

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

MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES

Monday, July 2, 2007

President Pollitt called the monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: President Pollitt, Petersen, Bidwill, Youngquist, Turner, O'Connell, Spadoni

Also present: Village Administrator Kelly Hayden-Staggs, Robert Ireland, Library Director Nancy Krei, Village Clerk Dennis Martin, CDA Executive Director Joseph McHugh, Adam Niesendorf, Building Inspector Ron Nyman, Police Chief Steve Olson, Arlene Patek, Treasurer Peg Pollitt, Jennifer Special, Village Attorney Dale Thorpe, Ryan Trotter, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs stated that the Fourth of July fireworks display will be at dusk on Wednesday, July 4, 2007; the annual "A Midsummer's Night Gala" will be held at the Abbey Resort on Saturday, July 7, 2007; Summer Storywagon Series Programs will be held at the Fontana Village Hall on Tuesday, July 10, 17 & 24, beginning at 9:30 am; the CDA Board monthly meeting will be held Wednesday, July 11, 2007, at 6:00 pm; the annual Geneva Lake Conservancy "Mai Tai" fundraiser will be held Saturday, July 14, 2007; a special Village Board meeting will be held Monday, July 16, 2007, at 6:00 pm; the Board of Review will be held Friday, July 20, 2007, from 2:00 to 4:00 pm; the Big Foot Lions Club Lobster Boil/Steak Fry will be held in Reid Park on Saturday, July 28, 2007; the Fontana Community Church 53rd annual Country Fair will be held on Saturday, July 28, 2007; and the Plan Commission monthly meeting and special joint session with the Joint ETZ Committee will be held on Monday, July 30, 2007, at 5:30 pm.

Approval of Minutes

Spadoni/O'Connell 2nd made a MOTION to approve the minutes as presented for the meeting held June 4, 2007, and the MOTION carried without negative vote.

Village Treasurer's Report

Petersen/Youngquist 2nd made a MOTION to accept the Treasurer's Report for May 2007 and to place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Spadoni/O'Connell 2nd made a MOTION to approve the Village and Utility Payables as submitted and presented at the meeting, and the MOTION carried without negative vote.

General Business/Administrator's Report – President Pollitt/Administrator Hayden-Staggs Referendum Question for Sept. 11, 2007

Hayden-Staggs stated that the proposed question for the referendum election scheduled for Tuesday, September 11, 2007 has to be approved and then presented to the FROG group prior to certification by the Village Board. Hayden-Staggs stated that if the FROG group approves the proposed question, it can be certified by the Village Board at its special meeting scheduled for Monday, July 16, 2007, beginning at 6:00 pm. The proposed question is: "Shall the Village of Fontana on Geneva Lake be authorized to spend Tax Incremental District (TID) funds in an amount not to exceed \$225,000 to install a new fence along the boundary of the municipal beach, from the Beach House to Harvard

Avenue?” McHugh stated that the proposed project includes the removal of the current fence and the purchase and installation of 1,375 linear feet of wrought iron fence. Turner asked McHugh if the proposed monetary figure should be increased to \$250,000 just in case the cost for materials and labor is greater when the time comes to put the project out for bids. McHugh stated that there is contingency built into the proposed figure.

Spadoni/O’Connell 2nd made a MOTION to approve the referendum question as presented and to direct Village staff to present the question to the FROG group for approval, and the MOTION carried without negative vote.

Reid Park Crab Trees Location Report

Youngquist stated that he met with representatives of the Park Commission and they found new locations for the crab trees adjacent to the new restrooms and pavilion building in Reid Park. Youngquist stated that a consensus on the locations for the trees was reached with no difficulty. Youngquist stated that the trees look great and appear very healthy despite being planted once and then transplanted.

