

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

MONTHLY MEETING of the VILLAGE BOARD

**Monday, October 3, 2005**

President Whowell called the monthly meeting of the Village Board to order at 5:03 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call: Petersen, Larson, Pollitt, Turner (arrived at 5:09 pm), O'Connell, Bromfield, President Whowell

**Also present:** Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Attorney Dale Thorpe

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

Bromfield/Larson 2<sup>nd</sup> 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) (e) to "deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require," and the roll call vote followed:

Larson – Yes

Pollitt – Yes

O'Connell – Yes

Bromfield – Yes

President Whowell – Yes

Petersen – Yes

The MOTION carried on a 6-0 vote, with Turner not yet at the meeting.

**Adjourn Closed Session**

O'Connell/Bromfield 2<sup>nd</sup> made a MOTION to adjourn the closed session of the Village Board and reconvene in open session at 5:55 pm, and the MOTION carried without negative vote.

President Whowell announced the Village Board was in session at 6:01 pm.

**Also present:** Larry Austin, Cheryl Bartz, Police Lt. Brad Buchholz, Megan and Jim Feeney, Big Foot Recreation Director Keith Graunke, Fire Chief Jon Kemmett, Librarian Nancy Krei, CDA Interim Executive Director Joseph McHugh, Arlene Patek, Treasurer Peg Pollitt, Paul Sloth, Rescue Squad Chief Tom Westphal, Director of Public Works Craig Workman

**Visitors Heard**

None

**Announcements**

Hayden-Staggs announced that Linn Township construction would force a detour on South Lakeshore Drive from Academy Road to Shadow Lane from Tuesday, October 4 through Friday, October 7, and traffic would be directed down Indian Hills Road; the monthly meeting of the CDA would be held Wednesday, October 5, 2005, at 6:00 pm; the Water Safety Patrol Lake Walk event would be held Tuesday, October 11, 2005 with a rain date scheduled for Wednesday, October 12, 2005; joint Village Board/Finance Committee 2006 budget workshops are scheduled for October 17 and 20, 2005, beginning at 5:00 pm; the monthly Plan Commission meeting will include a joint session with the Village Board and the CDA on Monday, October 24, 2005, beginning at 5:00 pm; Village of Fontana Trick or Treat hours are scheduled for Monday, October 31, 2005 from 3:00 to

7:00 pm; and the next monthly Village Board meeting will be held Tuesday, November 1, 2005 at 6:00 pm.

### **Approval of Minutes**

Bromfield/O'Connell 2<sup>nd</sup> made a MOTION to approve the minutes for the September 12, 2005 Closed and Open Sessions, and the amended minutes for the August 1, 2005 Village Board meeting, and the MOTION carried without negative vote.

### **Village Treasurer's Report**

Pollitt/Bromfield 2<sup>nd</sup> made a MOTION to accept the Treasurer's Report for September and to place it on file for the audit, and the MOTION carried without negative vote.

### **Approval of Village and Utility Payables**

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

### **Public Works - Trustee Petersen and Public Works Director Workman**

#### **Mill Street Project Update**

Workman stated that although the Village has not received a final payment request, the project is almost complete. There still are few punch-list items that have to be completed, but there is nothing extensive.

#### **Main Street Project Update**

Workman stated that although the Village has not received a final payment request, the Main Street Project also is almost complete. There still are few punch-list items that have to be completed, but there is nothing extensive. Turner stated that both projects look great, especially with the burying of the utility lines. Turner stated that although the cost was \$175,000 to \$200,000 to bury the utility lines, the change from overhead lines enhanced the sites.

#### **Main Lift Station Project Contract**

Workman stated that the contract was not ready for Village Board action.

Petersen/Bromfield 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

#### **Fontana-Walworth Water Connection Contract, Change Order**

Workman stated that the best bid was submitted by Willkomm Excavating and Grading, Inc. Also, a change order was needed to separate the required Flow Meter installation from the rest of the project contract. The project cost is being equally shared with the Village of Walworth.

Petersen/Turner 2<sup>nd</sup> made a MOTION to approve the contract with Willkomm Excavating and Grading, Inc., and to approve the first change order, and the MOTION carried without negative vote.

#### **Hillcrest Project Update and Pay Request No. 1**

Workman recommended payment of the \$377,207 pay request submitted by Mann Brothers, Elkhorn.

Petersen/Pollitt 2<sup>nd</sup> made a MOTION to approve the pay request, and the MOTION carried without negative vote.

#### **Fontana Boulevard Project Update**

Workman stated the project plan had to be redesigned because the Village could not reach an easement agreement with the owners of the Abbey Resort. Bids are now scheduled to be open for the project contract on October 20, 2005.

### **General Business – President Whowell**

#### **Big Foot Recreation Annual Update**

Big Foot Recreation Director Keith Graunke presented a written report, which included an overview of the programs offered, a summary on participation and revenue/expenses, and a budget proposal.

President Whowell commended the committees that initially organized the Big Foot Recreation program and Graunke for his work in administering the program.

