

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

SPECIAL JOINT MEETING of the
COMMUNITY DEVELOPMENT AUTHORITY and BOARD OF TRUSTEES

Wednesday, March 3, 2010

CDA Chairman Trustee William Turner and Village President Arvid Petersen called the special joint meeting of the CDA and Village Board and the monthly meeting of the CDA to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

CDA members present: Roll call vote: Chairman Turner, Gail Hibbard, Cindy Wilson, Bob Chanson, President Petersen

CDA member late: Jeff Fisk (arrived at 5:55 pm)

CDA member absent: Skip Bliss

Trustees present: Roll call vote: President Petersen, Turner, Micki O'Connell, George Spadoni, Diane Lewis

Trustees absent: Pat Kenny, Tom McGreevy

Also present: Administrator/Treasurer Kelly Hayden, Village Clerk Dennis Martin

Announcement for CDA and Board of Trustees to Consider Going Into Closed Session

Chairman Turner/CDA 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 Hibbard – Aye

Commissioner Wilson – Aye

Commissioner Chanson – Aye

Chairman Turner – Aye

The MOTION carried on a 5-0 vote. Commissioner Bliss was absent and Commissioner Fisk had not yet arrived at the meeting.

President Petersen/Trustee Spadoni 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:

Trustee Lewis – Aye

President Petersen – Aye

Trustee Spadoni - Aye

Trustee O'Connell – Aye

Trustee Turner - Aye

The MOTION carried on a 5-0 vote with Trustees Kenny and McGreevy absent.

Adjournment of Closed Session

President Petersen/Trustee O'Connell 2nd made a MOTION to adjourn the Closed Session of the Village Board at 5:58 pm, and the MOTION carried without negative vote.

Chairman Turner/President Petersen 2nd made a MOTION to adjourn the Closed Session of the CDA at 5:58 pm, and the MOTION carried without negative vote.

Adjournment Village Board

President Petersen/Trustee O'Connell 2nd made a MOTION to adjourn the Village Board meeting at

5:58 pm, and the MOTION carried without negative vote.

Also Present: Paul Borg, Wally Bullard, Carolyn Esswein, Kevin Kirkland, Library Director Nancy Krei, Sarah Lobdell, Joseph McHugh, Trustee O'Connell, Erik Schmitt, Terry Tavera, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

1. Read & Romp Program @ Fontana Public Library – **Thursdays, March 4, 11, 18 and 25, 2010, 10:30 am**
2. Protection Committee Meeting – **Monday, March 15, 2010, 4:00 pm**
3. Plan Commission Staff Meeting – **Wednesday, March 17, 2010, 1:00 pm**
4. Library Board Meeting – **Wednesday, March 17, 2010, 10:00 am**
5. Park Commission Meeting – **Wednesday, March 17, 2010, 6:00 pm**
6. Finance Committee Meeting – **Thursday, March 18, 2010, 5:00 pm**
7. Lakefront and Harbor Committee Meeting – **Wednesday, March 24, 2010, 4:30 pm**
8. Public Works Committee Meeting – **Saturday, March 27, 2010, 8:00 am**
9. Plan Commission Monthly Meeting – **Monday, March 29, 2010, 6:00 pm**
10. Public Test of Electronic Voting Equipment – **Wednesday, March 31, 2010, 2:00 pm**

Approval of Minutes for February 3, 2010 Meeting

Commissioner Chanson/Commissioner Hibbard 2nd made a MOTION to approve the minutes as submitted for the meeting held February 3, 2010, and the MOTION carried without negative vote.

Approval of Current Payables

The monthly payables totaling \$55,003 were reviewed and approval was recommended.

Commissioner Chanson/Commissioner Fisk 2nd made a MOTION to approve the payables totaling \$55,003 as presented, and the MOTION carried without negative vote.

Finance Report – Administrator/Treasurer Hayden

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

Turner stated that he, Petersen and Hayden met and updated the preliminary 2010 CDA budget on the Full Accounting Statement. Turner stated that the figures are “best guess” estimates at this time for 2010, and the statement and projections will be reviewed a final time by Hayden, Fisk and Workman before being considered for approval at the April 7, 2010 meeting.

