

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

REGULAR VILLAGE OF FONTANA BOARD OF TRUSTEES MEETING

Monday, November 1, 2004

President Whowell called the Village Board meeting to order at 5:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Trustees present:** Roll call vote: O'Connell, Petersen, Pollitt, Turner, President Whowell

**Trustee late:** Geye (arrived at 5:55 pm)

**Trustee absent:** Bromfield

**Also present:** Village Engineer Mike Bridwell, George Spadoni, Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Village Attorney Dale Thorpe, Public Works Director Craig Workman

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

Petersen/O'Connell 2<sup>nd</sup> made a MOTION to go into closed session pursuant to Wisconsin State Statutes 19.85 (1) (c), "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility," 19.85 (1) (e), "Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require," and 19.85 (1) (g), "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:

President Whowell - Yes

Petersen - Yes

Pollitt - Yes

Turner - Yes

O'Connell - Yes

The motion carried 5-0, with Geye not yet at the meeting and Bromfield absent.

Pollitt/Turner 2<sup>nd</sup> made a MOTION to adjourn the Closed Session at 6:20 p.m. and to reconvene in open session, and the MOTION carried without negative vote.

**President Whowell announced that the Board will still in session: 6:26 pm.**

**Also Present:** Beers, Steve; Bliss, Skip; Chanson, Bob; Dousman, Michele; Johnson, Mike; Krei, Nancy, Librarian; Olson, Steve, Chief of Police; Pollitt, Peggy, Treasurer; Sandy, Robert; Trautner, Anne

**Announcements- President Whowell**

1. General Election - Tuesday, November 2, 2004, Polls open from 9 am to 8 pm
2. CDA Meeting - Wednesday, November 3, 2004, at 6 pm
3. IPSP - Community Policing Program - Monday, November 8, 2004

**Approval of Minutes**

Petersen/Geye 2<sup>nd</sup> made a MOTION to approve the Village Board meeting minutes for Oct. 4, 2004, Oct. 11, 2004, and Oct. 18, 2004, and the MOTION carried without negative vote.

### Village Treasurer's Report

Turner/Petersen 2<sup>nd</sup> 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 2<sup>nd</sup> made a MOTION to approve payables with an amendment to add the Village Attorney's monthly bill of \$6,952, and the MOTION carried without negative vote.

### General Business – President Whowell

#### Water Safety Patrol Contract

Hayden-Staggs stated that the Geneva Lake Water Safety Patrol submitted the proposed contract for 2005 lifeguard services. A request by the Water Safety Patrol for the Village to install an additional set of buoys in the beach area was referred to the Lakefront and Harbor Committee.

Geye/Turner 2<sup>nd</sup> made a MOTION to approve the 2005 contract with the Water Safety Patrol, and the MOTION carried without negative vote.

#### Lake Geneva Marine Company, Ltd. Contract

Thorpe stated the Village Board had come to a consensus in closed session that a two-year contract would be offered to Mike Johnson, owner of the company. Geye stated the Village Board has to look at what would be the best use of the Village owned property and the entire lakefront. The decision to offer Johnson a two-year contract had nothing to do with the way he operates the business, Geye stated. Turner stated the Village Board will have the final approval about the future of the building currently leased by Lake Geneva Marine Company, and the CDA may have to adjust its concept. President Whowell stated a five-year contract would not make sense for the Village owned lakefront building because of CDA development plans for the building site. Petersen said it has been stated on many occasions at meetings of the CDA that a marine building is not being designed for the renovation of the current building. Thorpe and Hayden-Staggs were directed to meet with Johnson to continue negotiations.

#### Zoning Map Update

Hayden-Staggs stated the Village of Fontana's Zoning Map Update is near complete. The Village is working with Crispell-Snyder to integrate the map into the GIS system. Hayden-Staggs stated finalization of the project will be delayed until the Abbey Springs Planned Development rezone proposal is acted on by the Village Board.

#### Lakefront and Harbor Committee

Building Inspector Ron Nyman reported a riprap permit request filed by David A. Weinberg and Grace Allen Newton for 1002 S. Lakeshore Drive received Department of Natural Resources approval and a positive recommendation from the Lakefront and Harbor Committee.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve the permit, and the MOTION carried without negative vote.

#### Protection Committee – Police Chief Olson

##### Confirmation of New Rescue Squad Chief, Thomas Westphal

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve the appointment of Westphal, and the MOTION carried without negative vote.

