

VILLAGE OF FONTANA ON GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN

---

**REGULAR MEETING of the COMMUNITY DEVELOPMENT AUTHORITY**

---

**(OFFICIAL MINUTES)**

**Wednesday, January 04, 2006 @ 3:45 PM**

Chairman Turner called the regular meeting of the CDA Board to order at 3:48 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Commissioners present:** Roll call vote: Chairman Turner, Fisk, Hibbard, Petersen, Chanson, Bliss, and Wilson (arrived at 3:55 pm).

**Commissioners absent:** None

**Also present:** Executive Director Joseph McHugh.

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

Chairman Turner / Commissioner Bliss 2<sup>nd</sup> made a MOTION for the CDA to go into closed session pursuant to Chapter 19.85 (1) (g) Wis. Stats. "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved," specifically: **Writ of Mandamus filed by Mr. Robert Sandy.**

Turner – Yes  
Fisk – Yes  
Hibbard – Yes  
Petersen – Yes  
Chanson – Yes  
Bliss – Yes

The MOTION carried on a 6-0 vote, with Wilson not yet at the meeting.

**Adjournment**

Commissioner Chanson/Commissioner Fisk 2<sup>nd</sup> made a MOTION to adjourn the CDA's Closed Session at 4:05 pm and to reconvene in open session, and the MOTION carried without negative vote.

Chairman Turner announced the Community Development Authority was in session at 4:05 pm.

**Also present:** Carolyn Esswein (PDI), Brad Drefcinski (BD Design), Jessica Lewis (Crispell Snyder), Cheryl Bartz (Walworth Times), Director of Public Works Craig Workman, Village Administrator Kelly Hayden-Staggs, Village Trustee Ron Pollitt, Village Trustee Laurie Larson, and Randy Barker (Abbey Resort).

**Visitors Heard**

Chairman Turner asked if any visitors wished to be heard. No response was received.

**Announcements:**

Chairman Turner reviewed the announcements for two upcoming meetings listed on the agenda.

### **Global Committee Meeting – Wednesday, January 18, 2006**

Commissioner Bliss expressed concern regarding the upcoming Global Committee Meeting for the Pioneer Park Turnaround project, and questioned the appropriateness of allowing an unlimited and ongoing debate, with continuous input from each and every committee and group, without any expectation and/or obligation from the Village Board to take formal action. He stated that the details of the project were an appropriate subject of discussion for the various committees, but that the decision on the actual project itself should be expected to follow a formal process of recommendation from the CDA to the Village Board for a final decision. Chairman Turner explained that the Village Board did take the recommendation from the CDA, but chose not to take any action and referred the matter back to the various committees. Chairman Turner indicated he would relay the groups concerns to the Village Board and explain the CDA's rationale that the project was necessary to accomplish the goal of two-way streets. Commissioner Bliss requested that the CDA terminate the financing of further planning and design activities if the project were to be rejected by the Board.

### **Joint Plan Commission & CDA Meeting – Tuesday, January 24, 2006**

Chairman Turner informed the group that PAR Development was scheduled to present their PIP (Precise Implementation Plan) to the Plan Commission and the CDA on January 24<sup>th</sup>.

### **Approve Minutes**

No Minutes to Approve

### **Approval of Current Payables**

Chairman Turner reviewed the list of current payables, prepared by Treasurer Pollitt, and highlighted the total of \$25,491.48 for engineering services from Crispell Snyder, as well as the total of \$479,855.62 due to Mann Brothers. Executive Director McHugh stated that each of the bills presented were reviewed and approved by staff, and by the project engineer with respect to the Fontana Boulevard Utility project, and were being recommended for payment.

