

NOTICE OF VILLAGE OF HARRISON BOARD MEETING

DATE: Tuesday, October 8, 2024
TIME: 6:00pm
PLACE: Harrison Municipal Building
W5298 State Road 114, Menasha, WI 54952

NOTICE IS HEREBY GIVEN that a Village of Harrison Board meeting will be held at 6:00pm on Tuesday, October 8, 2024, at the Harrison Municipal Building. This is a public meeting, and the agenda is listed below.

Roll Call

- 1. Correspondence or Communications from Board and Staff**
- 2. Corrections and Approval of the Previous Meeting Minutes**

a) September 24, 2024

- 3. Public Comments**

Please be advised per State Statute section 19.84(2), information will be received from the public; be further advised that there may be limited discussion on the information received; however, no action will be taken under public comments. It is the policy of the Village that there is a three -minute time limit per person. Time extensions may be granted by the President. Please register your name on the sign-in sheet prior to the start of the meeting.

- 4. Presentation**

a) Presentation by Five Bugles/Wendel Corporation regarding Preliminary Design for new Fire Station 70.

- 5. Closed Session**

The Board will meet in Closed Session pursuant to Wis. State Stats. 19.85 (1)(c) for considering employment, promotion, compensation, or performance evaluation data on any public employee over which the governmental body has jurisdiction or exercises responsibility. Specifically, to be discussed is the salary/benefits proposal of the Finance Director/Treasurer.

Attendees include the Interim Village Manager and the Assistant Village Manager

- 6. Reconvene into Open Session**

The board may reconvene into open session pursuant to section 19.85(2) of the Wisconsin Statutes for possible action on the item discussed in closed session.

a) Appointment of the Finance Director/Treasurer

- 7. New Business for Discussion, Consideration, and/or Action**

a) "Class B" Alcohol License Application - Ambe Restaurant, LLC dba IVR Bar - N9650

Friendship Dr.

- b) Approval of revised Protective Covenants for Crossroads Business Park.
- c) 2025 Budget Work Session
- d) Possible motion to undertake design for Fire Station 70.

8. Future Agenda Items

Public info meetings & website posts on facilities updates (in process) (JB/DB)
Review of RS-2 Zoning (ML) (after Comp Plan)
Plan to bring interceptors into lift stations 4 & 6 of the HU system (ML) (Feb. / March 2025)
Workshop with CCSD, Board, and staff regarding CCSD items (ML added 6/25/24, no due date)
Amend Board rules/procedures for adding agenda items (JB/ML added 7/30/24)
Plan Commission procedures (ML/JB added 8/27/24)
New development process checklist (ML/SH added 8/27/24)
Hiring of Randy Moss Associates to obtain Eisenhower Right-of-Way (ML/SH added 9/24/24)
Review Development Agreement for necessary updates (ML/SH added 9/24/2024)
Review Trail Map (ML/SH added 9/24/2024)

9. Future Meetings

October 10, 2024 Budget Meeting (if needed)
October 29, 2024 Regular Meeting (w/ budget public hearing)
November 12, 2024 Regular Meeting (w/ budget adoption)

10. Adjournment

Notices

Agenda posted and published:

Harrison Municipal Building and www.harrison-wi.org at least 48 hours prior to meeting

Accessibility:

Any person with hearing disabilities or requiring special accommodations to participate in the meeting should contact the village clerk at least 24 hours prior to the meeting.

Meeting Records:

Can be accessed at www.harrison-wi.org or by request to the Clerk

Meeting Packets - at least 48 hours prior to meeting

Meeting Minutes - 48 hours after approval

Video Recording - 48 hours after meeting

Vicki L. Tessen, WCMC

Clerk



VILLAGE BOARD MEETING

VILLAGE OF HARRISON

From:
Vicki Tessen, Clerk

Meeting Date:
October 8, 2024

Title:
September 24, 2024

Issue:
Minutes from the previous meeting are submitted for corrections and approval.

Background and Additional Information:

Budget Impacts:
none

Recommended Action:
Approve the minutes of the September 24, 2024 meeting as presented.

VILLAGE BOARD MEETING

VILLAGE OF HARRISON

From:

Chad Pelishek, Assistant Village Manager and Jarred Gehl,
Fire Chief

Meeting Date:

October 8, 2024

Title:

Presentation by Five Bugles/Wendel Corporation regarding Preliminary Design for new Fire Station 70.

Issue:

Background and Additional Information:

Budget Impacts:

Recommended Action:



VILLAGE BOARD MEETING

VILLAGE OF HARRISON

From:

Russ Van Gompel, Interim Administrator and Chad Pelishek,
Assistant Village Manager

Meeting Date:

October 8, 2024

Title:

Appointment of the Finance Director/Treasurer

Issue:

Background and Additional Information:

Budget Impacts:

Recommended Action:

Motion to approve the appointment of Finance Director/Treasurer

VILLAGE BOARD MEETING

VILLAGE OF HARRISON

From:

Vicki Tessen, Clerk

Meeting Date:

October 8, 2024

Title:

"Class B" Alcohol License Application - Ambe Restaurant, LLC dba IVR Bar - N9650 Friendship Dr.

Issue:

Does the Village Board wish to approve an alcohol license for a new restaurant opening soon on Friendship Drive?

Background and Additional Information:

AMBE Restaurant, LLC has applied for a Combination "Class B" Beer and Liquor License for a new restaurant, IVR Bar, at N9650 Friendship Drive in the Village of Harrison (formerly Salt Fine Dining).

All requirements of a Wisconsin alcohol license application have been met.

