

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Tuesday, September 2, 2008

President Pollitt called the monthly 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: Turner, O'Connell, Spadoni, President Pollitt, Petersen, Kenny
Trustee absent: Lewis

Also present: Bob Allen, Ron Bender, Mary Beth Bromfield, Robert Village Administrator Kelly Hayden-Staggs, Rob Ireland, Cary Kerger, Library Director Nancy Krei, Jim Mann, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, George Nicossia, Building Inspector Ron Nyman, Sharon O'Brien, Village Attorney Dale Thorpe, Director of Public Works Craig Workman

Visitors Heard

Sharon O'Brien stated that she wanted to present an "Academy Award" for everyone involved with the Pig in the Park fund-raising event in Reid Park Saturday, August 30, 2008. O'Brien stated that she wanted to thank on behalf of the Park Commission all of the volunteers and all of the people, organizations and business owners who made the event a success. O'Brien stated that all of the trustees attended the event, which received gratifying support from everybody throughout the community. O'Brien stated that there are too many people to mention who helped with the event. Ron Bender asked about the market revaluation and was informed that it would be discussed later on the agenda. Turner stated that the path through the Hildebrand Nature Conservancy is overgrown with plants and it needs to be cut. Workman stated that the DPW crew last cut the path in July, and it will be added to the work list to be taken care of in the near future.

Announcements

Hayden-Staggs stated that Open Book will be held at Village Hall on Wednesday, September 3, 2008, from 9:00 am to 5:00 pm; the monthly meeting of the CDA will be held Wednesday, September 3, 2008 at 6:00 pm; Open Book will be held at Village Hall on Thursday, September 4, 2008, from 9:00 am to 4:00 pm and Saturday, September 6, 2008, from 9:00 am to Noon; the Partisan Primary Election will be held Tuesday, September 9, 2008, from 7:00 am to 8:00 pm; the Toddler Time Program will be held at the Fontana Public Library on Thursday, September 11, 2008 at 10:30 am; the Finance Committee will hold budget meetings on Thursdays, September 11 and 18, 2008 at 5:00 pm; the Ad Hoc Committee on Joint Services will meet at the Fontana Village Hall on Monday, September 15, 2008 at 4:00 pm; the Protection Committee will be meeting on Monday, September 15, 2008 at 5:00 pm; the Park Commission will be meeting on Wednesday, September 17, 2008 at 6:00 pm; the Joint Review Board will be meeting for the proposed TID Project Plan Amendment on Tuesday, September 23, 2008 at 5:00 pm; the Board of Review will be held Wednesday, September 24, 2008, from 2:00 to 4:00 pm; and the Plan Commission monthly meeting will be held Monday, September 29, 2008 at 5:30 pm.

Approval of Minutes

Petersen/Spadoni 2nd made a MOTION to approve the minutes for the monthly meeting held August 4, 2008, as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

Spadoni/Petersen 2nd made a MOTION to accept the Treasurer's Report for July 2008 and to place it on file for the audit, and the MOTION carried without negative vote.

CDA Full Accounting Statement

The accounting statement for the TIF District was distributed.

Turner/Kenny 2nd made a MOTION to accept the statement as presented, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Petersen/O'Connell 2nd made a MOTION to approve the Village and Utility Payables as submitted, and the MOTION carried without negative vote.

General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs Appoint Resident to Blue Ribbon Committee to Replace Susan Geye

President Pollitt stated that Allison Murray, who serves as the Village of Fontana Chief Election Inspector, has been nominated to replace Susan Geye on the Blue Ribbon Lakefront Building Committee.

President Pollitt/Turner 2nd made a MOTION to appoint Allison Murray to the Blue Ribbon Lakefront Building Committee to replace Susan Geye, and the MOTION carried without negative vote.

Water Service Agreement Changes Proposed by Village of Walworth

Hayden-Staggs stated that the Village of Fontana received a proposed change to the Reciprocal Emergency Water Service Agreement from the Village of Walworth. A proposed change would have to be approved by the Public Service Commission.

Spadoni/Turner 2nd made a MOTION to refer the proposed change to the Reciprocal Emergency Water Service Agreement submitted by the Village of Walworth to the Public Service Commission and to the Village of Fontana Public Works Committee for a recommendation. The MOTION carried without negative vote.

