

AGENDA
VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
Village Hall Auditorium
9915 – 39th Avenue
Pleasant Prairie, WI
January 5, 2015
6:00 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Minutes of Meeting – December 15, 2014
5. Citizen Comments (Please be advised per State Statute Section 19.84(2), information will be received from the public and there may be limited discussion on the information received. However, no action will be taken under public comments.)
6. Administrator’s Report
7. New Business
 - A. Consider an Addendum to the Development Agreement between the Village and Route 165 LLC regarding the expansion of the Uline Corporate Campus.
 - B. Consider a Relocation Order for the acquisition of sanitary sewer easements and temporary construction easements for the Heritage Valley Sanitary Sewer project.
 - C. Consider a Proposal to provide appraisal and acquisition services for the Heritage Valley Sanitary Sewer project.
 - D. Consider Operator License Applications on file.
8. Village Board Comments
9. Consider Entering Into Executive Session pursuant to Section 19.85(1)(g) Wis. Stats. to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
10. Return to Open Session and Adjournment.

The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 – 39th Avenue, Pleasant Prairie, WI (262) 694-1400

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
December 15, 2014
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, December 15, 2014. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Steve Kumorkiewicz; and Mike Serpe. Clyde Allen was absent. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Kathy Goessl, Finance Director; Dave Smetana, Police Chief; Doug McElmury, Fire & Rescue Chief; Rocco Vita, Village Assessor; Mike Spence, Village Engineer; John Steinbrink Jr., Public Works Director; Dan Honore, IT Director; Carol Willke, HR and Recreation Director; Sandro Perez, Inspection Superintendent; and Vesna Savic, Deputy Village Clerk. Six citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING - NOVEMBER 25 AND DECEMBER 1, 2014**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 25 AND DECEMBER 1, 2014 VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KECKLER; MOTION CARRIED 4-0.

5. CITIZEN COMMENTS

Recording of minutes did not begin until 6:10 pm. - **Citizen Comments have been summarized** base on notes taken at the meeting.

Tom Genthner:

Tom Genthner, 4646 78th Street. Expressed his displeasure with the price increase for membership at the RecPlex. Also, wasn't satisfied with the explanation he was given by management at RecPlex for their price increase.

Pete DeBartolo:

Pete DeBartolo, 2614 32nd Street. Will answer any questions regarding Item L, land donation.

John Braig:

John Braig, 4707 84th Street. Questioned when parking tickets are issued at RecPlex, what fund receives the revenue?

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6. ADMINISTRATOR'S REPORT – None.

7. NEW BUSINESS

A. Consider proposed 2015 Clean Water Utility, Fleet Internal Service Fund and Solid Waste Utility budgets.

1) Resolution #14-42 relating to the adoption of the 2015 Clean Water Utility Budget.

[Recording Started at 6:10 p.m.]

Mike Pollocoff:

It used to be -- we used to cover this on the general property tax and not as a special utility but the reason we changed it from the utility is approximately 25 percent of the Village is tax exempt. So places like St. Catherine's Hospital, We Energies, Unified land, DNR land, University land, a lot of land in the Village that generates stormwater they didn't pay anything because they didn't pay any taxes. So it really put more of a burden -- it shifted the burden for this onto the residential taxpayers and the Corporate Park versus from distributing equally. Now, if you think back when we created this ordinance we identified the fee structure to be based on how much runoff is coming off of each individual property and what type of runoff. If it's impervious, if it's wooded land, if it's other types of land that would have different levels of its ability to drain water.

But as Kathy said, and I think this is the key thing, you can see operational we don't do too much on this, but over time we will. We have \$22 million in assets that the Village is responsible for maintaining, and this is the way we're building up that fund to be able to replace lines that need to be replaced when it's time and some of that stuff is going to cost a lot more to replace it than when it went it. This is really the most cost effective and reasonable and equitable way to do this over what has been done in some other areas. If you want, I guess since on the agenda these things are sequential, maybe we want to consider the resolution after the presentation if there aren't any more questions. It would be 14-42.

John Steinbrink:

Under A, number 1).

Steve Kumorkiewicz:

Under 14-42. I make a resolution --

John Steinbrink:

What agenda do you have?

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Steve Kumorkiewicz:

Yes, I make a motion for Resolution 14-42.

Michael Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike for adoption of Resolution 14-42. Any discussion on this item?

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #14-42 RELATING TO THE ADOPTION OF THE 2015 CLEAN WATER UTILITY BUDGET; SECONDED BY SERPE; MOTION CARRIED 4-0.

2) Resolution #14-43 relating to the adoption of the 2015 Fleet Internal Service Fund Budget.

Kathy Goessl:

The next budget we're looking at is Fleet Internal Service Fund. This budget is a budget that takes care of all of our vehicles except for fire and rescue and police. They buy the vehicles, and they charge it out to the respective enterprise funds or general government department that may be using the piece of equipment that they have.

We're looking at a 2 percent increase in charge out rates. Since this fund was established in 2009 we haven't increased those charge out rates to the enterprise funds or our general government departments. At this point we're recommending a 2 percent increase which is spread over all the different enterprise funds and general government. The ones that use the most equipment is public works and our solid waste utility. They get the biggest charge outs, public works because of the plow trucks, and when they go out for plowing there's a lot of plow trucks at a pretty good rate and then the garbage trucks go out every day. So this 2 percent equivilates to \$30,000 spread over all enterprise funds and general government departments.

This, again, is the same comparison I did on the clean water utility. It compares the 2014 budget versus the 2015 proposed budget and shows the dollar changes and the percent changes. Operative revenue wise we are going up \$30,000. That's the 2 percent increase charge out rate. Operating expenses, personnel we're looking at an increase in the number of public works and utility hours allocated. So public works and utilities have a set number of full-time people and a set number of part-time hours and every year the public works department, John, Jr., reviews the hours and makes changes in allocations based on where he anticipates more or less work being done in each of the different enterprise funds. So this one is actually increasing over last year's allocation.

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Contractual services, increase in contractual services it's up \$17,000, the majority being the contract equipment maintenance for contractual services and then supplies and maintenance up \$26,000. The majority of this increase is in fuel. From 2014 budget it's up \$30,000 but it's only up \$10,000 over what we're projecting to end 2014 for fuel. Insurance is pretty much stable, decreasing \$563. Depreciation we are budgeting at 2013 on depreciation levels. We're looking at a slight increase, a \$16,000 increase.

Fleet internal service when they use the vehicles also they charge themselves for the use of a vehicle they may use to pick up parts or run some errands. That's going to be up \$2,000. And this department has no decision packets, well, besides the rate increase which we have built into the operating revenue on the top [inaudible] packet that's being proposed. So we're looking at almost a break even budget here in terms of operating. We're actually having a slight decrease, a loss compared to last year, an increase of a \$47,000 gain.

We do have non-operating costs to this utility. Basically, again, they have the interest income from the money they have which is around -- well, we'll see the next slide, but it's not anywhere close to the clean water utility. Non-operating revenue also has gained and loss in sale. This account will change depending on the equipment and vehicles that we are looking at selling or trading in each year. This year we're looking at trading or selling vehicles that either have less of a value or we're trading in less of them for a decrease of \$25,500.

Grants, we have a grant for \$104,000. This grant is for a TR bus. We haven't received approval for this grant yet, and if we don't receive approval for the grant we will not get the bus. The bus is actually in the capital plan that we have. So here we're looking at a net gain actually more than we had up to \$135,000 compared to \$105,000 last year.

Here's our cash reserves. As I said, it's less than the Clean Water Utility. We're looking at ending the year at \$647,000 in this reserve and then we're looking at using money, again, in 2015 to bring the reserves down to a little less than a half a million dollars. The cash reserves are for future replacements of equipment and vehicles. So we do have a five year plan that was presented in your packet for this utility or this enterprise fund.

So in terms of the equipment that we're looking at buying this year the majority of it is on this slide showing vehicles and equipment. First of all we're looking at a single axle truck, and for \$30,000 this is a used contractor dump truck replacing an aging vehicle. Pickup trucks this is replacing public works pickup trucks for \$63,000. I believe this is two trucks. TR bus, this is an additional bus for the TR department and, again, if we don't receive a grant we'd probably not purchase this vehicle because we don't have enough money in this fund to do that. RecPlex vehicle or RecPlex van replacing one of their vans for \$20,500.

Sanitary trucks for \$470,000. This is actually two new garbage trucks - side loading. We got them for a good price because we actually purchased them as a demo, or we're looking at purchasing them as a demo and getting them in January and we've heard that they were not able to produce them earlier to actually use them as a demo, so we're actually going to get new trucks instead of demo trucks.

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Used forklift for \$6,000. This is used to unload inventory and move pallets around the shop. Equipment mowers, this is actually a mower this year to replace the zero turn mower. Leaf collector we're adding an additional leaf collector because as we look at the solid waste budget we're proposing to add one route in the spring and one route in the summer or an additional route each, so we need another leaf vac to do that and a used bobcat Toolcat which is for \$30,000, and this is going to be used mainly for snow removal here at Village Hall and seasonal public works maintenance for a total of \$823,500 in this category.

In the other category for capital we're looking at attachments - looking at a side mounted road mower for mowing along Village roads. The current mower has reached the end of its useful life, and the repair costs are exceeding its value and a vehicle code reader. This is a new tool that will have necessary options to reset codes that the public works department currently has to contract out to complete. So this would help us save money to be able to reset our own codes on vehicles instead of contracting out for a total of \$33,000.

So this budget that we're proposing is looking at a 2 percent charge out increase. Other than that it's pretty similar to what we had in the past year. So we're looking at approving Resolution 14-43.

Michael Serpe:

Are gas prices having an effect on this budget?

Kathy Goessl:

Yes, it's going down.

Michael Serpe:

It has an effect?

Kathy Goessl:

Yeah, it will.

Michael Serpe:

And the mechanic is totally taken out of this budget?

Kathy Goessl:

Yes.

Michael Serpe:

Total.

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Kathy Goessl:

Anybody that works on a vehicle is charged this budget. Of course, the mechanics -- there's two full-time mechanics now and one part-time and then anybody in the public works or utility department that actually works on a vehicle and is not doing plowing or something else that's their normal job will also get charged to this utility.

Michael Serpe:

Move approval of 14-43.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Questions?

Kris Keckler:

Yes. I have a question related to the therapeutic rec bus. So let's say it's a grant opportunity right now, and when will we know?

Mike Pollocoff:

We'll be applying for it. The fund for it for disabled people is called New Freedom and it's federal money that is passed through to the State. Our understanding is the Governor has declined to take the mass transit funds. So until that washes through the State budget -- it's not just New Freedom, it's a lot of urban and mass transit funds they're not coming through on. So until we know how that comes about then we'll go from there.

Kris Keckler:

My additional question, though, this would help alleviate some of the burden for the existing vehicles. Is it just for the therapeutic program or special needs and CDS?

Mike Pollocoff:

Primarily we use it for the therapeutic rec. I mean it's set up so we could put I believe four wheelchairs on one bus and so when they go out in the community or we take them home or pick them up they use it. But then we do use that bus for after school from the pickup at the various schools to bring kids to RecPlex for the after school programs. So the bus is coming and going. Primarily it's set up for disabled people. But the places where you put a wheelchair the seats fold

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down and we can pick up a load full of kids that are coming from elementary school going to RecPlex.

Kris Keckler:

Is there any anticipation that if this grant opportunity is denied that there has to be some alternative to address any potential increased usage just because of the types of transportation that are utilized primarily by the existing vehicle?

Mike Pollocoff:

What we're going to do is we're going to probably prepare to spend more maintenance dollars on the bus to keep it running longer. We have been using vans, those long vans to pick up from the elementary schools and pick up the children at the elementary schools. The other thing at some point -- Unified will deliver children from Pleasant Prairie Elementary without charging us. But the other Pleasant Prairie schools we pick those up. So really when does that mass or the volume at the schools justify us either contracting with a school bus company to go get the kids or having us pick up another bus of a little more traditional nature and use that to pick kids up in the morning and also in the afternoon and we do it in the morning as well. Everybody that was dependent on State revenues for mass transit, whether it be handicapped or regular, those programs are not in favor right now.

Kris Keckler:

I just wanted to see if there was still a resource that was viable to continue just in case the grant opportunity didn't go through.

Mike Pollocoff:

We know this bus has been out there a while, and we'll just keep it running as long as we can.

Kris Keckler:

Alright, thank you.

John Steinbrink:

Other questions? John, the price of gas has gone down but how about diesel? Unfortunately that's what our garbage trucks and most of our utility trucks are.

John Steinbrink, Jr.:

Mr. President and members of the Board you're absolutely correct. The majority of the cost is in diesel fuel, and the diesel fuel really hasn't decreased in price. If anyone has a diesel vehicle the price is still like at \$3.89. The unleaded fuel has decreased quite a bit more. It's down to like the lower \$2 or lower \$3 I should say, but that's a little more volatile. That really goes up or down

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quite a bit more. But a majority of what the plow trucks use and the solid waste trucks and really all the heavy vehicles at public works which is the lion's share of the fuel cost is diesel fuel, and that's been pretty consistent. So we may save a little bit off the top with unleaded, but a majority of what we spend our fuel on is the diesel fuel, and that's normally a pretty consistent cost per se.

John Steinbrink:

Okay, so we can hope it just goes down in the spring maybe or something by then.

John Steinbrink, Jr.:

Yeah, we always hope that unleaded and diesel stays as low as it can and then it never snows. That really helps the budget out quite a bit.

John Steinbrink:

We're all hoping for that. Alright, thank you. Other questions?

SERPE MOVED TO ADOPT RESOLUTION #14-43 RELATING TO THE ADOPTION OF THE 2015 FLEET INTERNAL SERVICE FUND BUDGET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- 3) **Resolution #14-44 relating to the adoption of the 2015 Solid Waste Utility Budget.**

Kathy Goessl:

Our final budget for this evening is the solid waste budget. The solid waste budget operates the compost site, collects our garbage, collects our recycling, collects leaves, collect hazardous waste. It does a lot of things for the cost of the service to our residents. We're looking at a couple decision packets here. The first one is to enhance leaf collection services and to extend our compost site hours. We're looking at adding one round to the spring to bring it up to two rounds, and bring one round in the fall to bring it up to four rounds from three and then extend our compost hours by two hours per day. That would cost us a little less than \$29,000. To help us offset the cost of this decision packet we're looking at a user charge increase of 50 cents for a total increase in revenue of \$44,100. It will cover the cost of actually the operational hours and also help with the additional leaf collector.

Then we have the GIS specialist to full time. This is an allocation from general government of \$794. So the net revenue increase for our decision packet is \$14,441. Again, the same chart I have here for the other two enterprise funds I'm looking at for solid waste. Revenue-wise we have growth in the number of residential users and an increased use of our other services like bulk pickup, electronic recycling, etc. So this 2.2 percent, \$33,000, is not the rate increase. It's actually just an increase in the number of residents as well as them using our services more than they have in the past.

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Operating expenses, depreciation is budgeted at 2013 actual levels and down slightly - \$2,000. Office expense is similar to last year, and that includes - like the majority of this is contractual printing. There's a lot in the calendar that pertains to our solid waste utilities so they get a charge for that calendar. And that's one of the major expenses, otherwise there's other minor office-type expenses here.

Compost site expenses are down \$3,632. Administrative costs are up \$11,278 and administrative expense is mainly wages and benefits. The increase here is \$2,700 in full time and \$5,000 in part time and the wages associated with -- or the benefits associated with these wages. Again, for the part time it's basically an allocation of our clerical staff based on the operational hours of our actual workers [inaudible] to the funds.

Leaf collection expense is pretty much staying the same. Recycling expense is up \$34,000. The main reason for this is our truck tipping fee. Mainly the tipping part of the fee is up, and that expense account is up \$30,000. Trucking of recyclables has doubled since July 2013. Garbage expense is also up and, again, that's up because of tipping and there's a slight decrease in allocation of wages and benefits to that line item.

So we're looking at an increase of 3.5 percent or \$55,000 in the operating expense of this utility. This is not including the extended compost site hours or the added leaf collection route. Below that is the decision packet, and that's the actual increase in those two areas plus the offset by the rate increase. Transfer out is to do with the design of the equipment storage at Prange. And also a minor amount is utility billing software module being implemented this year. So we're looking at a loss in this utility of \$149,000. Again, we're not looking at operating loss as much as we're looking at cash flow which is in the next couple slides.

