

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

REGULAR VILLAGE OF FONTANA BOARD OF TRUSTEES MEETING

Monday, December 6, 2004

President Whowell called the Village Board meeting to order at 5:02 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

**Also present:** Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Police Chief Steve Olson, George Spadoni

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

Bromfield/Petersen 2<sup>nd</sup> made a MOTION to go into closed session pursuant to Wisconsin State Statute 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, 19.85(1) (e) for the purpose of 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) 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:

O'Connell – Yes

Bromfield – Yes

President Whowell – Yes

Petersen – Yes

Pollitt – Yes

Geye – Yes

Turner - Yes

**Chief Olson and Spadoni left the closed session at 5:34 pm.**

O'Connell/Pollitt 2<sup>nd</sup> made a MOTION to adjourn the Closed Session at 5:58 pm and to reconvene in open session, and the MOTION carried without negative vote.

**President Whowell announced that the Board will still in session: 6:05 pm.**

**Also Present:** Kelly Hayden-Staggs; Michael Johnson; Librarian Nancy Krei; Lou Loenneke; Dennis Martin; Mac Niven; Gail Nichols; Chief Olson; Arlene Patek; Treasurer Peg Pollitt; Lisa Seiser; Village Attorney Dale Thorpe; Cindy Wilson; Public Works Director Craig Workman

**Visitors Heard**

A letter requesting copies of Village Board meeting minutes was received from A. Bruce Jensen Jr. for his group, F.R.O.G.

**Announcements- Village President**

Big Foot Country Club Toy Drive – **Drop-off site at Fontana Police Dept. by December 20, 2004**

CDA Meeting - **Wednesday, Dec. 8, 2004, at 6 pm**

Newsletter Deadline – **Friday, Dec. 10, 2004, at 5 pm**

CDA Public Hearing – **Wednesday, Dec. 15, 2004, at 6 pm**

Plan Commission, Village Board and CDA Joint Meeting - **Wednesday, Dec. 15, 2004, at 6 pm**  
Village Board Meeting – **Wednesday, Jan. 5, 2005, at 6 pm**  
CDA Meeting – **Tuesday, Jan. 4, 2005, at 6 pm**  
Holiday Office Hours – **Village Hall Closed Dec. 24, 25 and 27, 2004, and Jan. 1 and 3, 2005**  
Projected Date for Tax Bill Mailing – **Monday, Dec. 13, 2004**

**Approval of Minutes**

Bromfield/O’Connell 2<sup>nd</sup> made a MOTION to approve the Village Board meeting minutes for November 1, 4 and 22, 2004, and the MOTION carried without negative vote.

**Village Treasurer’s Report**

Petersen/Geye 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**

Bromfield/Geye 2<sup>nd</sup> made a MOTION to approve payables with one addition, L-R Testing, and the MOTION carried without negative vote.

**CDA - Trustee Turner**

**Expiring Term Appointment on CDA Board of Directors**

O’Connell/Geye 2<sup>nd</sup> made a MOTION to approve the appointment of Skip Bliss to a full term on the CDA Board of Directors, and the MOTION carried without negative vote.

**2005 Budget Update**

Turner announced that the annual budget can’t be completed until the engineering firm, Ruckert-Mielke, completes its report. Turner said the budget will be discussed in January and presented by February.

**F/W WPCC-Trustee Petersen**

**F/W WPCC Change Order No. 1 for Screen Replacement Contract 1-2004 with Staab Construction Corp.**

Petersen announced that the Walworth Village Board of Trustees voted to take one word and one paragraph out of the already approved contract. There will be no economic impact connected to the change order.

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

**Lakefront and Harbor - Trustee Bromfield**

Bromfield stated that all the boats have been taken out of the water and Geneva Lake is not yet frozen.

**Park Commission - Trustee Geye**

**Tree Ordinance Update**

Geye stated the Park Commission has not met to finalize the proposed Tree Ordinance. Geye stated the Ordinance will be worked on at a joint meeting with the CDA on December 8, 2004.

**Dogs in the Park Ordinance Review**

Geye stated she has not received any complaints with regard to allowing people to walk their dogs on the beach. On November 1, 2004, the Village Board approved the Ordinance that allows residents to walk their dogs in Village parks and on the beach from October 15 to March 31. Owners have to collect and dispose of their pet’s fecal matter. Last month, the Board referred the Ordinance to the Park Commission for fine tuning; however, the portion that allows owners to walk dogs on the beach was approved in the interim.

**Protection Committee – Police Chief Olson**

**Monthly Report**

Chief Olson stated his monthly report was distributed and the Police Department had a busy stretch with automobile accidents after the first significant snowfall of the season.

