

**VILLAGE OF PLEASANT PRAIRIE
PARK COMMISSION
Village Hall Auditorium
9915 39th Avenue
Pleasant Prairie, Wisconsin 53158
January 6, 2015
6:00 p.m.**

A regular meeting of the Pleasant Prairie Park Commission was held on Tuesday, January 6, 2015, 6:00 p.m. Present were Michealene Day, Kris Keckler, Troy Holm, Cindy Schwab, William Mills, Steve Kundert and Jim Bandura (Alternate #1). Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Village Administrator; John Steinbrink, Jr., Public Works Director; and Ruth Mack-Stoner, Executive Secretary. No citizens were present.

1. CALL TO ORDER

Michealene Day:

Could we have roll call please?

Ruth Mack-Stoner:

I'd just like to remind you to turn on your microphones and speak clearly into them please.

2. ROLL CALL

3. MINUTES OF MEETINGS

Michealene Day:

In your packet you had minutes from the previous meeting. I was not in attendance. So is there any additions or corrections from that meeting? Not hearing any could we have a motion to accept the minutes as presented.

Jim Bandura moved to approve the Park Commission Meeting minutes of the December 2014 meeting presented in their written form: Seconded by Troy Holm. Motion carried 7-0.

4. CITIZEN COMMENTS

5. DIRECTOR OF PUBLIC WORKS REPORT

John Steinbrink, Jr.:

I have nothing to report, Madam Chair.

6. NEW BUSINESS:

- a) **Consider Resolution #15-01 relating to the donation of park land by Ralph and Frank Gesualdo.**

Mike Pollocoff:

Madam Chair, the Village was presented with the opportunity to receive a parcel of land as a gift from the Gesualdo family. And it was also known as the former Oatsvall, Morrow and Town Club property. So it's had a succession of users. And in your packets the staff has provided a map that shows when we went through and last updated the master plan what the proposal was for that use, and for the members that were at those hearing they were very contentious, very divided, everything from wanting Disneyland there to just leaving it as wetlands. So there was a lot of divisiveness in the community about how that should be done. Well, given the fact that we didn't own the parcel of land, and at that time we didn't have any money to do anything, we just kind of put in the least aggressive use on that parcel which is the mulched trail and just leaving it the way it is.

So I think after a period of time where there's been proposals to put condos in there, single family homes, all sorts of things that really were barely feasible from a sanitary sewer and water standpoint, they've decided that from a financial standpoint the best thing they could do was convey that property to the Village. And they met with the staff last year about doing it. And we had given them some guidelines to follow. But the big thing was I think they wanted to achieve a write off for taxes that they could enjoy this year. The Village doesn't want to be in a position -- if we accept land that was in private ownership after the first of the year we have to pay property taxes on it because that levy has already landed before January 1. And we don't want to be in a position of paying taxes because that really comes out of operations.

So we had asked them if this was going to happen, and the Board indicated that they would be receptive in the first step accepting this property with the conditions that the 2014 taxes would be paid in full, any utilities which would really probably mostly be clean water charges on that would be paid. We wanted a phase one environmental report. We wanted to know that there was a clear title on the property before they conveyed it. And we wanted them to prepare the conveyance documents. And they agreed to do that. But apparently they had left this matter with a realtor. They went on vacation for Christmas, and the realtor didn't get it done.

So now we're in 2015, and they would still like to do it. But we need to modify the rules a little bit and say you need to pay the 2014 taxes, and we'd like to have you escrow \$2,500 for 2015 taxes. We don't know what the taxes will be next year. This last year they were \$2,300. If we escrow \$2,500 I'm reasonably certain we'd be safe. And if it was more than that they could get what's left back. Again, I don't want to be taking money out of the park operation budget to be paying property taxes. If it's truly a gift then that's what we'd like them to do.

And we do need that phase one environmental report. Our insurance company requires that we find out. They're saying if you want to accept land that's contaminated know that you're accepting land that's contaminated. They want us to have that report ahead of time. We have no reason to think it is contaminated, but we still need to get that report, and we want to still get a

clean title. So that being said they were amenable to that. Mr. Gesualdo was scheduled to be here, and he called and said he wasn't able to make it. He had a conflict that he couldn't get out of. But he'd still like to see this proceed.

