

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

SPECIAL MEETING of the VILLAGE BOARD OF TRUSTEES
Thursday, March 20, 2014

Village President Arvid Petersen called the special meeting of the Village Board to order at 5:49 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees Present: Roll call vote: President Petersen, Pat Kenny, Rick Pappas, George Spadoni

Trustees Absent: Cindy Wilson, Tom McGreevy, Bill Gage

Also Present: Clancy Green, Christina Green, Village Clerk/Administrator Dennis Martin, John Maier, Village Attorney Dale Thorpe, John Tracy

General Business

Approval of Assignment of Development Rights to New Owners for Highlands of Fontana Project and Amendment to Existing Development Agreement

Thorpe stated that he has been working with Attorneys Christina Green and John Maier to work out the details for the proposed Amendment to the Development Agreement between the Tracy Group, Inc. and the Village of Fontana for the Highlands of Fontana Planned Development, which is being purchased from John Tracy by Jim Origer and Jake Tulmilty and their Genoa City, LLC. Thorpe stated that if approved, the amendment will authorize the assignment of the development rights from Tracy Group, Inc. to Genoa City, LLC; and it will clarify that Tracy has been completely released from responsibility under the agreement as to any deficiencies or performance that took place between 2006 and the meeting date. The initial development agreement called for Tracy to construct a new pavilion at the Duck Pond Recreation Area, which was completed in 2007. All the other developer obligations in the agreement are construction items, and ground has not yet been broken on the development. Following discussion, the Village Board agreed that a personal guarantee was not necessary from the members in Genoa City LLC as to the obligations set forth in the amended development agreement. Following discussion, Spadoni asked Thorpe to provide wording for a motion to authorize the proposed amendment to the development agreement between the Tracy Group and the Village for the Highlands development, as presented, and to eliminate the clause that calls for a personal guarantee and assignment of any previous liability for deficiencies or performance that took place between 2006 and the closing date for the sale.

Trustee Spadoni/Trustee Pappas 2nd made a MOTION to adopt the Genoa City, LLC version of the proposed Amendment to the Development Agreement for the Highland of Fontana Planned Development that authorizes the transfer of responsibility of the developer from Tracy Group, Inc. to Genoa City, LLC, and removes the personal guarantee requirement from the previous agreement, and specifying by its terms that the Tracy Group Inc. liability ends as of the date of closing and Genoa City, LLC's obligations under the agreement begin as of the date of closing. The MOTION carried without negative vote.

Update on TID Distressed Declaration Joint Review Board Process

Martin stated that Jim Mann at Ehlers has been contacted to address the items being requested by the Walworth County Joint Review Board representative. Martin stated that the Project Plan Amendment draft that seeks authorization to declare the TID distressed has been distributed, and notices have been posted to solicit a citizen representative for the Joint Review Board, which is scheduled to meet on Wednesday, April 2, 2014 beginning at 5:30 pm.

Adjournment

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

Minutes prepared by: Dennis L. Martin, village clerk/administrator

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: 4/7/14