Report on Market Revaluation & Open Book

Hayden-Staggs stated that all the residential property assessments increased by an average of 46 percent following the recently completed Market Revaluation. Hayden-Staggs stated that the Village directed its assessment firm, Accurate Appraisal, LLC, to conduct the Market Revaluation after the Village fell out of compliance with the State Department of Revenue. Hayden-Staggs stated that the Wisconsin DOR sets the total valuation for each municipality based on real estate transactions. Following a Revaluation of the Village in 2005, the total assessment level of the Village dropped below the maximum allowable level of 98 percent the following year. By the time the Market Revaluation project commenced earlier this year, the total valuation of the municipality had dropped down to 74 percent of the equalized valuation of the Village as set by the state. Hayden-Staggs stated that the assessors used sales figures for the two-year period proceeding January 1, 2008 to determine the increased valuations. Turner stated that every year, the Wisconsin DOR reviews the real estate sales figures from each municipality and sets the equalized assessed value of each municipality by using those figures. Turner stated that if the total sales for the year are greater than the total assessed value, the state equalizes the assessment level. Spadoni stated that he understands the state dictates the revaluation process; however, the assessor should have come to a Village Board meeting to educate the trustees prior to the reassessment notices being sent out. Spadoni stated that if the assessor would have explained the increase in the total valuation of the Village, the trustees would have been better prepared to answer questions from property owners after they received the assessment increase notices. Spadoni stated that the Village also should schedule the Board of Review to conduct hearings after the initially scheduled date of Wednesday, September 24, 2008, from 2:00 to 4:00 PM because the Board of Review will not be able to complete all of the hearings during the scheduled time. Spadoni stated that he is planning to have an attorney and some Realtors represent him before the Board of Review and his hearing will take at least one hour. Hayden-Staggs stated that she wanted to reiterate that just because a property owner's assessment increased by a certain percentage, that same increase level will not be reflected on the tax bill. Hayden-Staggs stated that with the total valuation of the Village increasing by \$400 million, the tax rate will be significantly lower than last year. Thorpe stated that people should keep in mind that the state dictates what the assessed value of the Village has to total and the assessor uses sales figures to increase the individual assessments to bring the Village up to that level. Thorpe stated that the Village Board does not have

a lot of discretion when it comes to the assessment level set by the state. Thorpe stated that a few years ago, the Village unsuccessfully attempted to challenge the equalized value established by the state. Hayden-Staggs stated that the property owners should attend one of the three Open Book sessions to review with one of the assessors the assessment and comparable sales information for their property. Mary Beth Bromfield stated that she has been contacted by many residents who do not understand the market revaluation or their assessment increases. Hayden-Staggs stated that those residents and property owners who do not understand the letter they received with their assessment notices should call the Village Hall for an explanation. George Nicosia stated that he has sales figures that indicate that Village total valuation should be decreasing because the sale prices are lower than the assessed values of the properties sold. President Pollitt stated that the assessor provided the sales report from the state that has 13 pages of real estate transactions, and none of the sales listed were for less than the assessed values of the properties.

Bond Sale – Schedule Special Meeting

Ehlers & Associates Vice President Jim Mann stated that the Village has to wait until after the proposed amendment to the Project Plan for Tax Increment Financing District No. 1 receives approval to finalize the bond sale because borrowing for the Kinzie Avenue road reconstruction project is included with the bonding proposal. The Joint Review Board is scheduled to meet on Tuesday, September 23, 2008 beginning at 5:00 PM.

Turner/Spadoni 2nd made a MOTION to schedule a special meeting of the Village Board to finalize the proposed bond sale for Thursday, September 25, 2008 beginning at 5:30 PM, and the MOTION carried without negative vote.

731 Aweogon Raze Order Update

Hayden-Staggs stated that the hearing has been set in Walworth County Circuit Court for the claim filed by American Home Mortgage Servicing, Inc. with regard to the raze order issued by the Village for the Klauser residence at 731 Aweogon Road.

Equalization Report

The agenda item was covered under the “Report on Market Revaluation & Open Book” agenda item.

Triathlon Update

Hayden-Staggs stated that volunteers are needed to help collect parking fees from Triathlon participants. Volunteers will begin working at 4:00 AM at the event scheduled for Saturday, September 6, 2008.

