

**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**  
**July 6, 2015**  
**6:00 p.m.**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Minutes of Meetings – June 1, 10 and 15, 2015
5. Public Hearing
  - A. Consider the request for a Class "A" Fermented Malt Beverage License for the Kwik Trip store under construction at 10451 72<sup>nd</sup> Avenue.
6. 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.)
7. Administrator's Report
8. New Business
  - A. Consider a claim for refund of taxes by Sanmina Corporation due to a decision issued by the State of Wisconsin Tax Appeals Commission.
  - B. Receive Plan Commission recommendation and consider a Conceptual Plan to construct an 11,021 square foot veterinary office on the vacant property generally located on the north side of Prairie Ridge Boulevard west of 88th Avenue within the Prairie Ridge development.
  - C. Receive Plan Commission recommendation and consider a Certified Survey Map to subdivide the property generally located on the north side of Prairie Ridge Boulevard west of 88th Avenue within the Prairie Ridge development.
  - D. Receive Plan Commission recommendation and consider Ordinance #15-21 for several amendments to Section 420 related to zoning permits required for driveways, time limits for permits, certificates of compliance and the issuance, duration, and approval or denial of sign permits.

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- E. Consider award of contract for the 2015 Sanitary Sewer Rehabilitation.
  - F. Consider Resolution #15-22 to dispose of surplus vehicles.
  - G. Consider a draw on the Letter of Credit for the Vintage Parc development located at the southeast corner of STH 165 and Old Green Bay Road.
  - H. Consider a draw on the Letter of Credit for the Bain Station Crossing development located at the northeast corner of Bain Station Road and 88<sup>th</sup> Avenue.
  - I. Consider Trick or Treat Date and Time – Saturday, October 31, 2015  
3- 6 p.m.
9. Village Board Comments
10. Consider entering into Executive Session pursuant to Section 19.85(1)(e) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
11. Return to Open Session and Adjournment

The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 – 39<sup>th</sup> 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  
June 1, 2015  
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, June 1, 2015. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Steve Kumorkiewicz, Dave Klimisch and Mike Serpe. Also present were Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Dave Smetana, Police Chief; Doug McElmury; Fire & Rescue Chief; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, HR and Recreation Director; Sandro Perez, Inspection Superintendent and Jane M. Romanowski, Village Clerk. Two citizens attended the meeting.

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. PUBLIC HEARING**

**A. Consider 2015-2016 Liquor License Renewal Applications.**

Jane Romanowski:

Mr. President, first I would request that the application for the BP station at 10477 120th Avenue be tabled. The reason for that is the conditional use permit that was to be on the Plan Commission agenda last week has been tabled or postponed to next week. So I think a postponement of that application to the June 15th Board meeting is in order.

John Steinbrink:

So that would be right away tabled.

Jane Romanowski:

It will be postponed to the next meeting.

John Steinbrink:

I mean we will not have a public hearing on that one then.

Jane Romanowski:

At the next meeting, yes.

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John Steinbrink:

A motion to table is in order.

Michael Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for tabling of the BP application.

Jane Romanowski:

And that public hearing for that application will be June 15th.

John Steinbrink:

Any comment or question? We have a motion and a second.

**SERPE MOVED TO POSTPONE THE PUBLIC HEARING FOR THE LIQUOR LICENSE RENEWAL APPLICATION OF BP AM/PM TO JUNE 15, 2015; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

Jane Romanowski:

So the rest of the applications we're going to talk about tonight are renewal applications, and these are for the licenses that will run from July 1st of this year to June 30th of next year. And what I will do is I will read the trade name and the addresses since those are more familiar than talking about or listing the agents and the corporations.

So we'll start with the Class A fermented malt beverage licenses. We have Pantry 41 Mobil at 7511 118th Avenue; PDQ store #352 at 8800 75th Street; Stateline Quik Shop at 12720 Sheridan Road; we have the Truesdell Mini-Mart at 8531 75th Street; and we have the Walgreens Store at 7520 118th Avenue. Those Class A fermented malt beverages they can sell them in original packages for off premise consumption only. Those are your beer and your fermented malt wine coolers only.

Then we go to our Class A fermented malt beverage and Class A intoxicating. We have Dream Liquor, the liquor store at 4417 75th Street; and we have the Target Store at 9777 76th Street. And in addition to the fermented it would be the Class A intoxicating for off premise

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consumption only in original packages. Then we have our Class C wine and Class B fermented malt beverage. And we have one license, and that is for the Honada Sushi & Hibachi at 8501 75th Street, Suite G.

Then we go to the combination liquor licenses, combination for on premise or off premise consumption for the fermented malt beverage or on premise consumption for intoxicating liquor. Those are combination licenses, the first one being Big Oaks Golf Club, 6117 123rd Place, the Chancery at 11900 108th Street; we have Cheddar's Casual Cafe at 10366 77th Street; and Chili's at 6903 75th Street; Earl's Club at 7529 88th Avenue; and Famous Dave's at 9900 77th Street; Gordy's at 3812 Springbrook Road; Halter Wildlife at 9626 113th Street; the Olive Garden at 10110 77th Street; Ray Radigan's at 11712 Sheridan Road. Even though they have announced that they have closed, they have applied for a license, so that license is in effect to the end of this year. And if they don't follow through with any of the conditions the license is done, and then we wouldn't issue a new one. They have not pulled their application at this point. Ruffolo's Pizza at 11820 Sheridan Road; Starlite Club at 8936 24th Avenue; we have Uncle Mike's Top Shelf Pub at 10936 Sheridan Road; the Village Supper Club at 10909 Sheridan Road; and the Wooden Nickel at 11606 Sheridan Road.

Currently there are no outstanding building code violations. I've attached a couple documents. The Community Development Department and the Fire and Rescue Department have some dealings that need to be taken care of before the licenses would be issued. They can be granted tonight. Obviously the condition of approval would be on paying the license and publication fees, delinquent real estate or property taxes or personal property taxes, delinquent invoices, utilities, any outstanding forfeitures. If you recall we just added that into the ordinance two weeks ago or two weeks before that, I'm not quite sure. And unpaid Fire Department permit fees. The licenses if granted when issued will be issued in the name of the agent or an individual, the agent of the corporation or individual and for the premise description as listed under each establishment.

At this point today we started the investigation or asking the Finance Department and the Courts to determine what outstanding delinquencies there are. It doesn't pay to do them ahead of time because obviously any interest is tacked on after May 31st. So once I get all of that information, if approved, letters will be mailed to the establishments or the corporation in such case, and they will be instructed as to what's outstanding, what they need to pay, what needs to happen, if there's any inspections, what needs to be done before the license is issued if granted. So this has been the procedure for many years issuing the licenses, and then they pick up the licenses at the last week in June before July 1st. They do not go out of the office unless everything is taken care of. So with that it is a public hearing.

John Steinbrink:

With that I will open it for public hearing. Did we have any signups?

Jane Romanowski:

We did not.

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John Steinbrink:

Once again this is a public hearing. I'll open it up to public comment or question. Anyone wishing to speak? Anyone wishing to speak? Anyone wishing to speak? Hearing none I'll close the public hearing and open it up to Board comment or questions.

Kris Keckler:

I have one. On the reports that were submitted, I know, Jean, you had one of them as well, we tabled the BP one. But I think Target had an outstanding issue. And then there's also a small amount of them with inspections or outstanding violations or fees. Are those published anywhere what the fees are, or is that not a public matter?

Jean Werbie-Harris:

The outstanding fees that we have for BP Amoco, and we do have that information for BP Amoco, and that was one of the reasons why they were being tabled. And Target just had some landscaping issues which they were to get all resolved which they did this past week.

Kris Keckler:

Okay, because I know today was the expected date for that one. So that one was cleaned up?

Jean Werbie-Harris:

Yes, that's correct.

Kris Keckler:

And then the other portion about the outstanding fees, the time line for that is still expected that they're not issued their permits until it's all resolved.

Jean Werbie-Harris:

All the fees are paid.

Kris Keckler:

Oh, they're all up to date?

Jane Romanowski:

No, until they're paid.

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Kris Keckler:

Oh, sorry.

Jean Werbie-Harris:

They have to be paid before the license can be issued.

Kris Keckler:

So they didn't get in yet. Okay, thank you.

John Steinbrink:

Jane, in the past there were some problems in the neighborhood by the Starlite Club. That hasn't been an issue lately?

Jane Romanowski:

It hasn't been an issue from my office that I've heard of.

Jean Werbie-Harris:

It has not been an issue from our office. In fact, their site was extremely clean the first time, and I only had to go back to their site once. It was very nice.

Jane Romanowski:

I did talk to Chief Smetana and asked him if there were any problems with any of our establishments, and he indicated there was not at this point.

Michael Serpe:

John, I'd move approval of the license subject to compliance with the code violations --

Kris Keckler:

Second.

Michael Serpe:

-- and the unpaid fees if any.

Kris Keckler:

Second.

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John Steinbrink:

Motion by Mike, second by Kris. Any further discussion?

**SERPE MOVED TO APPROVE THE FOLLOWING LICENSES SUBJECT TO THE PAYMENT OF LICENSE AND PUBLICATION FEES; PERMIT FEES; ANY DELINQUENCIES AND ALL VIOLATIONS CORRECTED: SECONDED BY KECKLER; MOTION CARRIED 5-0.**

**CLASS "A" FERMENTED MALT BEVERAGE**

(Sell Fermented Malt Beverages  
in Original Packages for Off-Premise Consumption)

**NAME & ADDRESS**

**TRADE NAME**

R & D V, Inc.  
Syed Hussain – Agent  
10477 120<sup>th</sup> Avenue  
Pleasant Prairie, WI 53158

BP/AM PM  
10477 120<sup>th</sup> Avenue  
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 10477 120<sup>th</sup> Avenue

Roadside Petroleum, Inc.  
Surendra Singh, Agent  
7511 118<sup>th</sup> Avenue  
Pleasant Prairie, WI 53158

Pantry 41 Mobil  
7511 - 118<sup>th</sup> Avenue  
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 7511 118<sup>th</sup> Avenue

PDQ Food Stores, Inc.  
Kathy Loberger - Agent  
P.O. Box 620997  
Middleton, WI 53562

PDQ Store #352  
8800 - 75<sup>th</sup> Street  
Kenosha, WI 53142

Premise Description: One story building only located at 8800 75<sup>th</sup> Street

Graham Enterprise, Inc.  
Anthony Buches - Agent  
12720 Sheridan Road  
Pleasant Prairie, WI 53158

Stateline Quik Shop  
12720 Sheridan Road  
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 12720 Sheridan Road



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Truesdell Mini-Mart, Inc.  
Steve Schuler - Agent  
7831 45<sup>th</sup> Avenue  
Kenosha, WI 53142

Truesdell Mini-Mart  
8531 75<sup>th</sup> Street  
Kenosha WI 53142

Premise Description: One story building only located at 8531 75<sup>th</sup> Street

Walgreens Co.  
Liquor Renewals – License Adm.  
Patricia Briggs – Agent  
P.O. Box 901  
Deerfield, IL 60015

Walgreens #07935  
7520 118<sup>th</sup> Avenue  
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 7520 118<sup>th</sup> Avenue

**CLASS "A" FERMENTED MALT BEVERAGE  
AND "CLASS A" INTOXICATING**

(Sell Fermented Malt Beverages and Intoxicating Liquor  
in Original Packages for Off-Premise Consumption)

**NAME & ADDRESS**

**TRADE NAME**

H & N Enterprises, LLC  
Harjeet Singh - Agent  
1916 W. Timber Ridge Lane  
Oak Creek, WI 53154

Dream Liquor  
4417 75<sup>th</sup> Street  
Kenosha, WI 53142

Premise Description: One story building only located at 4417 75<sup>th</sup> Street

Target Corporation  
Daniel Olsen – Agent  
1000 Nicollet Mall TPN-0910  
Minneapolis, MN 55403

Target Store T2251  
9777 76<sup>th</sup> Street  
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 9777 76<sup>th</sup> Street

**CLASS "C" WINE AND CLASS "B" FERMENTED  
MALT BEVERAGE**

(Sell Fermented Malt Beverages to Consumers for On-Premise  
or Off-Premise Consumption and Wine by the glass  
or original container for On-Premise Consumption)

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**NAME & ADDRESS**

Honada Wisconsin Corp.  
Xiao Bin Chen, Agent  
8501 75<sup>th</sup> Street, Suite G  
Kenosha, WI 53142

**TRADE NAME**

Honada Sushi & Hibachi  
8501 75<sup>th</sup> Street, Suite G  
Kenosha, WI 53142

Premise Description: One story building only located at 8501 75<sup>th</sup> Street, Suite G

**CLASS "B" FERMENTED MALT BEVERAGE**  
**& "CLASS B" REGULAR INTOXICATING LIQUOR**

(Sell Fermented Malt Beverages and Wine for  
On-Premise or in original containers for Off-Premise Consumption -  
Sell Intoxicating Liquor to Consumers by the  
glass for On-Premise Consumption)

**NAME & ADDRESS**

Jose N. Reyes - Agent  
Timber Ridge Ventures LLC  
6117 123<sup>rd</sup> Place  
Pleasant Prairie, WI 53158

**TRADE NAME**

Big Oaks Golf Club  
6117 123<sup>rd</sup> Place  
Pleasant Prairie, WI 53158

Premise Description: One story clubhouse and golf course located at 6117 123<sup>rd</sup> Place  
**\*Reserve "Class B" Intoxicating Liquor License**

Restaurant of Pleasant Prairie, Inc.  
George Flees, Agent  
7613 W. State Street  
Wauwatosa, WI 53213

Chancery Pub & Restaurant  
11900 - 108<sup>th</sup> Street  
Pleasant Prairie, WI 53158

Premise Description: Restaurant at 11900 108<sup>th</sup> Street and hotel rooms and banquet facilities  
only located at 11800 108<sup>th</sup> Street

Cheddar's Casual Café, Inc.  
Travis Preston - Agent  
2250 W. John Carpenter Frwy. #560  
Irving, TX 75063-2764

Cheddar's Casual Café, Inc.  
10366 77<sup>th</sup> Street  
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 10366 77<sup>th</sup> Street  
**\*Reserve "Class B" Intoxicating Liquor License**

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ERJ Dining III, LLC  
Paul Thompson – Agent  
1903 Stanley Gault Parkway  
Louisville, KY 40223

Chili's Grill & Bar  
6903 – 75<sup>th</sup> Street  
Kenosha, WI 53142

Premise Description: One story building only located at 6903 75<sup>th</sup> Street

Earl's Club, Inc.  
John C. Willkomm - Agent  
3490 169<sup>th</sup> Avenue  
Kenosha, WI 53144

Earl's Club  
7529 88th Avenue  
Pleasant Prairie, WI 53158

Premise Description: One story building, basement, deck and horseshoe/volleyball/picnic area contiguous to building only located at 7529 88<sup>th</sup> Avenue

\*Team R' n B Wisconsin LLC  
Peter Benedict - Agent  
6600 N. Ballard Road  
Appleton, WI 54913

Famous Dave's  
9900 77<sup>th</sup> Street  
Pleasant Prairie, WI 53158

Premise Description: One story building including outdoor covered fenced-in patio only located at 9900 77<sup>th</sup> Street

**\*Reserve "Class B" Intoxicating Liquor License**

Prairie Pub LLC  
Linda DeBartolo - Agent  
8217 60<sup>th</sup> Avenue  
Kenosha, WI 53142

Gordy's Prairie Pub  
3812 Springbrook Road  
Pleasant Prairie, WI 53158

Premise Description: First floor and basement of building and picnic area south/east contiguous to building only located at 3812 Springbrook Road

Halter Wildlife, Inc.  
John F. Burke - Agent  
9626 - 113th Street  
Pleasant Prairie, WI 53158

Halter Wildlife  
9626 113<sup>th</sup> Street  
Pleasant Prairie, WI 53158

Premise Description: Two story lodge and storage shed only located at 9626 113<sup>th</sup> Street

Uncle Mike's Top Shelf Pub LLC  
David Schulte - Agent  
8834 42<sup>nd</sup> Avenue  
Kenosha, WI 53142

Uncle Mike's Top Shelf Pub  
10936 Sheridan Road  
Pleasant Prairie, WI 53158

Premise Description: Building, basement and outdoor patio/picnic area within fencing contiguous to building only located at 10936 Sheridan Road

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\*GMRI, Inc. Licensing Dept.  
Jeffery Zimmerman - Agent  
P.O. Box 695016  
Orlando, FL 32869

The Olive Garden Italian Restaurant #1845  
10110 77<sup>th</sup> Street  
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 10110 77<sup>th</sup> Street  
**\*Reserve "Class B" Intoxicating Liquor License**

Ray Radigan's Inc.  
R. Michael Radigan - Agent  
10510 Lakeshore Drive  
Pleasant Prairie, WI 53158

Ray Radigan's  
11712 Sheridan Road  
Pleasant Prairie, WI 53158

Premise Description: Building only located at 11712 Sheridan Road

Ruffolo's Pizza LLC  
Richard M. Stiles – Agent  
11820 Sheridan Road  
Pleasant Prairie, WI 53158

Ruffolo's Pizza  
11820 Sheridan Road  
Pleasant Prairie, WI 53158

Premise Description: One story building and basement only located at 11820 Sheridan Road

JAAD, LLC  
Angela Daniels - agent  
8934 33<sup>rd</sup> Avenue  
Kenosha, WI 53142

Starlite Club  
8936 24<sup>th</sup> Avenue  
Kenosha, WI 53143

Premise Description: One story building and basement only located at 8936 24<sup>th</sup> Avenue

PAS Village Inn, LLC  
Susan Neahous – Agent  
10909 Sheridan Road  
Pleasant Prairie, WI 53158

The Village Supper Club  
10909 Sheridan Road  
Pleasant Prairie, WI 53158

Premise Description: First and lower level of building only located at 10909 Sheridan Road

Joseph Nickel  
5813 43<sup>rd</sup> Avenue  
Kenosha, WI 53144

The Wooden Nickel  
11606 Sheridan Road  
Pleasant Prairie, WI 53158

Premise Description: One story building and picnic area contiguous to building only located at 11606 Sheridan Road

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## **5. CITIZEN COMMENTS**

Jane Romanowski:

We didn't have any signups tonight, Mr. President.

John Steinbrink:

Anyone wishing to speak under citizens' comments? Hearing none, I'll close citizens' comments.

## **6. ADMINISTRATOR'S REPORT**

Tom Shircel:

Just a couple updates on 39th Avenue and the construction. As you know, the official detour routes are Highway 31 and Sheridan Road. We've had numerous people - obviously many people cut through the neighborhood back here, Rolling Meadows. And in doing so we had the public works department put up three sets of speed bumps originally. Late last week John Steinbrink, Jr. had his crews put up I think 10 or 11 more sets of speed bumps through that neighborhood. And the reason being not only to slow down traffic but to try and curtail the amount of traffic going through there.

We found that people were not taking the -- well, they were trying to not take the shortest direct route through there anymore because of the speed bumps, so we had to put speed bumps at other places throughout that subdivision to try and slow everything down. So just so the Commission is aware of that there's I think 4 sets of speed bumps through that neighborhood now.

Secondly, as far as the schedule of construction out there, and John can correct me if I'm wrong, I think we're still looking for completion late September, early October.

John Steinbrink, Jr.:

That would be correct.

Tom Shircel:

Okay, so that's what we're looking at for completion. So it's going to be a long summer, but hopefully everyone can bear with it and get through it. That's all I have.

Michael Serpe:

If I could just comment on these speed bumps, Tom. I live in that neighborhood, and nobody likes the speed bumps. That's not a question. But it certainly has helped slowing a lot of people down. I mean there were people flying through that neighborhood like you wouldn't believe. One kid I estimated his speed going past my house, and I followed him and got his license

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number and called it into the police department. Estimated speed past by my house about 45 to 50 miles an hour. A Tremper student. Now that's stopped. So we can't wait until the project is done, but in the process the neighborhood appreciates the job that public works did in putting these in to keep people at a reasonable speed. Those were not developed or designed for high traffic.

Tom Shircel:

And I think John and his crews for getting that done.

Dave Klimisch:

And a couple thoughts here. The reason people are cutting through the neighborhood is because it takes a long time on the detour. So if we can lessen the time on the detour that would help the neighborhood. Talking with Mike and some others I know there was an idea to work with Kenosha to increase the light on 91st and Sheridan with the thought being if we can have a longer gap in that light that will help people turning left from Springbrook onto Sheridan. Are you familiar with that or any updates on that?

Tom Shircel:

I'm honestly not familiar with that.

John Steinbrink, Jr.:

I can address that. We have been in contact with the City of Kenosha, and their engineering department is reviewing that as we speak.

Dave Klimisch:

And then I know we had talked last time about a controlled intersection on Springbrook and Sheridan which is a State process and can take years.

John Steinbrink, Jr.:

Are you referring to Sheridan Road?

Dave Klimisch:

I'm sorry, yes, Sheridan and 165. So anticipating or instead of waiting for that light we had also talked about putting in a turn lane from 165 onto Sheridan.

John Steinbrink, Jr.:

We did evaluate several options. One of them was a temporary traffic signal, and the cost was somewhere around the \$60,000 range. The project being done in 12 to 14 weeks that was kind of

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cost prohibitive. We did work with Kenosha County to evaluate putting in an additional lane. So then on eastbound traffic on 165 you would actually have a left turn dedicated and straight lane, but then you'd also have a right hand lane. And those costs are being evaluated right now on what it would cost. And then if we decide that it is cost worthy to have we would have to add that to the cost of the project. So those costs are still being determined at this time. They're still developing what it would cost to make those geometric improvements at that intersection, and then we can address it from there. I can give you an update at the next Board meeting on the results of what we found.

Dave Klimisch:

And that wouldn't be adding any asphalt? That's adding striping?

John Steinbrink, Jr.:

No, we would actually add additional base, a little bit of drainage. We'd have to push some lanes off. There's a power pole on the south side of that intersection. So we would have to shift traffic a little bit towards the north. There would have to be a little bit of storm work to do to reroute a ditch, add some base clay material, some stone, asphalt and all the striping. So it's probably going to be a significant endeavor. But until we have that cost it's hard to tell for sure what it's going to be.

Dave Klimisch:

Then we also talked, I don't think I talked with you, somebody else about adding striping at 93rd and Springbrook where there's the four or five different ways that cars come. With the increased traffic is there a way that we can look at adding some clear lines so that cars know how they're supposed to turn at that intersection?

John Steinbrink, Jr.:

Yeah, the geometry is probably one of our oddest shaped geometric intersections on 29th, Springbrook, 93rd and that area. And we were looking through and it looked like the striping -- if they follow the existing striping it should be good. Maybe something that we could do is try to repaint the existing striping that's there to make it a little more noticeable. And that's something we plan on being out in the next couple weeks striping our roadways. And I can add that to the -- since both those roads are under Village jurisdiction we can go through and add that just to brighten up the stop bars and the signs to help out a little bit. It's definitely due for a maintenance painting. so it's something we can add per the Board's request.

Dave Klimisch:

I think that could help. There are a lot of people going that way that aren't familiar with that intersection. Thank you.

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John Steinbrink, Jr.:

We'll be sure to add that to our maintenance.

John Steinbrink:

And on those speed bumps those are temporary which means they can be removed and used in other construction areas where we have a problem later on, correct?

John Steinbrink, Jr.:

That is correct. I'm not sure how they're going to come out yet. We put them in with 146 18 inch long pieces of rod. So we'll have to see how they come out to make them reusable. So I don't want to commit that they're all going to be good. But it could be a pretty big effort to remove them. Because you want to make sure they don't shift or the rods don't come out, stuff like that. We do have a couple of public works employees with a really sore shoulder pounding them in all day.

John Steinbrink:

Somebody could invent a big nail puller. Tom?

Tom Shircel:

That's all this evening.

John Steinbrink:

Thank you.

## **7. NEW BUSINESS**

- A. Receive Plan Commission Recommendation and consider a Lot Line Adjustment to add 416 square feet to property located at 8282 64th Court from property located at 8276 64th Court.**

Jean Werbie-Harris:

Mr. President and members of the Board, William and Ann Brown, the owners of the property located at 8276 64th Court known as Lot 20 of the Tuckaway Trails Subdivision, Tax Parcel Number 91-4-122-103-0420 they're proposing to sell approximately 416 square feet from the southeast corner of their property to James and Amy Bejna. The land would be added to the southwest corner of the Bejna property located at 8282 64th Court known as Lot 21 of the Tuckaway Trails Subdivision, Tax Parcel Number 91-4-122-103-0421. Both properties are zoned R-5, Urban Single Family Residential District. And they both will continue to meet the minimum 10,000 square feet area for that district.



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If there's any type of regrading that's wanted to be done by either of the property owners as a result of this transfer an erosion control permit would be needed. But at this point the staff and the Plan Commission recommended approval of this lot line adjustment as proposed, as required as well by the Land Division and Development Control Ordinance.

Steve Kumorkiewicz:

So moved to approve.

Kris Keckler:

Second.

John Steinbrink:

Motion by Steve, second by Kris. Jean, what's the purpose for the lot line adjustment? I keep looking at it and I can't see it.

Jean Werbie-Harris:

I believe that they actually just wanted -- they have a swimming pool here, and they've got some additional play yard equipment here. And it looks like they just wanted to get some additional space around the play yard area for on their property. Again, it's subject to them recording the proper lot line adjustment and bringing a recorded copy back to the Village within 30 days.

John Steinbrink:

Alright, we have a motion and a second. Any further discussion?

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND APPROVE THE LINE ADJUSTMENT TO ADD 416 SQUARE  
FEET TO PROPERTY LOCATED AT 8282 64TH COURT FROM PROPERTY LOCATED AT  
8276 64TH COURT.**

**B. Consider Ordinance #15-20 to repeal and recreate Chapter 30 of the Municipal Code relating to Contempt of Municipal Court.**

Dick Ginkowski:

Good evening, Dick Ginkowski, Municipal Judge. This is basically a cleanup thing in which we are harmonizing the language of the ordinance with the State statutes. I know that Mr. Brines from the *Kenosha News* actually called me earlier today to ask about that. And I gave it some additional thought because it's not uncommon for there to be situations where the ordinances and statutes to come out of synch with each other.

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Back in 2009 the legislature did a massive, maybe massive is not the right word, but they did a substantial rewrite of the municipal court law for the State of Wisconsin. And a number of things were changed and added. For example, if you see me walking around when we have court in my black robe it's because the 2009 revision said that we must wear a robe when court is in session and it has to be black in color. So that's actually mandated by the revision in the State law. And we can't hold court above a tavern either. That's also in the State law. So this is just to harmonize the ordinance with the State law and to not have conflicting penalty provisions.

It's not uncommon in ordinances as well, particularly if you've made a transition as we went from town to village, to have conflicts that arise either because things become antiquated and they haven't been changed, or just by the operation of codification or the recodification and they haven't been revisited. So, for example, like in Chapter 250, and it's a delicate balance for me as judge because it's not my position to be the legislator, the legislative body, that's the function of the Board, but there are probably at least a half dozen portions in Chapter 250 of the Village Ordinances that duplicate each other, that we have more than one section that covers the same thing. And that probably occurred during the codification process that there were ordinances that were on the books when we were a town. And they carried over, and then the company that did the codification, this is my guess, didn't come back in and catch that and come back in and say you have sections that seem to duplicate each other.

So that's a whole other ball game, and at some point I'm sure that there will be some discussion maybe down the road about harmonizing some of the other things that have fallen out of sync or need to be updated. And periodically -- we have two new Board members so I'm spending a couple more minutes on this than I normally would, periodically you'll see little bits and pieces come up for an ordinance where they're changing language or updating things, and that's what happens. Sometimes they fall out of sync with the State statutes which govern in an area. And it's kind of hard to absolutely guarantee that that will never happen. There are some ways to work on that. In the critical areas, for example, in the traffic code the language is properly in the ordinances to cover updates.

So this is merely a housekeeping area where we want to put this in sync with the State statute where it should be. And this actually was something that I caught a while back and mentioned it in passing and never got around to it as the saying goes. And then a couple weeks ago when I was filling in in the City of Kenosha we actually did have a gentleman engage in an outburst in the court and he had to be sanctioned. And that caused me to remember that we hadn't harmonized our ordinance with the State statutes.

So this is just getting around to this housekeeping matter. Not anything of particular great significance. And I assume for our new Board members periodically from time to time you may see some things come up on your agenda where there are things that are going to be attempts to put them into more modern form or eliminate surplusage. So basically no big deal, but it's just a matter of making sure that we don't have conflict in the statutes. And I'm happy to answer any questions if there are any.

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Dave Klimisch:

So I'm reading through the note here. We're currently at a \$50 fine is what the Village has?

Dick Ginkowski:

Well, actually quite frankly I would say that's -- well, let's put it this way. It's not in front of me officially, but I would say that's what's in the ordinance. But the State statute actually governs so that's surplusage. You can't have an ordinance that circumvents the State statute.

Dave Klimisch:

So the State's at \$200 up to \$500?

Dick Ginkowski:

The statute is \$200. The statute also provides for different categories of contempt. But the one that's of major significance is the one if somebody just basically misbehaves in the presence of the court, that has an outburst in court and can't be controlled. Most of the time, quite frankly, over the past two years we've been able to talk people down and get them to behave and we've not had to use that. But the statute allows for a forfeiture of up to \$200 plus costs which presently is \$313 and/or up to seven days in the County jail. So, for example, you don't want to have a conflict where someone says are you acting under the ordinance or are you acting under the statutes. The statutes govern the operation of the court since 2009. So basically what was in the ordinance is surplusage.

Dave Klimisch:

And then this also covers not just in the courtroom but if somebody wants to do a meter reading or a fire inspection and someone doesn't cooperate that falls under --

Dick Ginkowski:

Yeah, and that would be obstruction of the process of the court. That is not specifically covered in the State statutes. So, for example, we have had over the years some incidents where the fire department, and I can explain this -- if, for example, the people who do inspections or routine things such as meter reading, such as doing the annual or semi-annual or whatever they do, the inspections of property that the fire department does, and we have had over the years had some people either they're unavailable or they're unwilling to cooperate with providing access to the property, then the fire department, the inspection department, public works, maybe three or four times a month I assign special inspection warrants for public works. A special inspection warrant is a court order that allows the Village employees who have to have access to property to conduct their duties, official duties, access to the property. It's not an allocation that there's any crime or anything going on. It just gives them the legal right to enter the property to conduct a fire inspection or a building code inspection.

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Most of the time everybody cooperates. Probably most of the time when I have to sign the warrants it's because there isn't someone around to cooperate, and we're being helpful in trying to make sure we have all the i's dotted and the t's crossed. The flip side of that, and when I mention warrants, and it's not something that comes before the municipal court, but there's things such as when you hear a warrant to access property you typically think like a search warrant. And a search warrant is where there's probable cause to believe a crime is committed, and those warrants are issued by a circuit judge or a court commissioner. I happen to be a court commissioner as well so I can issue search warrants and arrest warrants in criminal matters.

But let's say, for example, a good example of that would be a fire. If the fire department is on the scene of a fire and they are doing their job at the time, cleanup and investigate, they don't need permission of the owner to put out a fire because that's a public disaster. Now, if they haven't finished their inspection and their investigation to determine the cause of the fire, and there's some issues about accessing the property to do that, I could issue a special inspection warrant as municipal judge for the fire department to go back in and inspect that property. And if somebody were to disobey that, well then under that ordinance provision, and that's just cleaning up some language, that's a secondary provision, that would provide a penalty for those who would disobey that order because it's not in the presence of the court.

And, of course, the third option if there's some reason that the fire department should believe that the fire was a result of arson or a crime, once the investigation turns from determining the cause of the fire from a scientific perspective to one of possibly a crime being involved, that once they would have a reasonable suspicion of a crime then they would need to have a search warrant issued by the circuit court to access the property. So that's the differences in the types of warrants and the types of things that we do. So, yes, periodically I'd say probably at least four times a month I'm issuing special inspection warrants for various purposes. Usually it's because the property owner isn't there. But maybe every once in a while, I can't guess once a year or once every two years or something, but there might be somebody who is obstreperous and has to be reminded that there could be consequences if they don't comply with the court order.

Dave Klimisch:

Thank you.

Dick Ginkowski:

That may be more of an answer than you wanted, but it gives you at least a little history or background. Anyone else? Thank you.

John Steinbrink:

Dick, before you go, it's good to know that the court has a dress code, black robes and all. But I wanted to commend you on you were the keynote speaker at the law enforcement memorial for the fallen police officers back in May. And your address was both timely and well delivered and well received by the crowd. So I just wanted to commend you on that. You did a great job of that, and it was well done.

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Dick Ginkowski:

Thank you. I just wanted to actually kind of tell it like it is for officers today. Because unfortunately the climate that we have now is such that -- well, no one wants to endorse and approve of police misconduct. We do have a situation now where we have officers who are scared to do their jobs because they are afraid of the consequences. They are afraid of what might happen to them and their homes and their families and their livelihoods if they do what at the time they believe they are required to do and what in many instances the officers are authorized to do.

And many people don't realize that police officers have to make decisions sometimes in under one second that other people will debate for weeks, months and years afterward whether they did the right thing. So it was important I think to say that. I know as a court and previously as a prosecutor and as a judge sometimes we have to make decisions that officers don't like if you wind up having to acquit somebody or suppress something. But in my experience, and particularly in this building, it's not the result of anyone that I've seen acting with a nefarious intent. It might be just because somebody made a mistake. They didn't read the law properly, or they were acting in good faith but they screwed up. It wasn't a matter that somebody was setting out to do something illegal.

Our police department by and large does a very, very good job. And every once in a while somebody makes a mistake. They're human and we can deal with that. So, yes, I think you for the kind words. But it was just something that I felt needed to be said at the time because across the nation police officers are very beleaguered at this point and also very confused because they don't know if they do what they believe the law says that they are allowed to do, if they will be subjected to the type of scrutiny and the type of stress that has caused many of them to essentially give up. So, yes, thank you very much. It was my pleasure and my privilege and honor to have been there. I hope I represented you well.

John Steinbrink:

You did. No further questions? Do we have a motion?

Dave Klimisch:

I move passage of the amendment to Ordinance 15-20.

Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. Any discussion on this ordinance?

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**KLIMISCH MOVED TO ADOPT ORDINANCE #15-20 TO REPEAL AND RECREATE CHAPTER 30 OF THE MUNICIPAL CODE RELATING TO CONTEMPT OF MUNICIPAL COURT; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**C. Consider an award of contract for the Cooper Road Paving Program.**

John Steinbrink, Jr.:

Mr. President and members of the Board, today I'm requesting approval of pulverizing and relaying asphalt of Cooper Road from 80th Street to 85th Street. Sealed bids for the above referenced project were received until 2 p.m. May 20th at the Village of Pleasant Prairie public works department. Three bids were publically opened and read aloud. Cooper Road consists of pulverizing and relaying the asphalt pavement, grading the existing base, placing new asphalt pavement and road shouldering. The three bids received were from Payne & Dolan, Stark Asphalt and Black Diamond as the base bid of the Cooper Road project. Payne & Dolan was low at \$167,518. Stark Asphalt was very close, just \$400 above that at \$167,955. And Black Diamond, the third bid, was a little bit higher at \$198,970.

The alternate A which I'm also proposing approval for is to do the 192 lift station driveway. Currently our trucks are accessing on this lift station, and we have some smaller vans, some maintenance service trucks, but we also have our large Vector accessing off of 88th Avenue. So you can kind of see the gravel drive on the aerial there. Well, backing that large Vector up since there's no property there to make a t-turnaround becomes very dangerous especially with the large volume of traffic that we have on Country Trunk Highway H.

So we are proposing and we did budget to go through and put this asphalt drive in as part of our paving program, but it's funded through the sewer utility. So this year also as part of the sewer utility crews are going down a rebuilding this lift station. So it's very timely. The whole place will be under construction for a couple months in mid June and into July rebuilding the lift station. And it's perfect timing to complete this improvement also as a part of this. And so with the bids added up Payne & Dolan was low at \$172,680.76. So the total paving program that we had as approved by the Board last fall and implemented this year for 2015 was \$988,384. If you recall on March 2nd Payne & Dolan was also awarded a contract for three various sections in the amount of \$682,256.06. And so that left us with a budget of just over \$300,000 that we could still add something to it.

Staff went through and evaluated all the arterials, and this was the worse arterial probably from the harsh winter that we did have this year. We did the same thing, we took any extra money that we had in the paving program, evaluated the arterials, and we found the best use of that money. So we are looking to approve this award to Payne & Dolan in the amount of \$172,680.76. And I can answer any questions.

Michael Serpe:

I have just one. John, do we know the difference in pricing with the cost of asphalt this year compared to the last with the price of oil the way it is right now?

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John Steinbrink, Jr.:

We bid our main paving program pretty early. We actually had it out the door in early February. And so a lot of times it isn't really the price. I mean the price does have a factor, but it's the amount of work that crews have. So by getting it out the door early everyone is kind of hungry, especially for a large project, a million dollar project. And I think something else that's helping in keeping our price down is that Stark Asphalt recently built a plant just in south Milwaukee. So now we actually have three competitors where in the past we've only had two. So I think just by demand of work and everything else that we had has really been helping out. I spoke with the reps at Payne & Dolan and Stark, and it sounds like everyone acquired their work early on, but there's kind of a need for a little bit later work this year. So the timing I think was really good for us, and we were able to get some really good pricing.

John Steinbrink:

John, also that stretch on Cooper Road that's where the Kenosha Water Utility did a lot of work in that area, didn't they?

John Steinbrink, Jr.:

That is correct. The City of Kenosha maintains basically most of the water system in that north section of the Village from 85th Street north. And so there were a lot of breaks over the last five years. So this will really kind of clean that up in that area.

John Steinbrink:

I know there was neighbor concern in that area. Other comments or questions?

Kris Keckler:

Does it do anything with the trees along the sides, any cutback?

John Steinbrink, Jr.:

No, it does not. We're not making any widening. We're not doing any stormwater improvements. Pretty much taking the existing asphalt, pulverizing it, shaping, regrading it and putting down new asphalt at the new Village spec of five inches thick.

Kris Keckler:

And the projected time line for this?

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John Steinbrink, Jr.:

We have not had a schedule yet. But a lot of times contractors won't give you a schedule until it's been awarded by the Board. Preliminary conversations he's probably looking for sometime in late June/July. And we'll make sure Chris Christenson, our communication director, gets the word out so everyone knows it. And we always do direct mailings to the affected residents also once we have a date established after award of contract.

Kris Keckler:

I'm on vacation mid-July so if that coincides with my access to my house.

John Steinbrink, Jr.:

I'll ask the contractor what he can do.

Kris Keckler:

No, no favors. Thank you for addressing it, though.

Kris Keckler:

What will the road look like for traffic? Will it be half a road under construction and access on the other half?

John Steinbrink, Jr.:

Yes, we're always going to keep one lane open for construction and two lanes open in the evening. So they'll probably go through and pulverize the entire project within one day, and so they'll close off the east side lane for the northbound traffic or vice versa with the other. So there will always be flaggers, traffic control. So traffic in both directions north and south will be available 24/7 on that. We're not going to shut the road down by any means. It's just a quick project. They'll probably have it paved in a couple days and then done. One of the things we do is we always wait until school is out because with school buses and kids like that it really cuts down on the traffic.

And so we have no intention of having a detour. Everyone will have access to their homes the entire project. I guess the only time they wouldn't would be when the paver is going through for probably 15 minutes until the asphalt is rolled. But we are in correspondence with all of the residents on a regular basis. We let them know the day before that you may want to park your car across the street or something in case you have to get out. But it always available to the residents and especially for emergency services also.

John Steinbrink:

Jane, did we have a motion on this?



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Jane Romanowski:

We didn't.

Kris Keckler:

Move to accept award of contract for the Cooper Road paving and staff's recommendation.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Any last discussion? Those in favor?

**KECKLER MOVED TO AWARD A CONTRACT TO PAYNE & DOLAN, INC. IN THE AMOUNT OF \$172,680.76 FOR THE COOPER ROAD PAVING PROGRAM FROM 80<sup>TH</sup> TO 85<sup>TH</sup> STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**D. Receive Plan Commission recommendation and consider approval of a Conceptual Plan for two (2) proposed multi-tenant retail buildings on the property located at the southeast corner of STH 50 and 94th Avenue.**

Jean Werbie-Harris:

Mr. President and members of the Board, we have before us a request for a conceptual plan at the request of Mark Eberle from Nielsen Madsen and Barber, and he is the agent on behalf of Oldacre McDonald. It is a developer that is proposing to develop Outlot 21 which is located immediately north of 76th Street, and it's just to the east of 94th Avenue north of the Costco that's under construction.

The conceptual plan that they are proposing delineates two retail sites, restaurant-type sites. Specifically the two retail restaurant buildings, Lot 1, would be 1.042 acres with a 6,280 square foot building. Retail A which is the corner building would be about 4,000 square feet. And restaurant B would be 2,250 square feet. That would have a fenced in outdoor seating area. Lot 2, which is also part of this Outlot 21, is just under an acre in size with a 7,370 square foot building. There would be three different spaces in this building, restaurant C which is about 2,400 square feet, office D at about 2,400 square feet, and another restaurant at 2,400 square feet. And, again, this final restaurant E will have a drive through and also a fenced in outdoor seating area.

One of the things that was discussed before the Plan Commission was that in order to more fully evaluate the infrastructure and the traffic impacts of Outlot 21 that we needed to specifically take a look at all of the vacant land that's north of Costco. We needed to make sure that we addressed

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future development patterns as well as setbacks, cross-access, parking, drive throughs, the stacking areas, curb and gutter, landscaping, signage and all the various development factors between the two.

And specifically, again, Outlot 21 is the first topic for discussion this evening. But, again, we'd also like you to entertain and look at the balance of this land which is Outlot 20. Again, Outlot 21 is looking to be subdivided in the future into two different parcels. Outlot 20 will also be subdivided into two different parcels. And, again, after considerable discussion and meeting with our Village Engineers and their engineer we finally agreed that the two access points that would best serve this development would come off of 76th Street would be equidistant between 91st Avenue and 94th Avenue.

Although Costco has a driveway right here leading into their site, it just did not work to try to line this up directly with that Costco. It just did not work with respect to traffic entering into each of these sites. Because what we really tried to do is make sure that when traffic was entering they would kind of go all the way towards the back and go east and west, or they'd go to a certain distance and go east. We wanted to make sure that there was not a situation where traffic was backing up into the travel lane that people were using to get off of 76th Street. And, again, this would also be a shared access on the east side just north of 76th Street, again, so that you could go to the west or you could go to the east.

Again, because of where these properties are located there is no direct access to 91st Avenue, to Highway 50 or 94th Avenue. So the only access to service these buildings would come off of 76th Street. So, again, this would be actually a lot line, and there would be cross-access between the two. This would also be a lot line with cross-access between the two. So, again, we've gone through this in detail. At this point the first project that is looking to move forward is this one on the far west end which is Outlot 21.

These are some of the conceptual elevations as discussed for Lot 1 with respect to the uses that are being proposed. Again, we discussed this at length at the Plan Commission meeting. We had about an hour and a half, two hour conversation with the developers, their engineer and my staff this past week to talk about some additional elements and to try to tie some of those strong materials from the Shoppes at Prairie Ridge into this development. So their architects are working on bringing some additional elements and some of that vision into this development.

In addition, there were some questions that were raised from the Plan Commission with respect to safety with respect to the outdoor seating areas. And so the two corner tenants will have outdoor seating with some type of fencing. But there's actually going to be more sturdy, strong looking bollards, attractive architectural bollards at those corners just to make sure that there aren't any incidents or accidents with people backing up or turning the corners in order to get around the buildings whether to the drive through or just to get around the buildings themselves.

One of the biggest issues that we did discuss at the Plan Commission meeting was parking. And I'm just going to go back for a minute. One of the concerns was that there was not going to be enough parking for this first development, Outlot 21. We've had a long discussion with the developer. We've got letters that are coming from each of the tenants. We know all five of the

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tenants which will be announced at the site and operational plan process. And what they would like to do is submit to us exactly the amount of parking that they need with no concerns, no problems, no issues that they have ever had. And so I am going to accept those letters.

But one of the other things that we've requested the developer to do is to obtain written cross-access agreements and easements from at least two different users in Pleasant Prairie in Prairie Ridge. And they have actually -- an agreement hasn't been penned yet, but they have an agreement in concept with St. Anne Catholic Church in order to have an additional 30 spaces if needed in their parking lot for employees or others that are there during the day, employee management, to park, and then they would have to shuttle them over there if it does become a problem.

In addition they do want to entertain conversations with Costco. Once Costco is up and operating I think that they're probably about four to six months out anyway, and that will give Costco a good four to six months to see whether or not they could afford or they could share any of the parking at the various times it would be needed. The next users to the middle and to the far east they have adequate parking pursuant to what our ordinance does require.

And typically what does happen and what they will need to have are cross-access easements and agreements with these properties as well. Because it is not uncommon that if there's not enough parking with one that someone will typically go to the next lot over or the next lot over. So as long as there are written agreements and easements in place and long-term ones that we can address the parking, then the staff is willing to support the parking as they have it shown. We're also addressing some things with respect to relocating the fire department connections and a couple of other things and specifically identifying some parking as more compact parking as well. So I think we've got those issues all worked out.

One of the other items that we addressed before the Plan Commission is that this first development will need a planned unit development. Again, because of the valuable nature of the land adjacent to Highway 50, the staff has worked with them in order to modify some of the setback distances in order to keep the similar site line setbacks and to allow them to get some additional parking that I really believe that they need on this particular site. So in the staff comment it addresses things from the site acreage to the open space as well as some of the setbacks being addressed.

Again, they will need to come back before the Plan Commission and the Board with detailed site and operational plans, with a detailed planned unit development text amendment, with a conditional use permit for the drive through, as well as any other items such as liquor license will come back before the Village Board as well. So they'll be coming back, and they're working on some very detailed plans, and they are working with the staff on a regular basis now for us to get all these documents and information together.

And then just some other conceptual elevations. Again, we had some concerns about some of the elevations here and trying to keep a similar look and concept. And so they are working, again, with making some modifications to those conceptual elevations. You should be seeing these at one of the next meetings probably in early July.

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So with that the staff, again, feels that they are adequately addressing the parking issues. We're working with them on architecture. They are going to be requesting I think an expedited schedule. Their engineer is here to address that if you need to ask him any questions. But I think that they will probably do a preliminary site and operational plan request initially to get initial site grading and footings and foundations going. And then they will come in with a final site and operational plan this summer. Again, I believe their intent is to try to be completed by Christmas for at least this first Lot 1 and Lot 2 of Outlot 21.

With that the staff recommends conditional approval of the conceptual plan subject to all the comments and conditions as outlined in the staff memorandum and as we discussed at the Plan Commission.

Michael Serpe:

I questioned the parking at the Plan Commission meeting. I keep on thinking back when we approved the Olive Garden we questioned the parking at that time. And we were assured by Olive Garden it will be fine. The last thing it is fine. And it's just mushroomed from there because everything in that area is jammed. It's a nice thing to have that kind of business. But we also have to provide enough parking. My question, Jean, is this. What if the agreements aren't achieved with the offsite parking?

Jean Werbie-Harris:

The agreements have to be in place and executed and recorded prior to us moving forward with the project through permitting.

Michael Serpe:

Because right now the parking that's being proposed there doesn't meet the ordinance, right?

Jean Werbie-Harris:

It does not. There's 109 spaces being provided, and according to our ordinance 130 spaces are needed.

Michael Serpe:

Like I said, it's a nice problem to have that your business is doing that well, but we also have to keep in mind where the people are going to park. I think this definitely has to be addressed, and I hope it's achieved what you're trying to do.

