

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

MONTHLY MEETING of the VILLAGE BOARD

**Tuesday, December 6, 2005**

President Whowell called the monthly meeting of the Village Board to order at 5:01 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

**Trustee absent:** Bromfield

**Also present:** Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Director of Public Works Craig Workman (entered room at 5:40 pm)

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

Petersen/O'Connell 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. for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and pursuant to Chapter 19.85 (1) (e) Wis. Stats. for the purpose of deliberating or negotiating 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:

Pollitt – Yes

Turner - Yes

O'Connell – Yes

President Whowell – Yes

Petersen – Yes

Larson - Yes

**Adjourn Closed Session**

O'Connell/Petersen 2<sup>nd</sup> made a MOTION to adjourn the closed session of the Village Board and reconvene in open session at 6:00 pm, and the MOTION carried without negative vote.

President Whowell announced the Village Board was in session at 6:02 pm.

**Also present:** Randy Barger, Skip Bliss, Police Lt. Brad Buchholz, Bob Chanson, Barbara and Frank Dobbs, Lee Eakright, Jim and Megan Feeney, Susan Geye, Susan Jones, Librarian Nancy Krei, Dr. Steve Lelyeld, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Sharon O'Brien, Police Chief Steve Olson, Treasurer Peg Pollitt, Donald Roberts, Bob Sandy, Chris Schultz, Paul Sloth, Tom Sullivan, Rick Treptow, Jan van den Kieboom, Director of Public Works Craig Workman

**Visitors Heard**

Donald Roberts stated that he wanted to discuss the Village Board's decision to research the economic viability of contracting for police services with the Walworth County Sheriff's Department. President Whowell stated the issue was on the posted agenda, and he would move the item up to the first matter to be discussed following the Visitor's Heard portion of the meeting. Bob Sandy presented to the Village Clerk petitions with 154 signatures by Village of Fontana residents and property owners. The petitions state: "To the Village of Fontana Board of Trustees: We the undersigned residents and/or property owners of the Village of Fontana, wish to convey to the Board our desire to see the Board immediately end all discussions and work being done regarding the elimination of the Fontana Police Department and contracting with the Walworth County Sheriff's

Department for law enforcement services.” President Whowell stated he would move item No. 7 under the General Business section of the agenda up to the first matter of business in order to immediately address the concerns of Roberts and the petitioners.

**General Business/Administrator’s Report – President Whowell/Administrator Hayden-Staggs**

**Town Hall Meeting Resolution**

President Whowell stated that a proposed Village Board resolution outlines the establishment of Act 40, negotiation parameters and the chronology of the Village Board’s decision to direct staff to solicit an economic proposal from the Sheriff’s Department, and calls for the dropping of the economic study. Trustees Pollitt/O’Connell 2<sup>nd</sup> then made a motion to approve the resolution as presented. The resolution states: “Now therefore be it resolved, the Village Board of Trustees after hearing the concerns raised at the November 12<sup>th</sup> Town Hall meeting agree to drop the economic study.” Roberts stated that he was concerned about the manner in which the request for the economic proposal from the Sheriff’s Department was initiated by the Village Board. Roberts stated that the direction was given in a closed session, and that was not in accordance with state statutes. The agenda did not state what the Village Board would be discussing in the closed session on September 12, 2005. Roberts stated that closed session items should be announced at the meeting and noted in the minutes.

Pollitt/O’Connell 2<sup>nd</sup> made a MOTION to approve Resolution 12-06-05-01 as presented, and the MOTION carried without negative vote.

