

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, December 3, 2007

President Pollitt called the monthly meeting of the Village Board to order at 5:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: Kenny, Turner, O'Connell, President Pollitt, Petersen

Trustee late: Spadoni (arrived at 6:08 pm)

Trustee absent: Youngquist

Also present: Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Police Chief Steve Olson, Village Attorney Dale Thorpe (arrived at 5:34 pm), Director of Public Works Craig Workman

Announcement for Board of Trustees to Consider Going Into Closed Session

O'Connell/Petersen 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) (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, specifically WPPA Union Contract Negotiations, Non-union Employee Evaluations, and Request for More Compensation for Water Damage Claim Filed by Frank and Colleen Yaccino, 568 Sauk Trail, and the roll call vote followed:

Turner – Yes

O'Connell – Yes

President Pollitt – Yes

Petersen – Yes

Kenny – Yes

The MOTION carried on a 5-0 vote, with Trustee Spadoni still not present at the meeting and Trustee Youngquist absent.

Trustee O'Connell and Chief Olson left the room during the discussion on the Yaccino claim. Workman left the room and Trustee O'Connell and Chief Olson entered the room during the discussion on the WPPA Union contract.

Chief Olson left the room for the discussion on the non-union employee evaluations.

Adjournment of Closed Session

Petersen/O'Connell 2nd made a MOTION to adjourn the closed session at 5:45pm, and to reconvene in open session at 6:00 pm, and the MOTION carried without negative vote.

President Pollitt announced that the Village Board was in open session at 6:00 pm.

Also present: Jack Brown, Frank Dobbs, Rob Ireland, Kevin Kirkland, Library Director Nancy Krei, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Mike Novak, Building Inspector Ron Nyman, Treasurer Peg Pollitt, Tom Whowell, Frank Yaccino

Visitors Heard

President Pollitt stated that the Village received a letter from Mike Novak requesting the Village Board to consider adopting a modification to the Municipal Code to allow for hunting on low-density properties, "and specifically the recently annexed Schmidt property on Brick Church Road." President Pollitt stated that the Village also received a letter from Steve and Mike Hirn that states they do not want hunting of any kind in the Village, in particular "so close to our houses." President

Pollitt stated both letters will be made part of the meeting record and are on file at the Village Hall. Jack Brown stated he was at the meeting to represent Jamie and Carol Whowell with regard to their request to allow for overnight parking on Third Avenue in front of their apartment building in the 300 block. Brown stated that the tenants have two cars each and there are only off-street parking stalls for one car per unit. In the case of snow, Jamie Whowell will plow an area of the Village parking lot across the street, where the cars will be moved to make way for the snow plows. Brown stated that they would again like authorization to park up to five cars on the street overnight. Chief Olson stated in response to a question that the Municipal Code dictates that there is no parking allowed on Village streets between 2:00 and 6:00 AM from November 1 to April 16. In response to a question from President Pollitt, Brown stated that following the renovation of the building last year, the residents can still park off-street in the area adjacent to the vacated Big Foot Street; however, their cars hang out a little way into the street. In response to a question, Workman stated that Jamie Whowell did a good job plowing the portion of the Village parking lot used by the tenants last year when it snowed and there were no problems with the request. The letter dated December 3, 2007 from James and Carol Whowell states: "Last year at this time we requested an allowance to overnight park several of the Third street apartment tenants' cars in the eastern curb side parking areas in front of the apartments. This request was due to the ongoing construction at the 318 address. This was very successful. Our cars were not in the roadway and all winter snow removal of the roads went smoothly and uninterrupted. We plowed and shoveled the spaces that we were using so that by the time the Village did parking area plowing, our section was already cleared. I have talked to Craig Workman and he confirmed the fact that our winter overnight parking was in no way a hindrance to the road crews. I am requesting that we again be allowed overnight parking in the four (or five) eastern parking spaces on Third street in front of the 314-318 building. This will greatly help those tenants with two vehicles or with visiting family and guests. We will again be responsible for prompt snow removal from those spots. Thank you for your consideration." President Pollitt stated that the Village Board was unable to take action on the request that night because the item was not on the agenda. President Pollitt stated that he will present the request to the Protection Committee for a recommendation, and he asked Brown to inform James and Carol Whowell to come to the Protection Committee meeting to discuss the issue. Brown stated that he also wanted to make a request to the Village Board to consider the issuance of a special event liquor license for a private party he would like to hold in the back parking lot at Chuck's Lakeshore Inn prior to the Green Bay Packers vs. Chicago Bears football game on Sunday, December 23, 2007. Brown stated he usually holds the pregame party at his residence; however, the party has become very large and it would be more convenient to hold the party behind Chuck's. Because of time constraints with amending the current liquor license for Chuck's, and the state statutes governing the issuance of special event liquor licenses to charitable organizations, the Village Board was in consensus that the request is not approvable. Mike Novak stated he would like to present to the Village Board the arguments he stated in his letter requesting authorization to hunt on low density property in the Village. Novak's letter, dated November 21, 2007 states in part, "This request specifically addresses the arbitrary application of Village rules with respect to hunting on low density properties. I am asking the board approve the use of firearms on low density properties including appropriate mandatory setbacks from any village road or residence." President Pollitt stated that the item was not on the Village Board meeting agenda that night for action, but it will be acted on at the next monthly meeting. President Pollitt stated he also wanted to inform Novak that the Village also received a letter from Steve and Mike Hirn that requests the Village Board to uphold the current Municipal Code and not allow hunting of any kind in the Village. Spadoni stated that he supports the proposal made by Novak and requested that the item be added to the next Village Board agenda.