Presentation

Pottawatomi and Van Slyke Creeks Stormwater Management Project List Breakdown – Ruekert-Mielke

Terry Tavera presented the updated spreadsheet that prioritizes all the projects in the Village’s storm water management and the CDA’s Pottawatomi and Van Slyke Creeks Rehabilitation Project according to what projects will have the most ecological benefit on improving the quality of water entering the creeks and Geneva Lake. The 41 projects on the spreadsheet were initially ranked according to what projects will have the greatest positive impact compared to the project cost estimates. Tavera added two columns to the spreadsheet that delineate what projects are CDA funding eligible and what amount of funding staff would recommend for the CDA eligible projects. Workman stated that he would recommend that the CDA consider moving forward in 2010 with the \$143,000 project No. 10 – the construction of a storm water detention pond at the Tarrant Drive and Sauganash Drive “hot spot.” Workman stated that the Village has budgeted to completed projects No. 9 and No. 37 on the list, and project No. 10 would be a great compliment to those projects. Turner stated that the construction of the storm water detention pond is a good kickoff project since it will supplement the other two projects and the Village will be getting a great immediate return on its investment. Workman stated that once completed, the projects will work together to provide an immediate impact on alleviating storm water runoff problems in that hot spot area. Turner asked if there were other less expensive projects on the list that incorporate some of the Big Foot Country

Club projects that CDA could consider for 2010. Tavera stated that project No. 10 actually will be located on the Big Foot Country Club property, but it is entirely a Village project since it will handle runoff water from Village streets. Workman stated that the \$50,000 project No. 3, a crossing modification on Potawatomi Creek, is a potential cost-sharing project with Big Foot Country Club. Workman stated that the project is the highest priority project on the list that will require a cost-sharing agreement with Big Foot Country Club. Turner stated that it would be a good idea to begin working with country club on the environmental improvement projects. Chanson stated that he is a member of the Country Club so he will abstain from voting on the cost-sharing project issues. Chairman Turner/President Petersen 2nd made a MOTION to direct staff to commence work on the project engineering and on a preliminary developer's agreement and cost-sharing agreement with the Big Foot Country Club for projects No. 3 and No. 10 on the Potawatomi and Van Slyke Creeks Management/Village Wide Storm Water Management Plan, Revised February 25, 2010. The MOTION carried without negative vote, with Commissioner Chanson abstaining.

TID #1 Projects – Public Works Director Workman

TIF Project Maintenance Activity Report

The Department of Public Works abated an extensive amount of buckthorn and honeysuckle at the Fontana Fen during the last week. Hibbard asked that the upcoming controlled burn in the oak savannah area at the Duck Pond be added to the report.

General Construction Updates

Wilson asked about a small hole she noticed in one of the new pavers along Fontana Boulevard. Workman stated that a sign was removed and the brick will be replaced.

General Business

Small Business Loan Guidelines – Tabled 2/3/10

Turner stated that Village Attorney Dale Thorpe suggested some revisions to the draft document. Turner stated that with the changes incorporated, the guidelines are ready to be adopted. Turner stated that if tweaks are needed in the future, the guidelines can always be amended.

Chairman Turner/Commissioner Fisk 2nd made a MOTION to approve the Small Business Loan Guidelines as presented, with Village Attorney Dale Thorpe's revisions incorporated, and the MOTION carried without negative vote.

Shabbona Drive and Path Storm Sewer Contract Pay Request No. 1

Turner stated that Graef, the project engineering firm, has submitted a pay request for the Shabbona Drive and Path Storm Sewer Contract for Willkomm Excavating and Grading. Graef recommended approval of the \$96,089 pay request and the Village Board approved a motion at its March 1, 2010 meeting to approve with the pay request as recommended, subject to approval by the CDA.

Chairman Turner/Commissioner Wilson 2nd made a MOTION to approve the \$96,089 Pay Request No. 1 submitted by Willkomm Excavating and Grading for the Shabbona Drive and Path Storm Sewer Contract, as recommended, and the MOTION carried without negative vote.