**Announcements**

Hayden-Staggs announced that the CDA Board monthly meeting will be held Wednesday, December 7, 2005, at 6:00 pm; the Fontana Public Library Holiday Open House will be Friday, December 9, 2005, from 10:00 am to 4:00 pm, with a special music program to be presented by the Fontana Elementary School Chorus at 2:00 pm; the first quarter 2006 newsletter article deadline is Friday, December 9, 2005; the annual Village of Fontana Christmas Party will be held at Chuck’s Lakeshore Inn on Monday, December 12, 2005, at 6:00 pm; Accurate Appraisal will hold Village Hall office hours on Friday, December 16, 2005, 10:00 am to 3:00 pm; the Plan Commission monthly meeting will be held Tuesday, December 20, 2005, at 5:30 pm; the holiday season office schedule calls for the Village Hall to be closed on December 23, 24, 26 and 31, 2005, and January 2, 2006; the CDA Board monthly meeting will be held Wednesday, January 4, 2006, at 5:00 pm; and the Village Board monthly meeting will be held Wednesday, January 4, 2006, at 6:00 pm.

**Approval of Minutes**

Petersen/O’Connell 2<sup>nd</sup> made a MOTION to approve the minutes for meetings held November 1 and 21, 2005, and the MOTION carried without negative vote.

**Village Treasurer’s Report**

Petersen/Larson 2<sup>nd</sup> made a MOTION to accept the Treasurer’s Report for October 2005 and to place it on file for the audit, and the MOTION carried without negative vote.

**Approval of Village and Utility Payables**

Pollitt/Larson 2<sup>nd</sup> made a MOTION to approve the Village and Utility Payables as presented with the addition of 32 additional bills received after the agenda packets were distributed, and the MOTION carried without negative vote.

President Whowell announced he would take some agenda items out of order to accommodate people in the audience who came for specific items.

**Protection Committee - Chief Olson**

**Abbey Resort Pigeon Eradication Request**

President Whowell stated that Randy Barger, an employee at the Abbey Resort, was in the audience to explain the proposal to use a pellet gun to shoot the pigeons that have created a health and safety nuisance at the resort. Chief Olson stated that no other abatement efforts have worked for the Abbey. Although there are two ordinances in the Village of Fontana Municipal Code that prohibit

the discharge of weapons in the village and the discharge of weapons toward a building, Chief Olson stated that the proposal can be carried out in a safe manner and he recommended approval. Chief Olson stated that the approval could be granted with the condition that the situation is reviewed after one year.

Petersen/Turner 2<sup>nd</sup> made a MOTION to approve the proposal as presented, with the approval subject to review in December 2006, and the MOTION carried without negative vote. President Whowell abstained.

**Approve Operator's Licenses for Eric Dobner, Jamie L. Goodwin, Mary Hennerley and Thomas A. Anditon (Rollette Oil employees), and Cindy Lou NeSmith and Bruce C. Voss (Novak's employees)**

Chief Olson stated all of the applicants were put through background checks and nothing of concern came up.

Turner/Larson 2<sup>nd</sup> made a MOTION to approve the issuance of Operator's License to Rollette Oil employees Eric Dobner, Jamie L. Goodwin, Mary Hennerley and Thomas A. Anditon, and to Novak's employees Cindy Lou NeSmith and Bruce C. Voss, and the MOTION carried without negative vote. President Whowell abstained.

**Pay Raise for Chief 2005 (Tabled 11-01-05)**

President Whowell stated that the Village Board discussed in the Closed Session the Protection Committee's recommendation on the pay raise request by Chief Olson.

Larson/Petersen 2<sup>nd</sup> made a MOTION to ratify the Protection Committee's recommendation to deny the pay raise request, and the MOTION carried without negative vote. President Whowell abstained.

**Retroactive Pay Raise for Lt. Buchholz**

President Whowell stated that the Village Board discussed in the Closed Session the Protection Committee's recommendation on the pay raise request by Lt. Buchholz. The committee recommended approving a retroactive 3 percent cost-of-living pay increase for Lt. Buchholz for the period from January 2005 through July 2005.

Larson/Petersen 2<sup>nd</sup> made a MOTION to ratify the Protection Committee's recommendation to approve the 3 percent retroactive pay raise request submitted by Lt. Buchholz for the period from January 2005 through July 2005, and the MOTION carried without negative vote. President Whowell abstained.