Announcements

Hayden-Staggs stated that the monthly meeting of the CDA Board will be held Wednesday, December 5, 2007 at 6:00 pm; the FW/WPCC holiday luncheon will be held Friday, December 7, 2007, from noon to 1:30 pm; the Village Holiday Party will be held at the Abbey Resort on Monday, December 10, 2007, beginning at 6:00 pm; the VOF Newsletter article deadline is Thursday, December 13, 2007, at 5:00 pm; the Fontana Public Library Holiday Open House will be held Friday, December 14, 2007, from 10:00 am to 3:00 pm; the next meeting of the Plan Commission will be held Monday, December 17, 2007, at 5:30 pm; Village Hall will be closed for Christmas from December 22 to 25, 2007; the last day in 2007 for property owners to pay real estate taxes in person

is Monday, December 31, 2007, from 8:00 am to noon; Village Hall will be closed for the New Year holiday on December 31, 2007 (after noon) and January 1, 2008; and the next monthly meeting of the Village Board will be held Monday, January 7, 2008, beginning at 6:00 pm.

Approval of Minutes

Petersen/Spadoni 2nd made a MOTION to approve the minutes for meetings held November 5, 2007, Closed and Open Sessions, and November 19, 2007, as presented, and the MOTION carried without negative vote.

Village Treasurer's Report

Petersen/Spadoni 2nd made a MOTION to accept the Treasurer's Report for November 2007 and to place it on file for the audit, 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.

Plan Commission – Trustee Spadoni

Par Development Third Amendment to Developer's Agreement and PIP Amendment – Update

Hayden-Staggs stated that following the last meeting of the Plan Commission, that the three flag poles erected at the entrance to the subdivision have been removed, an easement is being drafted by Thorpe to allow for the placement of the historic stone crusher at the entrance to the subdivision, and a pedestrian path is being designated a public path not private in the amended PIP. Hayden-Staggs stated that the other outstanding signage issue also has been resolved with the removal of unauthorized no trespassing signs.

Approve Zoning Code Amendment to Section 18-27

Spadoni stated that the Plan Commission recommended approval of the zoning amendment that is being proposed to relocate the exterior lighting standards to their own section.

Spadoni/Petersen 2nd made a MOTION to approve Ordinance 12-03-07-02 as presented, and the MOTION carried without negative vote.

Approve Zoning Code Amendment Creating Section 18-35

Spadoni stated that the Plan Commission recommended approval of the zoning code amendment that was proposed to create a separate section for the exterior lighting standards.

