

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the public hearing held by the Village Board on April 12, 2016.

The meeting was called to order by President Goetz at 7:00 p.m.

Trustees present: Bob Zarzynski, Wendy Stallings, Pat Tetzlaff, Tim Dietrich, Matt Carran, Lee Uecker and Greg Goetz.

Trustees excused: None.

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Administrator Melissa Weiss, Fire Chief Corky Curtis, Village Engineer Judith Neu and Clerk-Treasurer Susan Freiheit.

President Goetz read the Notice of Public Hearing which is regarding the proposed issuance of Village of Sussex, Wisconsin Industrial Development Revenue Bonds, Series 2016 (Sussex IM, Inc. Project), in an aggregate amount not to exceed \$10,000,000, pursuant to Section 66.1103 of the Wisconsin Statutes, to finance a project to be owned by Sussex IM, Inc., a Wisconsin corporation, and/or Sussex IM Real Estate, LLC, a Wisconsin limited liability company, and/or a related entity, and/or a limited liability entity to be formed.

The project consists of financing the (i) acquisition of land described as Lot 1, Certified Survey Map No. 7957 located at Highway K and east of Highway 164 in the Village of Sussex, Wisconsin (the "Project Site"), (ii) construction of an approximately 145,000 square foot facility at the Project Site to be completed in multiple phases and operated by Sussex IM, Inc. to manufacture plastic injection molded parts, (iii) acquisition and installation of equipment at the Facility, and (iv) payment of certain professional costs and costs of issuance (collectively, the "Project"). The bonds will be special, limited obligations of the Village and will not constitute an indebtedness of the Village within the meaning of any state constitutional provision or statutory limitation or a charge against its general credit or taxing powers.

President Goetz opened the hearing to comments from citizens present.

Mrs. Lynda Templen, of Whyte Hirschboeck Dudek, bond counsel for Sussex IM, explained the conduit bond issue for the new construction of a building for Sussex IM which will be done in phases. Mrs. Templen stated that the closing will be in early May. Mrs. Templen stated that she has worked closely with Brian Lanser, the Village's bond counsel from Quarles & Brady.

As there was no one present who wished to be heard,

A motion by Dietrich, seconded by Uecker, to closed the public hearing at 7:05 p.m. Motion carried.

Respectfully submitted,

Susan M. Freiheit
Clerk-Treasurer

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Trustees excused: None.

Others present: Administrator Jeremy Smith, Attorney John Macy, Assistant Administrator Melissa Weiss, Fire Chief Corky Curtis, Village Engineer Judith Neu and Clerk-Treasurer Susan Freiheit.

A motion by Tetzlaff, seconded by Stallings, to approve the minutes from the Village Board meeting held on March 22, 2016 as submitted. Motion carried.

Village President Report. President Goetz thanked the Clerk and her staff for the smooth Election on the 5th. President Goetz also welcomed Casey Griffiths to the Village who will start on April 25th as the Director of Administrative Services.

President Goetz reported on the following upcoming events: Village Hall and the Community Center will be closed on Friday, April 22; Hydrant flushing will take place next week; The Board of Fire Commissioners will meet on Tuesday, April 19 at 5 pm. Public Safety & Welfare Committee will also meet on the 19th at 6 pm. Both meetings will be at the Public Safety Building; The Park & Rec Board will meet on the 19th at the Community Center at 6:30 pm; The Pauline Haass Public Library Board will meet on Wednesday, April 20 at 6:30 pm at the Library; the Village Board will hold an organizational meeting on Thursday, April 21 at 5:30 pm; and Plan Commission will meet at 6:30 pm. Both meetings are at Village Hall.

A motion by Goetz, seconded by Carran, to take Agenda Item No. 5.A.7. at this point in the meeting Motion carried.

A motion by Zarzynski, seconded by Tetzlaff, to adopt the "Final Resolution regarding Industrial Development Revenue Bond Financing for Sussex IM, Inc. Project." IRB's are conduit financing where through Village Board action the Industrial Company can get lower bond costs. The Village does not take on liability for the same and it does not impact the Village's Bond rating, our debt capacity, or obligate the Village in any matter to the debt.

