

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

REGULAR VILLAGE OF FONTANA BOARD OF TRUSTEES MEETING

Monday, October 4, 2004

President Whowell called the Village Board meeting to order at 5:07 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: John Bromfield, Susan Geye, Micki O'Connell, Ron Pollitt, Bill Turner, President Tom Whowell

Also present: Attorney Timothy Feeley, Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin

Trustee Late: Arvid Petersen (arrived at 5:09 pm)

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

Bromfield/Pollitt 2nd made a MOTION to go into closed session pursuant to Wisconsin State Statutes 19.85(1) (c) 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" as well as 19.85(1) (g) for the purpose of "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," and the roll vote followed:

Pollitt - Yes

Geye - Yes

Turner - Yes

O'Connell - Yes

Bromfield - Yes

President Whowell - Yes

The motion carried on a 6-0 vote, with Petersen not yet at the meeting.

Attorney Feeley left the Closed Session meeting at 6:05 pm. Village Attorney Dale Thorpe joined the Closed Session meeting at 6:06 pm. Bromfield left the Closed Session meeting at 6:19 pm.

Petersen/O'Connell 2nd made a MOTION to adjourn the Closed Session at 6:31 pm and to reconvene in Open Session. The MOTION carried on a 6-0 vote, with Bromfield not voting because he had temporarily left the meeting room.

President Whowell announced that the Village Board will still in session: 6:33 pm.

Also Present: Bliss, Skip; Condon, Dennis; Dampier, Carrie, reporter; Foster, Dave; Dobbs, Frank; Dobbs, Patti; Larson, Laurie; Mann, Jim; Pollitt, Peggy, Treasurer; Trautner, Anne, reporter; Workman, Craig, Public Works Director

Announcements- President Whowell

1. CDA Meeting - Wednesday, October 6, 2004, beginning at 6 pm
2. Budget Workshops - Monday, October 11 and 18 (and perhaps October 21), 2004, beginning at 6 pm
3. Plan Commission Meeting - Monday, October 25, 2004, beginning at 6 pm
4. Public Hearings:
 1. Public Hearing for ETZ Rezone Amended Petition filed by the Tracy Group, Inc., 200 Elizabeth Lane, Genoa City, WI 53128, from A-1 and R-1 to A-5 - ETZ Rural Residential District - Monday, October 25, 2004, beginning at 6 pm

2. Public Hearing for Zoning Code Amendment to the Existing Nonconforming Building Ordinance - Monday, October 25, 2004, beginning at 6 pm
3. Public Hearing for Conditional Use Permit Application filed by FairWyn, Ltd., for proposed 5,000-square-foot professional building located on Mill Street between the Geneva Lake Conservancy office and the Hildebrand Conservancy Path - Monday, October 25, 2004, beginning at 6 pm
4. Public Hearing for Zoning Code Amendment to Article IV Performance Standards Ordinance - Monday, October 25, 2004, beginning at 6 pm

Approval of Minutes

Petersen/Bromfield 2nd made a MOTION to approve the Village Board meeting minutes for September 7, 2004, with one correction made by Geye, and the MOTION carried without negative vote.

Village Treasurer's Report

Turner/Pollitt 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

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

President's Report – President Whowell

Controlled Burn Proposal on Northshore

Howell stated North Lakeshore Drive resident Bill Houck and some neighboring property owners proposed to have a professional conduct a controlled burn in the woods on their properties in order to combat garlic mustard weed. The Fontana Fire Department chief was contacted and approved of the proposal. The Fire Department will be contacted when the date of the controlled burn is scheduled.

Bromfield/O'Connell 2nd made a MOTION to approve the controlled burn request, and the MOTION carried without negative vote.

Resolution Authorizing Specific Village Property Owners to Participate in the DNR's CWD Eradication Hunt

Resolution 10-24-04-2 established a similar deer hunting program last year, with shotgun hunting only allowed in the Duck Pond Area behind the Village of Fontana Compost Site and DPW site, in Howell Woods and Workman Woods, and at Cobalt Farms and the Big Foot Country Club Golf Course. Only bow hunting would be allowed in the other designated hunting areas. In response to stated pedestrian safety concerns with regard to shotgun hunting in the Duck Pond Area, Workman stated the gates at the entrance to the area are closed prior to and during the periods when authorized hunters are hunting. Large orange signs also are posted at the entrance to the Duck Pond Area when hunting is taking place. Hunting hours will only be for two hours immediately following sunrise, and two hours prior to sunset. Last year, there were only two days that hunting took place in the Duck Pond Area and only one deer was shot – behind the DPW garage site. Shotgun hunting is being allowed in some areas because there is a lot of open space in those areas, which would not be conducive to successful bow hunting. Workman stated the deer herd is noticeably smaller this year, so he doesn't anticipate a lot of hunting to take place in the Duck Pond Area. Geye stated she is opposed to any gun hunting in the Duck Pond Area. Resident Skip Bliss also voiced concern with regard to the method in which hunters are selected to participate in the DNR's CWD hunt. Many other residents would like to be considered, Bliss stated. Petersen suggested the Village Board appoint a subcommittee to study the CWD Eradication Hunt procedures during the next year. Petersen/Bromfield 2nd made a MOTION to approve Resolution 10-24-04-2. The MOTION carried, with Geye casting the only negative vote.

