

VILLAGE OF FONTANA-ON-GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN

Official Minutes  
VILLAGE BOARD MEETING  
May 6, 2002 @ 6:00 P.M.

Date: Monday, May 6, 2002

Place: Village Hall, 175 Valley View Drive, Fontana, Wisconsin 53125

Time: @6:10 p.m. President Whowell called the regular meeting to order.

Trustees Present: Bromfield, Cole, Geye, Petersen, Spadoni, Turner and President Whowell

Also Present: Village Clerk Smith, Village Administrator Hayden, Attorney Thorpe, Engineer Mike Bridwell, Zoning Administrator Rex Henke

Pledge of Allegiance -- President Whowell

**Visitors Heard**

- Kim Sebastian, D.N.R. was present and presented VOF with their 14<sup>th</sup> consecutive 'Tree City USA' Award and Flag.
- Assessor Jerry Coplien reported that there were 474 sales last year. Notices of Assessment will be sent out this week.
- Open Book will be held on Friday, May 24<sup>th</sup> (1 pm – 5pm) and Saturday, May 25<sup>th</sup> (7:30 am – noon).

**New LTE Police Officers**

Sgt. Fred Schnitcke introduced Frank Pipia Jr., Beau Douglas and Shaun Mahaffey (all present). All officers have taken their Oath of Office with the Village Clerk.

**Concern & Complaint (American Boxer Dogs)**

Fontana residents Charlie Vaughn, 210 High Street and Paulette Smith, 221 High Street were present and asked the Village Board to address the loud barking boxer dogs who are attending the American Boxer Club Convention @ The Abbey this week. The Convention is renting parking lot space from the Village, which was previously approved. The dogs are being housed in the parking lot.

**Concern & Complaint (Loud Boats on the Lake)**

Fontana resident Ron Pollitt was present and asked the Village Board to address the excessive noise from boat exhaust systems and to review any decibel limit. President Whowell sent this matter to Lakefront & Harbor Committee.

**Accept Resignation - Carol Lobdell, Library Board**

President Whowell announced that Carol Lobdell is leaving the Library Board and thanked her for many years of service.

### **Walworth County Clean Sweep Program**

President Whowell announced the hazardous waste chemical collection will be on Fri., May 31<sup>st</sup> and Sat., June 1<sup>st</sup>. Clean Sweep services are available free-of-charge to households and farmers. Brochures are available in Village Hall.

### **Initiate Process to Re-Codify Municipal Code**

Administrator Hayden reported that the process has been started by staff. Our municipal code is contracted with Municipal Code Corporation, Tallahassee, Florida (Ordinance 12-6-99-1).

### **Village Minutes Approved**

- 4-01-02 Regular Board Minutes with correction (pg. 6 - change order for reconstruction of 1400' of Stearns Road should be Contract 5-2000 instead of Contract 1-2000)
- 4-16-02 Annual Organizational Minutes with correction (pg. 1 – add Trustee Geye and remove Trustee Grabow)

Trustee Spadoni/2<sup>nd</sup> Trustee Bromfield. MOTION was made to approve the minutes with corrections. MOTION carried without negative vote.

### **Village Bills without BZA Invoice for Cross Connections**

Trustee Spadoni/2<sup>nd</sup> Trustee Cole. MOTION was made to approve the Village Bills as submitted. MOTION carried without negative vote.

### **BZA Invoice including Cross Connections**

Trustee Spadoni/2<sup>nd</sup> Trustee Geye. MOTION was made to approve BZA contract expenditure. MOTION carried with Trustee Bromfield abstaining.

### **Village Treasurer Report**

Trustee Spadoni/2<sup>nd</sup> Trustee Bromfield. MOTION was made to approve the Treasurer's Report. MOTION carried without negative vote.

### **AFSCME Union Contract**

Trustee Bromfield/2<sup>nd</sup> Trustee Spadoni. MOTION was made to table. MOTION carried without negative vote.

### **Deputy Clerk Treasurer Contract**

Trustee Spadoni/2<sup>nd</sup> Trustee Petersen. MOTION was made to table. MOTION carried without negative vote.