Tom Shircel:

Just a follow-up question there. As Trustee Serpe said, there is some concern with the parking, and I think the developer needs to know that. Because as soon as there is a problem with the

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parking when the place is open who is going to get the calls? The Village is. So I hope you can work this out. And you mentioned St. Anne's Church, is that a feasible alternative? I think that's like a third of a mile away as the street goes.

Jean Werbie-Harris:

They would need to shuttle or cross-access through getting the folks there, and they'd have to car pool. Actually St. Anne does provide parking for another use in the Village not far from there that's maybe like almost a half a mile away. And they actually shuttle their employees back and forth, and they have 15 of them at that location right now. So it would have to be set up.

Tom Shircel:

I think that's very good. And I think the developer needs to know that this may affect -- it could affect the feasibility of this project as time goes along.

Jean Werbie-Harris:

We do intend to, and I'm working with our Village Attorney, we do intend to discuss that fact because I think that their parking is also very dependent on these particular uses. And, for example, we've got three restaurant uses and two retail uses or one retail and then one office. And there cannot be additional impact by higher intensity parking uses on this location. So we will be putting that as part of the provisions as part of the PUD as well.

Tom Shircel:

And you and your department would obviously be reviewing each tenant change should that come along in the future for parking compliance?

Jean Werbie-Harris:

That's correct.

Tom Shircel:

Okay, thank you.

John Steinbrink:

As Trustee Serpe the Olive Garden is a unique thing but a very successful thing. And one thing is they have sometimes 20, 30 people waiting for a table. Until you get that turnover and 20 or 30 other people leave you've got 15 more cars probably sitting there waiting for a parking space or using parking spaces. Depending on what kind of restaurants are going in here that will make a difference, too.

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Michael Serpe:

I asked the developer about valet parking if that was an option. You go downtown Chicago, downtown Milwaukee there's no parking anywhere in these restaurants. And for some reason the valet drivers find spots. This would be a valet parking person's dream come true, something like this. But that's another option. It's a problem, and we're letting it happen. We let it happen in Olive Garden.

Tom Shircel:

I think the difference with Olive Garden was they met their parking requirements if I recall, they had the ordinance required number of spots, but just the popularity of that restaurant. I mean the honeymoon has not ended. It's still going on. So all these restaurants they do have their honeymoon period, and we'll see how this works out. I just want to make sure that the developer understands that the Village does have concerns about the parking here, and hopefully it can get worked out. I have full faith in Jean that she'll work that out, and hopefully we don't have any parking complaints coming from this site.

Michael Serpe:

Mark, we're in favor of this very much so, but we just want to address the problems.

Mark Eberle:

Mark Eberle, Nielsen Madsen and Barber, 1458 Horizon Boulevard. The developer is very aware of your parking concerns. And we've tried to tweak the site plan as much as possible to gain as much parking on that site and still meet the other codes and the PUD that Jean has allowed here. So I think they're very committed to their mix of tenants out here at the moment. And these are going to be all corporate owned stores, long-term leases.

They build these facilities for these tenants all over the country so they know their tenants very well. They're going right back to the tenants and showing them the site plan making sure they are 100 percent comfortable with it. And with that being said and the couple levels of additional offsite parking that Jean has talked to them about I think hopefully we'll be okay out there. The 30 offsite parking stalls at St. Anne's are really going to be for construction period. Obviously we don't anybody parking on 94th or 77th or 91st during construction out there and for the grand openings.

The other thing is they're hoping to get this project started and get it going here early August if we can, at least putting in foundations out there and get the shell of the building done, the white box type stuff done by Christmas here so they can start turning it over to tenants first of the year here. So those stores will not open all at the same time out there. So we will have hopefully a staggered grand opening for those five uses out there.

I ran through the parking calculations myself. I really think we need about 114 spaces on that site just because the large retail use has very small demand as far as parking out there. With that

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being said we're still short five or six stalls out there. So, again, they're going to work to secure that with St. Anne's and hopefully secure some closer, long-term, more feasible parking across the street.

Michael Serpe:

This being a conceptual plan we have time to work on this. But I'd move approval of the conceptual plan.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Jean?

Jean Werbie-Harris:

I just wanted to mention with respect to Olive Garden as Tom indicated they did meet the minimum requirements just like Cheddar's did. Those restaurants are very popular still. And there is still available cross-access parking in the lot to the south of 77th Street. The key is that we did post all of our area streets in Prairie Ridge as no parking. So that's the key is that these tenants want people to come to their stores and their restaurants. And if there's not adequate parking that's not good for them either. And so people will either go through the drive through or they'll go to one of the other restaurants in Prairie Ridge, and that's exactly what's happening.

And I think these are going to be very popular for the community. And I think that everyone, no different than Olive Garden or Cheddar's or Famous Dave's or any of the new restaurants coming in everyone will kind of have to find the right time to go so that dinner and lunch hour starts to spread out a little bit more. But the key is that we're not going to allow stacking on the streets, we're not going to allow parking on the streets. So they do need to address the concern. And we'll be watching it very closely like we did with Olive Garden. And as you know how we addressed it with Chili's with GFS having parking across the street at that location as well.

John Steinbrink:

Will they need a membership at Costco to park there or --

Jean Werbie-Harris:

No, I don't think so. But that cross-access easement will have to be in place for that to happen.

John Steinbrink:

We have a motion and a second. Any other questions for Mark?

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Kris Keckler:

I do. If this gets approved and you being construction, would the construction begin before you get an agreement with Costco?

Mark Eberle:

Most likely, yes. Again, Costco isn't even open out there. They're going to have to get their operation up and running for four or five or six months here before they can decide they can afford any parking stalls to be leased or under contract with these guys. So that is an option they're going to pursue, but Costco is not going to entertain that in the next 30 days.

Kris Keckler:

So then the parking plan -- we can hope for Costco, but the parking plan that can't be part of the equation before you break ground.

Mark Eberle:

Again, we're going to have the agreement with St. Anne's for 30 stalls penned in writing here sometime in the next two weeks I would assume. But the long-term agreement with Costco most likely will not happen prior to our final site and operational plan approval.

Jean Werbie-Harris:

I'm going to try to push it, though. And I've already reached out to Costco, and I've talked to them about it. And I think that their biggest concern is that there needs to be a written easement in place, and there has to be a commitment so that their parking lot stays clean, neat, and their landscaping is not damaged. So I mean there are some thing, and they just have to make sure that they're not giving away spaces that would be needed. At this point we don't know how popular it's going to be. I guess we'll find out sometime after June 12th. But I do want them to pursue it, and I already reached out to them to let them know that there might be an issue or concern.

Mark Eberle:

And we do appreciate that. Jean has had more contact with Costco than our current developers have. So with her assistance I think we can get it done.

John Steinbrink:

Any other questions for Mark? If not, thank you, Mark.

Mark Eberle:

Thank you.



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John Steinbrink:

Any other questions or comments?

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CONCEPTUAL PLAN FOR TWO (2) PROPOSED MULTI-TENANT RETAIL BUILDINGS ON THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STH 50 AND 94TH AVENUE, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- E. Consider a request on behalf of Kwik Trip, Inc. for partial termination and release from two (2) Waiver of Special Assessment Notices related to on-site and off-site improvements to STH 50 that will be paid off prior to recording said releases.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is the request of Wendy Banasik on behalf of Kwik Trip. And she's requesting a partial termination and release from two waivers of special assessment notices that relate to offsite improvements to Highway 50. And you will recall there was a Highway 50 construction special assessment that was entered into with V.K. Development. And at that time V.K. Development agreed to place a special assessment on a certain number of properties in Prairie Ridge. And then we modified that agreement with SB1.

And so there are two different agreements or memorandums that they are asking for to be released by the Village. That release would be subject to the payment of the outstanding special assessments. They, in fact, came into the Village Hall this morning and paid those special assessments off in full. And so as a result they are requesting the release of the memorandum of understanding and waiver of special assessment dated May 24, 1999 and recorded at the Register of Deeds office on November 11, 2009 as document number 1539378.

And then the second is the agreement and waiver of special assessment dated February 4, 2014 and recorded in the Kenosha County Register of Deeds office on February 10, 2014 as document 1720813. And, again, both of these -- this special assessment has been paid in full. And that first date was November 11, 2007 for the first memo.

Michael Serpe:

There's no difference from last week to this week?

Jean Werbie-Harris:

It is. Last week we had five other releases that were being done. These two specifically pertain to the State Trunk Highway 50 special assessments. And so in order for us to release these two they had to pay those special assessments in full prior to them actually being due because we haven't started the Highway 50 reconstruction yet. So they had to pay them in full, and that was

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part of the agreement that we had entered into with VK. Prior to the development of the land the special assessments have to be paid in full. These two are now paid in full, or this one is paid in full.

Michael Serpe:

I move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any further discussion?

**SERPE MOVED TO GRANT THE REQUEST OF KWIK TRIP, INC. FOR PARTIAL TERMINATION AND RELEASE FROM TWO (2) WAIVER OF SPECIAL ASSESSMENT NOTICES RELATED TO ON-SITE AND OFF-SITE IMPROVEMENTS TO STH 50 THAT WILL BE PAID OFF PRIOR TO RECORDING SAID RELEASES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

## **8. VILLAGE BOARD COMMENTS**

Kris Keckler:

Tuesday, Wednesday and Thursday this week Kenosha Unified will be holding public forums and feedback sessions regarding the strategic direction for the District. So since all of you wonderful Village staff people enjoy these evening work hours, if you have nothing to do tomorrow, Wednesday or Thursday you could go to the 3600 52nd Avenue from 5:30 to 7 and listen to the latest drafts related to the direction of Kenosha Unified or not.

## **9. ADJOURNMENT**

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED AND MEETING ADJOURNED AT 7:10 PM.**

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
Special Meeting – Working Session  
PLEASANT PRAIRIE WATER UTILITY  
PLEASANT PRAIRIE SEWER UTILITY  
9915 - 39th Avenue  
Pleasant Prairie, WI  
June 10 2015  
6:00 p.m.**

A special working session of the Pleasant Prairie Village Board was held on Wednesday, June 10, 2015. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Steve Kumorkiewicz and Dave Klimisch. Mike Serpe was excused. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Matt Fineour, Village Engineer; Kurt Davidson, Assistant Village Engineer; and John Steinbrink Jr., Public Works Director. One citizen attended the meeting.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSS STORM WATER DRAINAGE IN THE CHATEAU EAU PLAINES SUBDIVISION.**

Matt Fineour, Village Engineer, outlined the history of the drainage problems in the Chateau Eau Plaines Subdivision and the past solutions presented and rejected by the residents in that area. Mr. Fineour also presented potential storm water drainage remedies in the subdivision which will be presented at a future Village Board meeting.

- 4. MEETING ADJOURNED AT 8 P.M.**

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
PLEASANT PRAIRIE SEWER UTILITY  
9915 - 39th Avenue  
Pleasant Prairie, WI  
June 15, 2015  
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, June 15, 2015. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Steve Kumorkiewicz, Dave Klimisch and Mike Serpe. 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; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, HR and Recreation Director; Dan Honore', IT Director; Sandro Perez, Inspection Superintendent and Jane M. Romanowski, Village Clerk. Five citizens attended the meeting.

**1. CALL TO ORDER**

John Steinbrink:

I notice we have one Scout or is it multiple Scouts in the audience here this evening? Three? Could you gentlemen come up and tell us what troop you're from?

--:

We're from Troop 544.

John Steinbrink:

All from Troop 544. Why don't you stay right there a minute. Item Number 2 is the Pledge of Allegiance, and if you could lead us in the Pledge this evening?

**2. PLEDGE OF ALLEGIANCE**

John Steinbrink:

Do you want to give us your names here for the record?

Cole:

My name's Cole.

Erin:

My name's Erin.

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Andrew:

I'm Andrew.

John Steinbrink:

Alright, gentlemen, thank you very much.

**3. ROLL CALL**

**4. MINUTES OF MEETING - MAY 18, 2015**

Dave Klimisch:

I move acceptance.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Dave, second by Steve. Is there any additions or corrections?

**KLIMISCH MOVED TO APPROVE THE MINUTES OF THE MAY 18, 2015 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**5. TABLED PUBLIC HEARING**

John Steinbrink:

We need a motion to remove from the table.

**SERPE MOVED TO REMOVE ITEM 5A. FROM THE TABLE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**A. Consider the Liquor License Renewal Application for the BP Amoco gasoline station and convenience store located at 10477 120th Avenue.**

Jane Romanowski:

Mr. President and Board members, as you will recall this application was tabled at my request at the last meeting because of the conditional use permit agenda item on the Plan Commission, and that was taken care of last week. So we're back to reviewing this application. The Building Inspection and Fire and Rescue Departments have indicated there are no outstanding code

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violations at the BP facility. The Community Development Department indicates our issues with the security camera, landscaping, site cleanup, parking lot, paving and secondary monument sign work.

So I would recommend the application for the Class A fermented malt beverage license at the BP station located at 10477 120th Avenue be approved, and it would be subject obviously to payment of license and publication fees, payment of any delinquent real estate taxes, payment of the outstanding invoices and, of course, the resolution with the Community Development Department issues.

As an update late this afternoon the representatives from BP were in, and they paid all the delinquent real estate taxes and the delinquent invoices except for the penalty and interest. The penalty and interest for those two total roughly \$7,460, somewhere in that neighborhood. I don't have the exact total. But with publication fees, liquor license fees it would be \$7,777.59. So that was the update.

And just for a point of reference as we're dealing with these delinquencies and I was going through them, the \$59,000 plus for the real estate taxes what that included was the real estate taxes from last year plus the delinquencies from the last time they made their account whole which would have been in July through when those were delinquent, and then they rolled the tax roll. So they had the \$38,000 of taxes, but they also had an additional \$16,000 and some in invoices that became part of the tax bill when it was rolled onto the tax roll last November.

So nothing was paid from last year when they got their license except their sewer and water bill because they're on automatic payment until now, until this afternoon. So as I was looking at the numbers and going back to see how this all unfolds. So they paid everything but the interest and penalty which wouldn't exist if the bills were paid I guess. So it is a public hearing.

John Steinbrink:

Okay, this being a public hearing I am going to open it up to comment or question. Give us your name and address for the record and do use the microphone. I guess you're first, Mr. McTernan.

Michael McTernan:

Good evening. Attorney Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin. I'm the attorney, as you know, I represent BP in connection with the approvals that are before the Board tonight including the issue tonight for the renewal of the liquor license. I know I sound like I'm repeating myself, but last year when we came before this Village Board the constant issue out at BP that we're looking for relief of is going to come up under another agenda item. But it ties into this because of the cost of the outstanding obligations that have been accrued to my client. And that deals with all the obligations that flow through that we're looking for an amendment on a later issue tonight on the agenda.

But I need to touch down on them. I'll save my remarks for some of the specifics for the later agenda item, but the issue before you tonight is satisfaction of the obligations that are posted

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against my client's accounts. My client has no objection to paying for the Village Engineer's time. And Matt has been kind enough to meet with us on several occasions for work through some issues. Jean Werbie has done the same to get through looking at making amendments to the modification of the settlement agreement that we have with the Village in order to address the BP Amoco station.

As you'll understand and recall, we've been out there and have forwarded an enormous amount of money in the project in order to address a problem that existed that was never caused by my client in connection with the environmental issues that are on the site. My client's bought a contaminated site. My clients have spent in excess of a million dollars addressing and trying to figure out a way to stop groundwater from being contaminated and being discharged from the property. They have built and installed a water treatment system that literally treats the groundwater, cleans it and then discharges it into the waterways approved by the DNR.

What has happened is we've had an incredible amount of success. And for 24 straight months we've had nothing tested improperly or incorrectly with the tests that have run out there on the system that has been in place. The system is working spectacularly well. Don Gallo was here before the Village Board, gave an overview on some of the technical issues, and some of my environment experts explaining how well the system is functioning. It is functioning so well that we've gone to the DNR and informally worked with them and with Matt to how the input from them on how much more do we need to continue to test this site.

Because under the Village of Pleasant Prairie settlement agreement, and this is an evolving process that we're going to be before this Village Board for many, many, many, many year dealing with this. The DNR has advised us that we only need to test this site once every quarter. As you know from past we've been testing this site monthly. Not only has the BP Amoco been testing this site monthly, but the environmental expert that the Village has retained has also been testing it monthly. And I can report as Mr. Burns, I don't know if he's here tonight, can tell you is he told the Plan Commission for 24 straight months, neither the 24 tests that we've run every month have shown any issues nor is the 24 months the tests that Mr. Burns has run has shown any issues.

And we were here before you on last June of 2014, as Ms. Romanowski mentioned, we understood there were obligations that accrued under the settlement agreement, and we needed to pay those in order to continue moving forward and my client did. But as I was here last year I said this is eventually going to kill my client. It is going to drain him to a point where he's not able to afford this. And what has occurred since the last time we were here is Mr. Burns through the environmental company has billed my client \$7,708.15, \$2,395.20 and \$7,910.90 for a grant total of over \$18,000. We have paid those bills in full. We have paid the legal bills that the Village has incurred in order to address settlement agreements with us. We've paid for the staff's time to inspect and to be on site. We have no objection with those continuing obligations.

What we have continued heartburn, and I know it will be addressed in the settlement agreement before you is our desire to cut back on testing to just quarterly. We have seen, and as the bills with show from the last time we were here until today \$18,000 from Mr. Burns charged to the Village of Pleasant Prairie, paid by my client, that has shown nothing that we've done anything

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wrong on the site with regard to testing. Yet I can guarantee you that when I come back next year if nothing has changed we will have another \$18,000 worth of bills that will be incurred by Mr. Burns. It's not being used to pay Village staff, not being used to pay the engineers for inspecting. It is an outside consultant that is testing the site every month and sending the bill and saying to my client please pay it.

My client has satisfied all of the obligations outstanding. And as you heard there's approximately \$7,500 that are sitting there in accrued interest and penalties and late fees, etc. And part of it is my client's frustration because starting in December of 2014 when the DNR approached my client's experts and said why are you testing every month, there is no need for this. We started to contact the Village of Pleasant Prairie and said can you please have your environmental expert look at this. The DNR is telling us we don't need to test every month. We see no reason to spend \$18,014.25 on an engineer outside of the community, not an employee of the Village, to reimburse actual costs of the staff that are here but an outside consultant billing my client on top of my client's own outside consultants that are required under the settlement agreement to test every month.

You'll here as you come later on in the agenda that the recommendation from the DNR and what is proposed in the settlement agreement is to allow BP to only test quarterly. But it's in the agreement the right for the Village to continue to test every month, yet Mr. Burns never once mentioned why we need to continue to test every month at the tune of \$18,014.25 for last year. I know some of those costs are not just his lab tests. I know they're for him to show up on the site, for him to look at what's going on and him to give reports and recommendations to the Village, but this is killing my client.

So everything has been paid. I personally came into the Village today with checks from my client to pay obligations in the amount of I believe they're just shy of \$70,000 or just over \$70,000 in obligations, not only taxes, invoices and anything else that has been applied on the account. What I'm begging for the Village to do, and maybe it's not here tonight at this point, maybe it's during the settlement agreement, is could someone provide my client some credit for this \$18,014.25 worth of expenses that we don't understand why they just continue to come. Because I can assure you if nothing has changed once again next year I'm going to be sitting here and saying why is my client paying another \$18,014.25 to an environmental engineer when we're doing the same, and the DNR is saying please cut back from monthly to quarterly. I appreciate your consideration, and I'll be here for the next item. Thank you.

John Steinbrink:

Did we have a signup, Jane? Anyone else wishing to speak on this item? Hearing none, I'm going to close the public hearing and open it up to Board comment and question. Mike, do you have anything to add to this?

Mike Pollocoff:

Yes, I do, and Matt can speak to this as well. One of the reasons that the Village is involved in this is part of the settlement discussion was to ensure that BP was compliant with the Village's



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ordinances regarding stormwater. We went for nearly a year trying to get BP Amoco to just recognize a violation that we were sending to them, and we couldn't get them to the table. They did make some improvements. And I think that to say that we went 24 months without a violation, we know that in September of last year the business was in violation. The operator didn't know how to operate the system. The system was dedicating alarms over a three day and eventually ending up with another spill and contamination of the creek. And I think there was another incidence where there was some offsite testing that did set off some alarms.

I believe that what the Village is looking for prospectively is to say we want to have the ability to go in should we feel we need to do it on a month-by-month basis. We would like nothing better than not to have to do this. We do have to hire a contractor out to do that. We don't have a petroleum contamination expert that's employed by the Village on an hourly basis or daily basis. We're tying up engineering staff monitoring what's going on at BP. And I think that the charges that Attorney McTernan is talking about those charges I think no bills were paid by BP from when they made their last payment through the end of the year. That's why that went to the tax roll.

But I think what happens is the Village has an obligation to pay our staff for what they're doing. We have an obligation to pay a contractor we've entered into a contract with to perform work that we're not capable of performing and pay him for his work. And I see no reason why the taxpayers should be subsidizing that and paying for that and not be entitled to the interest for not having access to those funds for that period of time. I think the Village ordinances are specific. The County ordinances are specific on things that roll to the tax roll and how that's handled.

Nowhere after that initial payment was any payment made subsequently. They made the unilateral decision themselves not to pay any bills going forward. I understand they didn't like it, but that was the agreement that was entered into. If you think back to the settlement agreement that was initially constructed that was what was requested by attorneys on behalf of BP to be able to stay open. Let's do the settlement agreement. You can bill us for whatever it costs you to take care of this. And now that when those bills come due both years it was difficult to get payment for those.

I think the Village Engineer succinctly said it at the last meeting at the Plan Commission. What we really want to do is have BP own that improvement and know that they're monitoring out there. And if we go out there it's not a case of somebody saying, well, we have somebody coming out to take a look at it, we don't know what to do with it. When there's a lot of rain which is what we're protecting ourselves against that the system will handle it. And we don't have any confidence that that's going to happen.

If we go through another year where it appears that they've become more serious about maintaining this water treatment system and working with it then maybe we can start talking about backing off of some of the work that we're doing. And I believe to the extent that we see some cooperation on it our goal in this whole project is not to create an employment project for one of our consultants. Our goal is to make sure there's no more contaminations coming out of that gas station and ending up in the Des Plaines River because that's what happened.

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So I have a hard time recommending -- I can't recommend to the Board that we waive interest charges on fees we're already paid or penalties. Those are spelled out. And the mere fact that one payment was made and they decided not to make any additional payments throughout the year was their decision. It wasn't a decision we made. And I know they wanted to have the agreement amended but it wasn't amended. They asked for the amendment after the last bill was paid. So we're now seeing the third amendment before us tonight after it's been reviewed by the Plan Commission. So it's my hope that we don't do this anymore. My hope is they work to get that problem cleaned up and maintain it. And if we had seen significant action all through last year I think we would have had a different approach to this in this last agreement. But that wasn't the case. Matt, if there's anything you'd like to add to that?

Matt Fineour:

I think what Mike has said is right. I guess the only as far as maybe repeating myself from the Plan Commission is that as we move forward in the future if they want less involvement from the Village I'm all for that. It's just that we need to make sure that they are running the project if any problems arise, essentially it's all in their ballpark and they show that they can manage that project and take care of it all. And I think with that as we gain that confidence we certainly would back off. There's no reason to be there. We want to have less involvement in there. I don't want to spend my time dealing with BP. I'd prefer to have our consultant spend less time there as well. So I really think as much as the cost issue of the Village billing them I think the ball kind of is in their court from here into the future to show that they can do that so we can back off.

John Steinbrink:

Trustee Serpe?

Michael Serpe:

Just for the sake of expediency here, I think we've heard arguments now on both sides for Item D on the settlement agreement and on the liquor license to be presented. If it's okay, and I suggest that we continue the dialogue on Item D instead of going over this whole thing again, and let's get it done.

Mike Pollocoff:

Move it up.

Michael Serpe:

If that's okay, I'd make that a motion.

John Steinbrink:

We did close the public hearing. We're now in Board comments.

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Michael Serpe:

We'll take separate action on the public hearing and on Item D. But I think we're into it this far let's finish it off.

Steve Kumorkiewicz:

You made the motion?

Michael Serpe:

Yes.

Steve Kumorkiewicz:

I second.

John Steinbrink:

A motion by Mike, second by Steve for bringing up Item 4. We'll act on that after we conclude with Item A.

Michael Serpe:

If you want to vote on Item A and get that done I'm ready to do that. I'd move approval of the liquor license to BP subject to payments of all past and overdue.

John Steinbrink:

We have a motion and a second already on here for moving this up. So why don't we finish that one first and we'll follow right after it. Any comment or question on the motion

**SERPE MOVED TO CONSIDER ITEM 8D. ON THE AGENDA; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

John Steinbrink:

Okay, Mike.

Michael Serpe:

I would make a motion to approve the liquor license for BP Amoco subject to full payment of all past due bills that the Clerk has indicated.

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Jane Romanowski:

And the resolution of the Community Development Department issues as well.

Michael Serpe:

Yes.

Steve Kumorkiewicz:

I've got a question on this.

John Steinbrink:

We have a motion. Do we have a second first?

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve.

John Steinbrink:

Steve?

Steve Kumorkiewicz:

I've got a question. You're talking about \$7,400 [inaudible]. Are those attached to this license?

Jane Romanowski:

I'm sorry?

Steve Kumorkiewicz:

\$7,400 that they owe. Now, is that attached to this license renewal?

Mike Pollocoff:

Yes.

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Jane Romanowski:

They would have to pay the license fee of \$250, publication fee of \$20, the interest on the delinquencies that they made the payment for all the -- they made payments today, but they didn't pay the interest and penalty. They would have to pay \$6,229.07 for the interest for the real estate taxes. And then they would have to pay the interest and penalty on the invoices of \$1,288.52. So before the license goes out of my office they would have to make those payments, as well as Jean Werbie-Harris would have to sign off on the issues that she indicated are out there on the property.

Steve Kumorkiewicz:

Okay, clarified, thank you.

Jane Romanowski:

So you seconded it?

Steve Kumorkiewicz:

Yes, I did.

Jane Romanowski:

Okay, we have a motion and a second then.

John Steinbrink:

Further comment? Dave?

Dave Klimisch:

The current license goes through the end of June?

Jane Romanowski:

Yes so they have time.

Kris Keckler:

Just for full clarity, the current settlement agreement as it stands right now prior to any amendments have they fulfilled every obligation?

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Mike Pollocoff:

Well, the Village feels there's been testing irregularity or operational irregularities that have been out there. That's one of the reasons that caused us to recommend drafting the changes we did in 8D for that amendment number 3.

John Steinbrink:

Further comment or question?

**SERPE MOVED TO GRANT THE CLASS "A" FERMENTED MALT BEVERAGE LICENSE TO BP AM/PM LOCATED AT 10477 120<sup>TH</sup> AVENUE FROM JULY 1 THROUGH JUNE 30, 2016 SUBJECT TO PAYMENT OF ALL LICENSE FEES, DELINQUENT FEES AND RESOLUTION OF THE ISSUES OUTLINED BY THE COMMUNITY DEVELOPMENT DEPARTMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**8. NEW BUSINESS**

**D. Consider Amendment #3 to the Settlement Agreement between the Village and VIDHYA Corp VIII, Inc. to modify the testing requirements and to follow the recommendation and approval of the Wisconsin Department of Natural Resource for testing at the BP Amoco gasoline station and convenience store located at 10477 120th Avenue.**

Matt Fineour:

This is the third amendment to the original settlement agreement between the Village of Pleasant Prairie and VIDHYA Corporation. Amendment number 3 contains two major items. One is the reduction in sampling for their treatment system that treats the groundwater on their site. They currently are testing that treatment system on a monthly basis. The current settlement agreement requires them on a monthly basis for two years. They started testing on a monthly basis in February 2014 which would go to February 2016. Based on the testing results and their discussions with the DNR they're requesting to go to a quarterly basis which is the next step in the original settlement agreement. Based on the testing results and our independent testing results we don't have a problem with that reduction for the testing.

The second item in the settlement agreement really pertains to the site investigation plan, and that is I call it more or less as the project moves forward it's more of a roadmap of finishing off that site investigation plan. There's one section I think in amendment number 3 which is at discussion, and that is the Village's involvement of independent sampling, independent going out there and testing the site or visiting the site taking well readings and so forth. Right now that is in the original settlement agreement that the Village has the right to do that. We do not recommend that be changed at this point in time. Again, that language in the original settlement agreement does not require the Village to be out there, but it gives the right to do so.

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With that, if the representatives from BP do not agree with settlement agreement number 3 or the amendment as proposed for the reduction the way the Village staff has it, the alternative is really to stick with the original settlement agreement and the amendments 1 and 2. With that I'll leave it and be able to answer any questions you may have.

Michael Serpe:

I'm going to concur with the Plan Commission's recommendation. Mr. McTernan, before you got involved with this, this was not a friendly meeting between BP and us. It was very contentious. Admittedly when you came on it calmed it down quite a bit. But there still were times when the distrust between BP and us still occurred. And I think Mr. Pollocoff offered saying if we go this year and do some successful testing maybe next year we could look at this thing and do a quarterly test which I think is a reasonable offer right now considering the way things have been going.

Michael McTernan:

And if I may, the engineer has recommended and my client --

John Steinbrink:

Once again, I just need your name and address for the record.

Michael McTernan:

I apologize. Mike McTernan, 6633 Green Bay Road, Kenosha, Wisconsin. One of the things my client is in the midst of doing is receiving bids. I've received emails to put in an alarm system that would alert North Shore Testing Company, the company that oversees the wells, in order to alert them immediately like an alarm system would if someone broke in your building. The minute one of the wells would hit that eight foot or nine foot water mark we're going to share what the specifications are with the engineer so he can concur. We're going to have it installed very quickly. It's not part of the settlement agreement, but obviously it's one of the things presented was a thing that occurred in the last 12 months that had someone known the alarm going off it could have been addressed immediately. So it's not something he has to have put in the settlement agreement, but my clients are having that done as a safety measure. I hope it is a good year so we can be back next year and hopefully continue the confidence that you'll have and also to get this thing resolved. Thank you very much. I have nothing further. I appreciate it. Thanks.

Michael Serpe:

Move approval of the amendment 3 and concur with the Plan Commission's recommendation.

Steve Kumorkiewicz:

I'll second that.

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John Steinbrink:

Motion by Mike, second by Steve. Any discussion on this? One thing that did trouble me, Mr. McTernan, was at the public hearing Planning Commission you had stated that other communities pay for this testing out there. And I was curious why you thought the Village of Pleasant Prairie's residents and taxpayers should pay for BP's problem out there, and especially when they are noncompliant with the problem. Myself if that would have been part of this agreement I would be voting against it. Because I feel it's their obligation to take care of it out there.

As Mr. Serpe said this had gone on a long time before BP even recognized or took the time to come and talk to the Village after we had notified them many, many times of the problem out there. And probably my biggest disgust was with the DNR over their actions on this project. If this had been anybody in this audience, anybody up here we'd have been slapped down with a lien so fast and shut down by the DNR for a minor pollution problem versus the major pollution problem that was going on out there. So I don't understand the thinking of the DNR, and I don't think anybody else does. But it's very disheartening to know that a regulatory agency has this kind of attitude to the problem that was out there.

This was a serious problem, and it affected a lot of people out there, and it affected the environment, the watershed of the area and everything else out there. And they kind of took the attitude that it really wasn't a problem which was amazing because apparently they have multiple ways of thinking or dealing with things.

Kris Keckler:

I did come across one of my notes in here. I just wanted to ask, there was one of the notions on here that the concerns from the neighboring business, Culver's. And is there still an existing concern? I know there is ground contamination and overall environment concerns. Is there anything specific related that's been identified that would cause any type of potential damage to that establishment?

Matt Fineour:

As part of their site investigation plan -- as part of their site investigation plan there's three wells located on Culver's property. My eyesight is not going to be that great. It's M103, M102, there you go, those three wells. The middle well when they took the groundwater testing in there had some contamination in it. At the time that they did that first testing the contamination was below enforcement standards so basically it was below a standard that would designate it as highly contaminated where they would have to do something about it. It was just above what they call a preventative action limit which means it's kind of like a yellow light saying warning on it.

So right now I would say there is some level of contamination on Culver's. However, the DNR and everybody feels like it's defined based on those three wells at this point in time. Part of their ongoing sampling will be to sample all those wells including the three on Culver's. And over a period of time there will be a trending report. So the contamination in that well is either going to



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decrease, it's going to stay the same or increase. So the point being is what the DNR would like to see is that stabilized so it either decreases or at least stays the same.

For Culver's the DNR does publish or has a handout basically that goes over the rights of a property owner that has contamination from an adjacent property on it. So they can get kind of a letter of exemption if you will from the DNR if they wanted to basically stating from the DNR that they're not responsible for whatever's on their site. So there are steps that they can take. But at this point in time that's what's been found.

Kris Keckler:

Thank you.

John Steinbrink:

Other comment or question? One other irritating -- like I said I'm irritated by a lot here tonight. One of the cavalier statements made by BP's consultant was that Culver's should not have bought a contaminated site if they had concerns about it. I don't believe Culver's knew that was a contaminated site or there was contamination in that area when they purchased that property. Culver's has always been a very upstanding corporate citizen, a great part of the Village, and we're hoping hopefully that BP in the future can become that, too. So those kind of statements, and they're in the record on that, I felt were out of place. Further comment or question, otherwise we'll call the question.

**SERPE MOVED TO APPROVE AMENDMENT #3 TO THE SETTLEMENT AGREEMENT BETWEEN THE VILLAGE AND VIDHYA CORP VIII, INC. TO MODIFY THE TESTING REQUIREMENTS AND TO FOLLOW THE RECOMMENDATION AND APPROVAL OF THE WISCONSIN DEPARTMENT OF NATURAL RESOURCE FOR TESTING AT THE BP AMOCO GASOLINE STATION AND CONVENIENCE STORE LOCATED AT 10477 120TH AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

## **6. CITIZEN COMMENTS**

Jane Romanowski:

There was one signup tonight, Trent Moede.

Trent Moede:

Village Board members and Mr. President.

Jane Romanowski:

Name and address please.

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Trent Moede:

My name is Trent Moede. I live at 5314 87th Place. My comments and talk this evening is in regard to my personal situation in my neighborhood. I've been a resident of Pleasant Prairie for the last 16 years. It's a great community. My wife and I enjoy living where we do. Recently one of my neighbors due to relocation for a job moved to Iowa. They couldn't sell their house. And their realtor thought it was a good idea seeing as it was vacated that they could subsidize or shoulder some of their burden with dual mortgage payments renting this place out.

We've got tenants in there now, and I feel they're not abiding by the governing rules and codes of the Village and that being single family resident, and they're also operating a business which I don't feel falls under the categories listed by businesses that are acceptable like a music teacher, an accountant or something like that. And I'm just asking for Mr. Pollocoff, I've emailed him and copied Mr. Steinbrink on these emails over the past month and a half.

Basically this started about six months ago when they moved in, and it really came to a head about a month and a half ago. And I just feel that action needs to be taken. Because right now I believe that although it appears from say a person that lives two blocks away that nothing's going on there, but the people that border this property can see exactly what's going on including myself. I mean it's evident. Like I said it's a personal thing. But I feel if these people move in and take a position there it's not going to be good for the community.

The house is being used, like I said, to run a business. It's not a single family. Like I said there's numerous entities there. And, like I said, I think these are violations, and I hope you can continue to be an advocate through lawful action to get this thing resolved, get these people out of there. Like I said, it's just not a good situation.

The individual that signed this agreement that runs this business has got felony charges against him. Again, you can't judge people for housing and stuff because of that. But he's running a private security business, and he's got charges like suffocation, strangulation, impersonating a police officer. I don't think those are good credentials for an individual in that capacity. And, like I said, I hope you can team up with me and help in my situation.

Mr. Pollocoff lives about 100 or 250 yards maybe from my house. I can look out my kitchen window and see Mr. Pollocoff's house. Unfortunately, like I said, unless you're bordering this property you don't see what's going on. And directly across the street there's a young lady, a woman and her children. A lot of people don't want to get involved because these people are intimidating. And I'm just hoping that through legal action we can get some resolution. That's really all I have to say. And, like I say, the emails that I've sent both of you kind of sum it up. Thank you for your time.

John Steinbrink:

Thank you. Anyone else wishing to speak under citizen's comments? Seeing none I'll close citizens' comments.

## 7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, I'll take this opportunity to respond to Mr. Moede. We've investigated the complaint that was made. We feel that there's grounds for it. We're acting on it. In fact, they've had until today to respond to the notice that they've been given that they're in violation of the home occupation ordinance. And we're going to work that through. This isn't a criminal action where if we see something we take them to jail and start the process. It's an ordinance violation, a zoning violation.

And we have a process we need to follow where somebody gets their notice, we tell them that we believe there's a violation there. They have the opportunity, and in that case it was through today to come in and visit with us about it. If that doesn't take place then the Village will issue an order noticing them to desist, that action. If that doesn't get resolved then the Village can take them to municipal court or we can go to circuit court depending on how egregious the violation is.

The Police Department has done background work on it. They're fully aware of what's going on there, and I think we're in a good position. It's probably not as fast as some people would like, but I don't think anybody would want ordinance violations to carry the strength of a criminal conviction if there was a question as to what was happening on the property, and we really don't have that ability. So we're going to work through that. It's a deliberate pace. We can address home occupations.

We can't address someone's background, what they did in the past. I mean there's things that are probably interesting, but as a government we can only enforce what people do when they violate the ordinance of the Village. If they make a criminal violation they're going to have to deal with the police department, and we'll prosecute that accordingly. So I think that will resolve itself. I won't say it's like watching paint dry, but it doesn't happen really fast, but it happens with caution and due process.

On a little bit lighter note this weekend is the Pleasant Prairie Triathlon. It's the one triathlon that the Village sponsors in and of ourselves. It's not a contract one. This is the one that we do for ourselves. And historically it's done a lot of good things. We use this triathlon to help spur programs at RecPlex to get people who want to get in shape and be able to try a triathlon and work on it. It gives them the opportunity to lead up to it.

One of the other things this triathlon does is it provides funds for the Pleasant Prairie Therapeutic Recreation Program which is a program for disabled individuals, whether it be cognitive or physical, that are typically not able to participate in your normal recreation programs. And if not for that program they might be stuck sitting on a couch someplace. It's been a very successful program. And proceeds from this event go to that.

Normally we haven't had a problem getting volunteers, but we did have one group that was going to provide a number of volunteers that said they couldn't make it. So we're putting out a last minute call for anybody who is interested in volunteering to help us run this event. That could be

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anything on Sunday morning. We'll probably be there at six and be out of there before noon. All sorts of different tasks and help that we need whether it's out in the neighborhoods or at Lake Andrea. I'd encourage the public to contact Erin Winch at LakeView RecPlex. Their number is 925-6747. And, again, this is a really good event, and it's for a good cause.

It's kind of ironic that it leads into our first item under new business. One of the ladies who helped us with that event originally, Barbara Peterson, she was a great volunteer for that event as well as the other triathlons. If you spend the morning out there doing it you'll see a lot of good things. It's good for the soul. So that's my only comment for my report tonight, Mr. President.

John Steinbrink:

Thank you, Mike. And as you said it's a great segue into Item A under new business under Item 8.

**8. NEW BUSINESS**

**A. Consider Resolution #15-20 in Memory and Celebration of Barbara C. Peterson -- RecPlex Member #1.**

John Steinbrink:

She was more than just our first RecPlex member as you know. She was there to volunteer all the time for these causes and helping out wherever possible. And her husband was never far behind. I think she kind of drug him along there.

[Inaudible]

William Peterson:

Can I say a few words on her behalf?

John Steinbrink:

We're going to give you the opportunity in one second.

Mike Pollocoff:

Do you want me to do the resolution?

John Steinbrink:

Yes, we're going to read the resolution.

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Mike Pollocoff:

This is Resolution #15-20, Resolution memory and celebration of Barbara C. Peterson, RecPlex member number 1, number 1 of thousands that have been members. Whereas, Barbara C. Peterson, with her husband William Peterson, made her home in Pleasant Prairie and lived here for more than 60 years; and whereas, Barbara C. Peterson became the first official member of Pleasant Prairie RecPlex upon its opening in the year 2000 and was a member for the remainder of her life; and whereas, Barbara C. Peterson was known to be a valued volunteer and an outstanding member of the community; and whereas, Barbara C. Peterson was also known to be a passionate advocate of living a healthy and balanced life and was a strong supporter of Pleasant Prairie RecPlex; and whereas, the Village of Pleasant Prairie would like to acknowledge and express sincere thanks for Barbara C. Peterson's many years of membership at RecPlex and for her support of its mission to serve as a community gathering space and to provide healthy recreational opportunities to members of our community.

Now, therefore be it resolved, that the Village of Pleasant Prairie does hereby wish to remember and celebrate Mrs. Barbara C. Peterson, RecPlex Member #1. The Village also wishes to extend our most sincere respect and appreciation to Barbara C. Peterson for all that she has done to build up our community. For consideration this 15th day of June, 2015.

John Steinbrink:

Mr. Peterson, if you'd like to say a few words. Come up here. But first we're going to adopt this.

Dave Klimisch:

I move that we adopt the resolution.

Kris Keckler:

Second.

John Steinbrink:

Motion by Dave, second by Kris. Any discussion on this before Mr. Peterson comes up? We're going to talk after you come up. Mr. Peterson, come on up.

**KLIMISCH MOVED TO ADOPT RESOLUTION #15-20 IN MEMORY AND CELEBRATION OF BARBARA C. PETERSON -- RECPLEX MEMBER #1; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

William Peterson:

I'm sure she's looking in on this meeting with a sense of pride really. She thought the best of Pleasant Prairie. To start with we stayed with the name Cooper Road that was going to be 52nd. Would you like to live on 52nd Street or Cooper Road? She thought that was the best. Anyway,

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it went through. She always said that Pleasant Prairie has got class, and she felt classy living in Pleasant Prairie. She came from Boise, Idaho, farming town. Well, Boise is the capital of Idaho, and she lived here 60 years. And every year she lived with pride. And I'll tell you she'd never eat meat. Can't go along with that. But she did everything the best she could. And I can't say enough for her. And I appreciate the Board what they've done for her. Even though she got me up at 5:30 one morning so I could have the sense of being number 2. That's alright. Thanks again. Thank you, everybody. Appreciate it.

John Steinbrink:

Alright, thank you. We're just going to do a couple presentations here. And maybe, Mr. Peterson, you can introduce everybody that's here from the family if you want to come up here. We have a nice plaque here to present. If you could just give us your names for the record first.

Bobbi Peterson:

Bobbi Peterson [inaudible].

John Steinbrink:

And tell us the relationship.

Bobbi Peterson:

That was our mom, and she was the most amazing lady on the planet. And unfortunately sometimes you don't realize that until later. Like my dad said, she was from Boise, Idaho. And she always said Kenosha's not my home, Kenosha's not my home, but Pleasant Prairie was her home. She loved it. She never, ever let us forget it. Pleasant Prairie was it for her. And like you said she was a volunteer, she was such a proponent for Pleasant Prairie. It made us all really proud.

John Steinbrink:

And when you take Cooper Road into effect she was an advocate also. If you guys want to come up to the front real quick we have a couple plaques.

Mike Pollocoff:

There are two plaques. One will hang at RecPlex so that all the current members and future members can see it at the RecPlex as well. I think John has both of them there.

Mike Pollocoff:

These are the people that make it happen by joining up. Here's the plaque that's going to be hung.

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William Peterson:

Thank you, everybody. We appreciate it.

Mike Pollocoff:

We'll give you a call as soon as it's up which will be shortly.

**B. Receive the 2014 Annual Report of the Kenosha Area Convention and Visitors Bureau.**

Dennis DuChene:

Good evening. Dennis DuChene, 8710 36th Avenue. I'm here tonight to ask you to receive and file the 2014 annual report for the Kenosha Area Convention and Visitors Bureau. As you can see by going through the report it was a great year for us, \$181.3 million spent in the community. But I guess I would like to forego the numbers so to speak and talk about what really makes a difference in tourism in our community. And it's folks like Barbara that you just heard about before. We host a lot of events in the community. We have a lot of great attractions. But without dedicated volunteers those events wouldn't happen in our community.

Without those events we would lose affordable opportunities for our kids to get involved in programming. Probably the best example of that in Pleasant Prairie right now is the Aqua Arena. In 2014 there were 30 swim meets hosted there. We welcomed 21,875 athletes at that facility, 4,755 volunteer helped make that happen. For those of you who have gone to a swim meet often there's officials that work the meet. They'll be there for four or four and a half hours. Usually 10 to 12 of them totally volunteer their time often working the morning session of four hours and an afternoon session because that's what they want to do for the kids.

Pleasant Prairie Triathlon that was mentioned earlier I believe it's the 13th annual event. It was started in 2002 with a joint effort marketing grant from the department of tourism. And it's pretty amazing it's been going on that long. Again, that's thanks to the volunteers. Not only members of the community but different groups that come in. And more importantly the Village Trustees. I think every one of you guys have been out there to volunteer at an event. Some of you have been at every one of the events, and not every community is like that. And I think that's what makes Pleasant Prairie a special place.

It's what makes me proud to be able to represent this community in terms of tourism. Bring folks in whether they're going to compete in an event at RecPlex, visit Jelly Belly, go have a meal at Culver's, shop at Premium Outlets. They're all great establishments, all have great owners, and add to the tourism experience in the Kenosha area. I guess that's really all I have. I just want to thank you for your support. A lot of municipalities in the State don't understand tourism. And Pleasant Prairie hasn't been afraid to invest in tourism whether it's investing in infrastructure, whether it be the roads, the RecPlex, different facilities in the area or just investing in our organization and allow us to market the community outside the Kenosha area. So I'd like to thank you for that and answer any questions you may have.

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John Steinbrink:

Thank you, Dennis. And you guys do a great job with this. And it's often a thankless job. But one comment, when you go through the report I don't see many pictures of Pleasant Prairie in there. So if anybody goes to an event and you have one of those iPhones take a picture, send them to Dennis at the Tourism Council and maybe we'll get more pictures in there. We do have a lot of events. Like you said a lot of people volunteer and make this possible. I'd just like to see more pictures of Pleasant Prairie.

Dennis DuChene:

And we can do that. Probably one of the biggest things, too, this year we did is we redid our website. So I would encourage you folks to go visit Kenosha.com. And one of the reasons we went to that is Kenosha CVB didn't quite roll off the tongue especially on the radio. But there's a lot of great pictures on there and videos and whatnot.

John Steinbrink:

Okay, thank you. Comments or questions for Dennis?

Dave Klimisch:

One of the things that stood out for me from looking over the report a lot of information in there. But every year for at least the last five years with an up and down national and statewide economy every year the amount of dollars coming into Kenosha has gone up. So applaud yourself, that's impressive in a difficult economy.

Dennis DuChene:

Thank you. Since 2010 I think we've average six percent growth per year.

John Steinbrink:

And one thing people don't realize when I was on the tourism committees at the State that every dollar the State would invest in tourism had a big return for the State and, in turn, many dollars not only to the State but to the communities. And we need to remind people in this budget cutting time that sometimes by cutting dollars you're really not helping things out. But the State has been a little better in that. But when you look at the dollars places like Wisconsin Dells put into it it makes the State look pretty bleak in the numbers they put in. What is the return on it, Dennis, for every dollar that's put in?

Dennis DuChene:

I believe it's six to one.



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John Steinbrink:

Six to one return. I mean that's better than going to Potawatomi. Other questions for Dennis?

Michael Serpe:

Keep up the good work Dennis. I'd move to receive and file.

Dave Klimisch:

Second.