Spadoni/O'Connell 2nd made a MOTION to approve Ordinance 12-03-07-03 as presented, and the MOTION carried without negative vote.

Approve Zoning Code Amendment to Section 18-65 (j)

Spadoni stated that the Plan Commission recommended approval of the zoning code amendment that was proposed to make municipal property exempt from the landscaping subsection in order to accommodate the plan to replace the fence along the beach. The proposed addition to the last paragraph states that “municipal property shall be exempt from this paragraph. The approval of fencing on municipal property, including, but not limited to location, height and material, shall be left to the discretion of the Village Board.”

Spadoni/Petersen 2nd made a MOTION to approve Ordinance 12-03-07-04 as presented, and the MOTION carried without negative vote.

Building, Site and Operational Plan Filed for All For Ewe, 148 Fontana Boulevard

Spadoni stated that the Plan Commission recommended approval of the BSOP with the condition that the signage issue be worked out with Village staff. President Pollitt stated that he met with Kimberly Dabertin at the business and in order to best accommodate the needs of the business and the physical characteristics of the building, a monument sign would work the best. President Pollitt stated that the applicant would like to erect the sign by the rocks in front of the building by the two windows – out from under the building awning. President Pollitt stated that problem is that a monument sign does not conform to the zoning district regulations, and neither does a sign that has

been mounted to the railing on the front facade of the building. President Pollitt stated that a sign that conforms to the VCP District regulations would have to be mounted under the front overhang and the applicant is concerned that it would not be visible from the street. McCarthy stated that a Conditional Use Permit could be pursued to accommodate the sign proposals that do not conform; however, the applicant has stated that she does not want to apply for a CUP. President Pollitt stated that the CUP process includes cost recovery bills that can add up to thousands of dollars. Turner stated that the Village Board could approve the BSOP subject to the signage being brought into compliance. McCarthy asked the Village Board members to consider placing a 30-day time limit for the removal of the nonconforming banner sign that has been hanging on the front of the building. Spadoni stated that the Village Board could approve the BSOP with the conditions that within 30 days the banner sign is taken down and the other signage at the building be brought into compliance and with the other conditions recommended by the Plan Commission.

Spadoni/O'Connell 2nd made a MOTION to approve the Building, Site and Operational Plan as submitted with the conditions that the applicant remove the banner sign from the front of the building within 30 days; that all the signage at the building be brought into compliance; that 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; that the applicant obtain all required permits; and that all cost recovery fees applicable to this project shall be paid prior to the issuance of any building and zoning permits. The MOTION carried without negative vote.

General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs Approve Election Inspector Two-Year Appointments Per State Statutes – January 1, Even Years to December 31, Odd Years

Martin stated that statute statutes dictate the appointment of election inspectors. Martin stated that the Dixie McConnell and Laurie Larson are moving out of the Village so two new election inspectors have been solicited.

O'Connell/Petersen 2nd made a MOTION to approve the two-year appointments of Chief Election Inspector Allison Murray, Alternate Chief Election Inspector Rick Treptow, and Election Inspectors Jacqueline Berg, Jane Klockars, Gretchen McCarthy, Genie Murphy, Sharon O'Brien, Diane Rinaldi, Carlene Sensenbrenner, Joan Tierney, Karla Tildahl, Karen Varhula and Kathie Walsh. The MOTION carried without negative vote.

Approve Borrowing \$180,000 for Fire Truck

Hayden-Staggs stated that the Village took delivery of the truck chassis a few months ago. Hayden-Staggs stated that the Village has to borrow the money for payment of the chassis and deposit the funds in 2007 for the item to be included in the 2007 audit. Hayden-Staggs stated that Walworth State Bank has offered a 4.5 percent interest rate for a five- or 10-year loan. Hayden-Staggs stated that when the truck is delivered, the rest of the funds will be borrowed to complete the purchase. The Village Board also will have to approve a budget amendment to forward the funds from the 2007 budget to the 2008 budget.