### **Resolution 04-01-02-01**

#### **Resolution Amending Resolution 01-07-02-3 Setting Exempt Salaried and Hourly Non-Union Personnel Salaries for the 2002 Calendar Year**

No changes were made. *No action taken.*

### **Tax Increment Certification – TID #1**

Village Clerk submitted the Certification including the TIF Annual Report for 2001 to the Department of Revenue. *No action taken.*

### **Additional Committee Appointments recommended by President Whowell**

Trustee Petersen/2<sup>nd</sup> Trustee Turner. MOTION was made to confirm Sharon O'Brien as the alternate on the Architectural Control Board. MOTION carried without negative vote.

Trustee Spadoni/2<sup>nd</sup> Trustee Petersen. MOTION was made to confirm Mark Pattison as an alternate on the Board of Review. MOTION carried without negative vote.

Trustee Petersen/2<sup>nd</sup> Trustee Spadoni. MOTION was made to confirm Rick Ackman as a member of F/W WPCC. MOTION carried without negative vote.

Trustee Bromfield/2<sup>nd</sup> Trustee Petersen. MOTION was made to confirm Lee Eakright as a member on the Harbor and Lakefront Committee. MOTION carried without negative vote.

#### **Lake Use Committee Update – Ken Bell**

Bell reported:

- The Uniform Lake Ordinance is being reprinted;
- A noise ordinance controlling noise on the lake may be added to the brochure;
- Lake Geneva Law Enforcement Agency will be hiring reserve officers for the season;
- The Lake Geneva Dam Project is scheduled to start in September;
- South Shore Club has DNR approval for 40 (22 slips/18 buoys in the water).

#### **Resolution 05-06-02-1**

##### **Resolution Authorizing Ehlers and Associates to Solicit Competitive Proposals for Not To Exceed \$2,400,000.00 General Obligation Promissory Notes**

Ehlers Financial Advisor, David Wagner was present and reported that Walworth State Bank has also been instrumental with putting this together. Trustee Cole reported that Finance Committee recommends refunding with Ehlers.

Trustee Cole/2<sup>nd</sup> Trustee Bromfield. MOTION was made to accept the refunding resolution. MOTION carried with Roll Call Vote:

Trustee Bromfield – yes

Trustee Cole – yes

Trustee Geye – yes

Trustee Petersen – yes

Trustee Spadoni – yes

Trustee Turner – yes

President Whowell - yes

#### **Ratify Assigning Resolution No. 04-01-02-3**

##### **Resolving the Public Buildings and Other Property Belonging to the VOF be Insured in the Local Government Property Insurance Fund, under Chapter 605, Wis. Stats. through Wausau Insurance Companies**

Trustee Cole/2<sup>nd</sup> Trustee Geye. MOTION was made to approve Resolution No. 04-01-02-3 with the Wausau Insurance Company. MOTION carried without negative vote.

#### **Helicopter to Land @ The Abbey on May 21, 2002**

The Abbey is hosting a Multi-Jurisdictional Law Enforcement Conference. The helicopter will have one landing and one take off. Administrator Hayden reported that there is no Ordinance regulating helicopter landings. After reviewing this request, Protection Committee gave a favorable review. No action taken.

#### **Proposed Ordinance to Amend Chapter 42 of the Municipal Code, Including Exceptions for Bow Hunting**

Fontana resident Peter Novak, who purchased property from Tom Schmidt after the recent annexation and land division, was present. Novak has requested permission to bow hunt on his property. Administrator Hayden reported that the municipal code will need to be amended and

suggested that a special permit, depicting the exact property legal description, be issued once approved by the Village Board.

Straw Poll taken for concept of this change:

Trustee Spadoni – okay as long as it comes back before the Village Board

Trustee Bromfield – okay as long as it comes back before the Village Board

Trustee Geye – okay as long as it comes back before the Village Board

Trustee Turner – okay with special permitting

Trustee Petersen, Cole, President Whowell – positive concept for this change.

Administrator Hayden will draft an Ordinance for the June meeting. No action taken.

#### **Ratify Affidavit of Correction for Lot #39, Pheasant Ridge Subdivision**

Property owner, Jodi Anderson, has requested that the Village Board approve the affidavit of correction prepared by Registered Land Surveyor, Peter S. Gordon. Both Pheasant Ridge Association and Zoning Administrator Henke have granted Lot #39 permission to require a minimum of 25 foot set back from Indian Hills Road in place of the 30 foot set back required by the Pheasant Ridge Association. The exception was granted because there are no homes located to the side of the home where Indian Hills Road is located.

