

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN

REGULAR MEETING of the COMMUNITY DEVELOPMENT AUTHORITY

(OFFICIAL MINUTES)

Wednesday, December 03, 2008 @ 5:30 PM

Executive Director McHugh called the closed session meeting of the CDA Board to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Commissioners present: Roll call vote: Fisk, Hibbard, Petersen, Chanson, Wilson, & Bliss (Arrived @ 5:36 pm).

Commissioners absent: Chairman Turner.

Also present: Village President Ron Pollitt, Trustee Micki O'Connell & CDA Executive Director Joseph A. McHugh.

PRO-TEM ELECTION:

Elect Chairman Pro-Tem

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

Announcement for CDA to Consider Going into Closed Session – Chairman Pro-Tem Chanson:

Commissioner Petersen/Commissioner Hibbard 2nd made a MOTION for the CDA to go into closed session 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: Discussion of 138 Fontana Boulevard & 158 Fontana Boulevard, and a roll call vote followed:

Hibbard – Yes
Petersen – Yes
Chanson – Yes
Wilson – Yes

The MOTION carried on a 4-0 vote, with Chairman Turner not in attendance, and Commissioner Bliss having not yet arrived at the meeting.

Adjournment

Commissioner Petersen/Commissioner Bliss 2nd made a MOTION to adjourn the CDA's Closed Session at 5:42 pm.

MEETING RECESS

Chairman Pro-Tem Chanson 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: Fisk, Hibbard, Petersen, Chanson, Wilson, & Bliss.

Commissioners absent: Chairman Turner.

Also present: Village President Ron Pollitt, Trustee Micki O'Connell, Ms. Sue Thune (Abbey Resort & Spa), Mr. Kevin Kirkland (Lake Geneva Marine Company), Village Administrator Kelly Hayden, Director of Public Works Craig Workman & CDA Executive Director Joseph A. McHugh.

Visitors Heard

Under Visitors Heard, Village President Ron Pollitt cautioned the CDA Commissioners about proceeding too quickly with projects at a time when the economy could potentially cause property values within the Tax Increment District to decline. He noted that he recently observed two condominium units within the Abbey Resort that were currently on the market for less than \$100k. He stated that the assessor would be legally bound to reduce the assessed value of the condominium units within the Abbey Property if a series of sales began to occur at less than assessed value.

Craig Workman introduced Sue Thune attending the meeting on behalf of the Abbey. She reviewed her history in the area and explained that she had been discussing the concept of a sledding hill with DPW Workman, with a proposal to have it located on the Duck Pond property. DPW Workman explained that the concept would blend well with the next stage of construction on the property. He stated that the spoils from the road construction could be used to build up the hill. Commissioner Petersen stated that liability would be a concern. Commissioner Bliss stated that it would make for a great winter-time activity. Commissioner Petersen stated that Chicago and Cook County had recently removed all of their public sledding hills due to liability issues.

Announcements

Chairman Pro-Tem Chanson asked the group to read the announcements listed on the agenda at their leisure: Monday, December 8th @ 6 pm – Village Holiday Party @ Gordy's, Friday, December 12th @ 10 am to 4 pm – Library Holiday Open House, Wednesday, December 17th @ 6 pm – Park Commission Meeting, Thursday, December 18th @ 5 pm – VOF Newsletter Article Deadline, Wed. & Thurs, Dec. 24th & 25th – Village Hall & Library Closed for Holiday, Monday, December 29th @ 5:30 pm – Monthly Plan Commission Meeting, Wednesday, Dec. 31st @ 8 am to Noon – Last Day to Pay Real Estate Taxes in Person, Wednesday, December 31st – Library Closed for Holiday.

Approve Minutes

Commissioner Bliss/Commissioner Hibbard 2nd made a MOTION to approve the minutes for the joint closed session meeting held on December 01, 2008 with the Village Board, and the MOTION carried without a negative vote.

