

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)

Monday, February 11, 2008 @ 6:00 PM

Executive Director McHugh called the regular monthly meeting of the CDA Board to order at 6:04 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Commissioners present: Roll call vote: Bliss, Wilson, Hibbard & Fisk.

Commissioners absent: Chairman Turner, Commissioners Petersen & Chanson.

Also present: Treasurer Peg Pollitt & CDA Executive Director Joseph A. McHugh.

PRO-TEM ELECTION:

Elect Chairman Pro-Tem

Commissioner Hibbard/Commissioner Wilson 2<sup>nd</sup> made a MOTION to elect Commissioner Bliss to the position of Chairman Pro-Tem in Chairman Turner's absence, and the MOTION carried without negative vote.

Visitors Heard

Chairman Pro-Tem Bliss asked if there were any visitors who wished to be heard and no response was received.

Approve Minutes

Commissioner Wilson commented on the detail contained in the minutes from the December 5<sup>th</sup> meeting, and Executive Director McHugh explained that a great deal of information had been presented at the meeting by STS Consultants and the representatives of the Abbey.

Commissioner Fisk/Commissioner Wilson 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held on December 05, 2007 and the MOTION carried without a negative vote.

Approval of Current Payables

Executive Director McHugh presented the "Claims Payable Report", prepared by Treasurer Pollitt, totaling \$47,741.17. He noted that the majority of the claims presented were for engineering work performed by Ruckert Mielke on the Wild Duck Road project. In response to a question from Commissioner Fisk, Executive Director McHugh informed the group that the engineering costs, relating to Construction Administration on the Wild Duck Road project, exceeded the original estimate by roughly \$5k to date. He further noted that all charges from Ruckert Mielke were being recommended for payment, as the construction administration was being performed on a time & materials basis. Chairman Pro-Tem Bliss asked if there were more charges to come, and Executive Director McHugh explained that there was still work to be completed in the spring which would need to be inspected and administered by Ruckert Mielke, and would result in additional costs on the project. Executive Director McHugh relayed an explanation from the Engineer, Mr. Joseph Eberle, that items such as the mid-project change from the originally requested timber guardrail to a lesser expensive steel guardrail, resulted in additional work and thus expense. In addition, the contractor on the project, Mann Brothers, had started later than anticipated and had taken longer to complete the fall portion of the project, which had led in increased administration costs as well. In closing, Executive Director McHugh noted that representatives of Ruckert Mielke could be present at the March meeting to address the group's concerns. Commissioner Fisk asked for background on the pay-request recently received from the Wisconsin Department of Transportation, and Executive

Director McHugh reviewed that the charges were related to the State Highway 67 Improvement project, completed in 2006, and added that approximately \$350k was still outstanding. Chairman Pro-Tem Bliss asked if there was any interest being accrued on the balance, and Executive Director McHugh explained that there was no interest being charged. He added that in previous conversations with representatives of the DOT, it was explained that the department (WisDOT) may take several years to finally settle up on the jointly funded highway reconstruction project.

Commissioner Fisk/Commissioner Wilson 2nd made a MOTION to approve the Claims Payable report, of \$47,741.17, and the MOTION carried without a negative vote.

TID #1 Infrastructure Projects - Public Works Director Workman

Porter Court Plaza – Mann Bros. Change Order No. 1 (Extend Contract Dates)

Executive Director McHugh reviewed the history of the Porter Court Plaza project and noted that the various issues surrounding the final approval of a necessary Chapter 30 permit from the DNR had caused the project to be postponed until the spring of 2008. The purpose of the Change Order being presented was to adjust the “substantial completion” and “final completion” deadlines specified in the contract with Mann Brothers to May 15<sup>th</sup> and May 23<sup>rd</sup> respectively.

Commissioner Hibbard/Commissioner Fisk 2nd made a MOTION to approve Change Order No. 1 for the Porter Court Plaza project, for the purpose of adjusting the “substantial completion” and “final completion” deadlines specified in the contract, and the MOTION carried without a negative vote.

Wild Duck Road & Pedestrian Path to Duck Pond Recreation Area

Mann Brothers Contract – Change Order No. 2 (\$2,340 Decrease)

Executive Director McHugh presented Change Order No. 2 for the Wild Duck Road project, which resulted in a net decrease to the contract of \$2,340. He explained that the reduced changes under the unit-price contract were the result of sanitary manholes that were determined unnecessary during the course of the project.

Commissioner Hibbard/Commissioner Fisk 2nd made a MOTION to approve Change Order No. 2 for the Mann Brothers construction contract on the Wild Duck Road project, for a net decrease of \$2,340, and the MOTION carried without a negative vote.

Mann Brothers Contract – Pay Request No. 3 (\$89,507.22)

Executive Director McHugh presented Pay Request No. 3 for the Wild Duck Road project, totaling \$89,507.22. He explained that the Pay Request had been reviewed and recommended for approval by the project engineer, Ruekert Mielke, and that it had been reviewed without objection by DPW Workman as well. He also noted that approximately \$105k remains outstanding on the contract, which will recommence in the spring to finish the final lift of asphalt on the road, among other things.

Commissioner Hibbard/Commissioner Fisk 2nd made a MOTION to approve Pay Request No.3 for the Mann Brothers construction contract on the Wild Duck Road project, for a total amount of \$89,507.22, and the MOTION carried without a negative vote.