2005 Triathlon Saturday, September 10, 2005

Howell stated a meeting was held with Frank and Patti Dobbs following the 2004 Triathlon to discuss "a laundry list" of concerns. The event has become a very popular attraction after 17 years in

the Village. Petersen asked if the event could be named the Fontana Triathlon since the community bears the brunt of the associated work, inconvenience and expenses. Frank Dobbs responded that the name Lake Geneva has better marketability; however, the Village of Fontana's name now is printed across the back of event sweatshirts. The Village of Fontana also has a prominent position on the event's Website. The organizers of the event donated about \$15,000 to local organizations and charities last year, and the Village received between \$6,000 and \$7,000 to cover expenses.

Turner/Bromfield 2nd made a MOTION to approve September 10, 2005, as the date of the 18th annual Triathlon, and the MOTION carried without negative vote.

Vandewalle & Associates Contract for 2005

Hayden-Staggs stated the planning services contract with Vandewalle & Associates, Madison, was scheduled for renewal. Geye said she wanted to make sure the renewed contract stated that Mike Slavney would still be providing the planner services. Pollitt stated that a clause that delineates a 30-day period for past-due charges to be subject to interest should be changed to 60 days. Pollitt said with only one Village Board meeting a month at which payment of bills can be approved, 30 days is not a reasonable amount of time. Hayden-Staggs stated that the Village was not charged any late fees last year. Hayden-Staggs said she will contact Vandewalle & Associates on the two points of concern. Turner/Petersen 2nd made a MOTION to approve the 2005 Contract with Vandewalle & Associates with the conditions that Slavney provide the planner services, and the late charges time period be extended from 30 to 60 days. The MOTION carried without negative vote.

Appointment of Special Counsel

Howell stated the Village Board is considering appointing an attorney to provide counsel with regard to easement negotiations with the Abbey Resort to avoid any potential conflict of interest for Village Attorney Thorpe, who is involved with the recent purchase of Lake Lawn Resort, Delavan. Geye/Turner 2nd made a MOTION to approve the appointment of Michael D. Orgeman of Lichtsinn & Haensel S.C., Milwaukee, to serve as special counsel, and the MOTION carried without negative vote.

CDA - Trustee Turner

Update on TID Management Plan

Turner stated a three-hour meeting was held with the CDA, members of the TID Joint Review Board and TID Management Plan consultant Ruekert-Mielke. Turner said a lot of information was provided to Ruekert-Mielke at the meeting and the project is off to a good start.

F/W WPCC-Trustee Petersen

2005 O&M Budget

Petersen said the annual operating and management budget for the Fontana/Walworth Water Pollution Control Commission calls for an approximate 6 percent increase. Petersen stated that insurance premiums, which haven't been finalized, are the main cause of the budget increase. Petersen/Bromfield 2nd made a MOTION to approve the annual O&M Budget, and the MOTION carried without negative vote.

Reciprocal Emergency Water Agreement

Petersen reported the Walworth Village Board had recommended some minor changes to the agreement that was approved last month by the Fontana Village Board. Petersen said the proposed changes were reviewed and approved by the three Fontana Village Board members who sit on the F/W WPCC Board of Directors.

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

Public Works - Trustee Petersen and Public Works Director Workman

Update on Tarrant Drive

Workman stated Mann Brothers had been working on the reconstruction project for about two and a half weeks. All utility and sewer and water work was scheduled to be completed by the end of the week. Road reconstruction was scheduled to begin later in the week, and it will take about two to three weeks to complete.

