

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

MONTHLY MEETING of the CDA BOARD OF DIRECTORS  
**Wednesday, January 6, 2010**

Chairman William Turner called the monthly meeting of the CDA to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**CDA Commissioners present:** Chairman Turner, Cindy Wilson, Village President Pete Petersen, Jeff Fisk, Gail Hibbard, Bob Chanson

**CDA Commissioner absent:** Skip Bliss

**Also present:** Administrator/Treasurer Kelly Hayden, Library Director Nancy Krei, Village Clerk Dennis Martin, Joseph McHugh, Sharon O'Brien, Trustee Micki O'Connell, Director of Public Works Craig Workman

**Visitors Heard**

None

**Announcements**

1. Protection Committee Meeting – **Monday, January 18, 2009, 4:00 pm**
2. Lakefront Building Committee Meeting – **Monday, January 18, 2009, 5:00 pm**
3. Library Board Meeting – **Wednesday, January 20, 2010, 10:00 am**
4. Lakefront and Harbor Committee Meeting – **Wednesday, January 20, 2010, 4:30 pm**
5. Park Commission Meeting – **Wednesday, January 20, 2010, 6:00 pm**
6. Finance Committee Meeting – **Thursday, January 21, 2010, 5:00 pm**
7. Plan Commission Meeting – **Monday, January 25, 2010, 5:30 pm**

**Approval of Minutes for December 7, 2009 Meetings**

President Petersen/Commissioner Hibbard 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held December 7, 2009, and the MOTION carried without negative vote.

**Approval of Current Payables**

The monthly payables were reviewed and recommended for approval.

Commissioner Fisk/Commissioner Hibbard 2<sup>nd</sup> 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**

The updated full accounting statement and increment projections were distributed. Wilson asked staff to provide a report on the current assessed value of the Cliffs of Fontana development compared to the assessed value of the property when the project commenced. Fisk pointed out that the cash flow statement has not yet been carried forward into the new year. Hayden stated that the updated cash flow statement will be presented at the next monthly meeting with the 2010 budget.

**Presentation**

None

**TID #1 Projects – Public Works Director Workman**

**TIF Project Maintenance Activity Report**

Turner asked if any progress has been made on the seagull situation at the beach house. Workman stated that the best option will be to run fishing wires in a diagonal pattern on the roof to prevent the seagulls from landing. Workman stated that the fishing wires can be mounted on the roof by the DPW crew in the spring. In response to a question, Workman stated that the fishing wires will not be visible from the ground, they will just prevent the seagulls from landing on the roof.

## **Ruekert-Mielke Lake Street and Lakefront Parking Lot Design Proposal PDI/Graef Lake Street & Parking Lot Design Proposal**

