

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

MONTHLY MEETING of the COMMUNITY DEVELOPMENT AUTHORITY
Wednesday, May 5, 2010

Chairman William Turner called the monthly meeting of the CDA Board to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

CDA members late: Jeff Fisk, Skip Bliss (both arrived at 5:50 pm)

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:

Chairman Turner – Aye

President Petersen – Aye

Commissioner Hibbard – Aye

Commissioner Wilson – Aye

Commissioner Chanson – Aye

The MOTION carried on a 5-0 vote, with Commissioners Fisk and Bliss not yet at the meeting.

Adjournment of Closed Session

Commissioner Chanson/Chairman Turner 2nd made a MOTION to adjourn the Closed Session at 6:01 pm, and the MOTION carried without negative vote.

Also Present: Renee Cerny, Joe Eberle, Susan Geye, Kevin Kirkland, Jim Knulty, Library Director Nancy Krei, Joseph McHugh, Michael Van Den Bosch, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

1. Annual Marathon – **Saturday, May 8, 2010**
2. Protection Committee Meeting – **Monday, May 17, 2010, 5:00 pm**
3. Library Board Meeting – **Wednesday, May 19, 2010, 10:00 am**
4. Plan Commission Staff Meeting – **Wednesday, May 19, 2010, 1:00 pm**
5. Park Commission Meeting – **Wednesday, May 19, 2010, 6:00 pm**
6. Evening Book Club at the Fontana Library – **Thursday, May 20, 2010, 5:30 pm**
7. Sunchaser Challenge Around Geneva Lake – **Saturday, May 22, 2010**
8. Lakefront and Harbor Committee Meeting – **Wednesday, May 26, 2010, 4:30 pm**
9. Garden Club Garden Fair at Park House – **Saturday & Sunday, May 29 & 30, 2010**
10. Village Hall & Fontana Public Library Closed for Memorial Day – **Monday, May 31, 2010**
11. Plan Commission Monthly Meeting – **Tuesday, June 1, 2010, 5:30 pm**
12. CDA Monthly Meeting – **Wednesday, June 2, 2010, 6:00 pm**
13. Village Board Monthly Meeting – **Monday, June 7, 2010, 6:00 pm**

Approval of Minutes for April 7, 2010 Meeting

Commissioner Chanson/President Petersen 2nd made a MOTION to approve the minutes as submitted for the meeting held April 7, 2010, and the MOTION carried without negative vote.

Approval of Current Payables

The monthly payables were reviewed and approval was recommended.

Commissioner Chanson/Commissioner Fisk 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 and stated that there was one change made to add the Abbey Resort's repayment of the interest and principle on the loan for the spa renovation project. Hayden stated that the projections are still very conservative and do not include potential increment increases for development projects on Third Avenue, Fontana Boulevard or at the Duck Pond site.

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.

TID Annual Report

Hayden stated the annual report for the period through December 31, 2009 has been completed and filed with the state.

Presentation

Proposal for Professional Engineering Services for Big Foot Country Club Storm Water Facility – Ruekert-Mielke

Joe Eberle presented the proposal to provide plans and bid specifications for the storm sewer project to construct a detention pond on the Big Foot Country Club golf course, behind the 16th green. Eberle stated that new storm sewer will run down Pottawatomie Drive to the Big Foot Country Club property, where it will be piped into the storm water detention pond. Eberle stated that the storm water runoff will settle in the pond prior to be discharged into the creek. Workman stated that the project is part of the Hot Spot No. 3 identified in the Village storm water management study. Workman stated that the estimated construction cost is \$250,000 and the project is included in the current CDA budget. The Ruekert-Mielke proposal for professional engineering services has an estimated cost of \$19,900 on a time and material basis. Bliss stated that he is concerned that since the pond will be located adjacent to the 16th green, the pond will not be just a simple pond and the associated design costs will be escalated. Eberle stated that the size of the pond will not be affected by the fact that it will be located on a golf course, and costs are based on the volume of the pond since the same amount of work will be required no matter where the location. Bliss stated that the Big Foot Country Club should have to pay for any additional architectural costs that may be generated to design or construct a pond specifically for a golf course green. Turner stated that in initial meetings with Big Foot Country Club representatives, they have indicated a willingness to cost share on potential projects. Eberle stated that preliminary planning will be required and the project will have to be bid before they can be certain if the projected costs will increase because of golf course considerations. Turner suggested that the CDA consider a motion to approve the professional engineering services contract subject to confirmation from Big Foot Country Club that they will pay the additional costs if they want a golf course architect to participate in the planning. Chanson stated that Turner's suggested motion would be a concern if the initial pond design is so bad that the Big Foot Country Club has to get a golf course architect involved. Eberle stated that the professional engineering services proposal will include coordination of planning with Big Foot Country Club beginning on day one of the project, and Chanson's concern will not be a problem. President Petersen stated that the Village Board approved a motion at its May 3, 2010 meeting to approve the \$19,900 proposal as submitted by Ruekert-Mielke for professional engineering services for the Big Foot Country Club Storm Water Facility Construction Project, contingent on CDA Board approval. Turner stated that the proposal should include a statement that defines the scope of services to be provided.

