

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, February 07, 2007 @ 5:30 PM

Chairman Turner called the regular meeting of the CDA Board to order at 5:33 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Commissioners present: Roll call vote: Chairman Turner, Fisk, Hibbard, Petersen, Chanson, Bliss (arrived @ 5:45 pm)

Commissioners absent: Wilson.

Also present: Executive Director McHugh, Trustee Micki O'Connell (arrived @ 5:42 pm)

Announcement for CDA to Consider Going Into Closed Session – Chairman Turner

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)(c) Wis. Stats. “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility” - specifically: The CDA Executive Director, and

Pursuant to Chapter 19.85(1)(e) Wis. Stats. “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.” specifically: TID Property Acquisition

Executive Director McHugh called the Roll Call Vote:

Chairman Turner – Yes  
Commissioner Fisk – Yes  
Commissioner Hibbard – Yes  
Commissioner Petersen – Yes  
Commissioner Chanson – Yes

The MOTION carried on a 5-0 vote, with Commissioner Wilson absent and Commissioner Bliss not yet at the meeting.

Trustee Micki O'Connell arrived @ 5:42 pm.  
Commissioner Bliss arrived @ 5:45 pm.

Adjournment

Chairman Turner/Commissioner Chanson 2<sup>nd</sup> made a MOTION to adjourn the CDA's Closed Session at 6:00 pm and to reconvene in open session, and the MOTION carried without negative vote.

The meeting room was opened and Chairman Turner announced that the Community Development Authority was back in open session at 6:00 pm.

Also present: Trustee Micki O'Connell, Trustee Ron Pollitt, Village Administrator Kelly Hayden, Director of Public Works Craig Workman, and Treasurer Peg Pollitt.

### Visitors Heard

Chairman Turner asked if there were any visitors that wished to be heard and no response was received.

### Announcements

Chairman Turner informed those present of the following events: Town Hall meeting to introduce the candidates on Saturday, February 10<sup>th</sup> at 9:00 am; the Primary Election on Tuesday, February 20<sup>th</sup>; the next Plan Commission meeting on Monday, February 26<sup>th</sup> at 5:30 pm; and the next regular meeting of the CDA on Wednesday, March 7<sup>th</sup> at 6:00 pm.

### Approve Minutes

Executive Director McHugh noted that Commissioner Hibbard had offered three corrections for the minutes presented for approval: First, she was incorrectly noted as having seconded the Motion to approve the Payables at the January meeting. Second, the word "inn" should be replaced with "in" in the December minutes. Finally, the word "we" should be replaced with "he" in the November minutes.

Commissioner Chanson/Commissioner Bliss 2<sup>nd</sup> made a MOTION to approve the minutes for meetings held on January 03, 2007, December 06, 2006, and November 01, 2006, with the corrections as presented by Commissioner Hibbard, and the MOTION carried without negative vote.

### Approval of Current Payables

Executive Director McHugh presented the current claims payable report totaling \$579,232.72. Chairman Turner asked if the final cost-recovery reimbursement payment to the Abbey had been included in the 2007 budget. Executive Director McHugh explained that the liability had been booked by the Village's Auditor, Pat Romenesko, during the year in which had been incurred. At the request of Chairman Turner and Commissioner Bliss, Village Administrator Hayden quickly reviewed the cost-recovery reimbursement agreement with the Abbey. Treasurer Pollitt explained that the CDA had agreed to pay for charges that had been incurred by the CDA, for CDA employed professional, and then assessed to the Abbey as part of the cost-recovery process. The reimbursement was not for any project expenses incurred directly by the Abbey. Chairman Turner asked for an explanation of the \$33,464 payment to the Fontana Park Commission's Mill House project. Executive Director McHugh explained that the amount represented the last of the CDA's \$35k commitment to the Mill House Pavilion project and was merely being transferred to the Mill House fund along with the recently received donations. Chairman Turner and Commissioner Chanson both agreed that the money should not be transferred until such time as it was needed for the project.

