

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

REGULAR VILLAGE OF FONTANA BOARD OF TRUSTEES MEETING

Tuesday, September 7, 2004

President Whowell called the Village Board meeting to order at 6:00 p.m. in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Roll Call

Village Board Members Present: Geye, O'Connell, Petersen, Pollitt, Turner, Whowell

Village Board Member Absent: Bromfield

Also Present: Part-time Fontana Police Dept. Officer Matthew Gomez; Village Administrator Kelly Hayden-Staggs; Bruce Jensen; Laurie Larson, Plan Commission; Village Clerk Dennis Martin; Karen Morris; Building Inspector Ron Nyman; Police Chief Steve Olson; Village Treasurer Peg Pollitt; Chris Schultz, reporter; Anne Trautner, newspaper reporter; Public Works Director Craig Workman

Announcements- President Whowell

1. CDA Meeting Wednesday, September 8, 2004 beginning at 5 p.m.
2. WPPA Union Negotiations Meeting Thursday, September 9, 2004 beginning at 5 p.m.
3. Annual Triathlon Saturday, September 11, 2004, 6 a.m. to 1 p.m.
4. Launch Ramp Closed Saturday, September 11, 2004, until 1 p.m.
5. Village Newsletter Deadline Monday, September 13, 2004
6. Partisan Primary Election Tuesday, September 14, 2004, 9 a.m. to 8 p.m.
7. CDA Design Standards Workshop with Plan Commission Monday, September 27, 2004
8. Public Hearings:
 1. TID Boundary and Project Plan Amendment Monday, September 27, 2004
 2. ETZ John Tracy Parcel Rezone from A1 to R1 Monday, September 27, 2004
 3. Zoning Amendment for Nonconforming Lots Monday, September 27, 2004
9. Board of Appeals Hearing for Application filed by James and Carol Whowell Tuesday, September 28, 2004 beginning at 6 p.m.

Approval of Minutes

Trustee Geye/Trustee Petersen 2nd made a MOTION to approve the August 2, 2004 Village Board meeting minutes with one correction for the open session, and the MOTION carried without negative vote.

Village Treasurer's Report

Trustee Geye/Trustee O'Connell 2nd made a MOTION to accept the report and place it on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Pollitt/Trustee Petersen 2nd made a MOTION to approve payables, and the MOTION carried without negative vote.

Village President's Report – President Whowell

Appointment of Additional Election Workers

Trustee O'Connell/Trustee Petersen 2nd made a MOTION to approve the appointment of Laurie Larson and Kathy Bikowski as Election Workers for the remaining term of 2004 to replace Mark and Laurie Pattison who relocated outside the Village. The MOTION carried without negative vote.

Appointment of Zoning Board of Appeals Members to Fill Vacancy

President Howell stated he had two residents to appoint to the Board of Appeals to serve as alternates and to fill the vacancy left by Scott Ripkey, who resigned his position.

President Howell/Trustee Petersen 2nd made a MOTION to approve the appointment of Daniel Maus to replace Ripkey, and Andrew Gilchrist as an Alternate on the Zoning Board of Appeals, and the MOTION carried without negative vote.

106th League of Wisconsin Municipalities Conference in La Crosse, WI from October 27 to 29

President Howell stated the Trustees should contact Hayden-Staggs with regard to making reservations for the annual Conference.

Protection Committee – Police Chief Olson

Update

Chief Olson did not have any information to report that was not included in his written report.

Park Commission - Trustee Geye

Update

Trustee Geye reported a sample light pole and fixture will be installed in the parking lot at the Fontana Village Hall for public viewing. The Park Commission is working on the proposed Tree Ordinance and it should be ready for a public hearing in October.

Lakefront and Harbor Committee

Mooring Lease Action

The Lakefront and Harbor Committee unanimously recommended Village Board approval of not renewing ramp, buoy and slip leases for Frank Domino (ramp), Frank Breneisen (buoy and ramp), Jack Franks (slip), and Greg Koehlinger (buoy). The four residents were sent notices of the Committee’s recommendation. Breneisen submitted a letter and appeared at the meeting to request reconsideration.

Trustee Turner/Trustee O’Connell 2nd made a MOTION to approve the Lakefront and Harbor Committee’s recommendation to not renew the leases for Domino, Breneisen, Franks and Koehlinger, and the MOTION carried without negative vote.

Resolution Adopting New Mooring Lease Amounts

The Lakefront and Harbor Committee unanimously recommended Village Board approval of an increase in the mooring lease rates, which were last changed in 2002.

Trustee Petersen/Trustee O’Connell 2nd made a MOTION to approve Resolution No. 090704-01, and the MOTION carried without negative vote.

Lyon’s Pier Request

The Committee informed the Village Board the Lyon’s applied for a new pier to the Wisconsin Department of Natural Resources, but they have to apply to the Village Building Inspector’s Office.