President Pollitt/Spadoni 2nd made a MOTION to approve Resolution 12-03-07-02 authorizing the borrowing of \$179,000 from Walworth State Bank for a 10-year period, and the MOTION carried without negative vote.

Approve Employee Christmas Bonuses

Hayden-Staggs stated that the Village Board traditionally approves a bonus for all Village employees of \$50 gift certificates for Sentry Foods.

Spadoni/Kenny 2nd made a MOTION to approve the issuances of \$50 gift certificates for Sentry Foods for all Village employees, and the MOTION carried without negative vote.

2008 Triathlon – September 6, 2008

Frank Dobbs requested that the Village Board approve the annual triathlon for Saturday, September 6, 2008. Dobbs stated that he will again offer the half iron man, Olympic distance and sprint distance races for participants. No new distances or course are being proposed for the event. Hayden-Staggs stated that the Village of Fontana bills Dobbs for manpower and supply expenses, which total about \$8,000. Hayden-Staggs stated that Village also earns revenue from the event with employees parking cars and selling concessions to the participants. Turner stated that the event organizers make a lot of

money on the triathlon and he is concerned that the Village recoups every cent it puts into setting up and running the event. Hayden-Staggs stated that all the expenses are recouped through the annual donation made to the Village by Dobbs. Dobbs stated that he also makes about \$15,000 in total charitable contributions from the event proceeds.

Spadoni/Kenny 2nd made a MOTION to approve the 2008 triathlon for Saturday, September 6, 2008, with all the contingencies established in previous years, and the MOTION carried without negative vote.

Village DMA Ordinance Amendment

Hayden-Staggs stated that the approval of a new pier at the Abbey Springs Yacht Club prompted the request by Trustee Turner to have the Village Designated Mooring Area Ordinance amended.

Spadoni/Petersen 2nd made a MOTION to refer the matter to the Lakefront and Harbor Committee for a recommendation, and the MOTION carried without negative vote.

Keizer and Sons Garbage Collection Contract Amendment

Hayden-Staggs stated that the Village Board approved a contract last month with the other RFPs and the Keizer contract called for rates equivalent to 2007; however, since that meeting, Jack Keizer received notification of an increase in the landfill tipping fee tax. Petersen stated that it is not Keizer's fault that the state budget was adopted so late and he was not notified in the increase in expenses generated by the increased landfill tipping fee tax. The additional expense totals \$2,360. President Pollitt stated that if the Village Board approves the additional expenses, the funds will have to be allocated from a different account in the budget.

Petersen/Spadoni 2nd made a MOTION to approve an increase of \$2,360 in the contract with Keizer and Sons, Inc., for garage collection, and the MOTION carried without negative vote.

Adult Business Regulations Ordinance and Resolution Approval

Hayden-Staggs stated that the staff finalized the proposed adult business regulations ordinance and resolution and recommended approval. Turner stated that he would like the required setback distance from residential districts to be greater than 500 feet. Thorpe stated that the 500-foot threshold has been upheld by the Supreme Court, as have all the parameters of the proposed ordinance and resolution. Hayden-Staggs stated that the Village code has to have an option for approval of adult businesses, but the proposed ordinance includes a provision that adult businesses cannot serve alcohol. Turner stated that he would like to have the VCP District added to the districts where adult businesses would not be allowed. Thorpe recommended adopting the ordinance as presented that night, and if desired, the Village Board could amend the ordinance in the future.

Spadoni/Petersen 2nd made a MOTION to approve Ordinance 12-03-07-05 as presented, and the MOTION carried without negative vote.

Hayden-Staggs stated that the proposed resolution did not yet include a fee for adult oriented business licenses. The Village Board was in consensus that the fee should be set at \$700.

Spadoni/Petersen 2nd made a MOTION to approve Resolution 12-03-07-03 as presented, with the fee set at \$700, and the MOTION carried without negative vote.

Turner stated that he would like Thorpe to investigate if the required setback for adult oriented businesses from residential districts can be set at distances greater than 500 feet. Turner stated that he also would like Thorpe to investigate if the Village Center Preservation District can be added to the residential districts as districts where adult businesses are not allowed and districts that adult businesses must be setback at least 500 feet.