The agenda items were acted on together. Turner stated that the CDA Lakefront Building Committee has been planning the lakefront building proposal with HGA, Inc., but more specific detailed information is needed on the other two phases of the proposed project. Turner stated that the committee members came to the consensus that detailed site design and engineering work needs to be completed on the Lake Street and parking lot portions of the proposed project. Turner stated that to date only conceptual plans have been drafted for the parking lot area and Lake Street. Turner stated that it is the committee member's recommendation that the Village should not take the project to referendum without clear design proposals and solid construction cost estimates. Turner stated that the committee is also recommending the referendum be held in mid-June. Turner stated that the Village Board considered the Ruekert-Mielke proposal at its monthly meeting Monday, January 4, 2010; however, the PDI/Graef proposal was not on the agenda. The Village Board approved a motion at the meeting to recommend approval of the Ruekert-Mielke proposal at a cost not to exceed \$55,000, subject to review and approval by the CDA. Turner stated that he discussed the proposals with Workman and Hayden, and taking into consideration some of the other comments he has received from other village residents and officials, and the state of the economy, the CDA should only authorize design and engineering work to the level that will enable the Village to draft an accurate referendum question. Turner stated that the Village does not need full construction drawings until after the referendum earns approval. Turner stated that in reviewing the proposals and determining what needs to be completed to take the proposal to referendum, he would suggest authorizing spending an amount not to exceed \$30,000 between Ruekert-Mielke and PDI/Graef. Turner stated that Ruekert-Mielke should be authorized to complete the engineering and budgeting work, and PDI/Graef should be authorized to complete the design work. Wilson stated that she is concerned that duties be defined for exactly what Ruekert-Mielke and PDI/Graef will be completing and how the funds for the project will be allocated. Turner stated that PDI/Graef will be responsible for the design work, and Ruekert-Mielke will be responsible for the engineering and budgeting work. Workman stated that the Ruekert-Mielke proposal includes design work because the proposal encompasses the entire scope of the project. Workman stated that Ruekert-Mielke drafted the proposal without the knowledge that PDI/Graef was also going to be involved, so the entire scope of work was included. Workman stated that Ruekert-Mielke will be submitting a redrafted proposal that just encompasses the engineering and budgeting work to a level that will enable the Village to draft the referendum question. Wilson stated that she is concerned that Ruekert-Mielke will supply the necessary engineering information to PDI/Graef. Turner stated that Workman will be able to coordinate the project with the two firms. Sharon O'Brien asked what the CDA will do if Kevin Kirkland does not want to enter into a contract or if his business is not successful. Turner stated that the CDA would then look for another person or business to lease the building. President Petersen stated that the CDA needs to obtain exact cost estimates to take to referendum, so the site planning and engineering work is important. Fisk stated that it is also an important point that the Village residents can understand the value of the TIF program. Fisk stated that the CDA should create a list of the projects completed to date with TIF funding. Fisk stated that the project list could include the total cost of each project and what the financial impact would have been if the projects had been funded through the General Fund instead of with TIF funding.

Chairman Turner/Commissioner Wilson 2<sup>nd</sup> made a MOTION to authorize spending an amount not to exceed \$30,000 on Ruekert-Mielke and PDI/Graef, with Ruekert-Mielke to complete the engineering and budgeting work for \$15,000 and PDI/Graef to complete the design development work for \$15,000 for the Lake Street and parking lot portions of the proposed lakefront project; to take the lakefront building proposal to referendum on Tuesday, June 15, 2010; and to direct Administrator/Treasurer Hayden and Commissioner Fisk to continue to meet with Kevin Kirkland to finalize a business plan proposal. The MOTION carried without negative vote.

### **General Construction Updates**

Turner stated that there was nothing to report this month.

### **General Business**

#### **Small Business Loan Guidelines**

Turner stated that a preliminary draft prepared by Hayden was reviewed and an updated draft was distributed at the meeting. President Petersen stated that the draft should be reviewed for a month and the CDA could act on it at the next meeting in February. Turner stated that the proposed guidelines also should be briefly reviewed by Village Attorney Dale Thorpe. Chanson stated that the CDA should set a limit on Thorpe's review. Chanson also asked if the CDA was going to dictate what type of proposals would be eligible for loans and if the applicants will be required to first seek other available business loans. Wilson asked if the loans were going to be made available to just property owners, or if business owners leasing property would also be eligible. Hayden stated that the current draft has guidelines that are broad enough to cover all types of proposals to be considered on a case by case basis.

Chairman Turner/Commissioner Chanson 2<sup>nd</sup> made a MOTION to table the proposal and to direct Village Attorney Dale Thorpe to review the preliminary draft at a cost not to exceed \$500, and the MOTION carried without negative vote.

### **Walworth County Economic Development Alliance Services – Update**

Village Attorney Thorpe completed the certification paperwork for the grant application and the Walworth County Economic Development Alliance has submitted the grant application for marketing services for the Duck Pond corporate development site; however, a decision has not yet been made.

