

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
May 14, 2018
7:30 p.m.**

A special meeting of the Pleasant Prairie Village Board was held on Monday, May 14, 2018. Meeting called to order at 7:35 p.m. Present were Village Board members John Steinbrink, Mike Pollocoff, Dave Klimisch and Mike Serpe. Kris Keckler was excused. Also present were Nathan Thiel, Village Administrator; Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Kathy Goessl, Finance Director; and Jane C. Snell, Village Clerk. No citizens attended the meeting.

1. CALL TO ORDER

2. ROLL CALL

3. NEW BUSINESS

A. Receive Plan Commission recommendation and consider for approval the Declaration of Covenants, Conditions, Restrictions and Easements for the Prairie Highlands Corporate Park.

Jean Werbie-Harris:

Mr. President, the first item on the agenda tonight is the Declaration of Covenants, Conditions, Restrictions and Easements. And this was developed for the Prairie Highlands Corporate Park, again, the Village's developed Corporate Park. And the document sets forth a series of elements to help us implement and help us to oversee the Corporate Park. It identifies a series of definitions to clearly identify various terms and conditions in the Corporate Park.

There's the establishment of an Architectural Development Control Committee. There are rules and regulations that talk about the reservation of easements. Since this is a Corporate Park that has several outlots in it for stormwater management and for multi-use paths or trails and sidewalks and different things like that, we needed to set forth some rules and regulations on how to maintain those areas, the signage areas, as well as the boulevard areas in the development.

The document also sets forth the requirements for the review of site plans and building plans that are submitted to us for users that will be in the Corporate Park. It also identifies very specific development standards, some of which are the same as Village ordinances, some of which are more restrictive than the Village ordinances. It covers all of the different elements from landscaping to lighting to parking lots and many other details including drainage as well as building materials for the uses in the park. It also specifically references use restrictions in the park, again, some of which are restrictive covenants based on the requests by the two initial users, both Haribo and Aurora that are coming in.

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It also has provisions that talk about funds and assessments and capital improvement projects as we get much, much further down the road. The Village is putting all the initial infrastructure into this development including all the stormwater basins within the outlots. It also talks about certain rights of the declarant, and it also references where to go to when you've got issues, concerns or would like to make submittals with respect to these documents. Again, this is a document that we have worked very hard and long on with Haribo and ourselves in putting together this Corporate Park and creating the association for this Corporate Park. And if you have any additional questions either myself or Scott Langlois from Quarles & Brady would be happy to answer those questions for you.

John Steinbrink:

Any questions?

Dave Klimisch:

This looks solid. And I know you guys have put a lot of time into it, a lot of back and forth. I've read through it, and I can't find any further questions to ask.

Michael Serpe:

I move approval.

Mike Pollocoff:

Second.

John Steinbrink:

Motion by Mike S., second by Mike P. Further discussion? It's easy when you've got a [inaudible].

Michael Serpe:

I understand.

John Steinbrink:

Hearing none, those in favor?

Voices:

Aye.

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John Steinbrink:

Opposed? So carries.

SERPE MOVED TO APPROVE THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR THE PRAIRIE HIGHLANDS CORPORATE PARK; SECONDED BY MIKE POLLOCOFF; MOTION CARRIED 4-0.

- B. Receive Plan Commission recommendation and consider Ordinance #18-19 for Zoning Text Amendments to Section 420-38 D (6) to correct the reference to the Wisconsin Administrative Code for performance standards for odors and to Section 420-125.2 related to uses, mechanical screening, and hours open to the general public in the M-5, Production Manufacturing District.**

Jean Werbie-Harris:

Mr. President and members of the Board, you have before you a series of two series of Zoning Text Amendments to the Village Zoning Ordinance. The first is to Section 420-38 D (6), and this is to correctly reference the Wisconsin Administrative Code for performance standards for odors. We had an outdated section number so we made that modification.

