

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

**Monday, August 7, 2006**

President Whowell called the meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

**Also present:** Cheryl Bartz, Ellen Ericson, Jim Feeney, Village Administrator Kelly Hayden-Staggs, Bruce Jensen, Library Director Nancy Krei, Christopher Link, Lou Loenneke, Village Clerk Dennis Martin, Maureen Mayrand, CDA Executive Director Joseph McHugh, Pete Novak, Building Inspector Ron Nyman, Ted Pankau, Treasurer Peg Pollitt, Don Roberts, Rick Rosenow, Dan Shepard, Village Attorney Dale Thorpe, Ryan Trottier, Director of Public Works Craig Workman, Patty Yeager

**Visitors Heard**

Ted Pankau, the managing director of the Geneva Lake Water Safety Patrol, introduced lifeguards Ellen Ericson and Christopher Link. Pankau stated that the two lifeguards saved two boys and a man from Geneva Lake in separate incidents during the last few months. Link rescued a 4-year-old boy at the Country Club Estates beach earlier this summer. Ericson rescued a drowning man and another person who was attempting to help him on June 29, 2006 at the Fontana Beach, and on July 4, 2006 she rescued a boy who was swimming outside the buoy line at the Fontana Beach. Pankau commended the lifeguards for their quick responses and for acting in accordance with their training. President Whowell thanked Pankau, the Water Safety Patrol and the two lifeguards for their service and dedication in helping to keep Geneva Lake safe. President Whowell also presented Link and Ericson plaques from the Village and two bags of LifeSavers candy in recognition of their heroic deeds.

**Announcements**

Hayden-Staggs announced that a joint Protection/Finance committee meeting will be held Thursday, August 10, 2006, at 5:00 pm; the Great Lakes Naval Band Concert in Reid Park will be held Saturday, August 12, 2006, at 5:00 pm; the next Plan Commission meeting will be held Monday, August 28, 2006, at 5:30 pm; Highway 67 construction will dictate road closures during Phase II from August 21 to early November; the Village of Fontana will hold a Referendum on Tuesday, September 12, 2006; 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. Turner stated that the CDA workshop meetings will be conducted as Town Hall meetings.

**Approval of Minutes**

Bromfield/Petersen 2<sup>nd</sup> made a MOTION to approve the minutes for meetings held July 10 and 19, 2006, and the MOTION carried without negative vote.

**Village Treasurer's Report**

Pollitt/O'Connell 2<sup>nd</sup> made a MOTION to accept the Treasurer's Report for June 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 2<sup>nd</sup> made a MOTION to approve the Village and Utility Payables as distributed, with the exception of the Geneva Lake Law Enforcement Agency second annual payment request, and the MOTION carried without negative vote.

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

**Big Foot Street Vacation Offer to Purchase Property Report, Easement Update**

Thorpe stated that he reviewed the easement and comments and corrections have been sent to the attorney representing Jamie and Carol Whowell. Once corrected, the easement will be ready for execution. Hayden-Staggs stated that local appraiser CJ Heise was hired to complete an appraisal on the parcel and the report will be submitted to the Village in the next few weeks.

**Lake Geneva Marine Lease (Tabled 07/10/06)**

Trustee Pollitt stated that he and Hayden-Staggs met with Kevin Kirkland and they ironed out the remaining issues on the proposed three-year lease for the lakefront building. One of the issues was on page two of the proposed lease with regard to the tenant's exclusive use of the ramp in front of the building. The other issue was amending the 90-day termination notice provision to make the time period between June 1 and September 31 of each year. The time period was initially proposed between June 1 and December 31. CDA Chairman Turner stated that the CDA does not object to the amendment of the termination notice period end date. The personal guarantee in the Lessee also was changed from Mike Johnson to Kevin Kirkland.

Pollitt/Bromfield 2<sup>nd</sup> made a MOTION to approve the lease as amended, and the MOTION carried without negative vote.

