

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

BOARD OF TRUSTEES MEETING
With CLOSED SESSION
Monday, October 6, 2003
Starting @ 5:30 p.m.

Date: Monday, October 6, 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, Cole (arrived @ 5:40 p.m.), Geye, O'Connell, Petersen, Turner, President Whowell
Also present: Village Attorney Thorpe, Administrator 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", specifically employees Pollitt, Workman, Webster

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

Geye – Yes
O'Connell – Yes
Petersen – Yes
Turner – Yes
Bromfield - Yes
President Whowell – Yes

Village Treasurer

Discussion followed concerning the appointment of **Peg Pollitt** from Financial Assistant to Village Treasurer with a pay increase. After evaluating, Administrator Hayden-Staggs recommended the appointment and a pay increase. This item is on the open meeting agenda for tonight.

Director of Public Works

Discussion followed concerning a pay increase for **Craig Workman**, Director of Public Works. After evaluating, Administrator Hayden-Staggs recommended a pay increase. This item is on the open meeting agenda for tonight.

Trustee Bromfield/ 2nd Trustee O'Connell. MOTION was made to adjourn close session and reconvene immediately into open session. MOTION carried without negative vote.

Note: The October 6th special Village Board closed session minutes are filed under separate 3-ring binder

6:00 p.m.

Pledge of Allegiance was lead by President Whowell.

Visitors Heard:

President Whowell welcomed several Boy Scouts for Troop 242. The scouts attending the meeting tonight are working toward their citizenship merit badges.

Announcements – Village President Whowell

- o Halloween Trick/Treat is scheduled for October 31st between 3:00 p.m. - 7:00 p.m.
- o Leaf and Brush Highlights Fall 2003 – Craig Workman prepared and distributed the hand-out outlining leaf vacuum service and curb-side chipping.
- o North Lakeshore Drive from First Avenue to Spring Street will be under road construction for approximately six weeks. An informational hand-out was prepared and distributed by Craig Workman.
- o The 105th Annual League Conference is scheduled for October 29-31, 2003.
- o Budget Workshops are scheduled for October 13th and October 20th and October 23rd if necessary.
- o President Whowell reported on CWD within Walworth County.

Special Note: President Whowell recognized FPD employees, Jeff Recknagel and Gail Nichols for initiating a personnel policy to donate some of their own earned benefit hours to a fellow employee.

Appoint Financial Assistant, Peg Pollitt as Village Treasurer

Trustee Cole/2nd Trustee Bromfield. MOTION was made to appoint Peg Pollitt as Village Treasurer. MOTION carried without negative vote.

“Haunted Hildebrand” Trail

Fontana resident Maggie Burke was present and distributed a proposal titled ‘Fright Night on the Haunted Trail’. Discussion followed concerning insurance coverage and using the Duck Pond Recreation Area instead of the Hildebrand Trail for Halloween.

Trustee Turner/2nd Trustee Geye. MOTION was made to approve it on the Hildebrand property subject to working out all the details with the Village Administrator and the Public Works Director.

AMENDED MOTION. Trustee Turner/2nd Trustee Geye. MOTION to approve subject to approval by the Park Commission* and working out the details. 2nd Trustee Geye.

MOTION carried with 5 yes and 1 no from Trustee Petersen.

*Trustee Geye will conduct a phone poll of the park commissioners within 24 hours.

Approve Village Board minutes from 9/8/03 and 9/15/03

Trustee Turner/2nd Trustee O’Connell. MOTION was made to approve the minutes from 9/8/03 and 9/15/03. MOTION carried without negative vote.

Approve Payment of Village Bills

Administrator Hayden-Staggs pointed a payment to Abbey Springs for public works restoration, which we will be holding until outstanding cost recovery charges have been paid.

Financial Assistant, Peg Pollitt prepared the Claims Register (3 pg. Report) and the Utility Claims Register (1 pg. Report) both dated 10/03/2003.

Trustee Cole/2nd Trustee Bromfield. MOTION was made to approve the Village. MOTION carried without negative vote.