Nonoperating-wise this one has a little bit more than the other two utilities had. We have a grant here that is -- last year we budgeted \$46,000 which is the recycling grant. We weren't certain if we were going to get the hazardous waste grant at the point we did budgets last year. This year we have been guaranteed that we will get the hazardous waste collection grant again. So the \$56,000 includes both the recycling and the hazardous waste grant.

Interest income down slightly. Premium amortization and the two nonoperating expenses is associated with the debt for the solid waste enterprise fund. 2014 was the last year we paid off the last principal payment of \$175,000. Therefore, this utility is not debt free, and those expenses have been eliminated going forward for 2015 and beyond. Cash flow-wise this utility has the least amount of cash of the three utilities we have talked about tonight. It has a beginning balance of \$277,000 estimating to end the year at \$185,000. We are looking at some capital projects, and the operating was down in terms of net loss so we're looking at a decrease in this utility down to \$148,000 in cash reserves.

We're looking at two capital projects in this utility. The first one is RFID readers. These readers will let the department of public works managers track recycling compliance. The information will then be used to determine locations that require more education and to send that out to the residents that are not complying with our recycling rules. Improvement to compost site - the

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compost site needs improvements to help maintain equipment and improve the process. In 2015 we're looking at \$15,000 to rebuilt a used shed for a total capital improvement plan of \$45,000.

So this is our utility budget. We are looking for a rate increase of 50 cents for all three of our options that we have for solid waste utility and I'm looking at \$45,000 in capital, and you saw the operating budget. Any questions? Otherwise we have 14-44 adoption for this budget.

Michael Serpe:

I have just one question. What are the three options again? Unlimited waste pickup and senior citizen?

Kathy Goessl:

No.

Michael Serpe:

We don't have a senior citizen.

Mike Pollocoff:

Unlimited waste pickup, limited waste pickup with I think a smaller, I think it's a 45 gallon container rather than 95. No, it's 65.

Kathy Goessl:

It's unlimited, and then the second option is unlimited with one or two bulk pickups, two bulk pickups a year. And the third option is unlimited with no bulk pickup.

John Steinbrink, Jr.:

Yeah, you're correct. With the option number two it's limited throughout the year except around the holiday season and around the holiday season it's unlimited between Thanksgiving and Christmas and so that's the way we sent it up ten years ago. So option one is unlimited, as much as you want to put out year around. Option two is limited to what you can fit into the container but unlimited between Thanksgiving and Christmas and then option number three which is our \$1 cheaper than what our option one is it's just limited to what the containers are. It doesn't matter what the container size if per se, but just if you can put any additional material next to your container and have it collected.

Michael Serpe:

John, having three options is that an accounting problem?

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John Steinbrink, Jr.:

Not for public works. A majority of the residents do have collection option one. There was a strong demand for a lot of the people that live in condos to have a smaller option because they generate less, and so that option is available and I can let Kathy speak on the accounting component of it.

Kathy Goessl:

Once a year we allow them to switch options so it's not that hard accounting-wise and then the systems are connected so John knows, his drivers know, which ones have which options so they're not picking up unlimited at a limited location.

Michael Serpe:

I was just looking at if it was a little bit of a pain to administer this we can maybe consider in the future eliminating one of these options.

John Steinbrink, Jr.:

And we can always make that a part of a decision packet, either add to it this year or for future if the Board desires.

John Steinbrink:

John, as long as you're up there the RFID readers in the trucks and the problem you're having is that from people putting the wrong things in compost or the wrong things in garbage?

John Steinbrink, Jr.:

A lot of them are just putting the wrong things -- the biggest problem we have is we've had a hard time having the residents actually put as much as they can in recycling and there's a status for that, it's called the diversion number and so as much that you take out of the garbage and put into the recycling that's our diversion number. Before we started garbage back prior to eleven years ago it was around that 15 percent that we were pulling. So if you would have 100 tons of garbage and recycling 85 tons would be garbage, 15 tons would be recycling. When we started the single stream recycling that number we almost doubled it up to around 30 or 31 percent which statewide is pretty good.

Then over time it seems like, and I guess I can't really put my finger on why people haven't been doing it, but our numbers probably dropped down to like the mid 20's and so for every 100 tons of garbage and recycling that we do around 78 tons would be garbage and 22 tons would be recycling. That's important for the budget because we have to pay a large tipping fee of over \$40 per ton to dispose of our garbage. But we actually get paid a little bit for recycling, and we have a much smaller tipping fee for the recycling component. So as much as we can transfer out of the garbage into the recycling really helps our bottom line with that diversion structure.

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John Steinbrink:

So it's an education thing for the public.

John Steinbrink, Jr.:

It's kind of an education thing of it and so the purpose of the RFID is all the containers have a small little RFID tag in it and then we can generate a report that says here's where we picked up all the recyclables. Here's all the carts that were tipped with the garbage truck. So if you have a home that hasn't had any tips in a month or two months you know either, one, the RFID isn't working or, two, they're probably not recycling anything at all and the process would be to go through and send them out an educational letter and say, hey, recycling is important, here's things that you can recycle, it's easy to do, please follow the rules and then we have different stages of compliance for the ordinance.

Kris Keckler:

You answered about half my questions with that response so thank you. Is there any indication as to the type of recyclable, be it plastics, paper, glass that has led to this decrease in the last three years?

John Steinbrink, Jr.:

The biggest volume that we have is paper and cardboard per se and we thought like maybe five years ago the reason was that we didn't have a large enough container. A lot of the people when we first started out the automated recycling they chose a 65 gallon container. So we actually developed a program that said we'll give everyone a 95 gallon container and then it jumped up a little bit because it was fresh in their minds. For some reason, like I said I'm still not sure what it is, it seems like the diversion has really been going down and so we're hoping that by working with Chris and the calendar and maybe getting some press releases out just finding some ways to education the community and just to really show them how it is going to have an impact on your rates at the end of the day.

Kris Keckler:

And there's a State grant that you expect to decrease over the next several years related to recycling programs?

John Steinbrink, Jr.:

Correct.

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Kris Keckler:

Is there any penalties or efficiency markers that need to be met related to either diversion rate or tonnage? Or is it just expected to decrease just because of time and not do any type of performance based on a recycle program?

John Steinbrink, Jr.:

As far as the diversion structure?

Kris Keckler:

Or any penalties.

John Steinbrink, Jr.:

There are no penalties per se that the State has. The recyclables and the compost are not allowed in landfills, but that gets really hard to monitor. If someone takes like an aluminum can or some paper, takes it and throws it in the garbage it's kind of hard to tell. We do have a system of violations where if our operator sees something in the garbage truck we have a camera in the hopper. He can go through and tag it and we can send them some information with that. One of the most successful programs that we did was we got into the schools and we started educating the kids and we used to do a lot for Earth Day, and Whittier was a really big proponent of this where the kids would actually be the ones that were telling the parents, hey wait a minute, this is supposed to be recycling and I'm not sure, like I say, what's been going on but we are going to increase our public education, work with Chris in the newsletter, and find some ways where we can generate a higher diversion number and save the enterprise fund a little bit of money at the end of the day.

Kris Keckler:

I think that's extremely appropriate and well thought out. My last question then as far as the potential penalties for noncompliance, so you did allude to the fact that there's a camera or if it's a visual violation. With the RFID system you would be able to only identify the bank or row of houses where you had generated some inappropriate dumping of items in there. As far as establishing a penalty you really would have to get down to that level of visual inspection on an assumption basis, correct?

John Steinbrink, Jr.:

Right. Well, the RFID is just going to tell you where there were no tips and so the route driver runs through a subdivision, and then it will give you an address list based on the GPS coordinates on whether there was a tip or a no tip and so if you know that there was no tip or the RFID wasn't read over the course of one week, two weeks, three weeks, four weeks, couple months, those are the people we're going to target because we know those people are at zero compliance right now.

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And so even if we can get those people up to 50 or 70 percent compliance that's probably the biggest bang for the buck.

Kris Keckler:

And there's no penalty system right now or there is?

Mike Pollocoff:

There is a municipal ordinance. After advising them that they're putting recycling materials into the solid waste, and that we've contacted them, put them on notice, worked with them on separating it and they still won't do it, the Village has the ability to fine somebody for noncompliance.

Kris Keckler:

I'm guessing that's been minimal.

Mike Pollocoff:

I don't think I've done any.

John Steinbrink, Jr.:

We really haven't done that in the last ten years. It's out there in the ordinance. There's a three step process like Mike had talked to.

Kris Keckler:

Education.

John Steinbrink, Jr.:

But it's really hard to track it. Now this RFID really gives us the final tool that we need to attract this and increased compliance for recycling.

Kris Keckler:

Okay, thank you.

John Steinbrink:

Other questions? If not, thank you. We need a motion yet. We've had a lot of questions but no motion.

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Kris Keckler:

Move to accept.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve for adoption of Resolution 14-44. Any further comment or question?

KECKLER MOVED TO ADOPT RESOLUTION #14-44 RELATING TO THE ADOPTION OF THE 2015 SOLID WASTE UTILITY BUDGET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0

B. Consider Resolution #14-39 to initiate an amendment to the Village of Pleasant Prairie Park and Open Space Plan 2013-2018 related to a revised Concept Plan for Pleasant Prairie Park.

Jean Werbie-Harris:

Mr. President and members of the Board, Resolution 14-39 is a resolution to initiate an amendment to the Village's Park and Open Space plan as well as the Village 2035 Comprehensive Plan as the Park Plan is a component of the Comprehensive Plan. The Comprehensive Plan was initially adopted by the Village in December of 2009 and following that a Park and Open Space Plan was amended and updated on May 20, 2013.

The Park Commission at its December 2, 2014 meeting recommended that a new concept plan for the Pleasant Prairie ball park be amended to eliminate two ball fields and to add a football field in the north central portion of the park and to add a cell tower site in the central portion of the site, as well as to relocate a pond further east.

Up on the screen now are the two exhibits, Exhibits 1 and Exhibit 2 and as you can see some of those changes that are being proposed, again, to modify those ball parks in the north central portion as a football field, to add a cell tower site in the east central portion of the property, and to make some modifications with respect to a pond location.

The purpose of this resolution is only to initiate the process by which these proposed changes can be evaluated before the Village's Plan Commission as part of a public hearing, and then taken up by the Village Board following the Plan Commission recommendation. So the Village Board is hereby initiating and petitioning that the Village consider this revised concept plan and to move it forward for a public informational public hearing at the Plan Commission meeting. The staff recommends approval of Resolution 14-39 as presented.

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Steve Kumorkiewicz:

So moved.

Michael Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike. Further discussion?

Steve Kumorkiewicz:

I've got a question. We're going to open to 108th, correct, we're going to go to [inaudible] property over there?

Mike Pollocoff:

That's part of the long range plan for this is at such time as those -- there's two parcels there. When they become available that would be -- the Village would like the opportunity to purchase those parcels to add them to the existing park. We're not going to condemn them, we're not going to acquire them aggressively. It's just a willing buy/willing seller.

Steve Kumorkiewicz:

Thank you.

John Steinbrink:

We had a motion and a second. Further discussion?

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #14-39 TO INITIATE AN AMENDMENT TO THE VILLAGE OF PLEASANT PRAIRIE PARK AND OPEN SPACE PLAN 2013-2018 RELATED TO A REVISED CONCEPT PLAN FOR PLEASANT PRAIRIE PARK; SECONDED BY SERPE; MOTION CARRIED 4-0.

C. Consider Resolution #14-40 to initiate a Zoning Text Amendment related to zoning fees.

Jean Werbie-Harris:

Mr. President and members of the Board, Resolution 14-40 is an initiation of a zoning text amendment and this pertains to the pre-development agreement and pre-development documents as set forth in the zoning ordinance. As you know, whenever there's a modification to the text of the zoning ordinance it does need to be initiated by the Village, either the Plan Commission or the

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Board. So the purpose of this amendment then is to bring this matter with the proposed modifications that the staff is suggesting to the Village Plan Commission for a public hearing and then that item will come then back to the Village Board for its final authority.

Primarily we aren't looking at any modifications in the fees but more of a clarification as to what's being tracked by the Village staff as billable time to bill back to the users who are requesting the applications to be reviewed by the Village staff. Staff then recommends approval of Resolution 14-40, again, to initiate that process to bring it back to the Plan Commission and Board for final review, public hearing and approval.

Michael Serpe:

When would that come back to us, Jean?

Jean Werbie-Harris:

Likely in January. It will go to the Village Plan Commission the second Monday of January, and then it will likely go to the Board the third Monday of January.

Michael Serpe:

Move approval of Resolution 14-40.

Kris Keckler:

Second.

John Steinbrink:

Motion by Mike, second by Kris for adoption of Resolution 14-40. Any further discussion?

SERPE MOVED TO ADOPT RESOLUTION #14-40 TO INITIATE A ZONING TEXT AMENDMENT RELATED TO ZONING FEES; SECONDED BY KECKLER; MOTION CARRIED 4-0.

D. Consider Resolution #14-41 recommending to the Kenosha County Public Works/Facilities Committee the temporary stop signs located at the intersections of Bain Station Road and CTH H, Bain Station Road and CTH C and CTH C and 104th Avenue to be permanent.

Mike Pollocoff:

Mr. President, this last summer there was construction of the roundabout on Highway C and H and there was also construction on Highway 50. So there were a number of detours that were taking place in that part of the Village. In order to facilitate the movement of additional traffic Kenosha County had placed four-way stop signs at all these intersections where previously there

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had just been two-way stops. The previous stops were at Bain Station on both sides of H and C, and then the other one was at C and 104th Avenue.

From the staff's perspective we thought that those stop signs were making those intersections safer and easier to maneuver traffic through. The Village President and I met with Gary Sipsma, the Highway Commissioner, and we indicated that that's something we'd like to have the County before they were going to take them down right after the projects were completed, ask them to leave them up and give people an opportunity to evaluate whether or not they wanted them to continue and that the Village would through our open town hall forum solicit feedback to see what people thought about keeping those stop signs up or if they wanted them taken down.

Chris Christenson put an article in the newsletter. We got something in the *Kenosha News*, and we allowed this to stay up a month. So the results of this was that on Bain Station Road and County H 73 percent of the respondents felt that the stop signs made it safer to travel through that intersection; 22 percent didn't think it helped; and then 71 percent believed the County should consider making the signs permanent. On Bain Station and C, 77 percent, and that was the highest response, felt the stop signs made it safer, and 77 percent also felt that they should keep them there. On C and 104th, 58 percent of the respondents felt the stop signs would make it safer, 29 percent did not, and 57 percent felt the County should consider keeping the signs, while 32 percent did not.

We know that just from observation that these stop signs especially along C have had the impact of calming that traffic flow on Highway C and on Bain Station and H which is one of our higher accident intersections we haven't had any accidents yet. There's always the opportunity for us in an accident at a four-way intersection. So based on this input this resolution is meant to be considered and either adopted or adopted as amended to go to the County Public Works and Highway Committee to make a recommendation to Kenosha County to have an ordinance adopted to have those signs be permanent and they would probably consider that sometime in January. As I said, the County Exec has agreed to leave the signs up until the Highway Committee makes a decision one way or another.

Michael Serpe:

I'd like to add a couple things to this. I support the resolution, but when we consider the Highway H and Bain Station and Highway C and Bain Station I think the north/south stop signs should be the solar powered flashing stop signs. Both of these intersections are high speed intersections for north and south on H and also on Highway C. I mean consider if the stop signs which I know are about \$1,200 or \$1,500 apiece, when you consider the possibility of saving an accident or two, the amount of time we have to pay the police department to respond, the fire department rescue, I think it's almost a wash if not a plus for the community.

I would ask that we include solar powered lights at least on four of them for sure. I'm not too sure if Highway C and 104th Avenue is going to go through, if possible, but it looks like that one may not survive the cut. We don't have to make this part of the resolution, but if the County balks at it because of cost maybe we can offer a little bit of assistance. It might be worth it for us to chip in a couple thousand dollars and get this thing done. I think it's worth it for public safety

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and to keep our firefighters answering the calls that need to be answered on a regular basis and the same for the police department.

Steve Kumorkiewicz:

I agree with Mike because 104th and C is a pretty tough intersection because it's a high speed westbound, and when you go around the curve sometimes a car comes right to C and 104th and don't see it. I've seen several very close calls. Same with H. I travel H frequently, H and C, and to me what Mike suggests [inaudible] we should support 100 percent even if we have to pay part of that.

