

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

MONTHLY MEETING of the COMMUNITY DEVELOPMENT AUTHORITY

Wednesday, April 7, 2010

CDA Vice Chairman Skip Bliss called the monthly meeting of the CDA Board to order at 5:32 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

CDA members present: Roll call vote: Skip Bliss, Cindy Wilson, Bob Chanson, President Arvid Petersen

CDA member absent: William Turner, Jeff Fisk, Gail Hibbard

Also present: Administrator/Treasurer Kelly Hayden, Village Clerk Dennis Martin, Trustee Micki O'Connell

Announcement for CDA to Consider Going Into Closed Session

President Petersen/Commissioner Chanson 2nd made a MOTION to go into closed session to deliberate or negotiate the purchase of public properties, the investment of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require a closed session, specifically the properties located at 531 Mill Street and 543 Valley View Drive, and the Roll Call vote followed:

President Petersen – Aye

Commissioner Wilson – Aye

Commissioner Chanson – Aye

Commissioner Bliss - Aye

The MOTION carried on a 4-0 vote, with Chairman Turner and Commissioners Fisk and Hibbard absent.

Adjournment of Closed Session

President Petersen/Commissioner Wilson 2nd made a MOTION to adjourn the Closed Session at 5:42 pm, and the MOTION carried without negative vote.

Vice Chairman Bliss announced that there would be a recess until 6:00 pm.

Also Present: Susan Geye, Kevin Kirkland, Jim Knulty, Library Director Nancy Krei, Joseph McHugh, Erik Schmitt, Terry Tavera, Michael Van Den Bosch, Director of Public Works Craig Workman

Closed Session Business

President Petersen/Commissioner Chanson 2nd made a MOTION to ratify the Village Board's motion to invoke the appraisal contingency and pull the Offer to Purchase the properties located at 531 Mill Street and 543 Valley View Drive. The MOTION carried without negative vote.

Visitors Heard

None

Announcements

1. Read and Romp Program at Library – **Thursdays, April 8, 15, 22 & 29, 2010, 10:30 am**
2. Village Hall Reopening Date for Saturday Mornings – **Saturday, April 10, 2010, 8:00 am to Noon**
3. Plan Commission Staff Meeting – **Wednesday, April 14, 2010, 1:00 pm**
4. Protection Committee Meeting – **Monday, April 19, 2010, 4:00 pm**
5. Park Commission Meeting – **Wednesday, April 21, 2010, 6:00 pm**
6. Walworth County Highway Safety Committee Meeting at County Sheriff's Department

Conference Room – **Thursday, April 22, 2010, 9:00 am**

7. Finance Committee Monthly Meeting – **Thursday, April 22, 2010, 5:00 pm**
8. Plan Commission Monthly Meeting – **Monday, April 26, 2010, 6:00 pm**
9. Lakefront and Harbor Committee Meeting – **Wednesday, April 28, 2010, 4:30 pm**
10. Village Board Monthly Meeting – **Monday, May 3, 2010, 6:00 pm**

Approval of Minutes for March 3, 12, 15 and 18, 2010 Meetings

Commissioner Wilson/Commissioner Chanson 2nd made a MOTION to approve the minutes as submitted for the meetings held March 3, 12, 15 and 18, 2010, and the MOTION carried without negative vote.

Approval of Current Payables

The monthly payables were reviewed and approval was recommended.

President Petersen/Commissioner Chanson 2nd made a MOTION to approve the payables as presented, and the MOTION carried without negative vote.

Finance Report – Administrator/Treasurer Hayden

Update/Review – Full Accounting Statement & TIF Revenue Increment Projections

Hayden presented the updated reports.

President Petersen/Commissioner Chanson 2nd made a MOTION to acknowledge the receipt of the reports and to place them on file for the annual audit, and the MOTION carried without negative vote.

Presentation

Lakefront Building Website Presentation

Susan Geye presented a website development and direct mailing proposal for the Lakefront Building Project on behalf of her employer, Signalfire, LLC, Delavan. The website and mailing are being designed to provide information to residents on the Lakefront Building Project prior to the referendum. The proposal totals \$2,925 for the website and \$580 to design and print a two-sided brochure to be mailed to residents. The Signalfire proposal calls for an initial payment of 50 percent of the total fee to commence work on the project. The website address will be LakeFrontBuilding.com. The CDA and Village Board previously approved a budget of \$5,000 to fund the website and the mailing.

Commissioner Chanson/President Petersen 2nd made a MOTION to approve payment of the 50 percent invoice when it is received by the Village, and the MOTION carried without negative vote.