**General Business/Administrator's Report – President Whowell/Administrator Hayden-Staggs**

**Approve 2006 Triathlon, September 9, 2006**

President Whowell asked Barbara and Frank Dobbs if they had made alternate route and parking plans for the annual Triathlon because of the construction projects that will be well underway by next September. There will be no parking available in the current boat trailer parking lot or at the beach parking lot, and the Highway 67 construction project will be underway. Frank Dobbs was directed to meet with staff to develop a proposed parking plan and to discuss alternate routes for the bicycling and running portions of the event. President Whowell stated that if alternate routes and parking plans can be worked out, the Village Board will vote on the request at next month's meeting.

**CDA – Trustee Turner**

**Awarding of the Beach House Construction Contract**

McHugh reported that three bids were received for the Beach House construction project. The low bid of \$757,900 was submitted by Gilbank Construction, Inc., Clinton. Magill Construction Company, Inc., Elkhorn, submitted a bid of \$908,583, and Home Design Mfg. Corp., Fontana, submitted a bid of \$933,000. Jan van den Kieboom of Workshop Architects stated that if the Village decides to reengineer the project and put it out for new bids, the potential cost savings most likely will be offset by the current inflation rate. Turner stated that the low bid is about \$90,000 over the initial budget for just the beach house building portion of the project. The building portion of the bid totals \$623,098; additional construction requirements total \$39,300; and related site and utility construction totals \$95,501. The budget for the beach house portion of the bid includes all the costs

directly attributable to the building. The CDA's 2006 beach house budget totaling \$654,099 includes \$623,098 for the Gilbank contract; \$4,680 for the approximate remainder of the PDI proposal; \$14,820 for the approximate remainder of the Workshop Architects contract; \$850 for the approximate remainder of the Ruekert-Mielke proposal; \$6,650 for staking and site work; and \$4,000 for asbestos abatement costs. Using the 2006 CDA budget, the overall total expenses projected for the beach house project is approximately \$719,187. That number still will be increased as the final costs for 2005 are fully accounted. Jim Feeney, a member of the Finance Committee, stated that the project is too expensive for a building that will not get much use by the residents, and will only be used by the visitors for three months out of the year. Feeney stated that the Village should remodel or renovate the current beach house for about \$250,000. Feeney stated that the Village should also wait until after the next summer season to begin construction if the project will not be completed prior to the start of the 2006 summer season. Turner responded that the current beach house is in terrible shape and in dire need of replacement. The current beach house can't be economically renovated because the foundation is deteriorating and because it contains asbestos. Hayden-Staggs stated that if approved and the construction begins during the current winter season, the beach will be able to operate in some manner during the final phase of construction next June. Turner stated that Tax Increment District funding will be used for the majority of the project, and the rest of the expense will be derived from the additional daily entrance and season beach pass fees. Turner stated that once complete the Village will have an attractive, first-rate building that will be useable for 50 to 75 years. Turner stated that because of construction standards, a public building is very expensive to construct. Turner/Larson 2<sup>nd</sup> then made a motion to approve the low bid submitted by Gilbank. Trustee Pollitt suggested that since construction is not estimated to be completed until the end of June, the project should be delayed until after Labor Day next fall. Pollitt stated that delaying the construction would allow the Village to look at less costly options to replace the current beach house. Trustee Pollitt then made a Motion to Amend the Motion made by Turner/Larson that the project should be postponed until after the 2006 summer season, and in the meantime, the Village should continue to negotiate with Gilbank to reduce the total amount of the contract. Trustee Pollitt's Motion to Amend the Main Motion died for lack of a second. Turner/Larson 2<sup>nd</sup> made a MOTION to approve the low bid of \$757,900 submitted by Gilbank Construction, Inc., and the MOTION carried with one negative vote cast by Pollitt.