Background checks were conducted on the applicant members and agent with the following results:

Vijay Patel (Member) - No Records Found

Apexa Patel (Member & Agent) - No Records Found

Budget Impacts:

\$318.75 in licensing revenues

Recommended Action:

Approve granting Ambe Restaurant, LLC a Combination "Class B" Beer and Liquor License for their new restaurant located at N9650 Friendship Drive, and confirm the appointment of Apexa Patel as the Agent.

VILLAGE BOARD MEETING

VILLAGE OF HARRISON

From:

Chad Pelishek, Assistant Village Manager

Meeting Date:

October 8, 2024

Title:

Approval of revised Protective Covenants for Crossroads Business Park.

Issue:

Does the Village Board approve removing the minimum value per acre clause of the covenants?

Background and Additional Information:

At the previous board meeting, the Board took action on the protective covenants for Crossroads Business Park as amended to include a provision for requiring a minimum investment of an amount determined by the staff per acre. The amount staff determined is \$479,000 per acre. Prior to moving forward with the amendment language staff reviewed with it with the Village Attorney.

The Village Attorney's response is:

(M) is a little tricky and might be too vague to enforce.

At a minimum, you'd want to include a time limit (e.g. \$479,000 of permanent improvements must be affixed to the property within the same 12-month time limit as in (K)).

But what's the remedy if they come up short? Do you have a right to buy back the land? At what price? What you sold it for? Plus, what they put into it?

And what sort of investments count towards the \$479,000? Do we measure by assessed incremental value of the improvements? Just the cost of the bricks and mortar? Architectural fees? Construction management fees? Consulting fees? Furniture, fixtures, and equipment?

I am also a little worried that a vague provision like this might scare away buyers or make borrowing impossible. The 12-month construction schedule is already on the aggressive side. What bank will take a mortgage as collateral for a loan if they know the developer might have to give the land back if the covenant isn't satisfied?

In my opinion, you should either :

1. Scrap (M) because it vague, probably unenforceable, might scare away buyers, and might make third-party financing impossible; or
2. Double down on the language, clarify what counts as a measurable expenditure, and provide a meaningful but fair remedy if they fall short. To that end, maybe the enforcement remedy could be through a PILOT of sorts (e.g. if the assessed value of the improvements is less than \$479,000 per acre, the owner shall pay a "payment in addition to taxes" to make up for the difference).

Although Item 2. is a option, it would be very administratively detailed to track down yearly PILOT

payments for each of the lots.

In reviewing with the Trustee who recommended this amendment discussion was had about a deferred special assessment for the roadway improvements that would be forgiven if the developer met the threshold of \$479,000 per acre. If not, the developer would pay for the assessment on their taxes. Since the project was already awarded, staff does not believe the special assessment process could commence.

The response from the Village Attorney regarding special assessments is below:

It would take some work to enter into a customer Developer's Agreement for each lot. It would take continuing work to monitor compliance. And there is a risk of litigation and loss.

This plan reminds me a little of the Creekside Estates case. It also reminds me of a similar proposal in a neighboring municipality that was just rejected due to its complexity, amount of work to implement, and likelihood of litigation.

The problem is that Special Assessments must be uniform and fair and be reasonable in relationship to the benefit provided. But if some parcels wind up being assessed and other assessments wind up being forgiven, an objector might have an easy time arguing that the uniformity prong is missing. It would also require special assessments to be levied on the front end (presumably before lots are sold) and a custom developer agreement for each lot.

If this were a single parcel in a major league development, it'd probably be worth the Village's while to roll the dice – because no other neighboring parcel owners would be likely to object on the basis of uniformity and the Village has frequently entered into and monitored Developer Agreements when it comes to high stakes developments. But to enter into a Developer's Agreement with every lot owner, under these circumstances, with a likelihood of litigation is seemingly less appealing.

To get nearly the same result, it might be a lot of less work and less risk to add a covenant requiring each purchaser to enter into a custom PILOT agreement with each prospective buyer (as referenced in my last email – requiring \$X of increment per acre and requiring an owner to make up the balance in taxes due to the Village though cash PILOT payments).

Staff feels that the estimated costs were provided in the letter of intents. If something happens with the project and it is lesser cost we can always revert back to the Letter of Intent and we should be able to determine that as part of the land use approvals, therefore we would recommend rescinding the last motion related to the minimum investment per acre clause.

Budget Impacts:

Recommended Action:

Motion as determined by the Board.

VILLAGE BOARD MEETING

VILLAGE OF HARRISON

From:

Russ Van Gompel, Interim Village Manager

Meeting Date:

October 8, 2024

Title:

2025 Budget Work Session

Issue:

Discussion and possible motions.

Background and Additional Information:

a.) Overview and Tax Levy	6:30 - 6:45 pm
b.) Capital Projects	6:45 - 7:00 pm
c.) TIF	7:00 - 7:15 pm
d.) Debt Service	7:15 - 7:30 pm
e.) Utilities	7:30 - 7:45 pm
f.) Special Revenue Funds	7:45 - 8:00 pm
g.) General Fund Revenue	8:00 - 8:15 pm
h.) Admin, Plan, Public Works	8:15 - 8:30 pm
i.) Law Enforcement	8:30 - 8:45 pm
j.) Fire and Rescue	8:45 - 9:00 pm

Budget Impacts:

Recommended Action:

Motion(s) as determined by Board.

VILLAGE BOARD MEETING

VILLAGE OF HARRISON

From:

Chad Pelishek, Assistant Village Manager and Jarred Gehl,
Fire Chief

Meeting Date:

October 8, 2024

Title:

Possible motion to undertake design for Fire Station 70.

Issue:

Does the Village Board wish to proceed with Five Bugles/Wendel for next phase of the project?

Background and Additional Information:

Discussion will be had at the meeting as part of the presentation to proceed into the final design for the new Fire Station 70 based on the concept plan.

Budget Impacts:

To be determined

Recommended Action:

Motion as determined by Board after presentation.