



# MINUTES VILLAGE BOARD

Village Hall Auditorium  
9915 - 39th Avenue  
Pleasant Prairie, WI

A regular meeting of the Pleasant Prairie Village Board was held on July 15, 2019. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Mike Pollocoff, Dave Klimisch and Mike Serpe. Also present were Nathan Thiel, Village Administrator, Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Kathy Goessel, Finance Director; Dave Smetana, Chief of Police; Craig Roepke, Chief of Fire & Rescue; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, Human Resources Director; Dan Honore', IT Director; Craig Anderson, Recreation Director; and Vesna Savic, Deputy Clerk. 20 citizens attended the meeting.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **SWEARING IN OF THE PLEASANT PRAIRIE POLICE DEPARTMENT'S NEW K-9 OFFICER, CHASE.**

Chief Smetana:

Let's make sure he's following me, not chasing me. Mr. President and members of the Board, it's a pleasure tonight to bring up for his swearing in our newest addition to the agency and that's K-9 Chase. K-9 Chase has been brought to our agency through a donation through some very generous citizens. And we obtained him from Tops Kennel in Illinois. Prior to that Chase took a plane ride from the Czech Republic where he was born and raised and initially trained. So he comes from a great pedigree. We went through a long selection process in house to pick Officer Mike Algiers. Mike stood out as somebody who is interested in the K-9 program all along. He's an outstanding officer, and I think he'll do an outstanding job here as well.

Chase has been trained in numerous areas including apprehension, item location. So if there's an item that a suspect drops we can bring Chase in to try to find that item. He's been trained in narcotics detection as well as finding lost people. So he comes with a great deal of training and experience that was fine tuned at Mike's eight weeks down at Tops Kennel. So these two have become partners. Chase actually lives with Officer Algiers and his family. And we greatly appreciate that effort as well. It's one thing to have a dog with you for seven hours a night or eight hours a night at work, it's another thing to have that dog with you 24 hours a day. So we are just absolutely thrilled to have Chase along. I would invite Deputy Village Clerk Vesna Savic to administer his oath.

Vesna Savic:

[Administers Oath to K-9 Chase]

K-9 Officer Chase:

[Bark, bark]

Chief Smetana:

I present Officer K-9 Chase, Badge Number 4, from the Pleasant Prairie Police Department.

K-9 Officer Chase:

[Bark, bark]

John Steinbrink:

Chief, Trustee Serpe volunteered to exhibit a takedown. You want him to do that here or in the parking lot?

[Inaudible]

Michael Serpe:

We understand he likes fast food.

John Steinbrink:

All right, and a special thank you to Officer Algiers and Chase and the Algiers family because they're all part of the team.

## **5. CITIZEN COMMENTS**

Vesna Savic:

No signups.

John Steinbrink:

Anyone wishing to speak under citizens' comments? Hearing none I'll close citizens' comments.

**6. ADMINISTRATOR’S REPORT**

Nathan Thiel:

Village President and Trustees, I have one item mostly by way of bragging rights for the PPCVB team. This last weekend you may be aware Pan Ams hosted a dragon boat race on Lake Andrea. And congratulations go to two teams. One, the PPCVB team I believe their name was Death Row lost by only a dragon head to the Uline team. But they did an excellent job, and many of our staff participated in that boat. And I have the silver medal if anybody wants to see. But also the Bain Nelson boat which Dave Klimisch paddled on they took third place. So, anyways, just in the future it was an excellent event, and we hope to see it again hosted in our area, and would encourage any community members to participate in that event in the future. That’s all I have.

John Steinbrink:

Maybe next meeting you could share a video with all of us.

Nathan Thiel:

We have some good video. In fact, the Uline folks were watching us during our second race, and they were quite complimentary because they felt a bit intimidated by the skill and abilities. So it was fun. It was fun had by all. The last race, a group from Chicago, we rode up or paddled up alongside of them, and we had a good water or splash fight with them. So it was just a good event.

John Steinbrink:

All right, great. Will that be on channel 25? Do we still have channel 25?

Nathan Thiel:

We can do something along those lines.

John Steinbrink:

You don’t have to bring your project then, we’re okay. All right, thank you, Nathan.

**7. NEW BUSINESS**

- A. Consider approval of the Purchase Sale Agreement and Development Agreement between the Village of Pleasant Prairie and Nexus.**

Nathan Thiel:

Thank you Village President and also Village Trustees. Included in the Village Board packets are two agreements, both of which will need approval or up for approval this evening. As you are aware, this last week Wednesday Nexus Pharmaceuticals met with us and announced that they had selected the Village of Pleasant Prairie as their future manufacturing site. Nexus Pharmaceuticals specializes in innovative processes to make difficult to manufacture high quality FDA approved specialty and generic drugs that fulfill a critical unmet medical need. In fact, they have nine FDA generic pharmaceuticals.

At the announcement on Wednesday Governor Evers was there. They had selected 16 acres at the northwest corner of 128th Avenue and County Highway Q or 104th Street in the Prairie Highlands Corporate Park which they will locate a 100,000 square foot pharmaceutical manufacturing facility. The PSA basically on the screen you'll see the 16 acre site. The total investment and commitment per the agreement is an \$80 million investment. This includes their equipment as well as the actual physical location. And on the screen you'll see basically a concept of their site plan. In total they have three phases, but the first phase will be the 100,000 square feet and the \$80 million improvement. Their expectation is to have two more expansion phases totaling a total investment of \$250 million.

The agreements are fairly straightforward. If we go to the next slide you'll see a concept of their elevations. And then the next slide it basically outlines the basics of the agreement. So the purchase and sale agreement is for the 16 acres, total price of \$3.2 million with earnest money of \$100,000. There would be a 30 day due diligence period. And the closing date is anticipated to be August 30th of 2019. Our intention is to bring the preliminary site plan, site and operational plan to the Plan Commission I believe in early August so that we'll be ready for that August 30th date.