Shodeen Riprap DNR Approval

The Committee informed the Village Board the DNR has issued a permit for the project; however, the applicant still needs to obtain a Village of Fontana Building Permit before the Shodeen application is ready for Village Board consideration.

Cavanaugh Sullivan Pier Extension

The Committee unanimously recommended Village Board approval of a 50-foot extension to the pier located between the Village Launch and the Fontana Shores Condominiums.

Trustee Petersen/Trustee Geye 2nd made a MOTION to approve the pier extension, and the MOTION carried without negative vote.

Lake Use Committee

Public Works Director Craig Workman reported the Geneva Lake Environmental Agency now has its office located on the Aurora University Campus in Williams Bay. The GLEA office was located at Lake Geneva City Hall.

CDA - Trustee Turner

Resolution Authorizing the Renewal of Note at 1.75 Percent Interest for Six Months

Trustee Turner stated Hayden-Staggs did a good job negotiating the interest rate with Walworth State Bank on the rolled-over bond.

Trustee Turner/Trustee Petersen 2nd made a MOTION to approve Resolution No. 090704-02 authorizing the \$1.5 million note to renew at 1.75 percent for six months, and the MOTION carried without negative vote.

Boundary Amendment Announcement

Trustee Turner stated the CDA has added areas to the TID that were initially intended to be included in the District. The CDA followed the advice of Ehlers and Associates and Vandewalle and Associates by first forming the District without the areas, and then amending the District to include the areas at a later date. Hayden-Staggs asked if the TID Redevelopment Area has to be redefined to add the Duck Pond area included in the amendment. Trustee Turner said he will meet with Hayden-Staggs to discuss the Redevelopment Area issue. Trustee Pollitt asked if fencing for the TID area can be matched with adjacent fences in Glenwood Springs and Country Club Estates. Trustee Turner said he will address Trustee Pollitt's concern with the CDA.

Design Standards

Trustee Turner stated a Design Standards workshop has been scheduled Monday, September 27, 2004. Village Planner Mike Slavney will be directed to meet prior to the workshop with Carolyn Essenwein of Planning & Design Institute, Inc.

Pending Development on Highway 67 – Hildebrand Property – Public Hearing Oct. 25, 2004

Trustee Turner stated developer Brian Pollard will present an overview of the project at the September 27, 2004 Plan Commission meeting.

RFP Results for Management Plan, Surveying and Main Lift Station

Management Plan

Workman reported 15 proposals were submitted to the Village of Fontana for the Engineering Management Plan, and four firms were interviewed. The firm recommended by the interview committee, Ruckert-Mielke, indicated the work will be completed within four months of the signing of a contract.

Trustee Turner/Trustee Pollitt 2nd made a MOTION to approve a contract with Ruckert-Mielke for \$65,000 to \$75,000, subject to CDA approval. The MOTION carried without negative vote.

Surveying

Workman reported nine proposals were submitted to the Village of Fontana for the Surveying RFP, and two firms were interviewed. Strand Associates, Inc., submitted a proposal to complete the project by using aerial photography. The Strand bid of \$23,400 was the lowest submitted; the most expensive bid submitted was \$116,170. Trustee Geye asked if Strand can do the surveying work on the areas amended into the TID. Workman responded it could be done at the same time as a cost-saving measure, and he will pursue the proposal with Strand.

Trustee Turner/Trustee Geye 2nd made a MOTION to approve a contract with Strand Associates, Inc., with the TID area added to the project, subject to CDA approval. The MOTION carried without negative vote.

Main Lift Station

Workman reported seven RFPs were submitted to the Village of Fontana for the Main Lift Station proposal, and two firms were interviewed. The interview committee unanimously recommended Strand Associates, Inc., partially based on its unique design proposals.

Trustee Petersen/Trustee O'Connell 2nd made a MOTION to approve the \$121,500 contract with Strand Associates, Inc., subject to public approval of the Lift Station project in the September 14, 2004 referendum. The MOTION carried without negative vote.

Plan Commission – President Whowell
Hummel Amendment – Final Exhibit Pending

Workman reported final drawings still are needed before the Village Board can act on the proposal. The proposal calls for 500 feet of road to be constructed on the east side of Forest Drive.

