

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

SPECIAL JOINT SESSION OF THE VILLAGE OF FONTANA BOARD OF TRUSTEES  
with the PLAN COMMISSION

**Monday, October 15, 2007**

President Pollitt called the special joint session meeting of the Village Board and Plan Commission to order at 5:14 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call vote: O’Connell, Spadoni, President Pollitt, Petersen, Youngquist, Turner

**Plan Commissioners present:** Roll call vote: Poivey, D’Auria, McGreevy, O’Connell, Lobdell, Spadoni, President Pollitt

**Also present:** Joe Eberle, Drew Gilchrist, Village Administrator Kelly Hayden-Staggs, Rob Ireland, Jim Feeny, Jon Kemmett, Lou Loenneke, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Rick McCue, CDA Executive Director Joseph McHugh, Police Chief Steve Olson, Arlene Patek, Treasurer Peg Pollitt, Dan Shepard, Village Attorney Dale Thorpe, Director of Public Works Craig Workman

**Village Board/Plan Commission General Business**

**Proposed Third Amendment to PIP for Par Development Cliffs of Fontana Planned Development & Third Amendment to the Development Agreement**

Dan Shepard stated that the construction crew uncovered a gravel seam in the old gravel pit being developed into a 66-unit single-family-home subdivision, and the gravel seam makes the initially approved retaining wall design inadequate. Shepard stated that an amendment to the precise implementation plan is necessary to approve the new materials and construction method for the retaining walls; however, the size of the wall and layout and brick style will be matched to the initially approved plan. Shepard stated that Par Development also would like to amend the PIP to earn approval for an irrigation system to be installed in the landscaped area at the subdivision entrance off Highway 67, and to approve a building height measuring method that will help streamline the foundation construction process. Shepard and a project engineer stated that the initially approved Diamond Pro retaining wall system would not hold up because of the gravel seam. The project engineer stated that a different style of retaining wall blocks, called a T-Wall retaining wall system, features reinforced “spines” that are buried into the hill. The new system will create an effective retaining wall that will hold up over time. President Pollitt stated that the expedited approval process and special meeting were called because the new retaining wall blocks will have to be designed, ordered and manufactured, and the process will take about 12 weeks. Village of Fontana engineer Joe Eberle stated that he reviewed the new design proposal and the retaining wall blocks being proposed weigh about 3,000 pounds apiece. Eberle stated that the new plan is better than the initially approved retaining wall blocks because a retaining wall fabric layer will not have to be installed. Eberle stated that he would recommend approval of the new retaining wall design with nine conditions: 1. A revised construction sequence must be prepared and approved by the Wisconsin DNR. 2. A revised erosion control plan must be prepared and approved by the DNR. This erosion control plan must take into account the delay in the construction of the retaining wall due to the change in materials and the means and methods of stabilizing the slopes until such time as the retaining wall is completed and permanent vegetation is established. 3. Final and complete plans and specifications for the proposed retaining wall must be submitted to the Village. These plans and specifications must be stamped by a professional engineer licensed in the State of Wisconsin and contain no disclaimer or qualifiers. 4. Full-time monitoring and testing of the backfill material and placement including testing of the compactive efforts and the testing of the compressive strength of the concrete leveling pads must be done. 5.

Submittal of the retaining wall face form finish details must be provided. 6. Submittal of a sample showing the proposed color section of the exposed areas of the retaining wall must be provided. 7. Details showing how the retaining wall sections will be manufactured and installed at angle points such that there will be no open joints on the face of the completed structure must be provided. 8. Details of changes and additions to the covenants for the development that will establish a means of escrowing funds for the future maintenance of the retaining wall including periodic refinishing and recoating of the exposed areas must be provided. 9. Installation of the retaining wall system according to the retaining wall system manufacturer's recommendations as evidenced by an affidavit to that effect by a daily authorized representative of the manufacturer must be provided. Eberle stated that the recommended approval for the proposed retaining wall system assumes there will be no changes in the previously submitted and approved landscaping and fencing plans. Hayden-Staggs stated that if the Plan Commission and Village Board members wanted to consider approving the proposal that night, it would have to be officially ratified with the approval of a resolution and amended Development Agreement at the regular monthly meetings of the Plan Commission and Village Board. Hayden-Staggs stated that Village Attorney Dale Thorpe will have to draft the resolution and review the proposed third amendment to the initially approved Development Agreement.

Shepard stated that they also would like to receive approval for an amendment to the PIP for the installation of an irrigation system for the extensive landscaped area at the subdivision entrance. The Plan Commission and Village Board members did not have any concerns with regard to the irrigation system proposal, with the exception that the Village attorney should review the submitted documents and the proposed third amendment to the Development Agreement, and that the developers should adhere to the three conditions suggested by Eberle. Eberle recommended approval of the proposed irrigation system for the front entryway with the conditions that a completed as-built drawing, to scale, showing the exact location of the proposed facilities must be provided to the Village; that all installations must be in conformance with applicable state and local codes including provision for backflow prevention; and that adequate metering facilities, acceptable to the Village of Fontana Director of Public Works, must be provided.