The developer's agreement, as indicated we're aiming for August 30, 2019 to allow them access or to have the land sold so that they can access the site and begin grading. We will be doing significant grading. As we speak I know our crews are out there or our contractors are out there right now. The development completion will be June 1st of 2021. And then there's a development increment guarantee of \$25 million of improvement value or tax increment value. Also included in the development agreement is a forgivable grant of \$500,000. This was directed to assist them with site improvements at the site and is conditional upon them not selling their business to another entity during the life of the TID.

Just to give a brief, this gives us some synopsis of what this development means to the area. Again, they're anticipating starting this year, finishing the development in 2021, and then producing pharmaceuticals by 2022. It will equate to 77 jobs in year 2022 with more jobs expected as the additional phases take place. And, again, over the ten year process a \$250 million investment in total. We're excited. Representatives of the Nexus family are actually here this

evening. And if it would be all right to invite them up to say anything to the Village Board. John, are you the designated?

John Cook:

Village President Steinbrink, Board members, again, on behalf of the Nexus team I want to thank you for all the effort to this point. We had a great meeting with everyone on Wednesday, the Governor, a lot of the members that are here as well as some of the county folks. Again, we are very excited to be here this evening. We're very excited to become part of the Pleasant Prairie organization and Village. Chase was a hard act to follow obviously. But our goal is to bring a lot of positive things to the community as well in the form of life saving generic injectable drugs that are affordable. We know that that's important not only to Pleasant Prairie and Wisconsin but to the United States as well. Again, our goal is to bring that manufacturing to the United States for the United States population. So, again, thank you for your time and your commitment. And we hope that you're willing to sign off on the PSA, the development agreement this evening and we'll get this ball rolling. Questions for me or for the rest of the team?

John Steinbrink:

Just welcome to Pleasant Prairie, and thank you for choosing us. And we're so excited that you chose Pleasant Prairie. This is a first.

John Cook:

Now that this is pretty much a done deal, we fell in love with the site and Pleasant Prairie from the moment we saw the site. It's just a perfect fit, a perfect match. We have great neighbors, the community is fantastic. The folks that we met with on day one it was just a connection. Again, Nexus means a link or connection, and we were confident that we had established that out of the gate. So, again, we're thankful to be a part of this community, and we look forward to giving back.

Michael Serpe:

John, when we heard Nexus was coming it was rather exciting news. But then hearing the owners and the representatives last Wednesday I'm even more excited. And welcome to the Village. I think you're a great fit for Pleasant Prairie especially and for Kenosha County and the region for that matter. So thanks for choosing us. And we could have probably got more money if we knew you liked that site that much.

John Cook:

That's why we tell you now.

Mike Pollocoff:

I think it's a great match for the community. But I think it's an important step for the entire area. And I think that the product line you're working on, the injectables that are generic you don't have to go very far and read about some of the issues going on with pharmaceuticals and the price of it. It's nice to see especially in this area for that to take place. And it happened in a business park that the Village from the very beginning committed that would be a business park that would generate jobs and application of technology and make those things come together. It's really all we could have hoped for. I can't think of a better match than what you bring to the table. So thanks a lot.

I also want to thank the Village staff for two things. One is to get that road and everything done in the wettest year I've ever seen or get it to the point where it is now and actually get in a position to get this thing graded out and ready to go, if you'd ask me that question five months ago I'd say I don't know. If we were going to sell it to a duck we might have a chance. But they did a really good job of making sure that stayed on track for us and for you, too.

John Cook:

Appreciate that. And, again, the team here has been fantastic, very cooperative. Couldn't ask for a better partner. Thank you so much.

John Steinbrink:

Thank you for being part of it, and especially with the whole team effort with the county, the state, KABA, all of you working together to bring this together. Sometimes it's not an easy thing, but it's done, and we're more than welcome to have you here. So thank you.

John Cook:

Thank you so much.

Nathan Thiel:

And just for the record that was John Cook, VP of Operations, correct? Did I get that right? Okay, perfect.

John Steinbrink:

And designated volunteer.

Nathan Thiel:

So before the Village Board there are two items here to act upon. And so I guess I'd entertain that option and ask for a motion.

Mike Pollocoff:

I'd move approval of the PSA agreement as presented.

Dave Klimisch:

Second.

John Steinbrink:

We have a motion and a second for adoption of purchase sale agreement. Any further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

Dave Klimisch:

Move to approve the release easements and the two certified survey maps.

Nathan Thiel:

Correction, that's not up yet. We need the developer's agreement.

Dave Klimisch:

I move to approve the development agreement between Pleasant Prairie and Nexus.

Mike Pollocoff:

Second.

John Steinbrink:

We have a motion and a second for adoption of development agreement between Pleasant Prairie and discussion. Further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries. Thank you and welcome again.

John Cook:

Thank you so much.

Michael Serpe:

Thank you.

Nathan Thiel:

Thank you, John.

**POLLOCOFF MOVED TO APPROVE THE PURCHASE SALE AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND NEXUS; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

**KLIMISCH MOVED TO APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND NEXUS; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

- B. Receive Plan Commission recommendation and consider for approval the release of Easements and two (2) Certified Survey Maps to subdivide property located west of 128th Avenue north of CTH Q in the Prairie Highlands Corporate into 5 lots and an outlot.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is the request of Matt Fineour who is our Village Engineer on behalf of the Village of Pleasant Prairie. And this is for the approval of the release of easements and the approval of two Certified Survey Maps. Again, this is to subdivide the property located west of 128th Avenue north of County Trunk Highway Q or 104th Street, and this is in the Prairie Highlands Corporate Park. This request would divide the properties into five lots and an outlot.