Trustee Spadoni/2<sup>nd</sup> Trustee Bromfield. MOTION was made to approve the correction.

MOTION carried without negative vote.

#### **Jim Begg Rezone Petition to Planned District Development and Request for Public Hearing**

President Whowell reported that the Petitioner is not ready and requested that his public hearing for the rezone be tabled.

Trustee Petersen/2<sup>nd</sup> Trustee Bromfield. MOTION was made to table the request for a public hearing for the Begg's petition. MOTION carried without negative vote.

#### **Set Public Hearing for VOF Official Map prepared by Vandewalle & Assoc.**

Date: Wednesday, May 29, 2002 @ 6:00 p.m. or as soon thereafter before Plan Commission.

Trustee Spadoni/2<sup>nd</sup> Trustee Petersen. MOTION was made to set public hearing for the official map on May 29, 2002. MOTION carried without negative vote.

#### **Set Public Hearing for Lighting Ordinance prepared by Vandewalle**

Date: Wednesday, May 29, 2002 @ 6:00 p.m. or as soon thereafter before Plan Commission.

Trustee Spadoni/2<sup>nd</sup> Trustee Bromfield. MOTION was made to set public hearing for the lighting ordinance on May 29, 2002. MOTION carried without negative vote.

#### **Set Public Hearing for Chapter 17 Land Division Ordinance prepared by Vandewalle**

Date: Monday, June 3, 2002 @ 6:00 p.m. or as soon thereafter before the Village Board

Trustee Spadoni/2<sup>nd</sup> Trustee Bromfield. MOTION was made to set public hearing for Chapter 17 Land Division Ordinance on June 3<sup>rd</sup>. MOTION carried without negative vote.

#### **Ordinance 06-06-02-1**

##### **First Amendment to the Extraterritorial Zoning Ordinance**

##### **Section 18.1105 Created – Existing Substandard Lots**

A public hearing was held before the Plan Commission and ETZ Committee on April 29<sup>th</sup>.

Town of Linn ETZ Committee – favorable recommendation to approve

Town of Walworth ETZ Committee – favorable recommendation to approve

Village of Fontana ETZ Committee – favorable recommendation to approve

Trustee Geye/2<sup>nd</sup> Trustee Petersen. MOTION was made to approve the first amendment to the ETZ Ordinance. MOTION carried without negative vote.

-7:00 p.m.-

President Whowell introduced **Mike Johnston, new owner of Lake Geneva Marine.** Current Commercial Lease was entered into on November 15, 1999 for a five (5) year period beginning on 1-1-2000 and ending on 12-31-2004.

The building is owned by the VOF and located within the CDA Redevelopment Project area. Johnston asked for a longer lease in order to refurbish the building and remove boat service from the lakefront area. Trustee Turner reported that CDA is in the process right now of trying to finalize the 'plan concept for the lakefront', which is the next step in the Comprehensive Master Plan process. President Whowell thanked M.J. for coming to the meeting and being proactive  
No action taken.

#### **CDA**

##### **Resolution Implementing Redevelopment Area No. 1**

Resolving that the Downtown Redevelopment District No.1 having been certified to the Village Board, the Village Board now directs that no new construction be permitted and thereafter no new construction be authorized by any agencies, board or commissions of the VOF in the project area encompassed by the Downtown Redevelopment District No. 1 unless and until authorized by this Village Board after receiving a report from the CDA and the Architectural Review Board, a recommending and finding that the construction is in accordance with the Design Standards of Downtown Redevelopment District No. 1 and the VOF Master Plan. Such prohibition shall include a prohibition on substantial remodeling or conversion or rebuilding, enlargement, or extension or major structural improvements on existing buildings\*, but shall not include ordinary maintenance or remodeling or changes necessary to continuing the occupancy of said buildings within the project area encompassed by the Downtown Redevelopment

District No.1.

\*Trustee Spadoni suggested that a \$ amount and response time from the CDA and Architectural Review Board be included.

