

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

SPECIAL VILLAGE BOARD OF TRUSTEES MEETING
Followed by
CLOSED SESSION OF THE VILLAGE BOARD OF TRUSTEES
Followed by
REGULAR VILLAGE OF FONTANA BOARD OF TRUSTEES MEETING

Monday, January 5, 2004

President Whowell called the Village Board to order on Monday, January 5, 2004 at 4:40 pm in the Village Hall located at 175 Valley View Dr, Fontana, Wisconsin.

Roll Call

Present: Bromfield, Cole at 5:34, Geye, O'Connell, Petersen, Turner, and Whowell

Also Present: Esswein, Carolyn-PDI, Gages, Tricia-Village Clerk, Hayden-Staggs, Kelly-Village Administrator, Mularkey, Shawn-PDI and Witzling, Larry-PDI

Interview with Planning Design Institute (PDI) for 2004 Village Planning Services.

PDI presented an overview of their firm and the services they provide, followed by a question/answer/discussion period that included the following:

- PDI described Fontana as a unique community with a willingness to address water, Smart Growth, and Village Planning issues.
- PDI provided examples of work done in the surrounding communities, specifically Delavan.
- PDI expressed a willingness to continue to work with the CDA and to provide special project assistance to the Village Board upon request.
- The Board discussed the merits of using one or more consultants in the planning process.
- President Whowell and Trustee Turner expressed interest in PDI participation in the Village Town Meeting of February 7, 2004.

Trustee Petersen/2nd Geye made a MOTION to go into close session in accordance with Wisconsin State Statute 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 in accordance with 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", and the roll call followed:

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

Nay: None

MOTION carried (7-0)

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REGULAR VILLAGE OF FONTANA BOARD OF TRUSTEES MEETING

Monday, January 5, 2004

President Whowell noted at 6:20 pm that the Board was already in session from a prior special meeting.

Trustees Present: Bromfield, Cole, Geye, O'Connell, Petersen, Turner, and President Whowell
Also Present: Gages, Tricia – Village Clerk, Hansen, Graunke, Keith – Big Foot Recreation Director, Warren – Farris & Hansen of Elkhorn, Hayden-Staggs, Kelly – Village Administrator, Pierce, Andy – Big Foot Lion's Club, Pollitt, Peg – Village Treasurer, Pollitt, Ron – Finance Committee Commissioner, Nyman, Ron – BZA inspector, Thorpe, Dale – Village Attorney

President Whowell opened the meeting by leading the Pledge of Allegiance.

Announcements- Village President

1. Larry Austin – Recognition of Service Award for his work on the Fontana Rescue Squad
2. Town Hall Meeting for February 7, 2004 at 9 am – Topics of interest to the Village that include the Lake Front Concept, Developments, and other interests
3. Public Hearings Scheduled for January 26, 2004 – Plan Commission Meeting
 - a. ETZ Ordinance Amendment
 - b. Steve Beers Rezone RS1 to PD
 - c. Pheasant Ridge Lot Line Adjustment-PD Amendment
4. Special Village Board Meeting January 7, 2004 at 4:30 pm – Vandewalle & Associates Interview
5. Board of Appeals Hearing February 3, 2004 at 7:00 pm - Scherb

Approval of Minutes of December 8, 2003 Village Board Meeting

Administrator Kelly Hayden-Staggs asked to table the December 8, 2003 minutes to the February 2, 2004 Board Meeting, and the Board agreed.

Village Treasurer Report

Trustee Cole/2nd Trustee Geye made a MOTION to accept the Village Treasurers Report and place on file for the audit, and the MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Bromfield/2nd Trustee Petersen made a MOTION to approve the payment of both the Village and Utility Payables, and the MOTION carried without negative vote.

Park Commission - Trustee Geye

Big Foot Recreation Report

Keith Graunke provided an update on the Big Foot Recreation's progress and President Whowell asked for an updated report in the May/June timeframe.

No action taken.

Big Foot Lions Club Lobster Boil

Andy Pierce presented plans for the Big Foot Lions Club Lobster Boil at Reid Park on July 31, 2004.

Trustee Petersen/2nd Trustee Bromfield made a MOTION to approve the 2004 Big Foot Lions Club Lobster Boil event in Reid Park on 7/31/04, and the MOTION carried without negative vote.

Big Foot Lions Club 4th of July Celebration

Andy Pearce presented plans for the Big Foot Lions Club 4th of July Celebration at Reid Park on July 4, 2004

Trustee Bromfield/2nd Trustee Petersen made a MOTION to approve the 2004 Big Foot Lions 4th of July Celebration at Reid Park, and the MOTION carried without negative vote.

Impact Fee Study – James Mann, Ehlers & Associates

James Mann presented a report and calculation examples to the Board on Impact Fees.

Trustee Turner/2nd Trustee Petersen made a MOTION to approve a March 1, 2004 Public Hearing on Impact fees, and the MOTION carried without negative vote.

Condon Developer's Agreement

Attorney Thorpe reviewed the Developer's Agreement as recommended by the Plan Commission.

Trustee Geye/2nd Trustee Turner made a MOTION to approve the Condon Developer's Agreement and a roll call vote was taken:

Aye: Geye, Cole, and Turner

Nay: Petersen, O'Connell, and Bromfield

Abstaining: Whowell

Motion Failed (3-3-1)

President Whowell questioned the opposing Trustees as to what they would need to approve the document. Further discussion ensued concerning the storm water management issue, and President Whowell suggested a sub-committee of the "no vote" Trustees be formed or offered to table the matter to next month. Mr. Condon explained his efforts and his desire to resolve all matters at this meeting of the Board.