The first CSM identifies lots 3, 4 and 5. Respectively 53.1 acres, 12 acres and 60.8 acres. Outlot 3 is 16.3 acres. Again, this is all on the west side of 128th Avenue. And Certified Survey Map number two is then a redivision of Lot 5 of CSM 1 to create Lot 6 which is 16 acres for Nexus Pharmaceuticals, and Lot 7 44.7 acres of land. Some of the other items that needed to be addressed were the release of some unneeded easements, wetland drainage and utility easements being released because they would not be needed. And so both CSMs kind of show some of these easements as reflected on the screen of some areas, drainage easements, utility easements that are no longer to be needed as well as some wetland easements.

These lots are all zoned M-5, Production and Manufacturing District. The few pocket wetlands on Lots 6 and 7 and Outlot 3 are being zoned into the C-3, Lowland Resource Conservancy District. And the floodplain areas just adjacent to that creek to the north that will be put into the FPO District. A Zoning Map Amendment will be required in order to rezone some nonwetland areas into the Outlot 3. And in addition to the Zoning Map Amendments we will be doing a comprehensive land use plan amendment in order to reflect all of these minor changes to the designations.

Again, with respect to the easement vacations the easements are all shown on the attached maps. And they are going to be reflected on the Certified Survey Maps. With that the staff and the Plan Commission recommend approval of the two Certified Survey Maps one and two as presented and subject to the comments and conditions as outlined in the staff memorandum.

Michael Serpe:

John, I would move approval of the release easements and the approval of the two Certified Survey Maps.

Kris Keckler:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVED THE RELEASE OF EASEMENTS AND TWO (2) CERTIFIED SURVEY MAPS TO SUBDIVIDE PROPERTY LOCATED WEST OF 128TH AVENUE NORTH OF CTH Q IN THE PRAIRIE HIGHLANDS CORPORATE INTO 5 LOTS AND AN OUTLOT; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

John Steinbrink:

Items C, D and E there's a request to take those together. Motion to take all three together?

Mike Pollocoff:

So moved.

Dave Klimisch:

Second.

John Steinbrink:

Motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**POLLOCOFF MOVED TO CONSIDER NEW BUSINESS ITEMS C, D, AND E TOGETHER AT THIS TIME; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.**

- C. Receive Plan Commission recommendation and consider approval of vacation of the Vintage Parc Condominium Plat, Easements and Certified Survey Map as it relates to the Green Bay Trail Condominium Development.**
- D. Receive Plan Commission recommendation and consider approval of Resolution #19 26 Final Condominium Plat, Development Agreement and Exhibits as it relates to Green Bay Trial Condominium.**

**E. Receive Plan Commission recommendation and consider approval of Ordinance #19 22 Zoning Text Amendment to amend Appendix C of Chapter 420, specific development plan #22, as it relates to Green Bay Trail Condominium.**

Jean Werbie-Harris:

Mr. President and members of the Board, under New Business we have the request from Nancy Washburn on behalf of Harpe Development, LLC. They're requesting three items this evening. First is the vacation of the existing Vintage Park condominium plat at that southeast corner of 104th Street and Old Green Bay Road. Second, the final condominium plat and development agreement approval which is Resolution 19-26. And then finally a Zoning Text Amendment PUD modification Ordinance 19-22. As you will recall Vintage Parc was originally platted back in 2007 as a condominium development. That never materialized. What happened, though, is that primarily most of the public improvements for the infrastructure, the sewer, water, roads was installed. However, with the recession no development ever took place, and it basically sat for about 10, 12 years.

So Dustin Harpe with Harpe Development recently acquired the property. They received a conceptual plan approval from the Village Board on January 21, 2019. They reduced the number of units down to 6 3-unit buildings and 14 2-unit condominium buildings subject to a lot of comments and conditions, one of which was to put together some revised engineering plans to address their development to modify the private road that's just northward from 105th Street as well as to make some modifications specifically as it pertained to the stormwater management and the pond at that northwest corner.

So the Preliminary Plat then was presented to the Plan Commission and the Board. And the Village Board approved that Preliminary Plat for this condominium development on March 11, 2019. And, again, it would be for a total of 46 units rather than the 66 that had been approved back in 2007. So this evening you have before you the final condominium plat. We have now made it through all of the engineering plans, the plat requirement changes, the Certified Survey Map changes. We've reviewed their condominium declarations, their bylaws. We've gone through all of the related documents that are needed for a final condominium plat approval, again, for 46 units for the Green Bay Trail Condominium.

We've also since worked through all of the details for the style of the buildings, the architecture, primarily ranch-style units with at least two car garages and full basements. As you can see, the sizes vary from two bedroom to three bedroom, and the number of baths that vary to 1,600 to 1,691 square feet. And the three unit buildings those are a little bit larger. They can vary up to 2,276 square feet. But as you can see there's a lot of the amenities that most single family homes have, and they just happened to be attached ranch-style units.

The second part of the approval this evening is the Zoning Text Amendment that's been requested which is the PUD overlay. And, again, the previous development had a PUD as well,

Planned Unit Development. This one will also have a PUD, but it's tailored specifically to this particular development layout site plan and project. The PUD will allow that they will have more than one building per property as it will be a condominium. There will be a 60 foot building setback from Highway 165, 50 foot building setback from Old Green Bay Road, 25 foot setback from 105th Street and 65th Avenue, 20 foot building setback from the back of curb in 66th Court which is the private cul-de-sac extending north from 105th Street, 20 foot separation between buildings, 120 feet between driveways in 165 and Old Green Bay Road, 80 feet between the driveways and 65th Avenue and 105th Street, and 65 feet between the driveways and the center line of 66th Court.