TID #1 Projects – Public Works Director Workman

TIF Project Maintenance Activity Report

The updated list was distributed. A controlled burn was conducted at the Duck Pond Recreation Area oak savannah project area, honeysuckle and buckthorn were abated at the Fontana Fen, and the drinking fountain was removed and the pedestrian path repaired in Pioneer Park. President Petersen stated that there are a couple of street light bulbs on Fontana Boulevard that need to be replaced. Workman stated that the touch-up painting on the beach fence will be completed in the next week.

Shabbona Pay Request No. 2

Workman stated that Graef has reviewed and recommended approval of the \$7,066 pay request and Change Order No. 1 calling for a net increase of \$4,725, submitted by Wilkomm Excavating and Grading, Inc. for the Shabbona Drive and Path Storm Sewer Project contract. The Village Board approved a motion at its last monthly meeting to approve the items, subject to CDA approval.

President Petersen/Commissioner Chanson 2nd made a MOTION to approve the of the \$7,066 pay request and Change Order No. 1 calling for a net increase of \$4,725, submitted by Wilkomm Excavating and Grading, Inc. for the Shabbona Drive and Path Storm Sewer Project contract, as recommended. The MOTION carried without negative vote.

Shabbona Path Design Update

Workman stated that Dale Broeckert provided a revised plan for the path construction. The alignment has been revised for the path, which will be constructed out of compacted gravel and

wooden stairs. Workman stated that the gravel layer will be 4-inches-thick. Boy Scouts and volunteers will be working with the Department of Public Works crew on the project. Following discussion on liability and the Village's insurance coverage, staff was directed to contact its insurance provider to ensure there is coverage. Wilson stated that during the construction days, a portable toilet should be available at the work site.

General Construction Updates

Workman stated that there were no other items to report.

General Business

Pottawatomi and Van Slyke Creeks Stormwater Management Project Engineering Proposal for 2010 Projects & TIF Eligibility of Projects

Hayden stated that Village Attorney Dale Thorpe submitted a letter to address the TIF eligibility question that came up with regard to a proposed Pottawatomi Creek crossing modification project on Big Foot Country Club property. Thorpe states in the letter, "The aspects of the project that would make it TIF eligible are very difficult to articulate, other than some very general 'ecological' benefits." Thorpe suggested that the village seek an opinion from Attorney Hank Gempeler "as to whether or not this project is TIF eligible." The letter states, "On the face of it, and knowing nothing more at this point, I had serious reservations as to whether TIF dollars could be legitimately spent on such a project." Workman stated that the engineering proposal for the project is not yet complete, and it will be presented for consideration at next month's meeting. Following discussion, the CDA members reached a consensus that Hayden should be directed to contact Attorney Gempeler to seek an opinion, and if Gempeler indicates that it will cost more than \$1,000 to provide an opinion, it should be brought back to the CDA for reconsideration.

Commissioner Chanson/President Petersen 2nd made a MOTION to direct Hayden to contact Attorney Hank Gempeler to solicit an opinion on the TIF eligibility of the Pottawatomi Creek crossing modification project on Big Foot Country Club property, for a cost not to exceed \$1,000, and the MOTION carried without negative vote.

2010 Budget

Hayden stated that the preliminary budget was distributed a few months ago and no new comments have been submitted. Hayden stated that the budget was ready for consideration, subject to a final review by Commissioner Fisk. The Village Board approved a motion at its last monthly meeting to recommend CDA approval of the budget as distributed.

Commissioner Chanson/President Petersen 2nd made a MOTION to approve the 2010 CDA Budget as distributed, subject to endorsement by Commissioner Fisk, and the MOTION carried without negative vote.

Engineering/Design Estimate for Lake Street Certify Referendum Question for June 15, 2010 Special Election

Ruekert-Mielke Engineer Terry Tavera presented the engineering design construction estimate for the Lake Street reconstruction and Lakefront Activity Building construction portions of the Lakefront Building Project proposal. The total estimated construction cost for the proposal is about \$2.6 million, and with contingencies and options including a steel roof and geothermal HVAC options, the total is about \$2.8 million. Workman stated that the cost estimate includes a 10 percent contingency for construction costs. In response to questions and concerns about plan details, Workman stated that the final construction and landscaping design details will have to be approved after the required referendum is approved by the Village residents. Following discussion on the cost estimate, Workman clarified that the \$2.8 million figure includes the optional steel roof and geothermal HVAC options. During a discussion on the project budget, Hayden stated that there is a total of \$3.1 million in various line items in the current budget.

