

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

MONTHLY MEETING of the CDA BOARD OF DIRECTORS
Wednesday, May 6, 2009

Chairman Turner called the monthly meeting of the CDA to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

CDA Commissioners present: Turner, Village President Pete Petersen, Gail Hibbard, Cindy Wilson, Bob Chanson

CDA Commissioners late: Jeff Fisk (arrived 5:46 pm), Skip Bliss (arrived at 6:01 pm)

Also present: Administrator/Treasurer Kelly Hayden, Village Clerk Dennis Martin, Trustee Micki O'Connell, Director of Public Works Craig Workman

Closed Session

President Petersen/Commissioner Chanson 2nd made a MOTION to for the CDA to go into closed session pursuant to Chapter 19.85 (1)(e) Wis. Stats., for 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 138 Fontana Boulevard and vacant lot parcels, and the roll call vote followed:

President Petersen – Yes

Commissioner Hibbard – Yes

Commissioner Wilson – Yes

Commission Chanson – Yes

Chairman Turner – Yes

The MOTION carried on a 5-0 vote, with Commissioners Fisk and Bliss not yet at the meeting.

Adjournment of Closed Session

Commissioner Hibbard/Commissioner Fisk 2nd made a MOTION to adjourn the closed session of the CDA at 6:12 pm and to reconvene in open session, and the MOTION carried without negative vote.

Also Present: David Broeckert, Carolyn Esswein, Cary Kerger, David Lindelow, Jim Mann, Joseph McHugh, Jeff Rainwater

Visitors Heard

None

Announcements

1. Toddler Time at the Fontana Public Library – **Thursday, May 7, 2009, 10:30 am**
2. Park Commission Spring Park Walks – **Thursday, May 7, 14 & 21, 2009, 5:30 pm**
3. Plan Commission Staff Meeting – **Wednesday, May 13, 2009, 1:00 pm**
4. Protection Committee Meeting – **Monday, May 18, 2009, 5:00 pm**
5. Library Board Meeting – **Wednesday, May 20, 2009, 10:00 am**
6. Park Commission Meeting – **Wednesday, May 20, 2009, 6:00 pm**
7. Pig in the Park Subcommittee Meeting – **Saturday, May 23, 2009, 8:00 am**
8. Public Works Committee Meeting – **Saturday, May 23, 2009, 8:00 am**
9. Fontana Garden Club Fair at Park House – **Saturday and Sunday, May 23 and 24, 2009**
10. Village Hall/Library Closed for Memorial Day – **Monday, May 25, 2009**
11. Plan Commission Monthly Meeting – **Tuesday, May 26, 2009, 5:30 pm**
12. Plan Commission/Joint ETZ Committee Meeting – **Tuesday, May 26, 2009, 6:00 pm**
13. Lakefront and Harbor Committee Meeting – **Wednesday, May 27, 2009, 4:30 pm**

Approval of Minutes for February 2, 2009 Monthly Meeting

Commissioner Bliss/Commissioner Chanson 2nd made a MOTION to approve the minutes as submitted for the meetings held October 1, 2008, January 7, 2009 and March 4, 2009, and the MOTION carried without negative vote.

Approval of Current Payables

Two months worth of payables were reviewed by Hayden and Workman and approval was recommended.

Commissioner Bliss/Commissioner Chanson 2nd made a MOTION to approve the payables as submitted, and the MOTION carried without negative vote.

Finance Report – Treasurer Hayden-Staggs

Update/Review – Full Accounting Statement & TIF Revenue Increment Projections

Chairman Turner stated that the accounting statement and increment projection will be corrected to reflect borrowing proceeds versus the debt payment schedule.