Commissioner Bliss/Commissioner Fisk 2nd made a MOTION to approve the Ruekert-Mielke proposal to provide professional engineering services for the Big Foot Country Club Storm Water Facility Project for a cost not to exceed \$19,900, contingent on Attorney Hank Gempeler's determination that the project is TIF eligible, that the Village staff meets with Big Foot Country Club

representatives to negotiate a cost sharing development agreement that requires Big Foot Country Club to pay for any additional expenses incurred because of golf course architectural planning, and that the proposal be amended to include a statement that the scope of services will include the preparation of construction plans and specifications for public bidding. The MOTION carried without negative vote. Commissioner Chanson abstained.

Pottawatomoni TID Eligibility

Hayden stated that the Foley and Lardner Attorney Hank Gempeler still has not provided a determination on the storm water management projects that have been planned for the CDA budget. Eberle stated that Ruckert-Mielke can begin work on some portions of the project and hold off on the rest of the planning until the TIF eligibility matter has been resolved.

Establish Big Foot Country Club Project Subcommittee

Hayden stated that since all the parameters of the TIF eligibility and cost sharing issues have not been decided, a subcommittee should be formed to meet with staff and Big Foot Country Club representatives. Turner suggested that he, Petersen and Bliss be appointed as the subcommittee members.

Chairman Turner/Commissioner Bliss 2nd made a MOTION to approve the appointment of Turner, President Petersen and Bliss as the CDA members on the Big Foot Country Storm Water Project Subcommittee, and the MOTION carried without negative vote.

TID #1 Projects – Public Works Director Workman

TIF Project Maintenance Activity Report

The updated report was distributed. Following a discussion on the directive to have fishing wire mounted on the beach house to prevent seagulls from landing on the roof, Turner stated that Workman should meet with Wilson and Chanson to come up with an effective plan and get it done. Recently completed projects will be highlighted in a different color on future reports.

Chairman Turner/President Petersen 2nd made a MOTION to direct Workman to meet with Commissioners Chanson and Wilson to determine the best method to mount fishing wire on the roof of the beach house to prevent seagulls from landing on the roof and to get the project done. The MOTION carried without negative vote.

Fontana Boulevard Lighting and Landscaping Contract Pay Order No. 3

Workman stated that the \$27,650 Pay Order No. 3 submitted by PTS Landscaping, Inc. for the Fontana Boulevard Lighting and Landscaping Contract indicates that the project completed to date totals \$399,700, and the original contract price is \$395,048. Workman stated that the time and materials contract exceeded the initial estimate because additional sidewalk was required on the south side of the street on the Abbey Resort property. Workman stated that a contract change order will be presented at a future meeting. Petersen stated that the Village Board approved a motion at its May 3, 2010 meeting to approve the pay order as submitted, contingent on CDA Board approval.

President Petersen/Commissioner Chanson 2nd made a MOTION to approve the \$27,650 Pay Order No. 3 submitted by PTS Landscaping, Inc. for the Fontana Boulevard Lighting and Landscaping Contract as recommended, and the MOTION carried without negative vote.

Shabbona Path Plan and Material Expenditure Approval

Workman stated that Sheldon Landscape submitted an estimate of \$5,548 to supply the materials for the construction of the Shabbona Path. Workman stated that local Boy Scout Daniel J. Freitag is coordinating the construction project with the help of volunteers as an Eagle Scout Project.

Workman stated that an additional \$500 will be needed to purchase food and to supply a portable toilet at the site. Wilson stated that Peter Novak, owner of Novak's Deli, is supplying box lunches for the volunteers at a discount rate of \$5 each. Petersen stated that the Village Board approved a motion at its May 3, 2010 meeting to approve the expenditure as submitted, contingent on CDA Board approval. Turner directed Martin to contact the television and newspaper media for coverage of the event.

Commissioner Chanson/Commissioner Fisk 2nd made a MOTION to approve the \$5,548 purchase of materials from Sheldon Landscape as proposed for the construction of the Shabbona Path, and to

approve the allocation of \$500 for the purchase of food and to rent a portable toilet for the construction day on Saturday, May 15, 2010. The MOTION carried without negative vote.

General Construction Updates

Workman stated that all the construction related matters were covered in other agenda items.

