

VILLAGE OF FONTANA ON GENEVA LAKE  
WALWORTH COUNTY, WISCONSIN

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REGULAR MEETING of the COMMUNITY DEVELOPMENT AUTHORITY

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(OFFICIAL MINUTES)

Wednesday, December 06, 2006 @ 6:00 PM

Chairman Turner called the regular monthly meeting of the CDA Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Commissioners present: Roll call vote: Chairman Turner, Fisk (arrived @ 6:02 pm), Hibbard, Petersen, Chanson, and Wilson.

Commissioners absent: Bliss.

Also present: Director of Public Works Craig Workman, Treasurer Peg Pollitt (arrived @ 6:10 pm), Trustee Ron Pollitt, Trustee Micki O'Connell (arrived @ 6:07 pm), Librarian Nancy Krei, Mr. Ed Snyder (arrived @ 6:05 pm), and Mr. Donald Roberts.

Visitors Heard

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

Announcements

Chairman Turner read the announcements listed on the agenda.

Approve Minutes

Commissioner Petersen/Commissioner Hibbard 2<sup>nd</sup> made a MOTION to approve the minutes for meeting held on October 04, 2006 and the MOTION carried without negative vote.

Approval of Current Payables

Chairman Turner presented the current payables and asked if the group had reviewed the report. Commissioner Chanson/Commissioner Wilson 2<sup>nd</sup> made a MOTION to approve the current payables, and the MOTION carried without a negative vote.

Finance Report

Chairman Turner reviewed the Full Accounting Statement in Treasurer Pollitt's absence. Executive Director McHugh noted that the Increment Calculations had been updated with the recently received tax increment notice from the Department of Revenue, which reports the actual increment the Village will receive in 2007 based on the 2006 tax assessment. He further noted that the actual increment was more than what was originally projected. Chairman Turner reported to the group the results of a recent meeting with Jim Mann from Ehlers and Associates. They are working on a financial analysis of the TID which will show the resultant affect of the TID on property taxes in the Village. Chairman Turner quickly reviewed the method in which the County calculates the Village's share of the county levy. With respect to the Tax Increment Worksheet, Chairman Turner noted that there was still no increment included for the Quarry project.

PRESENTATIONS

No Presentations scheduled.

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### General Business

#### Abbey Resort Proposal – Ice Skating Rink

With Mr. Ed Snyder present to discuss the item, Chairman Turner moved to the Abbey Resort Ice Rink proposal. He provided the group with a brief history of his discussions with Ed, and Mr. Snyder presented the Abbey's proposal. They plan to locate the ice rink underneath the temporary event tent located on the property. The facility will include a sound system, portable heaters and park benches. The framing of the tent will be wrapped with lights. The entire budget presented was \$28,803.64. Chairman Turner questioned if the rink would be free to the public and Mr. Snyder confirmed that it would be. Commissioner Wilson asked if the Abbey would provide the necessary liability insurance and Mr. Snyder claimed that they would and that they had already spoken with their insurance carrier. In response to a question from Commissioner Petersen, Mr. Snyder estimated that they would be able to have the facility installed within 2 weeks. Following general discussion, Commissioner Wilson stated that the project should not be funded through the Façade Improvement grant program, but rather through Redevelopment Funding. She also suggested that the Abbey be required to maintain the facility for a minimum number of years, in order to be eligible for CDA funding. Commissioner Chanson asked that the concept be reviewed by Attorney Hank Gempeler. Commissioner Fisk suggested that the CDA's investment in the project be limited to capital costs.

Commission Petersen/Wilson 2<sup>nd</sup> made a MOTION to approve the proposal presented by Mr. Ed Snyder and to agree to reimburse the Abbey up to 50% of the capital costs for the project, not to exceed \$24,600, contingent on the project being installed before the holidays and maintained for a minimum of three years, with liability insurance to be maintained by the Abbey, subject to legal review by Attorney Hank Gempeler, and the MOTION carried without a negative vote.

Mr. Ed Snyder exited the meeting at 6:37 PM

### TID #1 Infrastructure Projects

#### Construction Project Updates

DPW Workman informed the group that the highway was open. Chairman Turner reported that he had received numerous positive phone calls regarding the final highway project. DPW Workman reported on a meeting held that day with the contractor for the Main Lift Pump Station. The plan is to do test spins on the pumps shortly. One of the items they are waiting on is work that is being completed out at the waste water treatment plant that is designed to accept the increased flow from the new station. The plan at this point is to start the station up early next month and then bring it on-line in early 2007.