So from the staff's standpoint we'd like to proceed to have the resolution adopted. I know the Gesualdos would like to have the park named after I think it's their father or some kind of honorarium, and I think that's fine. But before the Village Park Commission and the Board take up naming I'd really like to get this squared away. Plus let the Commission kind of walk through the ultimate use of that park, what it's going to be first. That might not change or color how we name it but it could. And there's still an opportunity to honor the family that gave it to us either by monument or some other vehicle before we do that.

We really did receive a lot of positive feedback from the neighborhood and south Kenosha when we put the naming of the park up to the community and have them come up with names for the park once we describe the history of it, the proposed use, things that the people have a feeling for where it came from and where it was going to be, and we did come up with some good names. And maybe we want to do that again. But I think the naming right now is just a little premature. It's not that we won't find a way to honor them, but I'd recommend that we walk through the process and get the acceptance cleaned up. And then once that's done go through a policy process where the Commission could make a recommendation to the Board as to how they'd like to see this parcel used as a park. So with that if there's any questions I'd recommend that the Commission consider adopting resolution 15-01 and forwarding that relating to the donation of forwarding that to the Village Board.

Michealene Day:

They were supposed to be here at quarter to six. I bought pizza for everybody to have. But now nobody is here.

Mike Pollocoff:

That's okay, we can take a recess.

Michealene Day:

I just have to pay the man [inaudible].

Mike Pollocoff:

Are there any questions?

Steven Kundert:

What is the historical use of the parcel?

Mike Pollocoff:

The historical use was --

Steven Kundert:

A country club, right?

Mike Pollocoff:

It was like a swim and tennis club. It was the place to be. It was called the Town Club.

Kris Keckler:

You rented it out for banquets and a little recreational area, multiple tennis courts.

Steven Kundert:

So there's no reason to believe that the phase one will yield any [inaudible]?

Mike Pollocoff:

Yeah. The only thing I can think of typically with these things if they had an oil heater and some of that got into the ground. That's typically on these older sites. We'll see. I don't think there will be anything else.

Steven Kundert:

In the event that something is identified, the phase one will just identify it as a potential concern? The next step would be to do a subsurface investigation. Is either the property owner or the Village prepared to do that next step in the event that it comes back positive?

Mike Pollocoff:

We're not prepared to do it, but under law it would go back -- we'd probably try to seek a grant for remediation. And you try to get back to the original owner. Because even though Gesualdos accepted this, unless they had some language in their transactions where they accepted liability of it, the State is going to always want to go back to anybody that might be still alive --

Steven Kundert:

And that does get a little tricky. Once it's identified it's there and you always have to disclose that. And now you have a potential issue for future use on the site. Now, to keep it a park it's less of an issue because you're not actually building. But you're potentially opening up a can of worms by going down that route. It's something to be aware of.

Mike Pollocoff:

And if there's contamination there it's sandy granite or soils. And if there was contamination a lot of people there are still on wells. It would have to be squared away. We may not accept it if we think the risk is too great. That's why we want to have it done first.

Kris Keckler:

Is that still a foundation there, or is that just a footprint?

Mike Pollocoff:

No, that's a footprint. I think we took everything out.

John Steinbrink, Jr.:

I believe so.

Mike Pollocoff:

All the footings.

John Steinbrink, Jr.:

I think there is a little bit of hard surface area. We used it -- when we had some large wind storms on Lake Michigan a few years back we used it as a staging area. I do believe there is some hard surface, asphalt there yet where a parking lot was and possibly tennis courts. Because we did pile sand there and had people drive, and I remember there being some asphalt.

Kris Keckler:

Is there a potential cleanup -- going the route that this does go through and donated and cleared all the phase one evaluations that there would be costs associated with cleanup just to get to the conceptual plan?

Mike Pollocoff:

Yeah, unless we were to incorporate that parking lot into the conceptual plan and maybe we resurface it or we do something. But, yeah, until we really see what that phase one gives us.

Kris Keckler:

And how deep is the pond do we know?

Mike Pollocoff:

No.

Jim Bandura:

If all things are set to go would we still be looking at the conceptual plan as shown?

Mike Pollocoff:

That's what the Commission has adopted to date. But, again, that was adopted, and Micky correct me if I'm wrong, I think we adopted that based on the Commission's really lack of ability to get any consensus from the neighborhood. So the most passive use was this.

Michealene Day:

Yes. We had had the open meetings, and we had residents from that area come, and they had described what they wanted, and we had put it in our park plan. And when we came to bring it to the public finally as a package the residents came to the meeting, and the Commissioners were very lucky we were not tarred and feathered because they were in severe opposition to anything. So that was going to be my question is would we even want to take it if the residents are still so opposed to having anything? Then we're going to be sitting on a piece of property that we're not going to do anything with.