**Beach Hours of Operation Amendment - Resolution 08-07-06-01**

Hayden-Staggs stated that the staff recommended extending the hours of beach house operations and collecting admission fees from 7:00 to 9:00 pm, and securing the beach area at 9:00 pm instead of the current 11:00 pm. People currently may swim at their own risk from 6:00 to 11:00 pm, and no one is permitted to use the beach between 11:00 pm and 9:00 am. The beach house and beach open at 9:30 am and lifeguards are on duty from 9:30 am to 6:00 pm. Staff recommended extending the hours of beach house operations until a 9:00 pm closing time, or at the discretion of the administration. Petersen stated that a 9:00 pm closing time to secure the beach may be unenforceable, and the Village should also consider the possibility of lighting the beach area and leaving it open for public use until 11:00 pm. Petersen stated that residents of Lake Geneva use their public beach until late at night because it is lighted. Bidwill stated that many Village of Fontana residents like to use the beach in the early morning hours. Hayden-Staggs stated that the Village has to designate open hours for insurance and liability purposes. Following discussion, the Board was in consensus that the beach should remain open until 11:00 pm for the rest of this season and the entire schedule and beach security issues should be further studied during the off-season; and that the hours of operation at the beach house should be extended from 7:00 to 9:00 pm, unless the administration decides to close earlier.

Bromfield/Petersen 2<sup>nd</sup> made a MOTION to approve Ordinance 08-07-06-01 amending Section 54-161 (1)(c) to state, "No one shall be permitted to use the beach between 11:00 pm and 9:00 am, during which time the area shall be secured and patrolled, on a random basis, by the Police Department." The MOTION carried without negative vote.

Pollitt/O'Connell 2<sup>nd</sup> made a MOTION to approve Resolution 08-07-06-01 as presented, which amends the Beach Section of the Beach, Boat Ramp, Parking Lot and Fees schedule to state, "Beach Hours: 9:30 am to 6:00 pm with Lifeguards; 6:00 pm to 9:00 pm (or Administration's Discretion) without Lifeguards SWIM AT YOUR OWN RISK." The MOTION carried without negative vote.

**Public Safety Board of Appeals Resignation/Appointment**

President Whowell stated that he was seeking approval of his resignation from the Public Safety Board of Appeals, and the appointment of Trustee Pollitt to fill the position.

Turner/Bromfield 2<sup>nd</sup> made a MOTION to approve the resignation of President Whowell and the appointment of Trustee Pollitt to the Public Safety Board of Appeals, and the MOTION carried without negative vote.

**Letter of Recognition for Craig Workman, Ron Adams, Dennis Barr and Tom Westphal**

President Whowell presented Letters of Recognition to Workman and the Department of Public Works Department employees for their outstanding job performances in responding to the recent

sewer valve incident at Highway 67 and Fontana Boulevard. The commendations will be placed in their personnel files.

### **Hwy 67/Fontana Blvd Sewer Valve Ownership and Claim for Damages**

Hayden-Staggs stated that the bills the Village received for the repair and clean-up work on the sewer valve incident at Highway 67 and Fontana Boulevard, and the manpower expenses will be submitted to the Fontana/Walworth Water Pollution Control Commission for payment. Hayden-Staggs stated that the sewer line and valve that failed are owned by F/W WPCC. Petersen stated that the F/W WPCC has insurance to cover the incident; however, the Village of Fontana funds half of the F/W WPCC budget since it comprises half of the ownership of the wastewater treatment facility, so Village taxpayers ultimately will end up paying something.

