

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

MONTHLY MEETING (Continued) of the VILLAGE BOARD

Monday, September 12, 2005

President Whowell called the continued monthly meeting of the Village Board to order at 7:15 pm in the Conference Room of the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call: Bromfield, President Whowell, Petersen, Larson, Pollitt, Turner, O'Connell

Also present: Ken Bell, Village Administrator Kelly Hayden-Staggs, Librarian Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Interim Executive Director Joseph McHugh, Police Chief Steve Olson, Sharon O'Brien, Carol O'Toole, Paul Sloth, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs announced that the third Open Book session was scheduled for Tuesday, September 13, from 9 am to 4 pm, the next monthly Plan Commission meeting will be held Monday, September 26, 2005, at 6 pm, and the Board of Review is scheduled for Friday, September 30, 2005, from 9 am to 11 am.

Approval of Minutes

Trustee Bromfield/Trustee Turner 2nd made a MOTION to approve the minutes for the September 6, 2005 Special Joint Meeting, and the MOTION carried without negative vote.

Approval of Payables

Trustee Pollitt/Trustee Petersen 2nd made a MOTION to approve the submitted payables, and the MOTION carried without negative vote.

Public Works - Trustee Petersen and Public Works Director Workman

Lead Pay Approval

Workman recommended the payment of the quarterly lead pay for Ron Adams and Dennis Barr. Village Board members stated that they are disappointed with the lack of cooperation the DPW employees are showing with regard to the unsettled union contract negotiations, and wondered if the lead pay should be approved, but not paid until the union contract is settled. Workman suggested that the Village Board approve the Lead Pay as usual because a number of factors have played into the delay in getting the union contract settled. Workman stated that he will urge the DPW employees to expedite the negotiation of a new contract.

Trustee Petersen/Trustee Bromfield 2nd made a MOTION to approve the quarterly Lead Pay for Ron Adams and Dennis Barr, and the MOTION carried without negative vote.

Brian Ptacek Resignation

Petersen stated Ptacek resigned because he will be relocating for two years.

Trustee Petersen/Trustee Turner 2nd made a MOTION to accept the resignation, and the MOTION carried without negative vote.

Public Works Committee Appointment

Petersen stated the committee recommended the appointment of Fontana resident Marvin Sollar to replace Ptacek. Sollar has experience in the construction and water industries.

Trustee Petersen/Trustee Turner 2nd made a MOTION to approve the appointment of Marvin

Sollar to the Public Works Committee, and the MOTION carried without negative vote.

Consider Finance Committee Recommendation on O'Toole Sewer Backup Claim

Finance Committee Chairman Pollitt stated that the committee voted to deny the request from Carol O'Toole, 350 S. Lower Gardens Road, to pay the \$4,899 difference that Midwest Claims deducted for eight years of depreciation in its settlement offer for the May 10, 2005 incident. The basement at the O'Toole residence sustained damage when the sewer backed up. Pollitt stated that the Finance Committee members determined that if they were to consider reimbursing O'Toole for the \$4,899 depreciation amount, they would have liked to have received more than one bid for the work required to restore the basement. Pollitt stated that if competitive bids were received, the Finance Committee would reconsider its initial decision to deny the request. The Finance Committee also is concerned that if the Village approves the O'Toole request, it would set a bad precedent, especially without the submittal of multiple bids. Turner stated that his first reaction after hearing O'Toole's explanation why her personal home owner's insurance policy did not cover the incident and why she did not get more than one bid for the restoration work was that the Village and O'Toole should split the \$4,899 difference. Trustees Petersen and Larson and President Whowell stated that they agreed with Turner that the difference should be split since the Village should bear some of the responsibility for the situation. Hayden-Staggs cautioned the Village Board that it had denied water related claims in the past, and if they approved a payment to O'Toole it would be setting a bad precedent. Hayden-Staggs stated that if the village did not have the special sewer backup policy, O'Toole would not have even received the initial settlement offer from Midwest Claims. President Whowell asked O'Toole if she would consider the Board's offer to pay half of the \$4,899 difference, and O'Toole stated that she would.

Trustee Bromfield/Trustee Turner 2nd made a MOTION to pay half of the \$4,899 depreciation figure, and the MOTION carried on a 5-2 vote, with Trustees Pollitt and O'Connell voting no.

Mill Street Project Update

Workman stated that there were sweeping issues that had to be resolved, but the new surface was ready to be paved and striped later in the week.

Main Street Project Update

Workman stated that there were sweeping issues with the Main Street Project that had to be resolved, but the new surface also was ready to be paved and striped later in the week.

Main Lift Station Project Update

Workman stated that bids are being advertised for the project, and they initially were scheduled to be opened on Thursday, September 22, 2005. There were about 20 requests for the project specifications. Since the specifications for the project are very lengthy, Workman was given permission to allow potential bidders one more week to submit their bids. In response to a question, Workman stated that the new lift station will provide more storage capacity and reliability.