W/S Main Street | Final Pay Request: \$10,148.50 (Incl. Change Orders No. 2 & 3)

Mill Street | Final Pay Request: \$23,002.60 (Incl. Change Orders No. 3 & 4)

Commission Chanson/Hibbard 2<sup>nd</sup> made a MOTION to approve Change Orders No. 2 and 3 for the Mill Street reconstruction project, and Change Orders No. 3 and 4 for the West/South Main Street reconstruction project, and the Final Pay Requests for both the West/South Main Street reconstruction project, and the Mill Street reconstruction project, and the MOTION carried without a negative vote.

STH 67 Improvement Project | Invoice L44865: \$188,275.02

Chairman Turner/Petersen 2<sup>nd</sup> made a MOTION to approve payment of Invoice #L44865, for a total amount of \$188,275.02, and the MOTION carried without a negative vote.

### TID #1 Development Projects

#### Mill Street Plaza (FairWyn, Ltd.) – Update

Executive Director McHugh reported that the closing scheduled for Friday, December 8<sup>th</sup>, had been postponed to the following Friday due to legal issues. He noted that the original date for closing was October 25<sup>th</sup>, but had been postponed several times by both the Village's attorney and Mr. Pollard's attorney.

The Cliffs of Fontana (PAR Development) – Update

DPW Workman updated the group on the status of the project in Administrator Hayden's absence. He noted that the developer had made some engineering changes. He also informed the group that the developer had acquired an additional piece of property on the far west end of Main Street, originally owned by the Birdsalls. At this point, the developer is still planning to begin development of the site in the spring.

General Business (Cont...)

Interim Audit Proposal for TIF District #1 (Patrick W. Romenesko S.C., CPA)

Executive Director McHugh provided a quick background regarding the need for an audit of the TID, per Department of Revenue rules, once 30% of the project costs had been spent.

Commissioner Fisk/Wilson 2<sup>nd</sup> made a MOTION to approve the proposal and execute the engagement letter from Patrick Romenesko, to perform the DOR required audit of TID #1, at an estimated cost of \$2,000, and the MOTION carried without a negative vote.

TGDA Design Development Proposal for Duck Pond Area

Chairman Turner reviewed the proposal from Ms. Terry Guen (Terry Guen Design Associates) for the design development of the Duck Pond property. In addition to the proposal he relayed to the group the results of a conference call with Ms. Guen in which she explained her recommendations for moving forward with the design. He explained Ms. Guen's proposed schedule for the 17 different projects, noting that certain tasks, such as centralizing the operations of the Department of Public Works, would open up other areas for development. The proposal estimates the total costs at \$109k to \$127k. In addition to the revised proposal, Ms. Guen included the rates of each of her staff members, along with rates for the two subcontractors involved in the project. In response to concerns from some of the commissioners regarding the total estimated cost, Executive Director confirmed that the project would be completed on a time and materials basis. He also confirmed that he would require a monthly statement, indicating the billing status of the contract, similar to what is provided on a monthly basis by PDI (Planning and Design Institute). The group discussed any potential referendum requirements, and Chairman Turner reminded the group that the Village Board had adopted a project definition by ordinance. If any one of the 17 projects were to exceed \$1.5 million, the limit under the current Direct Legislation Ordinance, it would be put out to referendum. Chairman Turner noted that PDI was also to be incorporated in the review process of the project.

Commissioner Wilson/Chanson 2<sup>nd</sup> made a MOTION to approve the proposal as presented from TGDA (Terry Guen Design Associates, Inc) for Professional Landscape Architectural Design Services, at an estimated maximum cost of \$127k, and the MOTION carried without a negative vote.

Liesch Phase II ESA Proposal for Duck Pond Property (*Tabled: November 1<sup>st</sup>, 2006*)

Executive Director McHugh reminded the group that the Liesch proposals had been tabled at the last meeting. The question at this point is whether or not the Village proceeds to a Phase II Environment Analysis of the former landfill property. Executive Director McHugh suggested that the Village should approach the DNR to discuss potential funding options, prior to initiating invasive site assessment activities. Commissioner Chanson asked if there were any current plans for development on the site, which would necessitate moving forward and Executive Director McHugh confirmed that all plans for the site were still in the conceptual stage. No definitive plans had been made by the Village for the future use of the property. Commissioner Hibbard questioned DPW Workman as to what types of groundwater and lake-water tests were already performed on a regular basis. DPW Workman reported that the Village does tests on an annual basis for just about any effluent possible; organics, petroleum, even radon. In addition, as part of the annual safe drinking water act sampling, the Village tests benzene, ethyl benzene, radon, different types of isotopes, etc., including regular bacteriological sampling every single month. With respect to Lake Water sampling, Executive Director McHugh noted that Mr. Brian Hinrichs volunteered to obtain the results of the tests performed by the Geneva Lake Environmental Agency, but they had not yet arrived. In

response to a question from Chairman Turner, Executive Director McHugh relayed Liesch's conclusion that the dump-site discontinued receiving waste in the 1950's. Commissioner Wilson suggested that the Village work with the DNR before moving forward. Commissioner Hibbard expressed concern that the proposal from Liesch indicated it would cost \$111k just to initiate the process. Chairman Turner suggested that the Village contact Mr. Ted Peters of the Geneva Lake Environmental Agency directly, since the Village partially funds the organization. He further suggested that the Village's Engineer be asked for a second opinion.

