



**CDA MEMBERS PRESENT:** R. Richardson, J. Garski, F. Risler, G. Feest & J. Thorsen

**CDA MEMBERS ABSENT:** M. Langendorf (excused), J. Henke (excused)

**VILLAGE BOARD MEMBERS PRESENT:** J. Garski, A.M. Clausen, S. Havn, J. Hewitt, R. McCluskey, G. Feest & D. DeGroot

**VILLAGE BOARD MEMBERS ABSENT:** None

Staff: L. Martin

**1. Call to Order/Roll Call**

The CDA was called to order at 4:30 p.m. by R. Richardson. The Village Board was called to order at 4:30 p.m. by J. Garski.

**2. Pledge of Allegiance**

**3. Public Comment - None**

**4. Approval of August 24, 2015 Joint Village Board & CDA Meeting Minutes**

F. Risler motioned, J. Thorsen seconded for the CDA to approve the August 24, 2015 joint Village Board & CDA Meeting Minutes. Motion carried 4-0-1 with G. Feest abstaining. R. McCluskey motioned, A.M. Clausen seconded for the Board to approve the August 24, 2015 joint meeting minutes. Motion carried 6-0-1 with G. Feest abstaining.

**5. Tri-Party Agreement between MLG/Hwy 20 Limited Partnership, FM6 WI MP, LLC (Opus Development Co.) & Village of Mount Pleasant | TID No. 4**

L. Martin outlined the executive summary. On August 24, 2015, the CDA and Village Board approved a Development Agreement between the Village/Community Development Authority and MLG/Highway 20 Limited Partnership for the TID 4 Borrowing and Opus building project. At that time, it was requested by Opus and known by the Village/MLG that a second Development Agreement was needed to clarify additional information. The purpose of this second, tri-party agreement between the Village/CDA, Opus, and MLG is to solidify the construction responsibilities of each party and hard coat a timeline for completion of these responsibilities, thus comforting Opus and the occupancy potential of their building. The Village responsibilities and timelines for substantial completion are outlined in Exhibit E and are as follows:

- A. Public Utilities (March 31, 2016). All public utilities, including, sanitary sewer, storm sewer and water shall be installed and ready for connection to the Opus Parcel per the applicable utility plans dated July 2015 prepared by Ruckert & Mielke, Inc., as finally approved by the Village. Required date of Substantial Completion is March 31, 2016.



B. Globe Drive (July 15, 2016). Paving of Globe Drive shall be completed in accordance with Storm Water and Pavement Plan dated July 2015 prepared by Ruekert & Mielke, Inc., as finally approved by the Village. Required date of Substantial Completion is July 15, 2016.

Should the Village default on these deadlines, the Village shall pay Opus (FM6) a per diem late charge of \$500.00 per day for each day past the substantial completion deadline(s). The total late charge shall not exceed \$50,000. As an added layer of protection for the Village, the substantial completion dates that will be included within the publicly bid construction contract are February 28th and June 30th respectively, providing a couple week buffer. The liquidated damages within the public contract will also be higher at \$1,000 per day.

Bid information for the public construction contract of Globe Drive and related utilities was advertised on September 23rd and September 30th, with a bid opening scheduled for October 7th and 2:00 pm.

Due to the fact that the bid opening is scheduled post review of this Agreement, it is recommended by Village Development Staff that the Tri-Party Agreement be conditionally approved pending favorable bid results (within budget) for the Globe Drive project.

F. Risler motioned, J. Thorsen seconded for the CDA to approve the Tri-Party Agreement conditional upon favorable bids, recommending that the Board do the same. Motion carried unanimously on a roll call vote 5-0.

S. Havn motioned, J. Hewitt seconded for the Village Board to approve the Tri-Party Agreement conditional upon favorable Globe Drive bid results. Motion carried unanimously on a roll call vote 7-0.

**6. To convene into closed session per WI §19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session specifically: Phoenix Investors Conceptual Development Agreement(s), TID No. 2**

At 4:42 p.m., F. Risler motioned, J. Thorsen seconded for the CDA to enter into closed session. Roll-Call Vote: R. Richardson-Aye, J. Thorsen-Aye, F. Risler-Aye, J. Garski-Aye, F. Risler-Aye. Motion passed unanimously.

D. DeGroot motioned, and A.M. Clausen seconded for the Village Board to enter into closed session. Roll-Call Vote: S. Havn-Aye, A.M. Clausen-Aye, D. DeGroot-Aye, J. Hewitt-Aye, J. Garski-Aye, G. Feest-Aye, R. McCluskey-Aye. Motion passed unanimously.

**7. Reconvene into open session to consider any motions related to the closed session.**

At 5:20 p.m., J. Thorsen motioned, and F. Risler seconded for the CDA to move into open session to consider any motion related to the closed session. Motion passed unanimously.



J. Hewitt motioned, and A.M. Clausen seconded for the Village Board to move into open session to consider any motion related to the closed session. Motion passed unanimously.

No motions were entertained, no report out from closed session.

**8. Adjournment**

At 5:22 p.m., J. Thorsen motioned, and F. Risler seconded for the CDA to adjourn. Motion carried unanimously.

R. McCluskey motioned, and D. DeGroot seconded for the Village Board to adjourn. Motion carried unanimously.