William Mills:

Yeah, it was the most contentious Parks meeting that I remember attending in nearly ten years. Standing room only here.

Michealene Day:

Yeah, they were angry. They weren't just concerned about putting a park in there. They were angry.

William Mills:

And there was security aspects that were raised. They didn't want people going back to that land. I'm not even sure if this conceptual plan -- it was a good -- we sort of met people in the middle because there were people who came who wanted to see playground equipment, etc. And then there was another group that wanted to see it just left the way it was.

Michealene Day:

They didn't want people in their backyard. They didn't want people walking in their backyard. If it wasn't their backyard they didn't want them seeing them see their backyard.

William Mills:

That was nine years ago. Time flies by very quickly.

Michealene Day:

And they may have changed their mind. But besides the environmental issues I'd be concerned that we'd get a piece of property that we'd spend all our time arguing about.

Mike Pollocoff:

There is one other alternative the Commission could consider is the Commission could accept it, leave it in its natural state. And then when the Chiwaukee/Carol Beach Land Use Plan comes to that point in time where the Village deeds over all the public holdings we have, once the acquisitions are complete, this could be one of the things that get deeded back over to in this case it would be DNR as part of the prairie. So we'd be holding it --

Michealene Day:

In trust.

Mike Pollocoff:

There's a recent development that makes it a little problematic in that this will be coming back to the Commission probably in another two months. But the State's adopted a policy now that any public lands that they either buy or accept should be open to any kind of hunting throughout the year. That's not a problem, but in Chiwaukee Prairie/Carol Beach you've got these really jagged boundaries where houses are surrounded by wetlands and in some cases they aren't. You have DNR lands that kind of move in and out of neighborhoods. And they're saying they want people to be able to hunt for whatever in whatever season it is in those areas. So we've set up to this date, in fact I got a letter today, where the Village's last position was fine. If they want to do that that's fine, but wait until you finish acquiring all the land and then you can go ahead and do this.

The DNR is really being rigid that if the State owns land they want people to be able to hunt on it. Our concern is that if there's land that isn't owned by the DNR and if you're hunting you don't know if you're crossing private property, DNR property, let alone somebody whose fence is right there. So once it does go to DNR if we were to take this and possess it and give it to the DNR then the people along that east property line could have hunting right up against their property.

Cindy Schwab:

Which would I guess in some ways knowing that probably if you had another meeting letting citizens know that I don't think most of these people would want hunting in their backyard. So the alternative of having a park is much more attractive than having hunting in your backyard with kids and dogs. So that might be a motivator for them to change their viewpoint.

Mike Pollocoff:

It's a reality. We're going to have to come up to see how much we want to fight with them. But staff's been meeting with them for probably a good part of a year, and we haven't gotten them to budge.

Kris Keckler:

Do we have an idea that if we don't accept this donation that they would then just bypass us and give it straight to the State of DNR themselves.

Mike Pollocoff:

If he wants to limit his tax exposure I'm assuming he'd do that.

Michealene Day:

What is staff's recommendation? Are they in favor of taking this donation?

Mike Pollocoff:

The staff's recommendation is to accept the donation with the conditions.

Michealene Day:

Sure.

Mike Pollocoff:

And that gives the Village the ability to control that parcel of land no matter which scenario we fall onto, whether to keep it just as it is. We don't have it built into our budget to be out there mowing every week. That's not our plan. Just kind of leave it the way it is, and then let the planning process follow through as it does. But that hunting question we thought it was going to kind of lay dormant for a while, but they've decided to move it up to start the issue.

Steven Kundert:

Who owns the land to the west of that parcel and to the immediate south and southwest?

Mike Pollocoff:

DNR.

Steven Kundert:

It is DNR. So theoretically worse case scenario you could have a park with a playground if that's so deemed in the future with open hunting land immediately adjacent to it?

Mike Pollocoff:

Right, which we wouldn't do.

Cindy Schwab:

What is the State law on how far away from a house that you can hunt?

Mike Pollocoff:

There is no State law. There's a Village ordinance where you have to be 300 feet away for a single projectile or a shotgun. The State eliminated our ability to regulate bow and arrow so you can go right up to the fence line.

Jim Bandura:

Being residential anything is dangerous. I agree with Cindy here.

Mike Pollocoff:

There are some areas in the Village where it just isn't a big deal. It's pretty rural, but when you look at that map that's a really dense development.