#### Ordinance Amending Section 10-6 of Village of Fontana Municipal Code, Dogs on the Beach

Olson presented the proposed amendment that would allow residents to walk their dogs in Village parks and on the beach from October 15 to March 31. Owners would have to collect and dispose of their pet's fecal matter if the ordinance amendment is approved. The Board referred the proposal to the Park Commission for fine tuning; however, the portion that allows owners to walk dogs on the beach was approved in the interim. President Whowell stated walking dogs on the beach may help prevent seagulls and geese from gathering on the beach and littering it with their fecal matter. The Board recommended approval of the portion of the amendment that governs the beach, with the conditions that owners use leashes and their pet's fecal matter must be collected by the person walking the dog.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve Ordinance No. 11-01-04-2 amending the draft language to only include the beach, and with the conditions that owners use leashes and pick-up their pet's fecal matter. The MOTION carried without negative vote.

#### **Administrative Report/Finance Committee**

##### **Draft 2005 Village Budget as Published**

Hayden-Staggs stated that the Finance Committee had met and finalized the 2005 Budget proposal for publication. The public hearing to present the proposed budget will be held Monday, November 22, 2004, at 5:00 pm. Hayden-Staggs stated she will discuss the final budget proposal with all the department heads prior to the public hearing.

##### **FEMA Floodplain Designation Information**

The Village staff members looked into registering the Village of Fontana with FEMA at the request of Abbey Springs property owners who have property located within the designated floodplain. Although the floodplain has been mapped by FEMA, the Village is not registered with the FEMA National Flood Insurance Program. The process, which does not include any fees or associated costs to the Village, includes submitting an application with FEMA, and adopting Resolutions of Intent and a Wisconsin DNR model ordinance. Property owners would be eligible to apply for the National Flood Insurance Program if the Village receives the FEMA designation. Thorpe stated the Village may already have a proper ordinance in its Municipal Code to meet the FEMA requirements. Thorpe will review the matter and report back to the Village Board at its meeting on Monday, December 6, 2004.

##### **Jack Keizer Garbage Contract Renewal**

Hayden-Staggs stated Keizer submitted a three-year budget proposal for 2005-2007 services. The budget is identical to the 2004 budget, except it calls for a \$450 monthly increase for expenses. Petersen stated instead of reviewing the contract for a month before acting on it, the Board should consider approving it that night before gas prices and interest rates increase. Geye suggested the Board send out RFPs to other service providers and compare their rates with Keizer's. Petersen/O'Connell 2<sup>nd</sup> made a MOTION to approve the three-year contract with Keizer, and the MOTION carried with Geye opposed.

##### **Cellular Tower New Tenant**

Hayden-Staggs stated the Village Board will have to wait until its meeting Monday, December 6, 2004, to act on the proposed agreement with Steven Fettig. Fettig wants to install a transmitter on the Village tower for his wireless Internet service company. Thorpe has to review the agreement before the Board acts on the proposal.

##### **Village of Fontana Christmas Party Proposal**

Hayden-Staggs stated the Village solicited RFPs from local restaurants and catering businesses for the annual Village of Fontana Christmas Party, and Chuck's Tavern submitted the low bid at \$1,261. Chuck's will close to the public during the party, which is scheduled for Monday, December 20, 2004, from 6:00 to 9:30 pm.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve the proposal submitted by Chuck's, and the MOTION carried without negative vote.

##### **Amendment to Resolution No. 100404-2 A Resolution authorizing specific Village Property owners to participate in the DNR's Chronic Wasting Disease Eradication Hunt to include Adam George, Richard III and Peter Ackman and Ed Lauzon**

Hayden-Staggs stated the amendment was being proposed because four people applied to take part in the DNR program. O'Connell stated she was opposed to having shotguns being used within the Village. Geye stated she voted against the motion to approve the Resolution at the October 4, 2004 Village Board meeting because she also is opposed to having shotguns used within the Village. President Whowell stated shotguns have to be used in some open areas of the Village because hunters would not be able to take down any deer with a bow-and-arrow.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve the Amendment to Resolution No. 100404-2, and the MOTION carried with Geye opposed.

**Accept Resignation of Finance Committee member Fran Hill and Appoint New Member**  
Trustee Pollitt stated Hill had submitted her resignation from the committee. Hill was a very good committee member and a hard worker for the Village, Pollitt stated. Pollitt recommended the appointment of Andrew Gilchrist to replace Hill on the committee. Pollitt stated that Gilchrist has a 25-year financial background working as a comptroller for the Chicago Public School System, and has "a lot of knowledge and know-with-all" that will be a benefit to the Village.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve Hill's resignation from the Finance Committee, and the MOTION carried without negative vote.