#### **Water Safety Patrol Contract Renewal**

Hayden-Staggs stated that the proposed contract calls for an increase of \$184 from last year's contract.

Petersen/Pollitt 2<sup>nd</sup> made a MOTION to approve the \$34,332 contract as submitted, and the MOTION carried without negative vote.

#### **Vandewalle and Associates Contract (Tabled September 6, 2005)**

Hayden-Staggs stated that the Village staff is investigating the possibility of moving the regular monthly meeting of the Plan Commission to the last Tuesday of the month, instead of the current last Monday of the month in order to allow Vandewalle and Associates Planner Mike Slavney to attend all of the meetings. Slavney currently has a conflict that prevents him from attending some of the Plan Commission meetings. President Whowell stated that a change in meeting nights also would allow the Fontana Elementary School District Board of Education to send a representative to the Plan Commission meetings. Larson stated that a change in meeting nights for the Plan Commission is a great idea. The Board did not act on the contract.

#### **Keizer Garbage Contract Renewal**

Hayden-Staggs stated that Jack Keizer is preparing an estimate for the 2006 contract; however, the numbers were not ready for the meeting that night.

Petersen/Bromfield 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

#### **Resolution Adopting 2005 Salaries**

The Board discussed the proposed Resolution in the closed session and Turner recommended approval of the salaries as presented.

Turner/Larson 2<sup>nd</sup> made a MOTION to approve Resolution No. 10-03-05-01 as presented, and the MOTION carried without negative vote. Trustee Pollitt abstained.

#### **CWD Resolution**

Hayden-Staggs presented the Resolution that authorizes the Village property owners and designated hunters to participate in the DNR's Chronic Wasting Disease Eradication Hunt. Deer hunting is allowed in the approved areas during the first two hours of the day after sunrise and the last two hours of the day prior to sunset through January 2, 2006. Only bow hunting is allowed in all of the approved areas with the exception of Big Foot Country Club, the area around the Village of Fontana DPW garage site, and the area around Whowell Woods, Workman Woods and Cobalt Farms. Larson stated that she does not want the Country Club Estates property included in the approved hunt areas, because Britt Isham is no longer the president of the association and he has not contacted the Country Club Estates property owners for authorization to act as their agent, and because she has safety concerns with regard to last year's hunting season.

Bromfield/Turner 2<sup>nd</sup> made a MOTION to approve Resolution No. 10-03-05-02 as presented, with the elimination of the Country Club Estates as an approved hunting area, and the MOTION carried without negative vote.

#### **Resignation/Appointment to Protection Committee**

President Whowell stated that a committee member was going to be submitting his resignation and that he was seeking suggestions for a replacement member.

Bromfield/Turner 2<sup>nd</sup> made a MOTION to table the item and to refer the matter to the Protection Committee, and the MOTION carried without negative vote.

#### **AFCSME Union Contract 2005-2006**

Workman reported that he met with the Union leaders and there may be something ready for action at next month's meeting.

Petersen/Turner 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

**Administrative Report/Finance Committee – Administrator Hayden-Staggs and Trustee Pollitt**

**State Loan Application Resolution**

Hayden-Staggs stated that terms of the \$2 million loan call for 4.25 percent interest during the 10-year borrowing period. Trustee Pollitt read the lengthy Resolution into the record.

Bromfield/Pollitt 2<sup>nd</sup> made a MOTION to approve Resolution No. 10-03-05-03 and the Roll Call vote followed:

Pollitt – Aye

Turner – Aye

O’Connell – Aye

Bromfield – Aye

President Whowell – Aye

Petersen- Aye

Larson – Aye

The MOTION was approved on a 7-0 vote.

**Rescue Squad Billing Funds -- Creation of Separate Accounting Fund**

Trustee Pollitt stated that the proposal to create a separate Village accounting fund for the Rescue Squad was initiated after the Rescue Squad found out they were required to use the Village’ Federal Identification Number (FIN). The revenue derived from billings would be placed in a checking account, and the funds would not be accessed without approval from Treasurer Peg Pollitt and the Rescue Squad chief. A separate account that contains funds donated to the Rescue Squad will remain unchanged. Trustee Pollitt stated that the new fund was recommended by the Finance Committee. If approved, the proposal will be drafted into an amended ordinance for future Village Board consideration.

Turner/O’Connell 2<sup>nd</sup> made a MOTION to approve the concept of a separate accounting fund for the Rescue Squad and directed Village staff to draft an amended Ordinance to officially adopt the new accounting fund, and the MOTION carried without negative vote.

**Plan Commission – President Whowell**

**Public Hearing Announcements for October 24, 2005 Plan Commission Meeting**

President Whowell announced that public hearings will be held before the Plan Commission on October 24, 2005 with regard to a Petition for Amendment of the Zoning Ordinance and Zoning Map of the Village of Fontana on Geneva Lake from General Commercial, Primary Environmental Corridor Overlay and Performance Standard-Mixed to Planned Development, filed by Par Development, Inc., East Dundee, IL, 60118, for property owners Myron and Geraldine Audino, 600 Higgins Road, Park Ridge, IL, 60068, for a 24.14-acre parcel of land located adjacent to State Highway 67 to the west of the Fontana Village Hall on the former site of the Geneva Lake Gravel and Sand Company Works of Fontana, Wisconsin; and for an Amended Conditional Use Permit Application filed by John M. O’Neill, 323 Bayview Drive, Fontana, WI 53125, for Tax Parcel No. SRA 00044, to renovate and add a second floor on the existing residence under the Nonconforming Lots Amendment to the Village of Fontana Municipal Code.