As you can see on the next slide the municipal improvements are consistent with what has been previously developed, again, with some of the additional revisions as we talked to with respect to the private road. There's a private stormwater system. We have public easements over the sanitary sewer and the private road. A couple of other things just to note that the public street trees will be installed, there will be public street sidewalks as well as street lights in this development as well.

Extending to the east and to the south we are installing temporary cul-de-sacs at this time. They're actually there. But at some point these cul-de-sacs will be removed and the roadways could be extended to the east and to the south for a future development. And at that time the condominium association will be responsible to connect the existing condominium building driveways for buildings 7, 8 and 9 to the new roadways, and to install the required remaining public street trees. With respect to the road improvements the temporary cul-de-sac easements will eventually vacated, and the future land developers to the east and to the south will remove the temporary cul-de-sac infrastructure and install the new roadway improvements including the extension of public sidewalks to extend to those new developments.

The Certified Survey Map, again, must be re-recorded. We're vacating some easements in certain areas that are not needed for this new development. And then we're rededicating new easements for this development. And, again, the Certified Survey Map is needed to dedicate easements and right of way and such. The plat for a condominium cannot do that. So they're requesting also a copy of the vacation from the Vintage Parc, and then the dedication of the Certified Survey Map as well. This is all subject to the comments and conditions as outlined in the staff memorandum. And this was all considered before the Village Plan Commission at their last meeting which was a public hearing on this matter. Staff recommends approval as presented.

Dave Klimisch:

A couple questions. If the road connects to the east and south, whoever develops that property would be responsible for taking out the cul-de-sac and making the connection?

Jean Werbie-Harris:

Yes.

Dave Klimisch:

Is there some sort of easement so that they can gain access to this property?

Jean Werbie-Harris:

So the Village holds temporary easements for us, our consultants or any of the contractors to remove that road. The Village holds easements as part of the Certified Survey Map in order to get in there and do that work. And, in fact, we've extended the easements beyond an additional ten feet, beyond where the cul-de-sac is located for it to be able to be accomplished.

Dave Klimisch:

You had mentioned the HOA Board would be responsible for connecting the driveways to the new road. Will they get seed money funded from this development?

Jean Werbie-Harris:

So we've raised that issue with the developer, and they have put together a budget and a spreadsheet for us of all the different items that would go into the bylaws and the budget for this condominium development. We've discussed it with them. It's their obligation to make sure there is some money put into it. We've discussed it, and it's right now listed as a line item.

Dave Klimisch:

Okay. And then I know the developer is putting money into a pot for the future sidewalk on Old Green Bay Road.

Jean Werbie-Harris:

Actually that amount of money actually that is going to be a payment that's made to the Village of Pleasant Prairie for future sidewalk along 165.

Dave Klimisch:

Okay. So at some point the Village would add the sidewalks in that portion, not the developer or a future developer?

Jean Werbie-Harris:

That would be my understanding.

Mike Pollocoff:

I one more question. Jean, on the access driveways when they're relocated you said that's a line item is that something that there is money, or is that something that the association is going to have to be aware that they need to -- there will be an assessment to cover the time it happens?

Jean Werbie-Harris:

And I haven't gotten into that detail. I can tell you that they have shown me a budget, but they haven't listed the dollar amounts and so on and so forth of what it would take. Maybe Nancy can address that if they're setting aside the money now, later, how they're doing that, or if there's a reserve account or if there's a special assessment.

Nancy Washburn:

Hi, I'm Nancy Washburn, 7450 County Line Road, Mt. Pleasant, and Dustin Harpe from Harpe Development in Sullivan. This project, I'm telling you if there is anything left unturned I don't think we've all thought of it. Jean has done as usual -- I think we all walked into it thinking, well, we've just got to change this and change that, it has been a real interesting project in terms of the amount of detail, the amount of documents, the easements vacations, the CSM vacations and then the new documents going on top.

So your questions in regard to the reserve account and the future funding of those extensions to the south are very good ones. And I think that Jean has thought a lot about that with us. In terms of who is going to do what we've made it very specific not only on the face of the CSM within the declaration of covenants and restrictions for the condominium association, as well as the condo plat that we have granted easements for the future developer to be able to make those grading improvements and rip it out. We have stipulated who is going to pay for what meaning the condo association will be mandated as Jean said in her comments to extend the driveways and put the street trees in.

So having said that, what will happen in the budget there is line items right now. We haven't set up the full budget because we kind of needed to get to these final documents. But there are line items for reserve. The reserves are not only for the roofs and the siding and the major exterior improvements including the private cul-de-sac paving and repair, but those reserves are for the time when the driveways need to be extended and the street trees need to be planted. So we know the number of street trees.

We know that as of right now any future development, particularly I see the south as being maybe the more readily available project, but in any case those are probably three to five years off. So we're going to determine the cost of making those improvements and changes, the cost of the trees. And then we'll start escrowing on a yearly basis and build up that reserve account. It's not necessarily going to have to be seeded or funded immediately right out of the box. We are going to collect it over time through the dues process.

Dustin Harpe:

What we plan on doing is taking from the couple first initial sales we're going to take some of that project and put it into reserve accounts and that that burden isn't on these homeowners [inaudible] it would be down the road obviously.

Dave Klimisch:

And what's your time line for this project? Is it three to five years?

Dustin Harpe:

I think it will be two and a half years. We've got [inaudible] so as soon as we get it rolling I think it's going to go pretty quick. We'll have three to four buildings going up as soon as we can. As soon as people start seeing some buildings and something going on over there [inaudible].

Michael Serpe:

Dustin, have you come up with the figure on the association fees yet?

Dustin Harpe:

I think it's going to be about \$210 a month.