General Business

Frontier Flowers Façade Improvement Program Application

Hayden stated that following the approval process, Renee Cerny has been issued the required permits for her building renovation project for her business Frontier Flowers at 531 Valley View Drive. At the time the Building, Site and Operational Plan and Conditional Use Permit applications were filed, Cerny did not pursue funding approval from the CDA Façade Improvement Program. Cerny stated that now that the construction process is almost complete and she ended up doing more façade improvement work than initially anticipated, she would like the project to be considered for Façade Improvement Program funding. Turner stated that the program offers up to a 25 percent rebate, or a maximum of \$10,000, for façade improvement projects. Turner stated that the document from Richards Home Improvement & Construction, Beloit, that she submitted shows a project budget of \$37,600, and he asked Cerny what the initial project budget totaled. Cerny stated that the Richards Home Improvement document outlines the cost of the façade improvements and the total renovation project budget is closer to \$85,000 to \$90,000. Cerny stated that the initial total project cost was about \$55,000. Wilson stated that the project is almost complete and the new façade and entire building looks great. Wilson stated that the cost for the new sign should also be added to the total costs for the façade improvements. Turner stated that with the cost for the new sign included, the façade improvement work expenses are up to the level where the CDA could consider approving the maximum reimbursement of \$10,000. Hayden stated that if approved, the CDA Façade Improvement Program reimbursement funds are not paid out by the Village until the project is completed and construction expense receipts are submitted. Following discussion on the filing of an application specifically for the Façade Improvement Program, President Petersen stated that the Village already has all the information on file from the BSOP and CUP applications. Turner stated that Cerny should work with the Village staff to fill out an application form and present it to the CDA Board for approval at the next monthly meeting.

WCEDA Grant Denial

Michael Van Den Bosch stated that he is now the acting director of the Walworth County Economic Development Alliance due to the recent resignation of Fred Burkhart. Van Den Bosch stated that he was informed by the state that the grant application filed on behalf of the Village was denied. Van Den Bosch stated that the WCEDA would like to complete a feasibility study for the development site at the Duck Pond for the fee already paid by the CDA to complete the denied grant application, so there would be no additional cost to the Village. Turner stated that Van Den Bosch should submit a written proposal to the CDA that delineates exactly what the feasibility study will provide and the CDA will vote on the proposal at the next monthly meeting on Wednesday, June 2, 2010.

Lakefront Building Proposal Referendum – Determine New Date

Petersen stated that the Village Board approved a motion at its May 3, 2010 meeting to recommend that the referendum for the Lakefront Building Proposal be scheduled on the date of the Partisan Primary Election Tuesday, September 14, 2010.

President Petersen/Commissioner Hibbard 2nd made a MOTION to schedule the referendum for the proposed Lakefront Building Project on Tuesday, September 14, 2010, and the MOTION carried without negative vote.

Lakefront Proposal Website Development Progress Report

Susan Geye presented an update on the development of an informational website on the Lakefront Building Project proposal. Geye stated that the website is almost completely set up, and once she receives a few more items on the lakefront building site history and the proposed Reid Park site plan, the website will be launched for a test period on about May 14, 2010. After the review period, any necessary changes will be made and the website will be launched for public viewing. Geye stated that the website project includes the mailing of an announcement and Lakefront Building Project

information to Village residents. There also will be a link to the informational website posted on the Village website and an announcement in the quarterly newsletter. Turner stated that the CDA members should visit the website once it has been launched and provide any necessary feedback. Turner stated that the CDA will consider a motion at its next monthly meeting to authorize the website to be launched for public viewing.

Lakefront Building Sustainability Discussion

Turner stated that there are building sustainability options that can be considered for the proposed lakefront building construction project in addition to the geothermal heating system. Turner stated that David Lang, the lakefront building project architect, can present building sustainability options that feature 9- to 11-year payback on investment periods. Wilson stated that the CDA can also consider applying for certification from the Leadership in Energy & Environmental Design (LEED) Green Building Rating System that was developed by the U.S. Green Building Council in 2000. Wilson stated that the geothermal system would earn the building accreditation points for the LEED program, and other building sustainability options are also eligible for points. Wilson stated that Lang has a checklist system in place that can track the building plans for LEED points. Turner stated that the LEED certification application includes a fee and he asked what the CDA would receive for earning LEED certification. Wilson stated that accreditation makes projects eligible for grant funding and LEED certification would be another positive aspect of the Lakefront Building Proposal. Chanson asked who would have to pay for the LEED certification and if the building options would be more expensive than the initial cost estimates. Wilson stated that Lang can track the LEED options at no extra cost and the plans currently qualify for LEED certification. Geye stated that Lang could present the various sustainability options and provide cost and payback on investment estimates. Turner directed staff to invite Lang to the next monthly meeting to present the building sustainability options for the proposed lakefront building construction project. Turner stated that as long as the CDA can get a 10-year payback on the investments, the sustainability building options should be pursued.