Protection Committee – President Pollitt Update

President Pollitt stated that the monthly meeting was very short and there was nothing new to present to the Village Board.

Plan Commission – Trustee Spadoni

Tax Incremental District No. 1 Project Plan Amendment Review

Jim Mann stated that the proposed amendment to the Project Plan for Tax Increment Financing District No. 1 addresses two projects; however, the proposal does not expand the previously approved spending authority or the TID boundaries. Mann stated that the first aspect of the proposed text amendment seeks authority to add the reconstruction of Kinzie Avenue to the Highway 67 project because of related storm water runoff problems that were created when the highway was reconstructed in 2005. Mann stated that a report from Village engineering firm Ruckert-Mielke, Inc., verifies that the storm water runoff problems occurring on Kinzie Avenue were created when Highway 67 was reconstructed. Mann stated that since the Kinzie Avenue project area is located within one-half mile of the TID boundaries and the project is related to a previously approved TIF project, it is eligible for TIF funding. Mann stated that there are enough funds in the previously approved spending authority to finance the Kinzie Avenue infrastructure project. Mann stated that the second aspect of the proposed amendment to the Project Plan is a text amendment to the previously approved lakefront building project. Mann stated that the text amendment clarifies the potential scope of the Lakefront Tourism and Activity Center. Mann stated that the initially approved Project Plan features very generic language with regard to the proposed lakefront building. Mann

stated that the legal counsel for the Community Development Authority recommended the text amendment regarding the proposed lakefront building. The proposal for the new lakefront building to replace the current marina building is in the preliminary stages of planning by the Village of Fontana Blue Ribbon Lakefront Building Committee.

Village Board Action Regarding the Proposed Project Plan Amendment of Tax Incremental District No. 1 in the Village of Fontana on Geneva Lake, Wisconsin (See the Resolution “Amending, Describing and Making Certain Findings for Approving Project Plan Amendment for Tax Incremental District No. 1, Village of Fontana on Geneva Lake, Wisconsin”)

Spadoni stated that the Plan Commission held a public hearing and recommended approval of the proposed amendment to the Project Plan for Tax Increment Financing District No. 1 as presented. Spadoni/O’Connell 2nd made a MOTION to approve Resolution 09-02-08-01, amending, describing and making certain findings and approving Project Plan amendment for Tax Incremental District No. 1, Village of Fontana on Geneva Lake, Wisconsin, as presented. The MOTION carried without negative vote.

Lakefront Zoning Ordinance Amendment Approval

Spadoni stated that following the third public hearing on the proposed minor amendments to the lakefront zoning ordinance, the Plan Commission recommended approval of the proposed amendments as presented.

Spadoni/Turner 2nd made a MOTION to approve Ordinance 09-02-08-01 as presented, and the MOTION carried without negative vote.

Salt H2O Chick BSOP Approval

Spadoni stated that the Plan Commission recommended approval of the Building, Site and Operational Plan filed by Michelle Peterson with eight conditions. Spadoni stated that he would like two more conditions added to the recommended approval: that any other temporary sign requests not listed shall fall under the terms of the Municipal Code at the time of the application and may be approved by the Building and Zoning Department; and that “open” signage shall be allowed as described in the Municipal Code. The other eight conditions recommended by the Plan Commission are:

1. Provisions shall be incorporated into the BSOP within five days of the Plan Commission meeting date to allow for either residential use or commercial use of the upper units.
2. Proposed signage shall be made in accordance to the Village of Fontana Municipal Code. 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. Future proposed modification of signage shall be proposed through a BSOP amendment approved by the Village of Fontana.
3. The existing parking area may be repaved/resurfaced and at such time shall be paved and striped according to the requirements of the Fontana Municipal Code. Future additional parking modifications shall be proposed through a BSOP amendment approved by the Village of Fontana.
4. The lighting plan shall consist of the three existing exterior on-building lights, and may also include new exterior illumination of signage, and solar-powered motion-sensor landscape lighting. All lighting, with the exception of motion-sensor landscape lights, must be extinguished no later than 10:00 pm. Future additional lighting shall be proposed through a BSOP amendment approved by the Village of Fontana.
5. An interior site plan shall be provided prior to the issuance of any signage permits.
6. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of any interior construction. BSOP approval shall not alleviate the applicant from securing all required permits.
7. All outstanding cost recovery billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

8. A Certificate of Compliance shall be applied for and an inspection scheduled within 15 days of approval of this BSOP. The Certificate of Compliance shall be subject to the terms and conditions of Section 18-304(d) of the Village of Fontana Municipal Code.