Presentations

TID Increment Update & State Trust Fund Loan Program – Jim Mann, Ehlers & Associates

Mann stated that the American Recovery and Reinvestment Act of 2009 has provisions that allow for local governments to designate certain debt obligations as “Qualified Build America Bonds.” Mann stated that the Build America Bonds are issued on a taxable basis; however, proceeds must be used for projects that would otherwise qualify for tax-exempt financing. Mann stated that all of the approved projects for the TID would qualify for the program and he recommended moving forward with borrowing through the State Trust Fund. Mann stated that the Build America Bonds financing proposal would save the Village thousands of dollars in interest over a 20-year borrowing period. Mann stated that the interest rate on municipal bonds is currently in the 5.5 percent range, but if the Village secures the Build America Bonds, the interest would be knocked down to about 3.57 percent. Mann stated that the CDA is scheduled to borrow about \$1,342,000 this year for its new TID projects. In response to a question, Mann stated that the CDA cannot refinance any of its existing bonds under the Build America Bonds program. Mann stated that the CDA would have to pay about \$30,000 in total fees to Ehlers and Associates and Foley and Lardner for bond administration services if and when the bond sale closes. Mann stated that Ehlers and Associates will work the state and Foley and Lardner to set up the initial borrowing and will take care of the annual filings with the state. Mann stated that the Village also can borrow through the program for this year’s planned debt service and the maximum municipal limit for the Build America Bonds program is \$5 million. Turner stated that the three projects the CDA has approved for 2009 are the Fontana Boulevard lighting and landscaping project, the Village of Fontana/Village of Walworth joint pedestrian path, and the Shabbona Path project. Turner stated that the rest of the projects on the TID Project Plan are on hold because of the current national and local economic conditions.

Commissioner Chanson/Commissioner Fisk 2nd made a MOTION to authorize Ehlers and Associates to initiate the borrowing process with the State Trust Fund for the Qualified Build America Bonds program for the 2009 CDA borrowing, and the MOTION carried without negative vote.

Fontana Boulevard Lighting Project Park Commission Presentation & Authorization – Carolyn Esswein, PDI/Graef

Carolyn Esswein and Jeff Rainwater of PDI/Graef presented the previously approved development plans for Fontana Boulevard and delineated the street light and landscaping plans. Turner stated that the CDA needs to approve the scope of the project now that the decision to run the street lights down both sides of the road instead of down the middle of medians has been made and favorably reviewed by the Park Commission. Turner stated that the next step of the project is to approve the construction scope so engineering bids can be solicited. The engineering contractor will prepare the construction bid specifications and put the project out for construction bids. Turner stated that at a recent meeting with representatives of the Abbey Resort, it was determined that the street lights running down the sides of the street will eliminate the need for the current light fixtures that illuminate the Abbey Harbor’s parking lot area. Esswein stated that the proposed light fixture layout calls for poles to be installed every 200 feet on the respective sides of the street. The lights will be

staggered at 100 feet going from one side of the street to the other. The Village still has 32 of the smaller light poles, and the plan calls for installing 30 total lights. Following discussion, the CDA Board members were in consensus that the entire project, including light installation, landscaping, and sidewalk and crosswalk construction, should be completed this year so the road does not have to be torn up more than once. The CDA Board directed staff to obtain engineering bids from DPI/Graef and Ruckert-Mielke to be presented at next month's meeting.

Chairman Turner/Commissioner Wilson 2nd made a MOTION to authorize staff to move forward with obtaining engineering bids from PDI/Graef and Ruckert-Mielke for the Fontana Boulevard lighting, landscaping, sidewalk and crosswalk construction project as presented, and the MOTION carried without negative vote.

Shabbona Path Project Construction Cost Estimates Presentation & Contract Amendment – Carolyn Esswein, PDI/Graef