**SERPE MOVED TO RECEIVE AND FILE THE 2014 ANNUAL REPORT OF THE KENOSHA AREA CONVENTION AND VISITORS BUREAU; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.**

- C. Receive Plan Commission recommendation and consider Resolution #15-21 for a Floodplain Boundary Adjustment on the property located at 12575 Uline Drive for the purpose of constructing a conference center between the Uline Corporate Office building and the easternmost warehouse building on the property.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request for Resolution 15-21, and this is for a floodplain boundary adjustment. And this is at the request of Matt Carey with Pinnacle Engineering Group. Specifically Uline is requesting -- Route 165 LLC as the owner is requesting to remove 2,226 cubic yards from the 100 year floodplain and to create 3,795 cubic yards of 100 year floodplain. And this is to compensate for that floodplain area being filled. And this is for the purpose of constructing a conference center between the Uline corporate office building and the easternmost warehouse building on the property.

Again, the floodplain will be impacted within the interior of the retention pond as discussed at the Plan Commission meeting. The floodplain will be entirely contained on the Uline property. It will not impact any adjacent properties. Again, the intent is that this conference center will be adjacent to and over a portion of the water. But, again, they're not impacting within the 100 year floodplain. I guess at the Plan Commission meeting there was a few concerns raised by an adjacent landowner, by Jockey International. They worked through all of those issues with Uline. They have no other concerns with respect to the proposal.

The site specifically then is used to construct a two level 22,500 square foot Uline conference center generally in the north side banks of the existing retention basin. Again, it's going to be about 300 feet away from their corporate office facility. And just as we presented at Plan Commission this is just an illustration or an artist rendering of what the conference center is going to look like. Again, this is a process, it's an engineering calculation process. The Plan Commission recommended approval. I'm recommending that the Board adopt Resolution 15-21 for this floodplain boundary adjustment.

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This will next need to go onto the Wisconsin Department of Natural Resources for their approval. And FEMA will also need to grant formal approval for them. They are looking to move it onto the next steps so they can get under construction this summer. The staff recommends approval subject to the comments and conditions as outlined in the staff memorandum and as discussed by the Plan Commission.

Kris Keckler:

Move to accept Resolution 15-21 as outlined.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Any further discussion?

Kris Keckler:

You mentioned that they hope for construction beginning later this summer.

Jean Werbie-Harris:

That's anticipated.

Kris Keckler:

And completion then early next year?

Jean Werbie-Harris:

August of 2016 according to Randy Copenharve in the audience.

Kris Keckler:

And mixed used or just solely for Uline?

Jean Werbie-Harris:

It's a private facility, so it's intended to be various types of functions that they intend to host there. I think they wrote down some of the items that they were looking to do. They will have events that could accommodate between 200 and 300 attendees. Events at the conference center will be held in the morning, afternoon and evenings, on the weekdays and on the weekends. The building includes a large gathering area on the main level overlooking the pond. And there's an

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outdoor deck. No new employees will be hired to run the events at the conference center. Their existing corporate staff would be utilized to coordinate the events. They may use catering companies. Their parking will be accommodated by their existing 800 plus parking lot that is located to the north.

And actually at this point they've received preliminary site and operational plans from the Plan Commission at their last meeting. And they are now going to be moving to finalize the detailed final site and operational plans. Preliminary would allow them with this adjustment to actually do some mass grading and get the utilities going to the site as well as to do the footings and foundation. Again, they'll be submitting more detailed plans to us to file that in one of the upcoming Plan Commission meetings.

Kris Keckler:

Okay, thank you.

John Steinbrink:

Other comments or questions?

Michael Serpe:

It's an amazing company, absolutely amazing.

Steve Kumorkiewicz:

Bit asset for the community.

Dave Klimisch:

My biggest concern from the Planning Commission was Jockey's concerns and the boundary line. There's no encroachment?

Jean Werbie-Harris:

There's no encroachment. Everything is within the Uline boundaries.

Dave Klimisch:

It's still a one to three slope. It looks nice.

Jean Werbie-Harris:

Correct.

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**KECKLER MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND ADOPT RESOLUTION #15-21 FOR A FLOODPLAIN  
BOUNDARY ADJUSTMENT ON THE PROPERTY LOCATED AT 12575 ULINE DRIVE FOR  
THE PURPOSE OF CONSTRUCTING A CONFERENCE CENTER BETWEEN THE ULINE  
CORPORATE OFFICE BUILDING AND THE EASTERNMOST WAREHOUSE BUILDING ON  
THE PROPERTY; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**E. Consider an award of contract for Municipal Solid Waste Disposal.**

John Steinbrink, Jr.:

Mr. President and members of the Board, on May 19th an RFP for municipal solid waste disposal was issued on VendorNet and also advertised in the *Kenosha News* legal for two weeks and mailed to three local landfills. It's the three landfills that are within a 20 mile radius of Pleasant Prairie. On Thursday, June 4th at 9 a.m. three bids were received for municipal solid waste disposal. The proposals were evaluated based on the annual tipping fee. That's the price that the Village has to pay per ton to dump solid waste or the garbage at their landfill facility.

I'll go over the analysis real quick here. Of the three that were submitted a breakdown of the analysis is the tipping cost for years one, two and three, it is a three year contract, so we estimated tons per year based on historical projections, the tipping fee cost per year one, two and three, and we multiplied the tons per year times the tipping fee to come up with what we're actually expecting to pay the landfill.

But in addition to that analysis the other cost is our transportation cost to get the solid waste to the landfill. We do that currently with our collection vehicles. We have four vehicles that we run on a daily basis, and they make trips or multiple trips based on the amount of solid waste that they pick up per day. And so we take those fees, we have timed how long it takes to get from the Prange Municipal Center at 8600 Green Bay Road to each of the three landfills, dump and come back, times the 910 trips that we estimate to have per year.

And then you factor all that together we came up with three numbers at the bottom there. So for Advanced Disposal with just over \$1.052 million, Kestral Hawk was a little bit larger number at \$1.105 million, and Waste Management which is the Paris landfill site \$1.13 million as an estimate. This really becomes a function of the distance that our collections trucks have to travel.

The tipping as you can see is really within \$1.50 per ton that we collect, but it's really the tipping fee component of it which is an actual true cost of the solid waste. And so I guess with that all being said I am recommending a contract for the three years be entered into with Advanced Disposal for a tipping fee of year one of \$33.50 per ton, year two of \$44.60 and year three of \$45.75 per year. And I can answer any questions.

Michael Serpe:

Where is Advanced located, John?

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John Steinbrink, Jr.:

Advanced Disposal is just south of Russell Road on Green Bay Road. It's the Zion Landfill.

Michael Serpe:

They're expanding that landfill I hear.

John Steinbrink, Jr.:

Yeah, I believe they're on 27 more years that they can take solid waste material at that landfill.

Dave Klimisch:

I think it's economical. I like how you ran the numbers for the labor and for the trips. I know that's a lot of math. I move the motion.

Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. Any further discussion?

Kris Keckler:

Just an associated one. If I'm remembering back months ago during the budget option process you were giving the decline in usage of the Village overall with recycling and the concern of residents sometimes getting a little bit lazy with what they're choosing to recycle or notifications that the public works department might take in helping promote recycling. Has there been any noticeable change in that regard?

John Steinbrink, Jr.:

Right after the meeting for a couple months we did actually increase our diversion rate. The diversion rate is the percentage of recycling that is pulled out of the solid waste stream. And so it did go down for the amount of -- the amount of garbage went down, recycling went up for a couple months and then it's kind of leveled off. So it's really a continuing education component of it. And now with the budget coming out and with the newsletter we do plan on pushing that a little bit more again, and hopefully we can get back to the higher diversion numbers.

Kris Keckler:

Okay, thank you.

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Steve Kumorkiewicz:

John, I think one of the questions that has been asked to me several times is what happens with the shopping bags, plastic bags. So put it in the garbage, don't put it in recycling, correct?

John Steinbrink, Jr.:

Right, you are correct.

Steve Kumorkiewicz:

But not less [inaudible] per year. We have to clarify that. The plastic bags from shopping goes in the garbage, not in the recycling.

John Steinbrink, Jr.:

Right, that is correct. And we can update our list if that's not currently there.

Steve Kumorkiewicz:

Yes, update that, yes.

John Steinbrink, Jr.:

I'll make sure we have staff do that for the next release.

Steve Kumorkiewicz:

Thank you.

Dave Klimisch:

That diversion rate that Kris was talking about is that published and promoted?

John Steinbrink, Jr.:

We talk about it during our budget process, and it's one of our trending reports that we do and so the Board and the public gets to see it on an annual basis. We record it on a monthly basis, but we really don't advertise it.

Dave Klimisch:

If we're looking to increase public education because it's a direct cost savings, if we increase the recycling diversion maybe we could consider putting that into our monthly newsletter or on the website. Keep that diversion rate so people know where we're at if it's trending higher or trending lower.

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John Steinbrink, Jr.:

I think that's a great idea, and I can work with Chris Christenson to have that at least on our website on a monthly basis as we tabulate those as well.

Dave Klimisch:

And then they can show the trends over time.

John Steinbrink, Jr.:

Sure and you can see what's up and what's down.

Dave Klimisch:

And tie that to the cost savings.

John Steinbrink, Jr.:

We can have multiple year.

Dave Klimisch:

So much a ton or even break it down to so much a can how much money we're saving.

John Steinbrink, Jr.:

Yeah, we can absolutely do that. That's a great idea, thank you.

John Steinbrink:

Other comments or questions?

**KLIMISCH MOVED TO AWARD A CONTRACT TO ADVANCED DISPOSAL FOR MUNICIPAL SOLID WASTE DISPOSAL AS OUTLINED; SECONDED BY SERPE; MOTION CARRIED 5-0**

**F. Consider an award of contract for Single Stream Recycling.**

John Steinbrink, Jr.:

Mr. President and members of the Board, on April 14th an RFP for single stream recycling was issued to VendorNet, the *Kenosha News* legal, and we sent it out to six local recycling processing companies. On May 7th bids were publically opened and read aloud. Two bids were received. The proposals were evaluated based on the processing fee which is the same as a tipping fee in

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the solid waste world and travel costs to the recycling facilities. And then we have a bid analysis sheet on the next slide.

The recycling is a little bit more complex to do an analysis on. So what we asked the proponents to do is give us for whatever the way that you want to attribute the proceeds to the Village do it over a historical prior 12 month period. And so we went through and we did that. And you can see Advanced Disposal wants to pay us or is proposing to pay us a percentage based on the value market of the individual recyclables. And so there's a value for aluminum, tin, PETs for cardboard, loose paper, stuff like that. So based on the monthly value of those recyclables how much per ton it's how much the Village receives of those net proceeds.

And so we take that over a historical breakdown of how many tons that we brought to the MRF which is where they do the transferring, how much we would have received as a rebate or as a charge from that company. So Advanced Disposal we would have received \$6,300. From Johns Disposal they're just looking at giving us a standard 80 percent of the value of the material, we would have received \$18,677. And so that's just for the actual value of the recycling materials.

Right now the value of recycling material is down from where it's been trending historically, probably the lowest that it's been since we've had our recycling or since we've been doing it in house. So when you take the same logic that we did with the solid waste and you're taking our transportation costs and factor them in the Advanced Disposal is actually right down the road in Kenosha on Highway 31 and 52nd Street about four and a half miles away. The next closest processing center is Johns Recycling, and they have a new one in north Racine around Six Mile Road and Highway 45. And that's a little bit more of a hike at 28 miles down there. And so it's really a function of transportation.

So even though at a first glance it would look like it's a little bit more attractive to go with Johns Disposal because we would receive more rebates, by the time you factor in our transportation costs, take an average of 780 trips per year, it's almost \$50,000 cheaper to enter into a contract with Advanced Disposal. So at this time I'm going to recommend a contract with Advanced Disposal for three years at the proceeds for the Village being at the percentage that's listed in the RFP. And I can answer any questions.

Michael Serpe:

John, I appreciate the effort you put into this to explain the savings by staying almost local. And your explanation was great. I'd move approval for Advanced.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?



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Mike Pollocoff:

One thing I want the Board to remain aware of there's discussion in the State budget of removing the recycling rebate which is a grant that we receive. I believe it's been as high as \$70,000. One of the estimates might be it would come down to \$32,000. And the other one is to eliminate it completely. So we've applied that grant to our cost of service to reduce our recycling charges to make that more feasible. So the numbers we see here today pending whatever gets approved in the State budget will conversely affect our rates so that once we know what that is and we prepare our rates for next year we'll incorporate whatever grant we get or lack thereof into our rates.

Steve Kumorkiewicz:

I believe [inaudible] municipalities they were going to remove [inaudible].

Mike Pollocoff:

Until Joint Finance is done --

Steve Kumorkiewicz:

The second time, okay.

Mike Pollocoff:

That's something they can say they want to keep it in, but really until Joint Finance acts on the budget and prepares that and sends it to the Governor. And it could still be in there, and the Governor has the ability to line item veto that out. So really it's on there. They've looked at before eliminating it, and as communities we've been able to forestall that. But what we're getting is less and less every year. And I think given how short they are this is one of the things.

Michael Serpe:

Maybe the State should eliminate the budget process, just send every municipality a bill and just pay everything through a building process. That's just about what they're doing.

Steve Kumorkiewicz:

You think the original [inaudible] 1911 [inaudible] it was 70 percent of the [inaudible], 20 percent worked for the county and 10 percent went to the state. And now they've got 95 percent to the state and we've got peanuts.

John Steinbrink:

Poor management is short of money. Motion and a second. Any further discussion?

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**SERPE MOVED TO AWARD A CONTRACT FOR SINGLE STREAM RECYCLING TO ADVANCED DISPOSAL AS OUTLINED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**G. Consider the purchase of an ambulance chassis and module.**

Mike Pollocoff:

Mr. President, we put out an RFP for a new ambulance and chassis. So tonight I'd like to have Deputy Chief Roepke explain the process and what's being recommended from the department.

Craig Roepke:

Mr. President and members of the Board good evening. The Fire and Rescue Department submits for your consideration the purchase of a replacement ambulance. As part of the scope this version of our replacement includes both the chassis and the module. Historically in the past we would purchase the chassis in one budget cycle and the module the next. We're also looking at equipping this vehicle with the four wheel drive capability. Additionally, we're changing up the design a little bit in what we refer to as a door forward which I have an example. If you notice historically the bottom graphic is what we typically have been utilizing in the past. So with the different design this gives us more interior continuous space in the patient area. So it's definitely a better workable interior.

So we put out three bids, LifeLine, Road Rescue and Foster Coach, Horton. We received two bids back from Foster Coach and Road Rescue, Everest Emergency Vehicles out of St. Paul. The raw bids came back, Horton from Foster Coach at \$195,682. Their exceptions were more of comments and clarifications. For instance, they commented on discontinued items with their recommended replacements, things that we had specified in our proposal. Their recommendations through their history of experience they recommended similar products and just clarifications of we wanted a certain size cabinet, but we also wanted something interiorly. Just physically you couldn't have both. So we had to clarify which do we want. Do we want the [inaudible] exterior cabinet or do we want drawers inside.

Foster Coach also provided very detailed proposal drawings which it made it much visually clearer to understand what the product would likely look like. And they also had standard design elements that they have in their current vehicles.

The next bid from Road Rescue, Everest Emergency Vehicle, was \$195,000. They had notable exceptions. Essentially they indicated that most of the module would be a custom module. And also the patient module, the box essentially, would be dimensionally smaller than what we've specified. They did not include any proposal drawings which made it very difficult for us to visualize -- when they told us they were moving things around interiorly we couldn't visualize that very well. And ultimately they really didn't meet the spec or the proposal.

So what we're proposing is to go with Foster Coach Horton. Here's a breakdown on some of the larger elements. The original Foster Coach bid, the \$195,682 we spoke after seeing the proposal,

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and we've added an additional \$820 of items that we omitted from the original proposal. In addition to some of the larger loose equipment items we listed there a striker power cot and also the radio package for those dollar amounts that you see there for a proposed total of \$240,238. So our recommendation with the original budget of \$260,495 we propose to purchase this ambulance for \$240,238.

Michael Serpe:

Craig, who manufactured our previous rescue squad?

Craig Roepke:

The company MedTech, and Oshkosh Truck bought them which they immediately closed MedTech down. In addition to that we've had a great relationship with Foster Coach who we purchased the past three MedTechs from, and we continue to get parts from them today. They're very customer oriented. I can call them today and we'll have the part tomorrow.

John Steinbrink:

Craig, don't most municipalities do about the same stocking of a vehicle or equip them the same way?

Craig Roepke:

For the most part. In the past two to three years with the new medical director and some of the things that we're looking to change, for instance if you're looking at the packet, we were actually looking to include an IV warmer, a refrigerator. Those actually are a pretty big departure from the past. The reason for that, there are some medications that we will potentially carry in the next two to five years with keeping them cool will enhance their longevity. Or IV warmers for warming IV fluid or blankets. So the things that we've done with our medical director and our different interventions and procedures some of those new adjuncts will help us.

John Steinbrink:

So communities like ours could be doing more than other communities are doing?

Craig Roepke:

Right. Just as an example the power cot. We're probably one of the last services in the region to utilize the power cot. It's pretty much the defacto standard in the industry.

Dave Klimisch:

The price for the Foster Coach Horton was slightly different than what I have on my screen. That one, \$195,682.

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Craig Roepke:

And should be the additional of the \$820.

Dave Klimisch:

Okay, so here I've got \$196,502, just a touch more.

Craig Roepke:

I would have to look at the numbers. But the 240, 238 is what we would be looking at.

Dave Klimisch:

And there's a prepayment discount? We're paying all this up front to get the \$3,500 savings?

Craig Roepke:

Yes, in addition there's what they refer to as a WEMSA, the Wisconsin EMS Association discount as well.

Dave Klimisch:

I move approval.

Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. Any discussion?

Kris Keckler:

The literature related to the HOPS program, the Protection and Occupancy When n Motion, have we had any instances of any of our personnel getting injured?

Craig Roepke:

Fortunately no.

Kris Keckler:

Okay, thank you.

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John Steinbrink:

Other comments or questions?

**KLIMISCH MOVED TO PURCHASE AN AMBULANCE CHASSIS AND MODULE FROM FOSTER COACH/HORTON IN THE TOTAL AMOUNT OF \$240,238 AS OUTLINED; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**H. Consider the disallowance of a claim filed as a result of a sewer backup at 4500 83rd Street.**

Mike Pollocoff:

Mr. President, the Village received a claim for damages for a sanitary sewer backup at 4500 83rd Street. We referred this claim for damages to our insurance company who investigated it and determined that the Village's actions and maintenance of this didn't constitute negligence. I recommend the Village Board disallow the claim. The individual involved if they wish to pursue this further they have 120 days to file a notice of claim for action to proceed farther, but this would be the first step in that process.

Michael Serpe:

Do we know what caused the backup?

Mike Pollocoff:

No. I think there was a question as to whether or not it was a private lateral and a public lateral. I think nine times out of ten that's what it is.

Michael Serpe:

I move to concur with the recommendation to disallow?

Kris Keckler:

Second.

John Steinbrink:

Motion by Mike, second by Kris. Any further discussion?

**SERPE MOVED TO CONCUR WITH THE RECOMMENDATION OF THE VILLAGE ADMINISTRATOR TO DISALLOW A CLAIM FILED AS A RESULT OF A SEWER BACKUP AT 4500 83RD STREET; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

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**I. Consider the 2015-2016 Towing License renewal applications.**

Jane Romanowski:

By ordinance a towing license is required to perform towing services for or at the request of the Village or the PD. The Police Department keeps a list of the licenses, and they are called on a rotation basis. If the driver indicates a difference preference of a towing company then they would go off the list and they can deviate from it. So the licensees are required to be available 24 hours a day and respond within 15 minutes. And the ordinance has a few other regulations. It also sets forth a standard fee schedule for towing services and the claiming of vehicles that makes sure that all licensees charge the same and follow the same rules.

So we have the renewal applications. These companies have had licenses in the Village for quite some time. We have Atlas Service Center, Firehouse Performance, J & M Towing, Jantz Towing, Jensen & Jensen and Pro Towing. And all applications comply with section 332 of the municipal code. And Chief Smetana has also given his approval of the renewal of these licenses. And I would recommend that they be renewed effective July 1st through June 30th of next year subject to the conditions outlined in the ordinance.

Michael Serpe:

I have a question. Is J & M and Pro Towing one and the same company?

Jane Romanowski:

No, they signed a financial interest disclaimer indicating that they are not.

Michael Serpe:

I mean their addresses are almost identical, and that would put them on the list twice compared to somebody else being on it. If you're satisfied with it I'm satisfied.

Jane Romanowski:

Unless they're just locations to store vehicles are close. Maybe that's the address they use. She took over Glasman Towing. Remember Glasman was towing for a lot of years.

John Steinbrink:

Out in Bristol.

Jane Romanowski:

They did sign the information that they were not financially included with another company.

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Mike Pollocoff:

We can take another look at it.

Jane Romanowski:

We'll take another look definitely. Before I issue them I will.

Kris Keckler:

Move approval of the towing license --

Steve Kumorkiewicz:

Second.

Kris Keckler:

Based off recommendations and verification of separate entities.

John Steinbrink:

Motion by Kris, second by Steve. Any other discussion?

**KECKLER MOVED TO APPROVE THE 2015-2016 TOWING LICENSES FOR ATLAS SERVICE CENTER, FIREHOUSE PERFORMANCE, J & M TOWING, JANTZ TOWING, JENSEN & JENSEN AND PRO TOWING AND TO ALSO CHECK THAT J & M AND PRO TOWING ARE NOT WORKING TOGETHER UNDER TWO SEPARATE LICENSES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**J. Consider a Letter of Credit Reduction for the Ashbury Creek Subdivision.**

Mike Pollocoff:

Mr. President, we've been presented with a letter of reduction in the amount of \$4,573 from the development agreement for Ashbury Creek. I believe this last amount is for the remaining street trees to be installed in the subdivision. And I believe that completes the letter of credit. I'd recommend that the Village President and Clerk execute the document so we can provide this to the developer and close that account out.

Steve Kumorkiewicz:

So moved.

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Kris Keckler:

Second.

John Steinbrink:

Motion by Steve, second by Kris. Any discussion?

**KUMORKIEWICZ MOVED TO APPROVE A LETTER OF CREDIT REDUCTION IN THE AMOUNT OF \$4,573 FOR THE ASHBURY CREEK DEVELOPMENT; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

**9. VILLAGE BOARD COMMENTS – None.**

**10. ADJOURNMENT**

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KECKLER; MOTION CARRIED AND MEETING ADJOURNED AT 7:30 P.M.**



# MEMORANDUM

**Date:** June 23, 2015

**To:** Village Board of Trustees

**From:** Jane M. Romanowski  
Village Clerk

**Re:** Kwik Trip 230 – 10451 72<sup>nd</sup> Avenue  
Class “A” Fermented Malt Beverage License Application

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Joshua Specht, Agent for Kwik Trip, Inc. has applied for a Class "A" Fermented Malt Beverage License for the Kwik Trip store currently under construction at 10451 72<sup>nd</sup> Avenue. A Class "A" License allows for the sale of fermented malt beverages (beer and certain wine coolers that are not wine-based) to consumers in original packages or containers for off-premises consumption only from 8 a.m. - 12:00 midnight.

Attached is a list of the Kwik Trip stores in Wisconsin as well as the company's Alcohol Sales Policy. The store is scheduled to be completed by July 31<sup>st</sup> with business operations to begin on August 6, 2015.

Mr. Specht has met the agent requirements including the approval of Chief Smetana. I recommend a Class "A" Fermented Malt Beverage License be issued to Joshua Specht, agent for Kwik Trip, Inc. subject to the following conditions:

1. Payment of license fees and publications costs.
2. Certificate of Occupancy issued by the Fire & Rescue, Inspection and Community Development Departments.

The license, if granted, will be issued when all conditions have been met and will expire June 30, 2016.

\* \* \* \* \*

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

Store Name	#	Address	City	State	Zip	Municipality	County	Date Opened	Beer Lic	Liq Lic
KWIK TRIP	774	237 N Main St	Adams	WI	53910-9400	City of Adams	Adams	12/29/85	X	X
KWIK TRIP	802	603 N Main St	Alma	WI	54610-7734	City of Alma	Buffalo	7/29/98	X	
KWIK TRIP	828	2367 Spooner Ave	Altoona	WI	54720-1443	City of Altoona	Eau Claire	7/1/90	X	X
KWIK TRIP	451	455 State Hwy 64	Antigo	WI	54409-8797	City of Antigo	Langlade	11/30/07	X	
KWIK TRIP	200	2120 E Edgewood Dr	Appleton	WI	54913-9784	City of Appleton	Outagamie	2/20/14	X	
KWIK TRIP	205	710 W Evergreen Dr.	Appleton	WI	54913	Town of Grand Chute	Outagamie	8/14/14	X	X
KWIK TRIP	228	120 N Mall Dr	Appleton	WI	54913-9108	Town of Grand Chute	Outagamie	5/8/14	X	X
KWIK TRIP	359	650 W. Northland Ave	Appleton	WI	54911-1930	Town of Grand Chute	Outagamie	10/30/00	X	X
KWIK TRIP	412	3825 W Wisconsin Ave	Appleton	WI	54914-5739	Town of Grand Chute	Outagamie	11/4/99	X	
KWIK TRIP	452	3721 W. College Ave	Appleton	WI	54914-3913	Town of Grand Chute	Outagamie	12/21/05	X	X
TOBACCO OUTLET PLUS	556	1342 W Prospect Ave	Appleton	WI	54914	City of Appleton	Outagamie	8/11/11	X	
KWIK TRIP	639	2175 S Memorial Dr	Appleton	WI	54915-1435	City of Appleton	Winnebago	3/27/90	X	
KWIK TRIP	678	3232 S Oneida St	Appleton	WI	54915-7030	City of Appleton	Calumet	2/23/94	X	
KWIK TRIP	685	4085 E Calumet St	Appleton	WI	54915	City of Appleton	Calumet	9/10/96	X	
KWIK TRIP	887	4735 Converters Dr	Appleton	WI	54913-7944	Town of Grand Chute	Outagamie	7/8/11	X	X
KWIK TRIP	413	1625 E. Main St	Arcadia	WI	54612-7212	City of Arcadia	Trempealeau	6/9/99	X	X
KWIK TRIP	430	871 Hanson Rd	Ashwaubenon	WI	54304	Village of Ashwaubenon	Brown	11/17/11	X	
KWIK TRIP	696	940 Baldwin Plaza Dr	Baldwin	WI	54002-5163	Village of Baldwin	St. Croix	7/14/99	X	
KWIK TRIP	747	1010 Main St Box 102	Baldwin	WI	54002-9259	Village of Baldwin	St. Croix	9/29/88	X	
KWIK TRIP	657	604 - 8th St	Baraboo	WI	53913-1715	City of Baraboo	Sauk	12/2/92	X	
KWIK TRIP	834	602 W Pine St	Baraboo	WI	53913-1039	Village of West Baraboo	Sauk	8/15/85	X	
KWIK TRIP	748	211 E Division St	Barron	WI	54812-1138	City of Barron	Barron	10/27/88	X	X
KWIK TRIP	346	W9153 Cty Hwy G	Beaver Dam	WI	53916-9695	Town of Beaver Dam	Dodge	9/5/91	X	
KWIK TRIP	400	2006 N. Spring St.	Beaver Dam	WI	53916-9674	City of Beaver Dam	Dodge	8/14/07	X	

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	785	1504 N Center St	Beaver Dam	WI	53916-1026	City of Beaver Dam	Dodge	6/29/85	X	
KWIK TRIP	777	247 Broadway St	Berlin	WI	54923-1739	City of Berlin	Green Lake	12/18/84	X	X
KWIK TRIP	239	W235S7125 Big Bend Dr	Big Bend	WI	53103	Village of Big Bend	Waukesha	10/16/14	X	X
KWIK TRIP	648	751 Hwy 54 E	Black River Falls	WI	54615-5458	City of Black River Falls	Jackson	8/29/91	X	
KWIK TRIP	328	511 W 4th St	Blair	WI	54616-9460	City of Blair	Trempealeau	10/3/88	X	X
KWIK TRIP	427	1625 Woodard Rd	Bloomer	WI	54724-9022	City of Bloomer	Chippewa	6/24/99	X	X
KWIK TRIP	621	102 Express Way	Bonduel	WI	54107-9298	Village of Bonduel	Shawano	5/11/90	X	X
KWIK TRIP	231	305 W Prairie St	Boscobel	WI	53805-1241	City of Boscobel	Grant	8/21/14	X	
KWIK TRIP	807	108 W Ryan St	Brillion	WI	54110-1032	City of Brillion	Calumet	1/5/88	X	
KWIK TRIP	401	500 Falcon Ridge Dr	Burlington	WI	53105	City of Burlington	Racine	10/8/02	X	X
KWIK TRIP	462	1164 S Pine St	Burlington	WI	53105	City of Burlington	Racine	8/30/12	X	X
KWIK TRIP	602	324 - 2nd St, (mail-PO Box 328)	Chetek	WI	54728	City of Chetek	Barron	11/17/88	X	
KWIK TRIP	630	45 Chestnut St	Chilton	WI	53014	City of Chilton	Calumet	7/26/90	X	
KWIK TRIP	352	2997 Commercial Blvd.	Chippewa Falls	WI	54729	Village of Lake Hallie	Chippewa	11/17/05	X	X
KWIK TRIP	381	1010 Woodward Ave	Chippewa Falls	WI	54729-3628	City of Chippewa Falls	Chippewa	10/20/97	X	
TOBACCO OUTLET PLUS	525	2209 S. Prairie View Rd.	Chippewa Falls	WI	54729	Village of Lake Hallie	Chippewa	1/29/98	X	X
KWIK TRIP	660	503 E Grand Ave	Chippewa Falls	WI	54729-2725	City of Chippewa Falls	Chippewa	7/9/92	X	
KWIK TRIP	884	12 W Madison St	Clintonville	WI	54929	City of Clintonville	Waupaca	7/26/12	X	
KWIK TRIP	808	204 Dix St	Columbus	WI	53925-1011	City of Columbus	Columbia	6/29/84	X	X
KWIK TRIP	846	308 Central Ave	Coon Valley	WI	54623-8033	Village of Coon Valley	Vernon	11/5/79	X	X
KWIK TRIP	650	1601 Landmark Dr.	Cottage Grove	WI	53527-8965	Village of Cottage Grove	Dane	12/4/08	X	X
KWIK TRIP	833	2508 Main St	Cross Plains	WI	53528-9691	Village of Cross Plains	Dane	10/14/82	X	
KWIK TRIP	339	212 S. Main St	Cuba City	WI	53807-1544	City of Cuba City	Grant	12/16/96	X	X
KWIK TRIP	416	2618 Monroe Rd.	De Pere	WI	54115-9217	Village of Bellevue	Brown	11/18/05	X	
KWIK TRIP	340	1122 N Bequette St	Dodgeville	WI	53533-1116	City of Dodgeville	Iowa	12/17/02	X	X
KWIK TRIP	765	115 S Iowa St	Dodgeville	WI	53533-1549	City of Dodgeville	Iowa	1/9/84	X	

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	201	3530 Mall Dr	Eau Claire	WI	54701-7657	Town of Washington	Eau Claire	12/4/14	X	X
KWIK TRIP	210	1506 Black Ave.	Eau Claire	WI	54703-1309	City of Eau Claire	Eau Claire	8/7/14	X	X
KWIK TRIP	389	108 W. Madison St	Eau Claire	WI	54703-5233	City of Eau Claire	Eau Claire	7/15/98	X	X
KWIK TRIP	390	2327 N. Clairemont Ave	Eau Claire	WI	54703-2479	City of Eau Claire	Eau Claire	7/23/98	X	
KWIK TRIP	398	2135 Brackett Ave	Eau Claire	WI	54701-4632	City of Eau Claire	Eau Claire	12/7/00	X	
KWIK TRIP	459	2232 Otter Rd	Eau Claire	WI	54701-5094	City of Eau Claire	Eau Claire	6/26/08	X	
KWIK TRIP	472	1130 W MacArthur Ave	Eau Claire	WI	54701-6213	City of Eau Claire	Eau Claire	7/3/08	X	X
KWIK TRIP	633	2715 Golf Rd	Eau Claire	WI	54701-9007	City of Eau Claire	Eau Claire	8/23/90	X	
KWIK TRIP	813	3360 Birch St.	Eau Claire	WI	54703	City of Eau Claire	Eau Claire	8/14/84	X	
KWIK TRIP	675	505 N Main St	Edgerton	WI	53534-1635	City of Edgerton	Rock / Dane	1/14/94	X	
KWIK TRIP	320	1003 Academy St	Elroy	WI	53929-1001	City of Elroy	Juneau	10/3/88	X	
KWIK TRIP	755	745 Lincoln Ave	Fennimore	WI	53809-1537	City of Fennimore	Grant	10/23/89	X	X
KWIK TRIP	235	158 N Main St	Fond du Lac	WI	54935-3424	City of Fond du Lac	Fond du Lac	9/5/14	X	X
KWIK TRIP	242	980 S Hickory St	Fond du Lac	WI	54935	City of Fond du Lac	Fond du Lac	10/9/14	X	X
KWIK TRIP	486	1061 E Johnson St	Fond du Lac	WI	54935-8919	City of Fond du Lac	Fond du Lac	8/9/12	X	
KWIK TRIP	606	471 N Park Ave	Fond du Lac	WI	54935-2478	City of Fond du Lac	Fond du Lac	6/9/89	X	
KWIK TRIP	613	456 S Main St	Fond Du Lac	WI	54935-4929	City of Fond du Lac	Fond du Lac	6/28/89	X	X
KWIK TRIP	652	1123 W Johnson St	Fond du Lac	WI	54937-2204	City of Fond du Lac	Fond du Lac	5/14/92	X	
KWIK TRIP	439	1565 Madison Ave	Fort Atkinson	WI	53538-3107	City of Fort Atkinson	Jefferson	12/19/03	X	
KWIK TRIP	835	41 S Shore Dr	Fountain City	WI	54629-8715	City of Fountain City	Buffalo	8/29/90	X	
KWIK TRIP	367	701 W State St	Fox Lake	WI	53933-8033	City of Fox Lake	Dodge	10/3/88	X	X
KWIK TRIP	287	5040 W Rawson Ave	Franklin	WI	53132-9448	City of Franklin	Milwaukee	4/2/15	X	X
KWIK TRIP	857	10750 W Speedway Dr	Franklin	WI	53132	City of Franklin	Milwaukee	9/26/13	X	X
KWIK TRIP	631	W188N10963 Maple Rd	Germantown	WI	53022-3844	Village of Germantown	Washington	7/2/09	X	X
KWIK TRIP	292	840 S Huron Rd	Green Bay	WI	54311-8030	City of Green Bay	Brown	1/15/15	X	X
KWIK TRIP	365	2498 Lineville Rd	Green Bay	WI	54313-7150	Village of Suamico	Brown	10/21/05	X	X

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	420	1712 E Mason St	Green Bay	WI	54302-3242	City of Green Bay	Brown	11/15/07	X	
TOBACCO OUTLET PLUS	543	1215 E Mason St	Green Bay	WI	54301-3429	City of Green Bay	Brown	10/14/98	X	
KWIK TRIP	700	1871 Shawano Ave.	Green Bay	WI	54303-2633	City of Green Bay	Brown	7/10/03	X	
KWIK TRIP	725	399 Cardinal Ln	Green Bay	WI	54313	Village of Howard	Brown	10/15/09	X	
KWIK TRIP	827	935 Lombardi Ave	Green Bay	WI	54304	City of Green Bay	Brown	8/26/10	X	
KWIK TRIP	315	206 S. Main St	Greenwood	WI	54437-9733	City of Greenwood	Clark	10/3/88	X	
KWIK TRIP	327	15831 US Hwy 63	Hayward	WI	54843	City of Hayward	Sawyer	6/28/01	X	
KWIK TRIP	841	229 Mill St	Hillsboro	WI	54634-4291	City of Hillsboro	Vernon	6/26/85	X	X
KWIK TRIP	311	1550 S Holmen Dr	Holmen	WI	54636	Village of Holmen	La Crosse	10/3/88	X	X
KWIK TRIP	332	305 Barstow St	Horicon	WI	53032-1352	City of Horicon	Dodge	10/3/88	X	
KWIK TRIP	782	716 E Lake St	Horicon	WI	53032-1212	City of Horicon	Dodge	5/25/85	X	
KWIK TRIP	740	261 East Main St	Hortonville	WI	54944-9452	Village of Hortonville	Outagamie	5/22/89	X	X
KWIK TRIP	326	3123 S Hwy 51	Janesville	WI	53545-8907	City of Janesville	Rock	10/3/88	X	X
KWIK TRIP	872	102 Collins Rd	Jefferson	WI	53549	City of Jefferson	Jefferson	8/22/13	X	
KWIK TRIP	487	465 Village Walk Ln.	Johnson Creek	WI	53038-9526	Village of Johnson Creek	Jefferson	12/17/07	X	X
KWIK TRIP	324	210 S Main St	Juneau	WI	53039-1051	City of Juneau	Dodge	10/3/88	X	
KWIK TRIP	209	1101 Gertrude St	Kaukauna	WI	54130-1435	City of Kaukauna	Outagamie	1/28/15	X	
KWIK TRIP	270	322 Lawe St	Kaukauna	WI	54130-2114	City of Kaukauna	Outagamie	12/26/14	X	
KWIK TRIP	371	6300 - 52nd St	Kenosha	WI	53144-3702	City of Kenosha	Kenosha	10/3/88	X	
TOBACCO OUTLET PLUS	528	2111 - 22nd Ave	Kenosha	WI	53140-1706	City of Kenosha	Kenosha	10/14/97	X	X
KWIK TRIP	634	213 Fremont St	Kiel	WI	53042-1426	City of Kiel	Manitowoc	1/23/91	X	
KWIK TRIP	405	701 Schelfhout Ln	Kimberly	WI	54136	Village of Kimberly	Outagamie	8/28/03	X	X
KWIK TRIP	391	1333 Rose St	La Crosse	WI	54603-2461	City of La Crosse	La Crosse	4/23/98	X	X
TOBACCO OUTLET PLUS	532	3525 Hwy 157	La Crosse	WI	54601	City of La Crosse	La Crosse	12/12/97	X	X
KWIK TRIP	624	530 West Ave. N	La Crosse	WI	54601-3576	City of La Crosse	La Crosse	10/16/89	X	X
KWIK TRIP	727	105 Clinton St	La Crosse	WI	54603-1557	Town of Campbell	La Crosse	9/19/86	X	X
KWIK TRIP	750	4828 Mormon Coulee Rd	La Crosse	WI	54601-8228	City of La Crosse	La Crosse	11/18/99	X	X
KWIK TRIP	761	506 Cass St	La Crosse	WI	54601-4507	City of La Crosse	La Crosse	5/19/83	X	X
KWIK TRIP	762	1133 W George St	La Crosse	WI	54603-1629	City of La Crosse	La Crosse	6/30/83	X	X

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	771	71 Copeland Ave	La Crosse	WI	54603-3403	City of La Crosse	La Crosse	10/9/84	X	X
KWIK TRIP	773	2506 South Ave	La Crosse	WI	54601-6324	City of La Crosse	La Crosse	9/25/84	X	X
KWIK TRIP	816	3130 State Road	La Crosse	WI	54601	City of La Crosse	La Crosse	12/15/83	X	X
KWIK TRIP	819	921 Losey Blvd. S	La Crosse	WI	54601-6059	City of La Crosse	La Crosse	10/29/86	X	X
KWIK TRIP	826	4605 Mormon Coulee Rd	La Crosse	WI	54601-8225	City of La Crosse	La Crosse	5/20/85	X	X
KWIK TRIP	829	507 Lang Dr	La Crosse	WI	54603-2946	City of La Crosse	La Crosse	8/15/85	X	X
KWIK TRIP	455	100 W 9th St N	Ladysmith	WI	53848-1243	City of Ladysmith	Rusk	8/25/06	X	
KWIK TRIP	219	710 Williams St	Lake Geneva	WI	53147	City of Lake Geneva	Walworth	9/5/14	X	X
KWIK TRIP	306	105 W Tyranena Pk Rd	Lake Mills	WI	53551	City of Lake Mills	Jefferson	7/27/95	X	
KWIK TRIP	645	141 N Madison St	Lancaster	WI	53813-1348	City of Lancaster	Grant	12/5/91	X	
KWIK TRIP	628	5600 Cty Rd II	Larsen	WI	54947-9672	Town of Winchester	Winnebago	8/8/90	X	X
KWIK TRIP	635	215 N Main St	Lodi	WI	53555-1227	City of Lodi	Columbia	9/19/90	X	
KWIK TRIP	374	100 S Main St	Loyal	WI	54446-9464	City of Loyal	Clark	10/3/88	X	X
KWIK TRIP	268	1421 Monroe St.	Madison	WI	53711	City of Madison	Dane	9/8/14	X	X
TOBACCO OUTLET PLUS	514	1113 N Sherman Ave #A	Madison	WI	53704-4292	City of Madison	Dane	1/14/00	X	
TOBACCO OUTLET PLUS	529	3868 E Washington Ave	Madison	WI	53704-3600	City of Madison	Dane	12/8/97	X	
KWIK TRIP	491	2103 S 42nd St	Manitowoc	WI	54220	City of Manitowoc	Manitowoc	11/13/08	X	
KWIK TRIP	611	2102 Washington St	Manitowoc	WI	54220-4940	City of Manitowoc	Manitowoc	7/27/89	X	
KWIK TRIP	627	910 Hamilton St	Manitowoc	WI	54220-5226	City of Manitowoc	Manitowoc	7/19/90	X	
KWIK TRIP	636	2819 Meadow Ln	Manitowoc	WI	54220-3738	City of Manitowoc	Manitowoc	4/3/90	X	
KWIK TRIP	637	401 N 8th St	Manitowoc	WI	54220-4009	City of Manitowoc	Manitowoc	11/20/95	X	
KWIK TRIP	656	2315 Menasha Ave	Manitowoc	WI	54220-1748	City of Manitowoc	Manitowoc	5/28/92	X	
KWIK TRIP	721	504 Plaza Dr	Marshall	WI	53559-9704	Village of Marshall	Dane	6/30/86	X	
TOBACCO OUTLET PLUS	541	121 W Upham St	Marshfield	WI	54449-4974	City of Marshfield	Wood	5/1/98	X	X
KWIK TRIP	719	101 N Central Ave	Marshfield	WI	54449-2108	City of Marshfield	Wood	6/12/86	X	
KWIK TRIP	776	22 N Union St	Mauston	WI	53948-1747	City of Mauston	Juneau	9/4/87	X	
KWIK TRIP	336	121 N Main St	Mayville	WI	53050-1639	City of Mayville	Dodge	10/3/88	X	
KWIK TRIP	488	205 S Clark St	Mayville	WI	53050-1417	City of Mayville	Dodge	1/8/08	X	
KWIK TRIP	766	4701 Farwell St	McFarland	WI	53558-9412	Village of McFarland	Dane	11/22/83	X	
KWIK TRIP	351	177 S 8th St	Medford	WI	54451-1519	City of Medford	Taylor	10/3/88	X	X

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	743	1870 USH 10 / 114	Menasha	WI	54952	City of Menasha	Calumet	2/21/95	X	X
KWIK TRIP	498	1213 S Broadway St.	Menomonie	WI	54751-2464	City of Menomonie	Dunn	11/26/08	X	
KWIK TRIP	674	6107 3M Dr	Menomonie	WI	54751-4909	City of Menomonie	Dunn	11/15/93	X	
KWIK TRIP	325	10360 N Cedarburg Rd	Mequon	WI	53092-4508	City of Mequon	Ozaukee	10/3/88	X	X
KWIK TRIP	241	300 S Pine Ridge Ave	Merrill	WI	54452-8806	City of Merrill	Lincoln	12/18/14	X	X
KWIK TRIP	386	2311 E Main St	Merrill	WI	54452-2735	City of Merrill	Lincoln	10/3/88	X	X
TOBACCO OUTLET PLUS	550	6621 University Ave	Middleton	WI	53562-3021	City of Middleton	Dane	5/15/98	X	
KWIK TRIP	768	537 Ridge St	Mineral Point	WI	53565-1424	City of Mineral Point	Iowa	4/28/84	X	
TOBACCO OUTLET PLUS	531	6300 Monona Dr Suite 2	Monona	WI	53717-39770	City of Monona	Dane	9/17/97	X	X
KWIK TRIP	661	1019 - 9th St	Monroe	WI	53566-1416	City of Monroe	Green	11/2/92	X	
KWIK TRIP	626	99 E Montello St Box 444	Montello	WI	53949	City of Montello	Marquette	5/24/90	X	
KWIK TRIP	440	500 Cherry St.	Mosinee	WI	54455-1845	City of Mosinee	Marathon	8/3/06	X	X
KWIK TRIP	794	525 Springdale St	Mt. Horeb	WI	53572-1749	Village of Mt. Horeb	Dane	12/22/86	X	
KWIK TRIP	664	S79W18884 Janesville Rd	Muskego	WI	53150-9389	City of Muskego	Waukesha	8/3/95	X	X
KWIK TRIP	399	100 - 3rd Ave	Necedah	WI	54646-8256	Village of Necedah	Juneau	12/17/99	X	
TOBACCO OUTLET PLUS	526	501 S Commercial St	Neenah	WI	54956-3310	City of Neenah	Winnebago	2/28/98	X	
KWIK TRIP	883	1400 W American Dr	Neenah	WI	54956-1403	Town of Menasha	Winnebago	3/7/13	X	X
KWIK TRIP	313	110 E Division St	Neillsville	WI	54456-1337	City of Neillsville	Clark	10/3/88	X	
KWIK TRIP	499	15700 W Small Rd	New Berlin	WI	53151	City of New Berlin	Waukesha	1/21/10	X	
TOBACCO OUTLET PLUS	534	3620 S. Moorland Rd	New Berlin	WI	53151-5147	City of New Berlin	Waukesha	9/23/97	X	X
KWIK TRIP	644	1517 Wisconsin Ave	New Holstein	WI	53061-1436	City of New Holstein	Calumet	1/18/91	X	
KWIK TRIP	836	108 W Bridge St	New Lisbon	WI	53950-1221	City of New Lisbon	Juneau	9/15/87	X	
KWIK TRIP	791	984 N Shawano St	New London	WI	54961-1174	City of New London	Waupaca	9/3/85	X	
KWIK TRIP	792	1500 Mill St	New London	WI	54961-2178	City of New London	Outagamie	8/28/85	X	
KWIK TRIP	337	124 Paperjack Dr. PO Box 28	New Richmond	WI	54017-2427	City of New Richmond	St. Croix	5/23/96	X	X
KWIK TRIP	422	9535 S 13th St.	Oak Creek	WI	53154	City of Oak Creek	Milwaukee	8/12/10	X	X
KWIK TRIP	360	N56 W39345 Wisc Ave	Oconomowoc	WI	53066	Town of Oconomowoc	Waukesha	10/3/88	X	
KWIK TRIP	417	1220 Brown St	Oconomowoc	WI	53066-2491	City of Oconomowoc	Waukesha	8/28/07	X	

