Commission – President Whowell

Approve O'Neill CUP Easement Agreement (Tabled 06/05/06)

The easement agreement was submitted by John and Maureen O'Neill in April 2006 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. President Whowell suggested at the June 5, 2006 meeting that the Village Board members tour the site to determine their opinions on the retaining wall.

Pollitt/Bidwill 2nd made a MOTION to approve the Easement Agreement as amended by Thorpe, and the MOTION carried without negative vote.

Liquor License Outdoor Service Recommendation

The Board discussed the outdoor liquor service guidelines recommended by the Plan Commission and other recommendations suggested by Plan Commissioners Mike Poivey, Tom McGreevy and George Spadoni and President Whowell. Following discussion on the possibility of creating a new ordinance, the Trustees were in consensus that the approval process should remain at the Village Board level, and the Plan Commission should not be brought into the liquor license approval process. Following lengthy discussion, the Village Board directed Village staff to schedule a Town Hall meeting for Saturday, August 5, 2006, beginning at 9:00 am to further discuss the issue of outdoor liquor service. Also on the Town Hall Meeting agenda will be the proposed projects for a September 12, 2006 referendum, and the Village Board proposal to amend the Direct Legislation Ordinance.

O'Connell/Pollitt 2nd made a MOTION to deny the outdoor liquor service recommendations and

the MOTION carried on a 3-2 vote with President Whowell abstaining and Trustee Bromfield absent. Trustees Petersen, O'Connell and Pollitt voted yes and Trustees Bidwill and Turner voted no.

Pioneer Park Boat Turnaround Recommendation

The Plan Commission approved on a 3-2 vote a motion at its June 26, 2006 meeting to recommend approval of the boat turnaround proposal for Pioneer Park. The turnaround was also approved by the Lakefront & Harbor committee and the CDA. Trustee Turner suggested that the Village move forward on the other Master Plan projects in the center of town except for the proposed boat launch turnaround, and determine if those projects adequately address the congestion problem. Turner stated that changing Third Avenue to 2-way street from the Park House west (back toward Reid) should also help relieve congestion. Turner stated that if and when these two projects are done, it can then be determined what to do in Pioneer Park. The Board took no action on the agenda item.

Recommendations to Deny Condon Construction Quit Claim Deed & Draw on Letter of Credit

The Plan Commission recommended denying the request because there are still problems with the drainage trenches. There will be an update on next month's agenda.

Petersen/O'Connell 2nd made a MOTION to deny the dedication of East Pottawatomie Drive to the Village of Fontana from Condon Construction and to draw on the letter of credit to repair trenches, plant four trees and clean-up the roadway, and to direct the Building Inspector to ensure the property owners are aware of the covenants, and the MOTION carried without negative vote.

Harris Property Raze or Repair Order Recommendation

The Plan Commission recommended approval of the issuance of a raze or repair order for the garage at 245 Third Avenue.

O'Connell/Petersen 2nd made a MOTION to approve the Repair or Razing Order as presented, and the MOTION carried without negative vote.

Announce Public Hearing for July 31, 2006 Plan Commission Meeting

President Whowell stated that a public hearing will be held at the July 31, 2006 Plan Commission meeting to consider an amended CUP application filed by Brian Pollard/FairWyn Ltd. for the Professional Building at 450 Mill Street.

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

Big Foot Lions Club Lobster Boil Location and Temporary Liquor License & Operator's License Application Approvals (Joseph Abell, Richard Murphy, Anders Pearce and Kevin Racky)

Andy Pearce presented the modified "Plan D" for the annual Lobster Boil and Streak Fry.

Turner/Pollitt 2nd made a motion to approve the general concept of "Plan D" for the Lobster Boil and Steak Fry in Reid Park on Saturday, July 29, 2006, and the MOTION carried without negative vote.

Turner/Petersen 2nd made a MOTION to approve the temporary liquor license and operator's licenses for Abell, Murphy, Pearce and Racky, with the fees waived, and the MOTION carried without negative vote.

Fireworks Ordinance (Tabled 06/05/06)

The Lake Use Committee has considered the lake-wide ordinance a dead issue. Each municipality will approve and issue permits for fireworks display proposals.

Turner/O'Connell 2nd to approve Ordinance 07-10-06-01, a supplement to Municipal Code Chapter 42-44, in its proper form and the MOTION carried without negative vote.

Cost Recovery for John Tracy Project

At staff level, it was agreed that the Village would do a 50/50 split of the engineering costs of water and sewer. Tracy's development at the corner of Brick Church and Town Hall Road will be a \$35 million dollar project in which he is paying entirely for pipe installation to the cost of \$250,000.

