

VILLAGE OF FONTANA ON GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN  
(official minutes)

BOARD OF TRUSTEES MEETING  
With CLOSED SESSION  
Monday, September 8, 2003  
Starting @ 5:30 p.m.

Date: Monday, September 8, 2003

Time: Closed Session starting @ 5:30 p.m.

Open Session starting @ 6:00 p.m.

Location: Village Hall Meeting Room, 175 Valley View Drive, Fontana, Wisconsin 53125

President Whowell called the Village Board Meeting to order.

Present: Bromfield (arrived @ 5:45 pm), Cole, Geye, O'Connell, Petersen, Turner, President Whowell  
Also present: Village Attorney Thorpe, Kelly Hayden-Staggs, Village Clerk Smith, Police Chief Olson

Announcement for Board of Trustees to Consider Going Into Closed Session– President Whowell  
Pursuant to Chapter 19.85 (1) (c) Wis. Stats. "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) (g) Wis. Stats. "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved".

Trustee Petersen/ 2<sup>nd</sup> Trustee Turner. MOTION was made to go into close session. MOTION carried with voice roll call taken.

Cole – yes

Geye – Yes

O'Connell – Yes

Petersen – Yes

Turner – Yes

President Whowell – Yes

No action was taken at the closed session.

Trustee / 2<sup>nd</sup> Trustee. MOTION was made to adjourn close session and reconvene immediately into open session. MOTION carried without negative vote.

6:00 p.m. – 5 minute break

Visitors Heard:

- o Seven juniors from the American Citizen Class @ Big Foot High School were present to observe the public board meeting, take notes and review the proposed ordinances on the agenda;

- Fontana citizen, Bruce Jensen distributed drawings of the proposed building on the lakefront and stated that he is against the proposals that CDA is working on relative to the Lakefront (size of the buildings and tearing up Lake Street). An opinion letter, copies of deed and deed restrictions were presented by Jensen.
- Jensen requested that the people of Fontana vote on this proposal by referendum.

Pledge of Allegiance was lead by President Whowell.

**Announcements – Village President Whowell**

- Newsletter Deadline – September 12, 2003
- Triathlon – Saturday, September 13, 2003
- the 9/15/03 Joint Meeting with Village of Walworth has been cancelled
- 9/18/03 - ETZ Meeting to discuss Jamie Whowell's boat storage building and conditional use
- 9/22/03 - Plan Commission Meeting (changed from the last Monday to the 4<sup>th</sup> Monday)
- Walworth County Clean Sweep – September 27<sup>th</sup> from 8:00 a.m. to Noon  
Location: Walworth County Public Works Dept, W4097 County Road NN, Elkhorn

**Approve Minutes from 8/4/03**

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

**Approve Payment of Village Bills**

Financial Assistant, Peg Pollitt prepared the Claims Register (5 pg. Report) and the Utility Claims Register (1 pg. Report) both dated 9/05/2003.

Trustee Bromfield/2<sup>nd</sup> Trustee Cole. MOTION was made to approve the bills in the packet. MOTION carried without negative vote.

**Treasurer's Report**

Financial Assistant Peg Pollitt prepared the Treasurer's Report (1 pg. Report) dated July 31, 2003.

Trustee Cole/2<sup>nd</sup> Trustee Geye. MOTION was made to accept the treasurer's report in the packet and place in the file for the audit. MOTION carried without negative vote.

**League of Wisconsin Municipalities – 105<sup>th</sup> Annual Conference**

President Whowell announced the 105<sup>th</sup> Annual League of Municipalities Conference is scheduled for October 29 - 31, 2003, in Milwaukee @ the Hyatt Regency. Board members should turn in their early bird registration to Sallye Smith. Deadline is Wednesday, October 8, 2003.

No action taken.

**Resignation of Municipal Court Clerk, Shannon Thorne**

Administrator Hayden-Staggs requested that the Board postpone accepting her Shannon's resignation at this time. No action taken.

**Ordinance No. 9-08-03-1**

**An Ordinance repealing and recreating Section 78-93 through 78-97 of the Village of Fontana on Geneva Lake Municipal Code regarding the authorized Fontana water utility rates and the water service rules pursuant to Docket 2020-WR-104 of the Public Service Commission dated April 8, 2003.**  
Trustee Cole/2<sup>nd</sup> Trustee Petersen. MOTION was made to approve Ordinance 9-08-03-1. MOTION carried without negative vote.