### **Park Commission - Trustee Larson**

#### **Boat Turn Around through Pioneer Park**

President Whowell stated that because of recent questions posed by the engineers working on the Third Avenue construction plans, the Boat Turn Around proposal was being revisited. Turner stated that there are "a lot of silly one-way streets" in the lakefront area, and because of growing traffic and pedestrian safety concerns, Third Avenue and Kinzie Avenue should be changed back to two-way streets – throughout the year. If the turn-around in Pioneer Park is not developed as proposed in the initial concept plans presented about three years ago, Turner stated that traffic still will be backed up onto Kinzie. If the turn-around is developed in the park, automobiles and boat trailers would be driven away from the congested lakefront on Third Avenue, and Kinzie Avenue would be cleared of the constant traffic. Turner stated that the turn-around could be made smaller to save more of the current Pioneer Park. Larson stated that a Plan Commission motion to approve the turn-around failed and then the Plan Commission voted to table the matter for a one-year review period. Larson stated that the Park Commission voted unanimously at its most recent meeting to recommend denial of the turn-around. Dr. Steve Lelyeld stated that he has owned a residence in the neighborhood for 20 years, and if the dangerous situation is not addressed by the Village, a child will be seriously injured or killed in an automobile accident at the very unsafe corner. Bob Sandy stated that the land that was made into Pioneer Park actually accommodated a building before it was purchased by the Village. Sandy stated that the Village purchased the lot for a boat rigging area, but that plan was scrapped and the park developed at the urging of the residents of the Fontana Shore Condominiums. Sandy suggested a different traffic pattern that would block lower Kinzie Avenue from eastbound traffic. Sandy stated that residents of Buena Vista and home owners on Kinzie Avenue could drive to and from their homes on side streets, and vehicles could be driven down Third Avenue to the lakefront and then back up lower Kinzie to a cross street and then south back to Third Avenue. Tom Sullivan stated that he has owned a home on Kinzie Avenue for eight or nine years and there has been a constant increase in traffic and decrease in pedestrian safety. The heavy traffic on Kinzie

should be eliminated, Sullivan said. Rick Treptow stated that the current problems in the launch area are caused by congestion, and the only way to alleviate the congestion is to move the village boat launch to the south, adjacent to the beach at the site of the current MJs Marine building. Susan Jones also suggested moving the current boat launch site. President Howell stated that the preliminary plans have all called for constructing a new beach house and a new lakefront building on the site of the MJs Marine building, and moving the boat launch to the same area would cause new pedestrian and safety problems in the beach area. Peg Pollitt stated that the Lakefront and Harbor Committee indicated at its most recent meeting that it is in favor of waiting for one year prior to making a final decision on the boat turn-around in Pioneer Park to see if the reduced boat trailer parking lot will help alleviate the traffic problems at the lakefront. President Howell stated that the engineers would like a decision on the turn-around proposal in order to coordinate the planning for the various projects. Turner stated that it will be a lot cheaper for the Village to make a decision and have all of the required engineering completed at the same time; however, if the decision was again postponed, it will not be impossible to move forward with the Third Avenue planning at this time. Larson stated that the turn-around proposal should have come back to the Plan Commission prior to being placed on the Village Board agenda. Larson stated that if there is a new plan for the turn-around, it should have been first presented to the Plan Commission, according to Village procedure. Susan Geye asked if the proposal is approved, what percentage of Pioneer Park would become impervious surface and how much would remain grass or natural. Turner responded that he would like calculations for the entire lakefront area, because some current impervious surfaces will be turned into landscaped areas, and vice versa. Turner suggested that the green space to impervious surface ratio calculations be determined and the figures and the new turn-around plan be presented to the Park Commission at its next meeting. President Howell stated that the Park Commission should make a recommendation to the Plan Commission, and then the issue will be brought back before the Village Board for a final decision.

President Howell called for a two-minute recess before the Village Board continued the agenda in its posted order.

#### **Public Works - Trustee Petersen**

##### **Contested Water Bill - Bill & Sharon Conklin, 123 Big Foot (Tabled 11-01-05)**

Workman stated that the meter at the Conklin residence was monitored since last month's meeting and it is in perfect working order. The Conklins irrigated some new landscaping during the previous quarter, which accounted for the higher than usual water bill. Workman stated that no Board was action was necessary.