Dennis Condon Developer’s Agreement Amendment

Hayden-Staggs stated Condon has agreed to make a \$15,000 deposit with the Village of Fontana and has addressed the request to plan for a specific number of trees on each lot in the development. No Occupancy Permits will be issued until all the trees are planted on the individual lots. When the amendment was reviewed by the Plan Commission, the phrase “4 feet off of ground” was removed, and three typographical errors were corrected as follows: Quercus x schuettei, Quercus muehlenbergii, and Quercus bicolor. Trustee Pollitt asked if it was legal for Condon to be cutting into the hillside adjacent to the development area, and if the issue will be the topic of another agreement. Hayden-Staggs stated the slope of the hillside is an issue that needs to be addressed because it does not conform with the Village of Fontana Municipal Code. President Whowell stated the Condon development is an unusual situation for the Village of Fontana because the developer had a signed agreement with Country Club Estates. Whowell said the excavation of the hillside was a complete surprise to village officials and the situation now has to be addressed. The amendment being considered at the September 7, 2004 meeting protects the trees on the lot, and the trees that must be planted before Occupancy Permits are issued, Whowell said. Trustee Petersen said nothing should be approved for Condon until he addresses all the problems related to the Pottawatomie Drive project. If necessary, Condon should be forced to tear down the homes and foundations he already has constructed to fill in the hillside he illegally excavated, Trustee Petersen said. In response to a question from Trustee Geye, Plan Commission member Laurie Larson said the Condon development is in violation of the Municipal Code with regard to cutting down trees on the site, the slope of the excavated hillside, and storm sewer regulations. Trustee Turner said Condon and other developers should be required to submit certified engineered site plans, with 2-foot topographical lines. Trustee Turner stated that until a certified site plan signed by a civil engineer is submitted, and the hillside issue is resolved, another Stop Work Order should be issued on Condon by Building Inspector Ron Nyman. Trustee Turner said in the meantime, the Village Board should approve the amendment with regard to the tree situation. Hayden-Staggs said the hillside and storm sewer issues can be addressed in future amendments to the Developer’s Agreement. Hayden-Staggs stated the Village of Fontana also is moving forward on amendments to the Municipal Code that will address some of the deficiencies exposed by the Condon project. The Village Board directed Nyman to record the Municipal Code violations and “red tag” the development with another Stop Work Order until the hillside violations are addressed by Condon.

Trustee Geye/Trustee O’Connell 2nd made a MOTION to approve the Developer’s Agreement Amendment presented September 7, 2004. The MOTION carried with Trustee Petersen casting the only negative vote.

Police and Fire Commission

COPS Program

Chief Olson reported the Village of Fontana Police Department received a proposal to participate in a free evaluation program that is a division of the State’s Community Oriented Policing Program. The proposal is to review the Fontana Police Department’s COPS program and make recommendations, at no charge.

President Whowell/Trustee Petersen 2nd made a MOTION to approve the proposal, and the MOTION carried without negative vote.

Swear-in Part-time Officer Matthew Gomez

Village Clerk Dennis Martin administered an Oath of Office to new Village of Fontana Police Department Part-time Officer Matthew Gomez.

Administrative Report/Finance Committee – Administrator Hayden-Staggs and Trustee Pollitt

Referendum Question for November 2, 2004 General Election Seeking Authorization to Establish a \$3 Million Limit and Define “Project” for Direct Legislation

Hayden-Staggs stated that according to State Statute 9.20, the Village Board can solicit an amendment vote of the electorate with regard to the Direct Legislation approved in April 2004. Trustee Pollitt said the Finance Committee is recommending a question be placed on the November 2, 2004 General Election ballot in order to amend the Direct Legislation. Because of the public approval of the Direct Legislation question that placed a \$1 million minimum on the total cost of projects that have been approved in a referendum, the Village of Fontana will face related financial burdens and its Bond Rating will be lowered and the Village of Fontana now has to have an annual disclosure statement written by bond counsel. The lowered bond rating will cost the Village of Fontana at least one-quarter of a point in interest on future bonds as well as the annual expense to have the disclosure statement written. The proposed referendum question also will clearly define "Project."

Trustee Turner/Trustee Geyer 2nd made a MOTION to approve placement of the referendum question on the November 2, 2004 General Election ballot with the final wording to be drafted by Administrator Hayden-Staggs and Village Attorney Dale Thorpe and reviewed by the Village Board of Trustees. The MOTION carried without negative vote.

Award Auditor Contract

Trustee Pollitt stated the Village of Fontana received six bids for its annual audit contract. Following considerable review of the proposals, the Finance Committee recommended the firm Patrick W. Romenesko, S.C. Hayden-Staggs stated the Finance Committee recommended a one-year contract subject to a two-year extension.

Trustee Pollitt/Trustee Turner 2nd made a MOTION to approve the \$14,500 contract with Romenesko, and the MOTION carried without negative vote.

Profit and Loss for Fourth of July

Hayden-Staggs presented a three-year profit/loss statement for Fourth of July activities that reflected a \$3,500 loss this year. Hayden-Staggs said the Finance Committee recommended the Village hold the line with its \$2,000 allocation toward the Fourth of July activities and assist the Chamber of Commerce with other funding ideas. President Whowell said the Fourth of July fireworks display was again very impressive this year, and the expenses the Village incurs are worth it to provide residents with a popular holiday event.