Phase I Proposals Submitted for Purchase of 543 Valley View Drive and 531 Mill Street

Turner stated that a Phase I Environmental Site Assessment is required by the Wisconsin DNR for its stewardship grant program. The Sigma Group submitted a proposal totaling \$1,600, and AECOM submitted a proposal totaling \$2,400. The Village Board approved a motion at its March 1, 2009 meeting to approve the proposal submitted by the Sigma Group, subject to approval by the CDA.

Chairman Turner/Commissioner Turner 2nd made a MOTION to approve the \$1,600 proposal as submitted by the Sigma Group, and the MOTION carried without negative vote.

2010 Budget

The preliminary budget was discussed earlier in the meeting. Turner stated that some future projects that the CDA may want to consider adding to the budget are the reconstruction of the other half of Mill Street; the completion of the pedestrian path system connections; the installation of additional lighting and the construction of a new pavilion in Reid Park; and the burial of the remaining overhead utility lines. Turner stated that the CDA members should think of other potential projects that could be undertaken after 2010, and the final budget will be presented at the next meeting.

Foley & Lardner Opinion Letter on TIF Eligibility for Proposed Lakefront Building

Turner stated that Foley & Lardner, LLP Attorney Henry Gempeler submitted a letter dated March 3, 2010 that states as long as the CDA carries out the project, the proposed lakefront building is a TIF eligible project. Turner stated that the letter adds a layer of law on top of the previously approved TIF Project Plan.

Commissioner Chanson/Commissioner Wilson 2nd made a MOTION to accept the March 3, 2010 opinion letter submitted by Foley & Lardner, LLP Attorney Henry Gempeler, and the MOTION carried without negative vote.

Approve Engagement Letter with Foley & Lardner for Refinancing Bond Counsel

Turner stated that the CDA has to approve the engagement letter because a portion of the refinancing is for CDA bonds. The CDA will pay a prorated portion of the fee.

Chairman Turner/President Petersen 2nd made a MOTION to approve the Engagement Letter with Foley & Lardner to provide refinancing bond counsel services, with the CDA to pay a prorated portion of the fee, and the MOTION carried without negative vote.

Walworth County Economic Development Alliance Grant Application – Update

Michael Van Den Bosch of the Walworth County Economic Development Alliance indicated that the grant application is still being reviewed by Rural Development and a decision is scheduled to be made in early March.

FROG Settlement Agreement Amendment

Turner stated that the settlement agreement with the FROG group has to be amended to allow for the Lakefront Building Project referendum to be held on Tuesday, June 15, 2010. Turner stated that he will present the amendment to Bruce Jensen to sign for the FROG group.

Chairman Turner/Commissioner Chanson 2nd made a MOTION to approve the proposed amendment to the settlement agreement with the FROG group to allow for the required referendums to be held at “such other times as the Parties may agree,” and the MOTION carried without negative vote.

Lakefront Workshop Report & Publicity Budget Proposal

Workman stated that the planning committee met earlier that day and fine tuned the preliminary plans for the Lake Street and parking lot reconstruction phases of the Lakefront Building Project. Erik Schmitt and Carolyn Esswein presented the conceptual plan. Chanson brought up concerns about making the street to narrow for motorists to drive around double-parked automobiles. Chanson stated that there are many occasions when motorists would get stuck behind double-parked automobiles and trailers at the lakefront if there is not enough room to drive around them. Following a lengthy discussion, the CDA members directed the planning team to not paint the parallel parking stalls on Lake Street, to plan for the road to be 27- or 28-feet-wide, to get more accurate surveying details for the building lot lines and right of way lines on Lake Street, to plan more lighting for the park, and to move some handicapped designated parking stalls to the northeast corner of the parking lot. Workman stated that in order to stay on schedule for a June 15, 2010 referendum, the CDA has to get the preliminary plans approved so cost estimates can be prepared and the referendum question drafted. Turner stated that the planning team should redraw the preliminary plans, and if necessary, a special meeting can be held to keep the planning process on schedule for a June 15, 2010 referendum. Wilson stated that the CDA should approve a budget to publicize the proposal prior to the referendum. Wilson stated that although the information is available on the Village website, the website is very difficult to navigate and people have a hard time locating the information. Wilson stated that the CDA should have a website developed to present just the lakefront project proposal. Turner asked how the CDA could accomplish the task of developing a new website. Wilson stated that the CDA could contract with someone who could have a site up and running in one day. Wilson stated that a link to the new site could be added to the Village website. Turner stated the CDA has to mail out hard copies of the information to the voters who are not Internet users. Fisk stated that he would suggest the establishment of a new website and a mailing to ensure the information is getting disseminated. Fisk stated that the information to be mailed out should also include information on the new website. Wilson stated that it will be important to include an explanation on TIF financing.