Pollitt/Petersen 2nd made a MOTION to waive the entire cost recovery bill of \$22,423.56, and the MOTION passed without negative vote.

Certification of Referendum Question for September 12, 2006 Election

The Village Board was in consensus that Option I of three options presented for a possible September 12, 2006 referendum question was the most appropriate at this time. Option I states: "Shall the Village of Fontana on Geneva Lake be authorized to spend an amount not to exceed \$2.9 million to complete the following projects: Construct Third Avenue with new paving, parking, sidewalks, landscaping, lighting and fencing around Little Foot Park; Bury utilities east of Highway 67; Replace existing chain link fence around the municipal beach; and Contingencies?" The Board decided to vote to certify the referendum question with the condition the monetary figure be reviewed and verified by the Village engineering firm

Turner/Petersen 2nd made a MOTION to certify for the September 12, 2006 election the referendum question: "Shall the Village of Fontana on Geneva Lake be authorized to spend an amount not to exceed \$2.9 million to complete the following projects: Construct Third Avenue with new paving, parking, sidewalks, landscaping, lighting and fencing around Little Foot Park; Bury utilities east of Highway 67; Replace existing chain link fence around the municipal beach; and Contingencies," with the condition the monetary figure be reviewed and verified by the Village engineering firm, and the MOTION carried without negative vote.

Board of Review 2006 Report

The minutes and summary report for the 2006 Board of Review were distributed. There were three hearings conducted and the Board of Review upheld one assessment and adjusted two others.

Fourth of July Report

The financial report for the Fourth of July and for the weekend period from June 30 to July 2, 2006 was distributed.

Amendment to Direct Legislation Ordinance

The Village Board is proposing to increase the \$1 million minimum to \$3 million for municipal projects that have to be approved in a referendum. The Board proposed the increase because of the extra expenses that are required because of the existence of the Direct Legislation Ordinance and the \$1 million threshold. Following discussion, the Village Board decided to table the issue until input is received from the residents at a Town Hall meeting on Saturday, August 5, 2006, beginning at 9:00 am.

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

Police Staffing Study

Hayden-Staggs updated the Board on the staffing study being conducted by Roy Lucke.

Protection Committee – Trustee Bromfield

Consider Operator's License Applications Filed by Jacques J. Chadoir (Gordy's), Alyssa Rostkowski (Abbey Springs), Fred P. Konrath (Chuck's), and David P. Smith (Not Employed at VOF Establishment)

Background checks were completed on the applications and approval was recommended for Jacques J. Chadoir, an employee at Gordy's, Alyssa Rostkowski, an employee at Abbey Springs, and Fred P. Konrath, an employee at Chuck's, and denial was recommended for David P. Smith.

Petersen/Pollitt 2nd made a MOTION to approve the Operator's License applications filed by Jacques J. Chadoir, an employee at Gordy's, Alyssa Rostkowski, an employee at Abbey Springs, and Fred P. Konrath, an employee at Chuck's, and the MOTION carried without negative vote.

Petersen/Pollitt 2nd made a MOTION to deny the application filed by David P. Smith, and the MOTION carried without negative vote.

Public Works – Trustee Petersen

Pay Request No. 5 – Kovilic Main Lift Contract

Workman stated the Public Works Committee recommended payment of the Pay Request No. 5 totaling \$279,794 for the Main Lift Station construction project.
O'Connell/Pollitt 2nd made a MOTION to approve the pay request as submitted, and the MOTION carried without negative vote.

Pay Request No. 1 – Reid Park Restroom/Pavilion Contract

Workman stated that the Public Works Committee recommend payment of the pay request project totaling \$14,250 for the restroom and pavilion construction.
Petersen/O'Connell 2nd made a MOTION to approve the pay request as submitted, and the MOTION carried without negative vote.

Wisconsin Pollutant Discharge Elimination System (WPDES) Resolution

Workman stated that the resolution is required to complete the Wisconsin Department of Natural Resources Compliance Maintenance Annual Report.
Petersen/O'Connell 2nd made a MOTION to approve Resolution No. 07-10-06-02 as presented, and the MOTION carried without negative vote.

Construction Project Updates

Workman stated that construction on the new beach house is complete and it was scheduled to be open by the weekend. The new restrooms and pavilion building being constructed in Reid Park is underway and the updated schedule calls for a completion date of August 18, 2006. Underground work is still being completed on the new Main Lift Station in Reid Park. The new pump is scheduled to be installed in early August. Workman stated that there are only minor details to finish on the Phase I portion of the Highway 67 construction project. The sidewalks are almost complete and the street lights have been delivered, but not yet installed.