Approval of Current Payables

Commissioner Petersen/Commissioner Fisk 2nd made a MOTION to approve the Claims Payable report of \$161,246.69, as well as the General Journal report of \$7,143.57, for a total amount of \$168,390.26, and the MOTION carried without a negative vote.

TID #1 Infrastructure Projects - Public Works Director Workman

Porter Court Plaza – Update

Pay Request No. 8 – Mann Brothers (\$18,078.11)

Chairman Petersen/Commissioner Fisk 2nd made a MOTION to APPROVE Pay Request No. 8, totaling \$18,078.11 for the Porter Court project's construction contract with Mann Brothers, subject to arrival and installation of the benches on-site, and the MOTION carried without a negative vote.

Fountain Changes & Spring Bulb Planting Concept

DPW Workman explained that the limestone cap installed on the fountain in the Plaza was not in conformance with the specifications for the project. DPW Workman stated that he had informed the crew on-site the day the limestone cap was installed that it was not correct. He stated that the contractor was willing to provide free services in exchange for acceptance of the installed cap.

Executive Director McHugh stated that spring bulb planting was being removed from the contract, with the understanding that the Village could do it for less money by purchasing the materials and installing the plantings directly.

Chairman Wilson/Commissioner Fisk 2nd made a MOTION to require specific performance of the Project Specifications, in specific reference to the limestone cap on the fountain, and the MOTION carried on a 4 to 1 vote, with Commissioner Petersen voting against.

After the vote, Commissioner Bliss asked that benches be considered for the Plaza. Following general discussion, Executive Director McHugh agreed to take the issue up with the Park Commission. Commissioner Hibbard stated that the Fontana Garden Club had previously donated a bench to the Village and may be interested in donating additional ones as well.

Kinzie Avenue Reconstruction project

Change Order No. 2 – Odling Construction (\$4,120 Increase)

DPW Workman stated that there were two manholes on the project that could not be lowered by the means considered by the engineer. He stated that he was going to negotiate with Ruckert Mielke for a credit.

Commissioner Petersen/Commissioner Bliss 2nd made a MOTION to approve Change Order No. 2 as prepared by Ruckert Mielke, for a total increase to the contract with Odling Construction for the Kinzie Street Reconstruction project of \$4,120.00, subject to DPW Workman negotiating an appropriate credit with Ruckert Mielke on the Construction Administration services contract for the project, and the MOTION carried without a negative vote.

Pay Request No. 3 – Odling Construction (\$77,675.18)

Commissioner Hibbard/Commissioner Fisk 2nd made a MOTION to APPROVE Pay Request No. 3, totaling \$77,675.18 for the Kinzie Street Reconstruction project's construction contract with Odling, and the MOTION carried without a negative vote.

Third Ave. Reconstruction Project (Incl. Boat Trailer Parking Lot, High St. & Reid St.)

Pay Request No. 3 – Mann Brothers (\$456,745.04)

Commissioner Hibbard/Commissioner Bliss 2nd made a MOTION to APPROVE Pay Request No. 3, totaling \$456,745.04 for the Third Avenue project's construction contract with Mann Brothers, and the MOTION carried without a negative vote.

Wild Duck Road & Pedestrian Path Project

Pay Request No. 10 – Mann Brothers (\$8,105.74)

Commissioner Petersen/Commissioner Hibbard 2nd made a MOTION to APPROVE Pay Request No. 10, totaling \$8,105.74 for the Wild Duck Road and Pedestrian Path project's construction contract with Mann Brothers, and the MOTION carried without a negative vote.

Beach Fence Replacement Project – Schmitz License Agreement - Update

Administrator Hayden stated that Attorney Thorpe was continuing to work with Attorney Colletti on the final details of the license agreement.

Storm Water Management Plan - Update

DPW Workman stated that the committee was currently focusing on how to fairly set-up the Stormwater Utility and how to best develop the rate schedule.

General Construction Updates (Utility Burial, Duck Pond Ground Water)

DPW Workman stated that he had no general construction updates.