Commissioner Peterson/Commissioner Bliss 2<sup>nd</sup> made a MOTION to approve the current payables, totaling \$579,232.72, minus the claim to the Mill House project of \$33,464.60, and the MOTION carried without a negative vote.

### Finance Reports

#### Full Accounting Statement & Value Increment Calculations

Chairman Turner reviewed the updated Full Accounting Statement and noted that the projections for TID #1 show a surplus of approximately \$108k. Chairman Turner questioned the likelihood of actually sending money on the Third Avenue group of projects in the current year and directed Executive Director McHugh to move the projected expenses forward into future years. Noting that the extension of Kinzie to STH 67 was not shown on the report, Chairman Turner directed DPW Workman to obtain a design proposal, as well as an engineer's cost estimate for the project. With respect to the potential to complete the project in the current year, DPW Workman stated that it would have to be a CDA project, since he had not budgeted Village funds for the reconstruction of Kinzie Avenue in 2007. Chairman Turner informed the group that he had already spoken with Attorney Hank Gempeler and he confirmed that the Kinzie Street road reconstruction project would be a TIF eligible expense, as it is an extension of the STH 67 Improvement Project.

## PRESENTATIONS

No presentations scheduled for the February 7<sup>th</sup> meeting.

### TID #1 Infrastructure Projects

#### Construction Project Updates

DPW Workman informed the group that the Main Lift Pump Station was scheduled to go on-line later in the month. Chairman Turner asked the group if there had been any thought regarding the use of the former lift station facility. He noted that the Abbey may be interested in the structure as a way to provide washrooms for the marina. He relayed a suggestion from Trustee O'Connell that perhaps it could become the site of a new Park House. Regarding potential to reuse the structure itself, DPW Workman explained that the decommissioning process would leave very little of the original building intact. Executive Director McHugh reminded the group that PDI had typically shown the site as additional public parking. Bill asked that Executive Director McHugh bring the full-size exhibit showing the Lift Station area to the next CDA meeting for discussion.

#### STH 67 – Landscaping & Irrigation Project – Bidding Update

Executive Director informed the group that bids would be opened for the STH 67 Landscape Project on February 15<sup>th</sup>. With respect to the Invasive Plant removal and Native Plant restoration along the stream and the Abbey property, Executive Director McHugh informed that group that he was still waiting on a proposal from Agrecol for the project.

#### Porter Court Plaza Project – Bidding Update

Executive Director McHugh informed the group that the planned bid date for the Porter Court Plaza project was May 10<sup>th</sup>. He explained that the May date was chosen as a way to ensure competitive bids, which can be difficult to obtain if you bid a project too far in advance of the construction date. In addition, the May date should be early enough in the season to make sure that the plant material is readily available.

#### Abbey Pedestrian Trail Connections / Path Improvements & Easements

Chairman Turner relayed to the group the results of a conversation he recently had with Mr. Ed Snyder of the Abbey. He explained that the Abbey was willing to work with the Village and would provide access easements to the currently exiting pedestrian trail system, in exchange for the Village's completion of the necessary improvements to the paths. Chairman Turner asked if the DPW department would be able to do the work, and DPW Workman claimed that they would be able to do so.

#### STH 67 – Landscaping & Irrigation Project – Bidding Update (Cont...)

In addition to trail improvements, Chairman Turner explained that the Abbey was willing to work with the Village to clean up the landscaping along the eastern edge of STH 67. Commissioner Bliss stated that the Village was already in the process of landscaping the highway and asked why the Village would spend more money to install landscaping for the Abbey. Before moving forward, Executive Director McHugh was directed to get quotes from Agrecol for the work being discussed.

#### Abbey Pedestrian Trail Connections / Path Improvements & Easements (Cont...)

Beyond the existing pedestrian trail system, Chairman Turner informed the group that the Abbey may be willing to consider the installation of a trail connection up to Shabbona Drive in Country Club. Chairman Turner directed Executive Director McHugh to work with the Abbey to develop an agreement for the easements, trail improvements and the landscaping work.