Kris Keckler:

I fully support this as well. I just was wondering as I was reading some of the feedback a couple of the negatives ones were during the high drive times the amount of backups in that area and more indicative, I'm glad you mentioned it, there were no accidents during this time period. Has there been anything in regards to any of our emergency services trying to navigate those intersections when it has been highly congestive and more to be proactive about that. So I don't know if there's been anything from either the police or fire departments.

Mike Pollocoff:

I haven't heard anything. I don't know if you guys have detected that. I mean that's not to say it couldn't happen. I do know that in our long-range plans we're looking for -- I think what would help alleviate that problem is to construct a roundabout at Bain Station and H and possibly at Bain Station and C because the angles on that one are terrible. It's the perfect use of a roundabout. And then there's a possibility at C and H as well. I mean it's pretty close to the other one. There's three corners of that intersection that the land belongs to the Village so there might be some room to build and to put that out. That would have to happen over time.

But inasmuch as the State determined that we're in a pollution area and that the purpose of when you have that designation of having high pollution you should be able to get congestion mitigation grants and use those for the construction of a roundabout through maybe since we have that mark on us maybe we'll have better luck at getting some grants to get those going in the future. I think that's really the long-term answer for that congestion for emergency vehicles. But either way I think the worse case scenario is to put traffic signals up there. I mean you could put the preemption device for fire and rescue and police on that, but that's just an ongoing expense.

John Steinbrink:

The backup at H and Bain that is noticeable. But also at that same time there's a backup on Bain. So it actually feeds through pretty good with both backups whereas before it was a crap shoot getting across there. At least now they have even odds of making it and it does move along. I mean it is a backup. It goes all the way three driveways on the farm but they move right along. It really isn't much of a delay. They get through and as far as putting a flashing stop sign it probably wouldn't be a bad idea on especially the southbound lanes on H because maybe once a

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week you'll see a semi blow through there which is the most dangerous thing you can have because everybody is expecting him to stop. But nothing is happening because people there realize he's not stopping and generally we'll see them on the radios or something. Why we don't know because the signs are quite visible. There's no time of day when they can't see or nothing. It's just inattentive driving. So maybe a flasher would get their attention. Other comments or questions?

Michael Serpe:

So could we include the flashing?

Mike Pollocoff:

Sure. We'll amend that and the resolution will reflect that.

Kris Keckler:

And the potential assistance if the cost becomes an issue?

Mike Pollocoff:

Well, we won't put that in the resolution. We'll advise them verbally.

Kris Keckler:

Take it out of the fleet maintenance fund we just went through.

Michael Serpe:

I'd move approval of Resolution 14-41 with the addition.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any discussion?

SERPE MOVED TO ADOPT RESOLUTION #14-41 RECOMMENDING TO THE KENOSHA COUNTY PUBLIC WORKS/FACILITIES COMMITTEE THE TEMPORARY STOP SIGNS LOCATED AT THE INTERSECTIONS OF BAIN STATION ROAD AND CTH H, BAIN STATION ROAD AND CTH C AND CTH C AND 104TH AVENUE TO BE PERMANENT, INCLUDING FLASHERS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

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E. Consider an award of contract to purchase Self-Contained Breathing Apparatus and associated equipment for the Fire & Rescue Department.

Doug McElmury:

Hi, Mr. President and members of the Board. We're here to propose a purchase of new self-contained breathing apparatus and associated equipment. When we put together our bid request we had done an extensive review of three different manufacturers, MSA, Mine Safety Apparatus, who is the manufacturer of the equipment we've been using for about 30 years, the Scott which is a recognized leader in the industry, and a local company by the name of Interspiro. Those were three very widely accepted and trusted names in the business.

So we kind of broke down the basic scope of our project into the breathing apparatus itself and associated equipment like confined space equipment what we call RIT or rapid intervention team equipment. The wireless communication system which is relatively new to the SCBA market and there's different manufacturers who approach this in different ways, but it allows the crews to talk between themselves in a wireless mode. Telemetry equipment which then takes the information that can be extracted from the SCBA and gives it to the incident commander or a designee that's like in charge of accountability such as air pressure and in some cases even location.

We looked at because the new standard for NFPA requires some larger cylinders we had to change out all the vehicle brackets in which the air packs are mounted. A fit tester which is required by law we have to fit test each year. We had purchased one about 11 years ago through the County on a Homeland Security grant that's coming to the end of its life, and there's really no funding mechanism to replace that. Also radio adapters so we can talk right from inside the face piece to the radios. And then, of course, some spare parts and the training of people in using and maintaining these air packs.

The first bid that we'll discuss I refer to as a raw bid that came in and because there's a lot of loose equipment there's some differences in how people actually bid on it. Bendlin who is our MSA dealer bid \$337,000, however it was an incomplete bid in the fact that they did not bid the wireless communications system. There was a system in there that allowed people just to talk over a speaker, but it didn't communicate between the packs. Had very limited telemetry components, it had some but it didn't really have the function we were looking for. Actually there was a chest wrap, it just wasn't detailed out. There was vehicle brackets that will go into each of the engines and the ladder truck that were not included in their bid. And then the same with the radio adapter, spare parts and training. None of those were spelled out in the bid at all.

Jefferson is out of Madison. They're the local Scott dealer. Their bid, as you can see, was \$49.42 more than Bendlin but, again, it didn't include the wireless communication, some of the telemetry components, brackets. Now, they didn't include the fit tester and that's a pretty substantial amount of money. It's over \$13,000 for the fit test machine. Then also the radio adapters and then spare parts. They did take an exception on the parts because with a 15 year warranty they state that we won't need that many spare parts. However, all the manufacturers have a pretty consistent warranty where the warranty covers against manufacturers' defect, but it doesn't cover against damage and it is not unusual to have an air pack damaged at a fire. So, unfortunately,

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those pretty much with any vendor would not be covered and then also there is nothing specifically spelled out as far as training.

We did receive a bid from 5 Alarm who is also an MSA dealer in the State. However, we basically treated this is an incomplete bid. There were very specific instructions that the respondent needed to fill out a proposal form including the financial information about the company, a base price and some information about bid bonds. They did not include that. And, again, as you can see there was many things that their bid was incomplete on, and this was the high bid actually, \$363,000 plus.

Then last was Interspiro, their bid \$358,511.97, and that was the only complete bid of all four bids that we did receive. They took exceptions to our specification and included all the information that we requested. So as you looked at your packets you probably noticed that the bid was \$358,000, but we proposed about \$372,000 so, of course, I would ask questions about that. So what we had to do was in order to compare the bids as close to apples to apples we really had to look as to how some of this was broken out because there's a lot of small parts involved and some fairly major parts. Different vendors quoted the air lines differently. We needed two 300 foot air lines. Some companies quoted 100 foot, some did 300 foot, some did 600. So we had to kind of adjust the bids if you will for that.

Then also the radio adapters were generally quoted as a quantity of one because depending upon which manufacturer we choose that would determine the amount of radio adapters we would need. So we did need to add in in addition to the normal spec we did have to add in some face piece bags to protect the face pieces when they're stored and also the spec kits, that's a spectacle kit. So our firefighters that have to wear corrective lenses can see when they're wearing an air pack and then we did have to put in some funds also for just the basic mounting and retrofitting in all those vehicle brackets. Sometimes there's some fabrication that needs to be done when you retrofit a 25 year old fire truck.

So this is kind of the breakdown. We're recommending that we go with the Interspiro bid of \$358,511 plus the additional things. So in order to even out to get what we needed we needed to add three air hoses. So you can see that's \$1,167. The XTS radio adapters we need one per team. The quote was for one which is how most of the vendors bid it. So we had to add in another \$5,400 there. And APX that's just two different types of radios we could subtract that out because we didn't need it. We opted to add four face pieces right away so we have some room to expand. We're looking at hiring some paid on call people so that would allow us to issue out face pieces without purchasing above and beyond what the capital project would allow.

The mask bags and the spec kits which I just talked about, and then \$1,000 for incidentals that will come up for mounting and maybe some fabrication work that would need to be done in order to mount these brackets in the cab. So an addition \$13,491.17, so bringing that total to \$372,003.14. I can answer any questions you have. We also have in the audience tonight Olaf Rhineland [phonetic] who is the international sales manager for Interspiro which is a company based right on 82nd Avenue here in Pleasant Prairie and I do have the SCBA if there's any questions or you'd like to see anything.

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Michael Serpe:

Could we get something for the guy who grills the steaks every year?

Doug McElmury:

We can set you up on supplied air so you're good for the whole night.

Michael Serpe:

This is a no brainer decision. I mean if this company is giving everything that's in the spec I think it's the only way to go.

John Steinbrink:

I think it's kind of discouraging the way the bids came back, though. The fact that people can't read a bid sheet or they don't want to read a bid sheet. As the Chief says it's hard to compare.

Mike Pollocoff:

And I'll be quite honest with you, I see this more in the fire and rescue industry than I do anything else we send out to bid. Most things we send out to bid it is what it is and they send you something back. But it seems like in fire and rescue everybody has got their own little dance they want to do. We found this with fire trucks, with rescue trying to get to an apples and apples comparison and part of the reason is every department does things differently because of their makeup, if they have part time, they have paid on call, they have full-time guys, how they respond to calls, the way they do business is a little bit different. So you have to be able to customize it to that.

Michael Serpe:

Did the other companies not respond in full because they just don't offer it or just didn't want to bid on it?

Doug McElmury:

Actually a little bit of both. In the case of the wireless communication system none of the other ones had anything evenly remotely close to what Interspiro offers. It's a very high tech system that allows the crew literally to talk like you and I are right now between face pieces. There's 16 different channels. Each crew can be on its own channel, and we can talk just like this. You can press a button and now it goes over a speaker so everyone around you can hear it. Or you press on hold and actually anyone on the team can talk on one radio. It's a very, very innovative system. The other ones just can't compete with that.

The brackets I'm very puzzled by because it's not a proprietary bracket from any one of these manufacturers. It's made by a totally separate manufacturer, and it's what we had actually put in

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our last Pierce fire truck we purchased. So ironically Interspiro was the only one that bid that but it's not even a product they product. They have to buy it from somebody else. The same with the porta [inaudible] device. They're not a dealer for it. They don't produce it. They buy it from an independent manufacturer. Two of the vendors said that they would provide it, and the third didn't really want to mess around with it. That part was kind of disheartening.

Michael Serpe:

I move to concur with the Fire Chief's recommendation and award the bid for \$372,003.14 to Interspiro.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?

Kris Keckler:

I just had one question. On your RFP you talk about product development partnerships. Is there any greater chance of that happening with it being a local company then?

Doug McElmury:

I would say we'd have a very high degree there. Kenosha has been a customer for years. They've actively participated with there R & D department. Up until recently if you would look on any instruction form or a lot of the brochures you would see Pleasant Prairie firefighters wearing Interspiro packs because we were literally right in town so we try to help them out whenever possible. So their parent company Ocenco - we buy oxygen and regulators and things like that from. So I would anticipate a very good relationship that way and hopefully be part of the cutting edge technology that's going to continue to improve the air packs.

Kris Keckler:

I think that is a good opportunity so I'm glad that they're able to take advantage of that.

John Steinbrink:

Any offer by the company to grill or provide steaks?

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Doug McElmury:

We'll have to ask them if they can do that. However, both the owner of Ocenco as the parent company of Interspiro and Olaf were attendees at the steak by fire event. So they managed to sample your cooking firsthand.

Steve Kumorkiewicz:

Where is the company located at?

Doug McElmury:

Right on 82nd Avenue in the Industrial Park. Ocenco is the sign out front, and that's the parent company then with both Erie Medical and Interspiro and a couple other companies.

Mike Pollocoff:

They were the fourth building to do in the Corporate Park.

John Steinbrink:

We have a motion, we have a second. Is there any further discussion.

SERPE MOVED TO AWARD A CONTRACT TO PURCHASE SELF-CONTAINED BREATHING APPARATUS AND ASSOCIATED EQUIPMENT FOR THE FIRE & RESCUE DEPARTMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

John Steinbrink:

Thank you, Chief.

Doug McElmury:

Thank you.

F. Consider Ordinance #14-34 to amend Chapter 242 of the Municipal Code relating to RecPlex Fees.

Chris Finkel:

Mr. President and Village Board members, please consider Ordinance Number 14-34 to amend Chapter 242 of the Municipal Code relating to RecPlex fees. Each year Village Finance and RecPlex management meet with the division heads, have them look at their programs and recommend changes and fees or deletions of programs and really as far as programs go there are not many changes in this fee change. There's a few in hockey and sports. Some after school and camp programs are increased a little bit, but there are not a lot of changes in the programs.

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Rentals have not been changed for a couple years so birthday parties, our rentals coordinator went around and compared our prices to other like facilities so there are some increases in birthday party fees and they're primarily used by non-members for our birthday parties, so there are some minor changes in those fees which are on the spreadsheet.

Also the member user charges are looked at each year and this year the staff is proposing a \$5 monthly increase on primary memberships and secondary memberships as well as a \$1 increase on use memberships. The driving force behind these recommendations are an increase in staff costs and resources to maintain the RecPlex and equipment to keep the facility state of the art. We're now heading into our 15th year, and we have some larger expenses that we're starting to experience.

The next slide shows after the increase we compared some area facilities, Lifetime Fitness in Vernon Hills, Center Club in Gurnee both of which are smaller than the RecPlex and actually offer less, and then the local YMCA. Even with the price increase a single adult is the same as the Y, and two adults is \$3 more and then when you add children it's \$11 per child per month. Our senior fees are still less.

Mike Pollocoff:

I wish Mr. Genthner had stayed around to talk about this subject. RecPlex is as we all know a very large facility and if we were to have one component of the facility to stand alone whether it be the fitness center, the field house, the ice rinks or the pools none of those separate uses would be able to stand alone and survive. What makes RecPlex economically viable and works is that there's times of the year where parts of the facility get a lot of use. Like for the ice in the wintertime there's a lot of revenue being generated in the ice arenas. That helps float the general budget. In the summertime the field house hardly makes any money. There's really not anything going on in there. But, again, in the winter and in the spring there's a lot of use in it.

With the aqua arena we're now going into our third full year of operations, and that thing is just about year round shy of the break between seasons. There's a lot of swim meets there, and that helps support itself plus the rest of the facility. Fitness programs they basically pay for the instructor that's going to teach you, the material that does it, but it doesn't really pay for the room that's in there. It doesn't pay to heat the room, it doesn't pay to cool the room, it doesn't pay to refinish the floors once a year.

We always have a lot of people that say, well, I only use this part of it, carve out what I think I'm going to use, and if I'm only going to use the elliptical and a treadmill that's all I want to pay for or if somebody says I'm only in the pool, I don't want to pay for the ice arena and I don't want to pay for the field house because I don't use that, you can't make the pool stand alone. That's one of the ways we make this thing operate.

I don't think it's comparable to anything that's on the chart there and for the price we're able to deliver that that's how it works. I think if people just focus in on what's important to them, and every day Chris and Carol have a list of things that everybody wants, I want a steam room, I want

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badminton courts, I want indoor tennis courts, I want a curling ice rink, I want a diving well, I want a rock climbing wall. I mean there's a lot of wants and when we updated the recreation master plan what was clear was nobody wanted to pay anything more, and the majority of the respondents to the survey wanted more for free. So we're in this conundrum where nobody wants to pay more and everybody wants more items and so it's working that balance.

We try to accomplish a couple things. Our primary goal, and we've been able to accomplish this for the last 15 years, is there's no general tax dollars that go to support the facility. It has to pay its own way and if we were to do as Mr. Genthner suggested and just break it all up I can guarantee you not every day of the year from 4:30 in the morning until 10 o'clock at night is any part of that facility going to get enough use to pay its way. They all have to depend on each other to make that happen.

So without getting it on the tax roll, being able to pay our bills and retire what debt we have on there that's what we're trying to achieve now. We haven't increased rates for the last two years. We tried to be as sensitive as we could during the recession that a lot of families were dealing with the impact of that and we had I think minimal increases. I think it was 1 percent, \$1 a month, what have you and in the intervening two year period I think Chris kind of hit the highlights on it. But we're dealing with the impacts of the Affordable Care Act which we have to juggle how many hours our employees are working. In some cases we're pushing people up to almost full time so that we can have them staff that.