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	446	1292 Oconomowoc Pkwy	Oconomowoc	WI	53066	City of Oconomowoc	Waukesha	11/26/03	X	
KWIK TRIP	858	1301 Oconomowoc Pkwy	Oconomowoc	WI	53066-4601	City of Oconomowoc	Waukesha	7/24/14	X	
KWIK TRIP	233	102 Main St	Oconto	WI	54153	City of Oconto	Oconto	10/23/14	X	X
KWIK TRIP	784	244 E Main St	Omro	WI	54963-1418	City of Omro	Winnebago	8/7/85	X	
KWIK TRIP	350	9421 State Rd Hwy 16	Onalaska	WI	54650	City of Onalaska	La Crosse	9/9/97	X	X
KWIK TRIP	377	1802 E Main St	Onalaska	WI	54650-8756	City of Onalaska	La Crosse	10/3/88	X	X
KWIK TRIP	383	408 Sand Lake Coulee Rd	Onalaska	WI	54650-2704	City of Onalaska	La Crosse	8/11/97	X	X
KWIK TRIP	494	W6782 Abbey Rd	Onalaska	WI	54650-9202	Town of Onalaska	La Crosse	4/10/08	X	X
KWIK TRIP	643	1276 Crossing Meadows Dr.	Onalaska	WI	54650-8558	City of Onalaska	La Crosse	1/5/91	X	X
KWIK TRIP	767	229 Oak Forest Dr	Onalaska	WI	54650-9407	City of Onalaska	La Crosse	2/28/85	X	X
KWIK TRIP	822	950 - 2nd Ave N	Onalaska	WI	54650-2209	City of Onalaska	La Crosse	3/12/87	X	X
KWIK TRIP	302	856 N Main St	Oregon	WI	53575-1025	Village of Oregon	Dane	10/3/88	X	
KWIK TRIP	372	916 Janesville St	Oregon	WI	53575-2837	Village of Oregon	Dane	9/24/97	X	
KWIK TRIP	731	135 N Main St	Oregon	WI	53575-1430	Village of Oregon	Dane	4/1/88	X	
KWIK TRIP	457	2400 S. Washburn St.	Oshkosh	WI	54904-8957	City of Oshkosh	Winnebago	9/20/07	X	X
KWIK TRIP	741	215 W 20th Ave	Oshkosh	WI	54902-7003	City of Oshkosh	Winnebago	10/15/87	X	X
KWIK TRIP	742	2115 Jackson St	Oshkosh	WI	54901-1808	City of Oshkosh	Winnebago	7/29/88	X	X
KWIK TRIP	862	1090 N Washburn St	Oshkosh	WI	54904	City of Oshkosh	Winnebago	1/23/14	X	
KWIK TRIP	871	5821 Green Valley Rd	Oshkosh	WI	54904-9718	Town of Vinland	Winnebago	1/24/13	X	X
KWIK TRIP	881	1725 W 9th Ave	Oshkosh	WI	54902	City of Oshkosh	Winnebago	9/7/12	X	
KWIK TRIP	882	2500 Witzel Ave	Oshkosh	WI	54904-7924	City of Oshkosh	Winnebago	3/22/12	X	X
KWIK TRIP	756	13907 - 10th St	Osseo	WI	54758-7563	City of Osseo	Trempealeau	2/23/83	X	
KWIK TRIP	314	108 N Main Box 706	Pardeeville	WI	53954-8004	Village of Pardeeville	Columbia	10/3/88	X	X
KWIK TRIP	865	130 Dynex Dr.	Pewaukee	WI	53072	Village of Pewaukee	Waukesha	12/26/14	X	
KWIK TRIP	795	430 S Water St	Platteville	WI	53818-3605	City of Platteville	Grant	2/19/86	X	X
KWIK TRIP	202	5339 Harding Ave	Plover	WI	54467-9622	Town of Plover	Portage	12/5/13	X	X
KWIK TRIP	338	1900 Post Rd	Plover	WI	54467-2857	Village of Plover	Portage	10/3/88	X	X
KWIK TRIP	470	2480 Eastern Ave	Plymouth	WI	53073-4239	City of Plymouth	Sheboygan	7/24/07	X	
KWIK TRIP	653	1223 E Wisconsin St	Portage	WI	53901	City of Portage	Columbia	7/16/91	X	



Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	683	2970 New Pinery Rd	Portage	WI	53901-9225	City of Portage	Columbia	6/15/94	X	
KWIK TRIP	307	1000 S Marquette Rd	Prairie du Chien	WI	53821-2413	City of Prairie du Chien	Crawford	10/3/88	X	
KWIK TRIP	842	211 S Marquette Rd	Prairie Du Chien	WI	53821-1835	City of Prairie du Chien	Crawford	6/6/95	X	
KWIK TRIP	786	303 Fulton St, Box 13	Princeton	WI	54968	City of Princeton	Green Lake	12/3/85	X	
KWIK TRIP	781	549 W Bannerman Ave	Redgranite	WI	54970-9735	Village of Redgranite	Waushara	3/8/85	X	
KWIK TRIP	838	1825 E Main St	Reedsburg	WI	53959-1465	City of Reedsburg	Sauk	4/7/87	X	X
KWIK TRIP	839	101 S Albert Ave	Reedsburg	WI	53959-1527	City of Reedsburg	Sauk	8/23/90	X	
KWIK TRIP	860	235 S Eisenhower Pkwy	Rhineland	WI	54501	City of Rhineland	Oneida	8/28/14	X	X
KWIK TRIP	426	220 W Knapp St	Rice Lake	WI	54868-1607	City of Rice Lake	Barron	12/2/99	X	X
KWIK TRIP	363	2393 Hwy 14 E	Richland Center	WI	53581-2982	City of Richland Center	Richland	9/16/96	X	
KWIK TRIP	788	172 S Main St	Richland Center	WI	53581-2349	City of Richland Center	Richland	10/4/85	X	
KWIK TRIP	392	1123 W. Fond du Lac St	Ripon	WI	54971-9287	City of Ripon	Fond du Lac	1/14/99	X	
KWIK TRIP	770	545 E Fond du Lac	Ripon	WI	54971-1570	City of Ripon	Fond du Lac	10/1/94	X	
KWIK TRIP	301	1200 S. Main St	River Falls	WI	54022-3115	City of River Falls	Pierce	10/19/07	X	
KWIK TRIP	453	1238 N Main St.	River Falls	WI	54022	City of River Falls	St Croix	10/28/10	X	X
KWIK TRIP	763	110 Phillips Blvd	Sauk City	WI	53583-1521	Village of Sauk City	Sauk	6/1/83	X	X
KWIK TRIP	225	1020 S Mainline Dr	Seymour	WI	54165-1150	City of Seymour	Outagamie	10/30/14	X	X
KWIK TRIP	620	1241 E Green Bay St	Shawano	WI	54166	City of Shawano	Shawano	5/17/90	X	
KWIK TRIP	361	1618 Calumet Dr	Sheboygan	WI	53081-2551	City of Sheboygan	Sheboygan	10/3/88	X	
KWIK TRIP	679	4220 County Rd J	Sheboygan	WI	53083	Town of Sheboygan	Sheboygan	10/18/12	X	X
KWIK TRIP	780	2622 S. Business Dr	Sheboygan	WI	53081-6102	City of Sheboygan	Sheboygan	5/10/00	X	
KWIK TRIP	873	625 S Taylor Dr	Sheboygan	WI	53081	City of Sheboygan	Sheboygan	10/4/12	X	
KWIK TRIP	897	2033 North Ave	Sheboygan	WI	53083	City of Sheboygan	Sheboygan	10/7/10	X	
KWIK TRIP	450	1200 E Commerce Blvd	Slinger	WI	53086	Village of Slinger	Washington	7/24/08	X	X
KWIK TRIP	317	1751 E Wisconsin St	Sparta	WI	54656-5323	City of Sparta	Monroe	10/3/88	X	
KWIK TRIP	318	630 S Black River Dr	Sparta	WI	54656-2216	City of Sparta	Monroe	10/3/88	X	
KWIK TRIP	319	404 S Pacific St	Spencer	WI	54479-9246	Village of Spencer	Marathon	10/3/88	X	
KWIK TRIP	329	201 W Maple St	Spooner	WI	54801-1435	City of Spooner	Washburn	4/4/02	X	X

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	342	3533 Stanley St	Stevens Point	WI	54481	City of Stevens Point	Portage	10/3/88	X	X
TOBACCO OUTLET PLUS	505	2830 Church St	Stevens Point	WI	54481-5207	City of Stevens Point	Portage	6/6/97	X	X
KWIK TRIP	691	1600 Maria Dr	Stevens Point	WI	54481-1159	City of Stevens Point	Portage	7/13/94	X	X
KWIK TRIP	863	5311 Old Hwy. 18	Stevens Point	WI	54482	City of Stevens Point	Portage	10/17/13	X	X
KWIK TRIP	308	202 N Main St PO Box 268	Stoddard	WI	54658	Village of Stoddard	Vernon	11/3/88	X	X
KWIK TRIP	738	1231 E Main St	Stoughton	WI	53589	City of Stoughton	Dane	12/7/87	X	
KWIK TRIP	739	517 W Main St	Stoughton	WI	53589-2003	City of Stoughton	Dane	1/11/88	X	
KWIK TRIP	395	7155 Durand Ave	Sturtevant	WI	53177-1968	Village of Mount Pleasant	Racine	1/10/01	X	
KWIK TRIP	686	943 SE Frontage Rd	Sturtevant	WI	53177-1502	Village of Mount Pleasant	Racine	7/25/96	X	
KWIK TRIP	393	1252 W Main St	Sun Prairie	WI	53590-1930	City of Sun Prairie	Dane	9/12/02	X	
KWIK TRIP	496	2599 Ironwood Dr	Sun Prairie	WI	53590	City of Sun Prairie	Dane	10/10/08	X	
KWIK TRIP	203	1419 Banks Ave	Superior	WI	54880-1418	City of Superior	Douglas	10/23/14	X	
KWIK TRIP	222	3027 E 2nd St	Superior	WI	54880	City of Superior	Douglas	9/25/14	X	
KWIK TRIP	864	2807 Tower Ave	Superior	WI	54880-5320	City of Superior	Douglas	8/28/14	X	
KWIK TRIP	484	124 W McCoy Blvd	Tomah	WI	54660-3236	City of Tomah	Monroe	11/16/07	X	X
KWIK TRIP	718	1504 Superior Ave	Tomah	WI	54660-2648	City of Tomah	Monroe	7/10/86	X	
KWIK TRIP	796	310 E. McCoy Blvd(store)	Tomah	WI	54660-3227	City of Tomah	Monroe	9/11/85	X	X
KWIK TRIP	638	2107 Washington St	Two Rivers	WI	54241-2647	City of Two Rivers	Manitowoc	9/20/90	X	X
KWIK TRIP	847	321 Bridge St Box 79	Union Center	WI	53962	Village of Union Center	Juneau	1/4/83	X	X
KWIK TRIP	323	7583 Mineral Point Rd	Verona	WI	53593-9671	Town of Middleton	Dane	10/3/88	X	X
KWIK TRIP	456	2145 County Road PB	Verona	WI	53593-9225	City of Verona	Dane	9/6/07	X	X
KWIK TRIP	837	400 E Verona Ave	Verona	WI	53593-1227	City of Verona	Dane	2/24/87	X	
KWIK TRIP	757	1301 N Main St	Viroqua	WI	54665-1452	City of Viroqua	Vernon	10/14/83	X	
KWIK TRIP	758	603 S Main St	Viroqua	WI	54665-2062	City of Viroqua	Vernon	6/13/85	X	
KWIK TRIP	358	230 W Summit Ave	Wales	WI	53183-9422	Village of Wales	Waukesha	10/3/88	X	X
KWIK TRIP	687	415 N Wales Rd	Wales	WI	53183-9728	Village of Wales	Waukesha	7/29/97	X	X
KWIK TRIP	366	115 Portland Rd	Waterloo	WI	53594-1294	City of Waterloo	Jefferson	10/3/88	X	

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	354	1731 S Church St	Watertown	WI	53094-7403	City of Watertown	Jefferson	1/7/96	X	
KWIK TRIP	658	900 W Main St	Watertown	WI	53098-2434	City of Watertown	Jefferson	1/12/93	X	
KWIK TRIP	373	1809 W St Paul Ave	Waukesha	WI	53188-5711	City of Waukesha	Waukesha	10/3/88	X	
KWIK TRIP	425	2530 N. Grandview Blvd	Waukesha	WI	53188-1607	City of Waukesha	Waukesha	11/26/03	X	
KWIK TRIP	436	924 Fleetfoot Dr	Waukesha	WI	53186	City of Waukesha	Waukesha	8/27/09	X	
TOBACCO OUTLET PLUS	527	1411 Summit Ave	Waukesha	WI	53188-3223	City of Waukesha	Waukesha	6/5/98	X	X
TOBACCO OUTLET PLUS	563	433 W. Sunset Dr	Waukesha	WI	53189-7467	City of Waukesha	Waukesha	7/1/01	X	X
KWIK TRIP	832	208 E Main St	Waunakee	WI	53597-1126	Village of Waunakee	Dane	5/29/84	X	X
KWIK TRIP	625	226 W Fulton St	Waupaca	WI	54981-1515	City of Waupaca	Waupaca	6/28/90	X	X
KWIK TRIP	888	106 County Road QQ	Waupaca	WI	54981	City of Waupaca	Waupaca	10/20/11	X	
KWIK TRIP	651	800 W Main St	Waupun	WI	53963-1231	City of Waupun	Fond du Lac	11/24/97	X	
KWIK TRIP	204	4701 Rib Mountain Dr	Wausau	WI	54401	Town of Rib Mountain	Marathon	12/27/13	X	
KWIK TRIP	322	1440 W Campus Dr	Wausau	WI	54401-1869	City of Wausau	Marathon	10/3/88	X	
TOBACCO OUTLET PLUS	501	109 S. 17th Ave #B	Wausau	WI	54401-4228	City of Wausau	Marathon	6/21/01	X	X
TOBACCO OUTLET PLUS	559	1041 S 3rd Ave	Wausau	WI	54401-6049	City of Wausau	Marathon	9/8/97	X	X
KWIK TRIP	601	3853 N 6th St	Wausau	WI	54403-2273	City of Wausau	Marathon	12/13/90	X	
KWIK TRIP	728	200 E Kent St	Wausau	WI	54403	City of Wausau	Marathon	9/8/86	X	
KWIK TRIP	735	2203 N. 6th St	Wausau	WI	54403-3306	City of Wausau	Marathon	3/13/87	X	
KWIK TRIP	851	2950 Stewart Ave	Wausau	WI	54401-4947	City of Wausau	Marathon	7/25/13	X	
KWIK TRIP	845	935 E Main St	Wautoma	WI	54982	City of Wautoma	Waushara	8/25/11	X	X
TOBACCO OUTLET PLUS	523	11712 W North Ave	Wauwatosa	WI	53226-2132	City of Wauwatosa	Milwaukee	6/2/97	X	X
KWIK TRIP	684	985 W Cty Hwy 16	West Salem	WI	54669-9378	Village of West Salem	La Crosse	10/26/95	X	X
KWIK TRIP	356	5603 Business Hwy 51 S	Weston	WI	54476-1330	Village of Weston	Marathon	10/3/88	X	X
KWIK TRIP	787	3207 Schofield Ave	Weston	WI	54476-2566	Village of Weston	Marathon	7/31/86	X	X
KWIK TRIP	729	36281 Main St	Whitehall	WI	54773-9139	City of Whitehall	Trempealeau	10/24/86	X	
KWIK TRIP	603	531 Hwy. 128 (Store)	Wilson	WI	54027-2451	Town of Cady	St. Croix	5/12/88	X	
KWIK TRIP	673	6325 Pepsi Way	Windsor	WI	53598-9627	Town of Burke	Dane	11/2/93	X	
KWIK TRIP	612	915 E Main	Winneconne	WI	54986-9725	Village of Winneconne	Winnebago	12/15/88	X	X

Wisc. Kwik Trip, Inc. stores with beer/liquor permits

KWIK TRIP	310	2520 W Grand Ave	Wisconsin Rapids	WI	54495-2215	City of Wisconsin Rapids	Wood	10/3/88	X
KWIK TRIP	331	3030 Plover Rd	Wisconsin Rapids	WI	54494-2142	Village of Biron	Wood	10/3/88	X
KWIK TRIP	347	4611 - 8th St S	Wisconsin Rapids	WI	54494-7839	City of Wisconsin Rapids	Wood	10/3/88	X



## Tobacco and Alcohol Sales Policy

**You must ask for the guest's ID and scan/swipe the ID or enter the guest's birthdate on the register when guest is purchasing:**

- Alcohol products and they look younger than 30 years of age\*
- Tobacco products and they look younger than 30 years of age\*

\* **Exception:** 1.) Unless you have previously verified their age and ID, AND/OR 2.) Know the person by name and they are of legal age to purchase alcohol and tobacco products.

**Note:** Under no circumstances can a co-worker accept the "OK" or approval by another co-worker as a substitution for proper identification. The Co-worker scanning the product must be the person checking the ID or approving the "Exception".

### **Only these forms of guest ID are valid:**

- Valid, picture US driver's license
  - o MN: An Expired ID is only a valid proof of age for the purchase of age restricted products when shown in conjunction with the new temporary ID.
  - o WI and IA: The paper temporary Driver's license or ID card is a valid form of identification if it contains the photo and bar code used to check the age of the guest.
- Valid, US State-issued picture identification card (must include picture and date of birth- example: an IA Donor Card)
- Picture US military identification
- Valid passport
- Valid Wisconsin or Minnesota Tribal Identification Card (must include legal name, date of birth, signature and photo of the enrolled tribal member)

**However, if the ID is in question at all, DO NOT MAKE THE SALE!**

### **Do Not sell alcohol to anyone who is:**

- Obviously intoxicated
- Attempting to purchase before or after the selling hours established by your municipality

### **Do Not sell alcohol or tobacco products to anyone who is:**

- Going to give or resell the product(s) to an underage person
- Under the legal age
- Cannot produce a valid ID

### **Kwik Trip's Minimum Age Requirements to sell Age Restricted Products:**

- Tobacco – 16 years of age
- Alcohol – 18 years of age

**Failure to ask for and swipe/scan the ID or manually enter the Birthdate on the register for any Guest, Company, City, State, or County Representative for alcohol and/or tobacco purchases will result in:**

Violation	Retail Hourly Positions	Retail Exempt Leadership
First Violation	Suspension for three (3) working days without pay and mandatory retraining. The date of the first violation denotes the beginning of a 24-month monitoring period.	The next merit increase will be postponed for 30 days and mandatory retraining will be imposed. The date of the 1st violation denotes the beginning of a 24-month monitoring period.
Second Violation	A second violation within this 24-month period will result in a suspension for five (5) working days without pay and mandatory retraining.	A second violation within this 24-month period will result in a suspension for five (5) working days without pay and mandatory retraining.
Third Violation	A third violation within this 24-month period will result in termination of your employment with Kwik Trip, Inc.	A third violation within this 24-month period will result in termination of your employment with Kwik Trip, Inc.
Knowingly selling to a minor	Immediate termination of employment.	Immediate termination of employment.

**Note:** The violation standard outlined above is the same for any Store Leader whose store receives an Alcohol or Tobacco Licensing Violation issued by any City, County, or State agency.

**Note:** It is grounds for immediate termination for a co-worker to knowingly sell age restricted products to guests not of legal age AND for a co-worker not at/above Kwik Trip's minimum age requirements to sell age restricted items.

### Policy Enforcement

- Kwik Trip, Inc., and/or local agencies, will periodically send a mystery shopper to purchase alcohol or tobacco products.
- If you ask for identification from the Kwik Trip mystery shopper, swipe the ID or enter the birthdate, and are wearing your nametag, you will receive a \$10.00 gift certificate.
- If you fail to ask for, and swipe/scan the ID or enter the Birthdate on the register for the identification of the mystery shopper, or any other mystery shopper from a government agency, you will be disciplined accordingly.
- All violations will be dated the day of the incident, when known. All other incidents will be dated the day that Kwik Trip, Inc. is made aware of the violation.
- If the original 24-month monitoring period expires and the individual has other violation(s), the date of the next violation denotes the beginning of a new 24-month monitoring period. Therefore, individuals with violations will be in a monitoring period until 24 months pass without a violation.

### Store Violations and Discipline:

- The Store Leader/acting Store Leader will receive a violation if a co-worker fails any type of ID check prior to having completed the Tobacco and Alcohol Sales training.
- If your store has 2 violations of this policy within 6 months, the Store Leader will hold a mandatory re-training session with all store co-workers.
- If your store has 3 violations of this policy within 6 months, the Store Leader will work an alternate shift with the last offender. During their shift, the Store Leader will train and coach the co-worker on how and when to verify ID for alcohol and tobacco products. In addition, the District Leader will hold a mandatory re-training session with all store co-workers.



# Memorandum

**Date:** June 29, 2015  
**To:** Pleasant Prairie Village Board  
**CC:** Michael Pollocoff, Village Administrator  
**From:** Rocco Vita  
Pleasant Prairie Assessor  
**Re:** Sanmina Corporation; Tax Appeals Commission Decision; Claim for Property Tax Refund  
Parcel Number: 92-4-122-213-0105  
Years of Appeal: 2009, 2010, 2011, 2012

## Board Members:

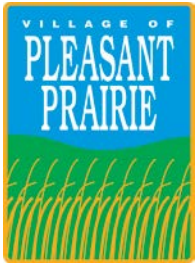
Pursuant to a recent decision of the Wisconsin Tax Appeals Commission (WI TAC), Sanmina Corporation has filed a claim with the Village of Pleasant Prairie for refunds of property taxes paid for the years 2009, 2010, 2011, 2012.

Under Wisconsin law, the entire property assessment process involving manufacturing property is facilitated by the Wisconsin Department of Revenue (WI DOR). The WI DOR has staff that annually determines the property value of manufacturing property and defends the value during the appeal process. Sanmina Corporation is a manufacturer of high-tech parts and components for technology industries and is located within the Lakeview Corporate Park. As such, their property assessment is determined by the WI DOR.

Sanmina Corp. was assessed by the WI DOR for the tax years 2009 through 2012 and has appealed their assessed value of each of those years to the WI TAC. A recent decision by the WI TAC found in favor of the Sanmina Corp. for each year on appeal and orders the following:

2009: Reduce the DOR's assessed value from \$8,948,900 by \$2,198,900 to \$6,750,000.  
2010: Reduce the DOR's assessed value from \$7,976,400 by \$1,226,400 to \$6,750,000.  
2011: Reduce the DOR's assessed value from \$8,225,400 by \$2,330,400 to \$5,925,000.  
2012: Reduce the DOR's assessed value from \$7,856,500 by \$1,931,500 to \$5,925,000.





Office of the Village Assessor  
Rocco Vita

Based on the preceding decision of the WI TAC, Sanmina claims a refund of paid property tax plus statutory interest for the tax years of 2009 to 2012 as follows:

2009: Refund of \$36,425.92 plus interest of \$500.86 for a total refund of \$36,926.78.

2010: Refund of \$23,823.77 plus interest of \$203.69 for a total refund of \$24,027.46.

2011: Refund of \$45,231.08 plus interest of \$ 79.15 for a total refund of \$45,310.23.

2012: Refund of \$40,874.31 plus interest of \$143.06 for a total refund of \$41,017.37.

For the tax years 2009 through 2012, Sanmina Corp. claims a refund of \$146,355.09 plus interest of \$926.76 for a total amount of \$147,281.85.

Note: the interest stated is through July 31, 2015 and continues to accrue at \$0.60 per day.



6/19/15 KDS 2:07pm  
Reinhart Boerner Van Deuren s.c.  
P.O. Box 2018  
Madison, WI 53701-2018

22 East Mifflin Street  
Suite 600  
Madison, WI 53703-4225

Telephone: 608-229-2200  
Fax: 608-229-2100  
Toll Free: 800-728-6239  
reinhartlaw.com

June 17, 2015

Don M. Millis, Esq.  
Direct Dial: 608-229-2234  
dmillis@reinhartlaw.com

**CLAIM FOR REFUND PURSUANT TO WIS. STAT. § 70.511**

SERVED BY PROCESS SERVER

Jane M. Romanowski, Clerk  
Village of Pleasant Prairie  
9915 39th Avenue  
Pleasant Prairie, WI 53158

Dear Clerk:

Re: Tax Parcel No. 92-4-122-213-0105;  
State Identification No. 77-30-174-  
R00005769

Now comes Claimant, Sanmina Corporation, owner of Parcel No. 92-4-122-213-0105, State Identification No. 77-30-174-R00005769 (the "Property") in Pleasant Prairie, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Refund Pursuant to Wis. Stat. § 70.511 against the Village of Pleasant Prairie (the "Village"). You hereby are directed to serve any notice of concerning this Claim on the undersigned agent of the Claimant.

1. This Claim is brought under Wis. Stat. § 70.511, for a refund of excessive real estate taxes imposed on Claimant by the Village for the tax years 2009 through 2012 with respect to the Property.

2. At all times relevant, Claimant was the owner of the Property and was responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to file and receive payment on this Claim in its own name.

3. The Village is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 9915 39th Avenue in the Village.

4. The Property is located within the Village at 8701 100th Street, is identified in the Village records as Tax Parcel No. 92-4-122-213-0105 and was assessed for the tax years 2009 to 2012 by the Wisconsin Department of Revenue ("DOR").

#### **2009 CLAIM FOR REFUND**

5. For 2009, property tax was imposed on property in the Village at the rate of \$16.54126 per \$1,000 of the assessed value for Property.

6. For 2009, DOR set the assessment of the Property at \$8,948,900.

7. The Village imposed taxes on the Property for 2009 in the amount of \$148,243.18,

8. Claimant timely paid the property taxes imposed by the Village on the Property for 2009, or the required installment thereof.

9. By virtue of the Decision and Order of the Tax Appeals Commission dated April 22, 2015 (the "TAC Decision and Order") (copy attached), the 2009 assessment of the Property was reduced to \$6,750,000.

10. Based on the above mill rate and the reduced assessment for 2009, the taxes that should have been levied against the Property were \$111,653.50.

11. Claimant is entitled, therefore, to a refund in the amount of \$36,425.92 for 2009, plus statutory interest.

12. Statutory interest applicable to the 2009 refund is 0.25% per year and, as of July 31, 2015, \$500.86 in statutory interest will have accrued and continues to accrue at the rate of \$0.25 per day thereafter.

13. The Village shall issue a refund in the amount of \$36,926.78, plus statutory interest, payable to the Reinhart Boerner Van Deuren s.c. Trust Account and remitted to the Agent for the Claimants at 22 East Mifflin Street, Suite 600, Madison, Wisconsin 53703.

#### **2010 CLAIM FOR REFUND**

14. For 2010, property tax was imposed on property in the Village at the rate of \$19.4854 per \$1,000 of the assessed value for Property.

15. For 2010, DOR set the assessment of the Property at \$7,976,400.

16. The Village imposed taxes on the Property for 2010 in the amount of \$155,350.22,

17. Claimant timely paid the property taxes imposed by the Village on the Property for 2010, or the required installment thereof.

18. By virtue of the TAC Decision and Order, the 2010 assessment of the Property was reduced to \$6,750,000.

19. Based on the above mill rate and the reduced assessment for 2010, the taxes that should have been levied against the Property were \$131,526.45.

20. Claimant is entitled, therefore, to a refund in the amount of \$23,823.77 for 2010, plus statutory interest.

21. Statutory interest applicable to the 2010 refund is 0.19% per year and, as of July 31, 2015, \$203.69 in statutory interest will have accrued and continues to accrue at the rate of \$0.13 per day thereafter.

22. The Village shall issue a refund in the amount of \$23,823.77, plus statutory interest, payable to the Reinhart Boerner Van Deuren s.c. Trust Account and remitted to the Agent for the Claimants at 22 East Mifflin Street, Suite 600, Madison, Wisconsin 53703.

#### **2011 CLAIM FOR REFUND**

23. For 2011, property tax was imposed on property in the Village at the rate of \$19.969483 per \$1,000 of the assessed value for Property.

24. For 2010, DOR set the assessment of the Property at \$8,225,400.

25. The Village imposed taxes on the Property for 2011 in the amount of \$161,922.95,

26. Claimant timely paid the property taxes imposed by the Village on the Property for 2011, or the required installment thereof.

27. By virtue of the TAC Decision and Order, the 2011 assessment of the Property was reduced to \$5,925,000.

28. Based on the above mill rate and the reduced assessment for 2011, the taxes that should have been levied against the Property were \$116,691.87.

29. Claimant is entitled, therefore, to a refund in the amount of \$45,231.08 for 2011, plus statutory interest.

30. Statutory interest applicable to the 2011 refund is 0.05% per year and, as of July 31, 2015, \$79.15 in statutory interest will have accrued and continues to accrue at the rate of \$0.06 per day thereafter.

31. The Village shall issue a refund in the amount of \$45,231.08, plus statutory interest, payable to the Reinhart Boerner Van Deuren s.c. Trust Account and remitted to the Agent for the Claimants at 22 East Mifflin Street, Suite 600, Madison, Wisconsin 53703.

#### **2012 CLAIM FOR REFUND**

32. For 2012, property tax was imposed on property in the Village at the rate of \$21.20151 per \$1,000 of the assessed value for Property.

33. For 2012, DOR set the assessment of the Property at \$7,856,500.

34. The Village imposed taxes on the Property for 2012 in the amount of \$166,493.26,

35. Claimant timely paid the property taxes imposed by the Village on the Property for 2012, or the required installment thereof.

36. By virtue of the TAC Decision and Order, the 2012 assessment of the Property was reduced to \$5,925,000.

37. Based on the above mill rate and the reduced assessment for 2012, the taxes that should have been levied against the Property were \$125,618.95.

38. Claimant is entitled, therefore, to a refund in the amount of \$40,874.31 for 2012, plus statutory interest.

39. Statutory interest applicable to the 2012 refund is 0.14% per year and, as of July 31, 2015, \$143.06 in statutory interest will have accrued and continues to accrue at the rate of \$0.16 per day thereafter.

40. The Village shall issue a refund in the amount of \$40,874.31, plus statutory interest, payable to the Reinhart Boerner Van Deuren s.c. Trust Account and remitted to the Agent for the Claimants at 22 East Mifflin Street, Suite 600, Madison, Wisconsin 53703.

Jane M. Romanowski, Clerk  
June 17, 2015  
Page 5

### SUMMARY

41. For the tax years 2009 through 2012, the Village shall issue refunds totaling \$146,355.09, plus statutory interest, which as of July 31, 2015, totaled \$926.76 and continues to accrue at the rate of \$0.60 per day.

Dated at Madison, Wisconsin, this 17th day of June, 2015.

Sincerely yours,  


Don M. Millis  
Agent for Claimant

32232016

STATE OF WISCONSIN  
TAX APPEALS COMMISSION

---

SANMINA CORPORATION,

Petitioner,

DOCKET NOS. 10-M-055,  
11-M-156, 12-M-106,  
AND 12-M-245

vs.

WISCONSIN DEPARTMENT OF REVENUE,

Respondent.

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DECISION AND ORDER

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*Per Curiam:*<sup>1</sup>

The Commission conducted a trial in these cases in Madison, Wisconsin, on February 5-6, 2014. The Petitioner was represented by Attorney Don M. Millis of Reinhart Boerner Van Deuren S.C., Madison, Wisconsin. The Respondent, the Wisconsin Department of Revenue ("the Department") was represented by Attorney La Keisha Wright Butler.<sup>2</sup> Both parties filed post-trial briefs. Based upon the proceedings at trial, the exhibits received at trial, and the entire record, the Commission finds, decides, concludes and orders as follows:

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<sup>1</sup> This case was heard before Commissioner Roger W. LeGrand. Following the trial but prior to the final decision, Commissioner LeGrand retired from the Tax Appeals Commission. However, prior to his retirement, Commissioner LeGrand reported to the Commission his impressions of the facts and testimony from the trial.

<sup>2</sup> On October 20, 2014, the Commission was notified that these cases have been reassigned from Attorney La Keisha Wright Butler to Attorney Axel F. Candelaria.

## FINDINGS OF FACT

1. Petitioner, Sanmina Corporation ("Sanmina" or "Petitioner"), is the owner of real property located at 8701 100<sup>th</sup> Street, Village of Pleasant Prairie, Wisconsin, State Identification Number 77-30-174-R000005769. The property is comprised of 19.76 acres of land upon which sits an improvement that is 176,100 square feet (SF) in size ("Subject Property"). This is the property which is the subject of the above-referenced docketed cases.

2. The Department's assessments for 2009 through 2012, the years at issue, were as follows:

<b>Assessment Year</b>	<b>Land</b>	<b>Improvement</b>	<b>Total</b>
2009	\$2,553,200	\$6,228,200	\$8,781,400
2010	\$2,553,200	\$5,543,100	\$8,096,300
2011	\$2,553,200	\$5,543,100	\$8,096,300
2012	\$2,553,200	\$5,265,900	\$7,819,100

3. Petitioner timely filed objections to the assessments for 2009, 2010, 2011, and 2012 with the State Board of Assessors. On the objection forms, Petitioner indicated that it believed the value of the Subject Property was as follows:

<b>Assessment Year</b>	<b>Total Value</b>
2009	\$6,953,200
2010	\$6,750,000
2011	\$6,750,000
2012	\$6,750,000

4. The Board of Assessors upheld the assessments for each of the years in question, and Petitioner timely filed Petitions for Review with the Tax Appeals Commission.



5. The Subject Property is located in the Lakeview Corporate Park, a 2,391 acre mixed use development with industrial office and retail uses located adjacent to I-94 in the Village of Pleasant Prairie, Kenosha County. The Subject Property is located about two miles from I-94 and has Highway 165 running through it. It is approximately 45 minutes from Chicago O'Hare Field, 30 minutes from Milwaukee's Mitchell International Airport, and 10 minutes from two regional airports.

6. By virtue of its location in Kenosha County, the Subject Property is in both the Chicago industrial real estate market and the Milwaukee industrial real estate market, which is a good industrial location.

7. Sanmina offered two appraisal reports — one for 2009 and one for 2012 — and two supplemental appraisal reports — one for 2010 and 2011. The appraisal reports presented opinions of the fair market value of the Subject Property for each of the years at issue. The appraisals were retrospective appraisals as of January 1 of each of the years at issue, meaning that the goal was to estimate the fair market value of the Subject Property as of those dates by looking only at the information that would be available as of each date of value.

8. The appraisal reports were authored by Bradley R. Braemer of Real Estate Analysis Corporation, Chicago, Illinois ("Petitioner's appraiser"). Mr. Braemer has undergraduate and graduate degrees from the University of Wisconsin, Madison, is a certified general real estate appraiser from the State of Illinois and the State of Michigan, is a Member of the Appraisal Institute, and has experience in appraising industrial properties in Southeast Wisconsin.

9. Petitioner's appraiser concluded that the market value of the Subject Property was as follows for the years at issue:

Assessment Year	Total Value
2009	\$6,750,000
2010	\$6,750,000
2011	\$5,925,000
2012	\$5,925,000

10. Petitioner's appraiser twice inspected the Subject Property, once in 2010 and again in 2013, to gather information necessary for the appraisal reports he authored.

11. Petitioner's appraiser conducted a highest and best use analysis of the Subject Property that was consistent with professionally accepted appraisal practices.

12. Petitioner's appraiser concluded that the highest and best use of the Subject Property was continued use as an industrial property. The Department's assessor who assessed the Subject Property agreed with this conclusion.

13. There has been no recent sale of the Subject Property.

14. Petitioner's appraiser utilized the sales comparison approach to determine the fair market value of the Subject Property.

15. Because the Subject Property is owner-occupied, Petitioner's appraiser looked for sales of owner-occupied properties; that is, fee simple sales as opposed to sales of properties that are subject to a lease. He looked for properties that most closely resembled the Subject Property, in terms of location, physical characteristics, and other factors.

16. As part of his analysis, Petitioner's appraiser had to adjust for differences between the comparable properties and the Subject Property.

17. The Wisconsin Property Assessment Manual ("WPAM") provides examples of the elements of comparison that assessors and appraisers can use as part of the sales comparison approach:

- A. Real property rights conveyed;
- B. Financing terms;
- C. Time (market conditions);
- D. Location;
- E. Physical characteristics (e.g., size, construction quality, age, condition, features);
- F. Economic characteristics.

18. In expressing differences between the Subject Property and the various comparable properties, Petitioner's appraiser employed both qualitative adjustments and quantitative analysis. For the qualitative adjustments, a positive (+) adjustment means that the Subject Property is superior to the comparable with respect to a particular element of comparison. A negative (-) adjustment means that the Subject Property is inferior to the comparable with respect to a particular element of comparison. A neutral (=) or no adjustment means that the Subject Property is similar to the comparable with respect to a particular element of comparison. These adjustments are made to the unit value of the comparable, i.e., the sale price per square foot.

19. An alternative to expressing adjustments in qualitative terms is to use quantitative terms. A positive adjustment might be expressed by using a value per square foot (e.g., \$2.50/square foot) or percentage (5%). A negative adjustment may be

expressed in a negative value per square foot (e.g., -\$2.50/square foot) or percentage (-5%).

20. Both qualitative and quantitative adjustments are consistent with professionally accepted appraisal practices.

### **Sanmina's Appraisal—2012**

21. In his appraisal that laid the basis for his opinion of value for 2012, Petitioner's appraiser located four sales of reasonably comparable properties that informed his sales comparison analysis.

22. **2012 Sale No. 1** is the July 2011 arm's-length sale of the fee simple interest in a 78,370 square foot, industrial building located in Racine for \$21.05 per square foot. This property had:

- A. A clear ceiling height of 21 feet (compared to 18 feet for the Subject Property);
- B. An average age of 12 years (compared to 17 years as of January 1, 2012, for the Subject Property);
- C. Six dock doors and six grade doors (compared to two exterior and three interior dock doors for the Subject Property); and,
- D. Like the Subject Property, average condition.

23. In comparing 2012 Sale No. 1 to the Subject Property, Petitioner's appraiser made the following observations and adjustments:

- A. No qualitative adjustment to the sale price of 2012 Sale No. 1 was needed to account for:
  - The difference in chronological age (12 years vs. 17 years);
  - Condition, both were average; and
  - The portion of the building used for office space (9% for 2012 Sale No. 1 vs. 18% for the Subject Property);
- B. A positive adjustment to the sale price of 2012 Sale No. 1 was needed to account for the following differences:

- The difference in time between the sale date (July 2011) and the assessment date did not give rise to a qualitative adjustment, although Petitioner's appraiser made a quantitative adjustment of 8.33% to account for the difference in time, indicating the market had improved between July 2011 and January 2012;
- The Subject Property had a superior location, mandating a positive qualitative adjustment or a 5.0% quantitative adjustment; and
- The Subject Property had a superior land-to-building ratio (4.89:1 vs. 2.86:1), mandating a positive qualitative adjustment or a 5.0% quantitative adjustment.

C. A negative adjustment to the sale price of 2012 Sale No. 1 was needed to account for the following differences:

- 2012 Sale No. 1 was considerably smaller than the Subject Property (78,370 vs. 176,100) and, because smaller properties typically sell for a higher unit value than larger properties, a negative qualitative adjustment or a -11.0% quantitative was warranted; and
- The Subject Property had a lower (i.e., inferior) clear ceiling height than 2012 Sale No. 1 (18 feet vs. 21 feet), mandating a negative qualitative adjustment or a -5.0% quantitative adjustment.

D. Overall, Petitioner's appraiser judged Subject Property to be somewhat superior to 2012 Sale No. 1 as he adjusted upward the actual sale price of 2012 Sale No. 1 by 1.9%, from \$21.05 per square foot (i.e., the actual sale price) to \$21.44 per square foot, the adjusted sale price.

24. 2012 Sale No. 2 is the May 2011 arm's-length sale of the fee simple interest in a 129,970 square-foot, industrial building located in Sussex, Wisconsin, for \$20.39 per square foot. This property had:

- A clear ceiling height of 20 feet (compared to 18 feet for the Subject Property);
- An effective age of 19 years (compared to 17 years as of January 1, 2012, for the Subject Property);
- Six dock doors and four grade doors (compared to two exterior and three interior dock doors for the Subject Property); and

D. Like the Subject Property, average condition.

25. In comparing 2012 Sale No. 2 to the Subject Property, Petitioner's appraiser made the following observations and adjustments:

A. No qualitative adjustment to the sale price of 2012 Sale No. 2 was needed to account for:

- 2012 Sale No. 2's somewhat smaller size (129,970 vs. 176,100); Petitioner's appraiser made no qualitative adjustment, but, because smaller properties typically sell for a higher unit value than larger properties, a negative qualitative adjustment or a -10.0% quantitative was warranted;
- Age (19 years vs. 17 years);
- Condition, both were average;
- The difference in clear ceiling height (20 feet for 2012 Sale No. 2 vs. 18 feet for the Subject Property); and
- The portion of the building used for office space, (13% for 2012 Sale No. 2 vs. 18% for the Subject Property).

B. A positive adjustment to the sale price of 2012 Sale No. 2 was needed to account for the following differences:

- The difference in time between the sale date (May 2011) and the assessment date did not lead to a qualitative adjustment, although Petitioner's appraiser made a quantitative adjustment of 8.33% to account for the difference in time, indicating the market had improved between May 2011 and January 2012;
- The Subject Property had a superior location, mandating a positive qualitative adjustment or a 5.0% quantitative adjustment; and
- The Subject Property had a superior land-to-building ratio (4.89:1 vs. 1.94:1), mandating a positive qualitative adjustment or a 7.0% quantitative adjustment.

C. Overall, Petitioner's appraiser judged Subject Property to be superior to 2012 Sale No. 2 as he adjusted upward the actual sale price of 2012 Sale No. 2 by 10.17%, from \$20.39 per square foot (i.e., the actual sale price) to \$22.53 per square foot, the adjusted sale price.

26. 2012 Sale No. 3 is the December 2010 arm's-length sale of the fee simple interest in a 174,194 square foot, industrial building located in Racine, Wisconsin, for \$19.35 per square foot. This property had:

- A. A clear ceiling height of 27 feet (compared to 18 feet for the Subject Property);
- B. An effective age of 8 years (compared to 17 years as of January 1, 2012, for the Subject Property);
- C. Fourteen dock doors and one grade door (compared to two exterior and three interior dock doors for the Subject Property); and,
- D. Like the Subject Property, average condition.

27. Because 2012 Sale No. 3 included 932,409 square feet of excess land, the sale price of \$4,300,000 was adjusted to account for this excess land, which was valued at \$1 per square foot, to a sales price of \$3,370,000. In comparing 2012 Sale No. 3 to the Subject Property, Petitioner's appraiser made the following observations and adjustments:

- A. No qualitative adjustment to the sale price of 2012 Sale No. 3 was needed to account for:
  - Size, because the difference was minimal (174,194 vs. 176,100 for the Subject Property);
  - The condition, both were average; and
  - The portion of the building used for office space (9% for 2012 Sale No. 3 vs. 18% for the Subject Property).
- B. A positive adjustment to the sale price of 2012 Sale No. 3 was needed to account for the following differences:
  - The difference in time between the sale date (December 2010) and the assessment date did not merit a qualitative adjustment, although Petitioner's appraiser made a quantitative adjustment of 8.33% to account for the difference in time, indicating the market had improved between December 2010 and January 2012;

- The Subject Property had a superior location, mandating a positive qualitative adjustment or a 5.0% quantitative adjustment; and
  - The Subject Property had a superior land-to-building ratio (4.89:1 vs. 3.00:1 after the excess land adjustment), mandating a positive qualitative adjustment or a 2.0% quantitative adjustment.
- C. A negative adjustment to the sale price of 2012 Sale No. 3 was needed to account for the following differences:
- The Subject Property is significantly older than 2012 Sale No. 3 (8 years vs. 17 years), meriting a negative qualitative adjustment and a quantitative adjustment of -10.0%; and
  - The Subject Property had a lower (i.e., inferior) clear ceiling height than 2012 Sale No. 1 (18 feet vs. 27 feet), mandating a negative qualitative adjustment or a -10.0% quantitative adjustment.
- D. Overall, Petitioner's appraiser judged Subject Property to be somewhat superior to 2012 Sale No. 3.

28. 2012 Sale No. 4 is the February 2010 arm's-length sale of the fee simple interest in a 259,872 square foot industrial building located in LakeView Corporate Park in Pleasant Prairie, Wisconsin, for \$16.55 per square foot. This property had:

- A. A clear ceiling height of 30 feet (compared to 18 feet for the Subject Property);
- B. An average age of 17 years (compared to 17 years as of January 1, 2012, for the Subject Property);
- C. Ten dock doors and seven grade doors (compared to two exterior and three interior dock doors for the Subject Property); and,
- D. Like the Subject Property, average condition.

Prior to this sale, there had been minor environmental contamination on this site, but it was entirely remediated and the case closed, and Petitioner's appraiser determined that the sale price was not affected by this environmental issue.



29. In comparing 2012 Sale No. 4 to the Subject Property, Petitioner's appraiser made the following observations and adjustments:

- A. No qualitative adjustment to the sale price of 2012 Sale No. 3 was needed to account for:
- Location since both properties were located in the same commercial park;
  - Age since both had an effective age of 17 years;
  - Condition, both were average;
  - The portion of the building used for office space (13% for 2012 Sale No. 4 vs. 18% for the Subject Property); and
  - The ratio of land-to-building area, which was virtually identical.
- B. A positive adjustment to the sale price of 2012 Sale No. 4 was needed to account for the following differences:
- The difference in time between the sales date (February 2010) and the assessment date did not merit a qualitative adjustment, although Petitioner's appraiser made a quantitative adjustment of 8.33% to account for the difference in time, indicating the market had improved between February 2010 and January 2012; and
  - The difference in size (259,872 for 2012 Sale No. 4 vs. 176,100 for the Subject Property) is significant and, because larger properties typically sell for a lower unit value than smaller properties, a positive qualitative adjustment or a 5.0% quantitative was warranted.
- C. A negative adjustment to the sale price of 2012 Sale No. 4 was needed to account for the fact that 2012 Sale No. 4 had a superior clear ceiling height (30 feet for 2012 Sale No. 4 vs. 18 for the Subject Property), mandating a negative qualitative adjustment or a -12.0% quantitative adjustment.
- D. Overall, Petitioner's appraiser judged Subject Property to be somewhat superior to 2012 Sale No. 4, as he adjusted upward the actual sale price of 2012 Sale No. 4 by 0.6%, from \$16.55 per square foot (i.e., the actual sale price) to \$16.67 per square foot, the adjusted sales price.

30. Understanding that industrial properties almost always sell for an amount less than their listing price, Petitioner's appraiser's analysis included two listings of reasonably comparable properties as support for his sales comparison analysis.

31. In order to reach an ultimate conclusion of value for 2012 based on the sales comparison analysis, Petitioner's appraiser concluded that the four properties that sold were all inferior to the Subject Property for a variety of reasons including inferior locations, inferior land-to-building ratios, and size.

32. Petitioner's appraiser concluded that the 2012 value of the Subject Property, using the sales comparison approach, was \$5,965,000.

33. Petitioner's appraiser prepared an income approach analysis of the Subject Property as of January 1, 2012, as a check on his sales comparison approach conclusion. His income analysis approach concluded that the value of the Subject Property was \$5,870,000.

34. Petitioner's appraiser did not develop the cost approach because there was sufficient and reliable improved sales and rental information to draw reasonable, supportable, and credible conclusions of market value.

35. Reconciliation is the method by which an appraiser evaluates and selects from the alternative approaches to determine the most reliable approach or approaches to value to employ. During the process of reconciliation, WPAM instructs appraisers to place the greatest weight on the approach for which the greatest amount

of reliable and appropriate information is available that will yield the highest degree of confidence.

36. In reconciling his sales comparison and income approaches, Petitioner's appraiser concluded that the market value of the Subject Property as of January 2012 was \$5,925,000.

#### **Sanmina's Appraisal—2011**

37. After completing his appraisal of the Subject Property for 2012, Petitioner's appraiser reviewed market data and determined that there was no significant difference in value of the Subject Property between January 1, 2012, and January 1, 2011. As a result, Petitioner's appraiser concluded that the market value of the Subject Property as of January 2011 was \$5,925,000.

#### **Sanmina's Appraisal—2009**

38. Petitioner's appraiser also completed an appraisal of the Subject Property as of January 1, 2009.

39. Other than adjustments for age, there were no changes to the Subject Property between January 1, 2009, and January 1, 2012, that would affect the value of the property.