### **Direct Legislation Ordinance Amendment (Tabled 07/10/06)**

President Whowell stated that the Village Board received a lot of valuable input from the residents who attended the Town Hall meeting on August 5, 2006. There were 23 questionnaires turned in by the 45 to 50 Town Hall meeting participants and 8 indicated that they favored the proposed amendment to the Direct Legislation Ordinance, 10 indicated that they opposed the proposed amendment, and 4 indicated that they did not have an opinion on the proposal. President Whowell pointed out that one of the questionnaires stated the Town Hall meeting did not address the additional legal, interest and liability costs the Village incurs because of the \$1 million spending limit for municipal projects, unless approved in a referendum vote. Trustee Pollitt stated that he received input from residents who think the proposal to increase the limit to \$3 million is a little high. Pollitt stated that some residents favor an amendment increasing the limit to \$2 million, and he favors increasing the limit to \$1.5 million, with an annual increase based on the Consumer Price Index inflation ratio. Petersen stated that he favors the amendment as proposed because the Direct Legislation limit of \$1 million has cost the Village tens of thousands of dollars, and if it is not amended, it will continue to cause the Village to waste taxpayer's money. Bidwill stated that he is concerned that if the Village should experience some sort of disaster or if there were an emergency situation, the Board would have to wait to hold a referendum prior to approving municipal projects. Thorpe stated that there are reasonable and legally accepted interpretations for all of the terms used in the proposed ordinance amendment. Following discussion, Turner stated that he favored the proposal to increase the limit to \$1.5 million and to add exclusionary language and a definition for the word "project." Following discussion on whether to increase the limit to \$1.5 million or \$2 million, and how to determine the annual increase to account for inflation, the Board was in consensus that the limit should be set at \$1.5 million and the amount should be increased annually by 5 percent.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve Ordinance 08-07-06-02 amending Section 2-610 of the Municipal Code to state: "Village Capital Expenditures of 1.5 million dollars of more," and adding the exclusionary language, "Capital expenditures for maintenance, repair or replacement of existing utilities or infrastructure or pursuant to existing contractual obligations or legal mandates shall be exempt from this ordinance. A project is defined as work that can be bid and contracted separately and requires no other work to be operable or complete. The spending limit amount will be increased by 5 percent on an annual basis." The MOTION carried without negative vote.

### **Antique Boat Show Special Parking Approval**

President Whowell stated that the Antique Boat Show scheduled at the Abbey Harbor on September 23 and 24, 2006 is operated by a non-profit group and they requested approval of special parking provisions, including permission to park overnight. Last year the participants were charged \$2 for parking their boat trailers in the Village lot. Following discussion, the Board was in consensus that since it will be late in the season, a parking charge of \$3 for automobiles, and \$5 for automobiles with trailers will be charged for event participants, and parking will be allowed overnight.

Bromfield/O'Connell 2<sup>nd</sup> made a MOTION to approve a \$3 fee for automobiles and a \$5 fee for automobiles with trailers for overnight parking for participants of the Antique Boat Show, and the MOTION carried without negative vote.

### **Plan Commission – President Whowell**

#### **Par Development PIP Resolution, Condo Plat, Developer's Agreement**

Thorpe stated that following the conditional approval of the Plan Commission, and subsequent minor amendments to the proposed developer's agreement, the Village Board was in a position to act on three motions to finalize the approval process for the Cliffs of Fontana development on the Audino quarry site. Thorpe stated that per the terms of the developer's agreement, the project will be halted if the developers do not meet their submittal obligations or obtain the required permanent easements from neighboring property owners. Thorpe stated that the proposed Precise Implementation Plan Resolution is conditioned on the submission and approval of a compliant signage plan. Trustee Pollitt stated that although the Village does not have impact fees, if approved, the developers will be making a park fund contribution of about \$124,000.

Petersen/Bromfield 2<sup>nd</sup> made a MOTION to approve Resolution 08-07-06-02 as presented, and the MOTION carried without negative vote.

Pollitt/Bromfield 2<sup>nd</sup> made a MOTION to approve the condominium plat as submitted, subject to the execution of a mutually acceptable developer's agreement, and the MOTION carried without negative vote.

O'Connell/Bromfield 2<sup>nd</sup> made a MOTION to approve the developer's agreement as submitted, and the MOTION carried without negative vote.

### **Announce Public Hearings for August 28, 2006 Plan Commission Meeting**

President Whowell stated that public hearings will be held at the August 28, 2006 Plan Commission meeting for a Conditional Use Permit application filed by Craig and Tigrr Workman, 280 Stearns Road, to construct a single-family residence, and for proposed zoning amendment petitions filed by the Village for Sections 18-21 and 18-27 of the Municipal Code.

### **Protection Committee – Trustee Bromfield**

#### **Operator's License Applications Filed by Darin J. Lottig (Chuck's), Spencer M. Kronz (Gordy's) and Mary A. Chamberlain (Fontana Citgo)**

The three applicants all were cleared following background checks by the Police Department.