It's good news, but it costs us some money, we're competing with Amazon, we're competing with a lot of employers now that are paying more than we are. We pay some of the positions out there the same thing today that we paid when we opened our doors. We can't find counselors -- we have counselors, but we're not going to hang on to them very long that deal with handicapped people. They make \$2 an hour less than somebody that's working in a home care setting at \$10. So there's things we need to adjust in order to stay current that we have to deal with.

The parking situation I was hoping I wouldn't hear another complaint about parking once the park and ride was built. The park and ride was built with TIF funds and State funds. Nobody from RecPlex paid for any of that. One of our primary complaints was there's too many people from other places using the RecPlex lot, and the RecPlex members can't get into the lot. We shopped all over to find a place that would easily and simply get RecPlex members in and keep the other people out. The least expensive system found was the one we have which costs us I think \$18.50 for a card, and now for the hangar it's more than that. So basically what we do is we just put on our cost for handling that, and that's what we charge. We're not making money on that but we do absorb the first cost for that first sticker.

There are people to this day that are members that park outside the RecPlex lot because they don't want to pay for that second pass, and that's a choice they can make. But that's one of the ways we can manage making sure that we have room for RecPlex members that don't get crowded out by the other events that we have. Now that we have sufficient parking outside the RecPlex lot for swim or figure skating or for volleyball or for basketball or for whatever is going on, the RecPlex members are going to have the best and easiest access to the facility in that parking lot as long as they have that pass.

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I don't know why somebody got a ticket. Without looking at the ticket I don't know. If a police officer went into the lot and cited somebody that was in the lot for not having a pass I don't know how it got to that point but all money that's written by the police department gets run through the general fund. The police department isn't a part of RecPlex. It's not under the direct supervision of RecPlex. We don't want to have it be in a situation where RecPlex is securing revenue funds from the citations. That just shouldn't happen. But I don't want to say a jealous mistress, but it's really a demanding place in the sense that we have over 14,000 members. Present with the numbers today we have 5,051 families that are members of RecPlex. Enormous use, and they all have their own idea how it should be used and so what we do is every day we try to balance that out and make it work for everybody without building a rock wall, building a diving well, building a figure skating warmup, building another gym, doing all the things that everybody wants us to do and just pay for what we have.

So the goal that we work with and we're still cranking on the budget between Kathy Goessl and Carol and Chris is it keeps getting this budget to get it to a manageable level because our primary goal is that none of this ends up on the tax roll and that the only people that pay for it are the users. We hope that people don't leave. If there's somebody up there that presents a better deal for a similar place I want to know about it because I might want to go there but I don't know that there is a place that provides all the alternatives that this one has.

I think we probably shouldn't have tried to hold off on the rate increase as long as we did but that being said we're going to stay current with them, and we are dealing with some issues that deal with the aquatic center and the litigation that's going on with the contractor in there. We're trying to keep those things separate from our daily operations and wait for that to get settled out. So I think that being said that's kind of the overview or the logic of what brings us to how we set the rates there and why we don't come up with a rate that's specifically what somebody uses in the building.

Michael Serpe:

I know the Rec Commission and the staff do their due diligence when they review the fees that they charge, and I have no complaints with that. I support them. I guess the only thing that Mr. Genthner said, and I know Tom very well, and he's an upstanding guy and he's very well respected in the community, when he complained about the customer service that bothered me a little bit. Customer service is key in running any public facility. It's key and you can't be nice enough to the people. Even if you don't like what they say customer service could overcome a lot of ills.

I think if we're able to, and I don't think the time to explain this to Tom, I think he will understand. He may not like it but I think he'll understand it. Like I said, every now and then it doesn't hurt to have a class on customer service and customer relations with the public, and that goes a long way. But I'll support this totally.

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Steve Kumorkiewicz:

I have a question for Mike. Mike, do we know how many cars are parked for the whole day, people that don't go to RecPlex that use the parking lot and go [inaudible]?

Mike Pollocoff:

Well, when we were doing the engineering for the park and ride we had some aerial photos that showed that there was approximately 150 cars that were in the ball field lot that moved from the RecPlex lot when we put the gates up. So there was between 125 and 150 cars that were using the RecPlex lot for a park and ride. Now, they're still using the ball field lot even though we built the new park and ride. And sooner or later they'll find their way in there but that was the other thing. The RecPlex for people especially going south into Illinois it's a good meeting for a park and ride. I see more and more people as time goes on every day park in the park and ride.

Kris Keckler:

It's interesting for the over 5,000 families. So I was just trying to get the basics of this. So for a resident, family of four, it's just under \$150. Increase for the annual price?

Chris Finkel:

Yes.

Kris Keckler:

And there hasn't been a rate increase in the past two years. This is the third year. It's a little bit easier to swallow in that regard, and I just wanted to get the basics for anybody that may come in that realm. I do remember when we were talking about the budget adoption several weeks back and the high turnover of employees specifically for the RecPlex area and you alluded to that some of this would go to potentially increasing the base wages of retention for them. Is there any target or any particular position there or just kind of an overall?

Chris Finkel:

Well, the guest services division which is our front line and our facility maintenance crew, so both of those have increases in their base wages and then also preschool, there's been two or three new preschools that have moved into the area. So those were the areas that we targeted that we will increase their wages in those areas.

Kris Keckler:

Okay, and I think that will help and I forget the gentleman's name, he kind of said if it was for those areas it would be a little bit understandable. I just don't know if that would help with this.

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Mike Pollocoff:

Kris, you're going to have to tell me what was said, but I think he believes or I think members think that not all programs but a lot of programs are free that we're paying for that with the membership fees, and probably some of that is true to an extent. But when you look through the departments the things that are really getting us are employee costs and our employee costs are having somebody that we train or works in preschool, and then they decide to go to Caterpillars because they pay a couple dollars an hour more if they go to Goddard or same thing with guest services.

If there's a casino that opens here it's going to be even -- we're going to be more pressed for people in that category. That and utilities and then just the other, as Chris has said, it's a 15 year old facility. I know this weekend a motor for the filter for the leisure pool blew out. And so Sandro and the electrician were out there changing a \$3,000 motor and pulling it out. Because without the leisure pool you have 20 birthday parties that day that have no pool to swim in. And they spent a fair amount of time on it. It is a 15 year old facility. We had a spare motor in place, but you still had to get the old one out and get the new one in. As time goes on more and more of that has to take place. We need to start building some funds up to replace some of those older HVAC systems that are going to be approaching 20 years old.

Michael Serpe:

We could compare to the KYF, we can compare to the YMCA. There is no comparison between the buildings. There just is no comparison and if somebody really wanted to compare rates with what we're charging and what other states a few hundred miles away are charging we're pretty cheap. So I think what we're doing is right. You can't argue with the success of the building so it's doing very well.

Mike Pollocoff:

I think the other thing that probably did show up in the numbers is Time Warner Cable was one of our major sponsors at \$80,000 a year. They don't exist anymore. I kind of question whether they ever did. But that amount of money is coming out of the budget. So that was a major sponsor hit that we won't have next year.

John Steinbrink:

You made that motion, correct? I believe you did. We have a motion, we have a second. No further discussion?

Michael Serpe:

I don't recall making the motion. But I'll make a motion to approve the RecPlex fees. I move to approve the increase in fees.

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Kris Keckler:

Second.

John Steinbrink:

Motion by Mike, second by Kris. With the newly described motion is there any discussion?

SERPE MOVED TO ADOPT ORDINANCE #14-34 TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO RECPLEX FEES; SECONDED BY KECKLER; MOTION CARRIED 4-0.

G. Consider Ordinance #14-35 to amend Chapter 292 of the Municipal Code relating to Solid Waste and Recycling Fees.

Mike Pollocoff:

Item G represents the direct change to the ordinance restating the fees for cost of service for solid waste collection and recycling. Unlimited collection option number one would be \$16.50, an increase of 50 cents. Option two automated collect \$16 a month. And option three automated collection is \$15.50. I'd recommend that Resolution 14-35 be approved as presented.

Steve Kumorkiewicz:

So moved.

Kris Keckler:

Second.

John Steinbrink:

Motion by Steve, second by Kris. Further discussion?

KUMORKIEWICZ MOVED TO ADOPT ORDINANCE #14-35 TO AMEND CHAPTER 292 OF THE MUNICIPAL CODE RELATING TO SOLID WASTE AND RECYCLING FEES; SECONDED BY KECKLER; MOTION CARRIED 4-0.

H. Consider Resolution #14-45 relating to an amendment to the 2014 Budget.

Kathy Goessl:

This is the final amendment to the 2014 budget. This is increasing revenue to the fire department for \$31,000, and also increasing expenses due to increased fire, sprinkler review, and increased KNOX box for minor equipment purchases. For minor equipment \$16,000 increase, fire

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sprinkler plan review \$15,000 for a total of \$31,000. So we're looking at an increase of revenue and an increase in expense. We're looking for approval of Resolution #14-45.

Michael Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for adoption of 14-45. Any further discussion?

SERPE MOVED TO ADOPT RESOLUTION #14-45 RELATING TO AN AMENDMENT TO THE 2014 BUDGET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

I. Consider a Relocation Order for the acquisition of water main and temporary construction easements for the PrairieWood Municipal Water Main Improvement Project.

Mike Pollocoff:

Mr. President, the Village is going to be, through a TIF District #2 undertaking, the installation of a 20 inch water main from the water tower on 120th Avenue and 116th Avenue across the frontage of the Radisson property, underneath the interstate and then over to the CDA property, winding over to 104th and then directly west to where Uline is constructing their warehouse. We're putting this 20 inch water main in to increase the volume of water we have in that area both in the short-term for Uline and long-term for however things develop there.

We don't know that we'll have to condemn these sites, but the timing on this is critical and the statutes require to put a notification forward that it's out intent to acquire these easements. We're not going to be acquiring any land in fee total, and that these relocation orders be forwarded and filed with the County Clerk as required by statute.

Michael Serpe:

That terminates at Uline and there's no looping?

Mike Pollocoff:

It will tie into the existing main we already have over there. We have a 12 inch main currently there so it will tie into that. Eventually it will loop through the Abbott property when that develops down the highway.

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Steve Kumorkiewicz:

It's also going to loop to Niagara?

Mike Pollocoff:

Nope.

Steve Kumorkiewicz:

We're looking at going south, that's why.

Mike Pollocoff:

Niagara is on H. This is at the interstate.

Mike Pollocoff:

So I'd look for a motion adopting relocation orders as presented.

Kris Keckler:

Move to accept relocation order.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Further discussion?

KECKLER MOVED TO APPROVE A RELOCATION ORDER FOR THE ACQUISITION OF WATER MAIN AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE PRAIRIEWOOD MUNICIPAL WATER MAIN IMPROVEMENT PROJECT; SECONDED BY KUMKORWICZ; MOTION CARRIED 4-0.

J. Consider a proposal for appraisal and land acquisition services relating to the extension of the PrairieWood Municipal Water Main Improvement Project.

Mike Pollocoff:

Mr. President, I'm requesting that we engage the services of Highland Group for the purposes of negotiating and securing the parcels along with acquisition of the appraisal for those easements. Highland Group worked with us on the 39th Avenue project, and they deliver a quality product that was ready to go at a good price. On this one they're proposing a fee of \$10,200, probably

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which \$4,000 is the appraisal fee for this work. So I'd request the Village to enter into an agreement with Highland.

Michael Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any further discussion on this item?

SERPE MOVED TO APPROVE THE PROPOSAL SUBMITTED BY THE HIGHLAND GROUP FOR APPRAISAL AND LAND ACQUISITION SERVICES RELATING TO THE EXTENSION OF THE PRAIRIEWOOD MUNICIPAL WATER MAIN IMPROVEMENT PROJECT; SECONDED BY KUMKORWICZ; MOTION CARRIED 4-0.

K. Consider an agreement with Midwest Fiber Networks for the installation, monitoring and maintenance of a dark optical fiber infrastructure.

Dan Honore:

Mr. President and members of the Board, I have a few items that I'd like to bring forth here before I get to the recommendation on just some things to point out. A number of technologies were investigated to determine what the best course of action for the Village would be for the communications infrastructure. Today we have what is considered a managed fiber infrastructure. It is fiber that's in the ground, but it is managed by a third party. Microwave, two vendors were investigated for the local area, and microwave is a good alternative. There's some infrastructure that has to be put in place, and depending on which vendor there's a cost for that. And then you have your annual five year and I included 20 year and that is because the dark fiber which is being recommended is a 20 year indefeasible right to use contract. So that's why I included this 20 year column.

There's two vendors that provided a managed fiber proposal. One is the incumbent that we have currently, and another happens to be the vendor that is also going to be providing the dark fiber. The costs, there's a one-time cost for various ones, various technologies. On the dark fiber it does have the largest cost at this point, and that is just because of the infrastructure that has to be put in place going underground. It will be 100 percent underground which is better than aerial, less problems with underground facilities. So that is the cost for us to connect all four buildings and also in what's considered what I'm calling a pseudo-loop which will be the beginning for us. And what that does is it connects the four buildings in basically a straight line and then there's another pair of fiber that go around the back end and allow us to have a loop or a ring so if one of the facilities were to go offline the rest of the facilities will stay up and running.

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Again, the five year cost for the dark fiber, as you can see, is less than the other options and then when we get out into 20 years it's definitely much less than the other options that are available to us. Twenty years from now if we choose to renew we pay \$1 to renew the contract with Midwest Fiber Networks and then continue to pay a monthly maintenance. The recommendation then is to, based on the Board's approval of the 2015 general government operating debt and capital budget, the office of information technology recommends the Board authorize the Village Administrator to execute an indefeasible right to use agreement with Midwest Fiber Networks for the installation, monitoring and maintenance of the dark fiber optical network.

Kris Keckler:

Move to accept the agreement.

Steve Kumorkiewicz:

I'll second that.

Dan Honore:

Any questions?

John Steinbrink:

We have a motion and a second. Any further discussion or questions?

Kris Keckler:

I think just to help my colleagues this is a very good opportunity and obviously working in the district right now and experiencing this level of capability as well as with a very high quality outfit. They were very good for customer services, support, very attentive and rapid responses as well when needed. So I think it's a very good opportunity.

Steve Kumorkiewicz:

One question I've got. I've got one question, Dan. How deep is the going to be the cable buried?

Dan Honore:

It will vary, but usually it's around three feet deep. It depends on the application. But generally it's going to be below the frost line.

Steve Kumorkiewicz:

It's going to be marked?

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Dan Honore:

Wherever it's required, yes. Right now the Kenosha fiber infrastructure which Kris alluded to, the County, the School District and Gateway all participate in, that infrastructure was at the time when it was put in first was in the neighborhood of 70 miles worth of fiber optic cable. A lot of it was aerial. Some of it was underground and to the best of my knowledge based on feedback I've received there have been very, very few problems with anything that's been underground. Dump trucks have been hitting the aerial stuff. Cars run into poles, but for the most part the underground stuff has worked very well.

Kris Keckler:

Some wildlife animals prefer to chew on it.

Dan Honore:

Yeah, they like to chew on it where it comes out of the ground.

Kris Keckler:

So it is highly recommended to still bury this as much as possible.

John Steinbrink:

If it's good enough for gas mains it's good enough for fiber.

John Steinbrink:

Motion and a second. Further discussion?

KECKLER MOVED TO APPROVE AN AGREEMENT WITH MIDWEST FIBER NETWORKS FOR THE INSTALLATION, MONITORING AND MAINTENANCE OF A DARK OPTICAL FIBER INFRASTRUCTURE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

John Steinbrink:

Thank you for the explanation. Thank you, Dan.

L. Consider Resolution #14-46 for land donation of 13.44 acres in the Carol Beach area from Ralph and Frank Gesualdo.

Jean Werbie-Harris:

Mr. President and members of the Board, since 2006 when the Village adopted the Park and Open Space Plan there was an area in Carol Beach identified in Carol Beach Estates Unit W north of

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90th Street at the end of the 5th Avenue, the former Town Club property, that was identified as a potential location for future park and open space or a neighborhood park for the Carol Beach area.

Since that time I have periodically contacted and have spent time with the owners to indicate if they didn't want to develop at some time in the future would they ever be interested in donating the land to Pleasant Prairie. Well, that day has finally come, and Ralph and Frank Gesualdo have now offered to donate to the Village of Pleasant Prairie 13.44 acres of land located in Unit W identified as Tax Parcel Number 93-4-123-181-0100. The land donation is generally described, as you can see on the aerial, as open space. There are some wetlands. There's a pond. There's upland area, but basically it's general open space.