40. All of sales that formed the basis for Petitioner's appraiser's 2012 appraisal occurred after January 1, 2009, and, as such, they are not appropriate for determining the value of the Subject Property as of January 1, 2009.

41. In his appraisal that laid the basis for his opinion of value for 2009, Petitioner's appraiser located four other sales of reasonably comparable properties to form his sales comparison analysis.

42. 2009 Sale No. 1 is the March 2008 arm's-length sale of the fee simple interest in a 25,478 square foot industrial building located in Kenosha, Wisconsin, for \$44.74 per square foot. This property had:

- A. A clear ceiling height of 21 to 30 feet (compared to 18 feet for the Subject Property);
- B. An average age of 18 years (compared to 14 years as of January 1, 2009, for the Subject Property);
- C. Two dock doors and one drive-through doors (compared to two exterior and three interior dock doors for the Subject Property); and,
- D. Like the Subject Property, in average condition.

43. In comparing 2009 Sale No. 1 to the Subject Property, Petitioner's appraiser made the following observations and adjustments:

- A. No qualitative adjustment to the sale price of 2009 Sale No. 1 was needed to account for:
  - The difference in chronological age (18 years vs. 14 years);
  - Condition, both were average;
  - The portion of the building used for office space (36% for 2009 Sale No. 1 vs. 18% for the Subject Property); and
  - The land-to-building ratios for both properties, which were comparable (4.89:1 for the Subject Property vs. 5.32:1 for 2009 Sale No. 1).
- B. A positive adjustment to the sale price of 2009 Sale No. 1 was needed to account for the Subject Property's superior location, mandating a positive qualitative adjustment or a 5.0% quantitative adjustment.
- C. A negative adjustment to the sale price of 2009 Sale No. 1 was needed to account for the following differences:

- The difference in time between the sale date and the assessment date (March 2008 to January 2009) merited a negative qualitative adjustment and a -13.16% adjustment;
- 2009 Sale No. 1 was considerably smaller than the Subject Property (25,478 vs. 176,100) and, because smaller properties typically sell for a higher unit value than larger properties, the a negative qualitative adjustment or a -12.0% quantitative adjustment was warranted; and
- The Subject Property had a lower (i.e., inferior) clear ceiling height than 2009 Sale No. 1 (18 feet vs. 21 to 30 feet), mandating a negative qualitative adjustment or a -7.0% quantitative adjustment.

D. Overall, Petitioner's appraiser judged Subject Property to be inferior as he adjusted down the actual sale price of 2009 Sale No. 1 by 25.3%, from \$44.74 per square foot (i.e., the actual sale price) to \$33.42 per square foot, the adjusted sales price.

44. 2009 Sale No. 2 is the July 2007 arm's-length sale of the fee simple interest in a 239,376 square foot, industrial building located in Pleasant Prairie, Wisconsin, for \$50.13 per square foot. This property had:

- A. A clear ceiling height of 30 feet (compared to 18 feet for the Subject Property);
- B. An effective age of 7 years (compared to 14 years as of January 1, 2009, for the Subject Property);
- C. Thirty-two dock doors and two drive-through doors (compared to two exterior and three interior dock doors for the Subject Property); and
- D. Like the Subject Property, average condition.

45. In comparing 2009 Sale No. 2 to the Subject Property, Petitioner's appraiser made the following observations and adjustments:

- A. No qualitative adjustment to the sale price of 2009 Sale No. 2 was needed to account for:
  - Location because both properties were in Pleasant Prairie;
  - Size, as 2009 Sale No. 2 was comparable to the Subject Property (239,376 vs. 176,100); and
  - Condition, both were average.

B. A positive adjustment to the sale price of 2009 Sale No. 2 was needed to account for the following differences:

- The Subject Property was superior with respect to the portion of the building used for office space, (1% for 2009 Sale No. 2 vs. 18% for the Subject Property) mandating a positive qualitative adjustment and a 1.0% quantitative adjustment; and
- The Subject Property had a superior land-to-building ratio (4.89:1 vs. 2.57:1), mandating a positive qualitative adjustment or a 5.0% quantitative adjustment.

C. A negative adjustment to the sale price of 2009 Sale No. 2 was needed to account for the following differences:

- The difference in time between the sale date and the assessment date (July 2007 to January 2009) mandated a negative qualitative adjustment and a quantitative adjustment of -10.81%;
- The difference in chronological age, (7 years for the 2009 Sale No. 2 vs. 14 years for the Subject Property) mandated a negative qualitative adjustment and a -10.0% quantitative adjustment; and
- The difference in clear ceiling height (18 feet for the Subject Property vs. 30 feet for 2009 Sale No. 2) mandated a negative qualitative adjustment and a -12.0% quantitative adjustment.

D. Overall, Petitioner's appraiser judged the Subject Property to be inferior to 2009 Sale No. 2 as he adjusted down the actual sale price of 2009 Sale No. 2 by 25.5%, from \$50.13 per square foot (i.e., the actual sale price) to \$37.56 per square foot, the adjusted sale price.

46. 2009 Sale No. 3 is the May 2009 arm's-length sale of the leased fee interest in a 105,637 square foot, industrial building located in Pleasant Prairie, Wisconsin, for \$53.20 per square foot. Because the sale was of a leased fee interest (i.e., the owner's interest in a property that is leased), Petitioner's appraiser had to make an initial adjustment for property rights conveyed, from leased fee to fee simple. The \$53.20 per square foot price is the result of that analysis. This property had:

- A. A clear ceiling height of 24 feet (compared to 18 feet for the Subject Property);
- B. An average age of 18 years (compared to 14 years as of January 1, 2009, for the Subject Property); and
- C. Like the Subject Property, average condition.

47. In comparing 2009 Sale No. 3 to the Subject Property, Petitioner's appraiser made the following observations and adjustments:

- A. No qualitative adjustment to the sale price of 2009 Sale No. 3 was needed to account for:
  - Location, since both are in Pleasant Prairie;
  - Age, the difference in age (18 years for 2009 Sale No. 3 vs. 14 years for the Subject Property) was nominal and did not warrant any adjustment;
  - Condition since both were average; and
  - The portion of the building used for office space (6% for 2009 Sale No. 3 compared to 18% for the Subject Property).
- B. A positive adjustment to the sale price of 2009 Sale No. 3 was needed to account for the Subject Property's superior land-to-building ratio (4.89:1 vs. 3.38:1), mandating a positive qualitative adjustment and a 2.0% quantitative adjustment.
- C. A negative adjustment to the sale price of 2009 Sale No. 3 was needed to account for the following differences:
  - The difference in time between the sale date and the assessment date (May 2007 to January 2009) mandated a negative qualitative adjustment and a -10.81% quantitative adjustment;
  - The Subject Property is significantly larger than 2009 Sale No. 3, (176,100 square feet vs. 105,637 square feet), meriting a negative qualitative adjustment and a quantitative adjustment of -10.0%; and
  - The Subject Property had a lower (i.e., inferior) clear ceiling height than 2009 Sale No. 3 (18 feet vs. 24 feet), mandating a negative qualitative adjustment and a -10.0% quantitative adjustment.
- D. Overall, Petitioner's appraiser judged Subject Property to be inferior to 2009 Sale No. 3, adjusting down the 2009 Sale No. 3 purchase price by 26.9%, from \$53.20 to \$38.31 per square foot.

48. 2009 Sale No. 4 is the January 2007 arm's-length sale of the fee simple interest in a 109,630 square foot, industrial building located in Oak Creek, Wisconsin, for \$30.34 per square foot. This property had:

- A. A clear ceiling height of 34 feet (compared to 18 feet for the Subject Property);
- B. An effective age of 42 years (compared to 14 years as of January 1, 2009, for the Subject Property);
- C. Two dock doors and four drive through doors (compared to two exterior and three interior dock doors for the Subject Property); and,
- D. Like the Subject Property, average condition.

49. In comparing 2009 Sale No. 4 to the Subject Property, Petitioner's appraiser made the following observations and adjustments:

- A. No qualitative adjustment to the sales price of 2012 Sale No. 3 was needed to account for:
  - Location because both properties' locations are comparable;
  - Condition, both were average;
  - The portion of the building used for office space (5.0% for 2009 Sale No. 4 vs. 18% for the Subject Property); and
  - The ratio of land to building area, which were virtually identical.
- B. A positive adjustment to the sale price of 2009 Sale No. 4 was needed to account for the age of 2009 Sale No. 4 (42 years compared to 14 years as of January 1, 2009, for the Subject Property).
- C. A negative adjustment to the sale price of 2009 Sale No. 4 was needed to account for:
  - The difference in time between the sale date and the assessment date (January 2007 to January 2009) mandated a negative qualitative adjustments and a -2.9% quantitative adjustment;
  - The size of 2009 Sale No. 4 is considerably smaller than the Subject Property (109,630 vs. 176,100) mandating a negative qualitative adjustment and a -10.0% quantitative adjustment; and



- 2009 Sale No. 4 had a superior clear ceiling height (34 feet vs. 18 for the Subject Property), mandating a negative qualitative adjustment or a -12.0% quantitative adjustment.

D. Overall, Petitioner's appraiser judged the Subject Property to be somewhat superior to 2009 Sale No. 4.

50. Understanding that industrial properties almost always sell for an amount less than their listing price, Petitioner's appraiser's analysis included two listings of reasonably comparable properties as support for his sales comparison analysis.

51. In order to reach an ultimate conclusion of value for 2009 based on the sales analysis, Petitioner's appraiser bracketed the four sales comparables and the two listing comparables in relation to the Subject Property. He concluded that 2009 Sale No. 4 was inferior to the Subject Property; that 2009 Sale Nos. 1, 2, & 3, along with 2009 Listing No. 1, were all superior to the Subject Property; and that the most comparable property was the 2009 Listing No. 2, which was listed at \$34.05 and eventually sold for \$27.68 per square foot.

52. Petitioner's appraiser observed that there are certain super-adequate features or super-adequacies as part of the Subject Property, such as the drop ceiling and extensive heating and air conditioning system that are not ordinarily found in a typical industrial building.

53. Using the sales comparison method, Petitioner's appraiser concluded that the property value was \$35 per square foot, or a total of \$6,163,500. To this value, he added the depreciated cost of these super-adequacies (\$680,000) to come

up with a total sales comparison value of \$6,845,000, or \$38.87 per square foot for January 2009.

54. Petitioner's appraiser also prepared an income approach in his 2009 appraisal as a check on his sales comparison conclusion. He concluded that the value of the Subject Property as of January 1, 2009, using the income approach, was \$6,500,000.

55. Petitioner's appraiser did not develop the cost approach because there was sufficient and reliable improved sales and rental information to draw reasonable, supportable, and credible conclusions of market value.

56. In reconciling his sales comparison and income approach, Petitioner's appraiser concluded that the market value of the Subject Property as of January 2009 was \$6,750,000.

#### **Sanmina's Appraisal—2010**

57. After completing his appraisal of the Subject Property for 2009, Petitioner's appraiser reviewed market data and determined that there would be minimal if any differences in value of the Subject Property between January 1, 2009, and January 1, 2010. As a result, he concluded that the market value of the Subject Property as of January 2010 was \$6,750,000.

#### *The Department's Assessments*

58. The assessments of the Subject Property at issue here were prepared by its chief witness, Melody Ryddner, a Property Assessment Specialist-Advanced at the Department of Revenue ("the Department's assessor").

59. The Department's assessor testified that, in her opinion, the value of the Subject Property for each of the years at issue was equal to the Department's assessment.

60. The Department's assessor testified that she had done a sales comparison in preparing the assessment of the Subject Property in 2008, but no information related to that sales comparison was entered into evidence.

61. The Department's assessor testified that, in determining the assessment of the Subject Property for 2009, she reduced the 2008 value of the improvements, but not the land, by 5%, based upon current market conditions. The Department entered into evidence the auditor's Report to the State Board of Assessors related to the 2009 assessment. The Report simply states: "The best evidence of value is the Department's current assessment for the subject property." The Report contained no information, analysis, or data to support the assessed values. The Department offered no other evidence to support the 2009 assessment.

62. The Department's assessor testified that, for the 2010 assessment of the Subject Property, she reduced the value from the 2009 assessment of \$8,781,400, to \$8,096,300, based upon a telephone conversation with representatives of the Petitioner and on current economic conditions. The Department entered into evidence the auditor's Report to the State Board of Assessors related to the 2010 assessment. The Report simply states: "The best evidence of value is the Department's current assessment for the subject property." The Report contained no information, analysis or

data to support the assessed values. The Department offered no other evidence to support the 2010 assessment.

63. The Department's assessor testified that the value of the Subject Property remained unchanged for purposes of the 2011 assessment. The Department entered into evidence the auditor's Report to the State Board of Assessors related to the 2011 assessment. The Report simply states: "The best evidence of value is the Department's current assessment for the subject property." The Report contained no information, analysis or data to support the assessed values. The Department offered no other evidence to support the 2011 assessment.

64. The Department offered into evidence what it referred to as an "updated appraisal report" for the years 2009, 2010 and 2011, dated September 1, 2011. It consisted of a one-page document which described the location of the Subject Property (with a print-out from the WISPARK website highlighting the LakeView Corporate Park attached). The report makes some observations about listing prices found on the internet listing service LoopNet.com, but contains nothing related to sales.

65. The Department's assessor prepared a two-page Sales Analysis & Reconciliation Report ("SARR") to support the 2012 assessment of the Subject Property.

66. Prior to analyzing the sales on the SARR, she extrapolated an amount which represented the value of land for each of the improved properties that sold.

67. The SARR contained four sales. For each of the sales, she replaced the land portion of the sale with her opinion of the land value of the assessment of the Subject Property.

68. The Department's assessor concluded that the value of the land on the Subject Property was \$2,553,200, or about \$129,000 per acre for each of the years at issue. Rather than looking at recent sales, she derived this value from a search on a real estate search engine called LoopNet, looking at asking prices for vacant land. Her testimony also revealed the following:

- A. The Department's assessor could not produce a copy of the search results;
- B. The Department's assessor could not identify the geographic area included in the search;
- C. The Department's assessor's search parameters were not limited to industrial land, residential land, or commercial land, and, although she noted it was possible to break out industrial land, there is no indication that she limited her analysis to industrial land; and
- D. The Department's assessor could not state whether there were any parameters for size of land.

69. The Department did not present a sales analysis of vacant land to support the auditor's conclusion of land value for the Subject Property for any of the years at issue.

70. The Department's assessor did not prepare an income approach to value for the Subject Property.

## CONCLUSIONS OF LAW

1. Sanmina's 2009 appraisal and appraisal update for 2010 constitutes clear and satisfactory evidence to overcome the presumption of correctness for 2009 and 2010.
2. Sanmina's 2012 appraisal and appraisal update for 2011 constitutes clear and satisfactory evidence to overcome the presumption of correctness for 2012 and 2011.
3. The Department offered no credible evidence to support the assessments for the years at issue.
4. Sanmina offered credible opinion evidence supporting Petitioner's appraiser's conclusions of value.
5. The fair market value of the Subject Property for 2009 and 2010 was \$6,750,000.
6. The fair market value of the Subject Property for 2011 and 2012 was \$5,925,000.

## ANALYSIS

This case involves the assessment for property tax purposes of a 19.76 acre parcel of land in Kenosha County, Wisconsin, on which there is constructed one industrial building. The property owner, the Sanmina Corporation, is challenging the Department's property tax assessment for the years 2009, 2010, 2011, and 2012. The Department of Revenue issued the assessments for the property for the four years in question.

Assessments by the Department are presumed to be correct and the burden is upon the Petitioner to prove by clear, convincing, and satisfactory evidence in what respects the Department erred in its determinations. *Ashley Furniture, Inc. v. Dep't of Revenue*, Wis. Tax Rptr. (CCH) ¶ 401-747 (WTAC 2013). If there is any credible evidence that may support the assessor's valuation in any reasonable view, the valuation must be upheld. *Universal Foods Corp. v Dep't of Revenue*, Wis. Tax Rptr. (CCH) ¶ 400-316 (WTAC 1997).

Wisconsin Statute § 70.995 requires the Department of Revenue to assess manufacturing properties throughout the state. The statute requires that each property be appraised every five years to estimate the fair market value of the property. Wis. Stat. § 70.995(7).

The Wisconsin Property Assessment Manual ("WPAM") sets forth a three-tiered methodology for assessing real estate property value: 1) First Tier - Evidence of a recent arm's-length sale of the subject property is the best evidence of full value, 2) Second Tier - If the subject property has not been recently sold, then an assessor must consider sales of reasonably comparable properties, 3) Third Tier - Only in situations where there has been no arm's-length sale of the subject property and there are no reasonably comparable sales may an assessor use one of the third-tier assessment methods. WPAM at 7-18 to 7-30; see also *Nestle USA, Inc., v. Dep't of Revenue*, 2011 WI 4, ¶ 401-403, 331 Wis. 2d 256, 795 N.W.2d 46, citing *Markarian v. City of Cudahy* 45 Wis. 2d 683, 686 (1970). This three-tiered methodology is often referred to in Wisconsin as the *Markarian* hierarchy.

It is against this legal framework that the evidence presented at trial must be evaluated. If the Petitioner overcomes the presumption of correctness of the assessments, the Petitioner continues to carry the burden of persuasion. The Petitioner must prove an alternative valuation supported by credible, direct, and unambiguous evidence. *Ashley Furniture*, Wis. Tax Rptr. (CCH) ¶ 401-747 (WTAC 2013).

The Department's assessments were \$8,781,400 for 2009, \$8,096,300 for 2010, \$8,096,000 for 2011, and \$7,819,000 for 2012. The Department's assessor testified at the trial.

To overcome the presumption of correctness, Sanmina offered as evidence appraisal reports for the years 2009 and 2012 and supplemental appraisal reports for the years 2010 and 2011. The reports were authored by Bradley Braemer, MAI, of Real Estate Analysis Corporation, who has experience appraising properties in Southeastern Wisconsin. The appraisal reports were done in accordance with WPAM and followed the *Markarian* hierarchy. There were no recent sales of the Subject Property, so the appraisals used the sales comparison approach to determine the fair market values of the Subject Property.

The appraisal reports concluded that the highest and best use of the Subject Property was continued use as an industrial property, and this is not an issue in the case. In his 2009 and 2012 appraisal reports, Petitioner's appraiser analyzed four sales and two listings of reasonably comparable industrial properties in Southeastern Wisconsin. He made qualitative and quantitative adjustments to the properties and addressed the super-adequacies of the Subject Property. He also performed an income



approach as a check on his sales comparable approach. He reconciled the two approaches and concluded that the fair market value of the Subject Property for 2009 was \$6,750,000; and for 2012 was \$5,925,000. For the years 2010 and 2011, Petitioner's appraiser reviewed market data to determine whether there would be differences in valuation for those years from the appraisals done for 2009 and 2012 and concluded that there would not be.

The Commission concludes that the appraisal reports were consistent with WPAM. The appraisal reports applied the correct definition of market value and there was a highest and best use analysis. The comparables and the adjustments applied to the comparables were consistent with WPAM. The income approach used to check on the sales comparison approach was also consistent with WPAM and the statutes.

But that is not the end of the analysis. If there is credible evidence that may support the assessor's valuation in any reasonable view, the valuation must be upheld. *Universal Foods Corp. v. Dep't of Revenue*, Wis. Tax Rptr. (CCH) ¶ 400-316 (WTAC 1997).

The Department presented the oral testimony of the assessor and the Reports to the State Board of Assessors to support the 2009, 2010, and 2011 assessments. But the oral testimony provided no explanation of how the assessor developed the assessment for those years, and the reports to the Board of Assessors similarly contain no analysis of how the assessments for those years were reached. The assessor did testify that, "There's a lot that goes on behind the curtain." But that does

not qualify as credible evidence to support the assessments. The Commission concludes that for the years 2009, 2010, and 2011, there is no credible evidence in the record to support the assessments.

With respect to 2012, the Department offered a Sales Analysis and Reconciliation Report along with oral testimony and the report to the Board of Assessors to support the assessment. The SARR is flawed in that it used a land value of \$2,553,200 for each of the sales it analyzed. This value was determined not by looking at any sales of land but, according to The Department's assessor, a search of real estate parcels listed on LoopNet, an internet commercial real estate listing service. Other than her testimony that she used the online listing service to confirm a value for the land, the auditor did not provide a copy of the search results or a report detailing her analysis, could not identify the geographic area included in the search, could not confirm that she limited her search to industrial land, and could not state whether there were any parameters for size of land she used in her analysis. Because of these flaws, the Commission does not give any credibility to the 2012 SARR, and thus concludes that for the year 2012, the evidence offered to support the assessments is flawed.

At the end of the trial, the Commission was left with credible appraisals of the Subject Property prepared by Petitioner's appraiser for the years 2009 and 2012 and with credible updates for the years 2010 and 2011. The Department presented no credible evidence to support its assessments. We find that Sanmina has overcome the presumption of correctness of the assessments. The Department cannot simply stand

behind the presumption of correctness in the face of credible evidence of a different value and fail to provide any credible evidence to support its assessments.

Since the presumption of correctness is rebutted, Sanmina still carries the burden of persuasion. The Petitioner must prove an alternative valuation supported by credible, direct and unambiguous evidence. *Royal Terrace Partnership v. Dep't of Revenue*, Wis. Tax Rptr. (CCH) ¶ 400-244 (WTAC 1996) aff'd in *City of Two Rivers v. Dep't. of Revenue*, Wis. Tax Rptr. (CCH) ¶ 400-345 (Dane Co. Circ. Ct. 1997). We find that Sanmina's appraisals using the sales comparison approach and tested by the income approach are credible evidence of the value of the Subject Property. The Department has not presented any credible evidence to support its 2009, 2010, and 2011 assessments and flawed evidence to support its 2012 assessment. We conclude that Sanmina has shown by clear and substantial evidence that the value of the Subject Property for 2009 and 2010 was \$6,750,000, and for 2011 and 2012 was \$5,925,000.

We also address the Department's argument that "the value of the land attributable to the Subject Property is not before the Commission because the Petitioner did not object to it before the Board of Assessors." In support of its argument, the Department notes that, when the Petitioner's tax consultant completed the objection forms submitted to the Board of Assessors, he inserted an estimated value of the land that was equal to the land value the Department used in its assessment and he accounted for all of the claimed difference in aggregate value in the improvement portion of the form. The Department cites *Mayville Metal and Mayville Metal Products v. Dep't of Revenue*, Wis. Tax Rep. (CCH) ¶ 203-185 (WTAC 1990).

Wis. Stat. § 70.995(8)(c)1 provides in relevant part:

All objections to the amount, valuation, taxability, or change from assessment under this section to assessment under s. 70.32 (1) of property shall be first made in writing on a form prescribed by the department of revenue that specifies that the objector shall set forth the reasons for the objection, the objector's estimate of the correct assessment, and the basis under s. 70.32 (1) for the objector's estimate of the correct assessment. ... Persons who own land and improvements to that land may object to the aggregate value of that land and improvements to that land, but no person who owns land and improvements to that land may object only to the valuation of that land or only to the valuation of improvements to that land. (emphasis added)

There are several reasons the Department's argument lacks merit. First, the applicable statute allows taxpayers who own improved property to object only to the aggregate value of the land and improvements, not to the land value only or to the value of the improvements only. Consequently, the Petitioner cannot do what the Department claims it did.

Second, the statute requires that all objections to valuation of manufacturing property be first made to the Board on a form prescribed by the Department that sets forth the (a) reasons for the objection, (b) objector's estimate of the correct assessment, and (c) basis under Wis. Stat. § 70.32(1) for the objector's estimate of the correct assessment. The Petitioner has provided all of the information required by the statute and the objection form and, therefore, has effectively objected to the valuation of its property. *Seats, Inc. v. Dep't of Revenue.*, Wis. Tax Rptr. (CCH) ¶400-762 (WTAC 2004).

Third, what the Petitioner has included on the objection form is an "estimate of the correct assessment," which is exactly what the statute and objection form require. Indeed, given the time constraints involved in the appeal of manufacturing property tax assessments, it is often not possible for a taxpayer to obtain an appraisal prior to the deadline for filing an objection before the Board. In many, if not most cases, the taxpayer's position on value is refined as the case progresses, experts are engaged, and detailed appraisals are prepared. That is precisely why the statute calls only for an estimated value on the objection form. In *Seats Inc.*, the Commission noted that it is not unusual for appraisals offered before the Commission to differ significantly from the appraisal reports that were prepared for the Board, citing as an example *Hormel Foods Corp. v. Dep't of Revenue*, Wis. Tax Rptr. (CCH) ¶400-741 (WTAC 2004). Further, the Commission explained that its role is not to review the Board's determination based upon the issues and record presented to and considered by the Board. Rather, the Commission's responsibility is to consider the issues and evidence presented to the Tax Appeals Commission by the petitioner and respondent and to determine whether the assessment is correct and, if not, the correct amount of the assessment.

Finally, the Commission's decision in *Mayville Metal* does not support the Department's position. In that case, the taxpayer's expert demonstrated that the Department's assessment was excessive and the Commission was then required to allocate the reduction between land and improvements. Since none of the parties had raised an issue with the land portion of the assessment, the Commission made the

entire reduction to the improvements. The Commission did not hold that the taxpayer had only appealed the improvement portion of the assessment and that the land value was not before them.

Consequently, we reject the Department's argument. We have before us, as the statute provides, the Petitioner's appeal of the aggregate value of the land and improvements which comprise the Subject Property.

**ORDER**

Based upon the foregoing,

**IT IS HEREBY ORDERED** that the Department's assessments are modified to conform to the proof at trial at \$6,750,000 for 2009 and 2010 and \$5,925,000 for 2011 and 2012.

Dated at Madison, Wisconsin, this 22<sup>nd</sup> day of April, 2015.

**WISCONSIN TAX APPEALS COMMISSION**



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Lorna Hemp Boll, Chair



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David D. Wilmoth, Commissioner

**ATTACHMENT: NOTICE OF APPEAL INFORMATION**

WISCONSIN TAX APPEALS COMMISSION  
5005 University Avenue - Suite 110  
Madison, Wisconsin - 53705

NOTICE OF APPEAL INFORMATION

NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES ALLOWED  
FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE NAMED AS  
RESPONDENT

A taxpayer has two options after receiving a Commission final decision:

*Option 1: PETITION FOR REHEARING BEFORE THE COMMISSION*

The taxpayer has a right to petition for a rehearing of a final decision within 20 days of the service of this decision, as provided in Wis. Stat. § 227.49. The 20-day period commences the day after personal service on the taxpayer or on the date the Commission issued its original decision to the taxpayer. The petition for rehearing should be filed with the Tax Appeals Commission and served upon the other party (which usually is the Department of Revenue). The Petition for Rehearing can be served either in-person, by USPS, or by courier; however, the filing must arrive at the Commission within the 20-day timeframe of the order to be accepted. Alternatively, the taxpayer can appeal this decision directly to circuit court through the filing of a petition for judicial review. It is not necessary to petition for a rehearing first.

AND/OR

*Option 2: PETITION FOR JUDICIAL REVIEW*

Wis. Stat. § 227.53 provides for judicial review of a final decision. Several points about starting a case:

1. The petition must be filed in the appropriate county circuit court and served upon the Tax Appeals Commission either in-person, by certified mail, or by courier, and served upon the other party (which usually is the Department of Revenue) within 30 days of this decision if there has been no petition for rehearing, or within 30 days of service of the order that decides a timely petition for rehearing.
2. If a party files a late petition for rehearing, the 30-day period for judicial review starts on the date the Commission issued its original decision to the taxpayer.
3. The 30-day period starts the day after personal service or the day we mail the decision.
4. The petition for judicial review should name the other party (which is usually the Department of Revenue) as the Respondent, but not the Commission, which is not a party.

For more information about the other requirements for commencing an appeal to the circuit court, you may wish to contact the clerk of the appropriate circuit court or the Wisconsin Statutes. The website for the courts is <http://wicourts.gov>.

This notice is part of the decision and incorporated therein.

**THESE ITEMS ARE RELATED AND WILL BE DISCUSSED AT THE SAME TIME  
HOWEVER SEPARATE ACTION IS REQUIRED.**

Consider approval of a **Conceptual Plan** for the request of Bob Poch, agent for Care Animal Hospital to construct an 11,021 square foot veterinary office on the vacant property generally located on the north side of Prairie Ridge Blvd. west of 88<sup>th</sup> Avenue within the Prairie Ridge development.

**Recommendation:** On June 22, 2105, the Plan Commission held a public hearing and recommended that the Village Board approve the **Conceptual Plan** subject to the comments and conditions of the Village Staff Report of July 6, 2015.

Consider the request of David Galowich, agent on behalf of the owners SB1 Pleasant Prairie, WI LLC for approval of a **Certified Survey Map** to subdivide the property generally located on the north side of Prairie Ridge Blvd. west of 88<sup>th</sup> Avenue within the Prairie Ridge development.

**Recommendation:** Plan Commission recommended that the Village Board approve the **Certified Survey Map** subject to the comments and conditions of the Village Staff Report of July 6, 2015.



## VILLAGE STAFF REPORT OF JULY 6, 2015

Consider approval of a **Conceptual Plan** for the request of Bob Poch, agent for Care Animal Hospital to construct an 11,021 square foot veterinary office on the vacant property generally located on the north side of Prairie Ridge Blvd. west of 88<sup>th</sup> Avenue within the Prairie Ridge development.

Consider the request of David Galowich, agent on behalf of the owners SB1 Pleasant Prairie, WI LLC for approval of a **Certified Survey Map** to subdivide the property generally located on the north side of Prairie Ridge Blvd. west of 88<sup>th</sup> Avenue within the Prairie Ridge development.

### **THESE ITEMS ARE RELATED AND WILL BE DISCUSSED AT THE SAME TIME HOWEVER SEPARATE ACTION IS REQUIRED.**

*The petitioners are requesting to subdivide the property generally located on the north side of Prairie Ridge Blvd. west of 88<sup>th</sup> Avenue within the Prairie Ridge development into two (2) Lots and for the approval of a Conceptual Plan for the development of the of Lot 1 for a veterinary clinic.*

**2013 Conceptual Plan:** On September 16, 2013, the Village Board approved a Conceptual Plan to subdivide Outlot 17 of the Prairie Ridge Subdivision into four (4) lots and approved CSM 2744, which subdivided Outlot 17 into 2 parcels. The property at the southeastern portion of the 2013 Conceptual Plan is proposed to be created by a new CSM and developed with a veterinary clinic. The CSM and the Conceptual Plan (attached) will be discussed further below. The Conceptual Plan submitted and discussed below generally conforms to the 2013 Conceptual Plans, with the exception of the cross access location. (The Outlot 17 Prairie Ridge Conceptual Plan will need to be modified to depict the Care Animal Hospital site layout and cross access).

The wetlands on the site were re-delineated by Wetland and Waterway Consultants on September 2, 2011 and are located within Dedicated Wetland Preservation and Protection, Access and Maintenance Easements and will be located on the new lot being created. If the veterinary clinic development does not occur within five (5) years from date of the ACOE approval which would be March 29, 2017, then a new wetland staking will be required prior to development of the property.

**Certified Survey Map:** The Certified Survey Map is proposed to create two lots pursuant to the Master Conceptual Plan.

- Lot 1 is proposed to be 2.161 acres with over 350 feet of frontage on Prairie Ridge Blvd. This lot is proposed to be developed with a veterinary clinic.
- Lot 2 is proposed to be 4.880 acres with over 400 feet of frontage on Prairie Ridge Blvd. and over 550 feet of frontage on 91<sup>st</sup> Avenue. No uses are proposed at this time on this lot.

**Conceptual Plan:** The petitioner is proposing to construct an 11,800 square foot veterinary clinic on Lot 1 of the proposed CSM. This veterinary clinic, referred to as Care Animal Hospital, is proposing to relocate from their existing location on the north side of Highway 50 in the Village to a new larger facility. The existing business activity will be similar to Care Animal's existing location. Care Animal Hospital treats dogs, cats and exotic pets, and offers from routine preventative care to orthopedic surgery by six (6) veterinarians. The new facility will include an under-roof dog exercise area that is about

300 to 400 square feet.

There will be no pet cremation on site. Animals that die will be refrigerated and picked up by a removal company.

The clinic is proposed to operate Monday – Friday from 8:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 2:00 p.m. The Care Animal Hospital is proposed to be open for emergency services up to 24-hours per day only on an on-call basis.

The number of employees anticipated is 32 working various shifts throughout the day. It is anticipated that there would be between 128 and 160 customer visits per day and one (1) to two (2) truck deliveries per day. The facility is proposed to open in the fall of 2017.

Pursuant to the Village Zoning Ordinance, the minimum required parking spaces for a veterinary clinic is four (4) spaces for every doctor (6 doctors x 4 =24), plus one (1) space for every employee (32 employees), plus the required handicapped accessible parking spaces as required by the State Code (3 parking spaces). The minimum required number of parking spaces required is 59 parking spaces which include the 3 handicapped accessible spaces. The plans provide for 71 parking spaces (including 3 handicapped accessible parking spaces). The parking provided exceeds the minimum parking requirements of the zoning ordinance.

Storm water management for the site is provided for at the ponds located to the northwest and southwest of the intersection of Prairie Ridge Boulevard and 88<sup>th</sup> Avenue. Storm water from the proposed building and east parking lot shall be conveyed by a new storm sewer to the northwest pond and storm water piping from the west parking lot shall be connected up to the catch basin located 235' west of the east property line. (The storm sewer shown on the plans is a 4" drain tile and is not to be used for storm water conveyance).

Detailed Site and Operational Plans and a Conditional Use Permit will be required to be submitted for the Village's approval. In addition, a Zoning Text Amendment (PUD) will be required to allow for dimensional modifications of the Zoning Ordinance including:

- a 10 foot setback instead of the required 20 foot side setback for east parking lot,
- a 5 foot setback instead of the required 25 foot setback for the parking lot to the wetlands, and
- a 10 foot setback instead of the required 25 foot building setback to wetlands for the building expansion area.

The developer/owner is providing full building sprinklers and will be installing a Digital Security Imaging System (DSIS) pursuant to Chapter 410 of the Village Municipal Code as part of the required community benefits being provided to the Village. The specific PUD will be prepared by the Village staff and reviewed by the Village Plan Commission at the time of that the Site and Operational Plans/Conditional Use Permit application is submitted to the Village.

The Plan Commission held a public hearing on June 22, 2105 and recommended that the Village Board conditionally approve the **Conceptual Plan** subject to the above comments and the following conditions:

1. The Conceptual Plan approval will be valid for a period of one (1) year. Prior to the expiration of the Conceptual Plan, the developer will be required to submit applications and required documents for the following approvals: Site and Operational Plan with a Conditional Use Permit and Zoning Text Amendment to create a specific PUD for the development for the following:
  - a 10 foot setback instead of the required 20 foot side setback for east parking lot,

- a 5 foot setback instead of the required 25 foot setback for the parking lot to the wetlands, and
  - a 10 foot setback instead of the required 25 foot building setback to wetlands for the building expansion area.
2. Detailed Site and Operational Plans are required to be submitted for review and approval prior to any permits being issued for the development pursuant to Article IX of the Village Zoning Ordinance. In addition, a Conditional Use Permit will be required for the proposed veterinary clinic. This is a joint application to be filed.
  3. The Conceptual Plans were reviewed for compliance with generally accepted engineering practices and Village policies. Although the data has been reviewed, the design engineer is responsible for the thoroughness and accuracy of plans and supplemental data and for their compliance with all State and local codes, ordinances, and procedures. Modifications to the plans, etc. may be required should errors or changed conditions be found at a future date and detailed engineering plans are prepared and reviewed. **The following changes shall be made and incorporated into the required Site and Operational Plans.**
    - a. Include a Location Map.
    - b. Provide the parcel size in acres and square feet.
    - c. The Sheet Index information at the upper right corner of Sheet C1-0 shall list all five (5) plan sheets included in the submittal.
    - d. Include the following zoning designations on the Plans. The developable/non-wetland portion of the property is zoned B-2 (PUD), Community Business District with a Planned Unit Development Overlay. The wetland portion of the property is zoned C-1, Lowland Resource Conservancy District.
    - e. Under Zoning Information remove the note per Jean's email – a PUD will need to be approved by the Village Board to address dimensional variations.
    - f. Label the abutting parcels with ownership and tax parcel number information.
    - g. The B-2 District and parking regulations require a minimum 25 foot wetland setback. The plan shall depict and dimension the 25 foot wetland setback line. Portions of the west parking lot and the future 2,450 sq. ft. building expansion do not meet the 25 foot wetland setback requirement. Any building addition or parking lot/driveway must meet a minimum of 10 foot setback to the wetlands.
    - h. The wetland shall be labeled with the delineation information, i.e. the entity that performed the delineation, the date of the delineation and the WIDNR concurrence information. The wetland may need to be re-delineated if permits are not obtained and work does not commence prior to the 5 year wetland delineation approval date of March 29, 2017.
    - i. Add setbacks for building and paved surfaces to the property lines.
    - j. The plans shall be revised to ensure that all setbacks proposed to be included in the PUD are being met.
    - k. A Cross Access and Maintenance Easement for vehicles and/or pedestrian to allow travel between the properties to the north and west are required. In addition to showing the Easement on the CSM, a separate Easement document shall be prepared by the developer/owner, reviewed and approved by the Village and recorded at the Register of Deeds office. At a minimum

such easement shall include a legal description, its specific use and maintenance responsibilities. A copy of the Easement shall be provided to the Village.

- l. The new facility will include a dog exercise area that is about 300 to 400 square feet and it will be under-roof.
- m. Dimension the narrowest width of the semi-circular drive located at the front entrance to the building.
- n. Label the right-of-way width of Prairie Ridge Boulevard (100').
- o. Show the location of the existing easternmost St. Anne's Church Prairie Ridge Boulevard driveway.
- p. Any repairs/replacement to the existing Prairie Ridge Boulevard sidewalk and the Prairie Ridge Boulevard street trees will be the responsibility of this (abutting) property owner, at the property owner's expense.
- q. The plans shall show the location of the existing public sidewalk in Prairie Ridge Boulevard.
- r. A sidewalk shall connect the exit door back patio to the east parking lot.
- s. To facilitate pedestrian movement and walkability, the Plans shall show a minimum 5' wide concrete sidewalk connection to the facility from the existing Prairie Ridge Boulevard public sidewalk.
- t. The existing 5' wide concrete public sidewalk in Prairie Ridge Boulevard shall be the dominant improvement when traversing the private driveway entrances. In other words, the concrete sidewalk shall cross-thru the paved driveways.
- u. The sidewalk shall provide the same height as curb would on the south end of the main parking lot. No curb stops or wheel stops shall be installed.
- v. Relocate the electric transformer to the north end of the east parking lot.
- w. All bollards shall be painted or sleeved to match the building – brown or tan.
- x. Details of the dumpster enclosures shall be provided on the Site and Operational Plans. The dumpster enclosures shall be constructed of the same brick, block or stone materials as the building and be attached to the building. The doors shall provide complete screening for the garbage dumpsters and recycling. Detached garbage enclosures are not allowed. A wooden fence enclosure is not allowed. Sample materials, doors and paint colors of the dumpster enclosures shall be submitted for review and approval.
- y. Is any fencing proposed? If so, show the location and details.
- z. Storm water management for the site is provided for at the ponds located to the northwest and southwest of the intersection of Prairie Ridge Boulevard and 88<sup>th</sup> Avenue. Storm water from the proposed building and east parking lot shall be conveyed by a new storm sewer to the northwest pond and storm water piping from the west parking lot shall be connected up to the catch basin located 235' west of the east property line. The storm sewer shown on the plans is a 4" drain tile and is not to be used for storm water conveyance. See **attached** as-built storm sewer plans.
- aa. Verify all existing public utilities are shown correctly (i.e. storm, water, sanitary etc.). Record drawings for the public utilities are **attached** for

- general reference. The design engineer shall field survey the actual utility locations.
- bb. Show the existing sidewalk, curb and gutter, street trees, and median on Prairie Ridge Boulevard. The existing driveway aprons shown on the plans do not exist.
  - cc. The plans do not include existing or proposed topographic information. The adjacent pond shall be shown on the plans. Does the future drive extension located at the northwest corner work with the existing topography?
  - dd. There is an existing electrical transformer on the property located near the west entrance that shall be shown on the plan. The electrical pedestal that is shown on the plan appears to be further west. Is this a different transformer or proposed relocation?
  - ee. A curb cut does not currently exist for eastern driveway entrance. Curb and gutter for the driveway shall be removed and replaced with 30-inch Type D curb and gutter with the curb head removed.
  - ff. Curb ramps are to be installed at the driveways.
  - gg. Additional detail shall be provided for the site grading and storm water collection system.
  - hh. All commercial buildings will be required to install a sanitary sewer sampling manhole pursuant to the Village specifications. The location and details shall be shown on the Site and Operational Plans required for each site. Contact the Village & Rescue Department will need to review site access. Current layout does not appear to meet the 30-foot wide access requirements.
  - ii. Approval from the Fire & Rescue Department shall be obtained for fire hydrant locations and fire suppression system design.
  - jj. The following items are currently not included and / or shown on the plans and will need to be provided for a detailed engineering design review as part of the required Site and Operational Plans.
    - i. Cover sheet.
    - ii. Detail sheet.
    - iii. Erosion control / grading plans.
    - iv. Sanitary sewer and water main plans.
    - v. Storm sewer plans.
    - vi. Photometric plan.
    - vii. Landscaping Plan
  - kk. The following comments relate to landscaping and shall be included as part of the Site and Operational Plans:
    - i. All landscaped areas will be required to be irrigated with a sprinkler system. The base map for these landscape plans shall include the approved grading plan. In addition, the location of all pedestals and transformers and proposed screening shall be shown on the Plans.
    - ii. The public street trees (and the type) shall be identified on the Landscape Plan. Existing street trees will need to be pruned and all missing or dead street trees will need to be replaced staked, placed mulch beds.

- iii. Landscaping and parking lot islands will be required pursuant to the Village Ordinance requirements. In particular, landscaping between parking areas and roadways shall comply with Section 420-57 J (2) (d) of the Village Zoning Ordinance that states "*Parking lots associated with manufacturing, business or institutional uses shall be screened from public rights-of-way and/or residential zoning districts located within 50 feet of such parking lots; such screening shall be installed in close proximity to the parking lot and shall be 75% opaque to a height of at least four (4) feet above the grade of the nearest edge of such parking lot within three (3) years of installation and may consist of shrubs and trees, an appropriately landscaped undulating berm...*".
- II. The following comments relate to signage and shall be included on the Site and Operational Plans:
- i. A primary monument sign. Secondary entrance signs (entry monument signs) at the shared access locations may be allowed. All signage shall conform to the provisions of the PUD Ordinance and all general requirements of the Village Sign Ordinance (Chapter 420 Article X) unless specifically allowed in the PUD.
  - ii. Dimension the setback distance of the proposed monument sign to the Prairie Ridge Boulevard right-of-way line. Ordinance requires a minimum 15 foot sign setback.
  - iii. Provide details for monument sign – maximum height is 6 feet. Must have a 5 foot landscaping area around the sign.
  - iv. Primary Monument Signage shall include the street address of the convenience store building, including the street number(s) and the name of the street (letters and numerals shall be at least 3 inches in height and at least 18 inches above the surface of the ground). The address may be placed on the base of the sign (where it will not count toward the maximum area of the sign display).
  - v. Provide informational, directional and accessible signage details.
  - vi. Show any signage is proposed for the building.
- mm. All parking lot signage shall utilize attractive black ornamental poles for all signage, including handicapped accessible signage. No u-channel poles for any site signs.
- nn. Attractive address numerals shall be placed on the building.
- oo. The following comments related to the required Photometric Plan to be submitted with the Site and Operational Plans:
- i. The photometric site lighting plan shall include details of the light standards and fixtures.
  - ii. Parking lot light standards shall be the same color as the bollards with a maximum height of 20 feet.
  - iii. Concrete bases shall not exceed 18 inches above grade and shall be located in landscape island areas.
- pp. All downspouts shall be directly interconnected at grade to the private underground storm water system. Show on the plans.

- qq. Upon review of the limited plans submitted, the Fire & Rescue have the following concerns as specified in the **attached** June 12, 2015 memorandum: we have the following concerns:
- i. The building shall be equipped with a fire sprinkler system, a fire alarm system and recessed Knox Boxes. The combination water main feeding the building will need to be sized by a WI Licensed Fire Sprinkler Designer. These items will need further review once more detailed plans are submitted.
  - ii. AED. Because of the type of occupancy the owner shall install one or more public access Automatic External Defibrillator (AED) onsite for employee and customer use in the event of a sudden cardiac arrest. The Fire and Rescue Department can provide the training necessary to perform CPR and to operate the AED.
  - iii. Fire Alarm Control Panel: The main FACP will be placed in the fire riser room. Remote annunciator panel location(s) will also need to be determined during the pre-construction meeting.
  - iv. Both the fire department sprinkler connection and the fire hydrant, (pumper pad), shall be installed remote from the building and located a minimum distance from the building equal to the highest wall. The location should be moved to the north in the area of the loading zone.
  - v. Fire safety system plans, such as fire sprinkler and fire alarm plans, will need to be submitted to the State of Wisconsin Department of Safety and Professional Services and also to this fire department for review. No installation of any fire protection system is allowed until a satisfactory review is obtained from both departments.
  - vi. All driveway entrances off of Prairie Ridge Blvd and future driveway extensions shall be 30 feet wide.
  - vii. Severe Weather Shelter: The architect shall identify the area within the building that can be used as a "severe weather shelter" or "safe haven" during severe weather such as a tornado. That area will be identified with signage.
  - viii. All outside doors must have access to the interior. Such as a lock and handle provided at each door.
- rr. It is recommended that all exits and entrances are numbered, inside and outside, beginning in the front of the building and moving in a clockwise fashion around the building. The numbering system allows for easy identification of where first responders are needed or the location of a safe entry point.
4. The medical/drug storage area within the building shall be monitored by cameras and kept in a locked cabinet.
  5. General boarding or cremation services shall not be provided at this location.
  6. Building architectural designs, elevations and sample materials will be required to be approved by the Plan Commission as part of the detailed Site and Operational Plans.
  7. All easements shall be shown on the required Site and Operational Plans submitted for review and approval as each lot is proposed to be developed.

8. Each handicapped parking space shall be appropriately signed (locations to be reviewed with planning staff) and painted on the pavement (same color for all development) pursuant to ADA requirements prior to occupancy of any development site.
9. All exterior transformers, mechanical units, antennae and/or satellite dishes, whether roof-mounted or ground-mounted, shall be screened from the general public's view.
10. Site and Operational Plans will be required to be approved by the Prairie Ridge Commercial Owners Association. Written approval shall be submitted to the Village prior to issuance of building permits.
11. Impact fees shall be paid prior to issuance of the building permit. (Currently based upon \$1.94 per \$1,000 of valuation as determined by the Village Assessing Department).
12. There shall be no parking of any vehicles on 91<sup>st</sup> Avenue or Prairie Ridge Blvd.
13. During construction, the contractors will be required to park on-site or make arrangements for other off-site parking.
14. Airport Height Overlay District approval shall be obtained from the City of Kenosha prior to the issuance of Village building and zoning permits.
15. The site shall provide a Digital Security Imaging System (DSIS) pursuant to Chapter 410 of the Village Municipal Code.
16. After footings and foundations are installed and prior to framing or construction of walls, an as-built survey stamped by a Wisconsin Registered Land Surveyor shall be submitted to the Village to verify that required building setbacks have been met.
17. All required landscaping and screening for the buildings and signage shall be installed prior to occupancy of any building. A written letter verification and certification shall be provided to the Village by the landscape designer that all building and signage landscaping has been installed in accordance with the approved landscape plan prior to the issuance of a certificate of compliance/occupancy. However, if weather conditions prevent installation of all or portions of the landscape materials, the developer, owner or occupant shall enter into a written agreement with the Village that specifies the date by which all approved landscaping shall be completed and grants the Village a temporary easement to complete the landscaping if not timely completed and shall deposit with the Village Clerk a cash deposit, an irrevocable letter of credit, or other financial assurance approved by the Zoning Administrator to ensure timely completion of all required landscaping; the amount of the financial assurance shall be equal to 110% of the contracted amount to complete the landscaping improvements in order to reasonably compensate the Village for the cost of completion of any landscaping improvements not completed within the specified time.
18. Prior to written occupancy three (3) copies of an as-built plan, stamped by a Wisconsin Registered Land Surveyor shall be submitted to the Village to verify that required building, above ground structures and all impervious surfaces meet the minimum setbacks and that all signage and pavement markings were installed per the approved site plans and the grading of the site was completed pursuant to the approved Site and Operational Plans. In addition, written certification from the signage companies that the signage was installed pursuant to the approved Site and Operational Plans shall be submitted.