Village Treasurer Report

Financial Assistant Peg Pollitt prepared the Treasurer's Report (1 pg. Report) dated August 31, 2003. Trustee Geye/2nd Trustee Petersen. MOTION was made to accept the treasurer's report. MOTION carried without negative vote.

Vandewalle & Associates Agreement for Current Planning 2004

Trustee Geye/2nd Trustee Bromfield. MOTION was made to table pending some further exploration. MOTION carried without negative vote.

Creating Section 302 - Personnel Policies Handbook

Administrator Hayden-Staggs prepared and distributed the amendment to the existing personnel manual creating a donor program with eligibility, exclusions, criteria, administration and conditions. A donor election form was also presented.

Trustee Bromfield/2nd Trustee Cole. MOTION was made to approve creating Section 302 of the Personnel Policies Handbook outlining the giving of vacation time or sick time. MOTION carried without negative vote.

Resolution No. 10-06-03-1

Resolution Amending Resolution 04-07-03-01 Setting Exempt Salaried and Hourly Non Union Personnel Rates for the Calendar Year 2003

After conducting evaluations for Workman and Pollitt, Administrator Hayden-Staggs recommended pay increases as indicated on the resolution.

Trustee Petersen/2nd Trustee Bromfield. MOTION was made to approve the pay levels for Craig Workman and Peg Pollitt as described. MOTION carried without negative vote.

Approve Bank Signature Cards from Walworth State Bank and First Banking Center

Administrator Hayden-Staggs asked that the Board authorize the addition of Peg Pollitt as a signatory on our checks as the Village Treasurer.

Trustee Petersen/2nd Trustee Bromfield. MOTION was made to add Peg Pollitt to our bank resolution signature cards. MOTION carried without negative vote.

Police and Fire Commission (PFC) update

Administrator Hayden-Staggs reported that a draft resolution will be prepared by Attorney Scott Herrick, Herrick & Kasdorf, LLP, and hopefully be ready for adoption in November.

No action taken.

Property Owner Complaint - Jim Begg, 1017 South Lakeshore Drive

An official complaint was filed with the Building Inspector on August 27, 2003. Jim Begg has implied that watering by Abbey Springs has resulted in additional water run off flowing thru his parcel.

Village Engineer Bridwell wrote an email on October 2nd outlining the complaint. Bridwell wrote that any definite conclusions on this matter would require some additional investigation and analysis.

Administrator Hayden-Staggs and DPW Director Craig Workman reported:

- Jim Begg has outstanding cost recovery charges
- SEWRPC will perform a field investigation
- Jim Begg has removed vegetation causing increased run-off off the hill effecting his parcel

Attorney Thorpe stated that Jim Begg's navigability stream issue should be taken up with the DNR.

President Whowell directed Administrator Hayden-Staggs to bring SEWRPC's analysis back to the Board. Trustee Bromfield MOTION was made to table. (no second). *No action taken.*

Nextel Communications Site Lease Agreement (Tower) with Memorandum of Agreement

Attorney Thorpe reported that after his review the lease is consistent with previous commitment made. President asked for a motion to approve the agreement.

Trustee Turner/2nd Trustee Petersen. MOTION was made to approve the final adoption of the lease and this memorandum of agreement. MOTION carried without negative vote.

Cost Recovery Review

Administrator Hayden-Staggs reported that the Plan Commission referred cost recovery to Finance Committee in order to review travel time for the professionals. After reviewing, it was the decision of Finance that travel time and all expenses associated with a project be billed to the applicant, per the cost recovery certificate.

No action taken.

Covenants and Restrictions of CSM No. 3592 Including Amendment to Declaration of Restrictions approved August 25, 2003 – Art and Beth Reeves, 982 Indian Hills Road

The document relative to Lots 1 through 3 and Outlot 1, in Certified Survey 3592 were prepared and submitted by Attorney Richard Rasmussen, representing Art Reeves.

The Plan Commission met earlier tonight and gave a favorable recommendation to the Village Board.

Administrator Hayden-Staggs reported that cost recovery charges are current.

Trustee Geye/2nd Trustee Bromfield. MOTION was made to approve this amendment.

