



MINUTES OF AN OFFICIAL MEETING:

Meeting: City of Brookfield Joint Review Board

Date and Time: Wednesday, April 5, 2023 at 4:00 pm

Location: Brookfield City Hall, 2000 N. Calhoun Rd., Brookfield, WI, 53005, Council Chambers

Members Present: Mayor Steven Ponto (Chairman), Jean Lambert- School District of Elmbrook representative, Andrew Thelke-Waukesha County representative, John Fellows-public member

Members Excused: Jane Kittel-Waukesha County Technical College representative

Others Present: Director of Community Development Dan Ertl, Associate Planner Emily Zandt, President of Wheel & Sprocket Noel Kegel, Principal at the Heimat Group Joe Lak Jr., and Principal at the Heimat Group Jim Sedgwick

1. Roll Call

Mayor Steven Ponto noted a quorum present and called the Joint Review Board to order at 4:00 pm.

2. Minutes of the July 18, 2022 Joint Review Board Meeting

Motion by Member Andrew Thelke, second by Member John Fellows to approve the minutes of the July 18, 2022 Joint Review Board meeting with an edit to paragraph two of 3.a adding "4" after TID in line 2 . Motion unanimously carried 4-0.

3. New Business

- a. Introduction of the potential creation of TID Number 9, an environmental remediation tax increment district (ERTID), for properties located at 3950 Lilly Road and 13925 Capitol Drive including a DRAFT Project Plan, process calendar, financial analysis by Gruen Gruen + Associates and FAQ.

Director of Community Development Dan Ertl gave an overview of the proposed environmental remediation tax increment district (ERTID) No. 9. The project is composed of two properties located in the vicinity of Lilly Road and Capitol Drive. The properties contain various levels of soil contamination in need of remediation. WI DNR has approved a remedial action plan for the cleanup of the sites. The project costs have identified as up to \$3,524,163, which would include environmental remediation costs, the costs of acquiring the most acutely polluted property, and the relocation of the public sanitary sewer and street improvement costs.

The Developer has proposed a “Pay As You Go” form of tax increment district where the developer pays for the costs of the needed environmental remediation included in the district “project costs” and is reimbursed from new taxes they create in the district. It is anticipated that the assessed value of the new improvements will be approximately \$18,000,000. The Developer will pay taxes on the property annually – equal to about \$254,000 per year, which will be kept in a segregated account to reimburse their costs up to \$3,524,163 over an 18-year period.

Under this proposal, the City will fund \$490,000 or 50% of the street improvement costs associated with the ERTID, which would be recovered as eligible project costs. The theory is that the City should contribute to the street improvement costs since the traffic study showed existing issues.

Director Ertl provided an overview of a graphic “Environmental Remediation TID #9 Value Growth and Tax Sharing”, which highlighted the increase of property taxes for each taxing entity following the anticipated 18-year life of the ERTID. Director Ertl noted that the Developer will continue to pay taxes on the property annually, which would be reimbursed up to \$3,524,163 over and 18-year period and that this is not a “property tax forgiveness or rebate”, as the property owner/developer will continue to pay real estate taxes throughout the life of the TID and after the TID closes.

Director Ertl summarized the “But For Test”, which affirms that the development would not have happened “but for” the use of TIF. The City of Brookfield hired a third party, Gruen Gruen + Associates to complete this test for the proposed ERTID. Director Ertl summarized the anticipated schedule and details of the process moving forward.

Mr. Noel Kegel, owner of Wheel & Sprocket, and Mr. Joe Lak Jr., Heimat Group, thanked the Joint Review Board for their consideration and spoke to the need for the ERTID to move the project forward.

- b. Policy regarding Board member participation via telephone or other remote method at future Board meetings.

Motion by Member Jean Lambert, second by Member Andrew Thelke to adopt the Meeting attendance via remote policy, as presented and listed below. Motion unanimously carried 4-0.

Individual member

Any member who is unable to be physically present at an in-person meeting of the City of Brookfield Joint Review Board may notify the City Director of Community Development, or committee chair no later than five p.m. at least six days prior to the meeting that he or she intends to participate in a meeting by telephonic or electronic means unless advance notice is impractical due to an emergency. If the Director or chair receives the member’s request in timely manner, the chair shall attempt to facilitate the request by contacting the member in a manner during the meeting that allows the member to participate in the proceedings. The member shall be entitled to participate and vote to the fullest extent possible and shall count towards a quorum; however, if the member is appearing by audio or telephonic means only, the member shall not be entitled to participate or vote on any matter that requires the visual assessment of a witness’s demeanor or any matter that requires the visual assessment of physical evidence or exhibits that have not been previously reviewed by the member.

Board as a Whole

The City of Brookfield Joint Review Board may conduct a meeting by telephonic or electronic means, including, but not limited to, audio or video conferencing, when an in-person meeting is not practicable due to a state of emergency or public health emergency being proclaimed by a federal, state, or local authority; a lack of quorum being able to be physically present in a city-owned building; or other unique circumstance that causes the chair of the board to determine that an in-person meeting is not practicable or advisable.

4. Adjournment

***Motion by Member Jean Lambert, second by Member John Fellows to adjourn the meeting at 4:18 pm.
Motion carried 4-0.***

Respectfully Submitted:

Emily Zandt

Community Development, Associate Planner