The second is modifications to Section 420-125.2 of the M-5, Production and Manufacturing District. And these modifications which were presented at the Plan Commission meeting for public hearing earlier this evening they address permitted service auxiliary uses as well as permitted service auxiliary uses in a corporate campus and in an office building. And the points are clarified and amended to allow for daycares for children and adults not open to the general public, and a fitness center not open to the general public as a permitted use in the M-5 District. They also allow for daycare centers not open to the general public and a fitness center not open to the general public as a permitted use as a service auxiliary use.

The next is that daycare facilities either for children or adults that are open to the general public is allowed with the approval of a conditional use permit. And then the next is that all mechanical units, ground or roof mounted, shall be screened from public view by either landscaping or other approved high quality architectural grade metal screening or panels as expressly approved by the Plan Commission.

And, finally, the last change is to amend the district as it relates to hours of operation when the public is allowed to enter or remain on the site for business purposes from 5 a.m. to 12 o'clock midnight. The maximum for corporate business and professional office uses and service or retail uses are allowed as auxiliary permitted uses for any daycare facilities either for children or adults that are open to the general public as may be allowed by a conditional use permit. The Plan Commission at their meeting recommended approval subject to the presentation of the comments and conditions.

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Michael Serpe:

John, during the initial presentation by Haribo they mentioned about their recreation facility that they want to have for their own people, but they would also like to open it to the public. When you told them that this can't happen in the M-5 District were they disappointed in that?

Jean Werbie-Harris:

So it can happen with the approval of a conditional use permit. So the Village will have to make a conscious decision that they would like this to be approved with a conditional use permit. Otherwise their primary first intention was that these daycares for children or adults as well as fitness centers would be for their own employees. And, again, their own employees they could be working 24/7 shifts out there. So they want to be able to use these facilities for their employees whether it's for taking care of their children or the fitness facility. But now if they open it to the public then the Board needs to consider whether or not we would be willing to grant that as a conditional use outside of the traditional hours of when we are open in the Village from 5 a.m. to midnight.

Michael Serpe:

I hope that question is not posed to us.

Jean Werbie-Harris:

I'm sorry, what?

Michael Serpe:

I hope that question is not posed to us. We do have a RecPlex, and we'd like to see it being used by all of our industries.

Jean Werbie-Harris:

Again, I think the biggest concern for us is that a 24-hour retail use or service use in the Village that's open to the general public that kind of goes beyond some of the rules and regulations that we've established as policy over the years.

Michael Serpe:

Okay. And Haribo knows also that we are starting our own tourism?

Jean Werbie-Harris:

I believe that they know that. If not we can have a conversation to talk about that with them.

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Michael Serpe:

I'm sure they're going to want to be a part of that. Move approval of Ordinance 18-19.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Mike S., second by Dave. Any further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

SERPE MOVED TO CONCUR WITH PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #18-19 FOR ZONING TEXT AMENDMENTS TO SECTION 420-38 D (6) TO CORRECT THE REFERENCE TO THE WISCONSIN ADMINISTRATIVE CODE FOR PERFORMANCE STANDARDS FOR ODORS AND TO SECTION 420-125.2 RELATED TO USES, MECHANICAL SCREENING, AND HOURS OPEN TO THE GENERAL PUBLIC IN THE M-5, PRODUCTION MANUFACTURING DISTRICT; SECONDED BY KLIMISCH; MOTION CARRIED 4-0.

- C. Receive Plan Commission recommendation and consider the Development Agreement for the development of a 136.8 acre property generally located at the southwest corner of 120th Avenue (West Frontage Road) and CTH C (Wilmot Road) for the new HARIBO Products manufacturing facility.**

Nathan Thiel:

So, President, we received or finalized the agreement late Friday and received the final today. There was one slight modification, and I'm going to ask Scott Langlois to come up and at least explain. But the basic tenets of the agreement is the time line. So our commitments as a Village is that we're going to be beginning grading and site prep and infrastructure improvements this year with the intent to complete grading for the Haribo site in April of 2019. That is our intention barring any cataclysmic event or weather related troubles. The intent then would be in November of 2020 to complete infrastructure so that includes all the water, the sewer main and roads that will be a part of the Prairie Highlands Corporate Park.