AMENDED MOTION to also include the adoption of the Covenants and Restrictions of CSM No. 3592. MOTION carried without negative vote.

Proposed Ordinance Amending Building Permit and Construction Recordkeeping Requirements

Village Attorney Thorpe prepared and distributed the proposed ordinance. A class II notice of public hearing will be published in the Lake Geneva Regional News.

Public Hearing Date: Monday, October 27, 2003 before the Plan Commission

No action taken.

Tracy Group Petition for Direct Annexation from Town of Walworth

Developer John Tracy - Highlands of Fontana

President Whowell reported a staff meeting was held with John Tracy, Attorney Swatek, Village Attorney Thorpe, Administrator Hayden-Staggs and President Whowell and it was determined that a better course of action than negotiating a detailed pre-annexation agreement is to negotiate a planned development ordinance seeking adoption of the ordinance simultaneous with annexation.

A public hearing on the PD Ordinance will occur at the November 24th Plan Commission meeting.

Attorney Swatek faxed a letter dated October 3, 2003 to serve as a waiver and extension of time periods as relate to the petition for direct annexation.

Administrator Hayden-Staggs prepared and distributed the "Tracy Annexation Update" including a detailed "Timeline" outline for the project [3 pgs. on file].

Village Attorney Thorpe added: the pre-annexation agreement would have created Tracy an opportunity to

detach the property if the zoning did not work out a month or two later. By filing for annexation and zoning simultaneously it has the net effect of speeding the process up and allows the Village Board to know actually what the zoning will be. It also allows Tracy some assurance that the project is favorable before he goes forward with all the engineering work associated with the platting process.

Attorney Thorpe further stated there are still two processes:

- annexation and zoning will run along simultaneously
- platting which involves issues with regard to a Development Agreement and running public improvements to the site
- another staff meeting is scheduled for next Friday

No action taken.

F/W WPCC

Ordinance 10-06-03-1

Ordinance approving the eighth amendment to Fontana Walworth Joint Sewage Treatment Agreement pursuant to Wis. Stats. § 66.0301 for the Joint Establishment, Operation and Administration of Wastewater Collection, Treatment and Disposal

Trustee Petersen/2nd Trustee Bromfield. MOTION was made to adopt Ordinance No. 10-06-03-1, an Ordinance to agree to the eighth amendment. MOTION carried without negative vote.

F/WWPCC - 2004 O & M Budget

Trustee Petersen reported that the 2004 O & M budget indicates an increase of 4.6%.

Trustee Petersen/2nd Trustee Bromfield. MOTION was made to approve the budget with a 4.6% increase. MOTION carried without negative vote.

CDA Report

Trustee Turner reported:

- CDA has chosen Ansay & Associates from Port Washington, Wisconsin to be the developer to work with CDA on the Mill Street Project
- CDA has been reviewing architects to help design buildings
- Craig Workman and Cindy Wilson attended a 'project scoping' meeting with the DOT relative to the Highway 67 portion of the redevelopment project
- construction for the Highway 67 portion of the redevelopment project is scheduled for 2006

Lake Use Committee

Ken Bell (present) reported:

- the level of the lake is considerably low (approximately 14 inches lower than it normally is)
- no Lake Use Committee meetings are scheduled for October and November
- the next Lake Use Committee meeting will take up the topic of a uniform definition of launch ramp

No action taken.

Operator License Applications

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

- Adrian Mora – Abbey Springs
- Eva Mora – Abbey Springs
- Jose Lopez – Abbey Springs Yacht Club

Trustee Petersen/2nd Trustee Cole. MOTION was made to approve Jose Lopez for his operator license. MOTION carried without negative vote.

Trustee Geye/2nd Trustee O'Connell. MOTION was made to deny the Adrian Mora and Eva Mora applications based upon the Board's determination that the offenses* listed on the application are substantially related to the proposed license activity. MOTION carried without negative vote.

It was noted that pervious offenses were not listed on the application. Trustee Turner suggested that a policy be set for applicants with a record. President Whowell forwarded this matter, with respect to applications for operator license, to Protection Committee.

