

VILLAGE OF FONTANA ON GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN

---

**CLOSED SESSION of the COMMUNITY DEVELOPMENT AUTHORITY**  
**- followed immediately thereafter by the -**  
**REGULAR MEETING of the COMMUNITY DEVELOPMENT AUTHORITY**

---

**(OFFICIAL MINUTES)**

**Tuesday, September 06, 2005 @ 5:00 PM**

Chairman Turner called the regular meeting of the CDA Board to order at 5:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

*Note – The CDA meeting was moved to the small conference room in order to allow the set up of the main meeting hall for the Public Forum.*

**Commissioners present:** Roll call vote: Chairman Turner, Petersen, Chanson, Hibbard, Wilson, Fisk

**Commissioner absent:** Bliss

**Announcement for CDA to Consider Going Into Closed Session**

Chairman Turner / Commissioner Petersen 2<sup>nd</sup> made a MOTION for the CDA to go into closed session pursuant to Chapter 19.85 (1) (e) Wis. Stats. “Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require.”, specifically as regards the acquisition of property within the TID District and the roll call vote followed:

Petersen – Yes

Chanson – Yes

Hibbard – Yes

Wilson – Yes

Turner – Yes

**Adjournment**

Chairman Turner/Commissioner Petersen 2<sup>nd</sup> made a MOTION to adjourn the CDA’s Closed Session at 5:17 pm and to reconvene in open session, and the MOTION carried without negative vote.

**Village Treasurer Peg Pollitt joined the meeting @ 5:18 PM**

**Visitors Heard**

Chairman Turner asked if there were any visitors to be heard and there were none.

**Announcements**

No announcements made.

**Approve Minutes**

Commissioner Hibbard noted that the word “not” was missing in the minutes on page three under the heading “Third Avenue & Lake Street Intersection”. The corrected sentence should read as “... the planter boxes were not addressed because they are not located on public property.”

Commissioner Petersen/Commissioner Chanson 2<sup>nd</sup> made a MOTION to approve the minutes for meeting held on July 27, 2005 and for the meeting held on August 08, 2005, with the wording correction requested by Commissioner Hibbard, and the MOTION carried without negative vote.

### **Approval of Current Payables**

Executive Director McHugh distributed the list of current payables prepared by Treasure Pollitt. Chairman Turner reviewed the list of current payables and requested comments.

Commissioner Chanson /Commissioner Petersen 2<sup>nd</sup> made a MOTION to approve the current payables submitted by Treasurer Pollitt and the MOTION carried without negative vote.

### **Main & Mill Pay Requests**

Treasurer Pollitt introduced the two Pay Requests submitted by Ruckert-Mielke for the Mill Street and Main Street improvement projects.

### **Department of Public Works Director Craig Workman joined the meeting @ 5:22 PM**

#### **Odling Pay Request**

Chairman Turner noted that the two Pay Requests have been reviewed and approved by the engineer we have contracted with to manage the project. Chairman Turner requested confirmation from DPW Workman regarding the two Pay Requests. DPW Workman stated that the Pay Request for Odling was O.K. Commissioner Chanson requested clarification of the \$20,000 change order. DPW Workman explained that the change order was for additional sewer and water work we completed for the Pollard Project. Chairman Turner reminded Treasure Pollitt that the developer is responsible for a portion of the additional costs incurred as a result of the change order. DPW Workman stated the schedule and budget for Mill Street were looking good and again stated that the Pay Request of \$153,177.50 submitted on behalf of Odling Construction was accurate.

Commissioner Petersen/Commissioner Chanson 2<sup>nd</sup> made a MOTION to approve the Pay Request of \$153,770.50 to Odling Construction, Inc. and the MOTION carried without negative vote.

#### **Mann Brothers Pay Request**

DPW Workman explained that Ruckert-Mielke had omitted line item #41 for \$62,000. The line item was to construct the road to sub-grade which has been completed. As such, DPW Workman suggested that the additional amount be added to the total Pay Request of \$295,044.48, subject to Ruckert Mielke calculating the revised amount less the 3% retainage.

Commissioner Chanson /Commissioner Petersen 2<sup>nd</sup> made a MOTION to approve the Pay Request of \$295,044.48 to Mann Brothers, Inc. and furthered moved to authorize Ruckert-Mielke to adjust the Pay Request in order to accurately reflect the missing \$62,000 minus standard retainage and the MOTION carried without negative vote.