Attorney Thorpe suggested that Attorney Gempeler, Foley and Lardner, review and include reasonable limitations in the Resolution.

Trustee Turner/2<sup>nd</sup> Trustee Bromfield. MOTION was made to table this Resolution to the June meeting. MOTION carried without negative vote.

##### **CDA Budget and Workplan for 2002**

Trustee Turner submitted a 1 pg. CDA Workplan and 1 pg. Budget for 2002 [on file].

Revenue 2002 Increment: \$192,768.00

Total Expenses:                 \$101,824.00

Surplus:                                 \$ 90,944.00

Trustee Spadoni/2<sup>nd</sup> Trustee Geye. MOTION was made to approve the CDA Budget as presented by Trustee Turner. MOTION carried without negative vote.

##### **CDA - Initiate Process to Amend TID #1 Project Plan**

Trustee Turner/2<sup>nd</sup> Trustee Bromfield. MOTION was made to table indefinitely. MOTION carried without negative vote.

##### **Donation from Dean Foods Company for Police, Fire and Rescue**

On behalf of Protection Committee, Trustee Spadoni thanked Dean Foods for donating a VCR and Color Television. Protection Committee is still looking for a video camera to be donated.

No action taken.

**Neighborhood Bike Safety Program**

Trustee Spadoni reported that Abbey Springs and Country Club Estates have committed their facilities to a bike safety program for this summer. Protection Committee reports that the program has been a positive step. No action taken.

**Neighborhood Walk Program**

Trustee Spadoni reported that the community is receiving this program very well. No action taken.

**Increase Pay for Part-Time Officers**

Trustee Spadoni asked for a motion to table. Trustee Petersen/2<sup>nd</sup> Trustee Bromfield. MOTION was made to table the pay for the part-time officers. MOTION carried without negative vote.

**Application For Peddlers, Canvassers, Solicitors and Transient Merchants**

**Submitted by: Walworth County Gymnastics Center to Sell Glo Necklaces on July 4<sup>th</sup>**  
Sgt. Fred Schnitcke has investigated the application and based on his findings, recommends that the Village Board approve and possibly waive the license fee.

Trustee Spadoni/2<sup>nd</sup> Trustee Geye. MOTION was made to approve the request from Walworth County Gymnastics Center to sell necklaces on July 4<sup>th</sup> and waive the peddler's fee and contingent on finding out what hour they want to sell and how many sellers they are going to have. MOTION carried without negative vote.

**Approve Operator License for license period ending June 30, 2002**

**Timothy Wuhrman - Abbey Springs Golf Course**

**Alissa Hubertz - Abbey Springs Golf Course**

Trustee Spadoni reported that backgrounds have been approved by FPD.

Trustee Geye/2<sup>nd</sup> Trustee Cole. MOTION was made to approve operator licenses. MOTION carried without negative vote.

**Repair for Visi-Bar on 1998 Squad Car**

Trustee Spadoni reported that the cost would be \$65.00. Sgt. Schnitcke is in the process of compiling a total year to date maintenance cost for this squad car. No action taken.

**Close Lake Street from Gordy's to Beach House for Annual Lake Geneva Triathlon  
September 6, 7, 8, 2002 (Friday night @ 6p.m. to Monday morning @ 6 a.m.)**

Trustee Geye/2<sup>nd</sup> Trustee Petersen. MOTION was made to close Lake Street on that weekend. MOTION carried without negative vote.

**Proclamation – Peace Officers' Memorial Day – Tuesday, May 15, 2001**

President Whowell read the Proclamation presented by Protection Committee.

Trustee Spadoni/2<sup>nd</sup> Trustee Petersen. MOTION was made to approve the Peace Officers' Memorial Day Proclamation. MOTION carried without negative vote.

**Blacktop Duck Pond Parking Lot**

Public Works has reviewed the need for blacktopping Duck Pond. Administrator Hayden received a bid from B. R. Amon in the amount of \$14,521.00.

Trustee Spadoni/2<sup>nd</sup> Trustee Bromfield. MOTION was made to approve the Duck Pond parking lot paving. MOTION carried without negative vote.