Shepard stated that they also would like to receive approval of their proposal to measure the height of the new buildings from the curb line, instead of from the lowest point of existing grade. Shepard stated that the construction crew could create the lots at higher elevations, remove fill for the construction of walk-out basements, and then refill the lots to meet the measuring requirements of the zoning code; however, it would be much less costly and more time efficient to create the lots at the lower elevations and then fill in the front of the lots after the construction of the walkout basements. Shepard stated that regardless of the measuring method, the highest point on any of the approved home models will be 34 feet from the curb line. Shepard stated that the maximum height measuring from the grade of the rear (walkouts) will be 12 feet higher than the height of the residence style depending on if it's a one- or two-story model. McCarthy stated that the approval would allow the developer to not fill the lots with extra dirt and then remove the fill for construction of the homes. The Village Board and Plan Commission members were in consensus that the proposals should be approved that night with the conditions that the village engineer and attorney review the submitted documents prior to approval of the resolution amending the PIP and approval of the amended Development Agreement.

### **Plan Commission Recommendation on Proposed Third Amendment to PIP for Par Development Cliffs of Fontana Planned Development & Third Amendment to the Development Agreement**

Plan Commission Chairman Spadoni/Commissioner McGreevy 2<sup>nd</sup> made a MOTION to recommend approval of the T-Wall retaining wall system with the conditions that the Village attorney review the submitted documents and the proposed third amendment to the Development Agreement, and that the developers adhere to the Village engineer's nine recommended conditions for approval, including: 1. A revised construction sequence must be prepared and approved by the Wisconsin DNR. 2. A revised erosion control plan must be prepared and approved by the DNR. This erosion control plan must take into account the delay in the construction of the retaining wall due to the change in materials and the means and methods of stabilizing the slopes until such time as the retaining wall is completed and permanent vegetation is established. 3. Final and complete plans and specifications for the proposed retaining wall must be submitted to the Village. These plans and specifications must be stamped by a professional engineer licensed in the State of Wisconsin and contain no disclaimer or qualifiers. 4. Full-time

monitoring and testing of the backfill material and placement including testing of the compactive efforts and the testing of the compressive strength of the concrete leveling pads must be done. 5. Submittal of the retaining wall face form finish details must be provided. 6. Submittal of a sample showing the proposed color section of the exposed areas of the retaining wall must be provided. 7. Details showing how the retaining wall sections will be manufactured and installed at angle points such that there will be no open joints on the face of the completed structure must be provided. 8. Details of changes and additions to the covenants for the development that will establish a means of escrowing funds for the future maintenance of the retaining wall including periodic refinishing and recoating of the exposed areas must be provided. 9. Installation of the retaining wall system according to the retaining wall system manufacturer's recommendations as evidenced by an affidavit to that effect by a daily authorized representative of the manufacturer must be provided. The MOTION carried without negative vote.

Commissioner D'Auria/Commissioner McGreevy 2<sup>nd</sup> made a MOTION to recommend approval of the irrigation system for the landscaped entryway area of the subdivision with the conditions that the Village attorney review the submitted documents and the proposed third amendment to the Development Agreement, and that the developers adhere to the Village engineer's three recommended conditions for approval, including: 1. A completed as-built drawing, to scale, showing the exact location of the proposed facilities must be provided to the Village. 2. All installations must be in conformance with applicable state and local codes including provision for backflow prevention. 3. Adequate metering facilities, acceptable to the Village of Fontana Director of Public Works, must be provided. The MOTION carried without negative vote.

Commissioner Poivey/Commissioner McGreevy 2<sup>nd</sup> made a MOTION to recommend approval of the height measuring method as proposed from the curb line, with the condition that the Village attorney and engineer review the submitted documents prior to approval of the resolution amending the PIP and approval of the amended Development Agreement. The MOTION carried without negative vote.

**Village Board Action on Resolution Approving Third Amendment to PIP for Par Development Cliffs of Fontana Planned Development & Third Amendment to the Development Agreement**