Rainwater stated that the proposed route of the improved pedestrian path was dictated by a private driveway being located in the right-of-way. Rainwater stated that if approved, the entire scope of the project would address a storm water run-off problem with the development of a permanent path. The path would be constructed using natural-looking stone, gravel and compacted soil techniques. Rainwater stated that the stepped path would feature an average grade of 18 percent, and an average wheel chair ramp grade is 8 percent. Rainwater stated that the lower portion of the path is not as steep and will only require one step between level walking areas; however, the upper portions will feature 3 to 4 steps on average, with one level at the top requiring 8 steps. Rainwater stated that the plan would feature 47 total stairs that would be 18-to-20-inches-wide. The construction cost estimate for the path portion of the project would be \$81,500 without optional lighting and additional railing features. Rainwater stated that the storm water management aspect of the plan would cost \$55,000 to take the runoff water from a pipe under Shabbona Drive to an existing collection point at Partridge Court. A lengthy discussion on whether the CDA should allocate more than \$150,000 for a path that would run from Shabbona to Arrowhead Drive ensued. Esswein stated that if approved, the path would help complete a villages-wide pedestrian path system and it would improve safety in the area. Esswein stated that if the path is developed, 10 trees will have to be cut down in the construction zone. Chanson stated that \$180,000 a lot of money to spend on what in essence is a private path. Wilson stated that the property owners who signed the petition just wanted the informal path cleared of brush and over-grown vegetation, and the Village Board decided that a formal path was needed and initiated planning for a full-scale construction project. Petersen stated that he does not think the Village should do anything with the closed path at this time. Fisk stated that a limited project to clear the path and to help resolve a storm water runoff problem would be a more appropriate allocation of funding at a lower level. Esswein stated by installing a collection pipe for the runoff water, the Village would be clearing the current informal path. Esswein stated that the Village could then wait and see how an informal path would work. Chanson stated that he agrees with Wilson and the path project should be kept at a simple level. Bliss stated that he is not opposed to the development of a path, but the cost should be kept at a minimum. Bliss stated that the Village should just open the path up and make it passable and deal with storm water issue. Hibbard stated that she agrees that the storm water problem should be addressed and then a simple path should be developed. Wilson stated that the Village should just authorize the storm water portion of the plan at this time and it will open up the path for use by pedestrians. Fisk stated that the Village has to address the storm water problem in the area anyway, so that portion of the proposal should be pursued at this time. Turner stated that he thinks the entire scope of the project as presented is a good project and he favors doing it all at once. Following a lengthy discussion on the storm water runoff problem, Turner stated that the CDA should direct Workman to review the proposal and to recommend the least costly solution to address the storm water problem and to open the path for pedestrian use.

Chairman Turner/Commissioner Hibbard 2nd made a MOTION to direct Public Works Department Director Craig Workman to review the proposal and determine the total cost to address the storm water management problem in the path area and the least costly option to open the path for pedestrian use. The MOTION carried without negative vote.

TID #1 Projects – Public Works Director Workman **General Construction Updates**

Workman updated the CDA on the 3rd Avenue Project and Kinzie Avenue reconstruction contract.

TIF Project Maintenance Activity Report

Turner stated that the report has been updated to reflect recently completed tasks.

Third Avenue Contract Pay Requests No. 7 and No. 8 & Change Order No. 2

Turner stated that the Village engineer recommended approval of the pay requests and change order as submitted. Pay request No. 7 submitted by Mann Brothers, Inc. for the Third Avenue Project totals \$39,676, and pay request No. 8 totals \$20,000. The change order, which calls for a contract increase of \$5,104, closes out the utility burial portion of the project.

Chairman Turner/Commissioner Chanson 2nd made a MOTION to approve pay request No. 7 totaling \$39,676 and pay request No. 8 totaling \$20,000 submitted by Mann Brothers, Inc. for the Third Avenue Project Contract as recommended, and the MOTION carried without negative vote. Chairman Turner/Commissioner Chanson 2nd made a MOTION to approve Change Order No. 2 calling for a contract increase of \$5,104 for the Third Avenue Project Contract as recommended, and the MOTION carried without negative vote.

Workman stated that the wrought iron fencing to be installed in the Third Avenue Project does not match the exact color of the fence installed along the beach. Workman stated that if the fencing is powder coated and repainted, the fencing will match the beach fence and lengthen the maintenance schedule. Workman stated that if the \$7,000 proposal is approved, the extra coat of paint will allow the Village to not have to repaint the fence for about 20 years after initial installation.

President Petersen/Commissioner Chanson 2nd made a MOTION to approve powder coating and applying another coat of black paint on the fencing to be installed in the Third Avenue Project for an amount not to exceed \$7,000, and the MOTION carried without negative vote.

Former Duck Pond Landfill Update – VPLE Implications

Workman stated that he has the information on the requirements for the Voluntary Party Liability Exemption application for the former village landfill at the Duck Pond.