Ad Hoc Emergency Service Committee to Work With Village of Walworth on Joint Services

Hayden-Staggs stated that the Village of Walworth formed an ad hoc committee and the committee would like to meet with the Village of Fontana to discuss the potential for shared emergency services. President Pollitt stated that the Finance Committee has previously explored and established shared services with the Village of Walworth in order to reduce expenses; however, with regard to the emergency services, the Village of Fontana has not received anything in writing that provides a scope of what the Village of Walworth is proposing. Hayden-Staggs stated that she was informed that the Village of Walworth would like to explore the possibility of sharing fire and rescue services in particular; however, there is no defined scope at this time. Following discussion, the Village Board members were in consensus that President Pollitt should meet with Village of Walworth President Todd Waters to discuss the scope of the discussion topics before people are assigned to a committee representing the Village of Fontana. President Pollitt will report back to the Village Board at its special meeting scheduled for Monday, July 16, 2007.

Spadoni/Turner 2nd made a MOTION to direct President Pollitt to meet with Village of Walworth President Todd Waters to gather information on the scope of topics to be considered during shared emergency services exploration meetings, and the MOTION carried without negative vote.

WPPA Union Contract Renewal Negotiations

Hayden-Staggs stated that a meeting of the Human Resources Committee will be scheduled to establish the dates for contract renewal negotiation meetings with the Police Department union representatives. Spadoni stated that it would be a good idea to have the Human Resources Committee members meet with the Village Board prior to the contract renewal negotiations.

Country Club Estates Petition for Road Work

President Pollitt stated that the Village received a petition from 56 Country Club Estates subdivision residents that states the Village has not maintained the roads in the subdivision since “1979 or ’77.” President Pollitt also presented a list of Village construction projects completed in the subdivision during the last 15 years that cost a total of more than \$2.5 million. The projects include two current road and utility construction projects on Arrowhead Drive and Castle Terrace Drive. President Pollitt asked if the Village Board would authorize the administration to write a letter to the Country Club Estates Association responding to the petition and explaining how the Village Department of Public Works Director Craig Workman rates the roads and how the Public Works Committee and Village Board handle the scheduling of reconstruction projects.

Spadoni/Turner 2nd made a MOTION to direct the Village President and Administrator to write a letter to the Country Club Estates Association responding to the petition and explaining how the Village Department of Public Works rates the roads and how the Public Works Committee and Village Board handles the scheduling of reconstruction projects, and the MOTION carried without negative vote.

Bike Lane Delineator Quote, Lange Enterprises – Craig Workman

Workman stated that the Village is still experiencing the problem of having motorists drive their

automobiles on the new bike lanes adjacent to Highway 67. The problem is occurring in the area of Porter Court and the Fontana Citgo gas station. Workman stated that the recommendation from the Public Works Committee is to install simple, retractable, reflective, break-away posts that are about 36-to-40-inches high. Workman stated that the posts will deter motorists from driving their automobiles onto the bike lanes, and bicyclists will be able to ride their bikes between the posts. The total cost will be about \$600.

Youngquist/Bidwill 2nd made a MOTION to approve the purchase and installation of break-away bike lane delineator posts as presented and at a cost not to exceed \$600, and the MOTION carried without negative vote.

Protection Committee – President Pollitt

Operator’s License Applications Filed by Lonn Gellerman and Lyle M. Kula (Big Foot CC); Kathleen M. Deegan and Stephanie Van Hemert (Park Place); Jaclyn A. Humphrey, Heather E. Mueller and Rebecca Sellnow (The Abbey Resort); Connie Patten, Patrick J. Burch, Brittany A. Iungerich and Matthew C. York (Rollette Oil); Rebecca R. Millar (Chuck’s); Matthew L. Greben and Sarah E. Hoover (Novaks); Mary E. Hubbard (Yacht Club); and Kelson K. Schmidt (Gordy’s)

President Pollitt stated that the Police Department conducted the background checks on the applicants, and all of the applications have been recommended for approval.