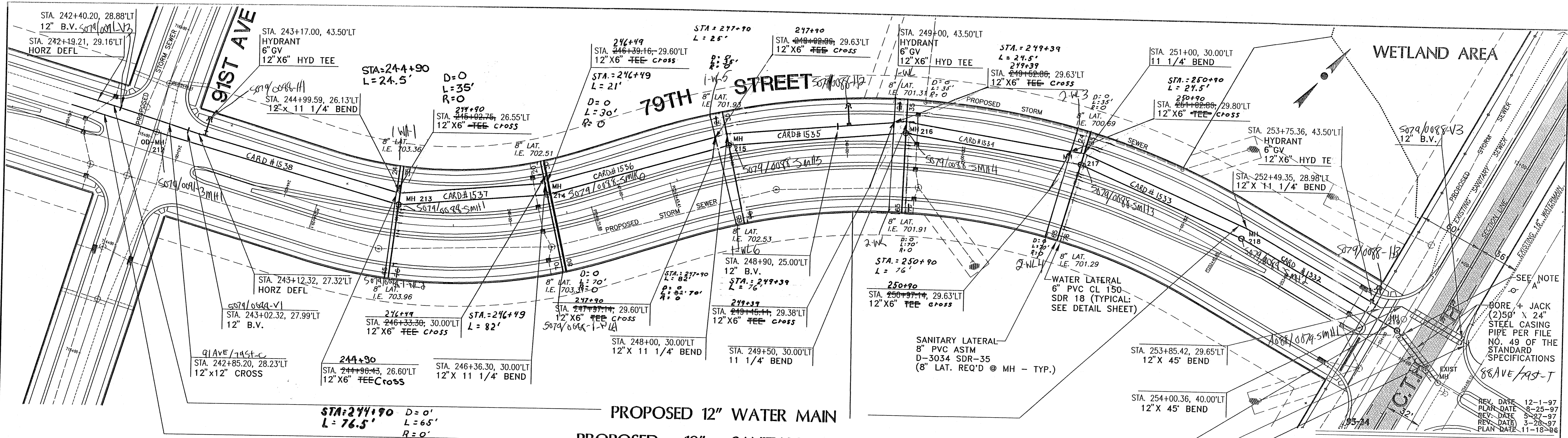
19. Prior to written occupancy an as-built record drawing of graphical data of all private sewer, water, and storm sewer facilities and underground irrigation systems installed shall be provided to the Village for the Village to update the Village's Geographic Informational System. Information shall conform to the Village's electronic format requirements. In addition, a paper copy prepared and stamped by the Engineer of Record for the project shall be submitted.
20. No site within the development shall be used for any parking (neither overnight nor during the day) of junked/inoperable/dismantled/unlicensed vehicles. All junked/inoperable/ dismantled/unlicensed vehicles that are parked overnight will be issued citations.
21. Real Estate Marketing Signs and/or Temporary Development Signs are permitted only by permit pursuant to the requirements of Article X of Chapter 420.
22. At no time shall any site within the development be used to sell or advertise any vehicles that are "for sale".
23. No vehicular parking will be permitted in driveways, maneuvering lanes, fire lanes or on landscaped areas.
24. There shall be no outside banners, strings of pennants, signs placed in the ground, flag pennants, flags, inflatable devices or streamers affixed or attached to the building(s), fencing, light poles, ground or landscaping, etc. within the Development. Special event and grand opening signs are permitted by Ordinance with permit.
25. There shall be no semi-truck/trailer, delivery trucks or commercial box truck or commercial van parking permitted on the site within the Development, except temporarily, for routine deliveries.
26. There shall be no outdoor storage or display of materials, goods or equipment on any site, within the Development unless as approved by the Village.
27. The use of semi-trailers, storage units, storage bins, roll-off storage devices (e.g. P.O.D.S., S.A.M.S.) or other trucks, for storage purposes is prohibited. Outdoor storage of any materials, including but not limited to: raw materials, business supplies, pallets, crates, etc., is prohibited.
28. No trucks, trailers or cars shall be parked in a manner that would constitute advertising for the business on the properties.
29. No sign walkers – persons with costumes or signs strapped, hung, affixed or over their clothes shall walk the properties or public right-of-ways for extended periods of time advertising the businesses, sales or special offers of the service or retail businesses.
30. No use shall be conducted in such a way as to constitute a public or private nuisance or to violate any of the performance standards set out in Section 420-38 of the Village Zoning Ordinance.
31. Municipal connection fees shall be paid prior to the connections of each building to the sanitary sewer system.
32. This development shall be in compliance with the Village Land Division and Development Control Ordinance, the Village Municipal and Zoning Codes, the Village Construction Site Maintenance and Erosion Control Ordinance and the State of Wisconsin Statutes.
33. All Village fees incurred by the Village Engineer, Village Inspectors and/or expert Assistants/Consultants/Attorneys required by the Village throughout the

development process will be billed directly to the Developer. Such fees shall be paid in a timely manner.

34. All Village fees incurred by the Village Community Development Department and/or expert Assistants/Consultants/Attorneys required by the Village throughout the development process will be billed directly to the Developer. Such fees shall be paid in a timely manner.

**Item B: Recommendation:** Plan Commission recommends that the Village Board approve the Certified Survey Map subject to the following conditions:

1. The **attached** changes to be made to the CSM.
2. The CSM shall include full easement for shared access driveway.
3. Dedication and Easement Provisions for the CSM shall include the following dedications:
  - a. Dedicated Cross Access and Maintenance Easement (extending north in the eastern corner of the site and along the western side of the site);
  - b. Dedicated Wetland Preservation and Protection, Access and Maintenance Easement;
  - c. Dedicated 12' Utility, Access and Maintenance Easements
  - d. Dedicated 13' Planting and Landscape Easement and Restricted Planting, Landscape and Vehicle Non-Access Area
  - e. Dedicated Public Street
4. Restrictions and Covenants shall be shown on the CSM which include provisions pertaining to:
  - a. Street tree planting and maintenance
  - b. Driveway cross access and maintenance
  - c. DSIS access and maintenance
  - d. Wetland preservation and protection maintenance
5. Abandonment of the Wetland Access Easement shall be shown on the CSM.
6. If the wetland needs to be re-delineated, the wetland and parcel line information on the CSM will need to be changed accordingly.
7. Any outstanding taxes or special assessments shall be paid prior to recording the CSM. According to the Village Finance Department. Pursuant to the Village records there are taxes of \$8,126.88 due by July 31, 2015, on parcel# 91-4-122-081-0131 (the parcel -0134 is split from in 2015). There is also an outstanding STH 50 transportation improvement assessment of \$158,840.30.
8. The CSM shall be finalized, executed and recorded at the Kenosha County Register of Deeds Office and a recorded copy of the CSM shall be provided to the Village within 30 days of Village Board's approval and prior to issuance of building permit.



**Note:**  
Existing underground utility information was obtained from available records. The Engineer makes no guarantee as to the accuracy of this information. Verification to the satisfaction of the Contractor of all underground utilities, whether or not shown on the plans, shall be assumed as a condition of the contract. The Contractor shall notify the Engineer of any discrepancies between location of utilities in the field and locations shown on the plans.

**Note:**  
Contractors shall protect existing sanitary interceptor sewer during construction of new manholes, laterals, rim adjustments, or other related activities. Any Contractor found responsible for causing damage to same shall be required to make complete restoration, per Village requirements.

**Water Main Service Legend**  
Sta. = Station of Tap  
L = Length of Service

**Sanitary Sewer Service Legend**  
D = Distance from Downstream Manhole  
L = Length of Lateral  
R = Riser Height

**Contractor is required to contact Diggers Hotline (259-1181) prior to commencing the work.**

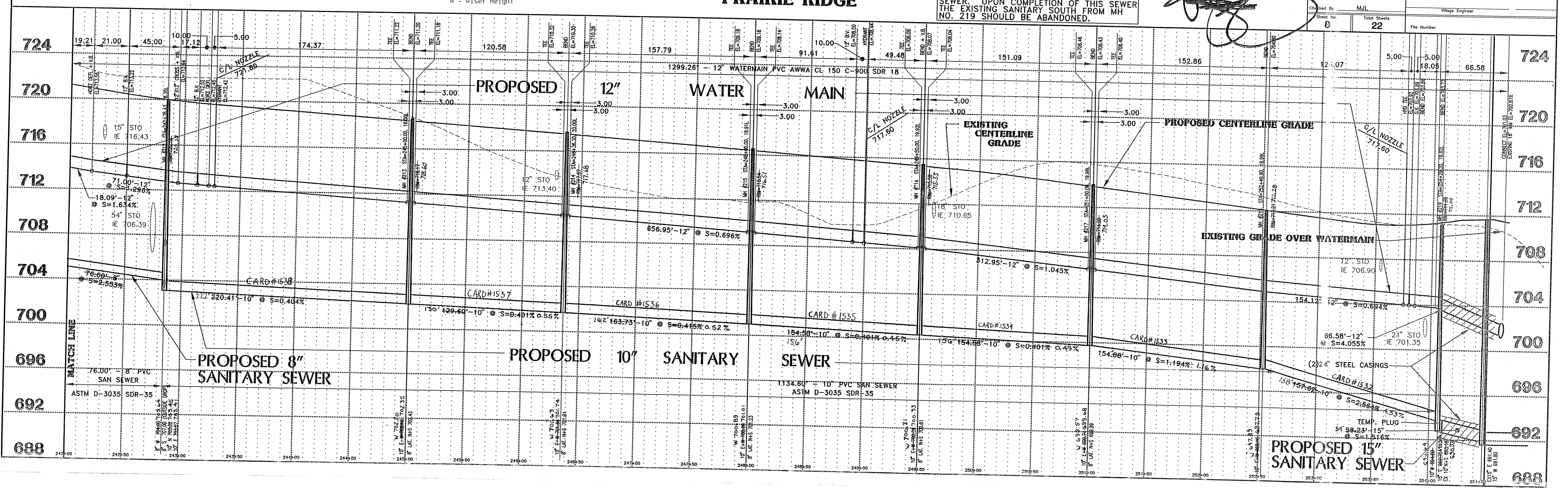
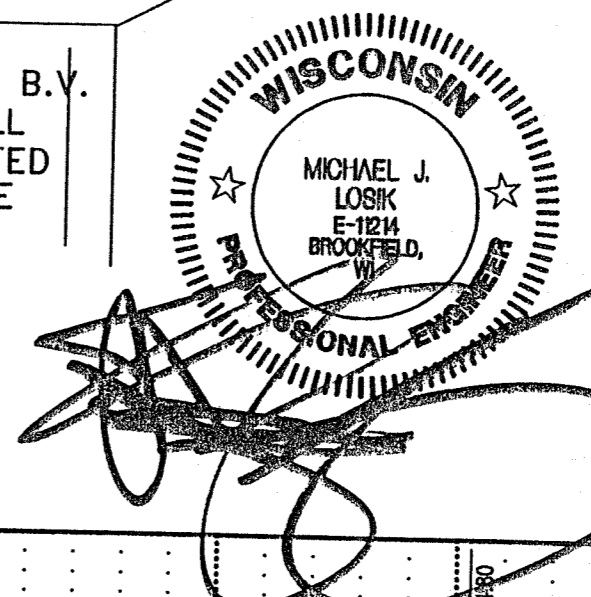
**CRISPPELL-SNYDER, INC.**  
CONSULTING ENGINEERS  
UTILITIES REVISOR TO CONFORM TO CONSTRUCTION RECORDS  
DATE: BY:

CONNECT 12" TAPPING VALVE W/12" B.V. DO NOT CONNECT UNTIL ALL TESTS HAVE BEEN COMPLETED AND A SAFE WATER SAMPLE HAS BEEN OBTAINED

**NOTE "A"**  
THE NEW 15in. SANITARY SEWER EAST OF MH NO. 219 SHALL BE BULKHEADED UNTIL COMPLETION OF THE WESTWOOD SANITARY SEWER. UPON COMPLETION OF THIS SEWER THE EXISTING SANITARY SOUTH FROM MH NO. 219 SHOULD BE ABANDONED.

Michael J. Losik & Assoc., Inc.  
Consulting Engineering  
Land Surveying  
Load Planning  
1717 Foreman Drive  
Suite 201  
Waukegan, WI 53090-3339  
(414) 544-4221  
FAX: (414) 544-0504

**VILLAGE OF PLEASANT PRAIRIE**  
**KENOSHA COUNTY, WISCONSIN**  
Plan & Profile  
**SANITARY SEWER AND WATER MAIN PLAN**  
IN: 79TH STREET  
FROM: C.T.H. "H"  
TO: 91ST AVENUE  
Scale: Horiz. T = 40'  
vert. T = 4'  
Drawn By: DW  
Checked By: MJL  
Sheet No. 8  
Total Sheets 22  
File Number  
Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Director of Public Works  
Village Engineer







Office of the  
Chief of Fire & Rescue  
Doug McElmury

## VILLAGE STAFF MEMORANDUM

TO: Jean Werbie-Harris, Community Development Director  
FROM: Doug McElmury, Chief Fire & Rescue Department  
CC: Deputy Chief, Craig Roepke  
Lt. Thomas Clark, Fire & Rescue Department  
Peggy Herrick, Assistant Planner, Community Development  
SUBJECT: Review of the Conceptual Plan for Care Animal Hospital  
DATE: 12 June 2015

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This is the review of the Conceptual Plan for the proposed 11,021 sq. ft. new facility for Care Animal Hospital.

The Fire and Rescue Department will be responsible for providing fire prevention inspections of this facility, twice annually. The concerns of the Fire & Rescue Department are as follows:

1. **Distribution of Comments:** *the person who obtains the building permit to all Contractors and Subcontractors affected by this document shall distribute Copies of these comments. This document outlines critical times and deadlines. All recipients of this document need to become familiar with the contents.*
2. **Compliance:** A letter shall be submitted to the Fire & Rescue Department prior to receiving a building permit, stating that the project will comply with all requirements addressed within this document.
3. In the event a conflict in code(s) is identified, or a conflict with the insurance carrier criteria occurs, the more stringent shall apply. In the event this conflicts with any codes adopted by the State of Wisconsin, the owner must petition the State directly for a variance. The Owner must demonstrate that they will provide materials or design equivalent to the code or that they will exceed the code when petitioning the State and or Village when applicable.



Upon review of the limited plans submitted, we have the following concerns:

- The building will need to be equipped with a fire sprinkler system, a fire alarm system and recessed Knox Boxes. The combination water main feeding the building will need to be sized by a WI Licensed Fire Sprinkler Designer. These items will need further review once more detailed plans are submitted.
- AED. Because of the type of occupancy the owner shall install one or more public access Automatic External Defibrillator (AED) onsite for employee and customer use in the event of a sudden cardiac arrest. The Fire and Rescue Department can provide the training necessary to perform CPR and to operate the AED.
- Fire Alarm Control Panel: The main FACP will be placed in the fire riser room. Remote annunciator panel location(s) will also need to be determined during the pre-construction meeting.
- Both the fire department sprinkler connection and the fire hydrant, (pumper pad), shall be installed remote from the building and located a minimum distance from the building equal to the highest wall. The location should be moved to the north in the area of the loading zone.
- Fire safety system plans, such as fire sprinkler and fire alarm plans, will need to be submitted to the State of Wisconsin Department of Safety and Professional Services and also to this fire department for review. No installation of any fire protection system is allowed until a satisfactory review is obtained from both departments.
- All driveway entrances off of Prairie Ridge Blvd and future driveway extensions shall be 30 feet wide.
- Severe Weather Shelter: The architect shall identify the area within the building that can be used as a "severe weather shelter" or "safe haven" during severe weather such as a tornado. That area will be identified with signage.
- All outside doors must have access to the interior. Such as a lock and handle provided at each door.

**4. Fire and Rescue Department Review and Comments:**

**A. Site and Operational Permits**

1. Site accessibility
2. Fire Pump Location
3. Pumper Pad
4. Fire hydrant spacing

**B. Conditional Use and Operational**

1. Standpipe outlet locations                      **Not shown at this time.**
2. Fire alarm pull stations                      **Not shown at this time.**
3. Emergency and Exit Lighting                **Not shown at this time.**
4. Fire extinguishers                              **Not shown at this time.**
  
5. **Plan Review, Permits and Fees:** The plans for the fire protection underground, aboveground and fire alarm system shall be submitted for review a minimum of four (4) weeks before installation is scheduled to begin. The Village will use an independent fire safety consultant for review of all fire protection plans submitted. A satisfactory review must be completed before any permits will be issued and before construction can begin.
  
6. **Insurance Carrier:** The Owner of this project shall submit to the insurance carrier for review the plans for both underground water distribution and fire protection prior to construction. The Fire & Rescue Department shall receive a copy of the comments when plans are submitted for review.
  
7. **The following information must be submitted with the sprinkler plans for review:**  
Building height:  
Number of stories/floors:  
Mezzanines:  
Elevators:  
Hazard class:  
Commodity:  
Maximum storage height:  
Square footage, office space:  
Square footage, receiving space:  
Square footage, shipping space:  
Square footage, warehouse space:  
Exterior storage:  
Fire protection:
  
8. **The following Fees and Permits are generated directly from the Fire & Rescue Department.**  
**NOTE: Permits are required from the Fire & Rescue Department for the installation of water main in addition to any permits required by other Village of Pleasant Prairie Departments.**
  - Water Usage
  - Fire Protection Plans for Underground and Aboveground
  - Fire Alarm System Plans
  - Kitchen Hood Systems Plans
  - Occupancy Permit & Re-Inspection fees
  
- Permit fees must be paid at time of submission for review. Work cannot begin until all permits have been issued. A typical review turnaround is four weeks.
  
9. **Required Licenses:** A Wisconsin licensed fire protection contractor and Wisconsin licensed sprinkler fitters must install underground fire mains and aboveground fire protection. Periodic inspections of the job site will be made by fire inspectors to assure compliance.

10. **Pre-Construction Meeting:** A pre-construction meeting shall take place with the general contractor, the fire protection contractor, the Fire and Rescue Department and any other sub-contractor prior to the installation of any underground fire protection. The purpose of this meeting is to assure that the requirements of the State of Wisconsin that only a Wisconsin licensed sprinkler fitter shall perform the installation of all devices, etc. All parties will be asked to initial this document and or permit. Any violation of the installing requirements will be reported in writing to the State of Wisconsin Department of Safety and Professional Services.
11. **Site Access:** Access shall be provided to the site for all Fire Department apparatus, and must comply with the State of Wisconsin and the International Building Code, 2009 edition. A minimum wall-to-wall turning radius of 45'-0" shall be allowed for apparatus movement.
  - a. All entrances from public streets, as well as road and driveways around the proposed building must be a minimum of 30 feet wide.
  - b. All exterior exit pathways as well as access to the Fire Riser Room shall have a hard surface, leading to a hard surface.
  - c. An exterior personnel door shall be located in close proximity to each fire sprinkler riser.
12. **Sprinkler System:** The building shall be equipped with an "automatic fire sprinkler system". The systems shall be designed and constructed to the current edition of NFPA 13, Automatic Fire Sprinklers and the Village of Pleasant Prairie Ordinance 180-16, Automatic Fire Sprinklers.
13. **Water Service:** If it is determined that the building will be serviced by a combination municipal water and fire protection main, that main must be sized by the fire protection (sprinkler) contractor. No main is allowed to travel underground, under the building.
14. **Plan Review (Underground):** A review of the underground drawings is required along with the fire protection drawings before a permit will be issued by the Fire and Rescue Department. Underground plans shall be submitted a minimum of four (4) weeks before installation begins.
15. **Fire Hydrants:** Fire hydrants shall be spaced no more than 350 feet apart around the perimeter of the building, per Village Ordinance 180-16. The insurance carrier must agree in writing to the hydrant spacing. As many hydrants as possible shall be supplied directly by municipal water. The distance from the finished grade line to the lowest discharge shall be no less than 18 inches and no more than 23 inches. The Fire Department connections shall be located, and of sufficient height where typical snow fall or snow removal operations will not obstruct access.
16. **Fire Hydrant Acceptance:** This project will include the installation of water mains for domestic and fire protection use. Prior to the fire sprinkler system connection to any new water mains (including water mains, fire hydrants, laterals leading to the building and risers) must be hydrostatically tested flushed according to National Fire Protection Association (NFPA-National Fire Code) Standard 24 and witnessed by the Fire Chief and or the Chief's representative, the installing contractor and the fire sprinkler contractor at a minimum.



17. Fire hydrant and water main flushing can be disruptive to the job site and requires significant coordination of all sub-contractors by the General Contractor. Nonetheless flushing is an essential part of assuring public safety.
18. The General Contractor is highly encouraged to coordinate the flushing of all new water mains, fire hydrants, laterals leading to the building and risers with both the sub-contractors responsible, the Village of Pleasant Prairie Engineering Department, Fire & Rescue Department and the Water Utility Department, prior to seeking a 'clean water sample' on this site.

**NOTE:** The Fire Protection Designer must meet with the Fire and Rescue Department before the underground drawings are submitted for review to finalize the placement of the hydrants.

19. **Pumper Pad:** There shall be dedicated space for a fire engine to have unobstructed access to the Pumper Pad. Both the Fire Department Sprinkler connection and the fire hydrant shall be installed remote from the building and located a minimum distance from the building equal to the highest wall. The fire hydrant shall be located no more than five (5) feet from the roadway and the Fire Department sprinkler connection shall be placed no more than five (5) feet from the fire hydrant. The Fire Department connection shall be constructed along with an underground drain with access for inspection. A guideline detail is attached and is meant to illustrate the requirements needed to meet the requirements stated in Village Ordinance 180-16.

*NOTE: The Fire Department Connection riser shall include a single five (5) inch Storz fitting and the Pumper Pad hydrant shall include two 2 ½" NST threaded connections and one 5 inch storz connection.*

20. **Bollards:** Shall be placed near fire hydrants, remote post indicator valves (PIV) and Fire Department connection(s) to prevent damage. Bollards shall be 6 inches in diameter. Bollards shall not obstruct charged fire hoses. It is recommended that the Fire Department approve the location of the bollard(s) before final placement is made.
21. **Strobe Light:** A strobe light shall be provided for each riser and installed vertically above each sprinkler water flow bell. The strobe light shall operate for a sprinkler water flow. The lens color shall be RED. The strobe light shall meet Village specifications as found in section 180-16 K of the Sprinkler Ordinance.
22. **Fire Alarm System:** **The system shall be fully addressable so that detailed information will be received about the device in alarm.** Utilizing a fire pull station, sprinkler water flow, or any other fire detection device that maybe installed in this building shall activate the internal fire alarm system.
- a. **Manual Fire Alarm Pull Stations:** Shall be located at a minimum, immediately adjacent to each exterior door. Any additional exterior doors will be required to meet this requirement. The pull station shall not be placed in the area of the door, but immediately adjacent to the door jamb.
  - b. **Pull Stations and Audiovisual Alarms:** Shall be installed per ADA requirements.
  - c. **Smoke and Heat Detection:** Shall be installed as required.
  - d. **Tamper Switches:** Tamper switches shall be placed on all sprinkler valves and be identified on the annunciator panel.

- e. **Fire Alarm Control Panel: Shall be addressable.** The annunciator panel type shall be approved by the Fire & Rescue Department. The Fire Alarm Control Panel shall be located within the Fire Pump Room. The panel shall identify a fire sprinkler water flow by riser, and the specific locations of the fire alarm pull stations and any other fire detection devices that may be installed in this building.
- f. **Annunciator Panel: Shall be addressable.** The annunciator panel type shall be approved by the Fire and Rescue Department. The panel shall identify a fire sprinkler water flow by riser, and the specific locations of the fire alarm pull stations and any other fire detection devices that may be installed in this building.
- g. **Transmission of Fire Alarms.** The method of transmission to central station must be approved by the Fire & Rescue Department. i.e. Phone line, RF Radio and /or Cellular technologies.
- h. **Central Station:** The Fire Alarm Control Panel shall transmit all fire alarm, tamper, trouble and supervisory signals to a central station that is certified by Underwriters Laboratories (UL) and/or Factory Mutual (FM) and approved by the Fire & Rescue Department. The owner shall provide such documentation for approval. It is recommended that the owner consult with the Fire & Rescue Department prior to signing any contracts with the Central station.

- 1) The central station shall be provided with this information regarding the geographical location of this alarm:

Village of Pleasant Prairie, County of Kenosha, State of Wisconsin

Fire: Pleasant Prairie Fire & Rescue

Medical: Pleasant Prairie Fire & Rescue

Phone numbers:

**Emergency:** (262) 694-1402

Non-emergency: (262) 694-7105

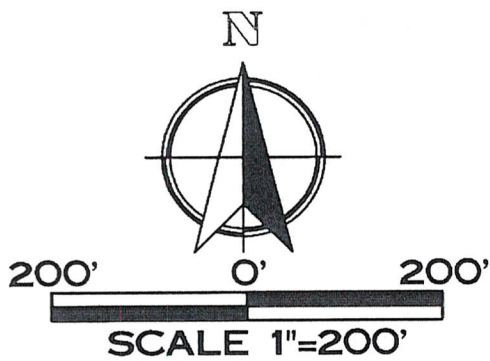
Business: (262) 694-8027

- 23. **Knox Box:** Knox Boxes shall be provided for the building, one by mechanical room door, front (lobby) door. The Knox Boxes shall be flush mounted Model 4400. Two sets of all keys (Master, fire alarm pull station, annunciator, elevator, etc.) shall be placed within the box, as well as a copy of the pre-fire plan.
- 24. **MSDS Knox Box:** A minimum of One (1) Knox Box(s) designed for Material Safety Data Sheet storage shall be provided for each tenant to contain the data sheets on all products that are considered hazardous within the facility. The MSDS Box(s) shall be installed within the Fire Riser Room.
- 25. **Fire Extinguishers:** Shall meet NFPA 10 (Portable Fire Extinguishers) for the specific use of the building and be in sufficient number. Final approval, of fire extinguisher locations and quantity, will not be given until occupancy is taken, to see how a tenant furnishes the space. The company providing the fire extinguishers shall submit a letter to the Fire and Rescue Department stating the locations and size of the extinguishers are in compliance with NFPA 10.

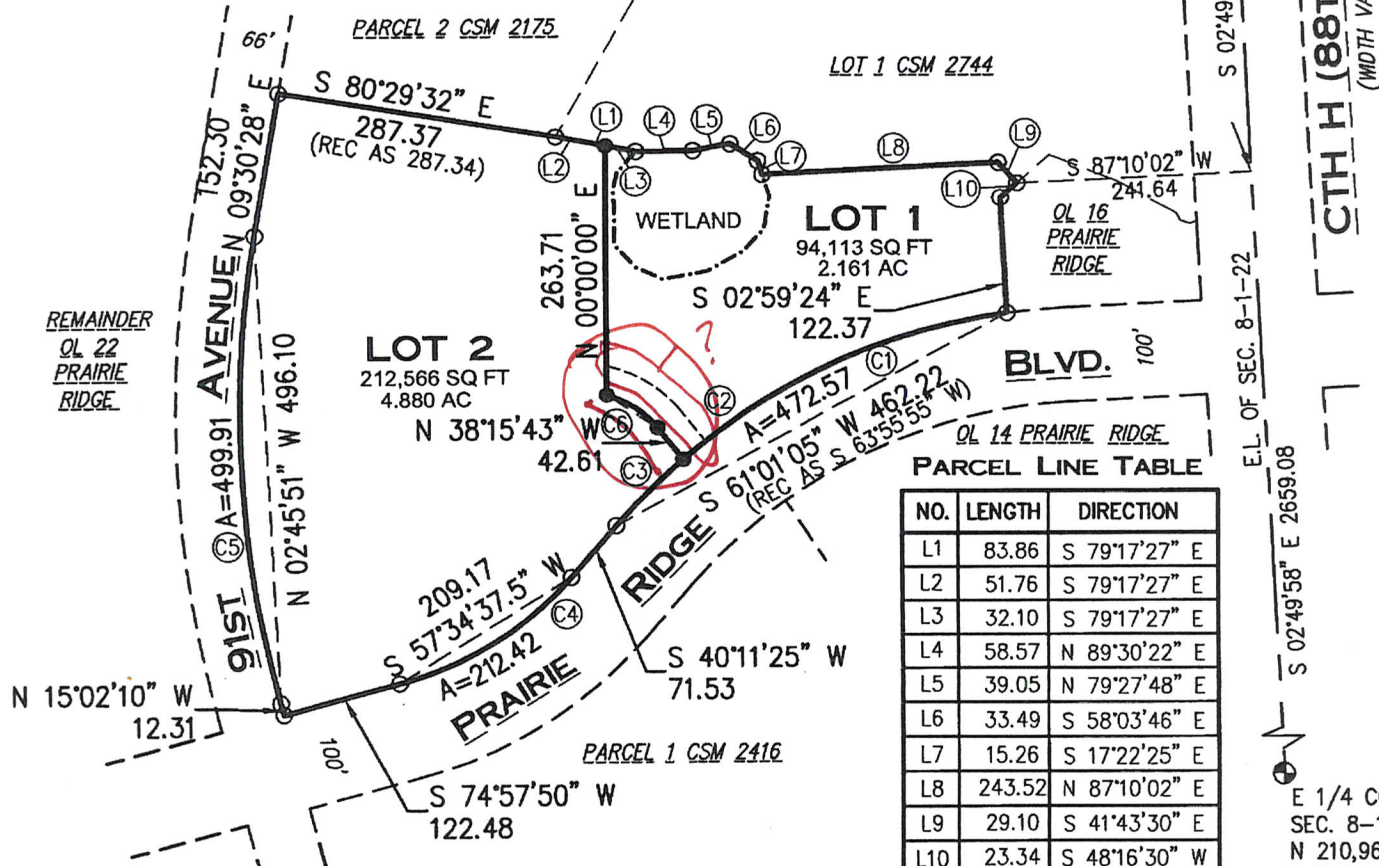
26. **Emergency and Exit Lighting:** Exit and Emergency Lighting shall be provided and shall have battery backup. Combination units are acceptable and recommended. An Emergency Generator eliminates the need for battery backup. Exit and Emergency Lighting shall not be placed on electrical circuits that cannot be disturbed or interrupted, this is for test purposes. These circuits shall be clearly labeled. An Emergency light shall be placed within the fire riser room.
27. **Final Inspection:** The General Contractor shall provide the following documentation at the time the Final Inspection takes place and before a building occupancy certificate will be issued.
- a. The fire protection contractor shall provide the owner with a letter (upon completion of the sprinkler work) stating the sprinkler system, or portion thereof, is “100% operational and built according to the design”, Village Ordinance, 180-16 N.
  - b. Copy of contract with fire alarm central monitoring station.
  - c. Copy of UL and/or FM certificate(s) for the fire alarm central monitoring station.
  - d. Copies of the fire protection underground flushing documents.
  - e. Copies of the underground and fire sprinkler hydrostatic test certificates.
  - f. Copies of the fire sprinkler operational test certificates.
  - g. Copies of the fire alarm test documents.
  - h. Copies of other test documents such as, hood/duct, smoke, etc...
  - i. The Pleasant Prairie Fire and Rescue Department shall have all information needed for our pre-fire plan prior to occupancy.
  - j. Provide two- (2) CD's, one for the property owner and one for the Fire & Rescue Department. The disks shall include all Floor plans and fire protection plans for the building in an as-built condition.
  - k. Severe Weather Shelter: The architect shall provide for both the Owner and the Fire & Rescue Department the area within the building that can be used as a “severe weather shelter” or “safe haven” during severe weather such as a tornado.
  - l. Maps of the fire alarm and fire sprinkler system shall be placed in the fire pump room, near the fire alarm control panel; the maps shall be hung on the wall, with a waterproof covering and accessible to firefighters wearing bulky clothes and equipment.
  - m. AED, in place at such time a tenant takes occupancy.
  - n. A copy of the tenants Emergency Plan must be submitted to the Fire & Rescue Department before occupancy.
28. **Fees:** Occupancy inspection fee and re-inspection fee will be assessed at the final inspection in accordance with ordinance 180-17.
29. **Occupancy:** All fire and life safety requirements must be in place prior to any building being occupied.

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.



NE CORNER  
SEC. 8-1-22  
N 213,620.78  
E 2,561,900.30



E.L. OF SEC. 8-1-22  
S 02°49'58" E 2659.08  
E 1/4 CORNER  
SEC. 8-1-22  
N 210,964.94  
E 2,562,031.71

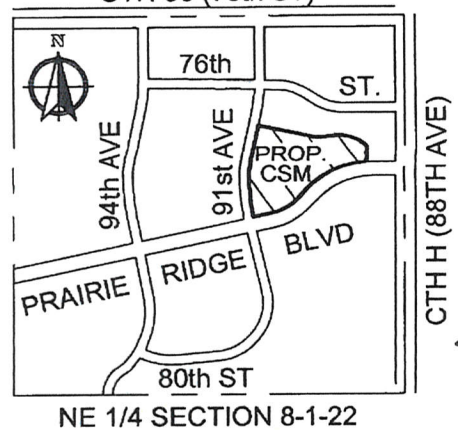
PARCEL LINE TABLE

NO.	LENGTH	DIRECTION
L1	83.86	S 79°17'27" E
L2	51.76	S 79°17'27" E
L3	32.10	S 79°17'27" E
L4	58.57	N 89°30'22" E
L5	39.05	N 79°27'48" E
L6	33.49	S 58°03'46" E
L7	15.26	S 17°22'25" E
L8	243.52	N 87°10'02" E
L9	29.10	S 41°43'30" E
L10	23.34	S 48°16'30" W

CURVE TABLE

NO.	ARC.	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD	TANGENT
C1	472.57	650.00	41°39'20"	S 61°01'05" W	462.22	247.27
C2	373.67	650.00	32°56'16"	S 65°22'37" W	368.54	192.15
C3	98.90	650.00	08°43'04"	S 44°32'57" W	98.80	49.54
C4	212.42	350.00	34°46'25"	S 57°34'37.5" W	209.17	109.59
C5	499.91	1167.00	24°32'38"	N 02°45'51" W	496.10	253.85
C6	63.07	100.00	36°08'07"	N 56°19'46" W	62.03	32.62

LOCATION MAP  
STH 50 (75th ST)



**NOTES:**  
ZONING OF PARCEL IS B-2 AND C-1  
OWNER/LAND DIVIDER: SB1 PLEASANT PRAIRIE WI, LLC  
ADDRESS 591 WEST PUTNAM AVENUE  
GREENWICH, CT 06830  
SURVEYOR: NIELSEN MADSEN & BARBER, S.C.  
1458 HORIZON BLVD. SUITE 200, RACINE, WI 53406

BEARINGS BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE.  
BASED UPON NAD 1927. THE EAST LINE OF SECTION 8-1-22 IS ASSUMED TO BEAR S 02°49'58" E.

**LEGEND:**  
○ 1" O.D. IRON PIPE FOUND  
● 5/8" O.D. x 18" REBAR - 1.04 LBS/LIN FT. SET  
⊕ 6" CONC. MON. W / BRASS CAP FOUND



Date: June 9, 2015  
This Instrument was drafted by Mark R. Madsen  
PROJECT ID: 2013.0057.04

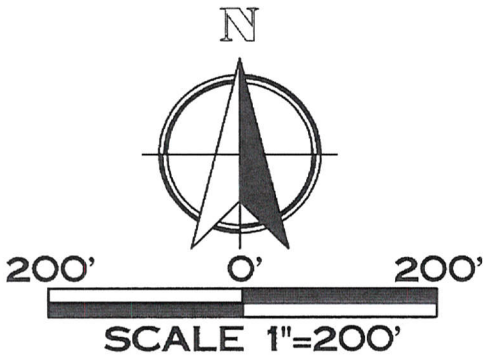
RECEIVED  
JUN 10 2015  
PLEASANT PRAIRIE  
SHEET 1 OF 5 SHEETS

*★ Add all language for easements...*

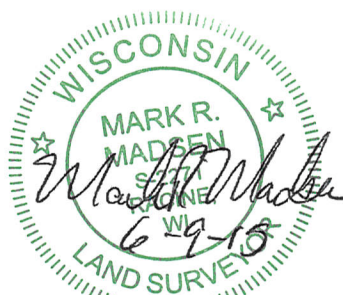
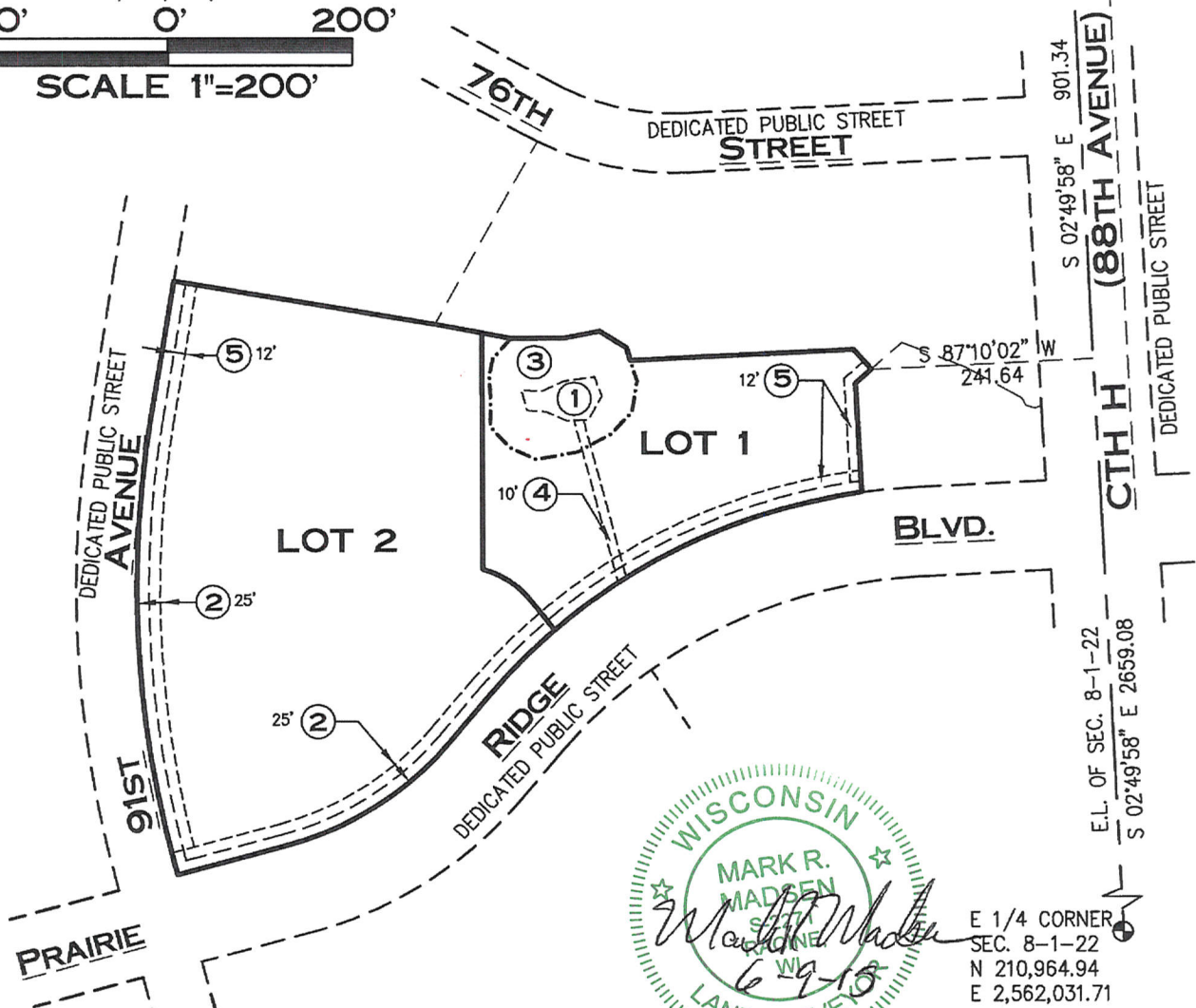
# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

## EASEMENTS & RESTRICTIONS CARRYOVER FROM PRAIRIE RIDGE SUBDIVISION, CSM 2175 & CSM 2744



NE CORNER  
SEC. 8-1-22  
N 213,620.78  
E 2,561,900.30



E 1/4 CORNER  
SEC. 8-1-22  
N 210,964.94  
E 2,562,031.71

- ① DEDICATED WETLAND CONSERVANCY AREA EASEMENT AND RESTRICTED WETLAND CONSERVANCY AREA (SUBJECT TO A RESTRICTIVE COVENANT RUNNING WITH THE LAND). (AS DESCRIBED ON THE FINAL PLAT FOR PRAIRIE RIDGE)
- ② 25' WIDE DEDICATED PLANTING AND LANDSCAPE EASEMENT AND RESTRICTED PLANTING, LANDSCAPE AND VEHICLE NON-ACCESS AREA, EXCEPT AS OTHERWISE AGREED TO BY THE VILLAGE OF PLEASANT PRAIRIE. (SUBJECT TO A RESTRICTIVE COVENANT RUNNING WITH THE LAND). (AS DESCRIBED ON THE FINAL PLAT FOR PRAIRIE RIDGE)
- ③ DEDICATED WETLAND PRESERVATION AND PROTECTION, ACCESS AND MAINTENANCE EASEMENT. (AS DESCRIBED ON CSM 2744)
- ④ DEDICATED ACCESS AND MAINTENANCE EASEMENT. (AS DESCRIBED ON THE FINAL PLAT FOR PRAIRIE RIDGE)
- ⑤ DEDICATED UTILITY EASEMENT AREAS GRANTED TO WISCONSIN ELECTRIC POWER COMPANY, AMERITECH AND TIME WARNER CABLE. (AS DESCRIBED ON THE FINAL PLAT FOR PRAIRIE RIDGE)

*originally*

*originally*

*Proposed to be vacated*

*to be recorded*

*originally*

*village*

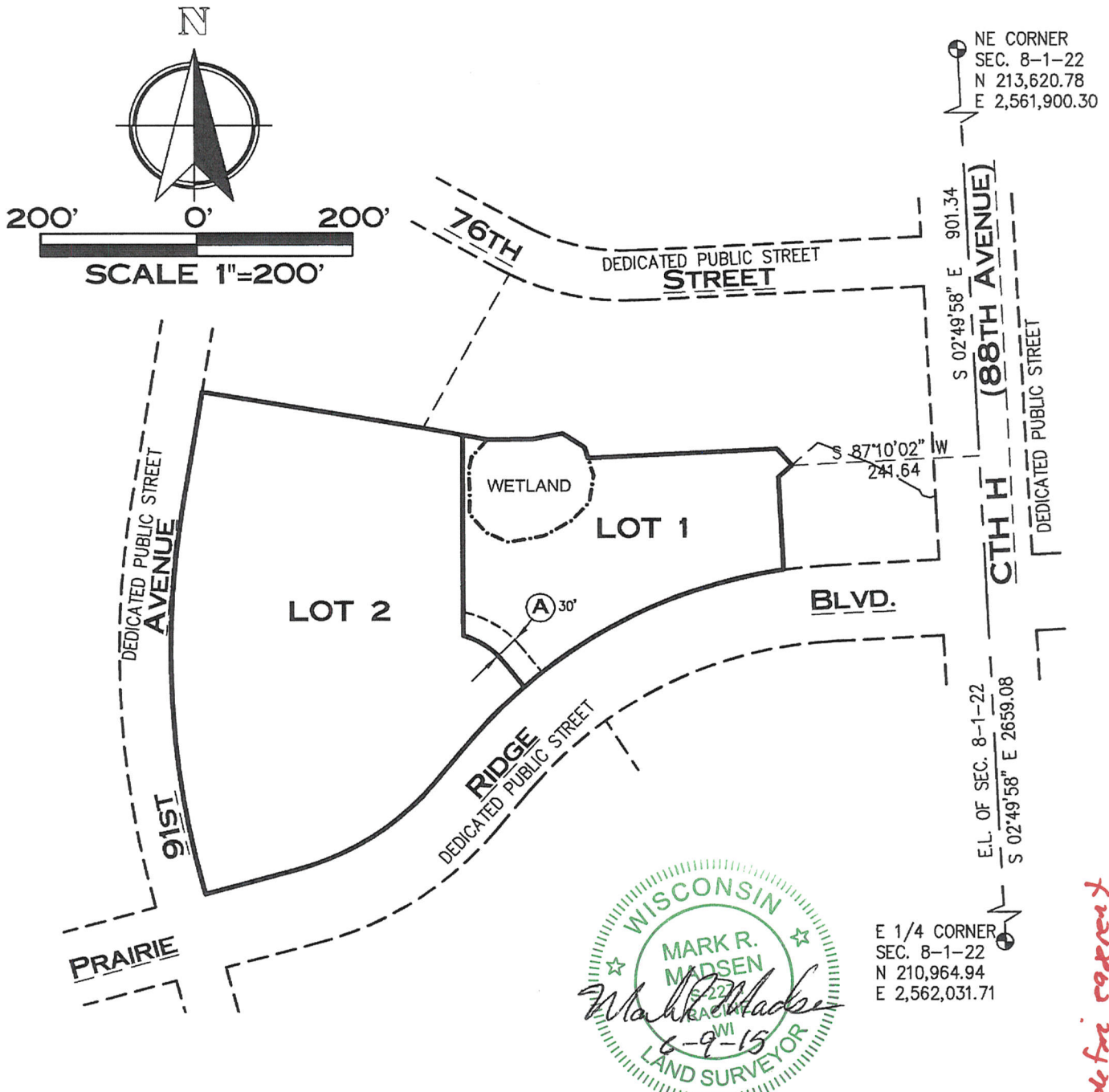
NOTE:  
ADDITIONAL DEDICATED INGRESS, EGRESS AND CROSS ACCESS EASEMENTS WILL BE REQUIRED ON BOTH LOTS 1 AND 2 AT THE TIME OF SITE AND OPERATIONAL PLAN APPROVAL FOR EACH LOT.