**Brookwood Sewer Replacement – Willkomm Contract Change Order**

Engineer Bridwell is reviewing title search, legal description and a possible easement. Public Works has reviewed the extension and President Whowell asked to approve the change order in the amount of \$24,277.00 to extend the Brookwood Sewer line replacement about 430'. Trustee Bromfield/2<sup>nd</sup> Trustee Petersen. MOTION was made to approve the Change Order for \$24,277.00 for Brookwood sewer line. MOTION carried without negative vote.

**Televising Sewer Lines (approximately 5,000')**

Public Works recommends televising. Administrator Hayden received two bids to do video inspection of sanitary sewers.

- Green Bay Pipe & TV Contractors - \$4,653.25
- McCann's Sewer & Drain Cleaning Service – 5,671' @ \$1.35/foot

Trustee Spadoni/2<sup>nd</sup> Trustee Bromfield. MOTION was made to approve the Green Bay Pipe Contract for \$4,653.25. MOTION carried without negative vote.

**Blacktop Repairs to Reid Street & Lake Geneva Marine Rear Parking Lot**

**Amount: \$1,540.00 B.R. Amon for Reid Street**

**Amount: \$7,968.80 B.R. Amon for Rear Parking @ Lake Geneva Marine Bldg.**

Public Works has reviewed and recommends the blacktop repairs.

Trustee Bromfield/2<sup>nd</sup> Trustee Spadoni. MOTION was made to repair Reid Street and the rear parking lot. MOTION carried without negative vote.

**Blacktop and Stencil Lake Street**

Public Works Committee and Lakefront & Harbor Committee have talked favorably about this concept. This concept and design standard will be further discussed with CDA.

No action taken.

**Blacktop and Stencil Boulevard Area in Front of Safety Building**

Public Works has discussed this area. Administrator Hayden has stencil samples in her office.

Trustee Turner/2<sup>nd</sup> Trustee Petersen. MOTION was made to approve the blacktop and stenciling of the boulevard area in front of the safety building for Amon's quote of \$12,652.00. MOTION carried without negative vote.

**Blacktop Road to Duck Pond / Composite Site**

**Amount: \$14,640.40 + \$3,100.36 for Wooden Posts + \$2,734.00 to Curb Grass Island Area**

Public Works has reviewed and recommends blacktopping the road and side areas.

Trustee Bromfield/2<sup>nd</sup> Trustee Petersen. MOTION was made to blacktop the road to Duck Pond. MOTION carried without negative vote.

**Approve Rip Rap Project – Richard Chelbos, 928 South Lakeshore**

Lakefront and Harbor reviewed and gave favorable recommendation.

Trustee Bromfield/2<sup>nd</sup> Trustee Spadoni. MOTION was made to approve the riprap project for Richard Chelbos. MOTION carried without negative vote.

**Special Announcement**

President Whowell announced that Jay Brost has invited us to share the dedication of Summer Breeze "Surfer Dude" at the Beach House on June 1, 2002 @1:00 p.m.

**Contract with The Brickman Group**

**Maintenance of Fontana Boulevard for Summer 2002**

Trustee Petersen reported that Park Commission received five proposals and they recommend The Brickman Group for a cost of \$9,069.00 for the summer of 2002. Trustee Cole/2<sup>nd</sup> Trustee Spadoni. MOTION was made to approve The Brickman Group as the Fontana Blvd. Maintenance people for a cost of \$9,069.00. MOTION carried without negative vote.

**Big Foot Union Recreational Program**

Trustee Petersen reported that Recreation Committee members have been working with Big Foot Union School Board. There is a favorable recommendation that the BFHS take over the recreational activities for the entire union district. The Recreation Department will oversee programs and classes for all ages from preschool through senior citizens.

Trustee Geye added that they are hoping to hire someone by June 1<sup>st</sup> through the Big Foot area schools. But, in the interim, Cliff Semmler is working part-time to keep a lot of the programs going. Website: [www.villageoffontana.com](http://www.villageoffontana.com)  
*No action taken.*

**Adjournment**

Trustee Bromfield/2<sup>nd</sup> Trustee Turner. MOTION was made to adjourn. MOTION carried without negative vote.

Time: 8:11 p.m.

Minutes prepared by:  
Sallye Smith, Village Clerk  
[clerk@villageoffontana.com](mailto:clerk@villageoffontana.com)

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

DATE APPROVED: June 3, 2002