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

### **Finance Reports**

#### **Full Accounting Statement**

Chairman Turner reviewed the Full Accounting Statement prepared by Treasurer Pollitt. Executive Director McHugh noted that the CDA's current projected expenditures, of almost \$18 million, was far less than over \$31 million total which had been authorized by the TID #1 Project Plan. Chairman Turner requested that the Full Accounting Statement be distributed to the CDA on a monthly basis, and should also be distributed to the Finance Committee and the Village Board on a Quarterly Basis.

Commissioner Petersen/Commissioner Chanson 2<sup>nd</sup> made a MOTION to approve the Full Accounting Statement, and the MOTION carried without a negative vote..

### **Tax Increment Projections**

Chairman Turner reviewed the current Tax Increment Projections and requested clarification as to why the discount rate was raised to 5.5%. Executive Director McHugh stated that the 5.5% represented the cost of money borrowed and was provided by the CDA's financial consultant, Jim Mann of Ehlers and Associates.

### **2005 Bond Issue Recap Report**

Chairman Turner reviewed the Bond report for the group, highlighting the \$1,679,347.81 balance, which was available for projects. Chairman Turner reminded the group that Ehlers & Associates is currently developing the CDA's bonding strategy for 2006 and requested that Commissioner Bliss attend bond planning and finance meetings on behalf of the CDA.

## **PRESENTATIONS**

### **PDI Proposal - STH 67 Landscape CD's**

Chairman Turner introduced PDI and requested that their recently submitted proposal be addressed before they continued with their planned presentation. Ms. Esswein reviewed the proposal they submitted to prepare the construction specifications for the State Highway 67 landscaping, including the design of four (4) irrigation systems to serve the seven (7) proposed landscape areas in the medians. With respect to the actual awarding of the work, Ms. Esswein stated that Mr. Hubbard (Wisconsin Department of Transportation) has indicated to her that the Village would be able to utilize regular landscape contractors versus using selected DOT contractors.

Commissioner Petersen/Commissioner Fisk 2<sup>nd</sup> made a MOTION to approve the proposal from PDI to prepare STH 67 Landscape Construction Documents and Specifications, for a total estimated cost of \$9,450, and the MOTION carried without a negative vote..

### **Highway 67 Landscape Plans**

Ms. Esswein discussed the decision to replace some of the Ash trees in the plan with English Oaks, in response to concerns with disease. She informed the group that the Geo-Foam, which is necessary to float the road over the existing utilities, prohibits the planting of trees up to within 16' of the curb. Commissioner Wilson stated that one of the original reasons for choosing an urban cross-cut for Hwy. 67 was the opportunity to plant trees closer to the roadway. Jessica Lewis explained that the Geo-Foam was only about three feet below grade, which prohibits any trees, regardless of size. Commissioner Bliss asked for clarification of the trees being used in the plan, and how long it would take for them to grow and mature. Per Brad Drefcinski, the trees are a combination of English Oaks and Hybrid Elms. We could use faster growing trees, but they are not as sturdy. The current plans specify that the trees installed would be a 2 1/2" caliper. Chairman Turner asked for an explanation of the impact on costs if larger trees were specified for the project. Mr. Drefcinski estimated that a 2 1/2" caliper tree would run around \$350 installed, a 4" caliper tree would be double that, at least. Commissioner Wilson suggested that the Village consider an adopt-a-tree program to cover the cost of larger trees. Commissioner Bliss asked that the plan be readdressed, since the goal of narrowing the roadway and giving it the character of a village street was not being attained. In response to questions regarding size and height, Mr. Drefcinski estimated that a 4" caliper tree would be at least 20' tall. Chairman Turner asked if the cost of upgrading the size of 50 trees was worth the benefit of having a more mature landscape on day one. Chairman Turner asked Mr. Drefcinski to "...put out some feelers..." and determine the true cost of installing larger trees, as well as whether or not they are even available. Commissioner Fisk suggested that when the landscape project goes out to bid, different size trees be included as options. Ms. Esswein informed the group that Mr. Hubbard of the DOT was very apprehensive of the Village's plan to go out to bid for this project yet this year, with the intent of beginning installation yet this fall. Specifically, as a DOT contract, they would not allow another contractor on-site until the project was finished, also he was concerned with the wisdom of installing landscaping so late in the year. Mr. Drefcinski concurred that the project should be scheduled for spring 2007, in order to ensure the Village's ability to get the landscape materials as specified without substitutions. Also, it was always better to plant in the spring. Commissioner Fisk expressed concern that the setbacks on either side of the street wouldn't match. Ms. Esswein suggested that a 3D perspective could be prepared to get a better idea of what the road will look like with trees differently spaced on either side. Commissioner Bliss asked the professionals to think creatively and consider what other design elements could be utilized to balance the plan; walking paths, planters, benches, shallow-root landscaping, fences, etc.? It was agreed that PDI would bring a 3D perspective to the next CDA meeting.