Duck Pond Gateway Triangle Landscaping – Bid Recommendation & Contract Award

Executive Director McHugh reviewed the results of the bid opening, for the Duck Pond Gateway Triangle Landscaping project, held on February 1<sup>st</sup>. He noted that the apparent low bidder, from a total of six (6) bids received, was Prairie Tree Landscaping Services, for a total of \$84,431.25. He further noted that the highest bid received was \$160,528.22, and that the second lowest bid on the project, by a margin of less than \$600 was Breezy Hill Nursery. Using Prairie Tree’s bid of \$84k, and adding the amounts already authorized under contract for construction administrations services; Executive Director McHugh informed the group that the project remains about \$15k under the originally approved budget. He added that while there is a great deal of desire to add additional trees to the project, the landscape architect, Terry Guen Design Associates, has recommended that any decisions on additional plantings be postponed until May of 2008 to allow enough time to review the results. Executive Director McHugh added that the results of the bid had previously been presented

to the Village Board, and that the trustees had unanimously voted to award the contract to Prairie Tree Landscaping Services (PTS), contingent on recommendation from the CDA. He further added that having PTS; as the same contractor that already completed the final restoration and seeding of the Wild Duck Road project; doing the installation of the landscaping in the triangle, would serve to eliminate potential conflicts in future maintenance responsibilities. Commissioner Hibbard asked if there was a plan to smooth the transition from the installation as a CDA project; to the eventual maintenance of the area by the Park Commission; and Executive Director McHugh explained that the contact with PTS provided for a year long grow-in period along with a year long warranty, and that the project would not transition completely to Park's responsibility until 2009. In the future, the installation of a native prairie is projected to cost less to maintain than the previously existing turf which necessitated regular mowing by the DPW. Commissioner Hibbard asked who would be responsible for any necessary future burning of the prairie, and Executive Director McHugh responded that he had discussed the issue with Fire Chief Jon Kemmett, and that between the DPW and the Fire Department, the Village would be able to perform the necessary burning of the site. It was discussed at the meeting that the Village already burned the FEN on a regular basis, and that the Fire Department had previously performed a burn on a piece of native prairie located directly behind the Abbey Ridge (Abbey Phase III) townhome complex.

Commissioner Wilson/Commissioner Hibbard 2nd made a MOTION to recommend the award of the Duck Pond Gateway Triangle landscaping contract to the apparent low bidder, Prairie Tree, at a bid price of \$84,431.25, and to proceed with executing the contract, and the MOTION carried without a negative vote.

#### STS Proposal for Ground Water

Executive Director McHugh presented a proposal from STS Consultants to perform ground water investigation and characterization on the site of the Village's former dump site. He noted that the proposal was the result of a request by both the CDA and the Village Board made during the December 5<sup>th</sup> joint meeting. He further noted that STS was the only firm from which a proposal had been requested, since the Village had already been through a complete RFP & RFQ (Request for Qualifications) process to select STS Consultants for the project originally. Executive Director McHugh reminded the group that while environmental contamination appeared unlikely based on the previous investigative work on the site, there was no guarantee that contamination would not be found. In reference to the proposal under consideration, he explained that it had been reviewed by the Public Works Committee at their January meeting, and that concerns had been raised with respect to the considerable drilling costs. Following the committee's recommendation, the Village Board recommended approval of the proposal, contingent on DPW Workman working with STS Consultants to refine and possibly reduce the cost estimates. The Village Board's approval was also contingent on review and approval by the CDA. Executive Director McHugh noted that \$42k, of the overall proposal of \$63,600, was allocated specifically to drilling costs. He continued to review the two options presented in the proposal for accomplishing the proposed drilling of four (4) eighty (80) foot monitoring wells on the site. The first of the two options, at \$42k, calls for the use of "Sonic Drilling." The second less expense option, at \$32k, calls for the use of "Dual Wall Reverse Circulation (DWRC) Air Rotary Drilling." Executive Director McHugh relayed concerns from Mr. Leo Linnemanstons that the less expensive option might not work in the Village's situation, since it required that a large truck-mounted drill rig be able to maneuver the site. The more expensive options would be accomplished by a smaller ATV-mounted rig that could more easily traverse the terrain. Executive Director McHugh explained that additional benefits beyond access had been noted, including avoiding drilling difficulties attributable to the significant presence of cobbles in the soil, but stated that he would rather the details be discussed and explained by DPW Workman, considering DPW Workman's former experience working for an environmental engineering firm. Commissioner Wilson asked if the \$63,600 proposed was beyond what Executive Director McHugh had expected, and he responded that the estimate was within range of the projected costs presented by STS at the December 5<sup>th</sup> meeting, while noting that he had hoped it would be closer to the \$40k listed as the bottom end of the range. Chairman Pro-Tem suggested that the proposal be tabled until the March CDA meeting, and the group agreed. Commissioner Fisk added that the almost \$10k per

well seemed quite high considering that his organization had previously installed a 400 foot well at a total cost of only \$12k.

Commissioner Wilson/Chairman Pro-Tem Bliss 2<sup>nd</sup> made a MOTION to TABLE the proposal from STS Consultants until the March CDA meeting, and the MOTION carried without a negative vote.

Confirm Quorum for upcoming Meetings

Next Regular Monthly Meeting – March 05, 2008 @ 6:00 pm (Closed Session @ 5:30 pm)  
Executive Director McHugh noted that the next regular meeting of the group would be held on March 5<sup>th</sup> @ 6 pm, with a closed session meeting of the group to commence immediately beforehand at 5:30 pm. Commissioner Hibbard informed the group that she would not be able to attend the March meeting.

Adjournment

Commissioner Hibbard/Chairman Pro-Tem Bliss 2<sup>nd</sup> made a MOTION to adjourn the meeting at 6:32 pm, and the MOTION carried without negative vote.

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

APPROVED:      CDA | 03.05.2008