Commissioner Chanson/Commissioner Fisk 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Village of Fontana/Village of Walworth Pedestrian Path Project Update

Foth Infrastructure & Environment, LLC Civil Engineer Dale Broeckert presented the proposed layout and cost estimate for the construction of a pedestrian path along the west side of Highway 67, between the Village of Fontana and the Village of Walworth. Turner stated that the Village has secured a \$160,000 matching fund grant from the Wisconsin Department of Natural Resources for the project. Broeckert stated that the new 1,300-foot path would be constructed out of asphalt and some portions will be elevated boardwalk. The path would commence on the south side of the Fontana Fen and lead to the White Tail Ridge subdivision in the Village of Walworth. The White Tail Ridge Subdivision has a pedestrian path that leads into the Village of Walworth and connects to its sidewalks. The next step in the process is to send out the project specifications for construction bids.

Chairman Turner/Commissioner Chanson 2nd made a MOTION to approve the proposed engineered layout and cost estimate for the construction of the Village of Fontana/Village of Walworth Pedestrian Path Project as presented and to direct the project engineer to solicit construction bids. The MOTION carried without negative vote.

Tree Replacement Proposal for 197 Kinzie Avenue

Workman stated that a replacement tree for the property at 197 Kinzie Avenue can be purchased and planted for \$200.

Commissioner Chanson/Commissioner Fisk 2nd made a MOTION to approve the purchase and planting of a tree at 197 Kinzie Avenue for \$200, and the MOTION carried without negative vote.

Post Office Building Landscaping Proposal

Workman stated that additional landscaping has been requested to be planted around the Post Office building at 185 Third Avenue. The previous landscaping was pulled out during the Third Avenue Project. Site restoration work is being completed during May. Workman distributed the \$2,596 proposal submitted by Prairie Tree for the area in front of the Post Office building.

Commissioner Chanson/President Petersen 2nd made a MOTION to approve the Prairie Tree proposal to landscape the area in front of the Post Office Building, 185 Third Avenue, for an amount not to exceed \$2,596, and the MOTION carried without negative vote.

Utilities Burial Update

The change order approved for the Third Avenue Project contract closes out the utility burial portion of the contract. Turner stated that with the difficult nature of estimating total expenses for utility burial projects, the Village did very well to bring the utility burial portion of the project in at about \$5,000 above the initial contract.

Abbey Resort Façade Improvement Request for Signage

Turner stated that he and Hayden met with David Lindelow at the Abbey Resort to discuss a proposal for the CDA to allocate Façade Improvement Program funding to the resort for a signage and entry way project. Cary Kerger stated that the proposal includes the erection of four new signs. Turner stated that the program regulations state that the CDA may fund a maximum of 25 percent of a façade improvement project or up to \$10,000. Bliss asked if the signage had to be attached to the façade of the building in order to be eligible for the CDA funding program. Turner stated that any type of signage would be eligible for funding under the auspices of the program. Turner stated that the Abbey would like the CDA to consider allocating more than \$10,000 for the project by classifying the five portions of the proposal as individual projects. Kerger stated that the Abbey would like the CDA to allocate \$95,000 toward the five projects to replace the four signs, erect an entrance fountain and enhance the entrance to the Waterfront Café and Grand Ballroom. Kerger stated that the total project cost is an estimated \$195,000. Turner stated that the CDA can vote to make exceptions to the \$10,000 limit for the Façade Improvement Program; however, the CDA might not want to commit more than 25 percent of the project cost. Kerger stated that the Abby would grant easements to the Village for its nature trail system if the proposal is approved, and the new masonry-style signage will improve the resort property and its overall value. Turner stated that the CDA has met with the Abbey representatives on other proposals and the CDA has helped the resort secure a loan for its spa renovation plan, but the resort has not received any funding through the Façade Improvement Program. Turner stated that the CDA allocated funds to Chuck's and to Fontana Jewelers through the program. Turner stated that given the large size of the business and the fact that the property is a major contributor to the TID increment level, it would be reasonable to allocate about 25 percent of the total project cost or about \$50,000. Turner stated that there is \$500,000 in the TID budget for development funding. Lindelow stated that the five projects would be to replace the monument sign at the corner of Highway 67 and Fontana Boulevard; to replace the sign at the driveway entrance with two smaller stone-wall-style signs; to replace the sign at the Abbey Harbor entrance with a new sign that features an electronic message board; and to install a fountain in the center of the entrance garden area. Wilson stated that she is concerned that if the CDA approves funding the project as proposed, that the plan not be altered or deluded with cheaper elements. Wilson stated that the CDA approved a very extensive spa renovation plan and what was completed was basically a paper and paint job. Wilson stated that judging from the conceptual documents distributed at the meeting, she suspects that the proposed new signage alone will cost much more than \$180,000 to purchase and install. Wilson stated that she is concerned that Village will approve the funding and then the Abbey Resort will come back with a much different project. Turner stated that Wilson made a good point and if the proposed funding is approved by the CDA, it could be contingent on the Abbey constructing exactly what has been proposed. Hayden stated that detailed plans will have to be submitted for review and approval by the Plan Commission and Village Board. Turner stated that the CDA should determine if the board favors the allocation of up to \$50,000 to help fund the five façade improvement projects. Turner stated that if the CDA supports the funding proposal, the Abbey can submit official plans to initiate the approval process. Turner stated that the CDA can make the approval of the funding contingent on the filing of final plans and contingent on approval by the Plan Commission and Village Board.