Budget Preparation Timeline

Trustee Pollitt/Trustee O'Connell 2nd made a MOTION to approve the budget timeline as presented, and the MOTION carried without negative vote.

Municipal Court and Police Department Bank Accounts

Hayden-Staggs stated in order to comply with the audit recommendations, and to better comply with State Statutes that places all municipal bank accounts under the jurisdiction of the Village Treasurer's Office, the Finance Committee recommended combining the Municipal Court and Police Department bank accounts and placing the new account under the authority of the Village Treasurer. Trustee Pollitt/Trustee Turner 2nd made a MOTION to approve the consolidation of the Municipal Court and Police Department bank accounts, and the MOTION carried without negative vote.

Designation of WRS Agent

Hayden-Staggs stated instead of naming a person as the Employer Agent for the Wisconsin Retirement System Department of Employee Trust Funds, she was recommending designating the Title of the Position of the Employer Agent. The Title of the Position recommended was Village Clerk and the Title of Position of Alternate Agent was Village Administrator.

Trustee Petersen/Trustee O'Connell 2nd made a MOTION to approve the designations, and the MOTION carried without negative vote.

F/W WPCC-Trustee Petersen

Reciprocal Water Agreement Approval

Trustee Petersen/Trustee Turner 2nd made a MOTION to approve the Reciprocal Water Agreement as presented, and the MOTION carried without negative vote.

Public Works - Trustee Petersen and Public Works Director Workman

Main Lift Station RFP Update:

Workman reported the Main Lift Station issue was addressed earlier in the meeting.

Pottawatomoni Project Update

Workman stated the Pottawatomoni Project was addressed earlier in the meeting during the discussion on the Developer's Agreement Amendment for Dennis Condon.

Tarrant Drive Project Contract and Bid Results

Workman stated the Village of Fontana only received one bid for the project, from Mann Brothers, and it came in more than \$200,000 greater than the budgeted amount of \$300,000. Workman said he worked with Mann Brothers on a Change Order to reduce the sewer portion of the project, and to base the submitted bid on a time and materials contract, instead of flat rates. The change order will reduce the contract to at least \$361,000; however, Workman said he still was confident the project could be completed at or below the approved budget. Hayden-Staggs said if the project goes over budget, the Village Board could approve a Budget Amendment to address the situation. President Whowell said Workman did a remarkable job negotiating the proposed Change Order, and the Village of Fontana could save money in the long run if all its contracts were based on time and materials used. Trustee Petersen said the unique situation afforded the Village an opportunity to save the taxpayers a lot of money.

Trustee Turner/Trustee Geye 2nd made a MOTION to approve the bid submitted by Mann Brothers and the Change Order, and the MOTION carried without negative vote.

Resolution Adopting Leaf and Brush Removal Policy

Workman presented a proposed Resolution to establish a Leaf and Brush Removal Policy that also addresses the removal of Christmas trees and wreaths. Trustee Geye suggested the Village of Fontana use different colored vehicle stickers to identify vehicles owned by residents and contractors who use the Village compost site. Hayden-Staggs said when the Resolution is adopted, the Village of Fontana will send notices delineating the new requirements to local contractors. Hayden-Staggs and Workman were directed to add requirements and a penalty clause to the Resolution.

Trustee Petersen/Trustee O'Connell 2nd made a MOTION to approve Resolution No. 090704-03, with the condition requirements and a penalty clause are added to the Resolution. The MOTION carried without negative vote.

Abbey Harbor Bridge

Workman reported the Public Works Committee has been concerned about the Abbey Harbor Bridge for more than one year, and it has been determined that the bridge is owned by the Village of Fontana. Holes in the road are being caused by the deteriorating bridge, which needs to be repaired or replaced. A study on the bridge will provide the Village of Fontana with repair and replacement options.

Trustee Turner/Trustee Petersen 2nd made a MOTION to approve a \$5,500 contract with Bollinger, Lach & Associates, Inc., Oak Brook, IL, to conduct a study on the Abbey Harbor Bridge. The MOTION carried without negative vote.

Sewer Jetter Purchase

Workman reported the Public Works Committee recommended the purchase of a new Sewer Jetter for \$35,888 from Northern Sewer Equipment Company, Inc., Waterloo. The bid is more than the amount budgeted; however, Workman said he can accommodate the budget overrun with funds left in other Public Works Department accounts.

Trustee Turner/Trustee Geye 2nd made a MOTION to approve the purchase of a Sewer Jetter from Northern Sewer Equipment Company, Inc., and the MOTION carried without negative vote.

Adjournment

Trustee O'Connell/Trustee Pollitt 2nd made a MOTION to adjourn at 8:38 p.m., and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin
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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.

APPROVED: Oct. 4, 2004