Bromfield/O'Connell 2<sup>nd</sup> made a MOTION to approve the Operator's License applications filed by Darin J. Lottig, an employee at Chuck's, Spencer M. Kronz, an employee at Gordy's, and Mary A. Chamberlain, an employee at Fontana Citgo, and the MOTION carried without negative vote.

#### **Increase Forfeitures for Possession of Marijuana, Paraphernalia**

Following a study of area municipalities by Lt. Brad Buchholz, the Protection Committee recommended increasing the Municipal Court forfeiture for possession of marijuana from \$361 to \$800 and the forfeiture for possession of paraphernalia from \$172 to \$550. Bromfield stated that the Protection Committee also is considering an increase for the forfeiture on second offenses for possession of marijuana and paraphernalia.

O'Connell/Bromfield 2<sup>nd</sup> made a MOTION to approve Ordinance 08-07-06-03 as presented, increasing the Municipal Court forfeiture for possession of marijuana from \$361 to \$800 and the forfeiture for possession of paraphernalia from \$172 to \$550, and the MOTION carried without negative vote.

#### **Update on Police Staffing Study**

Hayden-Staggs stated that Chief Olson has indicated he will have his information to Roy Lucke by August 15, 2006.

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

#### **Construction Project Updates**

Workman stated that the beach house is constructed and is open; however, there still are some building issues that have to be resolved. The intermission period is almost over for the Highway 67 construction project through the Village of Fontana, and grading work is continuing on sections of the highway between Williams Bay and Walworth. Phase two of the project through the Village will commence at the end of August. The main lift station construction project in Reid Park is experiencing more issues with the equipment that was added back into the project following the second referendum. Workman stated there have been delays in the delivery of the generator, speed drives and odor control equipment. The current delay in the delivery of the odor control 800-gallon vessel is preventing the completion of the ground level slab. Once the slab is poured, the contractor

will be able to commence construction on the new restroom and pavilion building. Workman stated that the contracts for the main lift station and the restroom/pavilion building in Reid Park will have to be amended to reflect new completion dates.

### **CDA – Trustee Turner**

#### **Third Avenue Ordinance – Two Way vs. One Way From Reid Street to the Alley (Tabled 07/10/06)**

Hayden-Staggs stated that the ordinance amendment is being proposed to designate Third Avenue as a one-way street from the public alley east to Lake Street. Third Avenue currently is designated a one-way street from Reid Street to Lake Street with traffic flow from the west to the east. Turner stated that there has been talk to make Third Avenue two-ways from the back of the Gordy's property so the residents who use the Park House can turn the automobiles to the west and avoid having to drive down to Lake Street before being able to turn back to the west. Following discussion, Trustees Pollitt and Petersen stated that the Board should wait until the season is over before making changes to the current traffic flow at the lakefront. Bromfield stated that he was informed that there may be a problem with designating a portion of a street one-way and another portion of the street two-way, and he suggested tabling the matter and he will obtain further information.

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

#### **Lakefront Survey With Ramaker (Tabled 07/10/06), Status Report**

Turner stated that the survey now is scheduled to be submitted to the Village by the end of the week. McHugh stated that the latest delay was to address defects in the initially submitted survey of the Village's lakefront property. Ramaker, the low bidder on the contract, initially submitted an incomplete survey that contained numerous errors. In response to questions from Trustee Pollitt regarding the delay in receiving the survey, why the survey is not including other property not owned by the Village and how it looks to the public, McHugh stated that the contract is for a feature survey for preliminary lakefront project planning. McHugh stated that the feature survey was proposed when construction problems came up on the lakefront during the beach house and storm sewer projects.

#### **Third Avenue Reconstruction Project**

Turner stated that the Third Avenue reconstruction project estimates were calculated by the Village engineering firm, and the \$2.9 million project total was verified for the September 12, 2006 referendum. Advertisements for bids for the Third Avenue project were scheduled to be published on August 10 and 17, 2006.