#### **Balestrieri Environmental – Outstanding Invoice**

Treasurer Pollitt and DPW Workman presented an outstanding invoice from Balestrieri Environmental & Development, Inc. DPW Workman explained that the company was out of Elkhorn and assisted the Village with some asbestos work related to the sewer project. Per DPW Workman the Village appears to have been substantially over billed on this invoice on the order of about \$2,000 for material and equipment that was never observed on site. Chairman Turner stated that the bill is not on the CDA's list to pay and therefore would not be paid. DPW Workman explained that the bill was not approved in total by him, but that the firm did perform a fair amount of work. Chairman Turner directed Workman to contact Balestrieri and explain that the bill was not approved by the CDA and that they should adjust the bill and resubmit next month. Treasurer Pollitt questioned if a certain limit could be identified to then go to the vendor and negotiate. DPW Workman explained that the invoice had already been reduced once by about \$900, but was still not correct. Commissioner Chanson stated that any amount the CDA authorized could only be used if it would count as complete payment of the bill.

Commissioner Chanson /Commissioner Petersen 2<sup>nd</sup> made a MOTION to authorize DPW Workman to negotiate a reduced payment of the Balestrieri Invoice up to a maximum limit of

\$5,800, with the understanding that any payment would count as payment in full, and the MOTION carried without negative vote.

### **Finance Report**

Chairman Turner introduced the new 'Full Accounting Statement' developed by Treasurer Pollitt. Chairman Turner reviewed the new statement and explained how the new report will allow the CDA to see the overall financial status of the TID in one standard report. Per Chairman Turner "Is this a beautiful report or not?" Chairman Turner suggested that the report incorporate a project sub-total before debt payments are added. Treasurer Pollitt explained that Executive Director McHugh would work to provide updated estimates for the projects in the future. Chairman Turner suggested that a second standard report be developed to illustrate the Revenue Calculations. Commissioner Wilson questioned why the revenue numbers are shown as negative numbers on the report.

### **TID #1 Infrastructure Projects**

Commissioner Wilson suggested that the CDA provide Car Wash tokens to the residents of Mill and Main Street at the end of the construction project. Treasurer Pollitt stated that the Fontana Police Department currently purchases car wash tokens from the Walworth Landing for \$4. After general discussion regarding the number of households on the street, Commissioner Turner suggested that we provide two tokens per household.

Commissioner Turner /Commissioner Hibbard 2<sup>nd</sup> made a MOTION to authorize Commissioner Wilson to purchase two car wash tokens for each household located along the Mill and Main Street projects at a price not to exceed \$100 and the MOTION carried without negative vote.

### **Highway 67**

DPW workman notified the CDA that the 90% PS&E meeting for the Highway 67 project was coming up at the end of the month. Per Workman we have submitted 90% plans for the project to the State and the DOT is now reviewing them. At the PS&E meeting, everything from signage to speed control will be reviewed and critiqued. Chairman Turner questioned if anything could affect the project schedule or budget at this point in time. DPW Workman explained that the State is locked into a certain dollar amount and that any increases in price due to the national economic situation would be borne by the Village. DPW Workman claimed he had not received any further communication from the Citgo station regarding their concerns with the Median. They have been notified that the DOT will not allow the alternate plan they recently proposed.

### **Mill & Main Street**

DPW Workman provided a brief update of the Mill and Main Street projects. Binder is down on both roads and everything south of the new Commercial Building is done. Chairman Turner commented that the new concrete pavers look nice. Crosswalks in front of the dentist office, as well as the area in front of the Conservancy are done. Finished surface will be installed on Main Street next week. Chairman Turner questioned if the project was on schedule. DPW Workman explained that Verizon was slow in taking down their utilities and as a result the entire schedule has been delayed.

### **Utility Burial**

DPW Workman explained that the burial project along Main and Mill is done.

### **Main Street Lift Station**

Per Workman, only three contractors have requested plans to date. DPW Workman explained that Mann Brothers would probably not bid on this project as the General Contractor. Plans for the Main Lift Station have been finalized, and we have coordinated the above-ground work with what has to happen below ground. As planned, the building has been pushed back as far as possible into the corner of the park. As a result, the required excavation for the project will disrupt access to the lakefront businesses that use the alley. Per DPW Workman, this issue will have to be addressed with the property owners.