The first condition was fulfilled prior to the Plan Commission meeting.

President Pollitt/Kenny 2nd made a MOTION to approve the Building, Site and Operational plan as submitted for Salt H2O Chick, 138 Fontana Boulevard, with the following nine conditions:

1. Any other temporary sign requests not listed shall fall under the terms of the Municipal Code at the time of the application and may be approved by the Building and Zoning Department.
2. “Open” signage shall be allowed as described in the Municipal Code.
3. Proposed signage shall be made in accordance to the Village of Fontana Municipal Code. 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. Future proposed modification of signage shall be proposed through a BSOP amendment approved by the Village of Fontana.
4. The existing parking area may be repaved/resurfaced and at such time shall be paved and striped according to the requirements of the Fontana Municipal Code. Future additional parking modifications shall be proposed through a BSOP amendment approved by the Village of Fontana.
5. The lighting plan shall consist of the three existing exterior on-building lights, and may also include new exterior illumination of signage, and solar-powered motion-sensor landscape lighting. All lighting, with the exception of motion-sensor landscape lights, must be extinguished no later than 10:00 pm. Future additional lighting shall be proposed through a BSOP amendment approved by the Village of Fontana.
6. An interior site plan shall be provided prior to the issuance of any signage permits.
7. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of any interior construction. BSOP approval shall not alleviate the applicant from securing all required permits.
8. All outstanding cost recovery billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
9. A Certificate of Compliance shall be applied for and an inspection scheduled within 15 days of approval of this BSOP. The Certificate of Compliance shall be subject to the terms and conditions of Section 18-304(d) of the Village of Fontana Municipal Code.

The MOTION carried without negative vote.

CDA – Trustee Turner

Kinzie Avenue Change Order No. 1 – Lighting

Turner stated that by purchasing the lights directly for the project, the Village will be saving \$2,254 on the contract.

Turner/Petersen 2nd made a MOTION to approve Change Order No. 1 as recommended for the Kinzie Avenue Reconstruction contract with Odling Construction, contingent on approval by the CDA Board. The MOTION carried without negative vote.

Third Avenue Change Order No. 1 – Lighting

Turner stated that by purchasing the lights directly for the project, the Village will be saving \$8,200 on the contract.

Turner/Spadoni 2nd made a MOTION to approve Change Order No. 1 as recommended for the Third Avenue Project contract with Mann Brothers, Inc., contingent on approval by the CDA Board. The MOTION carried without negative vote.

Porter Court Plaza Changer Order No. 2 – Concrete Work

Turner stated that the proposed change order is to authorize the installation of a concrete walk and a railing along the north side of the FairWyn Ltd. commercial building to connect to the plaza, and to change plant types due to availability. Part of the additional expenses will be paid by FairWyn Ltd. developer Brian Pollard.

Turner/Petersen 2nd made a MOTION to approve Change Order No. 2 as recommended for the Porter Court Plaza contract with Mann Brothers, Inc., contingent on approval by the CDA Board. The MOTION carried without negative vote.

Porter Court Plaza Pay Request

Turner stated that Pay Request No. 6 for the contract totals \$7,113 and staff recommended approval. Turner/Petersen 2nd made a MOTION to approve Pay Request No. 6 for the Porter Court Plaza contract as recommended, contingent on approval by the CDA Board. The MOTION carried without negative vote.

Dade/Wild Duck Change Order & Pay Request

Turner stated that the proposed Change Order No. 3 for the project is to authorize extra compacting in the roadway, bridge sub-footing and asphalt curb. The proposal calls for a net increase to the contract of \$25,430. McHugh stated that including the proposed change order, the contract is still within the initial budget.

Turner/Kenny 2nd made a MOTION to approve Change Order No. 3 as recommended for the Dade Avenue and Wild Duck Road Reconstruction contract with Mann Brothers, Inc., contingent on approval by the CDA Board. The MOTION carried without negative vote.