### **Lakefront Projects & Referendum**

Turner stated that the planning committee is now targeting mid-June for the referendum date. Turner stated that he has been in contact with the FROG organization and Bruce Jensen in particular and they have indicated that they would not be opposed to holding the required referendum for the lakefront building, parking lot and Lake Street project in mid-June. Turner stated that Jensen indicated that summer would be a good time for the referendum because more residents will be in town for the season. Turner stated that in order to answer concerns about the lakefront building not being eligible for TIF funding, the committee is recommending that the CDA contract with Foley and Lardner Attorney Hank Gempler to provide an opinion that will settle the issue. Turner stated that Gempler indicated it would cost about \$2,000 for his firm to research and draft an opinion letter on the lakefront project.

President Petersen/Commissioner Chanson 2<sup>nd</sup> made a MOTION to direct Foley & Lardner Attorney Hank Gempler draft an opinion letter on the eligibility of the proposed lakefront building project to be funded by the TIF District, at a cost not to exceed \$3,000, and the MOTION carried without negative vote.

### **Lot Line Adjustment for Duck Pond Landfill VPLE Application**

Workman stated that as part of the Voluntary Party Liability Exemption application being prepared for the CDA by AECOM Environmental, the landfill lot should be separated from the rest of the site. Workman stated that as part of the initial application preparation process, staff has conducted a search of the Village files and it has been determined that the former land fill was never licensed by the state. Workman stated that the final application requires that the dump site be identified, and it currently is part of one large lot at the Duck Pond area. Workman stated that the proposal is for the former dump site lot to be separated out into a separate lot. Workman stated that there will be some surveying work required that will cost about \$1,500. Workman asked the CDA to authorize spending an amount not to exceed \$1,500 from the Duck Pond Project budget to prepare the necessary documents to present to the lot line adjustment to the Plan Commission for consideration.

Chairman Turner/President Petersen 2<sup>nd</sup> made a MOTION to authorize staff to spend an amount not to exceed \$1,500 to prepare the necessary documents to present the lot line adjustment proposal to the Plan Commission for consideration, and the MOTION carried without negative vote.

### **Village Board Report – Chairman Turner**

Turner asked about the status of the Van Slyke and Pottawatomi Creeks stream rehabilitation project. Workman stated that Ruckert-Mielke has been meeting with staff and the other involved parties to prioritize a project list schedule and to calculate the individual project expenses. A report will be presented at the next monthly meeting.

**Lakefront & Harbor Report – Commissioner Chanson**

Nothing new submitted.

**Park Commission Report – Commissioner Hibbard**

Nothing new submitted.

**Confirm Quorum & Dates for upcoming Meetings**

**Next Meeting Dates**

The next scheduled meeting is the Lakefront Building Committee meeting on Monday, January 18, 2010 at 5:00 pm. Following discussion, Martin was directed to schedule the next two monthly meetings of the CDA Board for Wednesday, February 3, 2010 and Wednesday, March 3, 2010 beginning at 6:00 pm.

**Agenda Item Requests**

None

**Pending/Future Items**

**286 Valley View Drive – Façade Improvement Discussion (Canopy Renovation)**

Martin was directed to take the item off the agenda since nothing has been submitted for more than one year.

**Closed Session**

President Petersen/Commissioner Chanson 2<sup>nd</sup> 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 & 543 Valley View Drive, and the Roll Call vote followed:

President Petersen – Aye

Commissioner Hibbard – Aye

Commissioner Fisk – Aye

Commissioner Wilson – Aye

Commissioner Chanson – Aye

Chairman Turner – Aye

The MOTION carried on a 6-0 vote with Commissioner Bliss absent.

**Closed Session Business**

Action taken in the closed session is delineated in the Official Closed Session Minutes.

**Adjournment of Closed Session**

Commissioner Chanson/Commissioner Hibbard 2<sup>nd</sup> made a MOTION to adjourn the Closed Session at 6:55 pm, and the MOTION carried without negative vote.

**Adjournment**

Chairman Turner/President Petersen 2<sup>nd</sup> made a MOTION to adjourn the CDA meeting at 6:55 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: 2/3/10