#### Fontana Boulevard Landscaping & Lighting (Abbey Coordination)

Chairman Turner discussed the need by the Abbey to continue to provide security lighting within the Dockominium parking area, if the Village was to move forward with the burial of utility lines and then move the street lights to the center of the street. Commissioner Bliss asked if there was something wrong with the current lighting in the Boulevard. Chairman Turner explained that the desire was to carry the new lighting theme from the Highway down the Boulevard as well. Beyond that, he stated that the existing fixtures were in need of serious repair, which was confirmed by DPW Workman. Commissioner Bliss asked who was suggesting that the lights be placed in the middle of

the boulevard and Executive Director McHugh reminded the group that the last plan prepared by PDI showed the street-lights in the center of the median. Since then, there had been no firm decisions made regarding that section of the boulevard along the lakefront. Executive Director McHugh noted that the planning on the project was still on-hold following the direction given by the CDA at the October meeting. Commissioner Bliss restated his desire to postpone the planning of any projects along the lakefront until such time as the projects currently underway were completed. Commissioner Petersen responded that the CDA had an obligation to work towards the goal of improving Fontana; and doing it with the use of TIF dollars as opposed to placing the burden on the local tax payers. Commissioner Hibbard suggested that the lighting down Fontana Boulevard would be a well-received project based on the reaction to the new lighting on the Highway. Chairman Turner informed the group that the Village Board had tentatively agreed to place a referendum on the upcoming ballot for the burial of utilities. The question of what to do with the lighting on Fontana Boulevard was going to become particularly important, since the current street lighting is mounted on the existing utility poles. In response to a question from Commissioner Bliss, Executive Director McHugh confirmed for the group that the Utility Burial project needed to go to referendum as a result of the Village's agreement with the Fontana Residents for Open Government ("FROG"). With respect to planning and design, Executive Director McHugh confirmed that the referendum requirement was for capital costs only. Chairman Turner suggested that the group proceed with the planning of the Boulevard. Both Commissioner Chanson and Commissioner Bliss suggested that the amount of money spent on planning be kept to a reasonable amount. Chairman Turner suggested that the work be limited to \$3k, and suggested that PDI be specifically directed to address the lighting issue, as well as the potential reuse of the former lift station site and incorporate the newly recommended fence.

Chairman Turner/Commissioner Chanson 2<sup>nd</sup> made a MOTION to direct PDI to continue with the schematic design process on Fontana Boulevard, at a cost not to exceed \$3,000 dollars, and the MOTION carried without a negative vote.

#### April 2007 Referendum Questions – Status / Discussion

Commissioner Bliss asked why the proposed referendum question for the April Ballot had not originated with the CDA. Executive Director McHugh explained the requirement by the state to certify a referendum at least 42 days prior to the primary election had caused a timing issue. When it was first discussed at the end of 2006, there was a decision to wait until after the New Year, which did not leave enough time. In the future, the issue of upcoming referendums will need to be addressed much sooner by the group. Chairman Turner confirmed that future referendum questions should be reviewed and considered by the CDA before making a recommendation to the Village Board.

#### TID #1 Development Projects

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

Executive Director McHugh noted that the final component of the Mill Street Plaza development, the Retail Building, was underway.

##### The Cliffs of Fontana (PAR Development) – Update

Chairman Turner informed the group that representatives of PAR Development were meeting with Village Staff on the upcoming Friday. The project is still anticipated to begin this spring.

#### General Business

##### Executive Director – Employment Contract

Chairman Turner/Commissioner Chanson 2<sup>nd</sup> made a MOTION to amend the employment contract of the Executive Director in order to increase the employer's health insurance cost matching to 90% and to increase the cell phone allowance to \$840 per year, with both items retroactive to January 01, 2007, and the MOTION carried without a negative vote.

##### Village Board Appointments to CDA – Update

Chairman Turner informed the group that he had recommended the re-appointment of CDA Commissioners Hibbard and Wilson, which was then put forward by Village President Tom Whowell, and the Village Board voted unanimously to approve the re-appointments on February 5<sup>th</sup>.