Beach Fence Recommendation & Pay Request

Turner stated that Century Fence Company submitted a pay request totaling \$51,718 for the beach fence contract and Village engineering firm Ruekert-Mielke recommended payment of the request. Turner stated that Pay Request No. 2 covers the portion of the fence along the road – a portion of which was not installed to contract specifications. There were sections of the fence and the gates that were installed in a “stepped” method, contrary to the contract specifications. There would still be a contract retainer of \$4,503 and 300 feet of fence installation not yet paid for, if Pay Request No. 2 is approved. Turner stated that the fence installation costs are much cheaper if the fence is installed in a stepped method, and not racked. Turner stated that the Village should consider not authorizing the payment of any further pay requests for the contract until a cost analysis is prepared to show how much cheaper it is to install the fence in the stepped method, instead of per contract specifications. Thorpe stated that the terms of the contract are very clear and Century Fence Company did not adhere to the contract. Petersen stated that the contract was awarded to Century Fence Company because it was the low bid submitted. Petersen stated that the other companies that bid for the project could have submitted less costly bids if they were to not follow the contract specifications. Spadoni stated that the Village should not pay a dime more to Century Fence Company until the contract is adjusted or the fence installation is corrected. O’Connell stated that if Ruekert-Mielke is recommending payment of the pay request for work not completed according to contract, then the engineering firm should pay the bill.

Spadoni/O’Connell 2nd made a MOTION to deny approval of Pay Request No. 2 submitted by Century Fence Company for the Beach Fence Contract, and discussion followed.

Thorpe stated that portions of the fence are not functioning properly because of the installation method chosen by Century Fence Company. Turner stated that the Village is due a credit on the contract and nothing further should be paid until the problem is solved. Spadoni stated that by approving a motion to deny the pay request, the Village Board would be sending Century Fence Company a strong message. Thorpe stated that if the Village Board were to table action that night, Village staff may be able to work with Century Fence Company to rectify the situation prior to next month’s meeting.

Petersen/Turner 2nd made a MOTION to TABLE the MOTION ON THE FLOOR, and the MOTION was approved on a 4-2 vote, with Trustees O’Connell and Spadoni voting no and Trustee Lewis absent.

Duck Pond Recreation Area Phase 1 Landscaping Contract Pay Request

Turner stated that PTS Landscaping, Inc., submitted a pay request totaling \$9,584 for the Duck Pond Recreation Area Phase 1 Landscaping contract, and staff recommended approval as submitted. Turner/Kenny 2nd made a MOTION to approve Pay Request No. 2 totaling \$9,584 submitted by PTS Landscaping, Inc., for the Duck Pond Recreation Area Phase 1 Landscaping contract as

recommended, contingent on approval by the CDA Board. The MOTION carried without negative vote.

Project Updates

Turner stated that the Village Board members should tour the Third Avenue area to observe the view without the overhead utility lines. Turner stated that the spaghetti-like view that is produced by overhead utility lines is no longer present in the construction area. Turner stated that the project budget may not be large enough to finish off the burial of all the utility lines in the lakefront area, but there may be some funds left to expand the project.

Public Works – Trustee Petersen

208 Dewey Raze Discussion

Workman stated that the Village received proposals from Robert Stewart Excavating, Inc. and from Down to Earth Contractors to raze the residence and garage at 208 Dewey Avenue. Hayden-Staggs stated that the Village Board may want to consider waiting another month prior to acting on the raze proposals so the Village can determine if there is any interest in moving the residential structure to another site. Turner stated that the Village also should clarify the two proposals and make sure site restoration and concrete removal services are included in the bids.

Turner/O’Connell 2nd made a MOTION to direct the Village staff to have the proposals received from Robert Stewart Excavating, Inc. and Down to Earth Contractors to raze the residence and garage at 208 Dewey Avenue clarified and amended to include all the site restoration work and the removal of the concrete, and to direct Village staff to determine if there is any interest in moving the residential structure to another site. The MOTION carried without negative vote.

