

DRAFT

VILLAGE OF BRISTOL

Village Board Minutes

September 9, 2024

The notice for the regular semi-monthly meeting of the Bristol Village Board had been posted at the Municipal Building, Bristol BP, Benson's Corners, and the Village Website on September 6, 2024.

1. The meeting of the Village Board was called to order at 7:00 p.m. by President Farrell. In attendance at the meeting were Trustee Leker, Trustee Atwood, and Trustee Kordecki, Village Attorney Tom Gartner, Village Administrator Randy Kerkman, Village Clerk Renee Brickner and 6 observers. Trustee McCabe was excused.
2. President Farrell led the Pledge of Allegiance.
3. Approval of Agenda:
A motion was made by Trustee Atwood and seconded by Trustee Kordecki to approve the agenda. The motion was carried unanimously.
4. Approval of Minutes:
A motion was made by Trustee Leker and seconded by Trustee Atwood to approve the minutes of the August 26, 2024, Regular Village Board meeting. The motion was carried unanimously.
5. Treasurer's Report:
A motion was made by Trustee Leker and seconded by Trustee Kordecki to approve and file the Treasurer's report showing a balance of \$6,024,996.59 for the Checking and Investment Accounts. The motion was carried unanimously.
6. Approval of Bills:
A motion was made by Trustee Atwood and seconded by Trustee Kordecki to approve payment of the bills. The motion was carried unanimously.
7. Citizen's Comments: None
8. President's Comments:
President Farrell presented the monthly Kenosha County Sheriff's Department report for August 2024. President Farrell stated that there is a more detailed report available in the Clerk's Office and indicated arrangements can be made if anyone is interested in seeing it.
9. Trustee's Comments:
Trustee Kordecki stated it is good to see people in the audience and she is happy to be here. Trustee Atwood thanked all for coming. Trustee Leker stated that he is happy to be here.

10. Administrator's Report:

- a. A motion was made by Trustee Leker and seconded by Trustee Atwood to approve the LEO Development Agreement as indicated, and as future exhibits are added. The motion was carried unanimously.

Administrator Kerkman indicated that both sides have been working on the Agreement since the project has been approved by the Planning Commission and Village Board and are getting to the end and asking for approval. He stated that everything that was talked about at the Planning Commission level and Village Board level is basically what we have worked with to get this Agreement indicating there has been a great working relationship back and forth to put this all under pen. He stated that although it is a lengthy process everything has been working very well.

JoAnn Rubio, with Advenir Development representing LEO @ Bristol LLC indicated that the display and handout are basically to show photos of what the buildings are going to look like when they are built. She discussed where they have completed projects that are fully functional, current projects that are under construction and current projects under contract. The Site Plan that was approved last May indicated that the PUD approved 275 single family dwelling units and 256 market rate multi-family pieces along the public right of way and the Village Park that will be developed. She stated that what they are asking for approval of today is 230 built to rent units at a density of 8.3 dwelling units per acre. She stated that the infrastructure and storm water management will be shared between both parcels indicating there are five pocket parks within the development along the private right of way connecting to 130th. She stated that the lift station will be dedicated to the Village along with the parcel west of the public road. A rendering of what the future development would look like was shown with a club house and amenity area with a pool and a pickleball court that will be added next to the pool space with a connection to the Village track to the east. She discussed what their product consists of indicating they provide a variety of dwelling units apart from the traditional multi-family dwelling units which allows for the same amount of density in a different application. She explained that the different types of units allow them to reach a different demographic. She indicated that for those who no longer want to rent a traditional apartment but cannot afford to buy a home, this is their next option. They are being offered the convenience of home living with a backyard and a smaller footprint in that they are not sharing a wall or ceiling with a neighbor, without the commitment of having to maintain their own home. She stated one thing they pride themselves on is that they are not cookie cutters indicating that all the buildings will look different when you look down one of their streets. She described the fitness center with having all new state-of-the-art equipment which is free to use by all residents. She stated that the pool areas have the same attributes in all locations with outdoor seating, outdoor grills and live games. She indicated that they have two model units staged at the sight so renters can see what the interior will look like if they were to move into that unit. She indicated that this Wisconsin site is different than others in that they will not be putting fences in the backyard due to snow, residents will still have a 10 x 6 concrete pad. She explained how they are different from merchant builders in that they hang on to their assets and maintain them indicating that everyone from leasing staff to

maintenance staff are all their employees who are onsite and local to the area that are tied to their standards of how we hold and manage our properties to be true Class A property standard.