**Appoint Additional Members to Finance Committee**

Administrator Hayden-Staggs and Finance Committee offered Fontana citizens, Ron Pollitt and Jim Feeney. Trustee Petersen/2<sup>nd</sup> Trustee Cole. MOTION was made to approve those two members, Jim Feeney and Ron Pollitt. MOTION carried without negative vote.

**Ordinance No. 9-08-03-2**

**An Ordinance repealing and recreating Section 38-5 of the Village of Fontana on Geneva Lake Municipal Code regarding the duties and powers for the Chief of Police.**

Trustee Geye/2<sup>nd</sup> Trustee Bromfield. MOTION was made to approve Ordinance 9-08-03-2. MOTION carried without negative vote.

**Authorization for Police and Fire Commission Attorney**

Administrator Hayden-Staggs requested that the Board authorize and retain Attorney Scott Herrick, from the Madison area, to create our PFC Ordinance at a fee of \$150 per hour.

Trustee Bromfield/2<sup>nd</sup> Trustee Petersen. MOTION was made to approve the fee for Scott Herrick at \$150 per hour to create the PFC in conjunction with working with our Attorney Dale Thorpe. MOTION carried without negative vote.

**Village of Fontana - Budget 2004**

Administrator Hayden-Staggs submitted the tentative 'Budget Guideline for 2004 Village Budget and Utility Budget' and asked for confirmation of the dates.

9/8/03 – worksheets go out to all departments

9/24/03 – committee approved worksheets due back to Finance

9/25/03 – Finance Committee initial review of preliminary budget worksheets

10/13/03 – Joint Board and Finance Workshop #1

10/20/03 – Joint Board and Finance Workshop #2

10/23/03 – Joint Board and Finance Workshop #3 if necessary

10/27/03 – Deadline for publishing budget summary

10/30/03 – Publication date for budget summary

11/20/03 – Public Hearing for 2004 Village Budget

The Board accepted the dates as submitted. *No action taken.*

**Additional Assessment Inspections by Assessor Coplien**

President Whowell stated that it's important that we finish the property assessment records. The Assessor and staff have met the quota that was budgeted for this year but they do have the manpower to keep forging ahead. Administrator Hayden-Staggs reported that an extra \$10,000.00 could be adjusted in the budget for this year and then next year they can wrap up with another 800 inspections.

Trustee Geye/2<sup>nd</sup> Trustee Cole. MOTION was made to continue with the inspections at a rate of \$50 per parcel. MOTION carried without negative vote.

**Tower Improvement Agreement between the Village of Fontana and County of Walworth - Cost Sharing Agreement with County**

Attorney Thorpe prepared and submitted the Tower Improvement Agreement (4 pg. Agreement with Exhibit A and Exhibit B).

Trustee Petersen/2<sup>nd</sup> Trustee Bromfield. MOTION was made to ratify the tower agreement that Attorney Thorpe has prepared. MOTION carried without negative vote.

**Tower Site Lease Agreement between Village of Fontana (Landlord) and Walworth County Sheriff's Department**

Attorney Thorpe prepared and distributed the Tower Site Lease Agreement (13 pgs. With Exhibit A and Exhibit B).

Attorney Thorpe reported on two non-substantive changes made today to the agreement:

- o Regarding possible interference
- o Policy of insurance

Thorpe explained: the County will make a payment of \$40,100.00 to get on the tower and then they don't pay full value rent.

Trustee Geye/2<sup>nd</sup> Trustee Bromfield. MOTION was made to approve the lease subject to final changes being approved by Attorney Thorpe and Administrator Hayden-Staggs. MOTION carried without negative vote.

#### **Ordinance No. 9-8-03-3**

**An Ordinance repealing and recreating Section 6-13 of the Village of Fontana on Geneva Lake Municipal Code regarding Tavern Operator's License**

Trustee Petersen/2<sup>nd</sup> Trustee O'Connell. MOTION was made to approve Ordinance No. 9-08-03-3. MOTION carried without negative vote.

#### **Ordinance No. 9-8-03-4**

**An Ordinance creating Section 54-161(5)(f) of the Village of Fontana on Geneva Lake Municipal Code regarding Special Event Parking**

Administrator Hayden-Staggs reported that Lakefront & Harbor recommends in favor of the special event parking fee. This special event parking fee will be in lieu of feeding the parking meter and this does not apply to individuals who have already purchased their annual resident parking sticker.