Consider Construction Design Plans for Lakefront Building Proposal

Turner stated that with the referendum being pushed back from June to September 14, 2010, the initial construction schedule will have to be changed unless the CDA authorizes the drafting of construction design plans prior to the referendum. Turner stated that if the CDA wants construction to commence in the fall, the construction plans will have to be drafted for a cost of about \$60,000. Turner stated that the CDA would be taking a risk by spending money on construction plans prior to the proposal being approved in the required referendum; however, if the drafting of the construction plans and the referendum are approved, the construction still could commence in the fall. Bliss stated that if the referendum approval was guaranteed, or a “no-brainer,” he would support the drafting of construction plans at this time; however, the success of the referendum is going to be very close and he does not want to risk wasting the money on construction plans. Chanson stated that if the CDA approved construction planning at this time, it would come across as very arrogant and could possibly cause the referendum to be denied. Petersen stated that the risk the CDA would be taking by not approving construction planning at this time is that the Village could lose one construction year and construction costs could escalate. Fisk stated that he thinks authorizing construction plans at this time is a risk the CDA does not need to take. Turner stated that he feels uncomfortable authorizing the \$60,000 expenditure without having the referendum being approved first. Chairman Turner/Commissioner Chanson 2nd made a MOTION to not authorize the drafting of construction plans for the proposed Lakefront Building Project, and the MOTION carried without negative vote.

Schedule Pavilion Meeting

Turner stated that Martin should schedule the Lakefront Building Project subcommittee meeting for Thursday, May 20, 2010 at 11:00 am and send out an email to announce the date. The meeting is for preliminary planning of a pavilion to replace the old Reid Park gazebo that was razed last fall.

Abbey Resort Signage

Turner stated that the Abbey Resort would like to bring its signage replacement proposal back to the CDA for consideration. Turner stated that the CDA approved a motion at its May 6, 2009 meeting

that the CDA would consider funding up to 25 percent of the total project cost or an amount not to exceed \$50,000 on five Façade Improvement Plan projects at the Abbey Resort with the conditions that the proposal submitted to the Village of Fontana Plan Commission and Village Board for approval was the same proposal that was presented to the CDA, and that final conceptual drawings were submitted for CDA review at its June 3, 2009 meeting. Turner stated that the Abbey never came forward with plans following the May 6, 2009 meeting; however, they now would like to come forward with a proposal if the CDA Board members do not have any ill will regarding the proposal. Chanson stated that the CDA would be very receptive to reviewing a proposal filed by the Abbey Resort, as long as they are not seeking approval six hours to one day after filing the proposed plans. Chanson stated that the CDA members also will still be critical of proposals for a “paint and paper” job or if the Abbey tries to use “smoke and mirrors” to acquire CDA funding.

Village Board Report – President Petersen

Petersen stated that all the Village Board related matters were taken care of in other agenda items.

Lakefront & Harbor Report – Commissioner Chanson

Chanson stated that at the last monthly meeting of the Lakefront and Harbor Committee a motion was unanimously approved to recommend that the Village allocate the necessary funds in the Blackstone Landscape contract to clean the seawall at least four times in the season. Chanson stated that the committee members also noted that the Village allocates maintenance funding and crew hours for the Duck Pond, the Fontana Boulevard medium beds and other landscaped areas, and the waterfront should be given as much attention when necessary. Hayden stated that following the Lakefront and Harbor Committee meeting, the Blackstone contract was reviewed and there are unallocated hours that can be designated for seawall cleaning duties; and there are some people who have to complete community service hours, and they will be assigned to the lakefront and seawall.

Park Commission Report – Trustee Wilson

Wilson stated that the first of three annual Park Commission Park Walks was held May 4, 2010 in the lakefront parks and the maintenance concerns noted during the walk will be added to the TID Maintenance List, which is presented at the monthly Park Commission meetings and to the CDA at its monthly meetings under the agenda item TIF Project Maintenance Activity Report. Hibbard reported that the Fontana Garden Club proposed at the last Park Commission monthly meeting the establishment of a volunteer group of Fontana area residents who could be called upon for landscaping and planting projects. Hibbard stated that the free labor will be available for Park Commission and other Village projects. Turner stated that the Fontana Garden Club proposal is a terrific idea that should be supported by the CDA, and he suggested buying T-shirts for the volunteer group members and providing some funding for the purchase of food and refreshments for the individual events. Martin stated that the Park Commission approved a motion at its April 21, 2010 meeting to support the establishment of the Friends of the Parks volunteer work group and to form a subcommittee at the next monthly meeting to work with the Fontana Garden Club on the establishment of the volunteer contact database.

Confirm Quorum & Dates for Upcoming Meetings

The next monthly meeting date is Wednesday, June 2, 2010.

Agenda Item Requests

None

Adjournment

Commissioner Chanson/Commissioner Bliss 2nd made a MOTION to adjourn the meeting at 7:21 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: 6/2/10