**Park Commission - Trustee Larson**

**Mill House Demolition/Preservation**

Larson stated that CDA Interim Executive Director Joseph McHugh and Workman are working on obtaining a bid to demolish the old Mill House, but to save some of the historic beams and other building materials. Workman stated the matter should be ready for action at next month’s Village Board meeting.

**Protection Committee - Chief Olson**

**Operator’s License Approval for Sheila Langan (Rollette Oil)**

Bromfield stated that the background check had been successfully completed for Sheila Langan.

Bromfield/Petersen 2<sup>nd</sup> made a MOTION to approve the issuance of an Operator’s License to Rollette Oil employee Sheila Langan, and the MOTION carried without negative vote.

### **Control Burn Authorization on Third Avenue - October 17 and 29, 2005**

Fire Chief Jon Kemmett stated that all the necessary paperwork has been filed for a controlled burn and drills on October 17 and 29, 2005. The two-story residence and detached garage are located on property owned by Kent Shodeen, across the street from the Village of Fontana Post Office. There are no adjacent property owners to be concerned with and measures will be taken to protect the tress on the site, Kemmett stated in response to questions. If there are strong winds on the scheduled days for the drill, the controlled burn will be cancelled.

Bromfield/O'Connell 2<sup>nd</sup> made a MOTION to approve the controlled burns on October 17 and 29, 2005, and the MOTION carried without negative vote.

### **Approval of 2005-2006 Fire Department Officers**

Bromfield stated the Fire Department officer list for 2005-2006 includes Chief Jon Kemmett, Assistant Chief Wolfgang Nitsch, Assistant Chief Fred Schnitcke, Captain Tom Westphal, Captain Joe Special, Captain Kyle Ketterhagen, Captain Jeff Austin, Secretary/Treasurer Beth Shodeen, and Trustee Jennifer Special.

Turner/Bromfield 2<sup>nd</sup> made a MOTION to approve the 2005-2006 Fire Department Officers as presented, and the MOTION carried without negative vote.

### **Lakefront and Harbor - Trustee O'Connell**

#### **Chapter 54 Ordinance Revision**

Hayden-Staggs stated that more time is needed to review the proposed changes to Chapter 54.

Bromfield/Turner 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

### **F/W WPCC-Trustee Petersen**

#### **Ordinance Approving Ninth Amendment to the IGA, Fourth Amendment to the Kikkoman Contract**

Petersen stated that the ninth amendment reflects the recently negotiated agreement with Kikkoman.

Petersen/Bromfield 2<sup>nd</sup> made a MOTION to approve the ninth amendment to the IGA, the fourth amendment to the Kikkoman Contract and Ordinance No. 10-03-05-01, and the MOTION carried without negative vote.

### **2006 O&M Budget Approval**

Petersen stated that due in part to the required increase in the plant's full-time staff, the F/W WPCC 2006 budget calls for a 6.08 percent increase.

Petersen/Bromfield 2<sup>nd</sup> made a MOTION to approve the 2006 O&M budget for the Fontana-Walworth Water Pollution Control Commission, and the MOTION carried without negative vote.

### **CDA – Trustee Turner**

#### **Executive Director Contract Approval**

Turner recommended approval of the contract for Interim Executive Director Joseph McHugh. The duties outlined in the proposed contract reflect the previously approved job description and the other contract terms and conditions are identical to other Village of Fontana employment contracts. The contract calls for a six-month probation period and an official hiring date of September 13, 2005. The salary calls for \$50,000 a year plus benefits.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve the employment contract for CDA Executive Director Joseph McHugh, with the condition the contract is favorably reviewed by Village Attorney Dale Thorpe, and the MOTION carried without negative vote.

### **Monthly Update**

Turner stated that the CDA Board is working on its annual budget. Also, the CDA's current projects are all going well.

### **Lake Use Committee – Ken Bell**

#### **Monthly Update**

President Whowell stated that Ken Bell reported the Lake Use Committee met and discussed the establishment of a lake-wide fireworks policy to govern private displays. An intergovernmental

agreement will be proposed to establish guidelines for private fireworks displays. Among the guidelines will be the requirement to notify the Water Safety Patrol and the Geneva Lake Law Enforcement Agency.

**Adjournment**

Bromfield/Pollitt 2<sup>nd</sup> made a MOTION to adjourn the meeting at 7:22 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk  
[villageclerk@villageoffontan.com](mailto:villageclerk@villageoffontan.com)

Note: These minutes are subject to further editing. Once approved by the Village Board, the official minutes will be on file at the Fontana Village Hall.

APPROVED: 11/01/05 – VB