Trustee Geye/2<sup>nd</sup> Trustee Cole. MOTION was made to approve Ordinance 9-8-03-4 for special event parking. MOTION carried without negative vote.

**Policy Revision to Village of Fontana Personnel Policies Handbook  
Creating Section 523 – Use of Electronic Monitoring Equipment**

All conversations with Village employees, Village Trustees, the Village President, Village contractors or any other Village official are not allowed to be taped or placed on video in a surreptitious manner.

Trustee O'Connell/2<sup>nd</sup> Turner. MOTION was made to approve the policy revision to the handbook. MOTION carried without negative vote.

#### **Attorney Report – Dale Thorpe**

*No report. No action taken.*

**ETJ Recommendation for Two Lot CSM submitted by Jeffrey P. Chupich, Trallee W. Chupich Whowell, Thomas G. & Shawn E. Whowell, Town of Walworth**

Property is located in the SW ¼ & NW ¼ of the SW ¼ Section 9, Town 1 North, Range 16 East, Walworth County, Wisconsin.

The CSM was prepared by Land Surveyor, Peter Gordon and dated 8/8/03.

Walworth County Land Management Committee approved by resolution on August 12, 2003.

President Whowell reported that Plan Commission gave a favorable recommendation. This creates 2 lots out of an 80 acre parcel. One lot is approximately 47 acres and the other is approximately 33 acres.

Trustee Geye/2<sup>nd</sup> Trustee Bromfield. MOTION was made to approve this. MOTION carried without negative vote.

**Rosenwald Family Trust - Lot Line Adjustment and Declaration of Covenants, Conditions and Restrictions**

Parcels: SGA00002, SGA00004, SGA00005, SGA00007 and STFV 00057

President Whowell reported that Plan Commission gave a favorable recommendation for this lot line adjustment where the client took six lots and created one lot containing a total of 6.49 acres.

Rosenwald will be placing perpetual restrictions on the use of the property and granting the Village the

affirmative right to monitor and enforce such restrictions.

Trustee Bromfield/2<sup>nd</sup> Trustee Geye. MOTION was made to approve the Rosenwald property line adjustment. MOTION carried without negative vote.

#### **F/W WPCC**

#### **Joint Resolution 1-03 Comfort Resolution Requirement for the Wisconsin Clean Water Fund Loan Application Screen Replacement Project**

The Fontana Walworth Water Pollution Control Commission approved the Joint Resolution at their August 12<sup>th</sup> meeting. The Commission is requesting the Village of Fontana and the Village of Walworth to approve and execute the Comfort Resolution.

Trustee Petersen/2<sup>nd</sup> Trustee Bromfield. MOTION was made to approve the joint resolution 1-03. MOTION carried without negative vote.

#### **CDA Report**

Trustee Turner reported that Governor Doyle has signed a grant of \$3,204,998.00 for the Village of Fontana to rebuild a portion of State Highway 67. This project will go from where the railroad track crosses Highway 67 in the Village of Walworth, through the Village of Fontana and up to Pearce Fruit Stand corner, going right on Highway 67 to Theater Road.

The total project cost is \$6,191,873.00. The Village of Fontana will have to come up with the remaining \$3 million coming out of the TIF #1 increment.

No action taken.

#### **Establish a Task Force for Highway 67**

Craig Workman reported that the project will take place in 2006 and will be managed by the Village's DPW. Workman asked the Board to establish a task force guiding this project through completion and holding approximately 25 meeting.

Trustee Turner/2<sup>nd</sup> Trustee Geye. MOTION was made that a Special Task Force Committee be comprised of the Public Works Director, the Administrator, the Chairman of Public Works Committee, the President, the President of CDA and CDA Director and member from PDI planners. MOTION carried without negative vote.

#### **Mill Street Project**

Trustee Turner reported that CDA has been working with different developers to find someone to work with the Village in developing the land along Highway 67. Interviews have taken place with the CDA and the selection process will be completed within the next two weeks.

No action taken.

#### **The Abbey Redevelopment Update**

Trustee Turner reported that negotiations continue with The Abbey.

No action taken.

#### **Lake Use Committee**

Ken Bell (present) reported that the Committee did not meet this past month but they are back in session in September. No action taken.

#### **Operator License Applications**

The background checks were completed by Chief Olson, filing fees paid and responsible server certificates received for:

- Keith Edwards – Chucks
- Martin Powell – Country Club Estates Golf Course
- Jennifer Mosley – Abbey Springs Yacht Club

Trustee Bromfield/2<sup>nd</sup> Trustee Cole. MOTION was made to accept and approve the operator license as listed. MOTION carried without negative vote.