##### **Lead Pay Approval**

Workman recommended approval of the quarterly lead pay salary for Ron Adams and Dennis Barr. Petersen/Turner 2<sup>nd</sup> made a MOTION to approve the Lead Pay as recommended, and the MOTION carried without negative vote.

##### **Fontana Boulevard Utilities Project Update and Pay Request No. 1**

Workman stated that the CDA project payment request will be acted on by the CDA Board at its monthly meeting December 7, 2005 and Village Board approval was not necessary. The payment request from Mann Brothers, Elkhorn, totals \$63,821. Workman stated that Mann Brothers has done an excellent job to date on the project. Sanitary sewer has been installed on the north side of the street and the storm sewer installation project is underway.

##### **Walworth Water Connection Update and Pay Request**

Workman stated that work commenced about one month ago on the joint project with the Village of Walworth and the construction is 90 percent complete. Workman stated that a 110-foot boring under the highway and railroad tracks is the final portion of the project that has to be completed. Workman recommended payment of the initial pay request totaling \$95,709.59, to be split evenly by the two villages. Workman also recommended approval of a change order and payment of 50 percent of \$9,075 to help fund the boring project. Workman stated that the contractor, Willkomm Excavating & Grading, Inc., made an error with regard to the size of auger that is required to complete the boring project to the contract's specifications. Workman stated that the error will result in an additional

expense of \$18,150, and the Public Works Committee recommended that the two municipalities split half of the amount and the contractor pay half.

Petersen/Pollitt 2<sup>nd</sup> made a MOTION to approve payment of 50 percent of the \$95,709 pay request, the change order, and payment of 50 percent of the \$9,075 change order expense. The MOTION carried without negative vote.

#### **Hillcrest Project Update and Pay Request**

Workman stated that the Public Works Committee recommended payment of the \$139,302.73 pay request submitted by Mann Brothers for the Hillcrest Drive utility and street project, which should come in right on budget. Workman stated that the finishing work on the surface level will be completed in the spring.

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

#### **Tarrant Drive Final Pay Request**

Workman stated that he did not receive the final pay request for the Tarrant Drive project as anticipated. Mann Brothers still has to provide final figures before the pay request can be processed and presented to the Village Board for approval.

#### **Main Lift Station Project Update**

Workman stated that construction work has commenced in Reid Park on the Main Lift Station project in conjunction with the ongoing Fontana Boulevard projects.

#### **Well No. 3 Update**

Workman stated that a quote totaling \$12,511 was submitted by Layne-Northwest Division, Pewaukee, for work to be completed on Well No. 3. There is \$20,000 in the budget for the already approved project. Workman stated that the well should be back online by December 25, 2005.

#### **General Business/Administrator's Report – President Howell/Administrator Hayden-Staggs**

##### **Approve CDA Ordinance Regarding Resolution 11-01-05-02**

Hayden-Staggs stated that the Village Board had to adopt an ordinance in order to ratify amendments made to the Resolution Amending the CDA Redevelopment Area No. 1 Project Plan. Amendments made to Resolution 6-3-02-2 in Resolution 11-01-05-02 are the addition of the clause “defined herein to be construction requiring a building permit and permanent in nature,” and the addition of “temporary structures” to the sentence: This resolution does not apply to temporary structures, ordinary maintenance or interior remodeling which does not change the structure of exterior of the building, or to changes necessary for the continued occupancy of said buildings.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve Ordinance 12-06-05-01 as presented, and the MOTION carried without negative vote.

#### **AFSCME Union Contract**

President Howell stated that the Union contract with the Department of Public Works employees was a topic discussed in the closed session. Hayden-Staggs stated that language referring to future insurance funding options was removed from the two-year contract approved at last month's meeting. The rest of the contract, which calls for a 4 percent salary increase for 2005, and a 3 percent increase for 2006, and an increase in the total clothing uniform allowance, has not been altered from the previously approved contract.