#### **David C. Segura Operator's License Approval**

Chief Olson stated a background check was completed on the applicant, who works at Rollette Oil, and there was nothing found to prevent the Village Board from approving the license.

Bromfield/Pollitt 2<sup>nd</sup> made a MOTION to approve the Operator's License for David Segura, and the MOTION carried without negative vote.

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

##### **Rezone Petition from C-3, RS-1, RS-2, RS-3, RSA-1 and Planned Development to Planned Development, filed by Abbey Springs, Inc., 1 Country Club Drive, Fontana, for property located at 1 Country Club Drive**

Thorpe stated the final Planned Development documents still require some minor language changes in three sentences. Thorpe stated he will work with Mac Niven and attorney Richard Torhorst to complete the documents, and they may be ready to approve at a special meeting scheduled for December 15, 2004.

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

##### **Extraterritorial Plat Review of CSM filed by Sterken Farms, Inc., N4285 County Road M, Delavan, WI, 53115**

President Whowell stated the Plan Commission voted unanimously to recommend approval of the CSM, which is located within the Village of Fontana's extraterritorial plat review jurisdiction.

Geye/Bromfield 2<sup>nd</sup> made a MOTION to recommend Walworth County approval of the CSM, and the MOTION carried without negative vote.

##### **Announcement of December 15, 2004 Public Hearings before the Plan Commission for CUP Application and Zoning Amendment Petition**

Hayden-Staggs stated that a CUP application has been filed by Sturges P. Taggart, Jr., 797 Wells St., Lake Geneva, WI 53147, for property owner Margaret C. Scherb, 1737 W. Winona Ave., Chicago, IL 60640, for Tax Parcel No. SGS 00031, 420 Lakeshore Drive, Fontana, to raze the existing residence and construct a two-story Frame Loft Home under the Nonconforming Lots Amendment to the Village of Fontana Municipal Code. Hayden-Staggs stated a Petition for Amendment of the Zoning Ordinance and Zoning Map of the Village of Fontana has been filed by FairWyn, Ltd., 851 Park Drive, Lake Geneva, from C-2 - General Commercial District to PD - Planned Development, for property owned by the Village of Fontana and located south of Porter Court, west of Highway 67 and east of Mill Street.

#### **General Business – President Whowell**

##### **Election Inspector Appointments**

President Whowell announced the Village of Fontana's Election Inspector two-year appointments all expire in December 2004. The Village of Fontana must appoint a total of 14 Election Inspectors. Village Clerk Dennis Martin recommended the following re-appointments: Kathy Bikowski, Laura Coates, Laurie Larson, Dixie McConnell, Sharon O'Brien, Diane Rinaldi, Janet Termaat, Joan Tierney, Karla Tildahl, Chief Election Inspector Genriq (Genie) Murphy, and Alternate Chief Election Inspector and Walworth County Republican Party designee Rick Treptow. Martin recommended initial appointments of Jacqueline J. Berg, 1093 Sauganash Drive, Arlene K. Patek, 280 Pottawatomie Drive, and Tod D. Sammons, 432 Sylvan Drive, the Walworth County Democratic Party designee.

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

##### **Holiday Bonus Approval**

Hayden-Staggs stated in previous years, the Village Board approved \$50 gift certificates from Sentry Foods for Village employees as a Holiday Bonus. There are 25 to 30 employees who would receive the bonus.

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

### **Wisconsin Lions Parade Request for Friday, May 13, 2005, beginning at 4:30 pm**

Chief Olson stated he did not receive a copy of the proposed parade route until just prior to the meeting. Olson stated if there are a few adjustments made to the initially proposed route, the parade will not cause any management problems. Bromfield stated the Lakefront Committee also has some suggestions to better accommodate the parade.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve the Wisconsin Lions Parade request for May 13, 2005, beginning at 4:30 pm, with the condition the parade logistics are worked out with Chief Olson and the Lakefront Committee. The MOTION carried without negative vote.

### **MJ's Lease**

Thorpe stated a two-year term for MJ's Lease was favored by the Village Board during a closed session. Michael Johnson stated if the Village Board determined that only a two-year contract period was going to be offered, that is what he will have to accept. Johnson requested that his business pay the lease in quarterly installments.

Turner/Petersen 2<sup>nd</sup> made a MOTION to approve a two-year lease term for MJs Marine, with payments to be made on a quarterly basis, and the MOTION carried without negative vote.

### **WPPA Union Contract Approval**

President Whowell stated a few more items have to be worked out before a three-year WPPA Union Contract is ready to be acted on.

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

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

#### **Dennis Condon Letter of Credit Reduction Request**

Hayden-Staggs stated the Village received a request from developer Dennis Condon seeking a reduction from \$162,587 to \$28,000 for the letter of credit he has filed with the Village for his Pottawatomie Drive project. Thorpe suggested that the Village be very cautious with the Condon development since there are many issues the developer still needs to address. There are “too many pending issues” with the development and the Village should maintain the initial letter of credit as a security device, Thorpe stated.