Attorney Randall stated they have been working hard on this for a long time toward a final and complete document. He indicated that the key elements of the Development Agreement in his mind are that it confirms all the details from the PUD and the most important of which is the final connection on the far east of the site to 130th Avenue will not be made until the multi-family project is completed and has occupancy. He indicated that 81st Street will be there and 130th Avenue will be there, but the connection will not be made as stated in this Development Agreement. He discussed the variety of the developer obligations which include the detailed plans and specifications. He further discussed the project all of which is in the plan detail and part of the Village record, as well as the oversight authority and right to inspection to make sure the work is being done to the correct standards. He stated there is a construction guarantee period that happens after construction is completed to make sure everything is working properly. He discussed the additional documents that will be included as exhibits to support the Development Agreement. He stated that there has been 10.3 acres on the west end of the site dedicated for a park that has not been designed yet, but the land will be there for the opportunity to activate in the future.

President Farrell confirmed that the 10.3 acres of land is being set aside for the Village to determine what gets put on that land.

Trustee Atwood asked about the right to inspect all construction stating she thinks it is an obligation.

Administrator Kerkman indicated that he would be down there a lot and once the building is started Phil will be down there.

President Farrell had a question about exhibit pages A – U within the agreement, as to what time frame should we expect to fill in the blanks on the exhibit pages.

Attorney Gartner, Village Attorney, stated he is here mainly to answer questions. He gave a background on the Development Agreement due to this being such a complex project. He stated this agreement includes all of the sewer and water, street improvements including public and private streets, sewer and water easements, and easements for public spaces such as pocket parks. He indicated that they are trying to get templates for all documents to be attached to this agreement. He stated that templates will be used because not everything will be completed at the same time, indicating that as things are completed plans can change slightly and there may be tweaks to the design. He stated that approving the project documents authorizes those documents to be signed by the Village without further action by the Village Board which gives Administrator Kerkman and President Farrell the responsibility to review those documents. He stated that any time during this process that they feel there is a change that warrants Village Board approval, it can be brought back to the Board. He indicated that this keeps it easy as this is a phase project and can be done over a number of years and they want to have a model for each of those concepts in those exhibits. He indicated that the agreement acknowledges that there are going to be phases and for a project as complex as this, gives the flexibility to tweak the plans and specifications as needed as it is developed without having to come back to the Board every time there is a change. He explained that at this point the LEO Group is contemplating having a different entity develop the

multi-family phase and that is the reason for splitting the developer obligations out into two sections. He stated that if the LEO Group sells that multi-family site, they will assign all the obligations to the new entity in building the amenities and final road connections to the east and to the west that comes at the very end of the project. He stated if that were to happen, the LEO Group would still be obligated with respect to their primary responsibilities until the rent to own units and amenities are completed leaving the Village with assurance that there is a responsible party for everything, and that LEO will remain responsible.

President Farrell stated that he could see when he read the Development Agreement that the flexibility was included for LEO to potentially partner with others in a later phase.

Trustee Atwood asked if they will still have the same building rules and obligations.

Attorney Gartner explained that if a new multi-family developer wanted to make a change, they would have to come back to the Village Board for approval as they can only build what was approved as part of the Plan Development Overlay.

Administrator Kerkman stated that the contractors that are out there are very conscious, making sure there is no dust leaving the site and that the trucks are going slow up and down the road. He indicated he only had one complaint which was about trucks and tractors starting work before 7:00 a.m. during the week. He stated he talked to them, and it was taken care of right away and everything is working very well. He said the first phase of private sewers is all in, so the contractor that is doing the work is going quickly.

Trustee Atwood questioned whether or not the community was up in arms.

Administrator Kerkman stated that the contractors that they have hired have done a good job.

President Farrell stated that he thinks that the LEO Group and Advenir have done a great job of communicating with the nearby residents so they understood what was happening and what is coming up and what the end outcome might look like. He thanked JoAnn for that.

Trustee Atwood stated that she appreciates that JoAnn is here and does not have a spokesperson.

JoAnn Rubio stated that she wanted to clarify that the units are built to rent, not built to own, indicating that no one will be owning the units except us.

Attorney Gartner stated that there will be a deed restriction that controls that and will not change even if the developer changes for the multi-family phase unless they come back to the Village Board for approval.