Petersen/Larson 2<sup>nd</sup> made a MOTION to approve the AFSCME Union Contract for 2005 and 2006 as presented, and the MOTION carried with one negative vote cast by Pollitt.

#### **2005 Audit Engagement Letter**

Hayden-Staggs stated that RFPs were put out last year for the annual village audit, and the contract awarded to Patrick Romenesko calls for the approval of an annual Engagement Letter.

Pollitt/Larson 2<sup>nd</sup> made a MOTION to approve the 2005 Audit Engagement Letter to Patrick Romenesko, and the MOTION carried without negative vote.

### **Hubertz Annexation Ordinance**

Hayden-Staggs stated that the Wisconsin Department of Administration approved the annexation petition filed by the Village for the Curtis Hubertz property, and all the other requirements for annexing the lot into the Village of Fontana from Walworth Township have been completed. Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve Ordinance 12-06-05-02 as presented, and the MOTION carried without negative vote.

### **Library Parking Easement**

President Whowell stated that the parking easement for parking for the Fontana Public Library was a topic discussed in the closed session. The parking easement agreement was favorably reviewed by Village Attorney Dale Thorpe and by an attorney representing land owner Kent Shodeen, and it has a 90-day termination clause.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve the Library parking easement agreement as presented, and the MOTION carried without negative vote.

### **Christmas Bonus**

Hayden-Staggs stated that the Village Board traditionally approves a \$50 gift certificate to Sentry Foods, Walworth, as a Christmas bonus for Village of Fontana employees.

Larson/Petersen 2<sup>nd</sup> made a MOTION to approve the annual bonus, and the MOTION carried without negative vote.

### **Park Commission – Trustee Larson**

#### **Monthly Update**

Larson stated that Park Commission projects throughout the village are going well. After her update on the projects, Larson stated that she wanted to address incorrect statements made in a story written by Cheryl Bartz and published in the Walworth Times. The story incorrectly stated that flags located throughout the Village indicate where utility poles and buildings will be constructed. Larson stated that all of the stakes in the Hildebrand Conservancy area and in Headwaters Park indicate where natural plantings will or have been planted.

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

#### **Monthly Update**

O'Connell stated that the committee reviewed aerial photographs of the commercial end of the village's lakefront and found some areas where there were Designated Mooring Area violations that have to be addressed. The committee will continue its review of the entire lakefront.

### **CDA – Trustee Turner**

#### **2006 Budget (Tabled 11-01-05)**

Turner stated that final figures should be provided to the Village in the near future and the budget will be ready to be presented at next month's meeting of the Village Board.

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

### **Workshop Architects Beach House Contract**

McHugh stated that although the CDA Board previously voted to approve the \$57,000 design services contract with Workshop Architects, Inc., Milwaukee, the Village Board should approve a motion to ratify the contract.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve the contract with Workshop Architects, and the MOTION carried without negative vote.

### **Ruekert Mielke Civil Engineering Contract for Beach House**

McHugh stated that although the CDA Board previously voted to approve the \$13,000 to \$16,000 civil engineering contract with Ruekert Mielke, Waukesha, the Village Board should approve a motion to ratify the contract.

Turner/Larson 2<sup>nd</sup> made a MOTION to approve the contract with Ruekert Mielke, and the MOTION carried without negative vote.

### **Crispell-Snyder Engineering Contract Amendment for Fontana Boulevard**

McHugh stated the design engineering services contract with Crispell-Snyder, Inc., Lake Geneva, for the Fontana Boulevard projects had to be amended because the initial plan changed when easement negotiations were unsuccessful. The amended contract calls for a total of \$81,000 for design services, \$22,000 for construction related services, and \$35,700 for inspection services.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve the amended contract with Crispell-Snyder as presented, and the MOTION carried without negative vote.

### **Plan Commission – President Whowell**

#### **Abbey Springs PD Ordinance Approval**

President Whowell stated that the ordinance is required to approve a correction to the initially approved Planned Development Ordinance approved for the Abbey Springs. After a November 29, 2005 public hearing, the Plan Commission recommended approval of the amendment, which reinserts the initial setback requirements of the Abbey Springs property under its previous zoning classifications.