Update on Pottawatommi Drive

Workman reported Lot 8 of the Condon Construction development was still under a Red Tag Order because an engineered site plan had not been submitted and approved by the Village Board and the Country Club Estates Board of Directors. Excavation, erosion, trees and storm water management are still areas of concern that need to be addressed. Condon stated that the detailed site plan would be submitted this week. Condon said survey work also was scheduled to be completed this week. In response to a statement by Condon that cement blocks would be used to construct a retaining wall, Petersen said the approved Developer's Agreement calls for natural materials instead of concrete. Condon responded that he was informed boulders would not work for a retaining wall because of the steep incline in the area. Petersen said the developer should pour concrete and then use back-fill to support a retaining wall constructed out of natural boulders. Workman stated that the engineered site plan must earn Village Board and Country Club Estates approval. Hayden-Staggs stated that if the slope on the back of Lot 8 does not conform with the Municipal Code, Condon will have to seek a variance. Laurie Larson, representing Country Club Estates, stated the Hills, who own the property that abuts Lot 8, have landscaping issues that need to be addressed. When the plans are submitted, they will be reviewed by Workman, Building Inspector Ron Nyman, and "all the bodies," Hayden-Staggs stated.

Energenics Pay Request

Workman stated the new chlorinating units have been online in the Village water system since February 2004. The Village received the final payment request from Energenics for \$5,000. Petersen/Turner 2nd made a MOTION to approve the final payment, and the MOTION carried without negative vote.

Mann Pay Request

Workman stated the Village received the first pay requests from Mann Brothers for the Tarrant Drive project. The two invoices total \$14,086. Petersen/Turner 2nd made a MOTION to approve the payment of the two invoices from Mann Brothers, and the MOTION carried without negative vote.

Service Truck Purchase

Workman stated the Public Works Committee decided to pursue the purchase of a three-quarter ton truck. Workman stated that if the Village waited until the end of the month to purchase an end-of-the-model-year truck, instead of a 2005 model, the Village will save money. There is \$26,000 in the budget for the purchase. Turner/Bromfield 2nd made a MOTION to direct Workman to accept the low bid and purchase a 2004 truck as long as the cost doesn't exceed the budget, and the MOTION carried without negative vote.

Plan Commission – President Whowell

Village Board Action Regarding the Proposed Amendment of Boundaries and Project Plan for Tax Incremental District No. 1 in the Village of Fontana (See the Resolution "Amending, Describing and Making Certain Findings and Approving Project Plan for Tax Incremental District No. 1 Amendment for the Village of Fontana-on-Geneva Lake, Wisconsin")

Whowell stated the proposed amendment had been presented at a Public Hearing before the Plan Commission, and the Plan Commission voted to approve the Resolution.

Geyer/Turner 2nd made a MOTION to approve Resolution 10-04-04-1, and the MOTION carried without negative vote.

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

Impact Fees Update

Hayden-Staggs stated she wanted to get the Board's direction with regard to the once denied Impact Fee proposal. Turner stated the Board was not generally opposed to Impact Fees, it was the numbers for future residential units used for the Impact Fee calculation that "were too high." If those numbers were recalculated, the Village Board may approve Impact Fees, Turner stated. Whowell

stated the numbers were taken from the Master Plan, which may have to be amended if Village Board members don't agree with its projections. Hayden-Staggs said she will review the numbers and report back to the Village Board.

Lake Use Committee

There was no report submitted.

Lakefront and Harbor - Trustee Bromfield

Ray Biesk Boat Repairs

Bromfield stated Biesk submitted a bill for \$2,400 for damages to his boat that occurred when a chain broke off a Village buoy. The chain wore out and broke, Bromfield stated. Hayden-Staggs suggested the claim be submitted to the Village insurance provider before the Village Board claims any liability. Thorpe said the insurance company has procedures it will follow to investigate the situation. The Village Board decided to take no action on the matter at this time. The claim will be filed with the Village's insurance company.

Shodeen Rip Rap Permit

Bromfield stated the Rip Rap Permit for Kent Shodeen was approved by the DNR and the Lakefront and Harbor Committee recommended Village Board approval.

Bromfield/Turner 2nd made a MOTION to approve the permit, and the MOTION carried without negative vote.

Park Commission - Trustee Geye

Update

Geye stated the Park Commission has continued its work on the proposed Tree Ordinance, and it should be approved at the Park Commission's October meeting. If approved by the Park Commission, the Tree Ordinance will be advanced to the Plan Commission for a Public Hearing, and then to the Village Board for final approval.

Protection Committee

Matthew Karls Operator's License Approval

Whowell stated Police Chief Steve Olson reviewed the license application and recommended Village Board approval. Karls' application states he works at Chuck's Lakeshore Inn.

Bromfield/Geye 2nd made a MOTION to approve the Operator's License for Matthew Karls for 2004-05, and the MOTION carried without negative vote.

Adjournment

Bromfield/Petersen 2nd made a MOTION to adjourn at 7:54 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 on file at the Village Hall.

APPROVED: 11-01-04