Chairman Turner/President Petersen 2nd made a MOTION that the CDA will consider funding up to 25 percent of the total project cost or an amount not to exceed \$50,000 on the five Façade Improvement Plan projects at the Abbey Resort with the conditions that the proposal submitted to the Village of Fontana Plan Commission and Village Board for approval is the same proposal that was presented at the CDA meeting, and that final conceptual drawings are submitted for CDA

review at its June 3, 2009 meeting. The MOTION carried on a 4-2 vote, with Commissioners Wilson and Bliss voting no, and Commissioner Fisk abstaining.

General Business

2009 Project Plan and Budget Final Approval – Review Changes Directed March 4, 2009

The documents were distributed, but not discussed.

Report: Wisconsin DOR Final Approval of TID Project Plan Amendment

The Village received a letter from the State Department of Revenue dated April 2, 2009 that states the amendment to the project plan has been successfully reviewed.

Comprehensive Master Plan Update – Provide Input on CDA

Turner stated that the CDA members should make every effort to attend the community event on Saturday, June 6, 2009 from 9:00 to 11:00 am in the Parish Hall at St. Benedict Catholic Church.

May 15 TID Certification

Staggs stated that the certification documents were submitted to the state prior to the deadline.

Village Board Report – Chairman Turner

Storm Water Management Plan

A meeting of the Public Works Committee's subcommittee will be held Friday, May 8, 2009.

Lakefront & Harbor Report – Commissioner Chanson

Commercial Parking System Proposal for Third Avenue and Lakefront to Replace Current Parking Meters

Chanson stated that the Lakefront and Harbor Committee voted to approve a motion at its last monthly meeting to recommend that the CDA move forward with planning for a centralized pay station electronic parking meter system on Third Avenue and along the lakefront streets and parking lots to replace the current parking meters as soon as possible. The CDA Board was in consensus following discussion that they do not want the old parking meters to be reinstalled along Third Avenue because they will detract from the Third Avenue Project. Turner stated that he would like the Village to have the new system installed this summer for the parking stalls on Third Avenue. Commissioner Chanson/President Petersen 2nd made a MOTION to direct Village staff to move forward with the planning for a centralized pay station electronic parking meter system on Third Avenue and along the lakefront streets and parking lots to replace the current parking meters, and to not reinstall the old parking meters along Third Avenue following the completion of the Third Avenue Project. The MOTION carried without negative vote.

Park Commission Report – Commissioner Hibbard

Hibbard stated that the Park Commission business was handled during the Fontana Boulevard lighting plan item.

Blue Ribbon Committee for the Lakefront Building – Commissioners Wilson (Alt: Fisk) Marina Building Structural Engineering Project

A committee meeting will be scheduled after the engineering report is submitted by PDI/Graef.

Confirm Quorum for upcoming Meetings

Next Regular Monthly Meeting – June 3, 2009 @ 6:00 pm

Agenda Item Requests

Nothing new requested

Pending/Future Items

1. 286 Valley View Drive – Façade Improvement Discussion (Canopy Renovation)

Adjournment

Commissioner Chanson/Commissioner Fisk 2nd made a MOTION to adjourn the CDA meeting at

8:34 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

Note: These minutes are subject to further editing. Once approved by the CDA, the official minutes will be kept on file at the Village Hall.

APPROVED: 6/3/09