

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

Monday, December 8, 2003

President Whowell called the Village Board to order on Monday, December 8, 2003 at 6:00pm in the Village Hall located at 175 Valley View Dr, Fontana, Wisconsin.

Roll Call

Present: Bromfield, Cole, Geye, O'Connell, Petersen, Turner, and President Whowell

Also present: Bliss, Skip-CDA, Bridwell, Mike-Village Engineer, Carroll, Pat-BZA, Hayden-Staggs, Kelly-Village Administrator, Henke, Rex-BZA, Klemko, Greg-BZA, Krei, Nancy-Village Librarian, McHugh, Joseph-BZA, Nyman, Ron-BZA, Olson, Steve-Chief of Police, Pollitt, Peg- Village Treasurer, Smith, Sallye-Village Clerk, Thorpe, Dale-Village Attorney, Wilson, Cindy-CDA, Wolf, Dustin- BZA, Workman, Craig-Village DPW Director

Announcements:

- o President Whowell announced the Village Christmas Party will be 12-15-03 at Gordy's Boat House
- o Craig Workman announced the last week for leaf and brush pickup will be the week of December 8th.

Approval of Minutes:

Trustee Bromfield/2nd Trustee Cole made a MOTION to approve the minutes from November 3, 2003 Joint Village Board, Planning Commission, and CDA minutes subject to the Village Clerk double checking the meeting tape relative to the condominium declaration being submitted within 30 days and also if the water park drawings should be submitted within 30 days and the MOTION carried without negative vote

Trustee Bromfield/2nd Trustee Cole made a MOTION to approve the minutes from November 20, 2003 Special Board meeting, and the MOTION carried without negative vote.

Village Treasurer Report

Village Treasurer Peg Pollitt prepared and submitted the Treasurer's Report dated December 5, 2003.

Approval of Village and Utility Payables

Trustee Geye/2nd Trustee Petersen made a MOTION to approve the Village and Utility bills as submitted, and MOTION carried without negative vote.

Dennis Condon Construction Project

The Board reviewed the Developer's Agreement, which was prepared as a three way agreement between the Village Board, the developer Dennis Condon, and the Country Club Estates. Questions arose pertaining to the maintenance of the grinder pumps, which Attorney Thorpe addressed by including a maintenance agreement that assigned responsibility to the property owners. In addition, Attorney Thorpe included an exhibit for a storm water management easement.

Trustee Geye/2nd Trustee Turner made a MOTION to approve the Condon Developer's Agreement subject to the following: removal of lot 4 on page 1, the inclusion of the property owner at 377 Waubun under Exhibit B item 28 subparagraph B, the specifications that the storm water basin easements are not to be dedicated, and subject to the attachment of Exhibit D-storm water basin easement. DISCUSSION commenced.

Village Engineer Bridwell noted that the contract still needed to be clear about the private use and maintenance of grinder pumps and the sewer lateral pipes.

Trustee Geye/2nd Trustee Turner made a MOTION to RESCIND approval of the Condon Developer's Agreement subject to the following: removal of lot 4 on page 1, the inclusion of the property owner at 377 Waubun under Exhibit B item 28 subparagraph B, the specifications that the storm water basin easements are not to be dedicated, and subject to the attachment of Exhibit D-storm water basin easement and the MOTION carried without negative vote.

A new motion was then made as follows:

Trustee Geye/2nd Trustee Cole made a MOTION to TABLE the approval of the Developer's Agreement and send it back to the Plan Commission with the changes involving the Country Club Estates, and to work out the Agreement language pertaining to the grinder pumps and private sewer laterals for consideration at the December 18, 2003 meeting. MOTION carried without negative vote.

Jevardian, 229 1st Street – Raze and Repair Order

Ron Nyman, BZA, explained that the home located at 229 1st St reached unsafe and inhabitable conditions, which were observed over a two year time span. Attorney Dale Thorpe recommended issuing a Raze/Repair order which established a 30 day deadline to make acceptable repair progress.

Trustee Turner/2nd Trustee Petersen made a MOTION to issue a raze/repair order for 229 1st Street with the stipulation that acceptable progress be made in the next 30 days to improve the property or the Village Board will take action. The Property owner must accept service of the raze/repair order 3:00pm, December 9, 2003 at the Village Hall, which also must include a list of specified repairs approved by Attorney Thorpe and Rex Henke. The MOTION carried without negative vote.

Building Inspector Contract

BZA President, Rex Henke, introduced the individuals to the board that are on the BZA staff:

Greg Klemko	Chief Building Inspector
Ron Nyman	Building Inspector
Pat Carroll	Commercial Building Inspector
Rex Henke	President and Zoning Administrator
Joe McHugh	Director of Planning Zoning
Dustin Wolf	Zoning Planner

President Whowell spoke of three areas in the BZA contract that needed further discussion/revisions:

- Full time service by BZA to the Village of Fontana
- Opportunity to select staff from BZA to be Village providers
- Costs Apportionment and the manner of in which the Abbey Project will be supervised

The board put together a sub-committee consisting of Administrator Hayden-Staggs, Attorney Thorpe, and President Whowell to work with BZA on contract revisions.

Attorney Thorpe informed the Board that there would be a conflict of interest for his firm to participate on the sub-committee unless both BZA and the Village consented to his involvement in spite of this conflict.

Trustee Petersen/2nd Trustee Turner made a MOTION to refer the BZA Contract back to the sub-committee consisting of Thorpe, Hayden-Staggs, and Whowell to negotiate the following: full time services, select staff representation, and special provisions for larger scale projects, and the MOTION carried with Trustee Bromfield abstaining.

