

Community Development Authority

MINUTES

May 6, 2020

Members Present: Ken Brost, Dan Kolk, Austen Conrad (joined after item 4a), Stephanie Brassington, Jerry Dietzel, Toni Stolarik, Mike Flaherty

Members Absent:

Staff Present: Andrew Bremer, Matt Schuenke, Stephanie Miller, Karen Knoll

1. CALL TO ORDER

Brost called the CDA meeting to order at 7:00pm.

2. INTRODUCTION OF COMMUNITY DEVELOPMENT AUTHORITY MEMBERS

Brost introduced Mike Flaherty, Village Trustee and new CDA member.

3. PUBLIC APPEARANCES

None

4. APPROVAL OF MINUTES

- a. Review and possible approval of the January 7, 2020 Community Development Authority minutes.

Kolk moved to approve the January 7, 2020 Community Development Authority minutes. Brassington seconded the motion. Motion carried 5-0-1 with Flaherty abstaining.

- b. Review and possible approval of the April 8, 2020 joint Community Development Authority and Plan Commission minutes.

Kolk moved to approve the April 8, 2020 Community Development Authority and Plan Commission minutes. Brassington seconded the motion. Motion carried 6-0-1 with Flaherty abstaining.

5. BUSINESS

- a. Presentation by Ryan Quam, Ezra Properties LLC, on a request to amend the Development Agreement for 4703 Terminal Drive.

The CDA reviewed a letter dated April 28, 2020 from Ryan Quam requesting an amendment to the existing development agreement to extend the deadline to remove, or store inside, all outdoor vehicles and equipment, from May 1, 2020 to November 30, 2024. Ryan Quam of Ezra Properties LLC indicated Robert Anderson and Carolyn Simpson were with him at this time. Quam reviewed the history of his purchase of the property at 4703 Terminal Drive and that he entered into a life estate agreement with Mr. Anderson and Ms. Simpson allowing them to remain in the house currently on the property. They were to be adding a garage addition to the home, as well as a storage shed on the property.

Construction of the first building started in the fall of 2019 and Quam is looking to have occupancy starting in June of 2020. He currently has 14 units leased out. Quam feels he will have the entire building leased by August 2020. Quam reviewed the site plan as approved and the trees that he has either cut down or relocated on the site.

Quam advised at one time there were approximately 150 vehicles on the property, either inside of buildings or outside. Quam discussed his relationship with Anderson/Simpson and he feels they have done the best they can to remove or relocate the vehicles on the property. Quam feels the site provides screening of the vehicles. As the owner, Quam feels the vehicles are buffered enough being behind the house and does not feel it will affect rentals.

Quam summarized Anderson is a lifelong hobbyist with vehicles and is personally attached to them. Anderson has a plan for the remaining vehicles of having two or three in the garage at a time, taking them apart, rebuilding them and then selling them rather than selling for scrap.

Quam summarized it was about a 7 month process from start to finish of the Developers Agreement with the Village, he reviewed and signed it, Quam indicated he reviewed it to some degree with Anderson/Simpson. Quam stated at the time he signed it, it was his intent to comply with the section stating that by "May 1, 2020, all vehicles and equipment stored on the Development Site shall be removed from the Development Site or stored within a completely enclosed building". Quam does not feel this is a burden or eyesore to the Village and would like to see a solution to allow Anderson time to put together the vehicles and sell them.

Quam indicated he is looking at coming before the CDA in a month to discuss a second building on the site.

Brost inquired how many vehicles fit in the storage building. Anderson replied 16 if it was only vehicles, however he has many parts in there so not as many vehicles fit. He probably has about 8 vehicles. The garage addition will likely hold his machinery and about 3-4 vehicles at one time. Quam indicated he could write an agreement in the leases to state tenants are restricted from the area where the vehicles are being kept on the property, or put up some screening or possible fencing. Quam did not feel the vehicles posed a safety issue on the property. The south side of the site is currently being used as a storage area for the vehicles. Brost inquired if the vehicles impose any problem with the next phase of the

project. Quam replied for an office building it could become an issue. Quam reviewed he did have a partner to move into the office building, who later backed out as they indicated they did not want to look at the tanks. Quam has plans to work around this and create a type of berm on the site for screening to the north, and feels that will take care of the issue of the tanks, and does not feel a business or buyer would be deterred by the vehicles as long as they knew they would be removed within four years. Brassington inquired how many vehicles are stored outdoors at this time. Quam replied about approximately 40 or 50 vehicles.