Spadoni/President Pollitt 2nd made a MOTION to approve the Operator’s License applications filed by Lonn Gellerman and Lyle M. Kula, Big Foot Country Club employees; Kathleen M. Deegan and Stephanie Van Hemert, Park Place employees; Jaclyn A. Humphrey, Heather E. Mueller and Rebecca Sellnow, employees at the Abbey Resort; Connie Patten, Patrick J. Burch, Brittany A. Iungerich and Matthew C. York, employees at Fontana Citgo; Rebecca R. Millar, an employee at Chuck’s; Matthew L. Greben and Sarah E. Hoover, employees at Novaks’ Deli; Mary E. Hubbard, an employee at the Lake Geneva Yacht Club; and Kelson K. Schmidt, an employee at Gordy’s. The MOTION carried without negative vote.

EMS Recognition Event for Larry Austin – Request for Financial Support

Spadoni stated that the Protection Committee is planning a special event to recognize Larry Austin for his 35 years of volunteer service as the chief of the Rescue Squad. Spadoni stated that the planning efforts are still being finalized; however, the committee wanted to make sure the Village Board would be willing to allocate some funding for a reception. The Village Board directed Spadoni to continue with the planning and to present the actual cost figure to the Village Board for approval.

Plan Commission – Trustee Spadoni

Par Development Second Amendment to Precise Implementation Plan and Second Amendment to Developer’s Agreement

Spadoni stated that the Plan Commission recommended approval of the amended PIP and Developer’s Agreement to accommodate a change from 66 duplex units to 66 single-family homes. Spadoni stated that the only other change to the previously approved plans is a reduction in the side yard setbacks from a minimum of 15 feet to a minimum of 12 feet. Ryan Trotter stated that the proposal actually will produce more green space because all 66 of the units will be split by side yards. Thorpe stated that the net effect of having 33 side yards expanded to 66 side yards actually will result in 9 more feet of green space per unit. Bidwill stated that it is his feeling that no matter how the developers want to mix and match the various building styles, there is no reason to allow for a reduction in the required side yard setbacks. Bidwill stated that it would not be good to set a precedent that developers can come back and make changes to previously approved plans. Bidwill stated that if Par Development is required to maintain the 15-foot minimum side yard setbacks, it will result in two less units, but that will not be a financial disaster. Bidwill stated that the Village Board would be in a difficult situation if the reduced setbacks are approved and other previously approved developments are brought back in for proposed amendments. Turner stated that if Par Development is required to meet the initially established 15-foot minimum setbacks, it would result in the loss of two or three units; however, if the Village Board approves the proposal, what’s to stop the Tracy Group from seeking amendments to its plan. Thorpe stated that any developer could apply for an amendment, but in the Par Development case, the proposal actually is calling for an increase in green space, and the total density is not changing. Spadoni stated that because of the site is a former quarry,

the Cliffs of Fontana development is a very unique project and the proposed side yard setbacks are reasonable. Spadoni stated that the Village should assist the developers in planning a project that will be successful, and the Village preferred the development of single-family homes when the proposal was first presented. Trottier stated Planned Development zoning allows the Village to adjust the setbacks for individual projects. Hayden-Staggs stated that the development will still meet the green space requirements of the Municipal Code if the units are developed as single-family homes instead of duplexes. Youngquist stated that the project is zoned Planned Development, and the setbacks can differ unlike the designated residential zoning districts in the Municipal Code.

Spadoni/Petersen 2nd made a MOTION to approve Resolution 07-02-07-01 amending the previously approved and previously amended precise implementation plan for the project known as the Cliffs of Fontana as presented, and the Roll Call vote followed:

Petersen – Yes

Bidwill – Abstain

Youngquist – Yes

Turner – Yes

O’Connell – No

Spadoni – Yes

President Pollitt – Yes

The MOTION carried on a 5-1 vote, with one abstention.