Trustee Turner/2nd Trustee Geye made a MOTION to accept Attorney Thorpe's conflict of interest between the Village and the BZA and the MOTION carried without negative vote.

Implementation of Town Hall Meetings

President Whowell announced the implementation of Town Hall meetings to aid in further educating the public and sharing information about Village events. Trustee Geye recommended open-ended quarterly meetings, and Trustee Turner also recommended working with the CDA for topic ideas.

No action taken.

Village Planners Contract

The Village Board of Trustees decided not to take action on the Vandewalle & Associates renewal contract and chose to interview both PDI and Vandewalle for the 2004 Village service contract. The board tentatively planned on interviewing Monday, January 5, 2004 at 4:30pm.

No action taken.

Implementation of Monthly Reports from the CDA and Plan Commission

Trustee Geye and Trustee Turner requested that Cindy Wilson, the CDA executive director, prepare written project management reports for the Village board and that Administrator Hayden Staggs prepare written project management reports pertaining to the Plan Commission for the CDA.

No action taken.

Administrative Report/Finance Committee

Impact Fee Ordinance Fee Update

Administrator Hayden Staggs provided the board with an updated impact fee study informational packet from Ehlers and Associates and noted the study was just about ready for a public hearing. Further discussion will take place at the December 18, 2003 Finance Committee meeting.

Ordinance No. 12-08-03-1

Ordinance accepting the creation of a Police and Fire Commission (Municipal Code Section 2-425 and 2-426)

Trustee Turner/2nd Trustee Bromfield made a MOTION to accept Ordinance 12-08-03-1 creating the Police and Fire Commission and the MOTION carried without negative vote.

Ordinance No. 12-08-03-2

Ordinance repealing and recreating the dog license regulations (Municipal Code Section 10-4) license fees changing from \$3 to \$5, and from \$8 to \$10.

Trustee Geye/2nd Trustee Cole made a MOTION to accept Ordinance 12-08-03-2 amending the code section pertaining to dog licenses, and the MOTION carried without negative vote.

Resolution No. 12-08-03-1

Resolution Establishing fees and charges Pursuant to Section 10-4 of the Municipal Code of the Village of Fontana changing a dog license fee from \$3 to \$5 for fixed pets and from \$8 to \$10 for non fixed pets.

Trustee Cole/2nd Trustee Bromfield made a MOTION to accept Resolution 12-08-03-1 amending the dog license fees and the MOTION carried without negative vote.

Village Employee Holiday Bonus of a \$50 gift certificate

Trustee Bromfield/2nd Trustee Turner made a MOTION to keep the holiday bonus the same as last year, and the MOTION carried without negative vote.

Attorney Report – Dale Thorpe

No Report. No action taken.

Request for Tower Space for Amateur Radio Operations on Brookwood Subdivision Tower

Administrator Hayden-Staggs explained that the following changes needed to be made to Amateur radio Operations contract:

- Village address changed to 175 Valley View Drive from 185 Douglas (page 1)
- Village will not be held responsible for the electrical power (Section 8)
- Remove references to the automatic renewal of the contract

Trustee Turner/2nd Trustee Petersen made a MOTION to approve the contract with the recommended changes made by the Village Administrator, and MOTION carried without negative vote.

F/W WPCC Update

Trustee Petersen invited all to a Treatment Plant Holiday Party for December 11, 2003 at 11:30am.

CDA Update

Trustee Turner reported on the following Abbey related events:

- The Abbey delivered a draft of the Condominium Declaration last week which the CDA will review and pass on to the Plan Commission and Board.
- Hank Gempler is working on the Developer Agreement Draft will be available early next week.
- Other Abbey documents will be forthcoming.

Protection Committee Update

Ordinance No. 12-08-03-3

Ordinance repealing and recreating the Tavern Operator's License that allows for changes in applicant requirements (Municipal Code Section 6-13)

Trustee Bromfield/2nd Trustee Whowell made a MOTION to accept Ordinance 12-08-03-3 changing the application requirements for an operator's license, and the MOTION carried without negative vote.

Operator License Applications

Trustee Bromfield/2nd Trustee Turner made a MOTION to approve operator licenses for Jared Vierck and Tymalyn Dooner, and the MOTION carried without negative vote.

EMS/Dive Team Bylaws

Trustee Bromfield/2nd Trustee Petersen made a MOTION to approve the EMS/Dive Team Bylaws as submitted, and the MOTION carried without negative vote.

Public Works Update

Pay Request #1 Contract 2-2003 /Odling Construction

Trustee Cole/2nd Trustee Bromfield made a MOTION to approve pay request #1 to Contract 2-2003 for Odling Construction in the amount of \$191,792, and the MOTION carried without negative vote.

Lead Pay Bonus

Trustee Petersen/2nd Trustee Turner made a MOTION to approve the quarterly lead pay of \$600 for Dennis Barr and \$600 for Ronald Adams, and the MOTION carried without negative vote.

Park Commission Update

Trustee Gey informed the Board of the following:

- Hildebrand property to be turned over from the CDA to the Park Commission.
- Mill House, 455 S. Main St, will not be restored for rental property.
- 2004 plantings may be from Northwind Perennial Farm

Adjournment

Trustee Bromfield/2nd Trustee Turner made a MOTION to adjourn the regular Village board meeting at 9:10 pm, and the MOTION carried without negative vote.

Minutes prepared by:

Tricia Gages, Village Clerk

villageclerk@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: Feb 2, 2004