Fontana Boulevard Project Update

The project, which includes the laying of new storm sewer, water main and force main lines, has been put out for bids. The bids are scheduled to be opened on September 29, 2005.

Hillcrest Project Update

Workman reported that Mann Brothers is doing a fine job, and the project is going according to schedule. A blacktop and binder surface will be laid in mid-October and the project will be finished in the spring.

Fontana-Walworth Water Connection

Workman stated that the second round of bids for the project, solicited through the Village of Walworth, were opened. One of the bids, from Wilkum, was at budget, but the other three received were way over budget. Workman stated they will work with the Wilkum bid and bring a contract back to the Village Board for approval.

Lakefront and Harbor - Trustee O'Connell

Profit/Loss Statement for Fourth of July Weekend

O'Connell stated that the statement was redrafted to contain the entire weekend period. Total revenue from beach, concessions, the launch and parking lot totaled \$17,483, expenses totaled \$13,085, and the net income to the Village was \$4,398.

Austin Pier Contract Approval

O'Connell stated that only one bid was received, from Austin Pier, when the Lakefront and Harbor Committee put out an RFP for the pier installation and removal contract. The two-year contract proposal calls for a 9 percent rate increase. Hayden-Staggs stated that the contract includes the provision that Austin Pier will transport the piers to the Duck Pond area for winter storage, instead of at the traditional spot in the triangle parking lot located adjacent to the Main Lift Station.

Trustee Turner/Trustee Larson 2nd made a MOTION to approve the two-year contract with Austin Pier, and the MOTION carried without negative vote.

Pier Permit Approval for Asim Puskar

O'Connell stated that the DNR and Lakefront and Harbor Committee approved the permit and she recommended Village Board approval.

Trustee O'Connell/Trustee Bromfield 2nd made a MOTION to approve the pier permit filed by Asim Puskar, and the MOTION carried without negative vote.

General Business – President Whowell

Vote on No Launching at Lakefront Marina Building

President Whowell stated that although a consensus was reached at a previous joint meeting of the Village Board, CDA, Plan Commission and Park Commission, the decision to no longer allow launching at the Village's marina building had to be voted on by the Village Board.

Trustee Turner/Trustee Bromfield 2nd made a MOTION to not allow launching at the new lakefront marina building, and the MOTION carried on a 5-1 vote, with Trustee O'Connell voting no and President Whowell abstaining.

Ordinance Revision Regarding Tree Permit Fee Schedule and Other Related Building Fees

McCarthy stated the Building and Zoning Department has not received any input during the last several months from the Plan Commissioners who objected to the initially presented Tree Permit Fee Schedule, which was tabled when the tree ordinance was adopted. McCarthy stated that the Building and Zoning Department needs some type of fee schedule in order to issue permits for the adopted ordinance. Some of the trustees suggested amendments with regard to large parcels, but the Board decided to adopt the fee schedule and amend it, if necessary. McCarthy stated that the other related building fees proposal is to establish an administration fee to help offset the time and work involved for research and reviewing raze and rebuilding proposals. The proposal also calls for establishing a reinspection fee of \$50 an inspection, plus time; an administration fee of \$100 for 1-2 Family residences; a \$150 fee for administration on commercial projects; and an hourly rate for professional fees not to exceed \$85 an hour.

Trustee O'Connell/Trustee Turner 2nd made a MOTION to approve Ordinance 09-12-05-03, and the MOTION carried without negative vote.

Trustee Turner/Trustee O'Connell 2nd made a MOTION to approve the other related building fees as presented, and the MOTION carried without negative vote.

GLLEA Audit

President Whowell stated that the Village received a proposal to audit the Geneva Lake Law Enforcement Agency financial books for one year at a ballpark range of \$9,000 to \$16,000. Since the estimate is more expensive than initially anticipated, the Board will reconsider its proposal to have the Village of Fontana pay entirely for the contract to complete a first-ever audit of the GLLEA books. President Whowell stated he had hoped to gain support from the other municipalities that comprise the GLLEA; however, none of the other officials have expressed an interest to audit the financial records of the organization which receives substantial tax funds from the villages of Fontana and Williams Bay, the city of Lake Geneva and Linn Township. President Whowell referred the matter to the Finance Committee for a recommendation.

F/W WPCC-Trustee Petersen

Approve Lease of Commission Agriculture Land to Ellis Farms, Inc.

Petersen stated that the proposed lease calls for a 3 percent increase. The land has been leased to Ellis Farms for several years.

Trustee Petersen/Trustee Bromfield 2nd made a MOTION to approve the lease as presented, and the MOTION carried without negative vote.

