

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**

(Official Minutes)

SPECIAL MEETING of the VILLAGE BOARD OF TRUSTEES
Thursday, January 28, 2016

Village President Pat Kenny called the special meeting of the Village Board to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees Present: Roll call vote: Tom McGreevy, Rick Pappas, Dave Prudden, Arvid Petersen
President Pat Kenny

Trustees Absent: George Spadoni, Trustee Whowell

Also Present: Jade Bolack, Clerk Theresa Loomer, Administrator Dennis Martin

General Business

Provide Direction on Notice of Termination for Commercial Tenant at 138 Fontana Boulevard

Martin said the agenda item is to authorize issuing a Notice of Termination following a 120-day period as required in the Commercial Lease Agreement between the Village and Shodeen Homes, LLC for the property at 138 Fontana Boulevard. The notice to terminate can officially be given tomorrow, January 29th, as it is the one-year mark from the day the contract was executed. Martin stated that if directed, he will write a letter with the termination notice and send an email to David Patzelt of Shodeen Homes, LLC. Martin stated that he discussed with Patzelt a few months ago the initial request by the Munson Marine owners, who have submitted an accepted Offer to Purchase the two lots from the Village. The Munsons would like the Village to provide the notice so the 120-day period can commence, and if approved, they can commence using the existing building and lot while the plans for constructing a new building are being finalized and approved. In the event the site plan for the use of the current building is not approved and the sale of the property falls through, the Village will void the termination notice if desired by Shodeen Homes. Kenny stated he had a conversation with Holly Olson, the tenant in the residential unit, and she is also aware of the situation. Kenny stated the reason for giving the notice to terminate now is because 120-days leads right to Memorial Day weekend and being in the marine business, it is important to the Munsons to have the site up and running for boat sales by then. Petersen discussed his concerns with giving a termination notice to the tenant when there is no firm contract in place with the Munson's, and his concerns about approving a boat sales display area on the lots that are an important entrance to the Village center. There was further discussion on the sale of the lot, whether it lines up with the vision of the Village Master Plan, and commercial development before the motion on the floor was called for a vote.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to authorize staff to issue a Notice of Termination of the Commercial Lease Agreement between the Village and Shodeen Homes, LLC for the lower commercial unit at 138 Fontana Boulevard, and the MOTION carried on a 4-1 vote with Trustee Petersen opposed, and Trustee Spadoni and Trustee Whowell absent.

Approve Bid for Abbey Spring Water Main Construction Project

The Village received three bids for the Abbey Spring Water Main Project. The lowest bid was submitted by the Wanasek Corporation in the amount of \$1,594,800. The other two bids were submitted by Maddrell Excavating, LLC, \$1,988,405; and by Globe Contractors, Inc., \$2,263,830. Martin said Wanasek is highly recommended as they just finished the South Lakeshore Drive/Brookwood water main project this past summer. Martin stated that only the easement work with the Abbey Springs Association is left to complete, and all the required easements from individual property owners have been executed and recorded. Martin stated that the easements with the Abbey Springs Association have to be updated for some of the existing utility easement areas that will remain, and to abandon other areas where the current water line and associated easements are being abandoned and terminated. Martin stated that Village Attorney Dale Thorpe has been working with the Abbey Springs attorney, David C. Williams, to finalize the easements documents necessary

to record the route of the new water main, which will be almost completely removed from running under the Abbey Springs golf course. Only one small portion of the new water main will be directionally bored under a small portion of one of the golf course holes and connected to the Brookwood water tower. All of the old water main line that is located under the golf course will be abandoned, as will the associated easements for those areas. Martin stated the new easements will incorporate the same terms as the existing utility easements with regard to the Village being responsible to repair and reconstruct if necessary any roadway, shoulder, landscaping or equipment damaged during the construction project or at any time in the future should repair work be required. Martin stated that if any unanticipated or unforeseen problems come up, they will be handled just like Wanasek handled the Brookwood subdivision roads during last summer's project. Martin stated that once the new water main is installed and put online, the old portion under the golf course could will be capped off and abandoned. Martin stated that since the four locations that the old line will be capped off are located in areas just off the course, the Village will never have to undertake another costly repair job on one of the golf course fairways or greens once this construction project commences. Martin stated that the project plans have benchmarks or deadline dates that call for financial penalties if the contractor is not finished with the project prior to Memorial Day weekend. With the pre-construction meeting tentatively scheduled for Friday, February 19, 2016, and the easement documents the only other matter to finalize, Martin stated that staff is very optimistic that the project can commence in late February and be completed by mid-May. Martin stated that he just wanted to make sure to include the easement terms with the Abbey Springs Association in the meeting minutes to make another permanent record of the agreement. Once the easements are finalized by the attorneys and approved by the Abbey Springs Association, they will be executed and recorded.

Trustee Petersen/Trustee McGreevy 2nd made a MOTION to approve the bid of \$1,594,800 as submitted by the Wanasek Corporation for the Abbey Spring Water Main Construction Project, and the MOTION carried without negative vote.

Approve Bid for Brookwood Water Tower Rehab and Painting Project

The Village received five bids for the Brookwood Elevated Tank Rehabilitation project. The lowest bid came from Maxcor Incorporated in the amount of \$447,700. Seven Brothers Painting, Inc., submitted a bid totaling \$474,200; Osseo Construction Company, \$487,000; L&T Painting Company, \$510,000; and TMI Coatings, Inc., \$542,000. Martin said Maxcor Inc. is based out of New Lenox, IL and the bid was reviewed by the Village engineers and recommended for approval.

Trustee McGreevy/Trustee Pappas 2nd made a MOTION to approve the bid of \$447,700 as submitted by Maxcor Incorporated for the Brookwood Water Tower Rehab and Painting Project, and the MOTION carried without negative vote.

Adjournment

Trustee Petersen/Trustee McGreevy 2nd made a MOTION at 5:57 pm to adjourn the meeting, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Clerk

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

APPROVED: 02/08/16