Trustee Petersen/Trustee O'Connell 2<sup>nd</sup> made a MOTION to approve the T-Wall retaining wall system with the conditions that the Village attorney review the submitted documents and the proposed third amendment to the Development Agreement, and that the developers adhere to the Village engineer's nine recommended conditions for approval, including: 1. A revised construction sequence must be prepared and approved by the Wisconsin DNR. 2. A revised erosion control plan must be prepared and approved by the DNR. This erosion control plan must take into account the delay in the construction of the retaining wall due to the change in materials and the means and methods of stabilizing the slopes until such time as the retaining wall is completed and permanent vegetation is established. 3. Final and complete plans and specifications for the proposed retaining wall must be submitted to the Village. These plans and specifications must be stamped by a professional engineer licensed in the State of Wisconsin and contain no disclaimer or qualifiers. 4. Full-time monitoring and testing of the backfill material and placement including testing of the compactive efforts and the testing of the compressive strength of the concrete leveling pads must be done. 5. Submittal of the retaining wall face form finish details must be provided. 6. Submittal of a sample showing the proposed color section of the exposed areas of the retaining wall must be provided. 7. Details showing how the retaining wall sections will be manufactured and installed at angle points such that there will be no open joints on the face of the completed structure must be provided. 8. Details of changes and additions to the covenants for the development that will establish a means of escrowing funds for the future maintenance of the retaining wall including periodic refinishing and recoating of the exposed areas must be provided. 9. Installation of the retaining wall system according to the retaining wall system manufacturer's recommendations as evidenced by an affidavit to that effect by a daily authorized representative of the manufacturer must be provided. The MOTION carried without negative vote.

Trustee Spadoni/Trustee Petersen 2<sup>nd</sup> made a MOTION to approve the irrigation system for the landscaped entryway area of the subdivision with the conditions that the Village attorney review the submitted documents and the proposed third amendment to the Development Agreement, and that the developers adhere to the Village

engineer's three recommended conditions for approval, including: 1. A completed as-built drawing, to scale, showing the exact location of the proposed facilities must be provided to the Village. 2. All installations must be in conformance with applicable state and local codes including provision for backflow prevention. 3. Adequate metering facilities, acceptable to the Village of Fontana Director of Public Works, must be provided. The MOTION carried without negative vote.

Trustee Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the height measuring method as proposed from the curb line, with the condition that the Village attorney and engineer review the submitted documents prior to approval of the resolution amending the PIP and approval of the amended Development Agreement. The MOTION carried without negative vote.

### **Adjournment of Plan Commission**

Plan Commission Chairman Spadoni/Commissioner Poivey 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 5:45 pm, and the MOTION carried without negative vote.

### **Village Board General Business**

#### **Appoint Trustee to Complete Unexpired Term of Former Trustee Bidwill**

President Pollitt stated that the appointment of Patrick Kenny to complete the unexpired term of former Trustee Joseph Bidwill had to be voted again because a majority vote of the six current Village Board members is required by state statutes. The appointment was approved on a 3-1 vote at the meeting held October 1, 2007.

President Pollitt/Trustee O'Connell 2<sup>nd</sup> made a MOTION to appoint Patrick Kenny to complete the unexpired term of former Trustee Bidwill, and the Roll Call vote followed:

Trustee Spadoni – Yes

President Pollitt – Yes

Trustee Petersen – Yes

Trustee Youngquist – Yes

Trustee Turner – Yes

Trustee O'Connell – Yes

The MOTION carried on a 6-0 vote.

#### **208 Dewey Street – Insurance Settlement & Repair Bids**

Hayden-Staggs stated that the Village insurance provider has indicated that the Village will receive about \$8,000 to settle the property damage claim at 208 Dewey Street. The Village received two bids for the required repair work, and the bid submitted by Fairchild Residential is less expensive than the bid submitted by Le Roux Construction, LLC. Turner stated that the Village Board members should keep in mind that the residence is located on the lot that has been developed into Headwaters Park, and they may want to raze the residence and garage at some point in the future. Spadoni stated that the Village should deal with repairing the house from the water damage at this time, and deal with the future of the structures on the lot after the current lease with Nancy Krei ends.

Trustee Spadoni/Trustee O'Connell 2<sup>nd</sup> made a MOTION to authorize repair work to be completed by Fairchild Residential for an amount not to exceed \$8,000, and the MOTION carried without negative vote.

#### **Midwest Claims Recommendation on Claim Filed by Pete Novak**

The Village received a letter from its insurance provider that directs the Village Board to deny the claim filed by Peter Novak against the Village. The claim dated August 28, 2007 concerns the Village of Fontana Wisconsin Police Department, Village of Fontana Police Officer Jeff Cates and Police Chief Steve Olson.

Trustee Turner/Trustee Petersen 2<sup>nd</sup> made a MOTION to deny in full the claim filed by Peter Novak that is dated August 28, 2007 and concerns the Village of Fontana Wisconsin Police Department, Village of Fontana Police Officer Jeff Cates and Police Chief Steve Olson, and the MOTION carried without negative vote.

#### **Approve Payables**

Since the special meeting was being held, Treasurer Peg Pollitt submitted 17 routine payables for approval.

Trustee Spadoni/Trustee Turner 2<sup>nd</sup> made a MOTION to approve the payable as submitted, and the MOTION carried without negative vote.

**Adjournment of Village Board**

Trustee Turner/Trustee O'Connell 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 5:59 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 Plan Commission and Village Board, the official minutes will be on file at the Village Hall.

APPROVED: 10/29/07 – PC  
11/05/07 – VB