Commissioner Petersen/Commissioner Chanson 2<sup>nd</sup> made a MOTION to schedule the STH 67 Landscape Project for the spring of 2007, and the MOTION carried without negative vote.

*Following the MOTION, Chairman Turner requested from Mr. Drefcinski that data on larger trees be brought back at the next regular meeting.*

### **State Highway 67 – Lighting Plans / Pedestrian Paths**

Jessica Lewis explained that the DOT was now requiring four (4) tall light poles at each intersection in order to meet the DOT's minimum luminosity standards. General discussion followed and centered around the group's general resistance to additional lighting if not absolutely necessary and required by the DOT. Commissioner Fisk asked that design elements be included to keep motor vehicles from accessing the 10-foot wide pedestrian path along the west side of the highway. Ms. Esswein asked the group how the Village intended to make the connections to the Abbey trail system. As part of the Highway 67 Project, the path connections can only be built up to the right-of-way boundary. Chairman Turner suggested that the pedestrian connections be placed in the future landscaping project so that the logistics could be worked out in the mean time. Ms. Esswein pointed out that a pedestrian bridge was added from the Mill Street Plaza to the intersection of STH 67 and Fontana Boulevard.

### **STH 67: Right-of-way Boundary**

Chairman Turner explained to the group the three basic options available to resolve the existing encroachments in the highway right-of-way. One, the land can be sold to the adjoining property owner. Two, the adjoining property owner can be advised to remove any encroachments and abandon their use of the right-of-way land. Three, an agreement can be worked out with the adjoining property owner for some type of easement and/or permit. The current recommendation, after discussion with professionals and staff, is that the Village should not release its claim to any right-of-way, and should instead work out an easement agreement with the abutting owners. Commissioner Chanson stated that the Village should not allow the encroachments to continue without some cost being assessed to the adjoining property owners. Also, he argued that any agreement should not be permanent since the primary reason for maintaining the right-of-way boundary would be to preserve the land for future use if ever it became necessary. Executive Director McHugh stated that the DOT was not providing the Village with any direction, they were simply requiring that the encroachments be resolved in conjunction with the 67 project. Ms. Esswein explained that the final decision affected the plans because all landscaping must be located within the right-of-way. Executive Director McHugh clarified that the DOT is not requiring the Village to move the boundary; they are only requiring that the encroachments be addressed. Commissioner Fisk suggested that property improvements, as opposed to financial commitments, be required in any agreement.

Commissioner Petersen/Commissioner Chanson 2<sup>nd</sup> made a MOTION to preserve the right-of-way boundary for State Highway 67 and to work out an agreement with the adjacent property owners for their continued use of the area, and the MOTION carried without negative vote.

### **Village Hall Parking Lot**

Ms. Esswein reviewed the status of schematic plans for the Village Hall parking lot. It was explained that no matter how the driveway to the south is designed, at least one of the trees will be lost.

### **TID Development Projects**

#### **State Highway 67 – Update**

Item discussed in conjunction with earlier presentation; no further discussion.