Protection Committee - Chief Olson

Operator’s License Approval for Sarah C. Hardwick and Camelia Miller (Rollette Oil)

Protection Committee Chairman Bromfield stated that both applicants did not have any concerns with regard to their background checks and applications.

Trustee Bromfield/Trustee O’Connell 2nd made a MOTION to approve the issuance of Operator’s Licenses to Sarah C. Hardwick and Camelia Miller, and the MOTION carried without negative vote.

Parking Lot Municipal Code Enforcement Ordinance Amendment Approval

The proposed ordinance authorizes the Police Department to issue citations in municipal parking lots.

Trustee Bromfield/Trustee Petersen 2nd made a MOTION to approve Ordinance 09-12-05-01 as presented, and the MOTION carried without negative vote.

Ordinance Proposal for Recreational Burning

Following discussion, the Village Board favored approval of the ordinance recommended by the Protection Committee with two amendments. The first amendment was to add the phrase, “with the exception of recreational fires,” and the second amendment was to eliminate two proposed sentences that required people to notify the Police Department or an officer of the Fire Department prior to starting recreational fires.

Trustee Bromfield/Trustee Turner 2nd made a MOTION to approve Ordinance 09-12-05-02 with two amendments, the addition of the phrase “with the exception of recreational fires,” and the elimination of two proposed sentences that required people to notify the Police Department or an officer of the Fire Department prior to starting recreational fires, and the MOTION carried without negative vote.

Plan Commission – President Whowell

Floodplain Ordinance Approval

The Plan Commission recommended approval of the floodplain ordinance as presented, with the condition two minor language amendments receive approval from the Department of Natural Resources. Adoption of the ordinance is the first step in making the Village eligible for the FEMA National Flood Insurance Program, which was requested by Abbey Ridge property owners.

Trustee Turner/Trustee O’Connell 2nd made a MOTION to approve Ordinance 09-12-05-04, with the condition that two language amendments receive approval from the Wisconsin Department of Natural Resources, and the MOTION carried without negative vote.

Segura Raze or Repair Order

The Plan Commission recommended authorizing Village staff members to initiate the Raze or Repair Order process for the Segura property at 173 Fontana Avenue.

Trustee Petersen/Trustee Turner 2nd made a MOTION to approve the issuance of a Raze or Repair Order to Robert and Tina Segura, owners of buildings located at 173 Fontana Avenue, and the MOTION carried without negative vote.

Discussion, Consideration of 30-Day Moratorium on Accepting Applications for Conditional Use Permits Under the Nonconforming Lot Ordinance

Trustees O’Connell and Larson proposed the moratorium on accepting applications for conditional use permits under the Nonconforming Lot Ordinance to provide the Village time to amend the ordinance. Village Attorney Dale Thorpe previously suggested a 90-day time period in order to give the officials time to amend the ordinance, which would require an amendment to the zoning code. Thorpe also previously stated that if favored, the moratorium should be established with a Village Board resolution.

Trustee Turner/Trustee O'Connell 2nd made a MOTION to approve Resolution 09-12-05-01, establishing a 90-day moratorium on accepting applications for conditional use permits under the Nonconforming Lot Ordinance, and the MOTION carried without negative vote.

Park Commission - Trustee Larson
Mill House Demolition/Restoration

Sharon O'Brien stated that the Park Commission's initial goal of having the Friends of the Parks raise funding to restore and renovate the historic Mill House into a pavilion at the west entrance to the Hildebrand Conservancy area may not be feasible. Hayden-Staggs stated that Park Commission Chairman Rick Treptow suggested a reduced plan to just save some of the walls and beams on the historic structure and create a monument. Hayden-Staggs also stated that the village has to make a determination on the building as soon as possible. The Village Board directed the Public Works Department to look over the structure to determine the scope of the project.

LakeUse Committee – Ken Bell
Monthly Update

Bell stated that the committee has not met for the past few months; however, a meeting will be held next month.

Pending Items for Future Agendas

1. Abbey Bridge Study
2. Ordinance Revision to Chapter 54
3. Huebertz Annexation

Announcement for Board of Trustees to Consider Going Into Closed Session - President
Whowell

Trustee Petersen/Trustee Turner 2nd made a MOTION for the Village Board to go into closed session pursuant to Chapter 19.85 (1) (c) Wis. Stats. to “consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility,” and Chapter 19.85 (1) (g) to “confer 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,” and the roll call vote followed:

Petersen – Yes

Larson – Yes

Pollitt – Yes

Turner – Yes

O'Connell – Yes

Bromfield – Yes

President Whowell – Yes

Adjournment

Trustee Bromfield/Trustee Turner 2nd made a MOTION to adjourn the closed session and meeting of the Village Board at 9:48 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: 10/03/05