CDA – Trustee Turner

Third Avenue – Two Way vs. One Way From Reid Street to the Alley

Turner reported that the proposed change to Third Avenue was unanimous on the CDA level.
O'Connell/Petersen 2nd made a MOTION to table this item until next month, and the MOTION carried without negative vote.

Lakefront Survey With Ramaker

Everything needed is not in yet. There will be a report next month.

Full Accounting Statement & Value Increment Calculations Review

McHugh distributed the updated CDA Tax Incremental District No. 1 Full Accounting Statement and Tax Increment Worksheet.

Park Commission – Trustee Bidwill

Approval of Tree Permit Fine Recommendation

The property owner, Louis Moravecek, obtained a Tree Removal permit after he had a dead tree cut down on his property at 473 Hillcrest Drive. The tree has been replaced with a 6-foot Douglas Fir. Documentation was submitted to the Park Commission by Moravecek that verifies the tree was dead, a permit was filed for and issued after the fact, and the replacement Douglas Fir tree has been planted. The Park Commission was in consensus that Moravecek should not be fined; however, he should pay a \$50 fee for the cost of a Tree Removal Permit for a live tree. Treptow stated that if the Park Commission approved a motion to recommend the waiver of the \$1,100 penalty fee, the Park Commission would not be setting a precedent with regard to the newly adopted Tree Ordinance, and each case will be taken on a “case-by-case” basis.

Bidwill/Turner 2nd made a MOTION to approve the \$50 fine for the tree permit violation, and the MOTION carried without negative vote.

Approval of Pioneer Park Crab Trees Issue Recommendation

Following discussion, the Village Board was in consensus that the Park Commission's recommendation to have John O'Neill pay the bill for three new crab trees in Pioneer Park to replace the three trees that were poorly trimmed by O'Neill's landscaping service should be tabled. The

trustees stated that the three Crab Trees are growing back following the bad trimming job performed by O'Neill's employees and more time should be given to determine if the trees need to be replaced. Bidwill/Turner 2nd made a MOTION to table the item until next month and the MOTION carried without negative vote.

Geneva Lake Use Committee – Ken Bell

Nothing

Finance Committee – Trustee Pollitt

Lake Geneva Marine Lease

The proposed lease was distributed.

Pollitt/Petersen 2nd made a MOTION to table this item until the August meeting upon Mr. Kirkland's review, and the MOTION carried without negative vote.

Personal Property Write Off

Currently, the Village has about \$5,000 outstanding in old personal property bills.

Pollitt/Petersen 2nd made a MOTION to delay the write-off for one month, and the MOTION carried without negative vote.

Resort Sales Tax Update

Trustee Pollitt presented an update on his study of Fontana adopting a Resort Sales Tax. Pollitt stated that he has had preliminary discussions with Lake Geneva Mayor Sheldon Shepstone on the possibility of working together to adopt the Resort Sales Tax.

Lakefront and Harbor - Trustee O'Connell

Late Fee Lease Payment Report

Trustee O'Connell reported that the Lakefront & Harbor Committee approved different wording on the lease agreement for next year. The agreement will state that the fee is due by March 31st. If the fee is not paid by then, the leasees will owe extra money to be paid within 15 days of the original due date. If, after the 15 days have passed, the bill remains unpaid, the mooring spot will be offered to the next person on the waiting list.

F/W WPCC-Trustee Petersen

Update

The treatment plant expansion project is underway. Trustee Petersen stated that in late 2006 the plant administration will be requesting \$500,000 for necessary improvements and he is hoping that the Finance Committee and Village Board will approve the request.

GLLEA – Trustee Pollitt

Donation Announcements

Two GPS units in the amount of \$500 each were donated to the Lake Use Committee along with two defibrillators by Fontana resident David Prudden.

Boats/Motors Updates

Pollitt stated that there have been problems with both motors on the patrol boats. The one Mercury motor will be replaced. The other will be rebuilt and the warrantee extended. The Boston Whaler boat has weak center consoles, and the company is standing behind the warrantee to fix the problem.

Adjournment

O'Connell/Petersen 2nd made a MOTION to adjourn the meeting at 9:10 pm, and the MOTION carried without negative vote.

Minutes prepared by: Julie Olson, deputy clerk/treasurer

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: 08/07/06