Thorpe stated that the Developer’s Agreement for the project also had to be amended to refer to small changes there were required to the engineering plans due to the switch from duplexes to single-family homes. Hayden-Staggs stated that Village Engineer Joe Eberle reviewed the engineering plans and suggested some modifications. Hayden-Staggs stated that the modifications have been made; however, Eberle still has to complete his review of those modifications. Hayden-Staggs stated that Eberle recommended approval of the amended engineering plans contingent on his final review.

Spadoni/President Pollitt 2nd made a MOTION to approve the second amendment to the Developer’s Agreement as presented, contingent on the final review of the modified engineering plans by the Village Engineer, and the MOTION carried without negative vote. Trustee Bidwill abstained.

Plan Commission Recommendation on Boundary Agreement with Walworth Township

Hayden-Staggs stated that the Village staff members considered the proposal and recommended that the Village not pursue an agreement at this time. The Plan Commission considered the staff recommendation and also voted to recommend that the Village Board not enter into boundary agreement at this time. The Plan Commission directed Hayden-Staggs to write a memo to the Village Board that explains the staff recommendation. Hayden-Staggs stated that the unavailability of water and sewer utility services in the township is one of the reasons that the staff recommended not entering into a boundary agreement at this time. The June 29, 2007 memo states the Village has an existing boundary agreement with the Village of Walworth under the authority of 66.0301, which covers the western growth area. The agreement states “the two communities entered into the formal agreement to determine their respective boundaries and to guide and accomplish a coordinated, well-planned and harmonious development.” The memo also states that the staff does not feel that it is beneficial for the Village of Fontana to enter into an agreement with the Town of Walworth. The Village has a number of additional services to offer an applicant over the township, one of which is a utility connection. The Village does not stand to gain any benefit by limiting the reviews of future annexations. The Lake Geneva Yacht Club recently annexed to gain utility services, which improved the entire community’s situation because they will now be on the lakefront with sewer versus holding or septic tanks, and the lake is more protected. To enhance and promote a safe, environmentally friendly utility is the most common reason why applicants leave township for a Village. The reason staff supported a boundary agreement with the Village of Walworth is that the municipality offers the same services and no applicants would be limited on improving their situation.

Spadoni/Petersen 2nd made a MOTION to not pursue a boundary agreement with the Town of Walworth at this time, and the MOTION carried without negative vote.

Announce Public Hearings for July 30, 2007 Plan Commission Meeting

Spadoni stated that public hearings have been scheduled for the July 30, 2007 Plan Commission meeting for a Petition to Amend Chapter 18 of the Village of Fontana Municipal Code to consolidate

swimming pool regulations; for an Ordinance Amendment to remove the Abbey Ridge property from the VOF Floodplain Map; and for a Petition to Amend Chapter 18-278 of the Village of Fontana Municipal Code regarding the height limit in the B-2 ETZ General Business District.

Lakefront and Harbor – Trustee O’Connell

Westgate Pier Permit

O’Connell stated that the Wisconsin DNR and the Lakefront and Harbor Committee approved the permit application. Hayden-Staggs stated the site survey submitted for the condominium association will have to be adjusted to reflect the approved pier plan.

O’Connell/Spadoni 2nd made a MOTION to approve the Pier Permit application as recommended by the Lakefront and Harbor Committee, and the MOTION carried without negative vote.

CDA – Trustee Turner

Kinzie Avenue Reconstruction Project

Turner stated that the CDA considered the proposal to add the Kinzie Avenue reconstruction project to the TID project list; however, the CDA Board determined that there is not enough increment at this time to take on the project.

CDA Project Updates

Turner stated that bids are scheduled to be opened the second week of July for the Porter Court Plaza and the Duck Pond Recreation Area and Wild Duck Road and Dade Road projects.

Public Works – Trustee Petersen

Water System Update: 2006 Consumer Confidence Report (CCR)

Workman stated that the required Consumer Confidence Report has been completed, posted and published. Copies also were distributed to the Village Board members. Workman stated that there were no issues uncovered or violations noted in the report.