Commissioner Chanson/Hibbard 2<sup>nd</sup> made a MOTION to table the Liesch proposal for a Phase II ESA of the Duck Pond property, until such time as additional information was available, and the MOTION carried without a negative vote.

Informational Mailings for TID Projects (Incl. Financial Analysis & Opinion Survey)  
Chairman Turner expressed his opinion regarding an obvious need to put together informational materials explaining the various TID projects, which would include the requested financial information from Ehlers. With respect to the survey instrument prepared by PDI, Executive Director McHugh reported that he had received very few negative comments, thus he was assuming that the group was in agreement with the general form and content of the proposed survey. Chairman Turner asked that every member of the group take a final look at the survey and get any comments or suggestions to the Mr. McHugh in advance of the next meeting.

#### Mill House Park Structure – Concept Design / Project Update

Chairman Turner reminded the group that the CDA had previously committed \$35k to the Mill House project. He noted that the Park Commission has been moving forward with the project and turned the groups attention to the latest rendering of the structure prepared by Architect David Coates. Trustee Pollitt highlighted the fact that the roofline of the proposed pavilion would reflect the roofline of the original Mill House. He went on to explain the idea of incorporating a walk of history where the Toonerville Trolley originally entered the building. In response to questions from Commissioner Wilson, Trustee Pollitt explained that they definitely planned to use the beams saved from the former structure, although they could probably not be used in any type of structural capacity. Commissioner Wilson asked if there were any estimates of cost, and Trustee Pollitt stated that they were planning for \$80k. He did note that updated cost estimates were expected from Architect David Coates on that upcoming Wednesday.

#### PDI - 2007 General Services Contract

Executive Director McHugh reviewed the proposal from PDI (Planning and Design Institute) for general planning services in 2007.

Commissioner Petersen/Chanson 2<sup>nd</sup> made a MOTION to approve the proposal from PDI to provide general planning services for 2007, for a total not-too-exceed cost of \$24k, and the MOTION carried without a negative vote.

#### PDI – STH 67 Landscape CD's Contract – Amendment

Executive Director McHugh reviewed the proposal from PDI (Planning and Design Institute) to provide design services, which would result in the Construction Documents for the Porter Court Plaza project.

Commissioner Hibbard/Chanson 2<sup>nd</sup> made a MOTION to approve the proposal from PDI to provide design services, resulting in Construction documents for the Porter Court Plaza project, for a total estimated cots of \$17, 250, and the MOTION carried without a negative vote.

#### Village Board Report – Chairman Turner

Chairman Turner reported that the Village Board had approved the Duck Pond Master Plan Concept at the December 4<sup>th</sup> meeting.

#### Lakefront & Harbor Report – Commissioner Chanson

No Report.

Park Commission Report – Executive Director McHugh

No Report

Executive Director Report – CDA Director McHugh

Executive Director McHugh quickly reviewed the written report included in the meeting packet materials.

Confirm Quorum for Upcoming Meetings

Next Regular Monthly Meeting

Executive Director McHugh confirmed for the group that the next regular meeting of the Community Development Authority would be held on January 03, 2006 at 6:00 pm. He suggested that the group consider rescheduling the meeting to January 10<sup>th</sup>, to avoid a conflict with the Village Board meeting scheduled for the 3<sup>rd</sup>. After general discussion, the group agreed to reschedule the meeting to Thursday, January 4<sup>th</sup> @ 6:00 pm.

Pending / Future Items

Executive Director McHugh quickly reviewed the pending/future items on the agenda and asked if there were any comments or questions. Commissioner Chanson asked that the pending Lakeshore Path Improvements, from Third Avenue to Kinzie, be removed, since the CDA should not get involved until there is agreement among the respective property owners and the Village.

Commissioner Chanson/Hibbard 2<sup>nd</sup> made a MOTION to remove the “Lakeshore Path Improvements - Third Avenue to Kinzie” item, and the MOTION carried without a negative vote.

Adjournment

Commissioner Chanson/Commissioner Hibbard 2<sup>nd</sup> made a MOTION to adjourn the meeting at 7:53 pm, and the MOTION carried without negative vote.

Minutes prepared by: Joseph A. McHugh, CDA Executive Director

APPROVED:      **07 FEB 2007**