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And then Haribo has committed to have no later than December 2020 to have the footings or the foundations implemented on the site. Now, I believe their intention is to start building as soon as we finish grading. So a couple of things to take note. As soon as we're complete with the infrastructure, the second payment for the purchase of the property which is about seven plus million will come to the Village. Our ability to repurchase the property back will be null as soon as they put in footings on the property.

The rest of the document basically talks about the what ifs if any of these time lines do not take place. And so like I alluded to, and Scott if you don't mind coming forward, the last agreement that was sent to you at least in the packet was there was one slight technical change that was submitted by Haribo that we got implemented this afternoon. And, Scott, if you'll at least explain.

Scott Langlois:

Sure. It was obviously a pleasure working on this agreement. There was a lot of back and forth. We thought that the agreement was final on Friday afternoon and we could get it into your packets. I apologize, we got one last technical change this morning which was basically to add one word to Section 7A1. And I think the German general counsel of Haribo had a concern that somehow the Village would be able to go into court and force them to construct the building. I'm sure that isn't the intent, and that would probably not be something that the Village would want to do anyway. But he asked for this very technical change. So we're basically adding one word, the word only, to Section A1 to address his concern. But it really doesn't change the protections of the Village in any way.

Nathan Thiel:

And in general I think both from Haribo and also the Village we're pleased with the final outcome of the agreement. I know in speaking with Wes on Friday afternoon we were glad to get to this point. So unless there are specific questions regarding the agreement, I know we didn't get into all these technicalities at the Plan Commission, I apologize. I should have been a little bit more prepared. But we wanted to make sure that the Village Board was at least aware of this additional change.

Scott Langlois:

And one last thing. The counsel for Haribo was hoping that we could do the approval in the form of a resolution. I know that's not the way you normally approve things, but I think it would just make them more comfortable if we did it in that way.

Nathan Thiel:

So if we were to make it a resolution it would be 18-20.

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Michael Serpe:

Could we do that?

Nathan Thiel:

I don't know that.

Jean Werbie-Harris:

It would be a different resolution number because it would be a Village Board resolution, not a Plan Commission resolution.

Nathan Thiel:

Right, okay.

Scott Langlois:

Then I think a better way to handle this would be to do it like we did it with the purchase agreement and just basically get a certification of the approval of the motion.

Jean Werbie-Harris:

Actually in the minutes.

Scott Langlois:

Which is the way we did it the last time and it was acceptable. And that's probably a better way to handle it anyway.

Michael Serpe:

So we understand, we're going to approve the Development Agreement. Just approval of the Development Agreement. What else are you looking for?

[Inaudible]

Scott Langlois:

Right, yeah, with that one technical change that I discussed.

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Michael Serpe:

All right.

Dave Klimisch:

Move approval of the Development Agreement and to receive the Plan Commission recommendation.

Michael Serpe:

With the modification. I'll second it.

Dave Klimisch:

With modification of Section 7A.

Michael Serpe:

I'll second that.

John Steinbrink:

Motion by Dave, second by Mike S. Further discussion? Hearing none, those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

KLIMISCH MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE DEVELOPMENT AGREEMENT WITH HARIBO OF AMERICA MANUFACTURING, LLC IN THE FORM PRESENTED TO THIS BOARD WITH THE ONE TECHNICAL CHANGE TO ADD ONE WORD "ONLY" IN SECTION 71A; SECONDED BY SERPE; MOTION CARRIED 4-0.

3. ADJOURNMENT

Michael Serpe:

Move to adjourn.

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John Steinbrink:

Motion by Mike, second by --

Dave Klimisch:

Second.

John Steinbrink:

-- Dave. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KLIMISCH;
MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 8:00 P.M.**