Jim Bandura:

And even if we maintained that property and kept it the DNR still can let people hunt around it?

Mike Pollocoff:

Yes. They've told us they will let people hunt around it.

Jim Bandura:

And there's nothing the Village could do to control that?

Mike Pollocoff:

We could adopt a -- we already have an ordinance that prohibits that. But they've indicated that they view the administrative rule from the DNR being able to supercede that ordinance.

Jim Bandura:

Has anybody been hunting on the DNR's property?

Mike Pollocoff:

Yeah, but typically it's been down south. I don't know that I've heard of a lot of hunting issues up here. Down in the farther reaches of Chiwaukee Prairie. But there are people hunting birds or ground rats or whatever they can find down there.

Michealene Day:

Pheasants, yeah.

Jim Bandura:

So potentially that could be dangerous if somebody wants to walk his dog through the DNR property.

Mike Pollocoff:

Right now in Carol Beach that's one of the biggest uses of the DNR property especially where the roads haven't been abandoned. People walk their dogs on the gravel roads. They don't have to clean up after a dog. The dog goes off in the weeds and does whatever. It's a real popular thing. We have one road that we agreed with the DNR that they could abandon it, and the people in the area were really upset because that's what they were using it for. And it is a nice quiet place to walk because there isn't any traffic on those back roads.

Jim Bandura:

Well, if there's no further discussion I would recommend that the Village would accept it.

Michealene Day:

Are you making a motion, Jim?

Jim Bandura:

Sure.

Michealene Day:

Do we have a second?

Cindy Schwab:

I second.

Michealene Day:

Any further discussion?

Kris Keckler:

With the conditions outlined by administration.

Jim Bandura:

Yes.

Michealene Day:

Any more discussion?

Troy Holm:

So can you run by what the resolution 15-01 is actually stating? We're going to get this land donated and we're not going to do anything with it?

Michealene Day:

Whereas, Ralph and Frank Gesualdo have offered to donate to the Village of Pleasant Prairie a 13.44 parcel of land located north of 90th Street at the end of 5th Avenue in the Village and further identified as Tax Parcel Number 93-4-123-181-0100 and legally described on the attached Exhibit 1; and

Whereas, the land donation is generally described as open space, woodland and wetland area with a portion of the land located within the Primary Environmental Corridor. The land is identified as being in the Neighborhood Park and Open Space designation on the Village's 2035 Comprehensive Land Use Plan; and

Whereas, the land has been identified by the Village Park Commission and the Plan Commission in the Pleasant Prairie Park and Open Space Plan as a future Neighborhood Park identified in the plan as the Carol Beach Unit W Neighborhood Park; and

Whereas, the land donation is located in the PR-1, Neighborhood Park and Recreation and said Village zoning district describes the land as being in an area intended to be utilized as public park land; and

Now therefore be it resolved that Ralph and Frank Gesualdo, shall receive no monetary compensation from the Village in exchange for the donation of the described parcel of land; that upon acceptance of the land donation, the land will forever remain in the Village's ownership to be used for public park and other related public purposes.

It is further resolved that the Village Park Commission, on behalf of the Village of Pleasant Prairie, expresses its sincere appreciation to Ralph and Frank Gesualdo for this donation to the Village. Be it further hereby resolved that the Village Park Commission transmit a copy of this Resolution to the Village Plan Commission and Village Board of Trustees for their consideration and support. Adopted this 6th day of January, 2015, Village of Pleasant Prairie. And attached is the map and what it is showing and the legal description of the donated land.

Troy Holm:

Okay, so if we pass the motion then from what I gather here is it's telling us at some future point it's going to be public use whether it's a park or whether we discuss before as it might be use for hunting.

Mike Pollocoff:

Well, if it's a Village park it won't be used for hunting. We can insure ourselves for hunting. So if it's a Village park it will be used as the Park Commission determines as its most passive use which would be what it is today, or an incremental level increasing up to your typical neighborhood playground, ballfield, pond, park.

Michealene Day:

We have a motion and a second. Call for a vote. All in favor?

Jim Bandura moved to adopt Resolution #15-01 in appreciation for the land donation from Ralph and Frank Gesualdo with conditions outlined by Administration: Seconded by Cindy Schwab. Motion carried 7-0.

7. PARK COMMISSION COMMENTS

8. ADJOURNMENT

Troy Holm moved to adjourn the meeting: Seconded by Kris Keckler. Motion carried 7-0.