Date: June 9, 2015  
This Instrument was drafted by Mark R. Madsen  
PROJECT ID: 2013.0057.04

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

## DEDICATIONS AND EASEMENTS



### DEDICATED 30' WIDE INGRESS, EGRESS AND CROSS ACCESS EASEMENT (A)

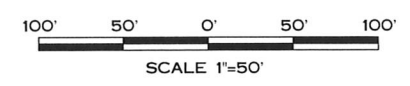
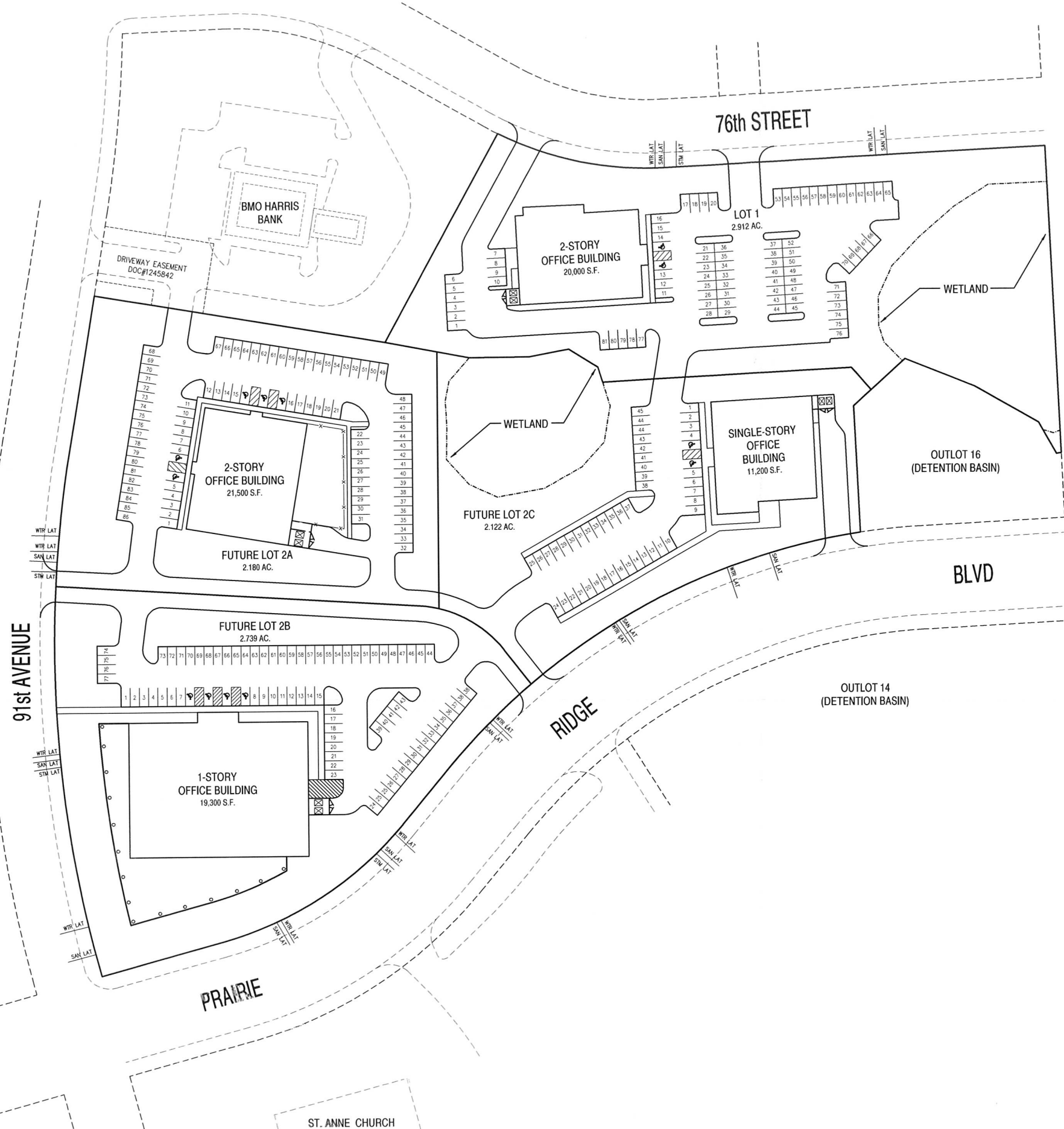
Nonexclusive easement coextensive with the area shown as a Dedicated 30' Wide Ingress-Egress, Cross Access and Maintenance Easement on Lot 1 of this CSM is hereby dedicated, given, granted and conveyed by the Owner / Land Divider to the Owner(s) of Lots 1 and 2 and the Village of Pleasant Prairie ("the Village") for vehicular and pedestrian ingress, egress and cross access purposes. In the event of any conflict between the rights of the Owner, the rights of the Village and the rights of the Lot Owner(s) or other entities with respect to the Dedicated Ingress-Egress, Cross Access and Maintenance Easement, the Village's rights under the easement shall be deemed to be superior. Unless the Village exercises the rights granted to it hereunder with respect to the easement, the Village shall have no obligation to do anything pursuant to its rights under the easement. The Owner(s) of Lots 1 and 2 shall be responsible for all costs associated with the construction, snow plowing and maintenance of the shared "private access drive" within said easement and associated pavement and landscaping improvements.

*A separate Cross Access Easement shall be recorded to expressly define easement and maintenance*

*recorded to expressly define easement and maintenance*

Date: June 9, 2015  
 This Instrument was drafted by Mark R. Madsen  
 PROJECT ID: 2013.0057.04

Thursday, July 25, 2013 1:40:55 PM



88th AVENUE (CTH H)

**Lot 1**

AREA: 2.912 Ac.  
 20,000 S.F. OFFICE BUILDING  
 81 REGULAR PARKING SPACES  
 2 HANDICAP PARKING SPACES  
 83 TOTAL PARKING SPACES

**Lot 2A**

AREA: 2.180 Ac.  
 21,500 S.F. OFFICE BUILDING  
 86 REGULAR PARKING SPACES  
 5 HANDICAP PARKING SPACES  
 91 TOTAL PARKING SPACES

**Lot 2B**

AREA: 2.739 Ac.  
 19,300 S.F. OFFICE BUILDING  
 77 REGULAR PARKING SPACES  
 4 HANDICAP PARKING SPACES  
 81 TOTAL PARKING SPACES

**Lot 2C**

AREA: 2.122 Ac.  
 11,200 S.F. OFFICE BUILDING  
 45 REGULAR PARKING SPACES  
 2 HANDICAP PARKING SPACES  
 47 TOTAL PARKING SPACES



**Nielsen Madsen & Barber S.C.**  
 Civil Engineers and Land Surveyors  
 1438 Horizon Blvd. Suite 200, Racine, WI. 53406  
 Tele: (262)634-5588 Fax: (262)634-5024  
 Website www.nmbssc.net

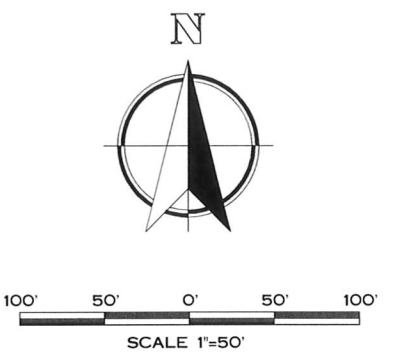
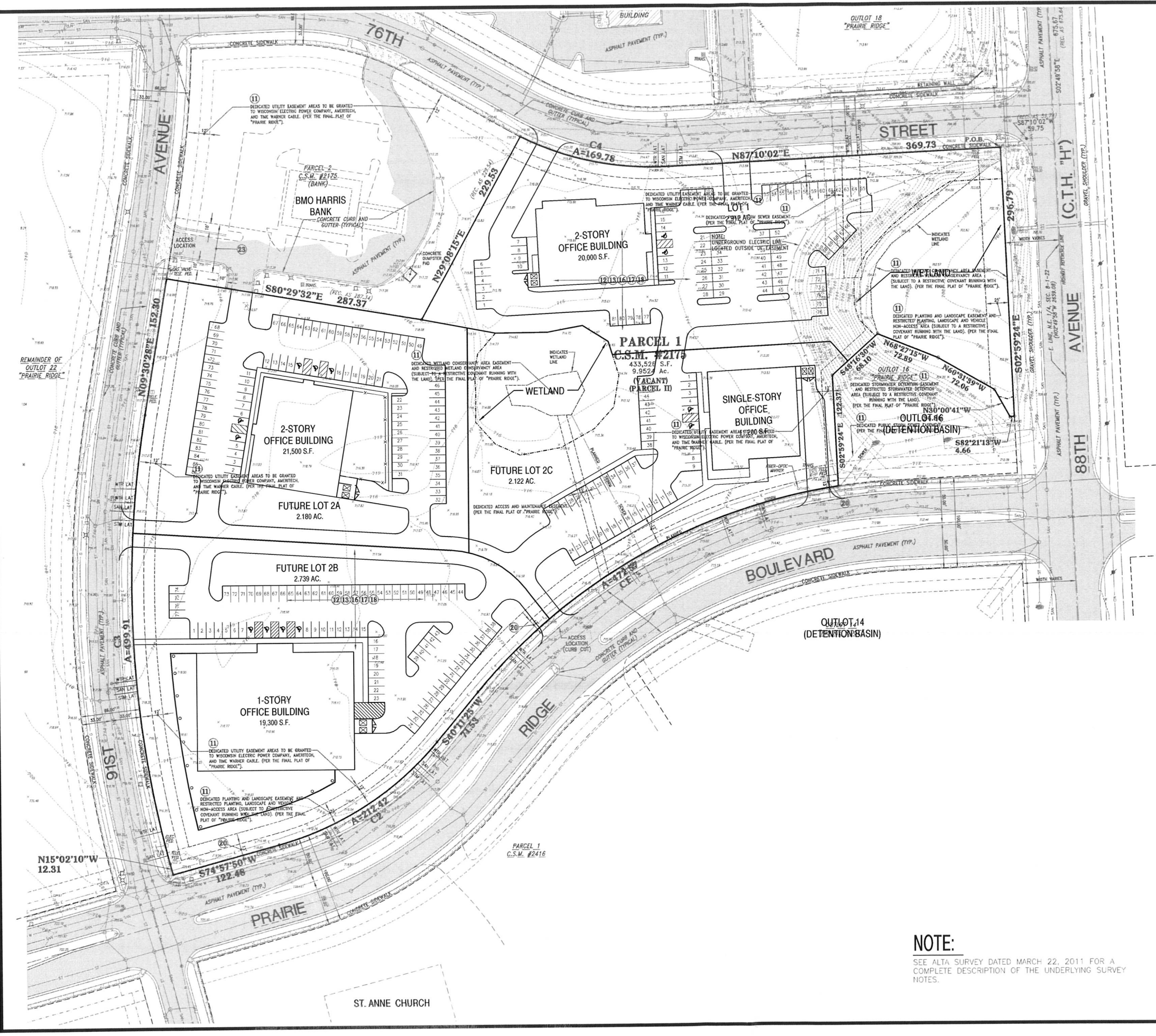
**OUTLOT 17 PRAIRIE RIDGE  
 CONCEPTUAL PLAN  
 FOR  
 SB1 PLEASANT PRAIRIE WI, LLC  
 VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN**

NO.	REVISION	BY	DATE

PROJ. MGR: MDE  
 DRAFTED: SCB  
 DATE: 7-16-13  
 CHECKED: MDE  
 DATE: 7-26-13

**2013.0057.01**  
 SHEET  
**1 OF 2**

Thursday, July 25, 2013 1:41:06 PM



**Nielsen Madsen & Barber S.C.**  
 Civil Engineers and Land Surveyors  
 1458 Horizon Blvd, Suite 200, Racine, WI 53406  
 Tele: (262)634-5588 Fax: (262)634-5024  
 Website www.nmbssc.net

**OUTLOT 17 PRAIRIE RIDGE  
 CONCEPTUAL PLAN OVERLAY**  
 FOR  
**SB1 PLEASANT PRAIRIE WI, LLC**  
 VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN

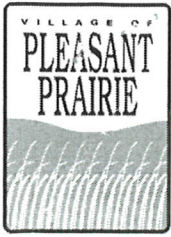
NO.	REVISION	BY	DATE

PROJ. MGR: MDE  
 DRAFTED: SCB  
 DATE: 7-18-13  
 CHECKED: MDE  
 DATE: 7-26-13

**2013.0057.01**  
 SHEET  
**2** OF **2**

**NOTE:**  
 SEE ALTA SURVEY DATED MARCH 22, 2011 FOR A COMPLETE DESCRIPTION OF THE UNDERLYING SURVEY NOTES.





Filed 5/28 2015 Published 6/8 2015  
 Public Hearing 6/22 2015 6/15 2015  
 Fee Paid 5/28 2015 Approved \_\_\_\_\_ 20\_\_\_\_  
 Notices Mailed 6/4 2015 Denied \_\_\_\_\_ 20\_\_\_\_

**VILLAGE OF PLEASANT PRAIRIE  
 CONCEPTUAL PLAN APPLICATION**

1. Development Name: Care Animal Hospital
2. General Location of Development: PRAIRIE RIDGE BOULEVARD
3. Tax Parcel Number(s): 91-4-122-081-0134 (part of)
4. Number of Lots: 1 Number of Outlots: \_\_\_\_\_
5. Size of Development: 2 acres.
6. The Development is proposed to be constructed in Phases:  Yes  No
7. The Development abuts or adjoins a State Trunk Highway:  Yes  No
8. The Development abuts or adjoins a County Trunk Highway or a Kenosha County Park or the Kenosha County Bike Trail:  Yes  No
9. The following number and types of plans shall be submitted with this application:
  - 10 full size sets of Conceptual Plan - *INCLUDED*
  - 1 copy of the Conceptual Plan reduced to 11" by 17" - *INCLUDED*
  - Conceptual Plan application fee - *INCLUDED*
  - 10 sets of Conceptual Engineering Plan - *NOT APPLICABLE*
  - Phasing Plan, if applicable - *NOT APPLICABLE*
  - Draft of Declarations, Covenant, Restrictions and any Easement Documents - *NOT APPLICABLE*
  - Any other information as specified by the Village - *NOT APPLICABLE*

I, (We), hereby certify that all the above statements and attachments submitted herewith are true and correct to the best of my knowledge.

*Future* PROPERTY OWNER:  
 Print Name: Russell B. Brewer DVM  
 Signature: Russell B Brewer  
 Address: 10990 192nd Ave.  
Bristol WI 53104  
 (City) (State) (Zip)  
 Phone: 262-308-4353  
 Fax: \_\_\_\_\_  
 Date: 5/19/15

OWNER'S AGENT:  
 Print Name: BOB POCH  
 Signature: Bob Poch  
 Address: 711 LOIS DRIVE  
SUN PRAIRIE WI 53590  
 (City) (State) (Zip)  
 Phone: 608-318-2336 920-427-4458  
 CELL  
 Fax: 608-318-2337  
 Date: 5/19/15

*See attached email  
 from property owner  
 SBI Pleasant Prairie WI LLC*

**RECEIVED**

MAY 28 2015

**PLEASANT PRAIRIE**

## Peggy Herrick

---

**From:** Dave Galowich <dgalowich@madisonchicago.com>  
**Sent:** Saturday, May 30, 2015 8:24 AM  
**To:** Poch, Bob (Keller Inc.); Peggy Herrick  
**Cc:** Jean Werbie-Harris  
**Subject:** Re: Care Animal Hospital

Peggy.

Please accept this email as authorization from the property owner, SB1 Pleasant Prairie WI LLC allowing Dr. Brewer to apply for concept plan approval. Let me know if you require anything else.

Dave

David H. Galowich  
**Madison Realty Group, Inc.**  
1144 W. Fulton Market Suite 200  
Chicago Illinois 60607  
312-759-5020 (direct)  
[dgalowich@madisonchicago.com](mailto:dgalowich@madisonchicago.com)  
[www.madisonchicago.com](http://www.madisonchicago.com)



# Keller

Planners | Architects | Builders

Offices in Fox Cities, Madison,  
Milwaukee, & Wausau

May 29, 2015

## Village of Pleasant Prairie

9915 39<sup>th</sup> Avenue

Pleasant Prairie, WI 53158

### RE: Care Animal Hospital

#### A. Operational Narrative Description:

- Care Animal Hospital treats dogs, cats and exotic pets, and offers routine preventative care to orthopedic surgery by (4) veterinarians.
- We will have an outdoor dog exercise area that is about 300 to 400 square feet and it will be under-roof.

#### B. Project Description:

- New 11,800 square foot wood framed vet clinic.
- The existing business activity will be similar to Care Animal's existing location.
- The site is 2.122 acres and is on Prairie Ridge Boulevard.
- The zoning is B2/C-1 and will be a PUD.

#### C. Proposed Building Size:

- The proposed building size is 11,000 to 11,800 square feet.

#### D. Hours of Operation:

- Hours of operation are Monday – Friday from 8:00 a.m. to 7:00 p.m., and Saturdays from 8:00 a.m. to 2:00 p.m.
- We will have daily deliveries using the employee parking side of the building, which is the east lot.

#### E. • Start up in fall of 2017.

- (20) Employees.

#### F. • (1) Shift varying up to (20) employees.

#### G. • (20) Employees maximum at one time.

#### H. • Not applicable.

#### ADDRESS

711 Lois Drive, Sun Prairie, WI 53590

#### PHONE

608.318.2336 1-800-236-2534

#### FAX

608.318.2337

#### WEB SITE

[www.kellerbuilds.com](http://www.kellerbuilds.com)



5/29/15

- I.
  - See site plan for calculation.
  - (4) Doctors x (4) stalls = 16 Stalls.
  - (20) Employees = 20 Stalls
  - Handicap = 3 Stalls
- J.
  - (39) Stall required, (71) stalls provided.
- K.
  - We anticipate (128) to (160) customer visits per day.
- L.
  - (1) to (2) Truck deliveries per day.
- M.
  - Not applicable.
- N.
  - Not applicable.
- O.
  - Dead animals will be refrigerated and picked up by a carcass removal company.
- P.
  - Not applicable.
- Q.
  - Security camera system inside and outside.
- R.
  - Quarterly inspections of property will be made by the owner to ensure property is maintained.
  - We also outsource lawn care and snow removal.
- S.
  - Not applicable.
- T. **NOI to WDR:**
  - No permits have been applied for yet.
  - State building plan approval.
  - State interior and exterior plumbing approval.
  - State HVAC plan approval.
  - Electrical, HVAC, and plumbing local permits.
  - Local building permit.
  - Conditional Use permit from Pleasant Prairie.
  - Plan Commission approval.

Respectfully submitted,

**KELLER, INC.**  
PLANNERS/ARCHITECTS/BUILDERS

Bob Poch  
Project Manager  
920-427-4458

Operational plan.

- (1) Operational plan requirements. The applicant shall prepare and file as part of the application for site and operational plan approval an operational plan which shall include at least the following information or materials:
- (a) A detailed narrative description of the operations, processes and functions of the existing and proposed uses to be conducted in or on the real property constituting the site, together with any diagrams, maps, charts or other visual aids that are helpful in understanding the operations and any potential adverse impacts on neighboring properties.
  - (b) A detailed description of the proposed project or activity giving rise to the need for site and operational plan approval and a detailed explanation of how such project or activity relates to the site and to the existing or proposed operations to be conducted in or on the real property constituting the site.
  - (c) Gross floor area of the existing building(s) and/or proposed addition.
  - (d) Anticipated hours of operation, hours open to the public, and hours of deliveries or shipments.
  - (e) Anticipated startup and total number of full- and part-time employees.
  - (f) Anticipated number of shifts and the anticipated number of employees per shift.
  - (g) Anticipated maximum number of employees on site at any time of the day.
  - (h) Number of anticipated students, participants or persons to be gathered in places of assembly, if applicable.
  - (i) Number of parking spaces required per this chapter and the method used to calculate such number.
  - (j) Number of existing and proposed on-site parking spaces to be provided (conventional spaces and handicapped accessible spaces to be stated separately).
  - (k) Anticipated daily average and maximum potential number of automobile trips to and from the site (excluding trucks).
  - (l) Anticipated daily average and maximum potential number of truck trips to and from the site.
  - (m) Types and quantities of goods and materials to be made, used or stored on site.
  - (n) Types of equipment or machinery to be used on site.
  - (o) Types and quantities of solid or liquid waste materials which will require disposal.
  - (p) Method of handling, storing and disposing of solid or liquid waste materials.
  - (q) Methods of providing site and building security other than the Village Police Department.
  - (r) Description of the methods to be used to maintain all buildings, structures, site improvements and sites in a safe, structurally sound, neat, well cared for and attractive condition.
  - (s) Description of potential adverse impacts to neighboring properties or public facilities and measures to be taken to eliminate or minimize such adverse impacts.
  - (t) A list of all local, Kenosha County (highway access), State and federal permits or approvals required for the project or activity giving rise to the need for site and operational plan approval. Provide copies of such permits and approvals that have been obtained.

(2) Operational plan standards. In addition to any other applicable requirements or standards specified in this chapter, the following requirements or standards shall apply to the operational plan:

(a) No use shall be conducted in such a way as to constitute a public or private nuisance.

(b) No use shall be conducted in such a way as to violate any of the performance standards set out in § 420-38 of this chapter.

(c) (reserved)

(d) No owner, occupant or user of real property shall conduct a use so intensively that there is inadequate provision of on-site parking spaces and/or loading spaces to accommodate the needs of such use.

(e) All buildings, structures, site improvements and sites shall be maintained in a safe, structurally sound, neat, well cared for and attractive condition.

(f) Within a building, any provision of live entertainment in connection with a business or club use involving the selling or service of alcoholic beverages shall comply with the following restrictions:

[1] Live entertainment shall be provided only on a raised platform that is not less than 23 inches higher than the elevation of the surrounding floor surfaces where customers, members or their guests are sitting, standing or dancing;

[2] Customers, members or their guests shall at all times be separated from the raised platform on which live entertainment is being provided by a distance of not less than four feet and a physical barrier to mark and enforce such separation distance; and

[3] There shall be no touching of any kind between entertainers and customers, members or their guests.

(g) No proposed new or expanded use shall be permitted to create or significantly exacerbate unsafe traffic conditions on any street or highway in the Village.

(h) Indoor pyrotechnic displays are prohibited.





PLANNERS | ARCHITECTS | BUILDERS

**FOX CITIES**  
 N216 State Road 55  
 P.O. Box 620  
 Kaukauna, WI 54130  
 PHONE (920) 766-5795  
 1-800-236-2534  
 FAX (920) 766-5004

**MADISON**  
 711 Lohr Dr.  
 Sun Prairie, WI 53590  
 PHONE (608) 318-2336  
 (608) 318-2337

**MILWAUKEE**  
 W177N9856 Rivercrest Dr.  
 Suite 104  
 Germantown, WI 53022  
 PHONE (262) 250-9710  
 FAX (262) 250-9740

**WAUSAU**  
 5605 Llac Ave.  
 Wausau, WI 54401  
 PHONE (715) 849-3141  
 FAX (715) 849-3181

www.kellerbuilds.com

PROPOSED FOR:

# CARE ANIMAL HOSPITAL

PLEASANT PRAIRIE, WISCONSIN

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PRELIMINARY - NOT FOR CONSTRUCTION

REVISIONS
3 5/6/15 PAS

PROJECT MANAGER: B. POCH  
 DESIGNER: S. KLEBIG  
 DRAWN BY: PAS  
 EXPEDITOR: \_\_\_\_\_  
 SUPERVISOR: \_\_\_\_\_  
 PRELIMINARY NO.: P14306  
 CONTRACT NO.: \_\_\_\_\_  
 DATE: 5/6/15  
 SHEET: A1.0





# Keller

PLANNERS | ARCHITECTS | BUILDERS

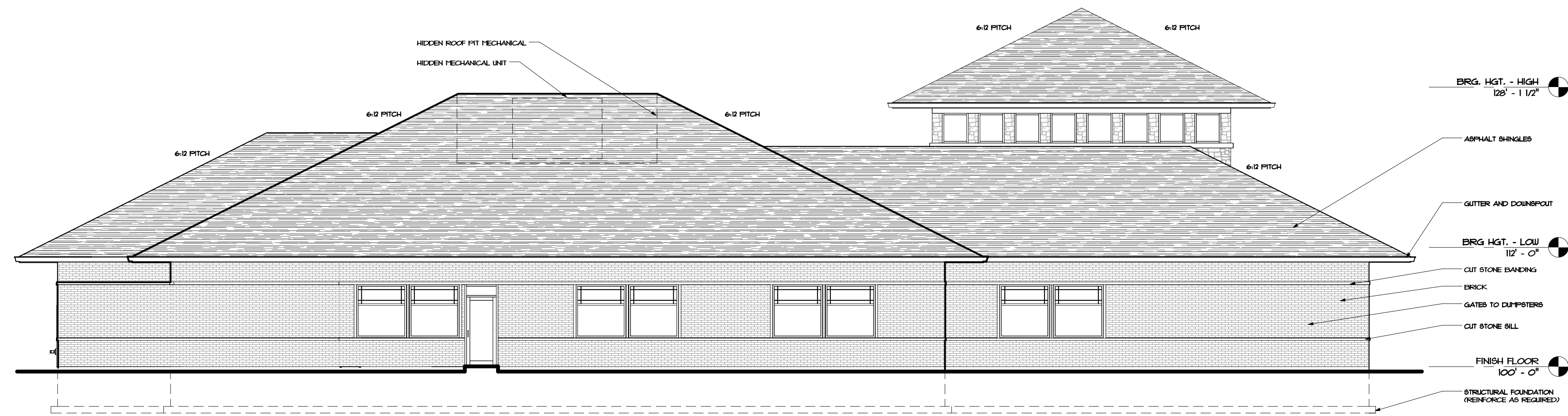
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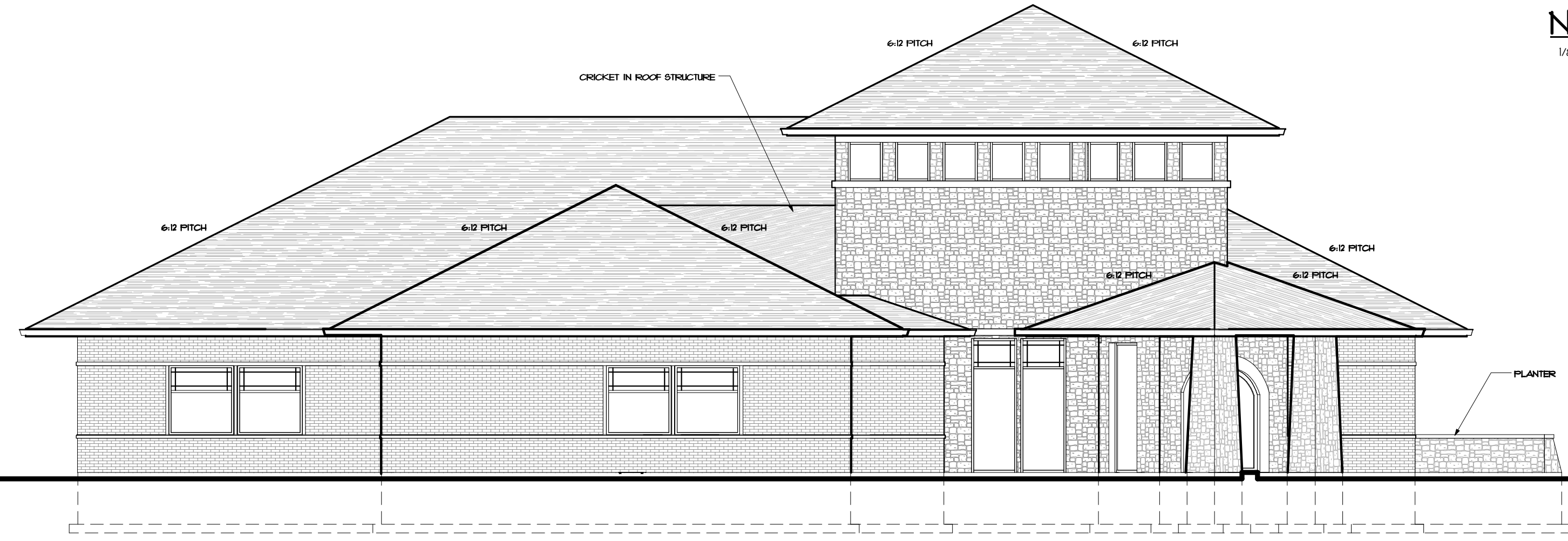
**MILWAUKEE**  
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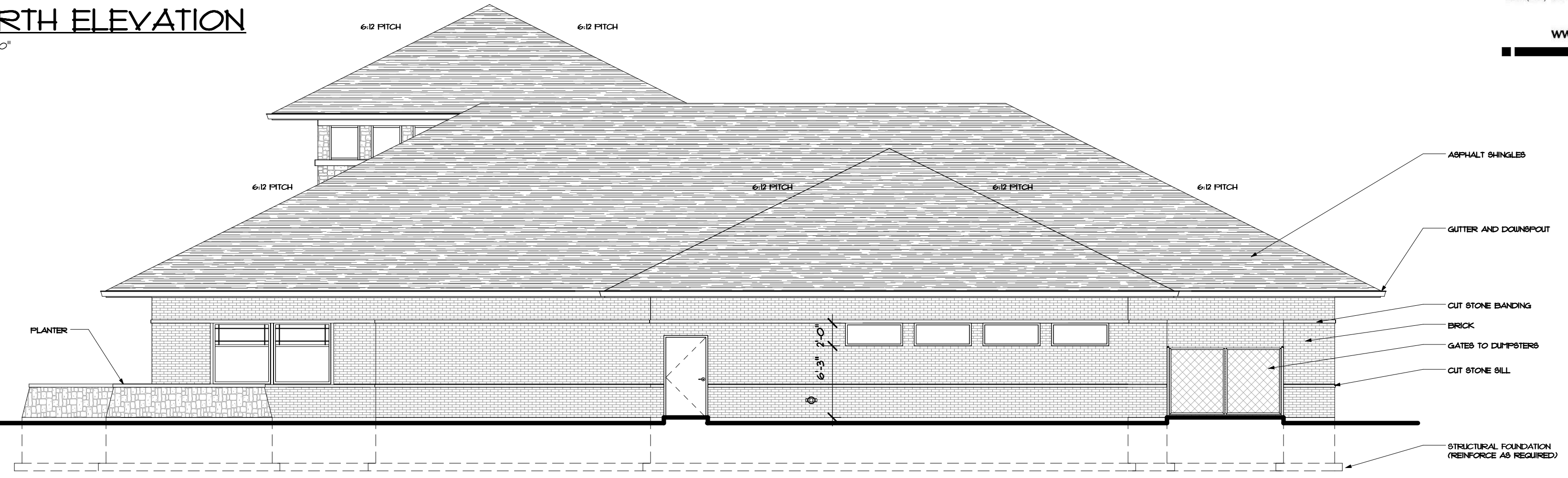
www.kellerbuilds.com



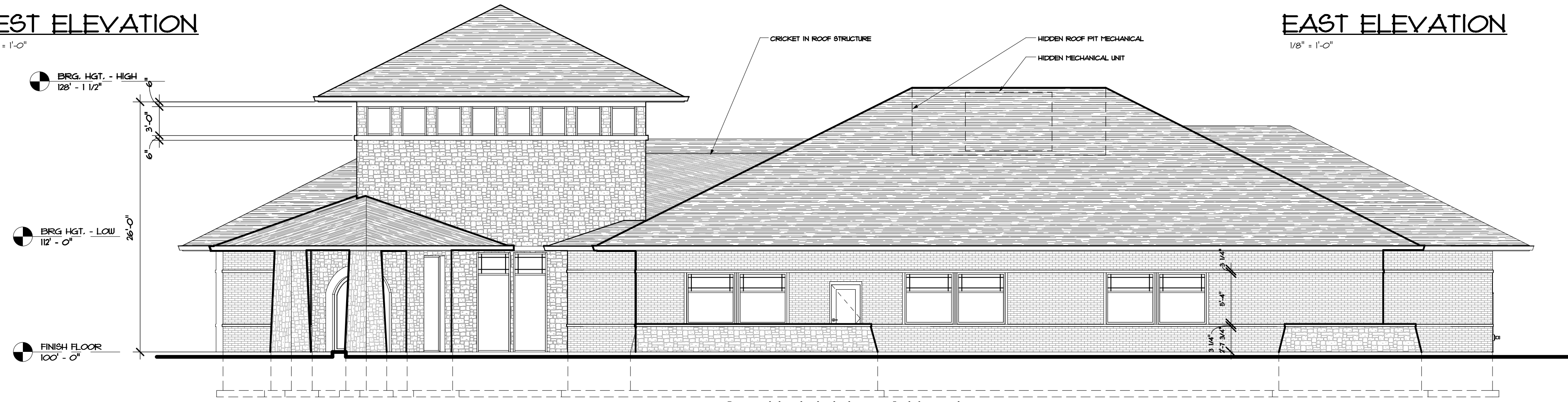
**NORTH ELEVATION**  
1/8" = 1'-0"



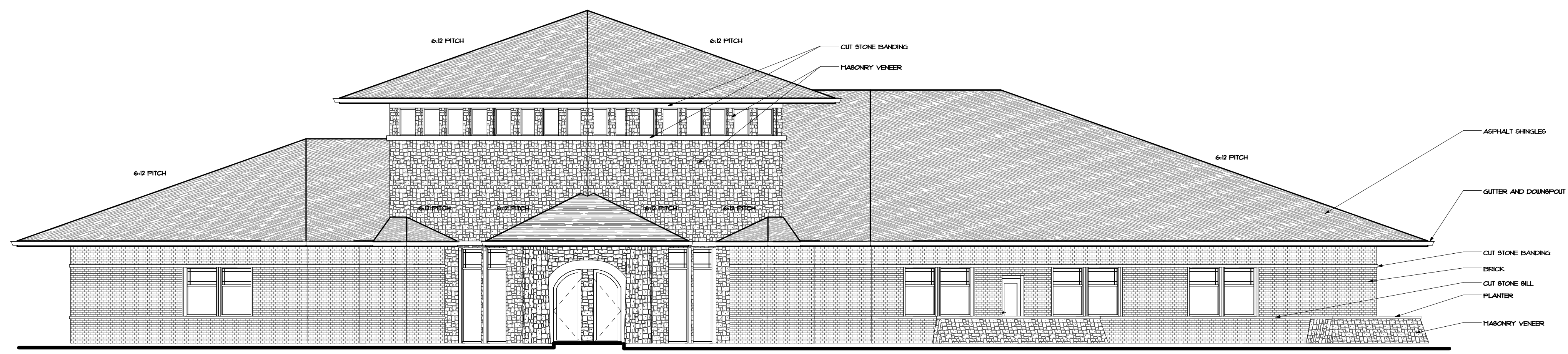
**WEST ELEVATION**  
1/8" = 1'-0"



**EAST ELEVATION**  
1/8" = 1'-0"



**SOUTH ELEVATION**  
1/8" = 1'-0"



**FRONT ENTRANCE ELEVATION**  
1/8" = 1'-0"

WISCONSIN

# CARE ANIMAL HOSPITAL

PLEASANT PRAIRIE,

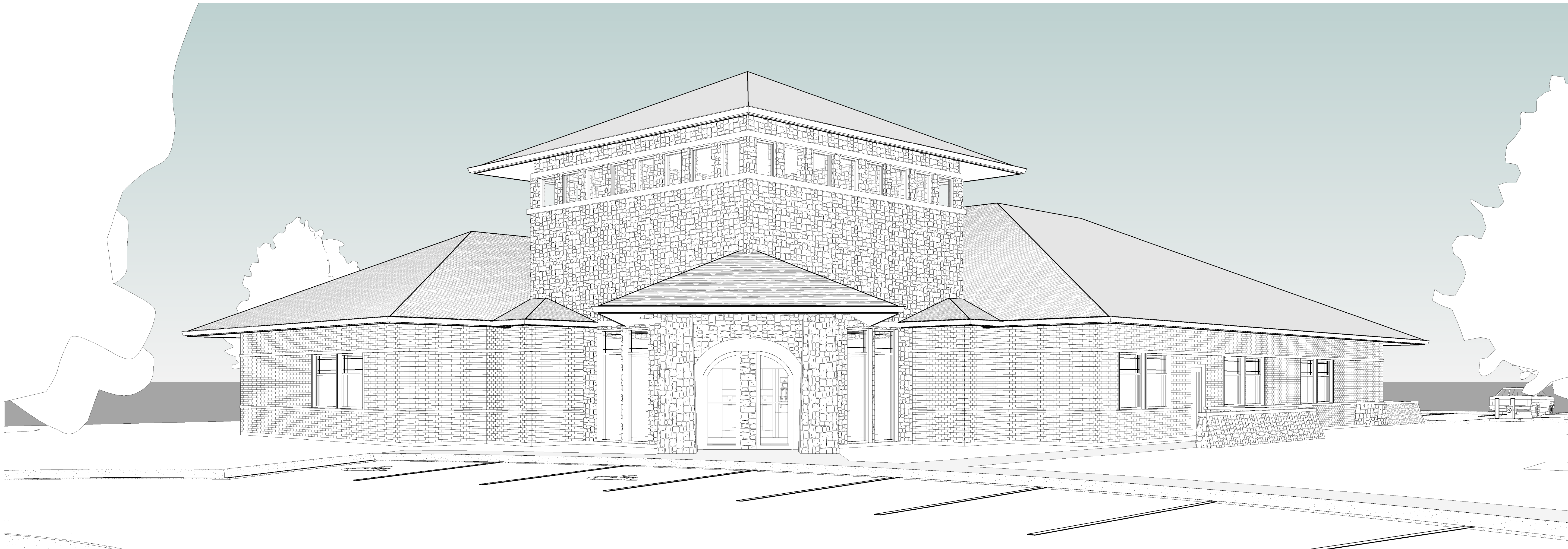
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PRELIMINARY - NOT FOR CONSTRUCTION

REVISIONS
3 5/6/15 PAS

PROJECT MANAGER:	B. POCH
DESIGNER:	S. KLEBIG
DRAWN BY:	PAS
EXPEDITOR:	
SUPERVISOR:	
PRELIMINARY NO.:	P14306
CONTRACT NO.:	
DATE:	5/6/15
SHEET:	A2.0



**Keller**

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**CARE ANIMAL HOSPITAL**

WISCONSIN

PLEASANT PRAIRIE,

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REVISIONS
3 5/6/15 PAS

PROJECT MANAGER: B. FOCH

DESIGNER: S. KLEBIG

DRAWN BY: PAS

EXPEDITOR: \_\_\_\_\_

SUPERVISOR: \_\_\_\_\_

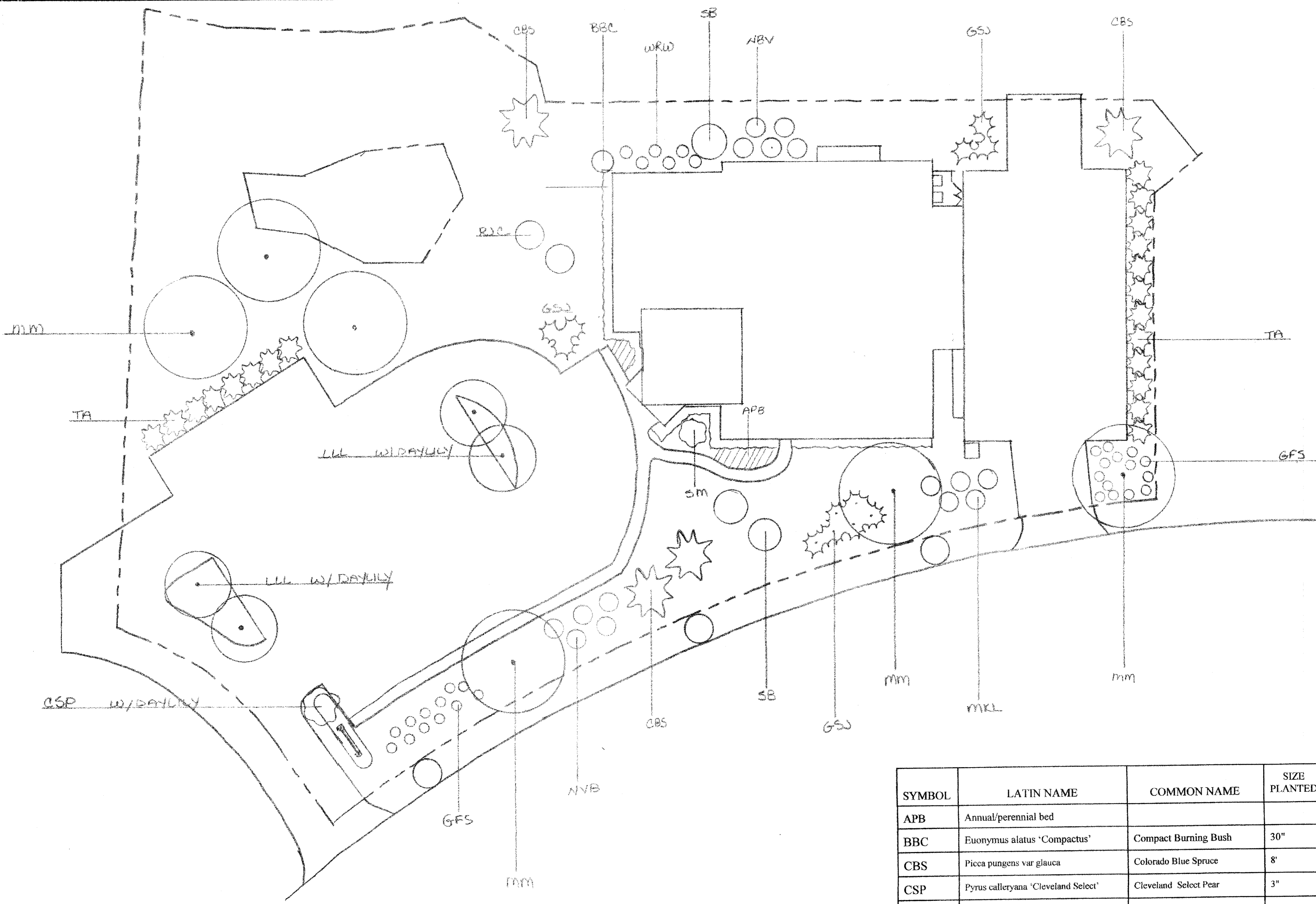
PRELIMINARY NO: P14306

CONTRACT NO: \_\_\_\_\_

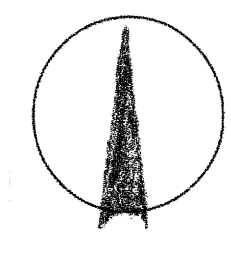
DATE: 5/6/15

SHEET: **A2.1**

PRELIMINARY - NOT FOR CONSTRUCTION



SYMBOL	LATIN NAME	COMMON NAME	SIZE PLANTED	MATURE SIZE
APB	Annual/perennial bed			
BBC	Euonymus alatus 'Compactus'	Compact Burning Bush	30"	8'H/8'W
CBS	Picea pungens var glauca	Colorado Blue Spruce	8'	60'H/20'W
CSP	Pyrus calleryana 'Cleveland Select'	Cleveland Select Pear	3"	35'H/15'W
GFS	Spiraea bumalda 'Gold Flame'	Gold Flame Spirea	24"	3'H/3'W
GSJ	Juniperus chinensis 'Gold Star'	Gold Star Juniper	24"	4'H/6'W
LLL	Tilia cordata 'Glenleven'	Glenleven Linden	3"	50'H/30'W
MKL	Syringa patula 'Miss Kim'	Miss Kim Lilac	30"	6'H/6'W
MM	Acer x freemani 'Marmo'	Marmo Maple	3"	65'H/40'W
NBV	Viburnum dentatum 'Northern Burgundy'	Northern Burgundy Viburnum	36"	7'H/6'W
RJC	Malus 'Red Jewel'	Red Jewel Crabapple	7'	15'H/12'W
SB	Amelanchier x grandiflora	Serviceberry	7'	25'H/15'W
SM	Magnolia stellata	Star Magnolia	6'	15'H/10'W
TA	Thuja occidentalis 'Techny'	Techny Arborvitae	6'	20'H/8'W
WRW	Weigela florida 'Wine & Roses'	Wine & Roses Weigela	24"	4'H/4'W



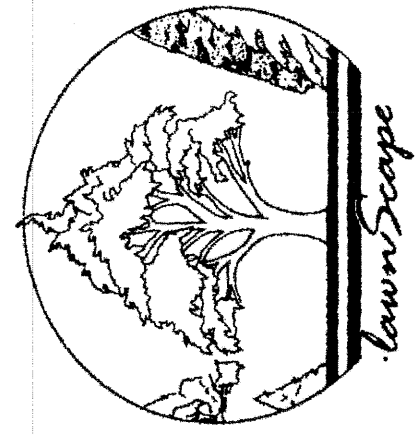
Scale: 1" = 30'

# Care Animal Hospital

Pleasant Prairie, Wisconsin

Date: 5/26/2015

**LawnScope Maintenance Co.**  
 24639 W. Townline Road  
 Grayslake, IL 60030  
 (847) 740-0425



LawnScope Maintenance Co. reserves all rights in these plans. Reproduction of design or concept in any form, in whole or in part, without the written consent of LawnScope Maintenance Co. constitutes a direct violation of the federal copyright law.



Filed 6/10 2015  
Fee Paid 6/10 2015  
PC Meeting Date 6/22 2015  
VB Meeting Date 7/6 2015  
Approved \_\_\_\_\_ 20\_\_\_\_  
Denied \_\_\_\_\_ 20\_\_\_\_

**VILLAGE OF PLEASANT PRAIRIE  
CERTIFIED SURVEY MAP APPLICATION**

To: Village Plan Commission & Village Board of Trustees of the Village of Pleasant Prairie:

I, (We), the undersigned owner(s)/agent do hereby petition the Village Board to amend the Village of Pleasant Prairie Zoning Map as hereinafter requested.

It is petitioned that the following described property be subdivided with a Certified Survey Map (CSM)

The property petitioned to be subdivided is located at: Northeast Corner of 91st Avenue & Prairie Ridge Blvd.  
and is legally described as follows: Lot 2, Certified Survey Map 2744

Tax Parcel Number(s): 91-4-122-081-0134

The property abuts or adjoins a State Trunk Highway  Yes  No  
The property abuts or adjoins a County Trunk Highway  Yes  No  
Municipal Sanitary Sewer is available to service said properties  Yes  No  
Municipal Water is available to service said properties  Yes  No

I (We), have contacted the Community Development Department to arrange a pre-application meeting to discuss the proposed request with the Village staff to determine additional information that may be needed to consider the request.

I, (We), hereby certify that all the above statements and attachments submitted herewith are true and correct to the best of my knowledge.

**PROPERTY OWNER:**

Print Name: SB1 Pleasant Prairie WI, LLC.