Jacob Sholtey asked if there is anything in the Development Agreement that constitutes what size of the change needs Village Board approval.

Attorney Gartner stated the reason why they structure the documents in the way they did is because if you had all the legal descriptions on them and recorded the documents, when the improvements are built and it is a foot off, it would have to come back before to change the legal description. He indicated that if there was a change in the number of units as what was approved in the PUD, or a change in the design of the project to be inconsistent with the PUD it would have to come back to the Village Board for approval. He stated that will be determined by whether the Village Staff feels that the change is sufficiently great enough to warrant bringing it back to the Village Board.

Brian Kaczmarz questioned if this is the development that has started just south of Hwy 50, asking if all this work done so far has been done without an agreement.

Trustee Leker indicated that the Board has made agreements with them all along to get them an early start permit. He stated that they agreed to everything in the Development Agreement along the way during negotiations, in which nothing was a surprise to the Board at the end as it was all discussed in meeting during the process.

Barbara Kaczmarz asked how many children we expect to have filtering into the school system and are we going to need a new school.

JoAnn Rubio stated that they coordinated with the Bristol School Administrator and were tasked with determining how many school aged children would be in this area with the 500 units. She indicated they came up with the number 36 which was based off the ratios in Strawberry Creek and Bristol Ridge

b. A motion was made by Trustee Atwood and seconded by Trustee Leker to approve Resolution 24-9, a resolution for the LEO Development Agreement. The motion was carried by a roll call vote of 4 Ayes.

11. Public Works: No report.

12. Fire Department: No report.

13. Plan Commission Recommendations:

a. Discuss and consider for approval the request of Jacob Sholtey (Applicant/Owner) 7301 156th Avenue, Bristol, WI 53104 for a Zoning Map Amendment from I1 to R2 on tax parcel # 37-4-121-034-0438, located in part of E 1/2 and SE 1/4, SEC 3 Town 1, Range 21, Village of Bristol, Kenosha County and State of Wisconsin. For informational purposes, this property is located at 7301 156th Avenue which is north of Hwy 50 on the east side of Hwy MB, in Bristol, WI.

A motion was made by Trustee Leker and seconded by Trustee Kordecki to approve the request of Jacob Sholtey (Applicant/Owner) 7301 156th Avenue, Bristol, WI 53104 for a Zoning Map Amendment from I1 to R2 on tax parcel # 37-4-121-034-0438, located in part of E 1/2 and SE 1/4, SEC 3 Town 1, Range 21, Village of Bristol, Kenosha County and State of Wisconsin. For informational purposes, this property is located at 7301 156th Avenue which is north of Hwy 50 on the east side of Hwy MB, in Bristol, WI. The motion was carried unanimously.

Administrator Kerkman this is just a correction that has been wrong for many years and is now being corrected.

14. New Business:

a. A motion was made by Trustee Kordecki and seconded by Trustee Leker to approve the request of resident Barbara Kaczmarz to block off 82nd Street from the corner of 82nd and 206th west to the cul-de-sac for a block party on September 21, 2024.

Trustee Kordecki stated that she just wanted to make sure this is not going to block off any through traffic that can't go around and would be an issue.

Barbara Kaczmarz stated that not everyone in the neighborhood is going to be participating but it would start at the cul-du-sac at 82nd and 206th and go back from there, there is not a through street. She indicated that they are not going to block the street, but requested some gates to slow people down so they would have to go around the gates. She stated that they are planning on the time to be around 10:00 a.m. until it gets dark.

Brian Kaczmarz indicated that there are a number of kids in the area and it would be cool to have them get greater access to the street to ride bikes, etc..

Trustee Atwood questioned whether the community could get out if they wanted to or if there was an emergency they can get in.

Administrator Kerkman indicated that we do this for the Boy Scouts every year, and Public Works would drop off the barricades and they could put them up when they are ready and take them down when they are done.

15. Communications and Announcements:

- Budget Workshop September 23, 2024 @ 6:00 p.m.
- Village Board Meeting September 23, 2024 @ 7:00 p.m.
- Plan Commission Meeting September 24, 2023 @ 7:00 p.m..

16. Adjournment:

A motion was made by Trustee Atwood and was seconded by Trustee Kordecki to adjourn the meeting at 7:55 p.m.. The motion was carried unanimously.

Respectfully submitted,
Renee Brickner, Village Clerk