President Goetz and all Trustees present voted "aye." Motion carried.

A motion by Zarzynski, seconded by Uecker, to approve the March Check Registers and P-card Statement for the amount of \$2,208,873.46, as presented. Motion carried.

A motion by Zarzynski, seconded by Stallings, to authorize the issuance of Operators Licenses for Brad Wegener, Jacob Wilson, Danielle Anderson, and Eric Henry subject to the standard conditions of Operator License approvals. Motion carried.

A motion by Zarzynski, seconded by Uecker, to authorize the issuance of a Combination Class "A" Retail License for the Sale of Fermented Malt Beverages and Cider – April 22, 2016 to June 30, 2016 for Meijer Stores Limited Partnership, N51W24847 Lisbon Rd, Pewaukee, WI 53072, Meijer Gas Station #275, Agent: Christopher Hoffmann subject to the standard conditions of alcoholic sales license approval. Motion carried.

A motion by Zarzynski, seconded by Goetz, to authorize the issuance of a Combination "Class A" Retail License for the Sale of Fermented Malt Beverages and Intoxicating Liquors – April 22, 2016 to June 30, 2016 for Meijer Stores Limited Partnership, N51W24953 Lisbon Rd, Pewaukee, WI 53072, Meijer Store #275, Agent: Christopher Hoffmann, subject to the standard conditions of alcoholic sales license approval. Motion carried.

A motion by Zarzynski, seconded by Tetzlaff, to approve renewing with the existing insurance carriers for liability, property, and workers compensation contracts for 2016/2017 for an amount of \$156,385, which is \$9,916 over this year's costs, but in line with the projected budget for this year of \$158,300. Motion carried.

A motion by Zarzynski, seconded by Goetz, to adopt a Resolution establishing a ratio of impact fees owed for memory care units and other similar housing types where residents are likely to be physically and mentally unable to utilize the services and or impact the need for physical expansion of the park or library system. This would allow a 50% reduction in park and library impact fees for units where the residents would likely have significant challenges due to cognitive ability to utilizing the services provided by these systems.

President Goetz and all Trustees present voted "aye." Motion carried.

A motion by Zarzynski, seconded by Carran, to allocate the 2015 surplus per Village Board policy to the Cash Capital Replacement Fund with some to the plow truck (\$120,000) to be purchased in 2017, and to close a portion (\$300,000) of the approximate \$4 million in cash capital cycle gap that remains. President Goetz and all Trustees present voted "aye." Motion carried.

A motion by Zarzynski, seconded by Tetzlaff, to adopt the Resolution authorizing the sale of \$1.57 million in Water System Revenue Refunding Bonds, Series 2016C. The Bonds are callable and will result in savings to the Village Water Utility. All financing related to the Water Utility is geared towards giving capacity for the major capital costs from radium that will impact the Utility over the next three years. President Goetz and all Trustees present voted "aye." Motion carried.

A motion by Dietrich, seconded by Carran, to authorize payment of the public work bills in the amount of \$768,862.71 as presented. Motion carried.

A motion by Dietrich, seconded by Goetz, to approve the Easement for We Energies and AT&T at Village Campus. This will allow the new building to be served in the most economical way, while also supporting future expansion needs of the Library. Motion carried.

A motion by Dietrich, seconded by Uecker, to approve the Easement for We Energies and Time Warner at Old Brooke Square Park. This will allow the power burial along Main Street to proceed in the most economical way. Motion carried.

A motion by Dietrich, seconded by Zarzynski, to introduce a Resolution of the Village Board of the Village of Sussex to Vacate and Discontinue Deyer Drive and direct the Village Staff to schedule a public hearing for May 24, 2016 at 7:00 p.m. or as soon thereafter as practicable, regarding the Resolution to Vacate and Discontinue Deyer Drive, which is being hereby introduced at this meeting pursuant to Wisconsin Statutes Section 66.1003(4)(a). Motion carried.