TID #1 Development Projects

Mill Street Plaza (FairWyn, Ltd.) – Update

Executive Director McHugh stated that Georgie B's had recently received a preliminary

recommendation of approval from the Plan Commission to expand the existing restaurant business into the adjoining space.

General Business

“Path Closed” (Kinzie Path) – PDI/RM Proposal

Executive Director McHugh reviewed the proposal submitted by Ms. Carolyn Esswein from PDI. He further presented a letter with cost information from Ruckert Mielke as regarded the surveying services referenced in the PDI proposal.

Commissioner Wilson/Commissioner Petersen 2nd made a MOTION to APPROVE the surveying phase of the “Kinzie Path” project, and the MOTION carried without a negative vote.

Following the vote, Commissioner Wilson directed Executive Director McHugh to request a cost estimate from PDI/Graef for the surveying work.

Fontana Boulevard - Street Light Placement Details

Executive Director McHugh reviewed the issues of the Fontana Boulevard Street Light project, specifically cost and aesthetic issues. He stated that what ever option was preferred, negotiation would need to occur with the Abbey to remove the existing security lighting. Commissioner Chanson asked why the Village should make a decision before the Abbey’s preference was known. Commissioner Wilson stated that the Village should choose based on preference and then approach the Abbey to see if it is workable. The group debated the pros and cons of placing lights down the median versus placing lights down the terrace. The group asked Executive Director McHugh to confirm the previous position of the Park Commission.

Commissioner Bliss/Commissioner Petersen 2nd made a MOTION to TABLE the decision on final Street Light Placement and to continue discussion at the next monthly meeting, and the MOTION carried without a negative vote.

STS Contract Assignment – Merger w/ AEOCOM USA, Inc.

Commissioner Bliss/Commissioner Petersen 2nd made a MOTION to APPROVE assignment of current STS Contracts to AECOM USA, Inc., subject to continuation of the original contract terms, and the MOTION carried without a negative vote.

PDI Contract Assignment – Acquisition by Graef Anhalt Schloemer & Associates

Commissioner Petersen/Commissioner Bliss 2nd made a MOTION to APPROVE assignment of current PDI Contracts to PDI/Graef, subject to continuation of the original contract terms, and the MOTION carried without a negative vote.

Chairman Pro-Tem Chanson moved to the Blue Ribbon Committee Update for Mr. Kevin Kirkland who was present in the audience.

Blue Ribbon Committee for the Lakefront Building – Commissioners Wilson (Alt: Fisk)
Resolution to Renovate Marina Building & Delay Referendum Date

Executive Director McHugh reviewed the formal recommendations made by the Blue Ribbon Lakefront Building Committee: 1) Move forward with a renovation of the existing building, to abandon the concept of building a new building on the lakefront, and to continue to work with Mr. Kevin Kirkland with the idea of exploring creative ways of bringing in a coffee-shop and kayak rentals to the current operation, 2) Direct Executive Director McHugh to prepare an RFP (Request for Proposal) for the purpose of obtaining a Structural Engineer to inspect the existing Lakefront Building and prepare a written assessment of the current building and the potential for renovation; and further directed Executive Director McHugh to prepare an RFQ (Request for Qualifications) for the purpose of selecting an Architect to work with towards developing renovation plans for the existing building, and 3) Postpone the Referendum for the Lakefront Redevelopment and allow the Blue Ribbon Lakefront Building Committee time to develop a plan that utilizes the existing structure. The group stated concern with doing nothing more than just upgrading the façade of the existing

building, but agreed that a structural evaluation of the building should be performed before making final decisions.

Commissioner Petersen/Commissioner Bliss 2nd made a MOTION to ACCEPT the recommendations made by the Blue Ribbon Lakefront Building Committee and to APPROVE the issuance on an RFP for Structural Engineering Services, and the MOTION carried without a negative vote.