Pollitt/O'Connell 2<sup>nd</sup> made a MOTION to approve the appointment of Gilchrist to the Finance Committee, and the MOTION carried without negative vote.

#### **F/W WPCC-Trustee Petersen**

#### **Consideration and Action on the Signing of Contract 1-2004, Screen Replacement Project and other Miscellaneous Modifications**

Petersen stated the screen replacement project initially was estimated to cost about \$300,000; however, the accepted bid was \$190,000 plus engineering costs. The other expenses will total about \$26,000, Petersen stated.

Petersen/O'Connell 2<sup>nd</sup> made a MOTION to approve the Contract 1-2004, and the MOTION carried without negative vote.

#### **Public Works - Trustee Petersen and Public Works Director Workman**

#### **Amendment to Compost Resolution No. 090704-2 to Include \$10 Charge for Additional Vehicles**

Workman stated that upon review, the Village staff members proposed to amend the recently adopted Compost Resolution to include a provision that business owners could purchase additional permits at \$10 per vehicle. The initial fee of \$250 covers one company vehicle.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve the Amendment to Resolution No. 090704-2, and the MOTION carried without negative vote.

#### **Forest Glen – Hummel Final Exhibit, Developer's Agreement Amendment**

Workman stated that the project will result in 300 feet of additional Village roadway. Hayden-Staggs stated the Developer's Agreement has to be amended to include a site map that delineates some construction changes. A land conveyance agreement also has to be drafted and approved. Thorpe stated he will have the documents ready for review and possible adoption at the Village Board meeting Monday, December 6, 2004.

Petersen/O'Connell 2<sup>nd</sup> made a MOTION to table the matter until the December 6, 2004 meeting, and the MOTION carried without negative vote.

#### **Tarrant Drive Project Update**

Workman stated the reconstruction project is scheduled to be complete by December 15, 2004, and Mann Brothers are doing a good job on the project. The project is still scheduled to come in under the \$300,000 budget, Workman stated in response to questions from the Village Board members.

#### **Abbey Harbor Bridge Study**

Workman stated the study on the Abbey Harbor Bridge has been completed, but not completely reviewed. According to his preliminary review of the study, Workman stated there isn't sufficient support for the bridge on its sides to prevent voids in the backfill areas. The voids are causing the road to crack at its approaches to the bridge. Workman stated the superstructure of the bridge is in solid shape, however, the approach areas require attention, according to the study. Workman stated he will distribute copies of the study to the Village Board members for their review prior to the December 6, 2004 meeting.

Petersen/Turner 2<sup>nd</sup> made a MOTION to table the issue until the December 6, 2004 meeting, and the MOTION carried without negative vote.

#### **Jerome Jacobson Insurance Issue**

Workman stated a water main break caused the Jacobson residence to flood, and the flooding caused

about \$2,200 in damage. Wausau Insurance, the Village insurance provider, rejected the claim and stated the Village was not liable for the damage. Jacobson's insurance company covered the cost for the damage, less a \$500 deductible payment. Jacobson wants the Village to reimburse him for the cost of the deductible. Turner/Petersen 2<sup>nd</sup> made a motion to approve the payment and to direct Village staff to "write a nasty letter to Wausau Insurance" for not covering the damage. Petersen then stated the Public Works Committee had voted to deny the request. Geye stated that she was concerned if the Village Board approving paying the deductible, it would be opening the Village to possible liability claims in the future. Hayden-Staggs also stated the Village might be subject to a lawsuit from Jacobson's insurance company if it admits liability by paying the deductible amount. Thorpe stated Hayden-Staggs comments are accurate and the Village Board should check with Wausau Insurance before any action is taken. The Village Board directed Martin to check with Wausau Insurance and report his findings at a special meeting scheduled for Thursday, November 4, 2004, at 5 pm.

Geye/Pollitt 2<sup>nd</sup> made a MOTION to table the matter pending further review, and the MOTION carried without negative vote.

#### **Odling Pay Request No. 5**

Workman requested that the pay request be tabled for further review.

Turner/Geye 2<sup>nd</sup> made a MOTION to table the matter, and the MOTION carried without negative vote.

#### **Lead Pay Bonus**

Workman stated that Department of Public Works employees Ron Adams and Dennis Barr were scheduled to receive their Quarterly Lead Pay Bonuses. In response to questions from Trustee Pollitt, Workman stated the lump sum bonuses were negotiated in lieu of hourly pay rate increases for the two lead employees. The Village Board reviews Quarterly Objectives reports for each employee before the bonuses are approved.