Kolk inquired why Quam was not able to complete the terms of the Developers Agreement, as it was very clear when he signed it. What changed? Quam feels something was missed or misunderstood, it was a long process, he does not remember if was discussed at the various meetings. Quam stated he knew Anderson was attached to the vehicles, and while he showed Anderson the agreement, he may not have pushed as hard as he should have, and was concerned that Anderson would have pulled out of their deal and Quam would have been out the monies he invested. Kolk indicated he went out to view the site, these are not small vehicles, and with the storage being built you will not be able to house that many vehicles. It appears a decision will have to be made on what vehicles Anderson will keep on site. Quam feels an amended agreement would allow Anderson time to work on them and sell them for more money than if he had to sell them for scrap. Quam stated this would mean the removal of close to 18 vehicles a year, which would be a push, but they would have to do that. Kolk feels having them remain there in site of tenants is a safety risk, and the agreement was clear. It appears you are asking for four years to complete what was to be done by May 2020.

Dietzel inquired how an additional four years would affect the project. Quam said it would not as the house was to remain until Phase 4, the vehicles would have to be gone by Phase 3, as he is to be building a pond on the site. Quam agrees the vehicles have to go, but would like to see more time. Dietzel concurred with Kolk; the vehicles on site do create an attractive nuisance.

Conrad inquired if Quam intended to create an updated life agreement to cover this so in the future there would not be a need to have this conversation again. Quam felt that would be a good idea, but he has a good relationship with Anderson and did not feel it would be a problem.

Flaherty asked Quam if his agreement with Anderson/Simpson covered Quam's agreement with the Village. Quam indicated it did not cover the vehicles. Flaherty inquired what exactly Quam is asking for a timeframe. Quam reviewed his request as indicated in the packet, to have the vehicles removed or stored inside by November 30, 2024. Anderson said the four years is an arbitrary figure and he cannot guarantee he would meet it, he feels the life estate allows him to keep the cars in the area he considers part of his life estate. Schuenke inquired what was the date that the life agreement was signed. Quam advised he did not sign it until after the closing, probably in August. Schuenke summarized Village staff was very clear regarding their concerns of the vehicles on the site, and this was included in the initial draft provided to Quam in April of 2019, allowing more than enough

time for this to be addressed if it was going to be a concern with Anderson. Quam clarified any miscommunications he is referring to were between himself and Anderson, not Village staff.

Bremer summarized in addition to the additional four years to store the vehicles on site, part of the request from Quam is the Village continuing with the third and fourth remaining TIF draws for the project, roughly 50% of the development incentive. The third draw being 30%, when the mechanicals are complete, and the final 20% when obtaining an occupancy permit. However, both of these are a part of the Developers Agreement, which includes the May 1, 2020 deadline to remove the outdoor vehicles. It is two requests, one to continue to allow the outdoor storage until November 2024, and the second being the Village to continue to making the last two TIF payments when the construction milestones are reached. Quam confirmed yes.

6. CLOSED SESSION.

a. Discussion and action in order to convene in Closed Session in accordance with Wis. Stats. 19.85(1)(e) to deliberate or negotiate the investment of public funds or other specified public business whenever competitive or bargaining reasons require a closed session, specifically related to the acquisition of property at the following locations:

Kolk moved to convene into Closed Session. Dietzel seconded the motion. Motion carried 7-0 on a roll call vote. CDA convened into closed session at 7:53pm.

1) 4703 Terminal Drive (Tax Increment District #3).

2) 4313 Triangle Street (Tax Increment District #3).

3) 5407 Bashford Street (Tax Increment District #4).

c. Discussion and action to reconvene into Open Session.

Flaherty moved to reconvene into Open Session. Brassington seconded the motion. Motion carried 7-0 on a roll call vote. The CDA returned to open session at 9:30pm.

7. OPEN SESSION

a. Discussion and action to make a recommendation to the Village Board on a request by Ryan Quam, Ezra Properties LLC to amend the Development Agreement for 4703 Terminal Drive.

Kolk moved to make a recommendation to the Village Board that the request by Ryan Quam, Ezra Properties LCC to amend the Development Agreement for 4703 Terminal Drive be denied. Conrad seconded the motion. Motion carried 7-0.

b. Discussion and action to make a recommendation to the Village Board regarding the acquisition of property located at 5407 Bashford Street within Tax Increment District #4.

Kolk moved to make a recommendation to the Village Board to continue the efforts to acquire the property located at 5407 Bashford Street, Flaherty seconded the motion, Motion carried 7-0.

8. SCHEDULE NEXT MEETING DATE.

a. Wednesday, June 3, 2020 at 7:00 pm

9. ADJOURNMENT.

Kolk moved to adjourn. Brassington seconded the motion. Motion carried. Meeting adjourned at 9:34 p.m.

Approved