## Duck Pond Redevelopment Project – Update

Executive Director McHugh provided an update on the status of the Duck Pond group of projects. He stated that the programming team meeting on the 19<sup>th</sup> was well attended. The critical design issue that the engineers and planners are wrestling with is the three-way intersection of Wild Duck Road, Dade Road, and the proposed Pedestrian Path. He informed the group that the next meeting of the Duck Pond Programming Team would be March 9<sup>th</sup>. Chairman Turner referred to the former Village Dump site and stated his opinion "...for the record..." that the CDA and the Village should move forward with site assessment activities, pursue potential insurance with the Wisconsin Brown Fields Insurance Program, participate in the VPLE (Voluntary Party Liability Exemption) administered by the Wisconsin Department of Natural Resources, and do what ever it takes to clean-up the property. He commented that the TIF would have enough money to fund the activities and Commissioner Bliss responded that simply spending the money on remediation activities because it was available was not a valid reason. Executive Director McHugh reported that the Village's engineer, Ruekert Mielke, had reviewed the Phase I ESA and had suggested that the next step would be to sit down with a few select firms and discuss appropriate courses of action. With a project of this size and scope, they are suggesting that to not interview several firms would be a mistake. Chairman Turner reported that Mr. Joe Eberle from Ruekert Mielke had suggested a few firms that the Village could interview. Bob Chanson asked if Liesch was to be included in the process, and Chairman Turner confirmed that they should be included as one of the selected firms. Commissioner Bliss suggested that the only reason the clean-up of an inactive 50-year old dump-site was now so urgent was because the Village was looking to develop the surrounding area. Commissioner Petersen suggested that leaving the problem for "...our children's children to deal with..." is simply not an option. The rules and regulations are only going to get more stringent in the future. Chairman Turner suggested that the group at least have Mr. Joe Eberle of Ruekert Mielke, DPW Workman and Executive Director McHugh interview a few selected firms to get their perspective on the situation. Beyond that he suggested that Executive Director McHugh research the available insurance options and contact and visit other communities that have gone through the process.

Chairman Turner/Commissioner Fisk 2<sup>nd</sup> made a MOTION to direct Executive Director McHugh, DPW Workman and Mr. Joe Eberle of Ruekert Mielke to interview selected environmental engineering firms with respect to the former Village dump site on the Duck Pond property; and to direct Executive Director McHugh to research the Wisconsin Brownfields Insurance Program; and to direct Executive Director McHugh to contact and visit other communities that have gone through the same process, and the MOTION carried without a negative vote.

## TID #1 – Economic Impact Analysis

Executive Director McHugh reviewed the financial analysis of TID #1 provided by Ehlers and Associates. Per Ehlers' analysis, the same level of projects, financed without a TIF District, would have cost every home owner in the Village of Fontana an additional \$42 dollars per hundred thousand dollars in home value per year. Chairman Turner offered that the hardest part of explaining the TIF is that it is complicated. Commissioner Bliss offered that most people he speaks with don't see the TIF as a positive. Commissioner Fisk offered that it needs to get out a message that explains the benefits of TIF without being overwhelmingly technical. Executive Director McHugh noted that Administrator Hayden was intending to use the facts in the Ehlers letter to draft an article for the next Village Newsletter.

## CDA 2007 Budget

Executive Director McHugh reviewed the changes suggested earlier in the meeting, during the discussion on the Full Accounting Statement. He stated he would remove all of the Third Avenue projects from the 2007 Budget, as requested, and then bring it back for review at the next monthly meeting of the CDA.