#### **Crispell Snyder Proposal – Schematic Design – Village Hall Parking Area**

Executive Director McHugh explained that Sue Barker of Crispell Snyder provided an estimate of \$1,300 to \$1,500 to complete the preliminary engineering in relation to the Village Hall parking lot. Commissioner Bliss asked if the project should be paid for by the CDA or the Village. Executive Director McHugh stated that the redesign was made necessary by the 67 project. Chairman Turner

suggested that Crispell Snyder should be authorized to move forward on the project under CDA direction for the time being.

Chairman Turner/Commissioner Petersen 2<sup>nd</sup> made a MOTION to authorize Crispell Snyder to move forward with preliminary engineering for the Village Hall parking lot project, at approximately \$1,300, and the MOTION carried without negative vote.

#### **Pedestrian Connection to Walworth – Request for Project Coordination**

Executive Director McHugh explained that the Village of Walworth has expressed interest in completing a pedestrian path connection between the two communities as part of Fontana's highway 67 project. As it now stands there is approximately 200 feet between where the existing path from Walworth ends and where the Fontana path system is proposed to begin. Commissioner Wilson stated that there may be potential issues with right-of-way. Executive Director McHugh relayed comments from Walworth Village Trustee Matt Long that they were pursuing the same grant program Fontana had received for pedestrian improvements.

Chairman Turner/Commissioner Hibbard 2<sup>nd</sup> made a MOTION to authorize Executive Director McHugh to work with the Village of Walworth in an effort to obtain a inter-governmental agreement for the connection of the two path systems, and the MOTION carried without negative vote.

#### **Mill and Main – Update**

DPW Director Workman stated that the projects were basically complete except for a few minor issues, such as the removal and reinstallation of the light poles which were originally installed backwards.

#### **Main Lift Station – Update**

Chairman Turner informed the group that the underground portion of the Lift Station was moved in order to avoid existing utilities, and that the cost for the engineering work involved would be borne by the project engineer, Strand & Associates.

#### **Fontana Boulevard Utility Project – Update**

The Pay Request for Mann Brothers had been reviewed and approved by the project engineer, Crispell Snyder, as well as DPW Director Workman, and had been included for approval in the current payables.

#### **Beach House – Update**

Chairman Turner notified the group that the pre-construction meeting for the Beach House project was scheduled for Jan. 6<sup>th</sup> at 10:00 am. Commissioner Bliss asked if the CDA had ever made a formal recommendation to the Village Board for the Beach House in its current form. Executive Director McHugh stated that the CDA formally approved the Beach House, in its current form and location, at the September 06, 2005 meeting of the CDA, Village Board and Plan Commission. Commissioner Bliss stated, **for the record**, that he is not in favor of the current plan and that he has never been in favor of exceeding the original budget. Chairman Turner reminded the group, **on the record**, that the project architect advised the CDA from the very beginning that there would be difficulty in getting any structural engineer to sign off on the old bridge abutment, and that the architect intended to recommend removal and replacement of the existing foundation.

#### **Third Avenue – Update**

Executive Director McHugh reported that the primary item with respect to the Third Avenue project was the recently submitted proposal from Ruckert Mielke for engineering services.

### **Ruekert Mielke – Proposal for Engineering Services**

Executive Director McHugh reviewed the proposal submitted by Ruekert Mielke for engineering services and noted that the engineering work for Third Avenue was currently underway. Commissioner Petersen/Commissioner Chanson 2<sup>nd</sup> made a MOTION to approve the proposal submitted by Ruekert Mielke to provide engineering services for the reconstruction of Third Avenue, at an estimated cost of \$54,000 to \$59,000, and the MOTION carried without negative vote.

### **Reid Park – Update**

Executive Director McHugh reported that there was nothing to report.

### **Boat Trailer Parking Lot – Update**

Executive Director McHugh reported that there was nothing to report.