Turner/Spadoni 2nd made a MOTION to direct Thorpe to investigate if the required setback for adult oriented businesses from residential districts can be set at distances greater than 500 feet and to investigate if the Village Center Preservation District can be added to the residential districts as districts where adult businesses are not allowed and districts that adult businesses must be setback at least 500 feet. The MOTION carried without negative vote.

Approve Resignation of Ralph O'Connell from Protection Committee

O'Connell submitted a letter of resignation on November 19, 2007 that states he will not be able to attend meetings for several months because of health related problems. President Pollitt stated that he will be accepting suggestions for someone to replace O'Connell on the committee.

President Pollitt/Petersen 2nd made a MOTION to accept the resignation of Ralph O'Connell from the Protection Committee and to thank him for his service, and the MOTION carried without negative vote.

Approval of New Accounting Software

Hayden-Staggs stated that the Village staff has been investigating the purchase of new Windows based software to replace the DOS based software. The Village currently contracts with Tyler Technologies, which submitted a bid for the new software as well as Municipal Software, Inc., and Civic Systems. Hayden-Staggs stated that staff is leaning toward recommending Tyler; however, some questions still need to be answered. Hayden-Staggs stated that since the \$46,000 is in the 2007 budget for the purchase, a budget adjustment will be required to make the actual purchase in 2008, after all the remaining issues are resolved. A budget adjustment will be presented at the January meeting. Petersen/Turner 2nd made a MOTION to authorize the allocation of \$46,000 from the 2007 budget into the 2008 budget for the purchase of new accounting software, and the MOTION carried without negative vote.

Approval of Ordinance Amendment to Sections 2-63, 2-336 & 2-341

Spadoni asked if the Park Commission made a recommendation on the proposed amendment. The issue was discussed at the July 18, 2007 Park Commission meeting, at which the amendments were recommended; however, an official motion was not made.

Turner/Spadoni 2nd made a MOTION to table the proposed ordinance amendment and refer the matter back to the Park Commission for an official motion, and the MOTION carried without negative vote.

182 Second Asbestos Abatement Contract

Workman stated that two bids were received for the required asbestos abatement at 182 Second Avenue, prior to the razing the structure. Wisconsin Asbestos Removal and Services, LLC, submitted a bid of \$600 to complete the project, with a \$75 fee for the required permit from the Wisconsin Department of Natural Resources. Environmental Construction Services, Inc., submitted a bid of \$2,280.

Spadoni/Petersen 2nd made a MOTION to approve the bid submitted by Wisconsin Asbestos Removal and Services, LLC, and the MOTION carried without negative vote.

Protection Committee – President Pollitt

Operator's License Applications Filed by James A. Gill (Abbey Resort), Angela Halsted (Roulette Oil), Brett Von Bergen (Abbey Springs) and Jennifer E. Voit (Gordy's)

The Protection Committee recommended denial of the application filed by Jennifer E. Voit, and approval of the application filed by Brett Von Bergen. There were no background check issues with the applications filed by James A. Gill and Angela Halsted. After consultation between Chief Olson and Attorney Thorpe, the application filed by Von Bergen was recommended for denial.

Spadoni/Kenny 2nd made a MOTION to approve the applications filed by James A. Gill and Angela Halsted, and the MOTION carried without negative vote.

Turner/O'Connell 2nd made a MOTION to deny the application filed by Jennifer E. Voit, and the MOTION carried without negative vote.

Petersen/Turner 2nd made a MOTION to deny the application filed by Brett Von Bergen, and the MOTION carried without negative vote.

Approve Ordinance Amendment Creating Section 74-342

The Protection Committee recommended approval of the ordinance to address the parking situation in front of the US Postal Service office at 185 Third Avenue. Turner stated that the Village Board should hold off on approving the ordinance until the nonconforming parking situation can be addressed by staff. Turner stated that with the Third Avenue reconstruction project again being proposed, it would be a good time to address the parking issue.