Nancy Washburn:

I would say \$250 to \$300 is more realistic.

Dustin Harpe:

[Inaudible] Rochester its \$210 there. But they've got all private roads that they have to plow. So there's a little bit more mowing here and a little bit more maintenance.

Nancy Washburn:

You're hoping to keep it in that same --

Dustin Harpe:

I'm going to keep it as low as possible. I'm not going to artificially lower it initially like happens sometimes. We're going to try to keep it at a realistic number so people aren't surprised later when it doubles.

Michael Serpe:

That includes garbage collection?

Dustin Harpe:

Yes.

Michael Serpe:

Maintenance of the common grounds and water?

Nancy Washburn:

Okay, garbage collection will be picked up by the Village. That will be part of their tax bills and regular water bills. Each unit will have their own meter so each unit is going to be individually metered for water assessment. So your common area improvements on a monthly basis are going to be for the most part landscaping, snowplow used over the course of the year. The reserve accounts that we have to have tree replacement, We Energies cost of the street lights because those are invoiced back to the HOA. So there are some expenses in there that Dustin doesn't have in his other project which I'm thinking probably the \$250 range is going to be a little more realistic. But I think we've gotten a pretty complete list of what all of those things are. But garbage and water are provided by the Village and assessed to the individual or billed to the lot owners or the unit owners, the individuals. It's a great project, we've worked hard. Don't stop us now.

Mike Pollocoff:

With that understanding, I just want to make sure that when the next development occurs that -- people are always going to be surprised. It's Christmas every day. But whoever the owners are at that time, I don't want them to be surprised saying we didn't know we were going to have to pay for X amount in case there isn't enough in there. If it's on the plat and if it's in their -- I mean they still might not see it, but I mean if it's there that's where we've got to put it. That's where everybody is going to get their notice.



Nancy Washburn:

It's in multiple locations. It's in the CSM, it's on the condo plat, it's in the declarations, and it's in the bylaws. And attached to all of those or to the condo plat and the declarations is a draft of the budget. And within the next couple weeks before we record that we will go ahead and have that budget -- we will have an initial budget finalized. We're working on that.

--:

The property to the east that we looked at right away when we were doing this and it didn't make sense. I was looking at two pieces [inaudible] I don't think that will ever happen with the west end and the stuff that's going on over there, but we did acquire [inaudible].

Mike Pollocoff:

That is more likely, I agree with you. With everything and all the work that was done by the parties --

Nancy Washburn:

A lot of it.

Mike Pollocoff:

Yeah, and then to get this vestige of the last recession filled up and done I'd recommend approval subject to the staff comments and discussion tonight.

Michael Serpe:

Second it.

John Steinbrink:

Motion and a second. Further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**POLLOCOFF MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVED VACATION OF THE VINTAGE PARC CONDOMINIUM PLAT, EASEMENTS AND CERTIFIED SURVEY MAP AS IT RELATES TO THE GREEN BAY TRAIL CONDOMINIUM DEVELOPMENT; SECONDED BY SERPE; MOTION CARRIED 5-0.**

Michael Serpe:

I move approval of Resolution 19-26.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second on 19-26. Further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVED RESOLUTION #19-26 FINAL CONDOMINIUM PLAT, DEVELOPMENT AGREEMENT AND EXHIBITS AS IT RELATES TO GREEN BAY TRAIL CONDOMINIUM; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

Dave Klimisch:

Move approval of 19-22 for the Zoning Text Amendment.

Michael Serpe:

Second.

John Steinbrink:

Motion and a second. Further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**KLIMISCH MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVED ORDINANCE #19-22 ZONING TEXT AMENDMENT TO AMEND APPENDIX C OF CHAPTER 420, SPECIFIC DEVELOPMENT PLAN #22, AS IT RELATES TO GREEN BAY TRAIL CONDOMINIUM; SECONDED BY SERPE; MOTION CARRIED 5-0.**

Nancy Washburn:

Thank you so much.

**F. Consider approval of Memorandum of Understanding between the Village of Pleasant Prairie and Riverview Group LLC, regarding the Wisconsin Department of Transportation Facilities for Economic Assistance (TEA) grant application to offset public roadway improvement costs for Stateline Corporate Park.**

Jean Werbie-Harris:

Mr. President and members of the Board, on July 1st the Village Board approved a Resolution 19-23 authorizing the submission of a Wisconsin Department of Transportation Facilities Economic Assistance grant or a TEA grant. And this was on behalf of the business Fresenius Kabi, LLC along with Riverview Group, LLC which is the developer for a project in the Stateline 94 Corporate Park. One of the things that was discussed as part of this grant application that the Village is ready to submit is that the Board wanted to make sure that there was a MOU or a memorandum of understanding agreement between the Village of Pleasant Prairie, Riverview Group and Fresenius Kabi. And this was regarding the TEA grant reporting requirements and the job guarantee financial obligations.

So before you have that MOU that addresses and sets forth the Village's agreement to authorize and to serve as the Wisconsin DOT application for the TEA grant on behalf of the developer and the company. And specifically it talks about in order to financially enable the construction of the transportation improvements that are needed for the Fresenius Kabi industrial development to occur on this parcel, one of the CSMs that is being approved, is that the Village wanted to receive a guarantee or a TEA grant guarantee assurance from the company and/or from the developer. The TEA grant itself requires that there is a repayment provision to reimburse the

DOT for up to the full TEA grant amount which is \$475,000 if employment within the Fresenius Kabi economic development project fails to meet the states goal of 95 new jobs created by the three year reporting period, and to maintain those 95 jobs at the seven year reporting period.