A motion by Dietrich, seconded by Carran, to approve the request to use Corporate Center Roads by Sussex Criterium on Sunday May 1, 2016. This is the 9th annual race and it brings 300 plus participants and their families into Sussex for this US Cycling sanctioned event. Motion carried.

A motion by Dietrich, seconded by Zarzynski, to adopt an Ordinance creating Section 3.17 entitled "Public Construction by Village" of Chapter 3 entitled "Finance and Taxation" of the Sussex

Municipal Code. By creating this code section the Village Board will be able to on a case by case basis self-perform projects that would otherwise have required a public bidding process. The first implementation of this ordinance with the Weyer Playground construction will save the Village \$25,000 to \$30,000. President Goetz and all Trustees present voted "aye." Motion carried.

A motion by Dietrich, seconded by Goetz, to adopt the Second Amendment to the Developer's Agreement for the Farmstead, Corners, Mammoth North, and Mammoth South Mixed Use Downtown Developments. The improved development will significantly assist the TIF District by adding another \$1.75 million in value to the district, which leads to close to \$775,000 of increment in the District, and produce an additional \$155,000 in Impact Fees than otherwise anticipated. In order to realize the completion of this acquisition of the properties for \$397,000, the TIF District will shift \$100,000 of anticipated costs from the Mammoth Springs project to the Mammoth South project (a net change of \$0 from the TIF) and up to \$150,000 of private utility relocation costs from the abandonment of Silver Spring will be covered through the Village's Main Street project.

President Goetz and all Trustees present voted "aye." Motion carried.

Staff Reports: Mrs. Weiss stated that she has been very busy with the Civic Campus building and Main Street Reconstruction including weekly meeting with those people affected. Mrs. Weiss stated that the storm water is being installed currently. Mr. Smith thanked the staff for the surplus as it came from all departments. Mr. Smith thanked the public safety crews for the Cover Downs Condo problem this week which was not a drug problem. Mr. Smith reported that the meeting with Moodys Investors went well and they were quite impressed with the plans for the radium improvement needs over the next four years with incremental rate increases. Mr. Smith stated that Mr. Elmer Weyer passed away this week and has setup a donation to the Library which is a wonderful thought. Mr. Macy stated that the State Legislature is out of session, however, they are busy working on bills for January 1, 2017. Mrs. Freiheit stated that she is looking forward to working with Casey Griffiths who will be replacing her.

Comments from citizens present: There was no one present who wished to be heard.

A motion by Goetz, seconded by Tetzlaff, to approve the CSM for (Associated Bank) to combine parcel SUXV0235963 and SUXV0235969001 and grant an easement to the Village of Sussex. This gives the Village an easement for the sidewalk coming out of the Civic Campus. The CSM also combines the banks holdings allowing for the banks drive thru structure to be a legal structure.

President Goetz and all Trustees present voted "aye." Motion carried.

Resignations and Appointments: President Goetz had no appointments or resignations.

President Goetz stated that the Village Board will convene into executive session under Wis. Stats. 19.85(1)(g) when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved with respect to the Pauline Haass Public Library Board v Town of Lisbon Lawsuit and Lisbon's third party summons and complaint v. Sussex.

A motion by Goetz, seconded by Stallings, to convene into executive session under Wis. Stats. 19.85(1)(g) when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved with respect to the Pauline Haass Public Library Board v Town of Lisbon Lawsuit and Lisbon's third party summons and complaint v. Sussex.

President Goetz and all Trustees present voted "aye." Motion carried.

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A motion by Goetz, seconded by Zarzynski, to adjourn the meeting at 8:26 p.m. Motion carried.

Respectfully submitted,

Susan M. Freiheit
Clerk-Treasurer

(A copy of all ordinances and resolutions adopted at this meeting can be found on file at the Village Clerk's Office.)