Turner stated that he would suggest the CDA spend an amount not to exceed \$5,000 on publicity for the referendum, including establishing a new website and publishing and mailing an informational brochure. Turner asked Wilson and Fisk to work on a plan and present the proposal at next month's meeting. Turner stated that Wilson and Fisk should find someone to develop the new website, and they should solicit assistance from project architect David Lang to help with the publicity. Chairman Turner/Commissioner Chanson 2nd made a MOTION to approve a \$5,000 budget for the development of a website and for publishing and mailing out an informational brochure on the Lakefront Building Project proposal, and the MOTION carried without negative vote.

Village Board Report – Chairman Turner

Turner stated that there was nothing new to report.

Lakefront & Harbor Report – Commissioner Chanson

Chanson stated that there was nothing new to report.

Park Commission Report – Commissioner Hibbard

Park Commission \$3,500 Funding Proposal for Duck Pond Disc Golf Course

Park Commission Chairman Sarah Lobdell and Wally Bullard presented a proposal requesting \$3,500 to develop a nine-hole, permanent disc golf course at the Duck Pond. Lobdell stated that the temporary course was very well received during last year's trial run; however, the temporary hole baskets are not holding up to public use. Lobdell stated that the sport is very popular already and it keeps attracting more participants. Turner asked if there is any revenue producing possibility with a disc golf course. Lobdell stated that the Park Commission has been selling discs, and there also is revenue generating possibilities by hosting tournaments and leagues. Lobdell stated if the CDA agrees to provide the start-up funding, the Park Commission hopes to offset the investment with event revenue and potential sponsorships. Turner stated that the Duck Pond is in the TID project plan and there are funds in the budget. Turner stated that the remaining aspects in the Duck Pond infrastructure development plan have been put on hold by the CDA because of the uncertain economic conditions of the country, but the \$3,500 proposal could be considered. Turner stated that the project is TIF eligible and the money being requested is not a large amount. Hibbard stated that she is in favor of the proposal. Wilson stated that it is a function of the CDA to help attract visitors to the Village, and a disc golf course will attract visitors who also will most likely spend money at the local businesses. Wilson stated that the disc golf course is exactly the kind of thing the CDA should support. Turner asked Lobdell to provide an end-of-the-season report on the disc golf course.

Commissioner Hibbard/Commissioner Wilson 2nd made a MOTION to approve allocating \$3,500 from the Duck Pond Recreation Area budget to the Park Commission for the development of a permanent, nine-hole disc golf course at the Duck Pond Recreation Area. The MOTION carried without negative vote.

Confirm Quorum & Dates for Upcoming Meetings

Next Meeting Date – April 7, 2010

Because of Easter, the Village Board monthly meeting may be scheduled for Wednesday, April 7, 2010. Following discussion, the CDA directed Martin to schedule the meeting to begin at 5:00 pm.

Agenda Item Requests

None

Adjournment CDA

Commissioner Chanson/Chairman Turner 2nd made a MOTION to adjourn the CDA meeting at 7:37 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 Village Board and CDA, the official minutes will be kept on file at the Village Hall.

APPROVED: 4/5/2010 – Village Board; 4/7/2010 – CDA