And as part of this the MOU discusses the process by which the reporting will be made by Fresenius to Riverview, to the Village and that it will be made to the state. But the state has this guarantee so that the Village is actually on the hook if the jobs don't materialize. So the Village has now drafted an MOU to guarantee that if we have to repay the state because the jobs are not created or maintained, then the developer would have to reimburse the Village. And, again, there is a relationship that the developer has with the company. And so the way we've written this MOU it's the developer that is obligated to reimburse the Village if, in fact, the 95 jobs are not created and maintained for that three and seven year time period respectively.

And so this agreement then discusses the reimbursement of the DOT costs and basically requires that there be a collateral guarantee that's provided by the developer that they agree to execute and record a collateral agreement with the Village and provide either an irrevocable letter of credit or record a restrictive covenant lien running with the land which obligates the developer, its successors and assigns to cover the Village for the full costs associated with reimbursement of any Wis DOT TEA repayment as stated in the job guarantee for the TEA grant. And that would be up to that full repayment of \$475,000 depending on the full grant amount or the reduced amount. Again, it's a pro rata share because it's based on the number of jobs that are created and/or retained as part of this project.

One of the things that we discussed as a staff is that there could be a developer reimbursement that comes back to the developer in the event that this happens. That the Village would agree if the Tax Increment District referred to as the TID 8 for this has funding that is still available, and the existing TID has not expired to reimburse the developer based on the developer's previous repayment to the Village for the reimbursement back to the state. So, again, that would be only if funds were available and only if the TID had not expired. And obviously there would have to be agreement by the Village Board.

The developer will need to execute this agreement. The company will need to execute this agreement. And that information is listed in here along with some breach language was put into the agreement. And if there's any questions I'd be happy to answer. The developer is here in the audience and, again, represents and is holding this obligation to guarantee any financial detriment that would come to the Village if, in fact, the jobs are not created and maintained for the record period to the state.

Nathan Thiel:

One point of clarification, its TID 7, not TID 8.

Jean Werbie-Harris:

I'm sorry.

Nathan Thiel:

But the mechanics are the same. I know that in working with Jean and the developer we talked about this process and the best ways to effectuate or secure the Village's position. And we felt comfortable with what is being proposed. We did discuss having Fresenius Kabi also have some obligation, but that was something that the developer wasn't able to secure. And it would just be cleaner between the developer. I think Jean's done a good job with securing the position with the collateral as outlined.

One other point of clarification, too, with the TID 7, that's based on TID 7 actually producing that increment. And we believe that really at this time the amount of work and infrastructure improvements that are required most likely the TID 7 the increment that's going to be generated it's going to be stretched to be applied to all the improvements that are out there as is.

Mike Pollocoff:

Nathan, on Section 3 for developer reimbursement, and I can see what you're saying is the TID to date is going to be 7-7, okay so there's a typo on there, if that funding is available is that a typo or is that looking for another TID or a future TID?

Nathan Thiel:

No, that should have been TID 7. That needs to be corrected. Unless, Kathy, I don't know something.

Kathy Goessl:

No.

Jean Werbie-Harris:

No, it's supposed to be 7.

Mike Pollocoff:

All right. So the Village in essence would step in to mitigate the developer's loss if Kabi didn't perform, right?

Nathan Thiel:

Correct. If Kabi didn't perform and there was increment available.

Mike Pollocoff:

Okay. The one thing that's not in here, and hopefully it would serve to mitigate an argument in the future that would require an amendment of the project would it not?

Nathan Thiel:

To include this portion into?

Mike Pollocoff:

Yeah.

Nathan Thiel:

I think that given the amount and given the project plan as outlined there's a little bit of flexibility. I would have to go back and verify, but I'm pretty sure that as we reviewed it we didn't feel that it would be necessary to amend the whole TID. Although we are in the process of making an amendment to -- I guess that's to the developer's agreement, not to the TID.

Mike Pollocoff:

I just would want that developer reimbursement to be at the sole discretion of the Village in order to execute that. Right now it's only if there's some funding available. That could be in the eyes of the beholder how much money that we're going to be [inaudible] over future expenditures we haven't made yet or we could make or what it's going to be amended to. If it was going to require a project plan amendment then we know what goes through the review process for everybody to approve it. But if that could be the case then I'd want this section to be amended so that it would reflect it would be up to the sole discretion of the Village to –

Nathan Thiel:

Clearly that language provides more security or improves our position. I don't have a problem with that. I don't believe the developer will but they are here. But we can work out those comments, too.

John Steinbrink:

Just give us your name and address for the record.

Mark Goode:

Mark Goode, 9500 West Bryn Mawr, Rosemont, Illinois. We're the developer. So we're putting up either a letter of credit or a guarantee and basically a lien on the property. So I think if for some reason Fresenius Kabi doesn't have the number of employees there's an obligation by the Village to return some of the money that we're getting. And we're taking on a full obligation to return that money to the Village, either cash payment if we go with the route of a lien [inaudible] concept of guarantee. Or if we have a letter of credit we have a letter of credit backing that. So however you want to be comfortable that we're going to hold our obligation under that we're okay with it. I just don't want to go through more meetings to get it done because, as you know, we're under construction and we're trying to move this forward. We need this done to start the road work and all the other improvements as well. Because we can't move forward and the season is moving forward. So whatever makes you happy we just would like to get it done, and we'll make sure you're covered.

Nathan Thiel:

And with that concern, Mark, I mean it would be just a matter of you guys make a motion to add that condition that that language be added. And we'd also need to make the modification noting that it's TID 7, not TID 8.

Mike Pollocoff:

It doesn't change the signature page so we have that going. I just think both are minor changes to date. Put the language in, I guess I should tell you what I'm recommending. The Village would agree in its sole discretion --

Nathan Thiel:

For the reimbursement.

Mike Pollocoff:

For the reimbursement.