Spadoni/Petersen 2nd made a MOTION to table the proposed ordinance amendment until the parking situation is addressed by the staff and the owner of the building, and the MOTION carried without negative vote.

Public Works – Trustee Petersen

Request for More Compensation for Water Damage Claim Filed by Frank and Colleen Yaccino, 568 Sauk Trail

Petersen stated that the Village Board discussed the request in closed session and determined that the Village should follow the recommendation of Village Attorney Thorpe. Thorpe stated it is within the Village Board's discretion to pay a claim if it has legal standing; however, it is also the Board's responsibility to deny claims that have no legal standing. Frank and Colleen Yaccino signed a settlement agreement with regard to the claim and the Village's insurance provider has recommended denial of any further claims related to the January 23, 2007 water main break. Frank Yaccino stated that he has owned property in the Village for 17 years and he came to the Village Board in the spirit of cooperation seeking some reimbursement for the expenses related to the water main break. Yaccino stated that the interior work at the residence was covered by the settlement amount he received when the release was signed. Yaccino stated that there was a mistake made by the Village with the decision not to completely shut off the water line on the night of January 23, 2007, and he and his wife made a mistake in signing the release to settle the claim before spring when the ground thawed and further problems were discovered. Frank Yaccino stated that he is not asking the Village to pay for all the expenses, just a portion. Frank Yaccino stated he was also upset that Workman called him and informed him of the Board's decision that was reached during the closed session. President Pollitt stated that Workman called Yaccino as a courtesy, not to pass the responsibility of informing Yaccino of the decision.

Petersen/Turner 2nd made a MOTION to deny the request for more compensation for water damage claim filed by Frank and Colleen Yaccino, 568 Sauk Trail, based on the legal opinion provided by Thorpe and the closed session discussion. The MOTION carried on a 4-1 vote, with Trustee Spadoni opposed and Trustee O'Connell abstaining.

Arrowhead & Castle Terrace Drive Project Update

Workman stated that the binder coat of asphalt has been installed and the residential mailboxes have been erected. The final landscaping and asphalt work will be completed in spring.

Arrowhead & Castle Terrace Drive Pay Request

Workman stated that the pay request submitted by Globe Contractors, Inc., has been reviewed and approval is recommended.

Petersen/Spadoni 2nd made a MOTION to approve the pay request totaling \$252,967 submitted by Globe Contractors, Inc. for the Arrowhead Drive and Castle Terrace Avenue road reconstruction contract, and the MOTION carried without negative vote.

Wild Duck and Dade Roads Project Update

Workman stated that the binder coat of asphalt has been installed, the surface work on the paths has been completed, the guardrail has been installed and grading and top soil work has been completed on the project. Final seeding and restoration work was not completed before it snowed, so it may have to be completed in the spring. Workman stated that the Village also received a pay request from Mann Brothers, Inc., totaling \$408,867 for the Dade and Wild Duck Roads contract. The pay request was reviewed and payment was recommended.

Petersen/O'Connell 2nd made a MOTION to approve the pay request totaling \$408,867 submitted by Mann Brothers, Inc., and the MOTION carried without negative vote.

Porter Court Plaza Project Update

Workman stated that a preconstruction meeting was held following initial delays in the schedule. The required permit has been received from the Wisconsin DNR; however, only preliminary work in the ditch line will commence this year. Workman stated that the project will be completed in the spring and it should still be completed on schedule, which is about two weeks prior to Memorial Day weekend.

CDA – Trustee Turner

2008 Project Schedule (Tabled 11/05/07)

Turner stated that the project plan was amended to put the plans in priority order. With regard to the third item, Make Finals Decisions on Lake Street and New Community Center/Library, Turner

stated that the CDA already has approved a household survey that will be sent out to residents. Petersen and President Pollitt stated that they think item number 6, Complete Kinzie Avenue as an Extension of the Highway 67 Project, should be moved up on the priority list. Turner/Spadoni 2nd made a MOTION to approve the proposed CDA Work Plan for 2008/9 as presented, and the MOTION carried without negative vote.