#### **Lakefront RFP Report**

Turner stated that RFP advertisements were placed for the lakefront project at the site of the current marine building being leased by Kevin Kirkland. The submission deadline for proposals is August 31, 2006.

### **Park Commission – Trustee Bidwill**

#### **Approval of Pioneer Park Crab Trees Issue Recommendation (Tabled 07/10/06)**

Bidwill stated that after the matter was referred back to the Park Commission, a subsequent recommendation was approved. The Park Commission recommended that John O'Neill be fined \$200 to cover the expense for the report completed by Wachtel Tree Science and Service, that the three trimmed crab trees be left to grow for the rest of the season, and if any of the trees die this winter, O'Neill has to pay for their replacement and the fertilization costs.

Bidwill/Bromfield 2<sup>nd</sup> made a MOTION to approve the Park Commission recommendation that John O'Neill be fined \$200 to cover the expense for the report completed by Wachtel Tree Science and Service, that the three trimmed crab trees be left to grow for the rest of the season, and if any of the trees die this winter, O'Neill has to pay for their replacement and the fertilization costs. The MOTION carried without negative vote.

### **Finance Committee – Trustee Pollitt**

#### **Personal Property Tax Write Off (Tabled 07/10/06), Resolution**

Trustee Pollitt stated the resolution takes the uncollectible personal property tax bills off the books. The 47 unpaid property tax bills are from 1999 through 2004. The resolution states that “this action in no way relieves the aforementioned taxpayer of their tax liability, should it be found that the taxes can be collected.”

Bromfield/Turner 2<sup>nd</sup> made a MOTION to approve Resolution 08-07-06-03 as presented, and the MOTION carried without negative vote.

**Lakefront and Harbor - Trustee O’Connell**  
**Beach House Grand Opening Celebration**

Following discussion, the Board reached the consensus that the grand opening celebration and open house event will be held on Labor Day Monday, September 4, 2006, from 10:00 am to noon.

**Fencing for Beach House Area**

O’Connell stated that a joint meeting of the Lakefront and Harbor Committee, Park Commission and CDA will be scheduled in order to discuss concerns with regard to the fence style initially selected for the beach house area.

**F/W WPCC-Trustee Petersen**

**Approval of FW/WPCC Contract 1-2006 for Sewer & Metering Manhole Additions**

Thorpe stated that he reviewed the proposed contract and following a couple minor revisions, it was in order for approval. Brad Lake of Strand Associates, Inc. submitted a letter August 7, 2006 that requested Thorpe’s further review of the agreement, bonds and insurance certificates, and expedited execution of the contract.

Petersen/O’Connell 2<sup>nd</sup> made a MOTION to approve FW/WPCC Contract 1-2006, subject to a final review by Thorpe, and the MOTION carried without negative vote.

**GLLEA – Trustee Pollitt**

**Status Report on Boats & Motors**

Pollitt stated that it was reported at the last meeting of the GLLEA Board that the Boston Whaler boat was inspected and repaired by the manufacturer under the terms of the warranty, and the problems with the Mercury motors also have been addressed.

**Request for Second Half of Annual Payment**

Pollitt stated that even though he is still not allowed to vote at the GLLEA Board meetings, he believes that he is working well with the group and he has been providing input at the monthly meetings. Pollitt stated that despite the unresolved issues, he recommends payment of the second half of the annual operating appropriation, which is approximately \$20,000. President Howell asked Pollitt if the GLLEA Board had brought up at its meeting an incident at the Trinke Estates marina, where 30 boats reportedly were vandalized. Bromfield stated that he had been informed of the incident and the Linn Township Police Department has not released any information on the incident. President Howell stated that he was concerned the incident appeared to have been a professional job and he wondered why all the lakefront residents were not alerted about the situation. Pollitt stated that he would inquire about the incident at the next meeting of the GLLEA Board.

Pollitt/Turner 2<sup>nd</sup> made a MOTION to approve the payment of the second installment to the GLLEA, and the MOTION carried without negative vote.

**Adjournment**

Bromfield/Pollitt 2<sup>nd</sup> made a MOTION to adjourn the meeting at 8:04 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis 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: 09/05/06