Mark Goode:

We're okay with that.

John Steinbrink:

Other questions? Thank you. You want to make that part of a motion, Mike?

Mike Pollocoff:

I would move that the memorandum of understanding and agreement between the Village and Riverview Group and Fresenius Kabi be approved as presented with the exception of typographical correction on Section 3 for the developer -- I mean for TID 7, and also an insertion of the first line after the Village would agree insert in its sole discretion into the language. And that with those modifications the agreement be approved [inaudible].

Dave Klimisch:

I second that.

John Steinbrink:

We have a motion and a second. Any further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**POLLOCOFF MOVED TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND RIVERVIEW GROUP LLC, REGARDING THE WISCONSIN DEPARTMENT OF TRANSPORTATION FACILITIES FOR ECONOMIC ASSISTANCE (TEA) GRANT APPLICATION TO OFFSET PUBLIC ROADWAY IMPROVEMENT COSTS FOR STATELINE CORPORATE PARK SUBJECT TO THE CLARIFICATION THAT IT SHOULD BE TID 7 NOT TID 8 AND ADD LANGUAGE AFTER THE FIRST LINE AFTER VILLAGE WOULD AGREE “IN ITS SOLE DISCRETION”; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.**

**G. Consider approval of award of contract to Phoenix Fabricators and Erectors, LLC for construction of the Prairie Highlands Corporate Park Water Tower.**

Matt Fineour:

Mr. President and members of the Board, as we were designing and planning out the Prairie Highlands Corporate Park area, it was identified in the formation of the TID that a new water



tower would be needed out in Prairie Highlands. This would be our fifth water tower in the Village. It was needed to service Prairie Highlands area especially in the sense of fire flow protection out in that area.

Plans were prepared and we had bid it out for a new water tower. And in accordance with the published official notice to bidders, sealed bids for the water tower were received until 1 p.m. on June 25, 2019. The bids were publically opened and read aloud. The project consists of one prime contract to construct the water tower, foundation, valve room, piping, plumbing, HVAC, electrical and other site improvements around the water tower.

A total of five bids were received for the project. The low base bid was submitted by Phoenix Fabricators and Erectors of East Avon, Indiana in the amount of \$2,644,416. The second low bid was submitted by CB&I of Plainfield, Illinois in the amount of \$2,667,000.00. And the high bid was submitted by Caldwell Tank of Louisville, Kentucky in the amount of \$2,876,000.00. The bids were reviewed, and Phoenix Fabricators was determined to be the lowest bid overall responsive and responsible bidder. We do recommend that the project be awarded to Phoenix Fabricators with the overall low base bid of \$2,644,416. Following formal award of the Village Board the documents will be prepared for execution by both the contractor and the Village. If you have any questions I'd be happy to answer them.

Kris Keckler:

Move approval of awarding the contract to Phoenix Fabricators in the amount listed.

Mike Pollocoff:

Second.

John Steinbrink:

Motion and a second. Further discussion?

Dave Klimisch:

Matt, have we done business with Phoenix before or any of these vendors?

Matt Fineour:

I believe not. We only have four other water towers in the Village. They were constructed years ago but over the course of time. I don't think Phoenix was one of the contractors that build one in the past that I'm aware of.

Dave Klimisch:

And is there any maintenance that they do or we're on for maintenance as it ages, do they provide any maintenance or is it just the construction.

Matt Fineour:

They provide mainly construction of water towers. I don't know since they're in Indiana if they do maintenance in local areas that they're at, but they're mainly a fabricator and builder of water towers.

Mike Pollocoff:

There's not a lot of spread in the numbers so it's pretty tight bid. I feel good about that. I'd second the motion.

John Steinbrink:

Motion and a second. Further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**KECKLER MOVED TO APPROVE THE AWARD OF CONTRACT TO PHOENIX FABRICATORS AND ERECTORS, LLC., FOR CONSTRUCTION OF THE PRAIRIE HIGHLANDS CORPORATE PARK WATER TOWER; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

**H. Consider approval of general utility easements for the Prairie Highlands Corporate Park.**

Matt Fineour:

Mr. President and members of the Board, these are two separate easements essentially for general utility easements within the Prairie Highland Corporate Park. Right now we're dealing with We Energies to do electrical work out there and street lights. So there are two areas that were outside CSM areas that we're dedicating individual easements for. One is within the water tower site itself, and the other is along the south side of Goldbear Drive. So these dedications of easements, again, it's for We Energies and maybe other providers, private providers in the area for future

fiber optics or whatnot within the easement. We do recommend approval of both these easements. Again, if there's any questions I'd be happy to answer them.

Michael Serpe:

So moved.

Mike Pollocoff:

Second.

John Steinbrink:

Motion and a second. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**SERPE MOVED TO APPROVE THE GENERAL UTILITY EASEMENTS FOR THE PRAIRIE HIGHLANDS CORPORATE PARK; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

- I. Consider approval of Resolution #19-25 for the acceptance of public improvements, including sanitary sewer system, public storm sewer system and public water main as it relates to The Cottages at Village Green Condominium Development, Phase 1.**

John Steinbrink, Jr.:

Mr. President and members of the Board, this evening I'd be looking for a recommendation to accept public improvements for sewer, water and storm in the Village Green, The Cottages at Village Green, Phase 2, generally located at the southeastern corner of the Village Green Subdivision. I've been bringing reductions to the LOC and everything for the last several months. The contractor has been working very hard. We've inspected everything. Everything is in the ground, roadway is in. And it's been passed and inspected. And we are looking for approval of all of the public improvements.

Dave Klimisch:

So moved.

Michael Serpe:

Second.