Third Avenue Referendum Discussion

Turner stated that the CDA would like to put the Third Avenue construction project out for a referendum vote at the Spring Election on Tuesday, April 1, 2008. The statutory deadline for the certification of referendum questions for the spring election is February 18, 2008. The Village Board was in consensus that the Third Avenue construction project should be put out for a referendum vote on April 1, 2008. Draft questions will be distributed prior to the next monthly meeting. Petersen/Turner 2nd made a MOTION to authorize that a referendum question seeking approval for the Third Avenue construction project will be placed on the ballot for the April 1, 2008 Spring Election, and the MOTION carried without negative vote.

Award of DNR Recreation Trails Program Grant

Turner stated that the Village received notification from the Wisconsin DNR that the joint Village of Fontana-Village of Walworth Pedestrian Bike Trail project has received a matching grant of \$152,721. McHugh stated that a project plan and budget will have to be finalized by the Village of Fontana and the Village of Walworth. Because the grant notification came so late in the year after the state budget was finally approved, the Village of Walworth may not have included any funding in their 2008 budget. The Village of Fontana portion of the project will be funded with TIF dollars. McHugh stated that a committee will have to be formed to determine how much to spend on the project and to finalize the plan with the Village of Walworth.

Announce Meeting for Presentation by STS Consultants on Redevelopment Feasibility Study for Former Village Garage & Dump Site – Wednesday, December 5, 2007

Turner stated that the former dump site cleanup is a sensitive issue that will be discussed at the joint meeting on December 5, 2007. McHugh distributed copies of the report that will be presented at the joint meeting.

Lakefront and Harbor – Trustee O’Connell Commercial Launch Fees (Tabled 11/05/07)

The item was tabled last month to give the Village Board members more time to consider the proposed 4 percent increase in the fee. The Lakefront and Harbor Committee recommendation is to set the fee at \$780 for the first 100 launches and \$7.80 for each launch after the first 100. O’Connell stated that the commercial launch rate was established in 2002 to help alleviate all the paperwork generated by a monthly billing process. O’Connell stated that since the commercial launchers do not require the use of a parking stall, the rate has been established at a lower level than the rate for residential boat launches. Tom Howell stated that Gordy’s launches boats during off-peak hours at the launch. Howell stated the lower rate was established by the Village because no parking is needed and the commercial drivers do not require any help from the launch personnel. In response to a question, Howell stated that Gordy’s does not charge boat owners specifically for the launch fee. Howell stated that the launch fee is not a line item on the bills customers receive from Gordy’s, there is a flat rate for the overall services. In response to a question from Turner, Hayden-Staggs stated that the DNR does not allow municipalities to establish separate rates for launching and for parking. The DNR only allows municipalities to establish a single fee that covers launching and parking. Turner stated that residents who do not use the municipal parking lot should also be able to launch the boats at the commercial rate. Peg Pollitt stated that Village of Fontana residents do receive a lower launch rate than non-residents, but it is still more expensive than the commercial rate. Spadoni/O’Connell 2nd made a MOTION to approve Resolution 12-03-07-01 as presented, and the Roll Call vote followed:

Trustee Turner – Yes
Trustee O’Connell – Yes
President Pollitt – Yes
President Pollitt – Yes

Trustee Petersen – Yes

Trustee Kenny – Yes

The MOTION carried on a 6-0 vote, with Trustee Youngquist absent.