Trustee Petersen/2nd Trustee Geye made a MOTION to approve the Condon Developer's Agreement and a roll call was taken:

Aye: Turner, Petersen, Cole, and Geye

Nay: O'Connell and Bromfield

Abstaining: Whowell

Motion Carried (4-2-1)

General Business – President Whowell

Jevardian Raze Order (229 First Avenue)

Ron Nyman provided the Board with an update of the progress being made on 229 First Avenue.

Trustee O'Connell/2nd Trustee Geye made a MOTION to extend the raze/repair order another 30 days to accomplish the necessary home repairs and, following discussion, Trustee Geye/Trustee O'Connell amended the motion to read as follows:

Trustee O'Connell/2nd Trustee Geye made a MOTION to extend the raze/repair order to February 2, 2004 to accomplish the necessary home repairs, and the MOTION carried without negative vote.

CWD Update

Trustee Petersen/2nd Trustee Cole made a MOTION to extend the CWD hunt inside the Village limits for Big Foot Country Club, Abbey Springs, and Country Club Estates until 2/2/04, and the MOTION carried without negative vote.

Ordinance No. 01-05-04-1

Ordinance making the Village Municipal code sections compatible with respect to PFC appointments. (Municipal Code Section 34-82)

Trustee Turner/2nd Trustee Bromfield made a MOTION to approve Ordinance No. 01-05-04-1 which provided compatibilities for PFC appointments, and the MOTION carried without negative vote.

Resolution No. 01-05-04-1

Establishes PFC Appointments and Terms

Trustee Turner/2nd O'Connell made a MOTION to approve Resolution No. 1-5-04-1 establishing the appointments and terms for PFC membership for Patrick Kenny, Joseph Haughey, Robert Youngquist, Sherri Eshoo, and George Nicosia, and the MOTION carried without negative vote.

Lakefront & Harbor Commission – Trustee Bromfield

MJ's Lease Renewal Update

Trustee Bromfield/2nd Trustee Geye made a MOTION to table for a month and that a copy of the proposed lease be discussed at the next Finance Committee of January 29, 2004 meeting and also reviewed by the Village Attorney prior to the February 2, 2004 Board Meeting, and the MOTION carried without negative vote

Protection Committee – Chief Olson

Trustee Turner/2nd Bromfield made a MOTION to reject the operator's application of Angela Joski based on Ordinance 12-08-03, and the MOTION carried without negative vote

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

Establish Capitalization Rate for GASB 34

Trustee Cole/2nd Trustee O'Connell made a MOTION to approve the capitalization rate of \$3,000 and over on all Village expenditures and the MOTION carried without negative vote

2003 Audit – Letter of Engagement

Trustee Petersen/2nd Trustee Bromfield made a MOTION to approve the 2004 Financial Audit Engagement, and the MOTION carried without negative vote

Approve Designation of Agent for the Department of Employee Trust Funds of Village Clerk, Tricia Gages

Trustee Petersen/2nd Trustee Bromfield made a MOTION to approve Tricia Gages, Village Clerk, as Agent for the Department of Employee Trust Funds, and the MOTION carried without negative vote

Plan Commission – President Whowell

Tracy Rezone and Annexation Update – Hayden-Staggs noted that a rezone petition had yet to be filed by John Tracy. President Whowell asked Attorney Thorpe to place a call to Mr. Tracy.

No action taken

CDA - Trustee Turner

Monthly Update

- A proposal to approve the replacement of Margaret Canfield by Sue Koepsel at the February Board Meeting
- Trustee Turner reviewed the CDA project summary sheet
- Trustee Turner reviewed the Abbey update on condo declaration's major issues:
 - Amount of owner usage
 - Revenue loss per year – change revenue sharing to compensate
 - If opt out of rental program ; village charge \$500 /month if don't rent
 - Limitation of changes – provision that the Village must approve

Abbey Developer's Agreement

- o CDA Attorney Hank Gempler input provisions that protect the village
- o Provision to split 50/50 any project savings
- o Covenants that would stay in place; no further land development allowed

Streams of money consisting of property taxes, room tax, and revenue sharing are in the

negotiation process currently.

CDA intends to approve the Abbey Developer's Agreement and the Condominium Declaration at their February Meeting and to send on the Planning Commission for their consideration.

No action taken

Lakefront and Harbor – Trustee Bromfield

Commercial Launch Fees

Trustee Petersen/2nd Trustee O'Connell made a MOTION to table the commercial launch fee resolution until reviewed by the Finance Committee, and the MOTION carried without negative vote.

Harbor Master Report

Sam Frederickson will make a decision by January 15, 2004 whether he will assume the 2004 Harbor Master position.

No action taken

Public Works - Trustee Petersen and Public Works Director Workman

Water main break report

DPW announced that the Village had 28 water main breaks in 2003 due to age and poor construction.

Linking Walworth and Fontana water systems

Trustee Turner/2nd Trustee Petersen made a MOTION to begin the process of creating an intergovernmental agreement with Walworth the sharing of water/sewer facilities, and the MOTION carried without negative vote.

DPW Workman announced the Highway 67 Task Force meeting will be on 1/20/04 at 10am at Village Hall.

F/W WPCC-Trustee Petersen

Next meeting will be on Tuesday, January 6, 2004

No action taken

Park Commission – Trustee Geye

Trustee Geye announced the following Park activities:

- Hildebrand property – property boundaries infringement are a legal issue
- Park Commission will be the design arm of the CDA and CDI.

No action taken

Adjournment

Trustee Turner/2nd Bromfield made a MOTION to adjourn at 8:58 pm, and the MOTION carried without negative vote

Minutes prepared by:

Tricia Gages, Fontana Village Clerk

Note: These minutes are subject to further editing. Once approved by the Village Board, the official minutes will be on file in the Village Hall.

APPROVED: February 2, 2004

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