### **Mill Street Plaza – Pollard Landscaping Request**

Chairman Turner reviewed the letter submitted by Fairwyn Development regarding the timber retaining wall in the commercial project. In Mr. Pollard's letter he offers that if everyone is still unhappy next year he will be willing to sit down and look at other ideas to modify the wall.

Chairman Turner relayed a concern from Commissioner Bliss that we should ask for a firmer commitment. Commissioner Petersen suggested we request comment from the architect that designed the building. He also pointed out that the construction of the timber wall continued even after the subject was discussed at the Plan Commission meeting. General discussion continued regarding timber walls in the area and potential cosmetic solutions. Executive Director McHugh explained that the architect, Jan Van Den Kieboom, was provided with pictures of the timber wall and has not responded. McHugh informed the CDA that Mr. Pollard plans to commence with his landscaping project the next day. Chairman Turner and Commissioner Petersen agreed that we have a good working relationship with Mr. Pollard and that we should try to work with him.

Commissioner Wilson questioned why we should not just stain the wall darker prior to the landscaping being installed. Executive Director McHugh relayed Mr. Pollard's concern that staining the wall could make it look even worse.

Chairman Turner / Commissioner Petersen 2<sup>nd</sup> made a MOTION to authorize Executive Director McHugh to negotiate an agreement with Brian Pollard that if the CDA is not happy with the project in a years time Mr. Pollard will change the wall and the CDA will contribute up to 50% of the costs and the MOTION passed without a negative vote.

### **Abbey Ridge**

Executive Director McHugh explained that the Abbey Ridge went in front of the Plan Commission to request expansion of their existing decks. The proposal was tabled and the applicant was directed to address the issue of wetlands with the DNR. Commissioner Petersen stated that before we discuss anything the Building Department should address the issue of the known deck which was built without permission.

### **Novak Building**

Executive Director McHugh explained that the Novak's BSOP (Building Site and Operational Plan) was approved by the Plan Commission with the requirement that the applicants work with the CDA's landscape architect to ensure that the landscaping on the project coordinates with the Fontana Boulevard Project. The project did not come to the CDA for review and comment because the project has yet to exceed the \$10,000 limit on exterior renovation. Chairman Turner suggested that the CDA would be interested in the property if Mr. Novak wished to sell it. Commissioner Wilson questioned if the CDA could build a new building in exchange for the empty lot owned by the Novaks. Commissioner Wilson argued that Fontana Boulevard would become more pedestrian friendly if the buildings were located closer to the street. Chairman Turner summarized the discussion by stating that the CDA would be willing to redevelop the entire street if it was ever possible.

### **Hurkman Building**

Executive Director McHugh provided a status report on the Hurkman Building and their involvement in the newly adopted Facade Improvement Program. McHugh explained that the project is well underway, but that a majority of the CDA's involvement would not happen until after the Highway 67 project commenced next year.

### **Village Board Report**

Chairman Turner had no report

### **Lakefront and Harbor Report**

Commissioner Chanson had no report

**Dept. of Public Works Director Workman and Treasurer Pollitt left the meeting at 5:59 PM**

**Grant Application Projects**

Commissioner Wilson reviewed the status of the National Fish and Wildlife Foundation Conservation Grant being applied for with the help of Cedarburg Science. At the direction of Cedarburg Science we will be applying for less than the full amount allowed under the program to hopefully improve the Village's chances. Commissioner Wilson reviewed the status of the DNR Stormwater planning grant the DNR has suggested the Village pursue to address the siltation issues in Pottawatomie Creek.

**Executive Director Report**

Due to time constraints the items under the heading Executive Director report were not discussed.

**Review Meeting Schedule**

The winter schedule for the CDA was reviewed to ensure that no conflicts existed for upcoming meetings. Chairman Turner suggested that the members review the list of upcoming dates and come to the next meeting prepared to discuss the Winter Schedule.

**Mill House Project**

Chairman Turner explained that there was a small effort underway to preserve the building. Commissioner Petersen questioned the fiscal wisdom of saving the building. The group debated the pros and cons of preserving the building and took no action.

**Adjournment**

Commissioner Chanson/Commissioner Wilson 2<sup>nd</sup> made a MOTION to adjourn the meeting at 6:03 pm, and the MOTION carried without negative vote.

Minutes prepared by: Joseph A. McHugh, Executive Director

APPROVE: 10.05.2005 - CDA