Sewer System Update: 2006 Compliance Maintenance and Annual Report (CMAR)

Workman stated that the CMAR also has been completed per the requirement of the Wisconsin DNR. There were no issues with regard to the report.

Approval of 2006 CMAR Resolution

Workman presented the proposed resolution with regard to the Compliance Maintenance and Annual Report.

Petersen/President Pollitt 2nd made a MOTION to approve Resolution 07-02-07-02, a compliance maintenance resolution required by the Wisconsin Department of Natural Resources as presented, and the MOTION carried without negative vote.

Arrowhead Project Update

Workman stated that bids are being solicited for the project. The Village Board will act on the submitted bids at a special meeting scheduled for Monday, July 16, 2007.

Castle Terrace Project Update

Workman stated that bids are being solicited for the project. The Village Board will act on the submitted bids at a special meeting scheduled for Monday, July 16, 2007.

Highway 67 Bike Path Posts

The agenda item was a typographic error. It was already acted on during the General Business portion of the agenda.

Finance Committee – President Pollitt

Application Fee Increase Proposal for Water Rate Study

The Village Board initially approved allocating \$1,500 for the study for a full rate increase; however, Accountant Patrick Romenesko has indicated the application will cost about \$2,500 to \$3,000.

President Pollitt stated that the Finance Committee determined that the study needs to be completed and recommended Village Board approval of the proposed price increase.

Spadoni/Bidwill 2nd made a MOTION to approve the allocation of an amount not to exceed \$3,000 to fund the water rate study application fee, and the MOTION carried without negative vote.

F/W WPCC – Trustee Petersen

Update

Petersen stated that the 22-year-old plant is experiencing more maintenance and operational problems as the plant continues to age. Petersen stated that the Board of Directors may have to propose fee increases in the near future to generate more maintenance and operational expense funding.

GLLEA – President Pollitt

Update

President Pollitt stated that one of the two Mercury engines for the patrol boats has failed. The GLLEA has experience problems with both engines. One of the engines was replaced, but the second engine was repaired and put back into operation. The repaired engine has failed again, and it is not possible to repair the engine a second time. The GLLEA Board has contacted Mercury to have the engine replaced. Petersen stated that he was concerned about the wear and tear on the engines because the boat patrol officers seem to only operate the boats at the idle setting or fully open. President Pollitt stated that the Mercury engines have inherent flaws; however, he will pass along Petersen's concern with regard to the perceived rough treatment the motors receive from the boat patrol officers.

Park Commission – Trustee Bidwill

Update

Bidwill stated that Youngquist previously discussed the crab trees in Reid Park. The other big Park Commission matter this past month is the initiative with Trout Unlimited to rehabilitate Van Slyke Creek. Bidwill stated that it was reported at the last Park Commission meeting that a culvert under South Main Street will have to be lowered about one foot and an existing blockage removed in order to make the project eligible for the U.S. Department of Agriculture Natural Resources Conservation Service's Stream Habitat Improvement and Management grant monies that were previously secured by Jill Wegner. The Park Commission members stated that the culvert is located by a very steep slope across the street from Fontana Elementary School, and it has been in need of attention for years. The expenses for lowering the culvert are not covered by the grant monies. The grant funds will be used for the required stream restoration work at the headwaters. The Park Commission directed Public Works Director Craig Workman to meet with USDA engineer Mark Steinfest to determine the scope and potential cost of the project to lower the culvert.

Pending Items for Future Agendas

1. Abbey Springs PIP Amendment for Boat Storage Plan (Tabled 2/5/07 & 3/5/07)
2. Adult Oriented Business Licensing Procedure (Tabled 3/5/07)
3. Change Order to the Fontana Boulevard Water Main Relay Project – Surcharging

Adjournment

O'Connell/Bidwill 2nd made a MOTION to adjourn at 7:08 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: 08/06/07