Hayden stated that Martin had been informed earlier that day in a telephone conversation with Bruce Jensen that the FROG group has decided to not approve the proposed amendment to the settlement agreement that would have allowed the Village to hold the referendum for the Lakefront Building Project proposal on June 15, 2010. The settlement agreement between FROG and the Village calls for the required referendums to be held in conjunction with regularly scheduled primary or general elections in February, April, September or November. The next regularly scheduled elections are the

Partisan Primary Election on Tuesday, September 14, 2010 and the General Election on Tuesday, November 2, 2010. Hayden stated that it will have to be determined on what date to hold the referendum. Chairman Bill Turner previously informed the CDA and Village Board that Jensen had indicated to him that FROG would approve an amendment to the settlement agreement to allow the referendum to be held in June. Martin stated that when he contacted Jensen to inquire on the status of the amendment documents, Jensen stated that the FROG members may have concerns and that he is not comfortable being the only member to sign off on an amendment agreement. Hayden stated that regarding the referendum question, the Village Board approved a motion at its monthly meeting on Monday, April 5, 2010 to recommend approval of Option No. 3. Hayden stated that the referendum question also has to be approved by the FROG group before it is certified for the election. The first draft option is, "Shall the Village of Fontana on Geneva Lake be authorized to spend an amount not to exceed \$2.8 million to complete the following projects: Reconstruct Lake Street with new paving, underground utilities, sidewalks, landscaping, and lighting; Redesign the lakefront parking lot to allow for a bio-retention area to handle storm water drainage on site; and tear down the existing Village owned marina building to reconstruct a Lakefront Activity Center?" The second option is, "Shall the Village of Fontana on Geneva Lake be authorized to spend an amount not to exceed \$2.8 million to complete the following projects: Reconstruct Lake Street with new paving, underground utilities, sidewalks, landscaping, and lighting; Redesign the parking lot at the intersection of Lake Street and Fontana Boulevard to allow for a bio-retention area and increased green space; and Reconstruct the Village owned marina building to a Lakefront Activity Center?" The third option is, "Shall the Village of Fontana on Geneva Lake be authorized to spend an amount not to exceed \$2.8 million to reconstruct Lake Street, reconstruct the Lakefront parking lot, and construct a Lakefront Activity Center?" The Village board approved a motion subject CDA Board approval to certify option number three for the referendum question. Following discussion, the CDA Board supported Wilson's suggestion that the new lakefront building should be called the Lakefront Activity Building instead of "Center."

President Petersen/Commissioner Chanson 2nd made a MOTION to approve the \$2.8 million construction cost estimate and to approve Option No. 3 for the referendum question, stating: "Shall the Village of Fontana on Geneva Lake be authorized to spend an amount not to exceed \$2.8 million to reconstruct Lake Street, reconstruct the Lakefront parking lot, and construct a Lakefront Activity Building?" The MOTION carried without negative vote.

Abbey Resort Letter of Credit Update

Hayden stated that the Abbey Resort will be securing a new Letter of Credit from Walworth State Bank to replace the one on file for the spa renovation loan.

WCEDA Grant Update

Michael Van Den Bosch stated that the grant application has been reviewed and the state should be providing a determination within the next few weeks.

Schedule Pavilion Meeting

Hayden stated that an initial planning meeting will be scheduled with Architect David Lang to begin work on the new pavilion that will be constructed to replace the old Reid Park gazebo, which was razed last fall due to structural concerns.

Village Board Report – Chairman Turner

Trustee Turner was absent.

Lakefront & Harbor Report – Commissioner Chanson

Chanson stated that the Lakefront and Harbor Committee approved a motion at its last monthly meeting to recommend that none of the evergreen trees be removed from Reid Park as part of the Lakefront Building Project. Graef planner Erik Schmitt presented the current conceptual site plan, which depicts what trees were targeted for removal if the project is approved. Workman stated that one of the Austrian pines that was targeted for removal actually sticks out into Lake Street and causes maintenance and snow plowing problems. Following discussion, the CDA members reached a consensus that none of the existing evergreen trees should be removed from Reid Park or the lakefront, with the exception of the trees that have to be removed for the site of the new Lakefront

Activity Building, and those trees should be transplanted if possible.

Commissioner Chanson/Commissioner Wilson 2nd made a MOTION to recommend that no trees should be removed from Reid Park or the lakefront for the Lakefront Building Project, with the exception of the trees that have to be removed at the site of the new Lakefront Activity Building, and those trees should be transplanted if possible. The MOTION carried without negative vote.

Park Commission Report – Commissioner Hibbard

Commissioner Hibbard was absent.

Confirm Quorum & Dates for Upcoming Meetings

Next Meeting Date – May 5, 2010

Agenda Item Requests

None

Adjournment CDA

Commissioner Chanson/Commissioner Wilson 2nd made a MOTION to adjourn the CDA meeting at 7:25 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

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

APPROVED: 5/5/2010