The land donation is currently zoned PR-1, Park and Recreational District, and that zoning district describes that potentially a future park or parkland could be developed at that location. As shown on the Comprehensive Plan, again, the western portion of the property, and that's approximate, there was no wetland delineation on the site, in fact some of that is where a parking lot and some former tennis courts are located that were on the Town Club property. Again, this abuts up to single family homes adjacent to 3rd Avenue, and it's at the end of 5th Avenue.

The staff is recommending that we accept the donation from Frank and Ralph Gesualdo subject to a title report being provided to the Village indicating that the property is free and clear from any liens or encumbrances, all outstanding taxes and special assessments be paid through 2014. The appraisal was provided to us for the property, and that the deed and transfer documents be prepared by the donors, and this deed be recorded before the end of the year. The Village does not want to assume any costs with respect to taxes or assessments or anything with respect to this property.

We did have a representative here earlier. Unfortunately he had to leave to pick up his daughter so he couldn't stay. If there's any questions I could try to answer those questions for the Board. Again, at this point I don't believe there's any funds or any anticipation of anything being done in 2015 on this property. We will have to mow the grass in this particular area, but nothing's been anticipated. And I don't know that anything is in the immediate five year plan. We do have a tentative park and open space concept plan that had been approved by the Park Commission as well as the Plan Commission and Village Board in years past. But at this point, again, no public improvements are anticipated to be installed within this park at this time. When funding does allow that's when improvements would typically be put into any of the Village Parks. I don't know if John, Jr. has anything to add with respect to this or not.

Steve Kumorkiewicz:

So it's actually the old Town Club?

Jean Werbie-Harris:

Correct. The last round of taxes in 2014, Mr. Serpe, were just around \$2,300.

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Kris Keckler:

Move to accept Resolution 14-46.

Steve Kumorkiewicz:

Second.

Kris Keckler:

And I have some questions.

John Steinbrink:

Motion by Kris, second by Steve.

Kris Keckler:

So aside from the conceptual plan any indication for desire to build. That's question one. Question two then minor costs increases, so you mentioned mowing the lawn, so we increase signage or at least awareness of liabilities of any fashion as far as just taking ownership of it that would be standard for land acquisition?

Mike Pollocoff:

The mowing isn't minor. What isn't wetlands is going to be a chunk of mowing. I think really one of the things that -- my recommendation is that we accept this. Because in the worse case scenario we decide that at some point we'll donate it to the DNR to be included in the Chiwaukee Prairie holdings, or we'll keep it as it is. But I think that my recollection of the planning process for this in the neighborhood is very divisive. You had some people that really wanted a lot of stuff and some people didn't want anything. In reality there really hasn't been any engineering look to see if there's anything in there that really can hold up anything in services.

So I think we probably want to send this right back to the Park Commission to really answer the basic policy questions. Do we want to just secure this so we're not having to clean stuff that people would dump in there because that will happen and do we want to keep it as true open space that we don't maintain, or do we want to maintain it and mow it and start that process. Because once we start doing that then we'll never be able to give that up. I think that's just a policy question that needs to be resolved with some recommendations from the Park Commission.

John Steinbrink:

So with the donation there's no stipulation or naming rights, what it can be used for, what the Village can be do with it?

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Mike Pollocoff:

Nope.

John Steinbrink:

No strings attached?

Jean Werbie-Harris:

No conditions, no covenants.

Steve Kumorkiewicz:

So one question for Mike. I don't recall if there's any construction left from the old buildings over there, material or anything?

Mike Pollocoff:

Everything was removed.

John Steinbrink:

So they've done like a phase 1 on it?

Mike Pollocoff:

Nope.

John Steinbrink:

That's still got to be done?

Mike Pollocoff:

Yes.

Kris Keckler:

We don't need to adjust or add anything to the budget as far as covering the mowing costs?

Mike Pollocoff:

Yeah, we've already done the budget. That's why I say if we do mow it -- John, it' looks like it's probably six acres that hasn't been mowed for a long time? Five or six acres?

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John Steinbrink, Jr.:

From staff one of the recommendations I would have as far as mowing goes there's different levels of mowing. We can go in there with just a road mower three times a year at a much less expensive cost. Our other parks we mow on a weekly basis, and we mow then 26 times over the course of a summer. So considering that the general fund budget is already set for 2015 I guess staff recommendation based on administration and Board comments would be that we just rough mow it three times a year with our road mower, the smallest area that we can get by doing, staying out of the wetland area and stuff like that and then just securing the area to make sure that it's safe, that there's no dumping, things like that.

Kris Keckler:

I think that's an excellent recommendation. It will give the Park Commission time to determine and ascertain what they want to do.

John Steinbrink:

Okay, thank you. We have a motion, we have a second. Any further comment or question? Hearing none, along with the recommendations from public works.

Mike Pollocoff:

Right. We'll refer it back to the Park Commission.

John Steinbrink:

Okay.

KECKLER MOVED TO APPROVE RESOLUTION #14-46 FOR LAND DONATION OF 13.44 ACRES IN THE CAROL BEACH AREA FROM RALPH AND FRANK GESUALDO; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

M. Consent Agenda

- 1) Approve Operator License Applications on file.**
- 2) Approve a Letter of Credit Reduction for the Westfield Subdivision development.**

Steve Kumorkiewicz:

Move to approve.

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Michael Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike. Any discussion?

**KUMORIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2;
SECONDED BY SERPE; MOTION CARRIED 4-0.**

8. VILLAGE BOARD COMMENTS

Michael Serpe:

Merry Christmas to everybody.

Kris Keckler:

Happy holidays.

John Steinbrink:

Mike, how did breakfast with Santa go?

Mike Pollocoff:

I don't know. They didn't need my help.

John Steinbrink:

I saw in on the calendar.

Mike Pollocoff:

Didn't need my help and didn't want me there eating any pancakes.

John Steinbrink:

When does our next recycling calendar come out, our next year's Village calendar, Chris? That's mailed out to us then.

Chris Christenson:

The 2015 calendar should hit the post office tomorrow. However, there's that ten business day window when they can deliver it. So sometime probably the day after tomorrow, between then

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and the holiday we should be having it and they'll deliver here as well and once they hit residents' homes we can pop them out at the counter as well.

John Steinbrink:

Okay, thank you. Anything else?

9. ADJOURNMENT.

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KECKLER;
MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 8:04 P.M.**

ADDENDUM

DEVELOPMENT AGREEMENT

BETWEEN THE VILLAGE OF PLEASANT PRAIRIE

AND

ROUTE 165, LLC. REGARDING THE

EXPANSION OF

THE ULINE CORPORATE CAMPUS

Development Agreement – Addendum
Route 165, LLC. (Uline)

LISTING OF EXHIBITS

EXHIBIT A Conceptual Plan

EXHIBIT B CSM #2634

EXHIBIT Project Plan for Tax Increment District #2, Amendment #4

DEVELOPMENT AGREEMENT – ADDENDUM
BETWEEN THE VILLAGE OF PLEASANT PRAIRIE
AND
ROUTE 165, LLC.
REGARDING
THE EXPANSION OF THE
ULINE CORPORATE CAMPUS

This is a Development Agreement (hereinafter referred to as this "**Addendum**") entered into by and between Route 165, LLC, with an address of 12575 Uline Drive, Pleasant Prairie, Wisconsin, 53158 (hereinafter referred to as the "**Uline**") and the Village of Pleasant Prairie, a Wisconsin municipal corporation with offices located at 9915 39th Avenue, Pleasant Prairie, Wisconsin 53158 (hereinafter referred to as the "**Village**"), regarding the **improvements for the expansion of the Uline Corporate Campus through Tax Increment District #2 Amendment #4 and Sewer Main Extension to Certified Survey Map #2634.**

Witnesseth:

WHEREAS, Uline is the owner of land located in the Village, which land is described below:

Lot 1 of Certified Survey Map No. 2634, recorded in the Kenosha County Register of Deeds office on July 18, 2008, as Document No. 1563099, being all that part of the Northwest ¼ of the Northeast ¼ of the Southwest ¼ and the Northeast ¼, Southeast ¼, Southwest ¼ and Northwest ¼ of the Northwest ¼ of Section 25, Township 1 North, Range 21 East. Said lands being in the Village of Pleasant Prairie, Kenosha County, Wisconsin. Tax Parcel No. 91-4-121-252-0202.

Containing 196 acres of lands, more or less.

WHEREAS, Uline is also the owner of land located in the Village, which land is described below:

Description of lands transferred into the Village of Pleasant Prairie, Wisconsin:

All that part of the Northwest ¼ and Southwest ¼ of the Northwest ¼ and the Northwest ¼ of the Southwest ¼ of Section 25, Town 1 North, Range 21 East, Town of Bristol (n/k/a Village of Bristol), Ksha County, Wisconsin bounded and described as follows:

Commencing at the northwest corner of said Northwest ¼ section; thence South 02°09'26" East along the west line of said Northwest ¼ section, 556.00 feet; thence North 88°59'11" East, 233.05 feet to the point of beginning;

Thence continuing North 88°59'11" East, 393.96 feet to the westerly line of Lot 1 of Certified Survey Map No. 2634; thence south 02°09'26" East along said westerly line, 2104.84 feet to the north line of said Southwest ¼ section and a southerly line of said Certified Survey Map; thence North 88°48'51" East along said north line and along said southerly line, 701.74 feet; thence South 02°09'01" East along the westerly line of said Certified Survey Map, 625.39 feet; thence South 87°50'09" West, 1095.36 feet; thence North 02°09'51" West and parallel to the west line of said Southwest ¼ Section, 648.06 feet; thence North 02°09'26" West and parallel to the west line of said Northwest ¼ Section, 2102.06 feet to the point of beginning.

Containing 1,524,600 square feet (35 acres) of lands, more or less.

WHEREAS, Uline desires to develop the 35 acre land area described above (hereinafter referred to as the "Development") for office and light industrial purposes, and;

WHEREAS, Uline has properly annexed the 35 acre land area described above into the Village via Land Transfer Ordinance #1 adopted by the Village of Pleasant Prairie Board of Trustees on October 18, 2010;and;

WHEREAS, on October 18, 2010, the Village Board of Trustees conditionally approved the Conceptual Plan for the expansion of the Uline Corporate Campus, the approval is effective for five (5) years, until October 18, 2015; and;

WHEREAS, Uline desires to have access to funds that have been made available in Pleasant Prairie Tax Increment District #2, Amendment #4 (hereinafter referred to as the "TID"), and;

WHEREAS, the Development is zoned M-1 (PUD), Limited Manufacturing with a Planned Unit Development Overlay District, which allows for a warehouse and distribution facility as a permitted use, provided the materials stored within the building meet the classifications as a Factory Group F in Section 306 of the 2006IBC, Storage Group S in Section 311 of the 2006IBC, or Business Group B in Section 304 of the 2006 IBC, as noted in Section 420-121 of the Village Zoning Ordinance, and;

WHEREAS, on August 13, 2012; August 20, 2012; and September 5, 2012; the Village Plan Commission (PC), Village Board of Trustees (VB) and Joint Review Board (JRB), respectively, approved separate resolutions [Resolutions #12-09 (PC), #12-26 (VB) and #12-01 (JRB) approving Amendment #4 to the TID, which includes funds for the Uline Development), and;

WHEREAS, the allocation of resources of the Village and the financial performance of the TID are based upon the Uline's commitment to complete their development within the TID, and not construct the anticipated improvements elsewhere outside of the TID, and;

WHEREAS, it has been determined by Uline that the 345kV electric transmission line and the natural gas transmission main will not be relocated at this time, and any future relocation will not be a TID expenditure, and;

WHEREAS, utility and site improvements will be required to service the annexed property as well as spanning the electric transmission corridor through the Uline property, and;

WHEREAS, Uline desires to have the site improvement and utility relocation expenses paid by the TID, and the Village requires a process to monitor and account for the expenditure of TID funds, and;

WHEREAS, the Village Board of Trustees conditionally approved a Development Agreement for the Sewer Main Extension on September 15, 2008 subject to certain conditions, one of which is that Uline entered into a Development Agreement with the Village, and;

WHEREAS, one of the purposes of this Development Agreement Addendum is to avoid the harmful effects of premature land development, which leaves land undeveloped and unproductive while at the same time making impossible the sale of property, which cannot be developed under the Village Ordinances unless and until the required public improvements provided for in this Addendum are constructed, and;

WHEREAS, subsection 236.13(2) (a) of the Wisconsin Statutes provides that the Village may require Uline to make and install, or to have made and installed any required public improvements that are reasonably necessary, and;

WHEREAS, the funds for site development for the Uline's property have been provided for by the TID and not the Village's budget; and

WHEREAS, subsection 236.13(2)(b) of the Wisconsin Statutes provides that, as a condition for accepting the dedication of public Sewer Main improvements, the Village may require that designated public improvements and facilities, constructed according to Village specifications and under Village inspection, shall have been previously provided, without cost to the Village's general fund; and

WHEREAS, subsection 236.45(2) of the Wisconsin Statutes empowers the Village to adopt ordinances governing the development of land that are more restrictive than the provisions of Chapter 236 of the Wisconsin Statutes, and the Village has done so; and

WHEREAS, the proposed Development would impose substantial burdens upon the Village's general fund, which can appropriately be mitigated by this Addendum; and

NOW, THEREFORE, in consideration of the mutual provisions of this Addendum pertaining to the public improvements and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Uline and the Village hereby agree as follows:

1. Required Public Sanitary Sewer System Improvements.

- a. The Village shall fund the design, location, provision, construction, installation and cleaning of (as described in Section(b) below) all required public sanitary sewer system improvements (hereinafter collectively referred to as the "Required Public Sanitary Sewer System Improvements" to provide service to the proposed and approximate 1.1 million square foot warehouse/distribution facility to be located immediately west of the existing approximate 1 million square foot warehouse/distribution building (hereinafter collectively referred to as the "Phase II Distribution Center" in the Development as presented and adopted in the Uline Phase II Conceptual Plan (Exhibit A) in a workmanlike manner and in accordance with the Construction Plans and the applicable provisions of the Land Division Ordinance.
- b. The Village shall televise the extension of the Required Public Sanitary Sewer System Improvements, and shall conduct such cleaning of the sanitary sewer mains (as may be necessary) which are part of the Required Public Sanitary Sewer System Improvements as may be necessary to facilitate such televising, at the time of the Village's final inspection, and at the time that the Contractor's one-year warranty of such improvements is set to expire. The Village shall conduct such cleaning of the Required Public Sanitary Sewer System Improvements (other than the catch basins) as may be necessary to facilitate such televising.
- c. Uline shall provide, in a timely manner, an official "Notice to Proceed" to the Village for the commencement of the inspection of the Required Public Sanitary Sewer System Improvements.

- d. The inspection of the Required Public Sewer System Improvements shall be commenced within 30 days of the official Notice to Proceed as noted above in 1. c. of this Addendum.
- e. The Village shall inspect and complete the construction and installation of all Required Public Sewer System Improvements within 1 month after the official Notice to Proceed as noted above in 1. c. of this Addendum.
- f. Upon the testing, sampling and acceptance by the Village of the dedicated Required Public Sewer System Improvements, Uline shall promptly take such actions as are necessary to connect and otherwise render such improvements usable.
- g. Uline's contractor is responsible for the costs associated with the protection, repair, and replacement, if necessary, of the existing Village sewer system improvements during construction activities on the site.
- h. The Village, as a part of the Project Plan for Tax Increment District #2, Amendment #4, will authorize the extension of sanitary sewer facilities to the Development as determined to be necessary by construction design.

2. Easement Restoration.

- a. All of the grading and landscaping in easements and the public right-of-way described in this subparagraph will hereinafter be collectively referred to as the "Required Easement Restoration".
- b. All disturbed areas within the sewer main easement area in the Development (Exhibit B), shall be suitably prepared and seeded with appropriate grass seed by Uline, to and in accordance with the Construction Plans and Specifications, and the applicable provisions of the Village Land Division Ordinance, as soon as is physically practical after the disturbance of the ground surface. The Village Inspection Department may require the disturbed areas to be hydro-seeded if necessary to control erosion prior to the winter season. In the event that the initial seeding fails to produce a good cover of grass, Uline shall promptly take such steps as are necessary, such as hydro-seeding, to produce a good cover of grass.

3. Contractors and Contracts.

a. Qualified Contractors.