Boat Size Ordinance Amendment

O’Connell stated that the committee voted to recommend that boats over 30 feet in total length not be allowed to be launched at the Village launch, unless the boat is being launched by a commercial operation. After O’Connell made a motion to approve the recommendation, and it was seconded by Spadoni, Turner stated that he does not object to commercial operations launching boats greater than 30 feet in total length during the week, but they should not be allowed to launch boats larger than 30 feet in total length on weekends. Turner stated that the trailers and vehicles used by the commercial operations will cause more congestion in the lakefront neighborhoods during the weekends. O’Connell stated that the Village of Fontana is the only public launch on the lake where boats greater than 30 feet in length can be launched. Spadoni stated that the Village of Fontana has boat businesses located right next to the launch and it makes sense that those local business owners be allowed to use the Village launch. Turner stated that the commercial operations launching large boats do not pose a problem on weekdays. Turner stated that a lot of people own boats that are larger than 30 feet. Tom Whowell stated that the commercial boat launching employees are experienced drivers and they can get the boats in and out very rapidly. The commercial boat launches also do not use the parking lot, and private owners of large boats would not be able to fit their automobiles and large trailers into the parking stalls. Whowell stated that Gordy’s tries not to use the Village launch on weekends and they can use their own launching facilities on weekends. Turner stated that a condition should be incorporated into the proposed ordinance amendment that states boats in excess of 30 feet must be launched during weekdays and not on holidays. Peg Pollitt stated that it would not be fair to discriminate against a private boat owner who wanted to launch a boat greater than 30 feet in total length if that person was not going to be parking in the Village lot, or if they were a Fontana resident and they also were not going to use the Village lot after launching their boat. Turner stated that the Village should adopt the ordinance amendment at this time and if issues arise, the matter can be addressed again.

Turner/O’Connell 2nd made a MOTION to AMEND the motion on the floor to include the condition that commercial entities purchasing a commercial launch pass can launch boats over 30 feet in length during weekdays and not on holidays. The MOTION carried without negative vote.

O’Connell/Spadoni 2nd made a MOTION to approve Ordinance 12-03-07-01 as amended, with “and launched during weekdays and not on holidays” included, and the MOTION carried without negative vote.

Finance Committee – President Pollitt

Johns Disposal Service Recycling Agreement

President Pollitt stated that the John’s Disposal contract will expire this year and the Finance Committee recommended putting the contract out for bids. John’s currently is requesting a 2 percent cost of living increase beginning on January 1, 2008. John’s stated in a letter dated October 20, 2007 that they will continue to provide service at the 2006-2007 rate for all of 2008 if the Village will agree to enter a new five-year contract when the current contract ends of May 10, 2008.

President Pollitt/Spadoni 2nd made a MOTION to approve the 2 percent cost of living increase for the current contract through May 10, 2008, and to put the recycling service contract out for bids when the current contract expires, and the MOTION carried without negative vote.

Approve Recommendation to Raise Village Fees

The Finance Committee recommended raising the Village fees for photocopies, for park permits, for copies of Chapter 17 and 18 of the Municipal Code, for copies of the TIF No. 1 Plan and the TID Project Plan Amendment, for copies of the Park and Open Space Plan, for Operator’s License applications, for Tree Trimming and Removal License applications, for Compost Area Dumping Permits, for Retail Cigarette Licenses, for dog licenses, for bow deer hunting permits, for curb-side chipping services and weed control mowing services, and for the filing fees for Conditional Use Permits, Board of Appeals Applications and Petitions to Amend the Zoning Ordinance and Zoning Map. Spadoni asked why the Finance Committee did not recommend raising the fees for Transient

Merchant Permits and President Pollitt responded that there has not been any issued for the past several years, so the committee did not discuss them.

President Pollitt/Turner 2nd made a MOTION to approve the increase in the Village fees as presented, and the MOTION carried without negative vote.

Park Commission

Approve Tree City USA Recertification Application Submittal

The annual recertification application submittal has to be approved by the Village Board.
Spadoni/O'Connell 2nd made a MOTION to approve the submittal of the Tree City USA Recertification Application, and the MOTION carried without negative vote.

F/W WPCC – Trustee Petersen

Update

Petersen stated that the wastewater treatment facility will be the site of the annual F/W WPCC holiday luncheon on Friday, December 7, 2007.

GLLEA – President Pollitt

Update

President Pollitt stated that the Geneva Lake Law Enforcement Agency Board of Directors will not be meeting again until February 2008.

Pending Items for Future Agendas

1. Abbey Springs PIP Amendment for Boat Storage Plan (Tabled 2/5/07 & 3/5/07)
2. Fontana Fen Property Line Delineation

Adjournment

Spadoni/Kenny 2nd made a MOTION to adjourn at 8:06 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: 01/07/2008