John Steinbrink:

Motion and a second. Further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**KLIMISCH MOVED TO APPROVE RESOLUTION #19-25 FOR THE ACCEPTANCE OF PUBLIC IMPROVEMENTS, INCLUDING SANITARY SEWER SYSTEM, PUBLIC STORM SEWER SYSTEM AND PUBLIC WATER MAIN AS IT RELATES TO THE COTTAGES AT VILLAGE GREEN CONDOMINIUM DEVELOPMENT, PHASE 1; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**J. Consider approval of award of contract to Payne & Dolan, Inc., for the 2019 Annual Paving Program - Phase 2.**

John Steinbrink, Jr.:

Mr. President and members of the Board, this evening I also bring before you Phase 2 of paving program. Payne & Dolan was the only bidder. There's really only two contractors that work at this magnitude, Payne & Dolan and Stark Construction. We did not receive a bid from Stark. They've been just too busy at this time to bid or complete the work within the time frame that's recognized. Payne & Dolan does have our Phase 1 contract which is very comprehensive, so they'll be trying to roll all the mobilizations, and a lot of the unit prices they were able to be very comparable with.

They did come in high on Section 2 which was paving of the driveway improvement for the 93rd booster station. So we are going to change order that out once the award of contract has been executed just to keep us within the budget. So we were very conscious of the budgets and what

we had to do to keep within our budget within the general fund. So we are looking to do Bain Station Road from Highway 31 just to the Union Pacific tracks. It's probably the worst stretch of land there or roadway there. And also do some drainage repair within the Foxmoor Subdivision as a Phase 2.

We are getting some [inaudible] money for the Bain Station Road so there's a different bidding process that we have to follow to get the state funds, so that's why this was kept as a separate bid. And we didn't want to wait too long to get the entire program bid out. So that's why we're in two sections this year. We are within budget within the general fund, and I would be looking for a recommendation or approval.

Mike Pollocoff:

I'd move approval of the paving program as bid with the deletion of Section 2 for the 93rd Street booster station.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second. Any further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**POLLOCOFF MOVED TO APPROVE THE AWARD OF CONTRACT TO PAYNE & DOLAN, INC., FOR THE 2019 ANNUAL PAVING PROGRAM - PHASE 2; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

**K. Consent Agenda (All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the General Ordinances of Business and considered at this point on the agenda.)**

**1) Minutes of Meeting - July 1, 2019**

- 2) **Consider approval of Arbor Ridge Letter of Credit Reduction No. 2.**
- 3) **Consider approval of Resolution #19-24 authorizing the Village Administrator to dispose of surplus vehicles.**

Michael Serpe:

Move approval of the Consent Agenda, Items 1, 2 and 3.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**SERPE MOVED TO APPROVE ITEMS 1, 2, AND 3 UNDER CONSENT AGENDA;  
SECONDED BY KECKLER; MOTION CARRIED 5-0.**

John Steinbrink:

Somebody left out Board comments and I have one Board comment. Wednesday I did bring that up, a comment at the Nexus groundbreaking, the fact that as we were out there all that didn't happen without the Board and other Commissions and staff, first off, purchasing that property. Because that became the integral part of what we're seeing out there today. There would be no Haribo, there would be no Aurora and there's be no Nexus. And thanks to the forward thinking of the Board and its members and the staff we were able to set the groundwork for the things that are happening out there rather than see it as a vacant piece of property with no development and no return to the taxpayers of Pleasant Prairie.

So things have been moving fast, and I think it's got a great future out there. And always a lot of interest because it's a great piece of property, and it's almost like the gateway to Wisconsin there, especially Pleasant Prairie. And it makes a really nice statement for our Village with what we have going on out there right now. And I receive nothing but positive feedback from people that

go by, see what's happening there, and are thankful that the Village is doing what it's doing to bring the high quality involvement to our area. Other Board comments?

Michael Serpe:

John, we've had the Village Green committee group meet, and we had the open house. It's really special how much the people are getting involved with the Village, and it's making it a lot easier for us to do our job. And I see Ken sitting out here, our Creekside came and brought their concerns to here, brought up some good complaints. And we were able to come to compromise and make this Creekside addition happen just like this downtown is going to happen. It just makes a big difference when you have the public having faith in what the Board is doing and what the Village staff is doing. And it's looking good. And the *Kenosha News* did a nice editorial saying Pleasant Prairie is on the move, and that's very true. So we just have to keep our nose to the --

John Steinbrink:

[Inaudible] the first downtown activity was that 20 years ago or more than that?

Michael Serpe:

More than that, about 25, 27 years ago.

John Steinbrink:

That makes Serpe really old.

Nathan Thiel:

President Steinbrink, I should have mentioned this during the Administrator's Report, but just for the good of the whole, on the 25th of this month, so two Thursdays from now, will be the Village Green Community Collaboration presentation. I believe in previous minutes I didn't necessarily specify the time, but it will be a 6 p.m. And all the community is welcome to participate. It will be an informal meeting, so Village Board, Plan Commission members and so forth are invited. We won't be sitting at the dais, we'll be sitting in the audience, and they will be presenting to the community as a whole. At a future point in time we do plan on bringing their plan to the Village Board for acceptance. But it should be a fabulous evening. I know many of you came out to the open house, and it was well attended. I would invite the media to come and to participate and see what this community group has put together. It's been a good project and a good public engagement process.

John Steinbrink:

Nathan, would it be fitting to have the Community Development Authority members there also?

Nathan Thiel:

Correct. I believe we sent out invitations, it would be appropriate for our Park Board members to be there and present.

John Steinbrink:

Further Board comments?

Michael Serpe:

Could we take a vote on Junior's new look?

[Inaudible]

## **9. ADJOURNMENT**

Michael Serpe:

I move to adjourn.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second for adjournment. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.



**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KECKLER;  
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:10 P.M**