### **TID #1 Development Projects**

#### **Mill Street Plaza**

Executive Director McHugh informed the group that re-certified surveys for the Mill Street Plaza project had been submitted to the Building Inspector and that everything was progressing as planned. The group was reminded that FairWyn should be breaking ground on the retail building in the spring.

#### **Cliffs of Fontana**

Executive Director McHugh reminded the group that the PIP (Precise Implementation Plan) for the Cliffs of Fontana residential project was currently scheduled for review on January 24<sup>th</sup>.

### **General Business**

#### **Hurkman Façade Project**

Executive Director McHugh informed the group that Mr. Hurkman was working with the Building Inspector to resolve a few issues prior to the issuance of an Occupancy Permit.

#### **Lakefront Survey RFP – Update**

Executive Director McHugh notified the group that the deadline for proposals in response to the Lakefront Survey RFP is January 05, 2006.

#### **TID #1 Boundary Amendment**

Executive Director McHugh informed the group that Paula Czaplewski, on behalf of Ehlers & Associates, had recently notified the Village that the boundary amendment paperwork had been completed and submitted in advance of the end-of-year deadline. TID #1 now officially includes Duck Pond, the Village Fen, and the Beach.

#### **Half-Day Community Workshop**

Chairman Turner gave a brief overview of the plan for the half-day community workshop which is currently scheduled for March 04, 2006. Ms. Esswein asked if the workshop was still going to be split between Lakefront Projects and Duck Pond. Executive Director McHugh explained that the workshop was being limited to lakefront projects in the interest of time. He also explained that the planning efforts for the Duck Pond area should be postponed pending the completion of a Phase One Environmental Assessment, which is currently planned for an RFP in the spring.

#### **Hildebrand Conservation Easement – Update**

Executive Director McHugh reported that there was nothing to report.

#### **Village Board Report**

Chairman Turner stated there was nothing more than what was already discussed.

**Lakefront and Harbor Committee Report**

Commissioner Chanson notified the group that the meeting of the Lakefront and Harbor Committee was coming up the following week.

**Park Commission Report**

**Pioneer Park Turnaround**

Executive Director McHugh explained to the group that the Park Commission had tabled the Pioneer Park turnaround project at their last meeting, with a condition for a get-together of all the people involved, which directly resulted in the organization of the upcoming Global Committee meeting.

**Mill House - Update**

Executive Director McHugh updated the group to the fact that the building had been demolished and that the Department of Public Works was planning to fill the foundation, so that it would not pose a danger as an attractive nuisance. The timbers salvaged from the building are currently being stored up at the DPW shop.

**Wayfinding Signage – Update**

Executive Director McHugh revealed to the group an image of the wayfinding sign being recommended by the Park Commission. Commissioner Wilson requested clarification as to where the sign was going to be installed. Executive Director McHugh stated that the final location needs to be verified and reviewed with the Building and Zoning Department.

Commissioner Petersen/Commissioner Chanson 2<sup>nd</sup> made a MOTION to approve the sample sign as recommended by the Park Commission, at a cost of \$540.00 from Timberline Sign Company, and the MOTION carried without negative vote.

**Executive Director Items**

**CDA 2006 Budget**

Chairman Turner introduced the CDA's budget for the fiscal year 2006.

Chairman Turner/Commissioner Chanson 2<sup>nd</sup> made a MOTION to approve the CDA's 2006 budget of \$11,163,856, and the MOTION carried without negative vote.

**Confirm Quorum for Upcoming Meetings**

Chairman Turner confirmed that the next regular meeting of the Community Development Authority would be February 08, 2006 at 6:00 pm.

**Pending / Future Items**

Executive Director McHugh briefly reviewed the list of pending and future items.

**Adjournment**

Commissioner Chanson/Commissioner Petersen 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:40 pm, and the MOTION carried without negative vote.

Minutes prepared by: Joseph A. McHugh, Executive Director

**APPROVED: 02.08.2006**