## Ruekert Mielke Engineering Proposal - STH 67 Landscape & Porter Court Plaza:

Chairman Turner reviewed the proposal for professional engineering services for the STH 67 and Porter Court Plaza projects and asked for an explanation for the seemingly high cost. In response to a question from commissioner Chanson, Executive Director McHugh confirmed that the PDI contract had been amended to include \$17.5k for the preparation of CD's. Chairman Turner asked

why the work wouldn't be completed by PDI as part of the CD's and Executive Director McHugh pointed-out that the PDI contract did not include engineering. Ruckert Mielke is needed to engineer the stone pedestrian bridge, and the soils throughout the site. Chairman Turner asked Executive Director McHugh how much money was included in the budget for the project, and he responded that the STH 67 Landscaping and the Porter Ct. Plaza project make up the \$427k total budget under project code 56974 on the full accounting statement. Chairman Turner commented that it seemed like a great deal of money for such a small area. DPW Workman offered that perhaps the CDA should rethink the design of the plaza if costs are an issue. The design in its current form includes a great deal of hard-scape that will have to be placed on engineered soils. Chairman Turner suggested that Executive Director McHugh coordinate a meeting with Ruckert Mielke to review the costs, and explain to them that the \$68k is not acceptable to the CDA.

Acted upon as a combined MOTION with the next item.

#### Ruckert Mielke Proposals - Duck Pond Redevelopment Project

Executive Director McHugh explained that the proposal included engineering services in support of the planning efforts underway for the Duck Pond group of projects and was estimated at \$10k to \$14k.

Acted upon as a combined MOTION with the next item.

#### Ruckert Mielke Proposals - 2007 Master Services Agreement – TID #1

Executive Director McHugh reviewed the Master Services Agreement from Ruckert Mielke for general engineering work for the 2007 fiscal year with an estimated total cost of \$24k.

Commissioner Chanson/Commissioner Fisk 2<sup>nd</sup> made a MOTION to approve the following Ruckert Mielke Professional Engineering Proposals: STH 67 Landscape for \$24k to \$27k; Duck Pond Redevelopment for \$10k to \$14k; and the 2007 Master Services Agreement for \$24k; and to disapprove the Ruckert Mielke Professional Engineering Proposal for the Porter Court Plaza for \$55k to \$68k, and the MOTION carried without a negative vote.

#### Abbey Pedestrian Trail Connections / Path Improvements & Easements

Discussed earlier in the meeting.

#### Fontana Boulevard Landscaping & Lighting (Abbey Coordination)

Discussed earlier in the meeting.

#### Lakefront Planning Issues – Future of former Lift Station Facility

Discussed earlier in the meeting.

#### Village Board Report – Chairman Turner

April 2007 Referendum Questions – Status / Discussion

Discussed earlier in the meeting.

#### Lakefront & Harbor Report – Commissioner Chanson

Fence Selection - Update

Trustee Micki O'Connell reported from the audience that the Lakefront and Harbor Committee had made a formal recommendation at their last meeting to match any fencing in Village projects on the lakefront to the Abbey's existing fence.

#### Park Commission Report – Executive Director McHugh

Executive Director McHugh informed the group that the Park Commission was in the process of selecting a facing material to be used on the newly constructed retaining wall at the south end of the Village Hall & Library parking lot. If the group agrees on either brick or stone, the plan is to install it this spring. If the decision is to paint a mural on the wall, it will have to be postponed until some design decisions are made. He further reported that DPW Workman had forwarded the plans to Mr. Tom Cook, of Cook Masonry, for construction estimates.

Executive Director Report – CDA Director McHugh

Internal Contract Approval Procedures

Executive Director McHugh quickly reviewed the Contract Approval Procedures used to approved contracts, change-orders, pay-requests and invoices for CDA projects. In response to a question from Commissioner Chanson, Executive Director McHugh confirmed that the written procedures simply documented the procedures he was already using. Nothing had changed.

Confirm Quorum for upcoming Meetings

Executive Director McHugh reminded the group that the next meeting would be March 07, 2007 @ 6:00 pm. Commission Hibbard notified the group that she would be out of town on that date.

Pending / Future Items

No Discussion.

Adjournment

Commissioner Chanson/Commissioner Bliss 2<sup>nd</sup> made a MOTION to adjourn the meeting at 7:35 pm, and the MOTION carried without negative vote.

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

Note: These minutes are subject to further editing. Once they are approved by the Community Development Authority, the official minutes will be on file at the Village Hall.
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APPROVED:      **PENDING**