Timber Trail Change Order No. 1

Workman stated that the Public Works Committee recommended approval of a change order to the Timber Trail and Indian Hills Road Reconstruction contract with Reeseman’s Excavating & Grading, Inc., that calls for a decrease of \$80,432. The decrease in the initial contract is proposed because smaller diameter HDPE pipe is required for a pump driven system. The initial contract called for a gravity sewer system; however, to install the gravity sewer system in the area would require extensive excavation work – up to 30 feet deep. Workman stated that a gravity sewer system is foolproof and it is the most reliable system, but the project budget is not large enough to fund the excavation costs. In response to questions, Workman stated that the pump system is an adequate system, but pumps can wear out or fail on occasion. Workman stated that if a pump goes down, there are contingency plans in place until the problem is corrected. Petersen stated that the pump system will service a very small portion of the road and it will function fine on the few days each year when water accumulates in the area. Spadoni stated that if the Village is undertaking an infrastructure project of any scope, the construction methods should be the highest quality option available to complete the project right the first time.

Turner/President Pollitt 2nd made a MOTION to approve Change Order No. 1 for the Timber Trail Drive and Indian Hills Road Reconstruction contract as recommended by the Public Works

Committee, and the Roll Call vote followed:

O’Connell – Yes

Spadoni – No

President Pollitt – Yes

Petersen – Yes

Kenny – Yes

Turner – Yes

The MOTION was approved on a 5-1 vote.

Project Updates

Workman stated that the water main pipe has been laid on the Timber Trail project and everything is going according to plan.

Compost Advisory Committee Update

Workman stated that the Compost Advisory Committee met twice and it would like a straw vote of the Village Board members on the direction the committee is considering. Workman stated that following

discussion, the committee members were in consensus that the Village should initiate a one-year pilot program to determine the effectiveness of having an outside contractor administer the compost operations. Workman stated that Blackstone Landscaping has indicated it would like to have a person manage the facility and sell compost for profit. Workman stated that residents still would not be charged to drop off compost; however, all contractors would be charged a dumping rate no matter where the compost material would be collected. Following discussion, the Village Board members were in consensus that the option should be explored, but provisions should be made in the potential agreement to allow the Village to opt out of the program at any time.

Trustee Turner left the meeting at 7:40 PM.

Park Commission – Trustee Lewis

Pig in the Park Report

Hayden-Staggs stated that the fund-raising event was a great success. The weather was perfect and the list of volunteer workers and business sponsors is too long to mention everybody. Hayden-Staggs stated that total revenue raised was close to \$10,000, but there are still expenses to pay for the event T-shirts and beer. Hayden-Staggs stated that the Big Foot Loins Club also will be voting on a proposed allocation for the Little Foot Playground renovation plan.

South Main Street Culvert Reconstruction

Workman stated that Down to Earth Contractors submitted a proposal to perform the required culvert reconstruction work on South Main Street for \$3,000 to \$4,200. The Park Commission has secured a WHIP grant for the project to restore Van Slyke Creek into a healthy trout habitat. Workman stated that the proposal did not provide an exact price quote because there is uncertainty with regard to stabilizing the slope of the roadway during and after the reconstruction project. Workman stated that once the initial hole is dug, the slope stabilization method will be determined.

Petersen/Kenny 2nd made a MOTION to approve the proposal from Down to Earth Contractors at a price not to exceed \$4,200, and the MOTION carried without negative vote.

F/W WPCC – Trustee Petersen

2009 Land Lease Agreement Approval – Ron Ellis

Petersen stated that the Fontana-Walworth Water Pollution Control Commission Board of Directors voted to increase the rent for the annual lease of the commission's agricultural land to Ronald Ellis from \$115 to \$120 per acre.

Spadoni/O'Connell 2nd made a MOTION to approve the 2009 land lease with Ronald Ellis as recommended by the Fontana-Walworth Water Pollution Control Commission Board of Directors, with the rent set at \$120 per acre, and the MOTION carried without negative vote.

Finance – President Pollitt

Budget Schedule

President Pollitt stated that the meeting schedule for the 2009 budget process has been distributed and he asked the Village Board members to add the dates of the joint meetings to their calendars.