Uline shall engage, for all work on the Required Public Sewer System Improvements, only contractors and subcontractors who are qualified to perform the work and who have been pre-qualified in accordance with Village ordinance requirements. It is understood by Uline that subcontractors constructing or completing public improvements are also subject to Village pre-qualification requirements. Pre-qualification is an annual requirement with the Village. If the Village does not approve a contractor within 1 week of submission, the deadlines in Paragraphs 1.d. and 1.e. shall be extended accordingly.

b. Approval of Contracts.

All signed contracts relating to the Required Public Sewer System Improvements shall be made subject to review of the Village Administrator. All such contracts and all amendments thereof shall be approved by the Village Administrator prior to any labor, materials or services being supplied under such contracts or amendments with respect to the Required Public Sewer Main Improvements provided for in this Addendum. If the Village does not approve a Required Public Sewer System Improvements contract within 1 week of submission, the deadlines in Paragraphs 1.d. and 1.e. shall be extended accordingly.

All such contracts shall include appropriate measures such as to prevent erosion, to protect the adjacent wetlands, to keep the construction site free of litter and debris, and to keep roadways free of mud and debris.

4. Site Improvements.

As provided for in the Tax Increment District #2, Amendment #4 Project Plan, the Village shall reimburse Uline for \$6,034,425 for site improvements identified in the TID Project Plan (Exhibit C). Said improvements may include any of the following improvements; on-site storm water facilities, a fire protection lines, grading, parking and maneuvering lanes, municipal water, sanitary sewer, and landscaping

a. Request for Reimbursement for Site Improvements.

Uline shall provide the Village Administrator with an executed contract between Uline, or its general contractor and the contractor. Partial payments to Uline shall be made to Uline no later than 21 days after the submission of the following items:

1. A pay request form from the Uline's Project Engineer detailing the contract amount, the amount paid to date, the amount of work completed, the amount withheld by contract, and the total amount due for this payment.
2. Lien Waivers. Lien Waivers shall be supplied by the contractor for all work performed up to the date including the amount requested for payment.
3. An affidavit from an authorized representative from Uline attesting to the accuracy of the pay request.

b. Impact Fees.

In lieu of payment of Impact Fees for the Phase II (\$125,000.00) (*estimate and subject to adjustment pursuant to final construction plans), the Village will provide a development incentive for the equal amount of these impact fees.

c. Traffic Study.

The previously approved Traffic Impact Analysis (TIA), prepared by Keonig, Lindgren, O'Hara, Aboona Inc., (KLOA), dated February 25, 2010, took into account the Phase II Distribution Center and therefore, will not need to be amended.

d. Contractor Performance and Payment Bonds and Certificates of Insurance.

For contracts relating to the Required Public Sewer System Improvements, signed copies of executed contractor payment, performance bonds, and certificates of insurance that protect Uline must be submitted prior to the Village's approval of reimbursement requests.

e. Power Lines & Gas Main.

Pursuant to the Tax Increment District #2, Amendment #4, Project Plan, the existing 345kV overhead electric transmission power lines and an underground natural gas line that traverse the Development were to be relocated at an estimated to cost \$4,525,000 for the power lines and an estimated \$700,000 for the gas line. The Tax Increment District #2, Amendment #4 Project Plan removes the relocation of the electric and gas facilities, which will reallocate \$5,225,000 the previous project plan to fund improvements required for the Phase II project. Uline agrees that it will not require the relocation of the electric and gas facilities in the future.

f. Variances.

Based on Exhibit A, the Village does not anticipate the need for any variances. If any the need for variance(s) arises, the Village agrees to reasonably work with Uline to accommodate the variance condition, approval of which shall not be unreasonably withheld.

g. Special Assessments.

No special assessments shall be levied against Uline for the construction of the Development.

h. Emergency Services.

The Village agrees to provide Fire & Rescue and Police services to the entire Uline Development.

i. County Trunk Highway CTH Q Access.

The Village will support a request for additional access modifications along CTH Q, (104th Street) including curb cuts and the removal of trees as necessary.

5. Water.

- a. The Village shall provide the Development with 39,000 gallons of Lake Michigan water per day, with a minimum of 20 PSI at 3,100 GPM flowing available at the property line for the Development's water and sanitary sewer requirements. Static pressures to be consistent with an average static pressure of 38 PSI as noted in the Pleasant Prairie Water Distribution System memorandum, dated

October 24, 2014. ~~current static pressures which range from 29 – 39PSI.~~

- b. The Village, as a part of the Tax Increment District #2, Amendment #4 Project Plan, will extend additional municipal water facilities to the Development as determined to be necessary by construction design.

6. Storm Water.

- a. The Village acknowledges that the storm water management plan contains property outside the Village boundaries and will provide for retention/detention ponds located outside the Village boundaries.
- b. The Village will review, and approve as warranted, all storm water management plans prior to the Village of Bristol's review, in accordance with the Cooperative Agreement between the Village of Pleasant Prairie and the Town of Bristol (n/k/a the Village of Bristol) Supervised Drainage District requirements. Subject to final plans, the Village approves the attached preliminary storm water management plan.

7. Developer's Commitment to Construct.

- a. Uline agrees that the Development will be constructed pursuant to all Village-approved Site and Operational Plans and related documents.
- b. Uline agrees and commits to the Village that it shall not construct additional distribution space, as identified on the approved Phase 1 site and operational plan within a 50 mile radius until the Phase II Distribution Center in the TID has begun.
- c. Uline agrees to reimburse the Village for a pro rata share of expenditures made by the Tax Increment District #2, Amendment #4 Project Plan or Uline's improvements if Uline fails to construct all or a portion of the Development as approved in the Site and Operational Plan approved by the Village for the Phase II Distribution Center. The pro rata share shall be based upon the amount of the Development's completed square footage compared to the overall square footage contained in the Phase I Site and Operational Plan.

8. Dedications of Public Easements.

- a. Uline shall promptly and unconditionally dedicate, give, grant and convey to the Village all Required Public Sewer System Easements, upon completion of the approved design by the Village.
- b. The form of the documents by which Uline dedicates Public Easements to the Village pursuant to this Addendum shall be subject to the approval of the Village Attorney.

9. Miscellaneous Fees.

Uline shall pay the required Erosion Control Permit fee including the required Street Sweeping Cash Deposit as part of the Erosion Control Permit.

10. Erosion Control.

Uline's contractor shall take all actions and shall utilize all techniques

and mechanisms necessary to implement the Erosion Control Plan as set forth as a part of the Construction Plans, in order to prevent sediment from being deposited on adjacent properties or on any public street or into the adjacent wetland and to prevent sediment from being washed into downstream drainage facilities, during any phase of grading or construction relating to the Required Public Improvements. At a minimum, Uline shall comply with the approved Erosion Control Plan and applicable provisions of the Village's Erosion Control and Construction Site Maintenance Ordinance.

11. Cleanup/Restricted Access.

Uline's contractor shall keep the Development free from litter and debris during all phases of excavation and construction with respect to the Required Public Improvements. Tree trunks or other organic matter shall not be backfilled on the Property. Mud tracking caused by Uline's contractor shall be cleaned as needed by the Uline's contractor, at Uline's expense.

12. Adjacent Properties.

Uline shall take whatever precautions are necessary to ensure that any properties located adjacent to the Development are not disturbed in any material way during any stage of the grading, construction or restoration provided for in this Addendum. Any required erosion control silt fence shall be maintained by the contractor throughout construction and until the area disturbed is vegetative stable.

13. Construction Staking and Field Inspection.

The Village engineering consultants shall perform all construction staking and all engineering field inspection relating to the Required Public Sewer System Improvements as required, and the TID shall pay the reasonable costs of all such services.

14. Village Maintenance.

The Village shall maintain and/or repair any public improvements referred to in this Addendum until after such time as the Village Board has adopted a resolution specifically accepting the dedication of such improvements.

15. Right of Entry.

Village officials and their designees shall have the right to enter upon the Development at all reasonable times, without notice, to inspect the status, progress and quality of the work on the Required Public Improvements and any related materials, goods or equipment.

16. Permits.

No permits shall be issued for connection to sanitary sewer mains until such time as the Required Public Sanitary Sewer System Improvements are completed, inspected, tested, and accepted by the Village.

17. Stop-Work Orders.

The contractor(s) shall promptly comply with any stop-work orders issued pursuant to applicable provisions of the Village Land Division and Development Control Ordinance because the design, location, materials, workmanship or manner of performance is not in accordance with the provisions of this Addendum or the Land

Division and Development Control Ordinance.

18. Remedies of the Village.

In the event that Uline fails or refuses to comply with any of its obligations under this Addendum to the Development Agreement, the Village may pursue, subject to Paragraph 20 of this addendum, any and all remedies that may be available to it at law or in equity.

- a. Notwithstanding any other language in this Addendum to the contrary, if the Village believes in good faith that commencement of a legal action, or the performance of its own work with respect to curing a perceived breach prior to the commencement or completion of Uline's curative action is urgently required to protect the public health or safety, the Village may proceed to do so.
- b. Neither a party's willingness to undertake curative activity nor the fact that a party has undertaken curative activity shall be construed as or used as evidence of a breach of this Addendum.
- c. If any party's ability to perform its obligations under this Addendum is impaired by war, labor stoppage, flood or other act of God, or other cause beyond its reasonable control, then such performance will be excused for the period of such impairment.

19. Remedies of the Developer.

In the event that the Village fails or refuses to comply with any of its obligations under this Addendum to the Development Agreement, Uline may pursue, subject to Paragraph 20 of this addendum, and all remedies that may be available to it at law or in equity.

- a. Notwithstanding any other language in this Addendum to the contrary, if Uline believes in good faith that commencement of a legal action, or the performance of its own work with respect to curing a perceived breach prior to the commencement or completion of the Village's curative action is urgently required to protect the public health or safety, Uline may proceed to do so.
- b. Neither a party's willingness to undertake curative activity nor the fact that a party has undertaken curative activity shall be construed as or used as evidence of a breach of this Addendum.
- c. If any party's ability to perform its obligations under this Addendum is impaired by war, labor stoppage, flood or other act of God, or other cause beyond its reasonable control, then such performance will be excused for the period of such impairment.

20. Notice of Breach and Curative Activity.

- a. In the event that one of the parties to this Addendum believes that the other party has breached its obligations under this Addendum, such party shall promptly notify the other party in writing of the specific nature of the perceived breach. (See Paragraph 22 below, regarding notices, and particularly how notices must be mailed or delivered.) If the Village believes that a perceived breach poses an imminent threat to the public health or safety, its notice of breach shall so state.

- b. A notice of breach shall not be a condition precedent to the issuance by the Village of a stop-work order pursuant to applicable provisions of the Village Land Division and Development Control Ordinance, or to any legal action to enforce the Village Land Division and Development Control Ordinance or any other applicable ordinance.
- c. The party who has received a notice of breach shall have twenty (20) days from the effective date of the notice of breach to cure the breach; provided, however, that curative activity shall be completed as soon as practical, and further provided that if curative activity is timely commenced and thereafter continuously and diligently pursued, the curing party shall have a reasonable period of time under the circumstances to complete its curative activity.
- d. Curative activity undertaken by a party to this Agreement, even if such curative activity is timely commenced and diligently and continuously pursued to completion, shall not necessarily preclude liability with respect to any breach. Such curative activity shall, however, subject to subparagraph 29 below, preclude the commencement of any legal action for breach of this Addendum until after the curative activity has been completed and the complaining party has had an opportunity to assess the effect of such curative activity.
- e. Whenever a perceived breach of this Addendum is believed by either party to pose an imminent threat to public health or safety, the parties shall immediately confer in good faith as to how such threat can be most effectively and expeditiously eliminated.
- f. Notwithstanding any other language in this Addendum to the contrary, if the Village believes in good faith that commencement of a legal action, or the performance of its own work with respect to curing a perceived breach prior to the commencement or completion of Uline's curative action is urgently required to protect the public health or safety, the Village may proceed to do so.
- g. Neither a party's willingness to undertake curative activity nor the fact that a party has undertaken curative activity shall be construed as or used as evidence of a breach of this Addendum.
- h. If any party's ability to perform its obligations under this Addendum is impaired by war, labor stoppage, flood or other act of God, or other cause beyond its reasonable control, then such performance will be excused for the period of such impairment.

21. Notices.

- a. All notices given in connection with this Agreement shall be in writing, shall specifically refer to this Agreement by title and date, and shall be addressed to the receiving party and either mailed by Certified Mail-Return Receipt Requested, or delivered during normal business hours at the address stated in the introductory paragraph of this Agreement. Any notice addressed to the Village shall be addressed to the attention of the Village Administrator.
- b. Either party shall give notice to the other, in accordance with this paragraph, of a change-of-address. After any such change-of-address notice is given and received, all notices given in connection with this Agreement shall thereafter be mailed or delivered to the new address. Any such change-of-address notice to which notices may be sent shall state on its face, in capital letters, **"THIS LETTER AMENDS THE NOTICE PROVISION OF PARAGRAPH 21 OF THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF PLEASANT**

PRAIRIE AND ROUTE 165, LLC (ULINE) THIS LETTER SHOULD BE FILED WITH SUCH AGREEMENT".

- c. Any notice given in accordance with this paragraph shall be effective upon delivery, if delivered during normal business hours, or upon commencement of the next business day if delivered after normal business hours, or, if mailed, three (3) days after the date of postmark.
- d. Prior to any action related to the design, financing, or construction of improvements described within this Addendum, Uline shall provide the Village with an official Notice to Proceed.

22. No Third-Party Beneficiaries.

This Addendum is not intended to benefit or to be enforceable by any person other than the Village, the Developer, and their respective successors and assigns, which shall not include, for purposes of this paragraph, any person who has not assumed all of the benefits and obligations of this Addendum.

23. Applicability of Land Division and Development Control Ordinance.

The provisions of the Village Land Division and Development Control Ordinance are applicable to the subject matter of this Addendum, whether or not such provisions are referred to expressly herein. However, in the event of any inconsistency between the provisions of the Village Land Division and Development Control Ordinance and the provisions of this Agreement, this Addendum shall control.

24. No Rule of Construction Against Drafter.

The language used in this Addendum shall be deemed to be the language chosen by the parties to express their mutual intent, and no rule of construction shall be applied against either party as the drafter of this Addendum.

25. Amendment of Agreement.

The Village and Uline may, by mutual agreement in writing, and after approval of the Village Board, amend this Addendum at any time. The Village Board shall not, however, approve an amendment without having first considered the written recommendations of the Village staff on the proposed amendment.

26. Amendment of Ordinance.

In the event that the Village Land Division and Development Control Ordinance is amended or recreated after this Addendum is entered into, and before the Required Public Improvements have been completed, then any such amendments shall apply to this Addendum; provided, however, that if such amendments impose greater burdens or more stringent restrictions upon Uline, such amendments shall not apply.

27. Severability.

In the event that any part of this Addendum is determined to be invalid by a Court of Competent Jurisdiction, such part shall be severed from the Addendum, and the balance of this Addendum shall survive.

28. Binding Agreement: Assignment.

This Addendum shall be binding upon the parties and their successors, assigns, heirs and personal representatives. Any assignment of this Addendum by Uline or by any successor or assign of Uline shall be subject to prior approval of the Village Board, but such approval shall not be unreasonably withheld.

29. No Threat to Public Health or Safety.

Notwithstanding any language or this Addendum to the contrary, Uline shall neither do nor permit any other person to do anything in connection with the performance of the Uline's obligations under this Addendum, which poses a threat to the public health or safety.

30. Good Faith and Fair Dealing.

The parties shall deal with one another fairly and in good faith.

31. Entire Agreement.

This Addendum is the entire agreement of the parties in relation to the subject matter contained herein. All prior agreements, commitments, promises, offers, representations and statements made by or on behalf of the parties with respect to the subject matter of this Addendum are hereby terminated and shall have no further effect.

32. Governing Law.

The law of the State of Wisconsin shall govern all issues relating to this Addendum.

33. Effective Date.

This Addendum shall be effective from and after the last to occur of the following events: the Village Board's final approval of this Addendum, Construction Plans and related documents; Uline's timely satisfaction of all conditions to such approval; and the signing of this Addendum by the parties. It is understood and agreed that certification of the Village Board's final approval of this Development Agreement Addendum and Construction Plans shall not occur until and unless any conditions to such approval are satisfied within the time specified by the Village Board. It is further understood and agreed that if all such conditions are not timely satisfied, the Village Board's final approval shall be automatically suspended pending further action by the Village Board.

IN WITNESS WHEREOF, the Developer and the Village have caused this Agreement to be signed and dated as of this ____ day of _____, 2014.