Whowell/O'Connell 2<sup>nd</sup> made a MOTION to approve Ordinance 12-06-05-03 as presented, and the MOTION carried without negative vote.

#### **Floodplain Ordinance Approval - Approve National Flood Insurance Program Resolution & FEMA Application**

Hayden-Staggs stated that following a one-year approval process with the Wisconsin DNR, mainly because of three amendments made by the DNR to its model floodplain ordinance requirements, the final Village of Fontana Floodplain Ordinance, National Flood Insurance Program Resolution and FEMA National Flood Insurance Program Application were ready for approval. Enrollment in the National Flood Insurance Program will make Village of Fontana property owners with parcels located in the designated floodplain eligible for insurance policies through the program.

O'Connell/Larson 2<sup>nd</sup> made a MOTION to approve Floodplain Ordinance 12-06-05-04, National Flood Insurance Program Resolution 12-06-05-02 and the FEMA National Flood Insurance Program Application as presented, and the MOTION carried without negative vote.

#### **Approve Amendment to PIP for Mill Street Plaza**

Hayden-Staggs stated that the Plan Commission recommended approval of minor exterior building changes delineated in the Precise Implementation Plan approved for the FairWyn, Ltd. Mill Street Plaza project. Proposed changes include some direct-vent chimneys and the new locations for the approved windows. Trustee Pollitt asked if there is any concern related to staff comments at the Plan Commission meeting with regard to the windows proposed for walkout basement portions on some of the condominium buildings. Nyman responded that the basement areas are not planned to be bedrooms, and future owners will not be able to receive approval for converting the rooms into bedrooms because of the emergency egress requirements for bedroom windows. The Plan Commission recommendation also included the provision that future minor building alterations can be approved by the administrator if they receive a favorable review by the Village staff.

Larson/Petersen 2<sup>nd</sup> made a MOTION to approve Resolution 12-06-05-03 as presented, and the MOTION carried without negative vote.

#### **Public Hearing Announcements for January 24, 2006 Plan Commission Meeting**

President Whowell stated that four public hearings will be scheduled for the January 24, 2006 Plan Commission Meeting. Hearings will be held for an application filed by the owners of the Village Inn for a Planned Development proposal for a condominium unit conversion; for a proposed Municipal Code Amendment to the Downtown Preservation District that would require Conditional Use Permits for residential proposals; for proposed amendments to the Natural Resources Conservation Ordinance; and for a Conditional Use Permit application filed by the Atkinsons to construct an addition on the existing guest house.

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

#### **Watershed Review**

Petersen stated that there has been a preliminary proposal to return treated water back to the Geneva Lake watershed. President Whowell stated that the proposal was initiated by the Lake Level



Corporation Board of Directors. President Whowell stated that the Lake Level Board is very concerned about the declining level of Geneva Lake. Petersen stated he will present the idea to the F/W WPCC Board of Directors.

**Consideration and Action on Resolution Designating the Fontana/Walworth Water Pollution Control Commission President or Vice-President as the Authorized Representative for Filing Initial Clean Water Fund Loan Paperwork to be Eligible for a Future Loan for Wastewater Treatment Plant Expansion**

Petersen stated that the Resolution was necessary as a preliminary step in the event an expansion plan is pursued in the future, “if we so choose.” Petersen stated that approval of the Resolution will not approve an expansion plan or a loan at this time.

Petersen/Turner 2<sup>nd</sup> made a MOTION to approve Resolution 12-06-05-04 as presented, and the MOTION carried without negative vote.

**Pending Items for Future Agendas**

1. Abbey Bridge Study
2. Chapter 54 Ordinance Revision
3. Tracy Preannexation & Easement Request

**Adjournment**

Larson/Pollitt 2<sup>nd</sup> made a MOTION to adjourn the meeting at 8:35 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: 02/07/06