Lake Geneva CVB

Cary Kerger stated that the representatives of the Abbey Resort met with President Pollitt and Hayden-Staggs to discuss the proposal to have the Village of Fontana divert some its room tax revenue to the Lake Geneva Convention and Visitors Bureau. Kerger stated that if the Village authorizes the funding, the Abbey Resort and other local businesses will be able to take advantage of the Lake Geneva CVB marketing programs. Kerger stated that with the added marketing exposure, the Abbey Resort will be able to increase its occupancy rate and the room tax that it pays to the Village. Kerger stated that the Abbey has agreed to contribute a percentage of the CVB municipality fee until the total reaches a level of 16 percent of the total room taxes collected by the Village. Kerger stated that if the room tax revenue does reach the level of commitment required by the CVB, the Abbey Resort will pay for the shortfall. President Pollitt stated that the Finance Committee reviewed the proposal and recommended approval of the tiered contribution schedule that calls for the percentage of increment to be applied to the CVB fee on a decreasing scale of 75 percent, 70 percent, 65 percent, 60 percent, 55 percent, 50 percent and 44 percent as the total level of room tax revenue increases. Turner stated that he favored the proposal as long as the Village will be covered by

the Abbey if the actual room tax revenue does not reach the level of commitment. Thorpe asked if there will be a letter of agreement to make the proposal official. Kerger stated that the Village of Fontana will need to sign an agreement with the Lake Geneva CVB for the initial investment, and another agreement will have to be signed between the Village and the Abbey Resort. Spadoni stated that he favors the proposal because all of the local businesses will benefit from the additional marketing in the Chicago area.

President Pollitt/Spadoni 2nd made a MOTION to approve the Finance Committee recommendation for the Lake Geneva Convention and Visitors Bureau room tax contribution as presented, with the condition that the proposed agreements between the Village and the Lake Geneva Convention and Visitors Bureau and between the Village and the Abbey Resort are reviewed by the Village attorney. The MOTION carried without negative vote.

Lakefront and Harbor – Trustee O’Connell

O’Halleran Rip Rap

O’Connell stated that the Lakefront and Harbor Committee recommended approval of the submission of Wisconsin Department of Natural Resources permit application for Biological Shore Erosion Control for the Village owned property located adjacent to the O’Halleran residence at 606 S. Lakeshore Drive.

O’Connell stated that the O’Halleran’s also have to submit an application to the Wisconsin DNR for the rip rap project and have to secure Village of Fontana building permits to correct the encroachment situation on the Village property. O’Connell stated that the Lakefront and Harbor Committee voted to recommend approval of the rip rap plan as presented with the conditions that double permit fees be charged, that two 14-foot log spurs proposed to be anchored into the lake bed are excluded from the plan and that the portion of the plan that is in the creek is excluded from the plan.

Spadoni/President Pollitt 2nd made a MOTION to approve the Village’s filing of a Wisconsin Department of Natural Resources application for Biological Shore Erosion Control Permit as recommended by the Lakefront and Harbor Committee, and to charge double fees to the O’Hallerans for the Village of Fontana building permits required to complete the rip rap project and encroachment rectification plan with the conditions that the two log spurs depicted in the rip rap plan are excluded and that the portion of the encroachment rectification plan that is in the creek is excluded from the plan. The MOTION carried on a 3-2 vote, with Trustees O’Connell and Spadoni voting no and Trustees Turner and Lewis absent.

GLLEA – President Pollitt

Update

President Pollitt stated that one of the patrol boats was recently taken out of service for required repairs.

President Pollitt stated that the GLLEA Board is considering purchasing other boats and exploring alternatives for the manufacturer to repair the out-of-service patrol boat. In response to a question, President Pollitt stated that the GLLEA Board is rewriting the policy for ride-along requests and it will be presented to the GLLEA Board for consideration.

Joint Services Ad Hoc Committee – Administrator Hayden-Staggs

Municipal Court Update

Hayden-Staggs stated that at the last committee meeting the members stated that an agreement to combine the municipal courts may still be viable, despite statements to the contrary that were made by Village of Walworth elected officials in a recent newspaper article. Hayden-Staggs stated that the Village of Walworth elected officials who were quoted in the newspaper article stated that they were misquoted.

Fire & Rescue Update

Hayden-Staggs stated that the committee is still studying the issues of combining the fire and rescue services.

Blue Ribbon Committee on Lakefront Building – Trustee Lewis

Survey Distribution Update

McHugh stated that the Blue Ribbon Committee members voted to finalize a public opinion survey that will be mailed out to all property owners and residents. McHugh stated that the surveys will be due back to the Village by September 26, 2008 and the Blue Ribbon Committee will meet Thursday, October 9, 2008 to compile the results.

Pending Items for Future Agendas

1. Fontana Fen Property Line Delineation

Adjournment

Spadoni/O'Connell 2nd made a MOTION to adjourn at 7:56 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: 10/6/2008