Turner/O'Connell 2<sup>nd</sup> made a MOTION to approve the Lead Pay Bonus for Ron Adams and Dennis Barr, and the MOTION carried without negative vote.

#### **Summer Employees Bonus**

Workman stated \$250 bonuses were being proposed for summer employees Josh Adams and Dave Fink for performing above and beyond their job duties last summer. The bonuses are offered as an incentive to retain good employees, Workman stated in response to concerns voiced by Trustee Pollitt. Pollitt asked if bonuses were going to be given to the Village's other summer employees and interns, "who did a lot of good work in other departments." Hayden-Staggs stated that because of budget ramifications, the Village should not "make a habit" out of giving employees bonuses.

Petersen/Turner 2<sup>nd</sup> made a MOTION to approve the bonuses for Josh Adams and Dave Fink, and the MOTION carried without negative vote.

#### **Skid Steer Tracks**

Workman stated the Public Works Committee voted to reject the proposal at this time, so there was no Village Board action required.

#### **Mann Brothers Pay Request No. 1**

Workman stated Man Brothers has been able to stay on schedule with regard to the Tarrant Drive reconstruction project. Workman stated he reviewed the pay request because it was not reviewed by the Public Works Committee prior to the Village Board meeting. Workman stated the pay request is in order and he recommended Village Board approval.

Petersen/Turner 2<sup>nd</sup> made a MOTION to approve Man Brothers Pay Request No. 1, and the MOTION carried without negative vote.

#### **Plan Commission – President Whowell**

#### **A Resolution Correcting a Printing Error in the Village Ordinance Recodification Process with regard to ETZ**

Thorpe stated the Plan Commission favorably reviewed Resolution 11-01-04-2, which will correct a typographical error made by SEWRPC when it recodified the Village of Fontana Municipal Code.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve Resolution 11-01-04-2, and the MOTION carried without negative vote.

**An Ordinance Repealing and Recreating Sec. 18-60 through Sec. 18-75, Article IV, of the Village of Fontana on Geneva Lake Zoning Code As to Performance Standards**

President Whowell stated the Plan Commission and CDA favorably reviewed the proposed ordinance. Thorpe stated there are two language errors that need to be corrected. Hayden-Staggs stated the Plan Commission's decision to have the Performance Standard review fall under its jurisdiction will be delineated in the Village regulations.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve Ordinance No. 11-01-04-3, and the MOTION carried without negative vote.

**Amendment to Section 18-151 (c). Existing Nonconforming Buildings of the Village of Fontana Municipal Code**

Hayden-Staggs stated that when the Plan Commission reviewed the proposed ordinance amendment, a change was recommended with regard to the ground-floor level of existing residences. The word "footprint" was changed to "square footage." Village Planner Mike Slavney had also suggested a wording change with regard to the maximum height parameters for projects that fall under the ordinance amendment. Geye stated she would like to review the changes in writing prior to final Village Board action on the amendment.

Geye/Turner 2<sup>nd</sup> made a MOTION to approve Ordinance No. 11-01-04-1 subject to final review of the wording changes by the Village Board at a special meeting Thursday, November 4, 2004, and the MOTION carried without negative vote.

**FairWyn, Ltd.: CUP Update, Land Conveyance, Public Interest Hearing Results**

Hayden-Staggs reported the FairWyn, Ltd. Conditional Use Permit application for the professional building proposal on the west side of Mill Street received Plan Commission approval following a public hearing Monday, October 25, 2004. The developer's agreement and land conveyance are still being negotiated. The FairWyn, Ltd. proposal for townhome units and a retail building on the east side of Mill Street was favorably received at a Public Interest Hearing held October 25, 2004.

**Announce Public Hearings for November 22, 2004 Plan Commission meeting**

President Whowell announced that Conditional Use Permit Applications have been submitted by Dousman, Huck and Baughman. The hearing will be scheduled for the November 22, 2004 Plan Commission meeting. Also, a Rezone Petition from C-3, RS-1, RS-2, RS-3, RSA-1 and Planned Development to Planned Development has been filed by Abbey Springs, Inc., 1 Country Club Drive, Fontana, for property located at 1 Country Club Drive. The public hearing also has been scheduled for November 22, 2004 before the Plan Commission.

**Park Commission - Trustee Geye**

**RFP for Park Maintenance and Christmas Decorations**

Geye stated the proposal for 2005 services was not ready for action at the meeting.

**Tree Ordinance Workshop**

Geye stated the workshop meeting had to be rescheduled so there was nothing to report.

**Adjournment**

Turner/Pollitt 2<sup>nd</sup> made a MOTION to adjourn at 8:52 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin

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: 12-6-04