General Business (Cont)

Walworth-Fontana Pedestrian Path – Cost-Share Funding Proposal

Executive Director McHugh stated that the Village of Walworth had reconfirmed its offer to contribute a maximum of \$15k to the project.

Commissioner Petersen/Commissioner Wilson 2nd made a MOTION to ACCEPT the financial arrangement proposed by the Village of Walworth and to move forward with the planning and execution of the Walworth/Fontana Pedestrian Path project, and the MOTION carried without a negative vote.

2009 Tax Increment Calculations

Executive Director McHugh reviewed the updated Tax Increment Calculations for 2009.

Duck Pond Phase II – 25% Plans & Proposed Project Schedule

Executive Director McHugh reviewed the scope of the Phase II Improvements proposed for the Duck Pond recreation area. He distributed a current plan prepared by Ruckert Mielke, as well as an updated schedule. He stated that the Park Commission had recommended approval of the project as currently planned. Commissioner Petersen stated that he opposed funding non-critical projects at a time when tax increment funds may be reduced due to the economy.

Commissioner Petersen/Commissioner Wilson 2nd made a MOTION to cease all planning and design work on Phase II work up at Duck Pond, and to adjust all dates in the Ruckert Mielke schedule to 2010, and the MOTION carried without a negative vote.

Abbey Resort & Fontana Spa | Tax Increment Financing Development Agreement Reimbursement Draw # 5 | Project Update

Executive Director McHugh stated that Draw #5 had been submitted by the Abbey and had subsequently been approved by the Village.

286 Valley View Drive – Façade Improvement Discussion (Canopy Renovation)

Executive Director McHugh stated that he had discussed the Façade and Canopy Improvements with Mr. Don Ketterhagen. Mr. Ketterhagen had stated to him that he was not interested in contributing any funds to the proposed improvements.

Commissioner Petersen/Commissioner Wilson 2nd made a MOTION to table the discussion on Façade and Canopy Improvements for the Fontana Corner Market at 286 Valley View Drive for another year, and the MOTION carried without a negative vote.

Administrator Hayden confirmed that she would need to take the issue back to the Plan Commission.

Village Board Report – Commissioner Petersen

Beach Fence Project - Payment Resolution w/ Century Fence

Commissioner Petersen reviewed the approval of Pay Request #2A by the Village Board and the CDA at the closed session meeting on December 01, 2008. He stated that no further action was needed. Commissioner Wilson stated that she wished the CDA had required Century Fence to install a fence that specifically conformed to the project specifications.

Re-Appointment of CDA Commissioner Skip Bliss

Commissioner Petersen stated that the Village Board had reappointed Commissioner Bliss for

another four year term.

Lakefront & Harbor Report – Commissioner Chanson

No Report

Park Commission Report – Commissioner Hibbard | Executive Director McHugh

Commissioner Hibbard stated that the Park Commission and the Fontana Garden Club had a great turn out for the recent Duck Pond Prairie Seeding Event.

**Blue Ribbon Committee for the Lakefront Building – Commissioners Wilson (Alt: Fisk)
Resolution to Renovate Marina Building & Delay Referendum Date**

This item discussed earlier in the meeting.

Executive Director Report – CDA Director McHugh

Winter 2008 - CDA Newsletter Article

No Discussion

2009 CDA Budget

No Discussion

Confirm Quorum for upcoming Meetings

Next Regular Monthly Meeting – January 07, 2009 @ 6:00 pm (No Closed Session)

Executive Director McHugh confirmed that the next meeting of the group was scheduled for January 7th at 6 pm.

January 2009 Agenda Item Requests

No Agenda Item Requests

Pending / Future Items

Comprehensive TID #1 Tree Enhancement Project – Funding Discussion – No Discussion

Abbey Property – Pedestrian Trails Project & Monument Signage Proposal – No Discussion

Adjournment

Commissioner Petersen/Commissioner Fisk 2nd made a MOTION to adjourn the meeting at 7:17 pm, and the MOTION carried without negative vote.

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

APPROVED: CDA | 01.07.2009