Police Department - Standard Operating Procedures (SOP) Amendment

Administrator Hayden-Staggs reported that the amendment relative to surreptitious taping was tabled @ the September 8th Village Board meeting and hopes that it will be ready for the November Board meeting.

No action taken.

Proposed Ordinance Creating Section 22-10. Extraordinary Expense

President Whowell reported that the proposed Ordinance is still under review by Protection Committee and will come back to the Village Board. This ordinance would apply to all circumstances where the Village Police, Fire, Rescue or DPW responds to a request fore its professional assistance and causes the equipment and/or personnel of the Village Departments to respond.

No action taken.

Fire Department Officers [September 2003 – August 2004]

| | |
|---------------------------------|------------------------------------|
| Chief – Jon Kemmett | Assistant Chief – Rick Cooper |
| Assistant Chief – Chris Schwenn | Engine Captain – Wolfgang Nitsch |
| Hose Captain – Ken VanDiggelen | Ladder Captain – Klaus Nitsch |
| Entry Captain – Joe Special | Secretary/Treasurer – Klaus Nitsch |
| Trustee – Dave Nelson | |

Trustee Bromfield/2nd Trustee Petersen. MOTION was made to approve the officers as read. MOTION carried without negative vote.

LTE Officers to Part Time Status

Chief Olson reported that Protection Committee approved the transfer of three summer LTE officers to part-time status. No action taken.

Harley Davidson / FPD Motorcycle Lease

Chief Olson reported that Protection Committee voted to terminate the motorcycle lease this year and try to sell the accessory equipment.

President Whowell asked for a motion to approve the discontinuation of the motorcycle lease and the approval to sell the radio and the light siren control box.

Trustee O'Connell/2nd Trustee Petersen. MOTION was made to approve the discontinuation of the motorcycle lease and the approval to sell the radio and the light siren control box. MOTION carried without negative vote.

Final Pay Request for Contract 2-2001 - Willkoman

Craig Workman reported that the final pay request and lien waivers have not been received by the Village Engineers. Administrator Hayden-Staggs added: the final payout should be \$15,000.00. The Village is withholding approximately \$650.00 that the Village paid to Mr. Morris.

Trustee Petersen/2nd Trustee Bromfield. MOTION was made to approve the final pay request not to exceed \$14,500.00 and subject to receiving the lien waivers. MOTION carried without negative vote.

Payment for Driveway - Adelaide and Barry Johnson, 816 Yacht Club Drive
Mr. Johnson has asked for a cash settlement of \$2,500.00.

Because of construction damage to the Johnson's driveway during the Harvard Club sewer repair project, Craig Workman recommends a cash payment to Johnson of \$2,500.00 and then the Village will deduct \$1,250.00 from Mann Brothers final pay request. Workman also recommends receiving a waiver of release from Johnson for any future liability. Attorney Thorpe will provide Workman with a waiver.

Trustee Petersen/2nd Trustee Bromfield. MOTION was made to settle with Johnson for \$2,500.00 condition on a waiver release for any future responsibility. MOTION carried without negative vote.

Park Commission

Trustee Geye summarized:

- Big Foot Recreation District needs to be incorporated back in with Parks
- Big Foot Rec. Director, Keith Graunke will be invited to the next meeting
- Sharon O'Brien and John Schwenn will be working @ The Fen to create perennial beds
- Donations have reached the goal for a flagpole acquisition (\$10,000.00)
- 'Grilling Friendly Zones' are being considered by Park Commission

Swim Area - Fontana Shores Condo Association

Trustee Bromfield reported that Lakefront & Harbor recommends in favor of the Waterway Marker Application and Permit made by Fontana Shores to DNR to place a swim area per the attached sketch. The DNR is looking for Village endorsement to the application.

Trustee Petersen/2nd Trustee Turner. MOTION was made to recommend approval of the swim area, as depicted on the Fontana Shores document, to the DNR. MOTION carried without negative vote.

Adjournment

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

Time: 7:50 p.m.

Minutes prepared by:

Phyllis Salbye Smith, Village Clerk
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: _____