Signature: [Handwritten Signature]

Address: 591 West Putnam Avenue

Greenwich, CT 06830  
(City) (State) (Zip)

Phone: (312) 759-5020

Fax: N/A

Date: June 8, 2015

**OWNER'S AGENT:**

Print Name: David Galowich

Signature: [Handwritten Signature]

Address: 1144 West Fulton Market STE 200

Chicago IL 60607  
(City) (State) (Zip)

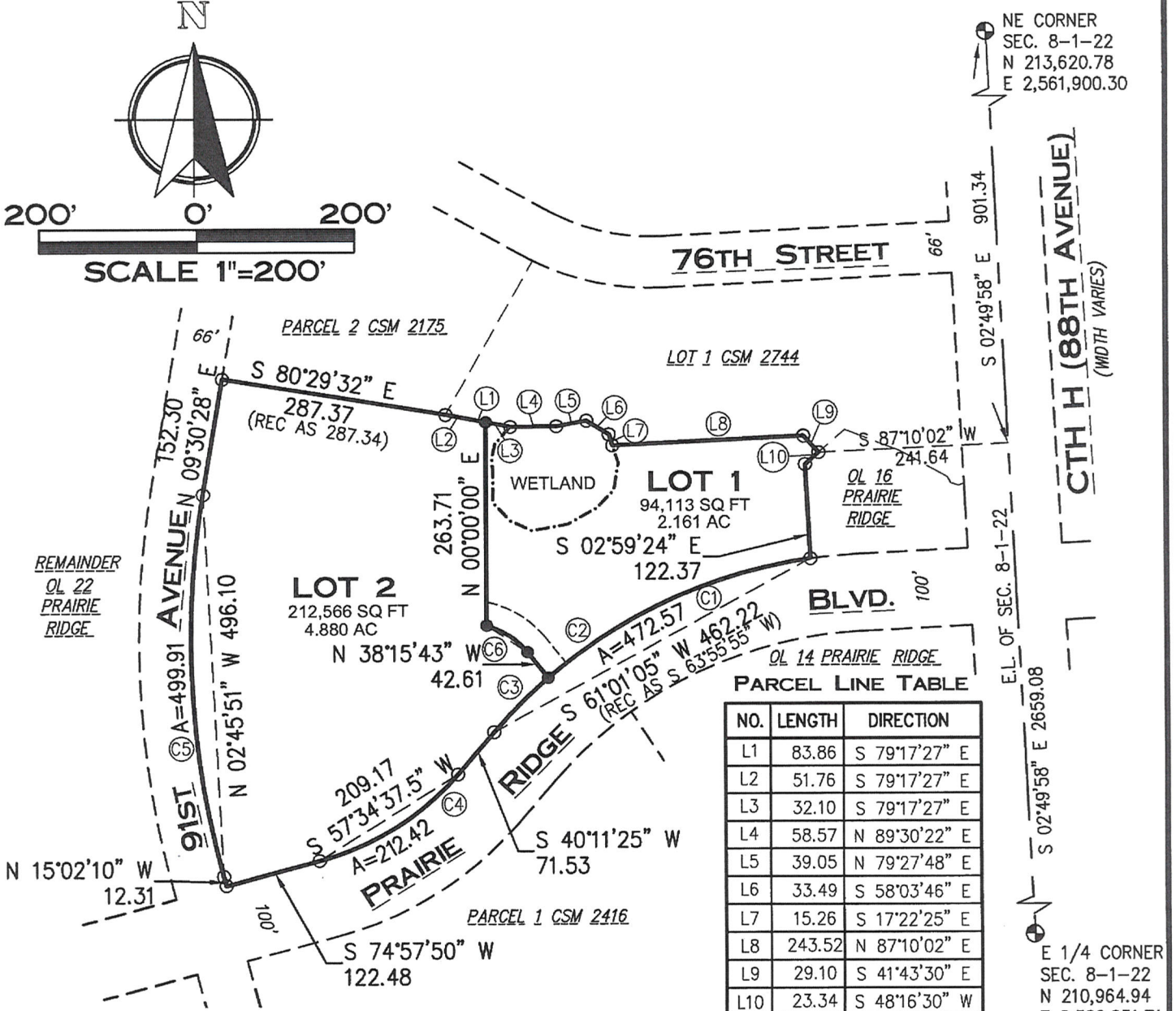
Phone: (312) 759-5020

Fax: N/A

Date: June 8, 2015

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.



PARCEL LINE TABLE

NO.	LENGTH	DIRECTION
L1	83.86	S 79°17'27" E
L2	51.76	S 79°17'27" E
L3	32.10	S 79°17'27" E
L4	58.57	N 89°30'22" E
L5	39.05	N 79°27'48" E
L6	33.49	S 58°03'46" E
L7	15.26	S 17°22'25" E
L8	243.52	N 87°10'02" E
L9	29.10	S 41°43'30" E
L10	23.34	S 48°16'30" W

CURVE TABLE

NO.	ARC.	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD	TANGENT
C1	472.57	650.00	41°39'20"	S 61°01'05" W	462.22	247.27
C2	373.67	650.00	32°56'16"	S 65°22'37" W	368.54	192.15
C3	98.90	650.00	08°43'04"	S 44°32'57" W	98.80	49.54
C4	212.42	350.00	34°46'25"	S 57°34'37.5" W	209.17	109.59
C5	499.91	1167.00	24°32'38"	N 02°45'51" W	496.10	253.85
C6	63.07	100.00	36°08'07"	N 56°19'46" W	62.03	32.62

LOCATION MAP  
STH 50 (75th ST)



**NOTES:**  
 ZONING OF PARCEL IS B-2 AND C-1  
 OWNER/LAND DIVIDER: SB1 PLEASANT PRAIRIE WI, LLC  
 ADDRESS 591 WEST PUTNAM AVENUE  
 GREENWICH, CT 06830  
 SURVEYOR: NIELSEN MADSEN & BARBER, S.C.  
 1458 HORIZON BLVD. SUITE 200, RACINE, WI 53406  
 BEARINGS BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE.  
 BASED UPON NAD 1927. THE EAST LINE OF SECTION 8-1-22 IS ASSUMED TO BEAR S 02°49'58" E.

**LEGEND:**  
 ○ 1" O.D. IRON PIPE FOUND  
 ● 5/8" O.D. x 18" REBAR - 1.04 LBS/LIN FT. SET  
 ● 6" CONC. MON. W / BRASS CAP FOUND

Date: June 9, 2015  
 This Instrument was drafted by Mark R. Madsen  
 PROJECT ID: 2013.0057.04

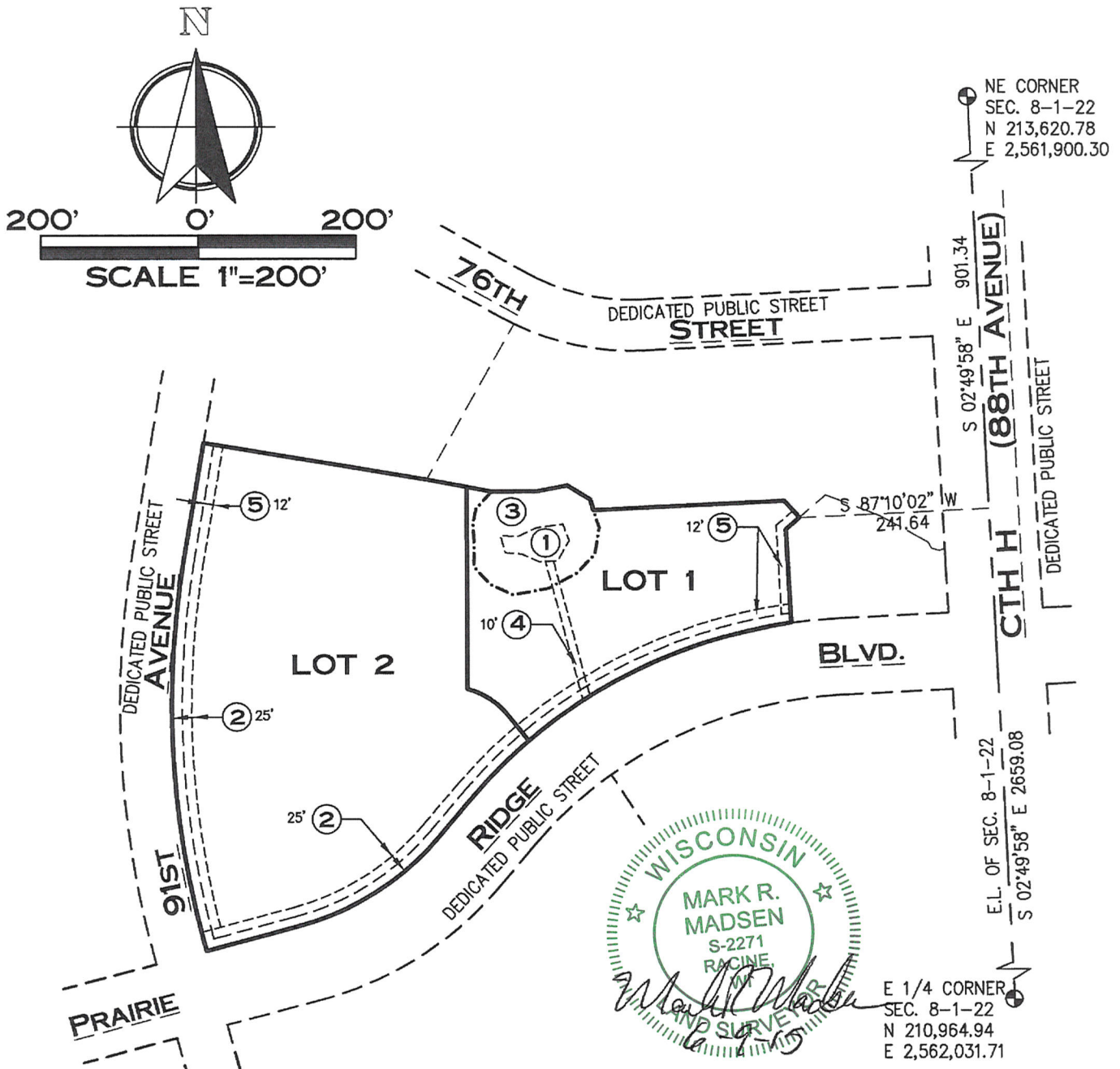
JUN 10 2015

RECEIVED

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

## EASEMENTS & RESTRICTIONS CARRYOVER FROM PRAIRIE RIDGE SUBDIVISION, CSM 2175 & CSM 2744



- ① DEDICATED WETLAND CONSERVANCY AREA EASEMENT AND RESTRICTED WETLAND CONSERVANCY AREA (SUBJECT TO A RESTRICTIVE COVENANT RUNNING WITH THE LAND). (AS DESCRIBED ON THE FINAL PLAT FOR PRAIRIE RIDGE)
- ② 25' WIDE DEDICATED PLANTING AND LANDSCAPE EASEMENT AND RESTRICTED PLANTING, LANDSCAPE AND VEHICLE NON-ACCESS AREA, EXCEPT AS OTHERWISE AGREED TO BY THE VILLAGE OF PLEASANT PRAIRIE. (SUBJECT TO A RESTRICTIVE COVENANT RUNNING WITH THE LAND). (AS DESCRIBED ON THE FINAL PLAT FOR PRAIRIE RIDGE)
- ③ DEDICATED WETLAND PRESERVATION AND PROTECTION, ACCESS AND MAINTENANCE EASEMENT. (AS DESCRIBED ON CSM 2744)
- ④ DEDICATED ACCESS AND MAINTENANCE EASEMENT. (AS DESCRIBED ON THE FINAL PLAT FOR PRAIRIE RIDGE)
- ⑤ DEDICATED UTILITY EASEMENT AREAS GRANTED TO WISCONSIN ELECTRIC POWER COMPANY, AMERITECH AND TIME WARNER CABLE. (AS DESCRIBED ON THE FINAL PLAT FOR PRAIRIE RIDGE)

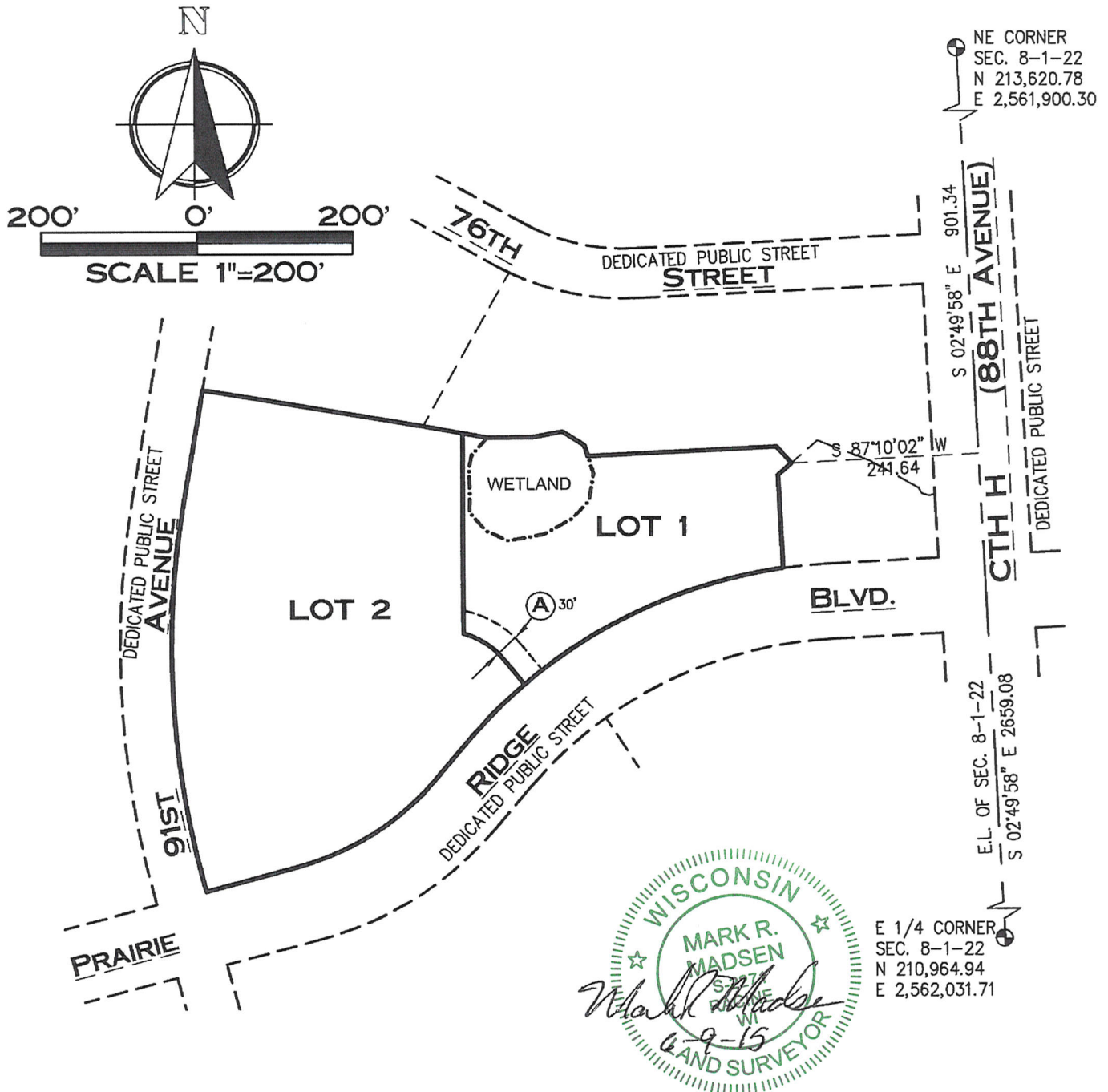
NOTE:  
ADDITIONAL DEDICATED INGRESS, EGRESS AND CROSS ACCESS EASEMENTS WILL BE REQUIRED ON BOTH LOTS 1 AND 2 AT THE TIME OF SITE AND OPERATIONAL PLAN APPROVAL FOR EACH LOT.

Date: June 9, 2015  
This Instrument was drafted by Mark R. Madsen  
PROJECT ID: 2013.0057.04

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

## DEDICATIONS AND EASEMENTS



### DEDICATED 30' WIDE INGRESS, EGRESS AND CROSS ACCESS EASEMENT (A)

Nonexclusive easement coextensive with the area shown as a Dedicated 30' Wide Ingress-Egress, Cross Access and Maintenance Easement on Lot 1 of this CSM is hereby dedicated, given, granted and conveyed by the Owner / Land Divider to the Owner(s) of Lots 1 and 2 and the Village of Pleasant Prairie ("the Village") for vehicular and pedestrian ingress, egress and cross access purposes. In the event of any conflict between the rights of the Owner, the rights of the Village and the rights of the Lot Owner(s) or other entities with respect to the Dedicated Ingress-Egress, Cross Access and Maintenance Easement, the Village's rights under the easement shall be deemed to be superior. Unless the Village exercises the rights granted to it hereunder with respect to the easement, the Village shall have no obligation to do anything pursuant to its rights under the easement. The Owner(s) of Lots 1 and 2 shall be responsible for all costs associated with the construction, snow plowing and maintenance of the shared "private access drive" within said easement and associated pavement and landscaping improvements.

Date: June 9, 2015  
 This Instrument was drafted by Mark R. Madsen  
 PROJECT ID: 2013.0057.04

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.  
SURVEYOR'S CERTIFICATE

I, MARK R. MADSEN, Professional Land Surveyor, hereby certify:

THAT I have prepared this Certified Survey Map at the direction of the OWNER; THAT the exterior boundaries are described as the redivision of Lot 2, of Certified Survey Map No. 2744, being part of the Northeast 1/4 of the Northeast 1/4 of Section 8, Township 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin described as follows: Commence at a point on the East line of said Northeast 1/4 located S02°49'58"E 901.34 feet from the Northeast corner of said Section; thence S87°10'02"W 241.64 feet to the point of beginning of this description; run thence S48°16'30"W 23.34 feet; thence S02°59'24"E 122.37 feet to the Southwest corner of Outlot 16, Prairie Ridge Subdivision, a recorded plat and the Northerly right-of-way of Prairie Ridge Boulevard and a point on a curve of Northwesterly convexity whose radius is 650.00 feet and whose chord bears S61°01'05"W 462.22 feet; thence Southwesterly 472.57 feet along the arc of said curve and said Northerly right-of-way; thence S40°11'25"W 71.53 feet along said Northerly right-of-way to the point of curvature of a curve of Southeasterly convexity whose radius is 350.00 feet and whose chord bears S57°34'37.5"W 209.17 feet; thence Southwesterly 212.42 feet along the arc of said curve and said Northerly right-of-way; thence S74°57'50"W 122.48 feet along said Northerly right-of-way to the East right-of-way of 91st Avenue; thence N15°02'10"W 12.31 feet along said East right-of-way to the point of curvature of a curve of Westerly convexity whose radius is 1167.00 feet and whose chord bears N02°45'51"W 496.10 feet; thence Northerly 499.91 feet along the arc of said curve and said East right-of-way; thence N09°30'28"E 152.30 feet along said East right-of-way; thence S80°29'32"E 287.37 feet to the Southwest corner of Lot 1 of said Certified Survey Map No. 2744; thence S79°17'27"E 83.86 feet along the South line of said Lot 1; thence N89°30'22"E 58.57 feet along the South line of said Lot 1; thence N79°27'48"E 39.05 feet along the South line of said Lot 1; thence S58°03'46"E 33.49 feet along the South line of said Lot 1; thence S17°22'25"E 15.26 feet along the South line of said Lot 1; thence N87°10'02"E 243.52 feet along the South line of said Lot 1; thence S41°43'30"E 29.10 feet along the South line of said Lot 1 to the point of beginning. Containing 7.040 acres.

THAT said Certified Survey Map is a correct representation of all of the exterior boundaries of the land surveyed and the division thereof made and I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Village of Pleasant Prairie Land Division and Development Control Ordinance.

June 9, 2015

  
Mark R. Madsen, S-2271  
Nielsen Madsen & Barber, S.C.  
1458 Horizon Blvd., Suite 200  
Racine, WI 53406  
(262) 634-5588



## OWNER'S CERTIFICATE OF DEDICATION

SB1 Pleasant Prairie WI, LLC, as Owner does hereby certify that it caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map and does further certify that this Certified Survey Map is required by s.236.34 to be submitted to the following for approval or objection: Village of Pleasant Prairie.

SB1 PLEASANT PRAIRIE WI, LLC

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

IN WITNESS WHEREOF, this \_\_\_\_ day of \_\_\_\_\_, 2015.

Witness: \_\_\_\_\_

Date: June 9, 2015

This Instrument was drafted by Mark R. Madsen

PROJECT ID: 2013.0057.04

SHEET 4 OF 5 SHEETS



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

VILLAGE PLAN COMMISSION APPROVAL

Approved by the Village Plan Commission, Village of Pleasant Prairie on this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Thomas W. Terwall, Chairman

VILLAGE BOARD APPROVAL

Approved by the Village Board, Village of Pleasant Prairie on this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
John P. Steinbrink, Village President

Attest: \_\_\_\_\_  
Jane M. Romanowski, Village Clerk



Consider **Ord. #15-21 for several Zoning Text Amendment** including amendments to Section 420-22 related to zoning permits required, time limits for zoning and sign permits; Section 420-24 related to certificate of occupancy; Section 420-64 related to approval or denial of a sign permit; Section 420-65 related to issuance of a sign permit and Section 420-69 related to the duration of a sign permit.

**Recommendations:** On June 22, 2015, the Village Board held a public hearing and recommended that the Village Board approve the **Zoning Text Amendments (Ord #15-21)** as presented in the July 6, 2015 Village staff report.

## VILLAGE STAFF REPORT OF JULY 6, 2015

Consider **Ord. #15-21 for several Zoning Text Amendment** including amendments to Section 420-22 related to zoning permits required, time limits for zoning and sign permits; Section 420-24 related to certificate of occupancy; Section 420-64 related to approval or denial of a sign permit; Section 420-65 related to issuance of a sign permit and Section 420-69 related to the duration of a sign permit.

*On March 23, 2015 the Village Board adopted Resolution #15-10 to initiate amendments to the Village Zoning Ordinance to re-evaluate and amend the Zoning procedures for zoning and sign permits related to submittal requirements, time limits and notification of approval and denial of both zoning and sign permits.*

The following amendments are proposed:

1. To amend Section 420-22 A (1) related to requiring a Zoning Permit for a driveway. In the past driveway permits were specified in the building code. This requirement has been relocated to the Zoning Ordinance.
2. To amend Section 420-22 J (2) (b) related to changing the time limits for zoning permits to from six (6) months to 12 months to coincide with building permits.
3. To amend Section 420-22 J (2) (e) related to changing the time limits for sign permits from 120 days to 12 months to coincide with the time frame for building permits.
4. To amend Section 420-24 C and D related to modifying Certificate of Compliance. This is a clarification since some projects are issued a Certificate of Occupancy and some projects are issued a Certificate of Compliance. This change clarifies that a verbal occupancy can also be referred to as a temporary occupancy. These changes will now make the Building Code and the Zoning Code terminology consistent.
5. To amend Section 420-64 A and B related to the approval or denial of sign permit application. The Amendment will require that the applicant be informed in writing by first class mail, email or by fax, only if the permit is denied.
6. To amend Section 420-65 related to the issuance of a sign permit to indicate that a permit shall be issued only upon payment of any sign inspection fees.
7. To amend Section 420-69 A related to changing the duration of a sign permit. The sign permit will be valid for 12 months to coincide with building permits.

On June 22, 2015, the Village Board held a public hearing and recommended that the Village Board approve the **Zoning Text Amendments (Ord #15-21)** as presented in the July 6, 2015 Village staff report.

**ORD. NO. 15-21**

**ORDINANCE TO AMEND  
THE VILLAGE ZONING ORDINANCE (CHAPTER 420)  
RELATED TO ZONING PROCEDURES FOR ZONING AND SIGN PERMITS RELATED TO  
SUBMITTAL REQUIREMENTS, TIME LIMITS AND NOTIFICATION OF APPROVAL AND  
DENIAL OF BOTH ZONING AND SIGN PERMITS  
IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN**

**THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE,  
KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT THE FOLLOWING  
SECTIONS OF THE VILLAGE ZONING ORDINANCE RELATED TO FEES BE AMENDED  
AS FOLLOWS"**

1. **To amend Section 420-22 A (1) related to Zoning Permits required to read as follows:**
  - (1) Zoning permit. No person shall construct, place, move, park, enlarge, reconstruct, structurally alter or repair, or convert to a new use any building or structure, or any part of a building or structure, **or a driveway**, and no person shall commence any new or expanded use, or resume any prior use after a hiatus of more than one year, of any land, building, or structure, or any part of any building or structure, unless a valid zoning permit has first been issued, as required by this chapter, and such permit has neither expired nor been suspended or revoked.
2. **To amend Section 420-22 J (2) (b) related to time limits for zoning permits to read as follows:**
  - (b) All zoning permits for residential accessory structures shall expire within ~~six~~ **12** months of the issuance of said permit. The applicant may request that the permit be renewed, prior to the expiration, for an additional six months only after paying the required renewal fee. If said permit expires, the applicant shall reapply for a building and zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of this chapter shall be null and void.
3. **To amend Section 420-22 J (2) (e) related to time limits for sign permits to read as follows:**
  - (e) All zoning permits for a sign shall automatically expire ~~120 days~~ **12 months** after the date of issuance of the permit, or, if a building permit is associated with the permit, said permit shall be automatically extended to match the expiration date of said building permit. After such right expires, or after the permit is revoked or voided, or while it is suspended, no work requiring such a permit shall be commenced, continued or resumed until after a new permit is issued or until after the original permit has been reinstated. A suspension of the permit tolls the remainder of such one-hundred-twenty-day period.
4. **To amend Section 420-24 C and D related to Certificate of Occupancy and verbal to occupy to read as follows:**
  - C. Certificate of occupancy **/Certificate of compliance**.
    - (1) Requirement. No person shall use or occupy any newly completed building or structure, and no person shall use or occupy any newly completed portion of any existing building or structure, unless a valid

certificate of occupancy **or certificate of compliance** has first been issued for such use or occupancy and such permit has neither expired nor been suspended or revoked. No person shall commence any new occupancy of any existing building or structure for any use other than a permitted residential use in a residential zoning district or a permitted agricultural use in any agriculture zoning district unless a valid certificate of occupancy has first been issued for such use or occupancy and such permit has neither expired nor has been suspended or revoked.

- (2) Preconditions. No certificate of occupancy **or certificate of compliance** shall be issued unless:
- (a) Valid zoning, building and erosion control permits or other required permits were issued for the project; and
  - (b) The project, as built, was completed in accordance with all applicable provisions of this chapter and of any orders, decisions, permits or other approvals made or issued pursuant to Village ordinances.

D. Verbal **or temporary** occupancy. To facilitate occupancy and prevent unnecessary hardship, the Zoning Administrator is authorized to issue a verbal **or temporary** occupancy with respect to any building or structure, or any part of a building or structure, for which valid permits have been issued, prior to completion of the building or structure, provided that such temporary occupancy will not jeopardize the safety, health, or public welfare of the occupants or the general public. The Zoning Administrator is authorized to impose as conditions upon the issuance of such verbal occupancy whatever temporary precautionary measures may be required to safeguard the public. No such verbal occupancy shall be construed as vesting in the applicant any right to receive a certificate of occupancy for a building or structure, or a part of a building or structure, unless it satisfies all requirements of this chapter, Chapter 370, Building and Mechanical Code, of the Village Code, or other ordinances that would be applicable to such building or structure in the absence of the verbal occupancy certificate or any activity conducted pursuant thereto.

5. **To amend Section 420-64 A and B related to the approval or denial of sign permit application to read as follows:**

- (A) As soon as practicable after a sign permit application is complete, the Zoning Administrator shall approve or deny it. The Zoning Administrator, **or his/her designee**, shall have authority to impose any conditions reasonably based upon the requirements of this article. The Zoning Administrator, **or his/her designee**, shall promptly notify the applicant of the approval **and any conditions of approval. If denied, the Zoning Administrator shall notify the applicant** ~~or denial~~ in writing by first class mail, **email** or by fax and state in such notice the reasons for any denial ~~and any conditions of approval~~.
- (B) As soon as practicable after a sign special exception application is complete, the Zoning Administrator, **or his/her designee**, shall approve or deny it and state in its decision the reasons for any denial, any findings it is required to make to approve the application, and any conditions of its approval. The Zoning Administrator shall have authority to impose any conditions

reasonably based upon the requirements of this article and any conditions which it reasonably determines are necessary for it to make any required findings. The Zoning Administrator, **or his/her designee**, shall promptly notify the applicant of the approval **and any conditions of approval. If denied, the Zoning Administrator shall notify the applicant** ~~or denial~~ in writing by first-class mail, **email** or by fax and state in such notice the reasons for any denial ~~and any conditions of approval~~.

6. **To amend Section 420-65 related to issuance of a sign permit to read as follows:**

~~With the notice of permit approval pursuant to § 420-64 above, the Village Zoning Administrator shall also promptly notify the applicant in writing by first class mail or by fax of the procedure for issuance of the permit.~~ A permit shall be issued only upon payment of any sign inspection fees provided for in or by this chapter.

7. **To amend Section 420-69 A related to the duration of a sign permit to read as follows:**

- A. The right to install, construct or modify a sign pursuant to a sign permit or a sign special exception permit shall automatically expire ~~120 days~~ **12 months** after the date of issuance of the permit. After such right expires, or after the permit is revoked or voided, or while it is suspended, no work requiring such a permit shall be commenced, continued or resumed until after a new permit is issued or until after the original permit has been reinstated. A suspension of the permit tolls the remainder of such one-hundred-twenty-day period.

**Adopted this 6<sup>th</sup> day of July, 2015.**

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

\_\_\_\_\_  
John P. Steinbrink  
Village President

\_\_\_\_\_  
Jane M. Romanowski  
Village Clerk

Posted: \_\_\_\_\_



Office of the Director of Public Works  
**John Steinbrink Jr., P.E.**

**To:** Michael Pollocoff  
**From:** John Steinbrink, Jr.  
**Subject:** Cooper Road Sewer Rehabilitation Award of Contract  
**Date:** July 6, 2015

The Pleasant Prairie Sewer Utility is planning the final phase of the multi-year sewer main rehabilitation project for the Cooper Road Sewer drainage basin. The area is generally located north of 85<sup>th</sup> to 76<sup>th</sup> St along Cooper Road West to 56<sup>th</sup> Ave. This year will include relining the final section of sanitary sewer main on Cooper Road and one on 82<sup>nd</sup> St. Nine manholes will be repaired and 200 lateral connections will be grouted from the main upstream for five feet. In West Chateau, 1844 feet of sewer main to the East Frontage Road will be relined with eight manhole repairs. This year's program will also include repair and epoxy coating of two large sewer vaults and a sewer manhole. This epoxy coating will prevent future deterioration from hydrogen sulfide gasses. These gasses are common within sewer structures that accept flow from lift stations. Please see attached maps for project location.

The clay sewer area has been subject to high sewer flows from infiltration of groundwater. During rain events the flow will increase ten times higher than in dry conditions. The suspected causes of these high flows are infiltration of groundwater into sewer mains and laterals and illegal sump pump connections.

On Wednesday, June 24<sup>th</sup>, three bids were received for the installation of approximately 3,640 feet of sewer main lining and rehabilitation for 24 sanitary manholes, grouting of 200 lateral connection to the sewer main to grout and three sewer structures to repair and epoxy coat.

Michels Corporation	\$ 279,535.50
Visu-Sewer, Inc.	\$ 352,441.25
Terra Engineering and Construction	\$ 426,167.00

The approved 2015 Sewer Utility Capital Budget for this rehabilitation project is \$242,000.

Due to the increased cost of mobilization, I am recommending to defer the section of work in the River Oaks subdivision until 2016. This work represents a value of \$42,410 and will make the contract value \$238,563.25. Engineering is expected to cost \$4,100.

Pipe relining is a popular rehabilitation method. A new liner is pulled into the existing sewer main or lateral and cured into place. This is the most cost effective method and is recommended for this project. Michels Corporation is the lowest responsible bidder and is experienced in this type of sewer rehabilitation work.

I recommend a contract be awarded to Michels Corporation for sanitary sewer lining services and manhole rehabilitation in the Cooper Road Sewer Rehabilitation project, not to exceed \$238,563.25.

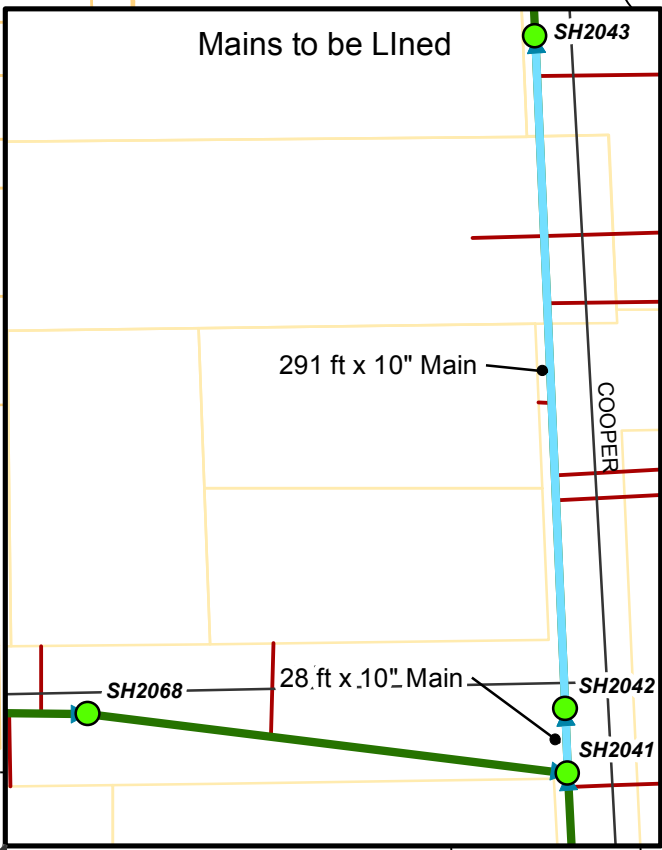
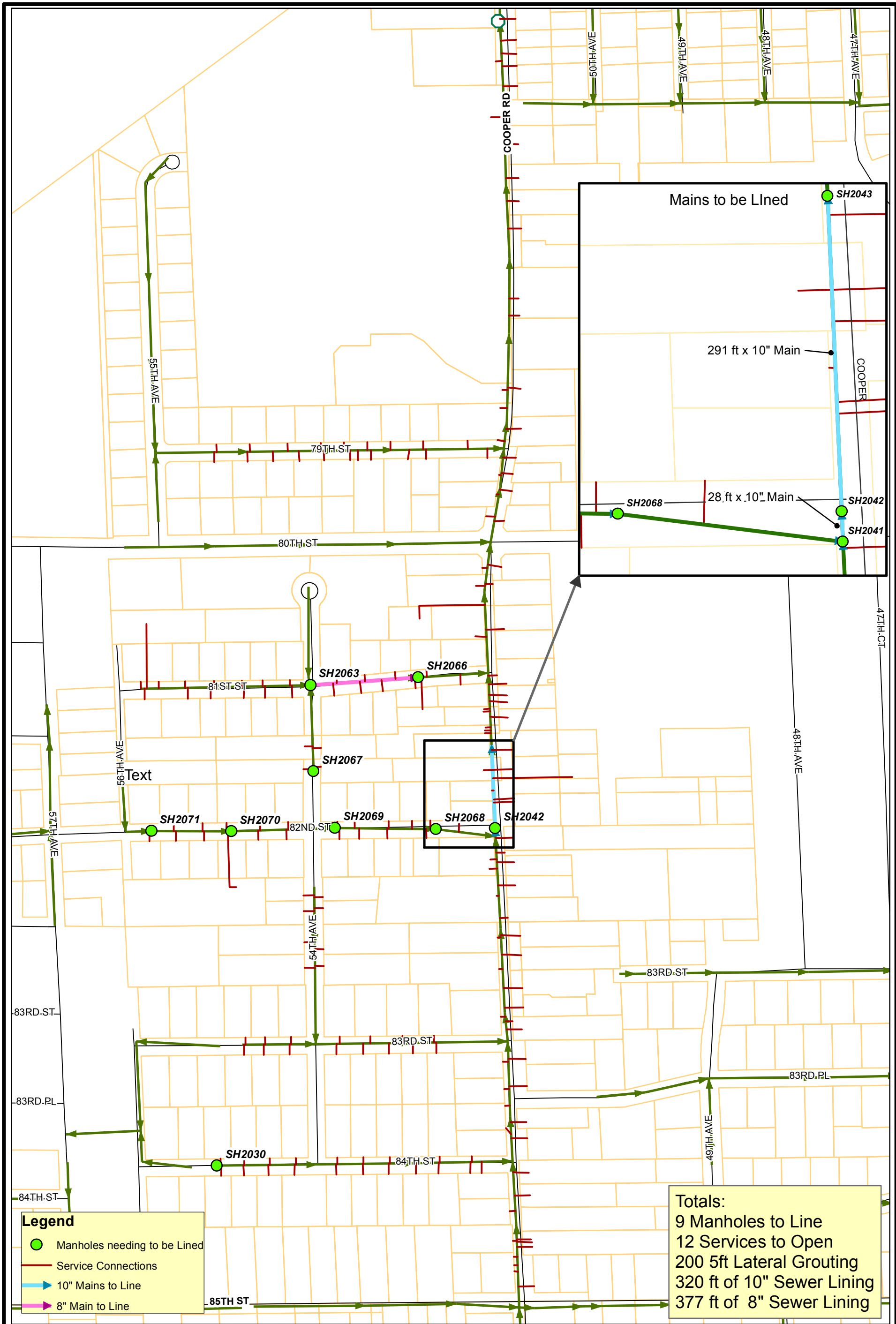
Village of Pleasant Prairie  
2015 Sewer Lining

Bid Date: 06/24/15

BID TABULATION

No.	Item Description	Unit	Estimated Quantity	Michels Corporation		Terra Engineering		Visu-Sewer		RECOMMENDATION		
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Quantity	Unit Price	Total Price
1	Mobilization	LS	1	\$33,190.00	\$33,190.00	\$35,000.00	\$35,000.00	\$30,000.00	\$30,000.00	1	\$33,190.00	\$33,190.00
2	Sewer Lining with CIPP, 8"	LF	1480	\$22.00	\$32,560.00	\$23.00	\$34,040.00	\$28.50	\$42,180.00	377	\$22.00	\$8,294.00
3	Sewer Lining with CIPP, 10"	LF	320	\$26.00	\$8,320.00	\$25.50	\$8,160.00	\$39.00	\$12,480.00	320	\$26.00	\$8,320.00
4	Sewer Lining with CIPP, 12"	LF	1844	\$32.00	\$59,008.00	\$33.00	\$60,852.00	\$45.00	\$82,980.00	1844	\$32.00	\$59,008.00
5	Open Service Connection in CIPP	EA	21	\$120.00	\$2,520.00	\$150.00	\$3,150.00	\$200.00	\$4,200.00	16	\$120.00	\$1,920.00
6	Sewer Cleaning and Root Removal	LF	3640	\$3.25	\$11,830.00	\$5.00	\$18,200.00	\$4.00	\$14,560.00	2537	\$3.25	\$8,245.25
7	Post Construction CCTV Inspection	LF	3640	\$0.50	\$1,820.00	\$2.00	\$7,280.00	\$1.00	\$3,640.00	2537	\$0.50	\$1,268.50
8	Manhole Rehabilitation (assume 24 manholes at 9 ft. deep)	VF	216	\$190.00	\$41,040.00	\$135.00	\$29,160.00	\$137.50	\$29,700.00	153	\$190.00	\$29,070.00
9	Service Lateral Grouting (5ft)	EA	200	\$375.00	\$75,000.00	\$985.00	\$197,000.00	\$495.00	\$99,000.00	200	\$375.00	\$75,000.00
10	Structure Rehabilitation Hwy 165 (Vault)	SF	330	\$13.75	\$4,537.50	\$31.00	\$10,230.00	\$31.35	\$10,345.50	330	\$13.75	\$4,537.50
11	Structure Rehabilitation Hwy H (Drop Manhole)	SF	220	\$15.50	\$3,410.00	\$31.00	\$6,820.00	\$31.35	\$6,897.00	220	\$15.50	\$3,410.00
12	Structure Rehabilitation 7th Avenue (Vault)	SF	525	\$12.00	\$6,300.00	\$31.00	\$16,275.00	\$31.35	\$16,458.75	525	\$12.00	\$6,300.00
<b>Total Base Bid</b>					<b>\$279,535.50</b>		<b>\$426,167.00</b>		<b>\$352,441.25</b>			<b>\$238,563.25</b>

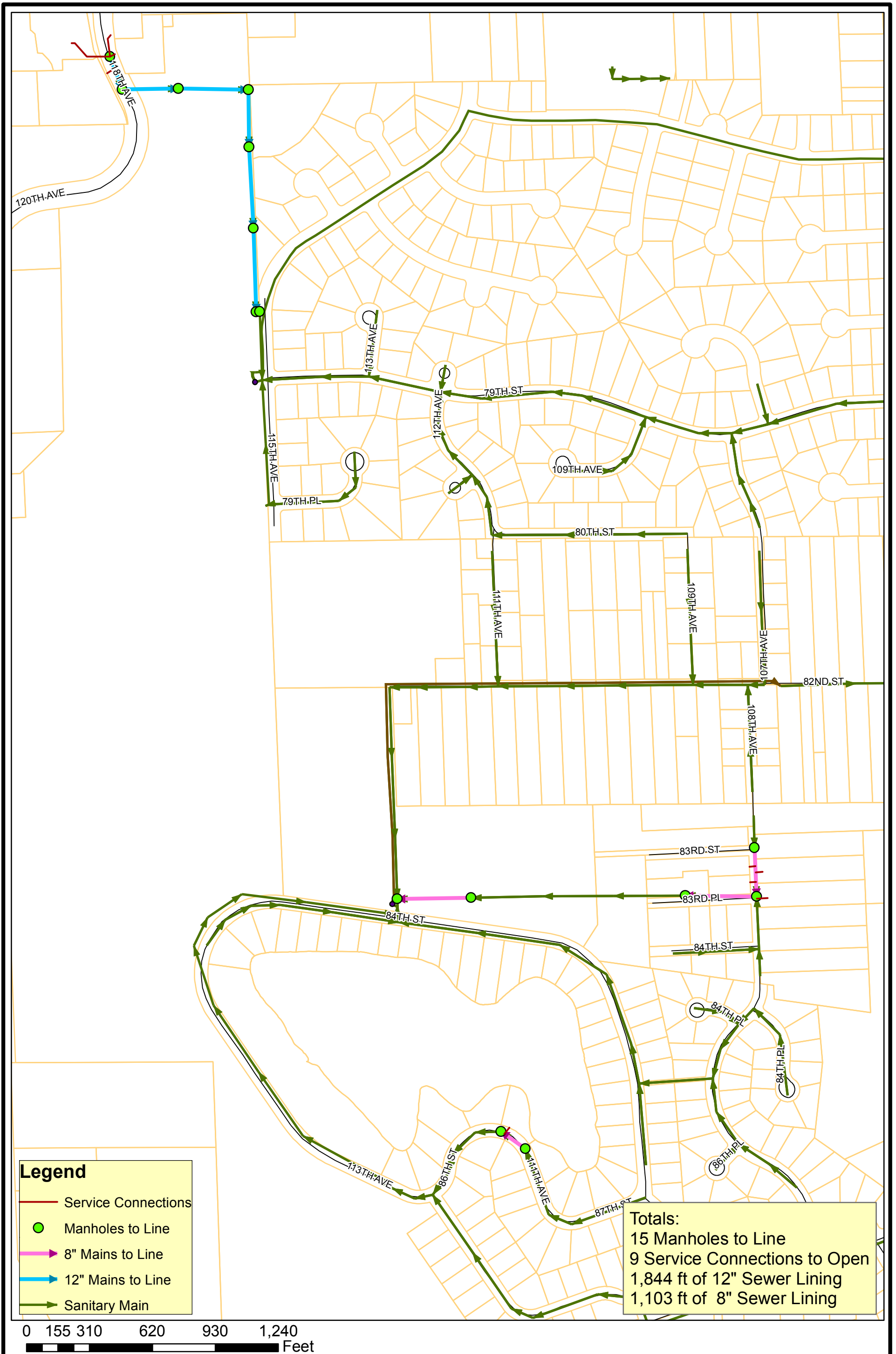




**Legend**

- Manholes needing to be Lined
- Service Connections
- ▶ 10" Mains to Line
- ▶ 8" Main to Line

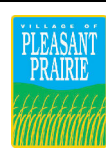
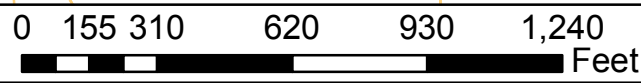
**Totals:**  
 9 Manholes to Line  
 12 Services to Open  
 200 5ft Lateral Grouting  
 320 ft of 10" Sewer Lining  
 377 ft of 8" Sewer Lining



Totals Remaining in program:  
 8 Manholes to Line  
 5 Service Connections to Open  
 1,844 ft of 12" Sewer Lining

Totals removed from program:  
 7 Manholes to Line  
 4 Service Connections to Open  
 1,103 ft of 8" Sewer Lining

- Legend**
- Service Connections
  - Manholes to Line
  - 8" Mains to Line
  - 12" Mains to Line
  - Sanitary Main





Office of the Director of Public Works  
**John Steinbrink Jr., P.E.**

**To:** Michael Pollocoff  
**From:** John Steinbrink Jr.  
**Subject:** Vehicle Disposal Approval  
**Date:** July 6, 2015

I am requesting approval for the disposal of the following Village equipment which have reached the end of their useful life:

- Vehicle 7022 - 2002 Ford Winstar Van; 114,621 miles
- Equipment # A042 – 1987 Econoline Tandem Trailer

Cost savings would be realized in the elimination of insurance, repair and/or storage costs.

The aforementioned vehicles will be sent to auction.

I recommend that the above equipment be disposed of.

**RESOLUTION #15-22**

**RESOLUTION AUTHORIZING THE  
VILLAGE OF PLEASANT PRAIRIE  
TO DISPOSE OF SURPLUS VEHICLES**

**WHEREAS**, the Village of Pleasant Prairie currently owns a 2002 Ford Winstar Van (114,621 miles) and a 1987 Econoline Tandem Trailer; and

**WHEREAS**, the 2002 Ford Winstar Van and the 1987 Econoline Tandem Trailer are no longer capable of performing the work required by the Village because of their age, hours of operation and condition; and

**WHEREAS**, the two pieces of equipment are no longer needed to meet the needs of the Village.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Administrator be authorized to sell the 2002 Ford Winstar Van and the 1987 Econoline Tandem Trailer to an authorized automobile auction company.

Passed and adopted this 6<sup>th</sup> day of July, 2015.

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John P. Steinbrink, President

Attest:

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Jane M. Romanowski, Clerk

Posted: \_\_\_\_\_



AFFIDAVIT ACCOMPANYING DRAFT UNDER  
IRREVOCABLE LETTER OF CREDIT NO. 1628  
DATED FEBRUARY 6, 2015

STATE OF WISCONSIN)  
  ) SS:  
COUNTY OF KENOSHA)

Michael R. Pollocoff, being first duly sworn on oath, deposes and says as follows:

1. I am the Village Administrator of the Village of Pleasant Prairie, Wisconsin (the Village).
2. The Village Board of Trustees, at a meeting duly held on the 6th day of July, 2015, duly approved a draft upon Irrevocable Letter of Credit No. 1628 dated February 6, 2015 in the amount of US \$187,517.63 (One Hundred Eighty-seven Thousand Five Hundred Seventeen 63/100 U.S. Dollars).

Village of Pleasant Prairie

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Michael R. Pollocoff  
Village Administrator  
Village of Pleasant Prairie

Subscribed and sworn to before me  
this 6th day of July, 2015.

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Notary Public, Kenosha Co., WI  
My commission expires \_\_\_\_\_

ATTEST:

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Jane M. Romanowski  
Village Clerk  
Village of Pleasant Prairie



AFFIDAVIT FOR DRAWING UNDER  
STANDBY LETTER OF CREDIT NO. HACH373054OS

DATE: July 6, 2015

TO: BMO Harris Bank N.A.  
c/o Bank of Montreal  
234 Simcoe Street, 3<sup>rd</sup> Floor  
Toronto, Ontario M5T 1T4

Michael R. Pollocoff, being first duly sworn on oath, deposes and says as follows:

1. I am the Village Administrator of the Village of Pleasant Prairie, Wisconsin.
2. The Village Board of Trustees, at a meeting duly held on the 6th day of July, 2015, duly approved a draw upon BMO Harris Bank N.A. Irrevocable Letter of Credit No. HACH373054OS, dated July 18, 2007. We are drawing for USD \$551,191.85.

Village of Pleasant Prairie

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Michael R. Pollocoff  
Village Administrator

Subscribed and sworn to before me  
this 6th day of July, 2015.

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Notary Public, Kenosha Co., WI  
My commission expires \_\_\_\_\_

cc: The settlement at Bain Station LLC and the Landing at Bain Station LLC