ROUTE 165, LLC (Uline)

Phil Hunt
Vice President - Materials Management

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink
Village President

ATTEST:

Michael R. Pollocoff
Village Administrator

[Notary Seals on next page]

STATE OF WISCONSIN)
)SS:
KENOSHA COUNTY)

This Addendum to the 2008 Development Agreement was acknowledged before me this _____ day of _____, 2014 by **John P. Steinbrink** and **Michael R. Pollocoff, Village President and Village Administrator**, respectively, of the Village of Pleasant Prairie.

Print Name: _____
Notary Public, Kenosha County, State of WI
My Commission expires: _____

STATE OF WISCONSIN)
)SS:
KENOSHA COUNTY)

This Addendum to the 2008 Development Agreement was acknowledged before me this _____ day of _____, 2014 by **Phil Hunt, Executive Vice President, Route 165, LLC. (Uline)**

Print Name: _____
Notary Public, Kenosha County, State of WI
My Commission expires: _____

This Agreement drafted by:
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

Uline Development Agmt - Addendum (2014)



MEMORADUM

Office of the Village Engineer
Matthew J. Fineour, P.E.

TO: Michael Pollocoff, Village Administrator

FROM: Matthew Fineour, Village Engineer

CC: Jane Romanowski, Village Clerk
John Steinbrink Jr., Public Works Director

SUBJ: Heritage Valley Sanitary Sewer
Relocation Order

DATE: December 22, 2014

Background:

The existing Heritage Valley lift station, located at the south end of 105th Avenue, was built in the early 1990's as part of Heritage Valley Unit 1 – Phase 1 development. The lift station was built as a temporary facility and currently services 21 lots. The lift station is now near the end of its service life and is in need of rehabilitation.

In 2008, the Village decommissioned the Sewer D treatment plant and installed a new gravity sewer (Sewer D gravity sewer) from the treatment plant to an existing gravity sewer located at CTH "H". The Sewer D gravity sewer provides the ability to abandon the Heritage Valley lift station by providing a new gravity sewer from the lift station to Sewer D.

The proposed sanitary sewer alignment runs south within the existing 105th Avenue right-of-way then northeast to the existing sanitary sewer by the former Sewer D treatment plant. The sewer route follows the existing neighborhood plan future street alignment. In order to construct the new sewer, permanent and temporary construction easements are required from two properties.

- A. Tax Parcel No. 92-4-122-172-0301, Owned by Waterstone Bank.
- B. Tax Parcel No. 92-4-122-181-0541, Owned by Norstates Bank.

The attached Relocation Order is presented to start the acquisition process for the necessary easements.

Recommendation:

It is recommended that the Village Board approve the Relocation Order.

Attachments: Relocation Order.

.....
RELOCATION ORDER

Condemning Authority: Village of Pleasant Prairie
County: Kenosha
Project: Heritage Valley Sanitary Sewer

.....

WHEREAS, the Village of Pleasant Prairie hereby determines that it is a necessity and a public purpose to undertake sanitary sewer improvements for the conveyance of sewage and the health and welfare of the public; and

WHEREAS, the acquisition of sanitary sewer easements and temporary construction easements are necessary for the above referenced project;

NOW, THEREFORE, the Village Board of Trustees hereby orders, pursuant to Section 32.05(1)(a), Wisconsin Statutes as follows:

1. That the project termini are those depicted on the maps, which are attached hereto as Exhibit A and incorporated herein by reference; the project acquisition area(s) to be acquired are graphically depicted on the attached map for sanitary sewer easement acquisition by the Village for the purposes of municipal sanitary sewer system improvements pursuant to the provisions of Section 32.05(1)(a) of the Wisconsin Statutes; and
2. Those parcels shown on the attached maps are laid out and established by recorded documents.
3. The properties subject to this Relocation Order are as follows:
 - A. Tax Parcel No. 92-4-122-172-0301: Owned by Waterstone Bank.
 - B. Tax Parcel No. 92-4-122-181-0541: Owned by Norstates Bank.

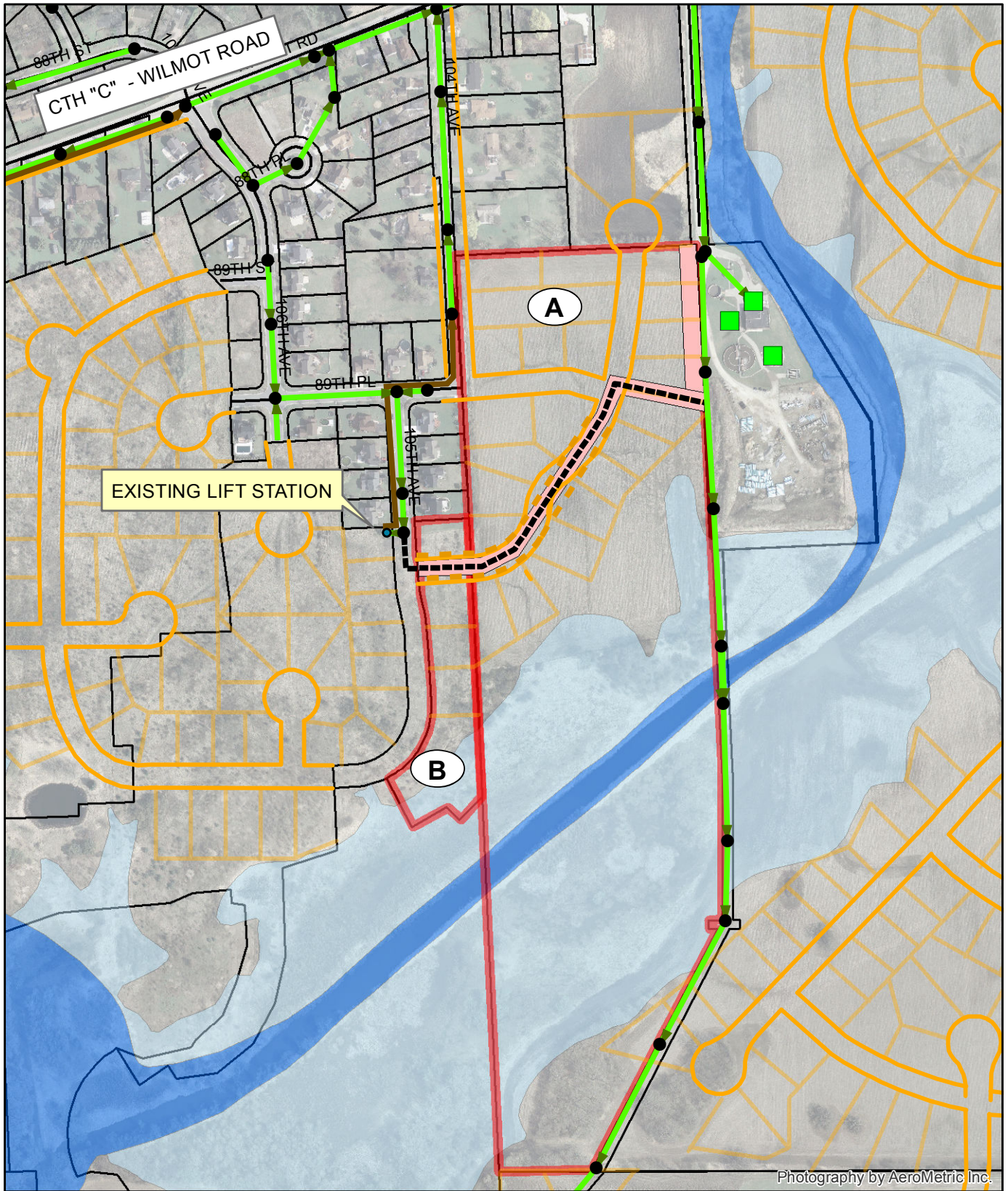
DATED, this 5th day of January, 2015, authorized by the Village Board of Trustees of the Village of Pleasant Prairie.

VILLAGE OF PLEASANT PRAIRIE

By _____
John P. Steinbrink, President

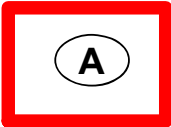
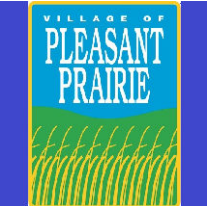
Countersigned:

Jane M. Romanowski, Clerk



Photography by AeroMetric Inc.

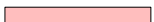
HERITAGE VALLEY SANITARY SEWER



RELOCATION ORDER PARCEL

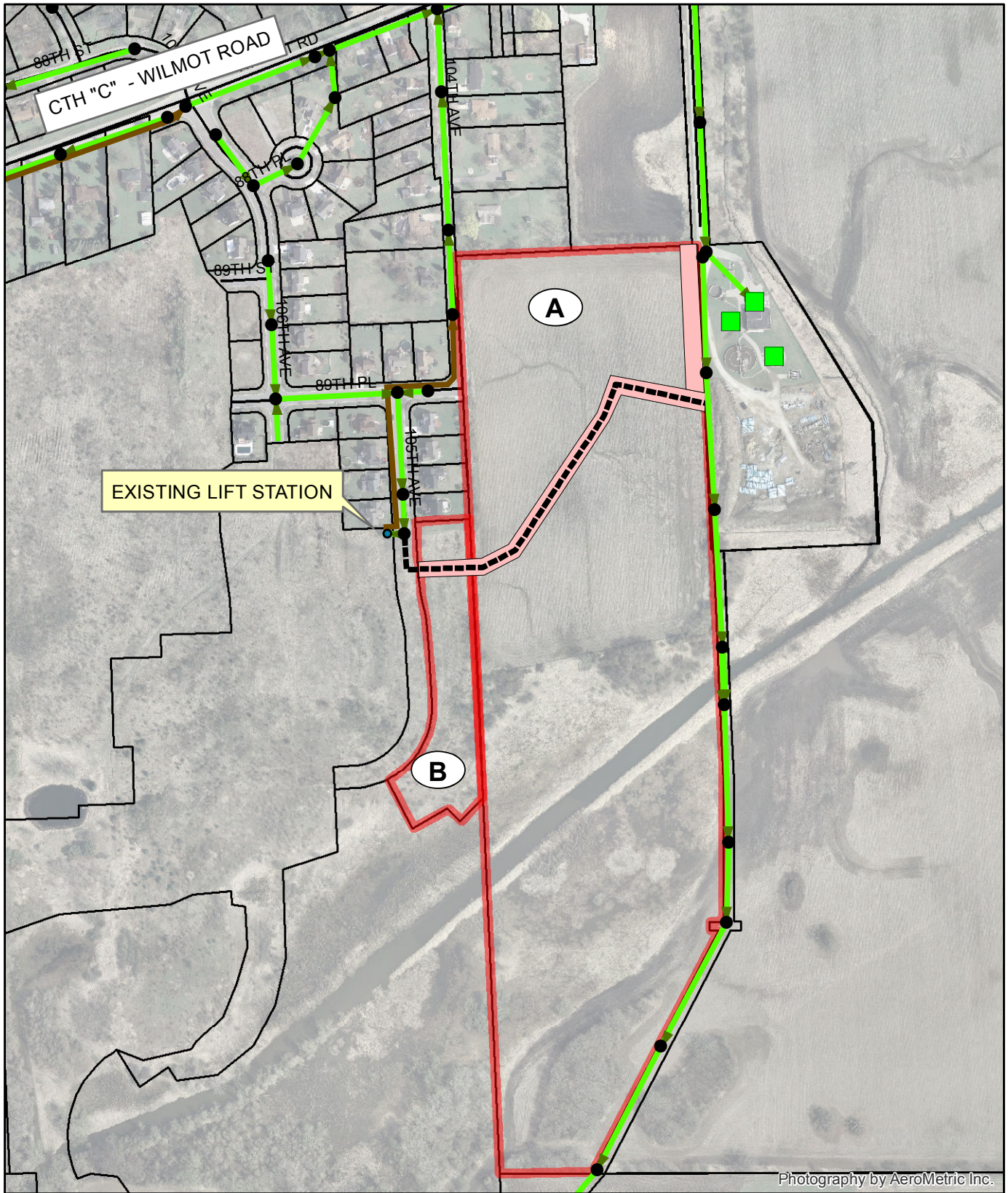


NEW SEWER LINE

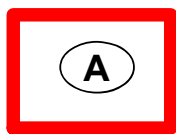
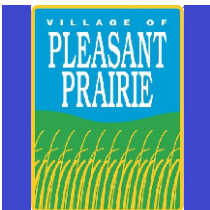


EASEMENT AREA





HERITAGE VALLEY SANITARY SEWER



RELOCATION ORDER PARCEL



NEW SEWER LINE

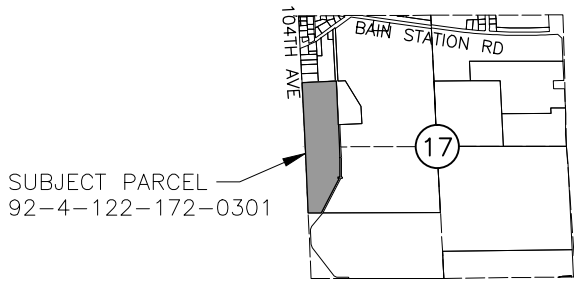


EASEMENT AREA



SANITARY SEWER ACCESS AND MAINTENANCE EASEMENT

IN THE SOUTH HALF OF THE NW 1/4 OF SECTION 17,
TOWNSHIP 1 NORTH, RANGE 22 EAST, OF THE FOURTH PRINCIPAL MERIDIAN, IN
THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN.



SANITARY SEWER ACCESS AND MAINTENANCE EASEMENT:

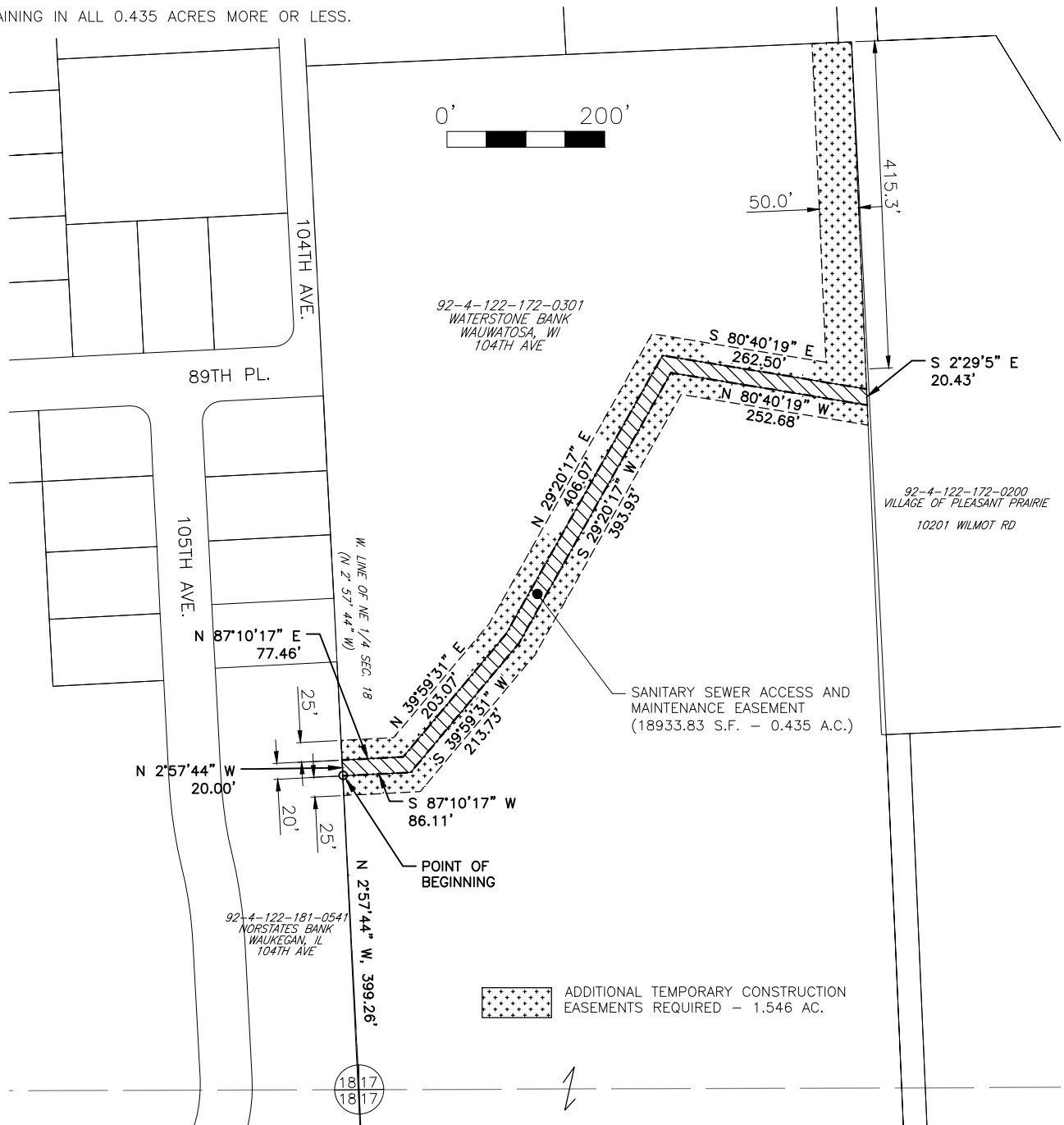
AN EASEMENT FOR THE PURPOSES OF SANITARY SEWER ACCESS AND MAINTENANCE:

PART OF THE SOUTH HALF OF THE NW 1/4 OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 22 EAST, OF THE FOURTH PRINCIPAL MERIDIAN, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 17, THENCE N2°57'44"W ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 17, A DISTANCE OF 399.26 FEET TO POINT OF BEGINNING OF SAID EASEMENT DESCRIBED AS FOLLOWS:

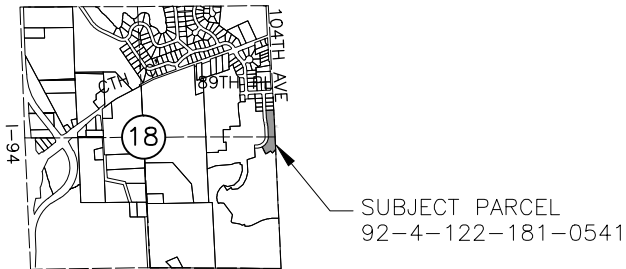
THENCE N2°57'44"W ALONG SAID WEST LINE OF THE NORTHWEST 1/4 OF SECTION 17, A DISTANCE OF 20.0 FEET, THENCE N87°10'17"E A DISTANCE OF 77.46 FEET; THENCE N39°59'31"E A DISTANCE OF 203.07 FEET; THENCE N29°20'17"E A DISTANCE OF 406.07 FEET; THENCE S80°40'19"E A DISTANCE OF 262.50 FEET MORE OR LESS TO A POINT ON THE WEST PROPERTY LINE OF PARCEL 92-4-122-172-0200; THENCE S2°29'5"E ALONG SAID WEST PROPERTY LINE A DISTANCE OF 20.43 FEET; THENCE N80°40'19"W A DISTANCE OF 252.68 FEET; THENCE S29°20'17"W A DISTANCE OF 393.93 FEET; THENCE S39°59'31"W A DISTANCE OF 213.73 FEET; THENCE S87°10'17"W A DISTANCE OF 86.11 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING IN ALL 0.435 ACRES MORE OR LESS.



SANITARY SEWER ACCESS AND MAINTENANCE EASEMENT

IN THE SOUTH HALF OF THE NE 1/4 OF SECTION 18,
TOWNSHIP 1 NORTH, RANGE 22 EAST, OF THE FOURTH PRINCIPAL MERIDIAN, IN
THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN.



SANITARY SEWER ACCESS AND MAINTENANCE EASEMENT:

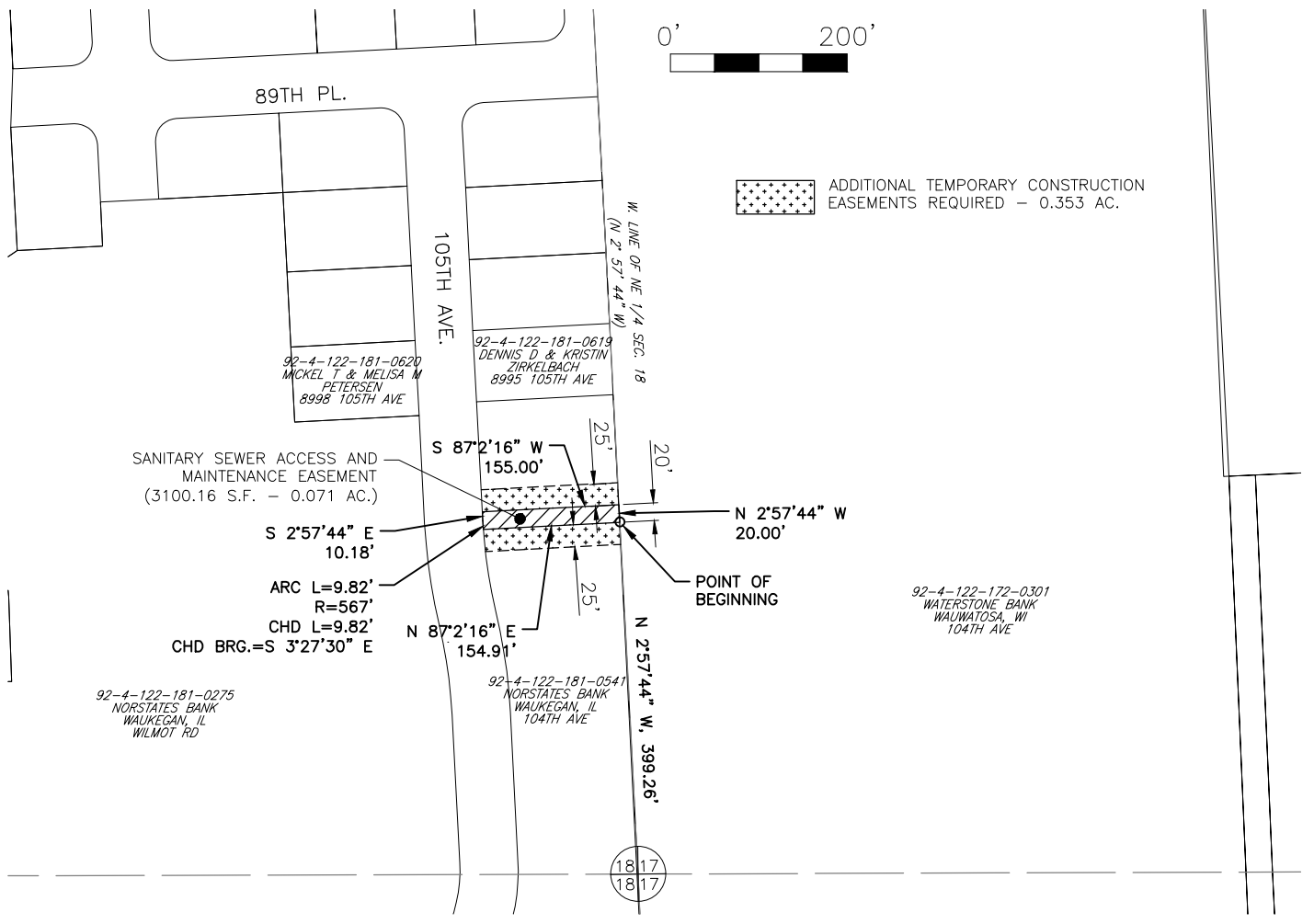
AN EASEMENT FOR THE PURPOSES OF SANITARY SEWER ACCESS AND MAINTENANCE:

PART OF THE SOUTH HALF OF THE NE 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 22 EAST, OF THE FOURTH PRINCIPAL MERIDIAN, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 18, THENCE N2°57'44"W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 18, A DISTANCE OF 399.26 FEET TO POINT OF BEGINNING OF SAID EASEMENT DESCRIBED AS FOLLOWS:

THENCE N2°57'44"W ALONG SAID EAST LINE OF THE NORTHEAST 1/4 OF SECTION 18, A DISTANCE OF 20.0 FEET, THENCE S87°2'16"W A DISTANCE OF 155.0 FEET MORE OR LESS TO THE EXISTING EAST RIGHT-OF-WAY LINE OF 105TH AVE; THENCE S2°57'44"E ALONG SAID EAST RIGHT-OF-WAY LINE OF 105TH AVE A DISTANCE OF 10.18 FEET, TO A POINT ON A CURVE; THENCE SOUTHEASTERLY 9.82 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF 105TH AVE AND THE ARC OF SAID CURVE TO THE LEFT WHOSE RADIUS IS 567 FEET AND WHOSE CHORD BEARS S3°27'30"E A DISTANCE OF 9.82 FEET, THENCE N87°2'16"E A DISTANCE OF 154.91 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING IN ALL 0.071 ACRES MORE OR LESS.





MEMORADUM

Office of the Village Engineer
Matthew J. Fineour, P.E.

TO: Michael Pollocoff, Village Administrator

FROM: Matthew Fineour, Village Engineer

CC: Jane Romanowski, Village Clerk
John Steinbrink Jr., Public Works Director

SUBJ: Heritage Valley Sanitary Sewer
Appraisal and Acquisition Services

DATE: December 26, 2014

Background:

The Heritage Valley Sanitary Sewer project will require permanent and temporary easement acquisitions from two properties as discussed in the Relocation Order. The Village has requested a proposal from The Highland Group for appraisal and acquisition services for these easements. The Highland Group is a real estate consulting company specializing in eminent domain and acquisition in Wisconsin. The Village has utilized their services on the 39th Avenue Reconstruction Project, as well as, I have had past experience with The Highland Group on previous projects in my career and have found them to be a competent company.

Attached, please find their appraisal and acquisition service proposal for the Heritage Valley Sanitary Sewer project for a lump sum fee of \$10,200. The proposal includes preparation / review of two appraisals and negotiation / acquisition services.

Recommendation:

It is recommended that the Village Board approve the acquisition proposal from The Highland Group for a lump sum fee of \$10,200.

Attachments: Acquisition Proposal.

THE HIGHLAND GROUP

December 22, 2014

Village of Pleasant Prairie
9915 39th Ave.
Pleasant Prairie, WI 53158

VIA E-MAIL

Attn: Mr. Mike Pollocoff
Village Administrator

Re: Acquisition Proposal
Heritage Valley Sanitary Sewer
Village of Pleasant Prairie
Kenosha County

Dear Mr. Pollocoff:

Thank you for choosing The Highland Group (Consultant) to provide appraisal and acquisition services for the referenced project.

Our scope of services will be as follows:

- Appraisal preparation
- Objective Appraisal Review
- Negotiations/Closings

Compensation for all services indicated above, will be a lump sum of **\$10,200.00** for the acquisition and appraisal of Sanitary Sewer Access and Maintenance Easement parcels. It is understood and agreed that this fee is based on a total of two (2) parcels. The fee will be adjusted if the number of parcels or the scope of services changes or if any of the following assumptions are incorrect.

Since all parcels are assumed to need appraisals, a Nominal Payment Parcel Report is not being prepared for this project. Please note that the lump sum fee does not include the cost of an independent review appraiser. This proposal assumes that Pleasant Prairie will be reviewing and approving the appraisals or providing a review appraiser under separate contract.

The lump sum fee is the full compensation to The Highland Group for services provided. It includes The Highland Group's payroll costs, taxes, insurance, overhead, vacation, holiday, subsistence pay, profit and all other indirect charges such as copies, mileage, telephone calls, maps, plats, zoning regulations, project related office supplies and the initial startup meeting with the client, if required. Additional meetings will be billed at the rate of \$100.00 per man-hour. Expert witness

testimony or attendance at pre-trial conferences by our appraiser will be billed at the rate of \$175.00 per man-hour with a minimum charge of \$525.00. Otherwise all fees are inclusive. Payment for all services rendered shall be made within thirty (30) days of receipt of monthly invoices. Invoices not paid within forty-five (45) days will accrue interest at the rate of 1.5% per month (18% annually).

The following is a list of items we will need to complete the appraisals and acquisitions:

- Current title reports with last deed of record, legal description of the parcel, outstanding mortgages, judgments and liens
- Updated title reports prior to closing
- Copy of introduction letter that was sent to the landowner with The Rights of Landowners brochure by Pleasant Prairie (Agency)
- Stake existing rights of way, proposed rights of way
- Agency approved Offering Price Report for each appraisal
- Copy of the Design Study Report or project description
- Copy of the signed, dated and filed Relocation Order(s)
- Legal description of acquisition areas in MS Word
- Name and address list of parcel owners (property addresses and landowner addresses)
- One set of construction plans, profiles and cross sections and one copy of the right of way plat in PDF format

Consultant Responsibilities

- All work performed in the acquisition of these parcels shall follow procedures established under the State of Wisconsin Real Estate LPA Manual
- Consultant will contact parcel owners and proceed with negotiation steps as outlined in the Manual and maintain negotiation diaries
- Consultant shall perform any necessary field activities in a professional manner
- Consultant shall present to the owners the approved offers in writing

Upon acceptance of an offer by the owner, the consultant shall:

- Review title and mortgage records and if needed, revise the project deed and mortgage documents and inform Agency of changes in title
- Complete Statement to Construction Engineer and provide a copy of Statement to owners
- Have owners sign conveyance documents
- Obtain releases of mortgages for fee acquisitions greater than \$5,000.00
- Submit a request for right of way payment to the Agency
- Complete closings per the Manual
- Record the acquisition documents after compensation is given or mailed to property owners via a letter from the agency to the Register of Deeds to bill the agency
- Provide the Agency with W-9 Form and the completed acquisition files

Consultant shall assume responsibility for the final disposition of the acquisition including negotiation notes, required memos, letters, vouchers, payment, all closing or condemnation documents required, and shall deliver a completed acquisition file to the Agency. The Agency shall assist with the various activities required, when need is identified.

If our proposal is acceptable, please sign and date a copy of this letter in the space provided and return it to my attention.

Thank you for this opportunity to be of service.

Sincerely,
THE HIGHLAND GROUP



Stephen D. Simpson
Project Manager

SDS/SJS/rh

Agreed to and accepted this _____ day of _____, 2014.

The Village of Pleasant Prairie

By: _____

**HERITAGE VALLEY SANITARY SEWER
VILLAGE OF PLEASANT PRAIRIE
KENOSHA COUNTY**

Cost Proposal

	<u>Parcel Cost</u>	<u>Parcels</u>	<u>Total</u>
Appraisals			
Abbreviated Standard	\$3,500	2	\$7,000
Appraisal Review (objective)	\$100	2	\$200
Negotiations/Acquisitions	\$1,500	2	<u>\$3,000</u>
Total lump sum fee for 2 parcels			\$10,200



Purchase Order

Fiscal Year 2014

Page 1 of 1

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **1404211-00**

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VILLAGE OF PLEASANT PRAIRIE
9915 39TH AVENUE
PLEASANT PRAIRIE, WI 53158
262-694-1400

**V
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The Highland Group
110 North Third Street
Watertown WI 53094

**S
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T
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Village of Pleasant Prairie
9915 39th Ave
Pleasant Prairie WI 53158

Vendor Phone Number	Vendor Fax Number	Requisition Number	Contact Name
920-262-2150	920-262-2152	5940	Francine Hooper

Date Ordered	Vendor Number	Date Required	Freight Method/Terms	Department/Location
12/29/2014	3727			Engineering

Item#	Description/Part No.	Qty	UOM	Unit Price	Extended Price
1	Heritage Valley Sanitary Sewer The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading Remember to give PO# when ordering. Acquisition proposal for Heritage Valley Sanitary Sewer	1.0	Each	\$10,200.000	\$10,200.00

By *Michael Deery*
Village Administrator

PO Total	\$10,200.00
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**CLERK'S CERTIFICATION OF
BARTENDER LICENSE APPLICATIONS
Period Ending: December 29, 2014**

I, Jane M. Romanowski, Village Clerk of the Village of Pleasant Prairie, Kenosha County, Wisconsin, do hereby certify the following persons have applied for bartender licenses and **each applicant is in compliance with the guidelines set forth in Chapter 194 of the Municipal Code.** I recommend approval of the applications for each person as follows:

NAME OF APPLICANT

LICENSE TERM

- | | |
|------------------------|--------------------|
| 1. Brian J. Barter | thru June 30, 2016 |
| 2. Zachary T. Bartlett | thru June 30, 2016 |
| 3. Dataria J. Booker | thru June 30, 2016 |
| 4. Lindsey M. Sokel | thru June 30, 2016 |

Jane M. Romanowski
Village Clerk