Petersen/O'Connell 2<sup>nd</sup> made a MOTION to deny the request, and the MOTION carried without negative vote.

#### **Cellular Tower Agreement – Steven Fittig**

Thorpe stated he is working on the final draft of the agreement.

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

#### **Developer's Agreement Amendment and Bond Release – Forest Glen**

Workman stated although there are a few issues to finalize, the project is near complete.

Pollitt/Bromfield 2<sup>nd</sup> made a MOTION to approve the second amendment to the Developer's Agreement, and the MOTION carried without negative vote.

Petersen/Pollitt 2<sup>nd</sup> made a MOTION to release the Bond submitted by Christopher and Lynn Hummel, with the condition the second amendment to the Developer's Agreement is signed by the Hummels, and the MOTION carried without negative vote.

#### **2005 Utility Budget**

Hayden-Staggs stated the budget still is a work in progress.

#### **Rename Village of Fontana Donor Program in Memory of Chris Schwenn**

Hayden-Staggs stated that the Amendment to the Existing Personnel Manual was initiated by Gail Nichols and Jeff Recknagel, who came up with the idea as a tribute to Chris Schwenn, a former

Department of Public Works employee who died last year. Village employees may donate accrued vacation or sick time to other employees who may be in need of additional benefit hours.  
Bromfield/Pollitt 2<sup>nd</sup> made a MOTION to approve the proposal to rename the program the “Chris Schwenn Memorial Donor Program,” and the MOTION carried without negative vote.

**CWD Eradication Hunt Resolution Amendment to Include Joseph E. Zaukas and Martha Atkinson Property at 433 N. Lakeshore Drive**

Hayden-Staggs stated Zaukas applied to be included in the DNR’s CWD Eradication Hunt; however, the Atkinson property is not a contiguous 5 acres, as required by the DNR. Hayden-Staggs stated that the Village Board could vote to approve the amendment, but it would be contingent on DNR approval. One of the Atkinson parcels is 3 acres, and a second parcel is 2 acres  
Bromfield/Turner 2<sup>nd</sup> made a MOTION to approve the amendment, with the condition it is approved by the DNR, and the MOTION carried without negative vote.

**Attorney Report**

**FEMA Floodplain Designation Update**

Thorpe stated he is still reviewing a model ordinance from FEMA with regard to the Village of Fontana’s floodplain ordinance. The Village of Fontana must approve a resolution of intent and a model floodplain ordinance in order to be classified FEMA insurance eligible. The action was initiated after a request from Abbey Springs residents who are located in the floodplain.

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

**Abbey Bridge Study (Tabled November 1, 2004)**

Workman stated the Public Works Committee has not yet discussed the study and he suggested keeping the matter tabled.

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

**Jerome Jacobson Deductible Payment Request**

Workman stated some of the Trustees wanted the whole Village Board to reconsider the request from Jerome Jacobson for the Village of Fontana to pay his \$500 insurance deductible. The Village Board voted 2-1 with one abstention at a special meeting on November 4, 2004, to deny the request. Following discussion, a straw vote indicated the Village Board did not want to reconsider the denial.

**Mann Pay Request**

Workman stated nothing was submitted prior to the meeting.

**Odling Pay Request**

Workman stated nothing was submitted prior to the meeting.

**RFP Approval for the Mill Street Road Construction Project**

**RFP Approval for the West Main Street Project**

Workman stated RFPs were received from Crispell-Snyder, Inc., Ruekert-Mielke, and Strand Associates, Inc. for the two projects. Strand Associates submitted the low bid; however, Ruekert-Mielke’s RFP and management style was favored by some of the committee members, Workman stated. Workman stated planning should begin immediately for the projects so construction can be scheduled with other area CDA projects. Workman also suggested that the Village Board select the same firm for both projects. Turner stated if Ruekert-Mielke could reduce their fee to come within \$12,000 of Strand’s quote, the projects should be awarded to Ruekert-Mielke. Workman stated he was confident he could negotiate a lower fee with Ruekert-Mielke after going through a “time and materials” process with them.

Turner/Bromfield 2<sup>nd</sup> made a MOTION to approve a contract with Ruekert-Mielke not to exceed \$45,000 for the West Main Street Project, and not to exceed \$40,000 for the Mill Street Road Construction Project, and if negotiations are not successful, to award the contract to Strand Associates, Inc. The MOTION carried without negative vote.

**Adjournment**

Bromfield/Petersen 2<sup>nd</sup> made a MOTION to adjourn at 7:18 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: 01-05-2005