### **Annual Financial Report**

#### **Independent Auditors' Report – Year Ended December 31, 2002**

Village Auditor Art Tillman (present) explained that GASB 34 will be a requirement for the Village in 2004.

- o values will need to be established for fixed assets that will be depreciated
- o values of streets, roads, sidewalks will need to be established and must be tracked from this point forward

Pg. 3 – Tillman recommends that we build up the un-designated fund balance (can build by levying more than we spend)

Pg. 5 – Tillman pointed out that revenues are down compared to budget (one reason is room tax)

Pg. 5 – Tillman pointed out that expenditures are higher than anticipated (one reason is re-financing debt service)

Pg. 15 – Tillman pointed out Category 2 which includes uninsured and uncollateralized deposits and investments (usually a 15 day period)

Trustee Cole/2<sup>nd</sup> Trustee O'Connell. MOTION was made to accept the 2002 audit report as issued. MOTION carried without negative vote.

### **Amendment to Police Department Policy and Procedures**

Speaking from the audience about the amendments:

Police Chief Olson

Police Officer Recknagel

Police Officer Chalchoff

Officer Chalchoff stated that this pending policy, as written, violates their rights and should be rescinded.

Administrator Hayden-Staggs submitted the amendments to the Standard Operating Procedures (SOP):

- o an inventory of all surveillance equipment
- o no investigations of Village employees which involves the use of surveillance equipment – all such investigations shall be referred to Walworth County Sheriff's department
- o protection committee agenda items shall be submitted to Village President and Administrator no later than 48 hours prior to the meeting

### **Inventory of Surveillance Equipment Policy**

Attorney Thorpe suggested adding language to clarify 'when used for Village business'. President Howell asked Officer Chalchoff to also submit a rewritten version to the Village Administrator.

Trustee Geye/2<sup>nd</sup> Trustee Petersen. MOTION was made to table the issues with respect to surveillance equipment and the investigations. MOTION carried without negative vote.

### **Protection Committee Meeting Agenda Items**

The policy would be amended to read: All agenda items for the protection committee agendas shall be submitted to the Village President and Village Administrator no later than forty eight (48) hours prior to the meeting date in order to allow for additions and corrections and still provide time for the twenty four (24) hour open meeting law deadline.

Trustee Turner/2<sup>nd</sup> Trustee Petersen. MOTION was made to approve the agenda 48 hour notice. MOTION carried without negative vote.

### **2003 Public Works Construction / Contract 2-2003**

Strand Associates prepared the bidding documents for Contract 2-2003.

Workman reported that bids will be collected and opened this Friday for 'Road and Utility Construction'.

Workman asked the Board to schedule a Special Board Meeting to consider the bids.

Locations: Lower Brookwood, Sauganash and North Lakeshore

Estimated Cost: \$477,000.00

Discussion - No action taken.

President Whowell scheduled a Special Village Board Meeting for Monday, September 15, 2003 @ 6:00 p.m. to consider the bids for Contract 2-2003.

#### **Parking Meter Management**

Workman presented a new parking meter cover and recommended leaving the parking meters up during the winter instead of taking them down.

Discussion - No action taken.

#### **Lead Pay Bonus**

Workman prepared and submitted quarterly objectives from June to August, 2003 for Dennis Barr and Ron Adams.

Trustee Petersen/2<sup>nd</sup> Trustee Cole. MOTION was made to approve the lead pay bonus for Ron and Dennis. MOTION carried without negative vote.

#### **Resolution No. 9-8-03-1**

**Resolution Establishing Fees and Charges pursuant to Section 54-161 of the Municipal Code of the Village of Fontana on Geneva Lake Specifically for Special Event Parking**

Lakefront and Harbor gave a favorable recommendation for the \$5.00 fee.

Trustee Geye/2<sup>nd</sup> Trustee Petersen. MOTION was made to approve Resolution No. 9-8-03-1 MOTION carried without negative vote.

#### **Special Notes:**

- o President Whowell and the Village Board welcomed our new Library Director, Nancy Krei (present).
- o Trustee O'Connell requested that an audit be done on room tax. President Whowell referred this to Finance Committee.

#### **Adjournment**

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

Time: 7:45 p.m.

#### **Minutes prepared by:**

*Phyllis Salby 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.

APPROVED: 10/6/03