

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
November 2, 2015
6:00 p.m.

1. Call to Order
2. Pledge of Allegiance – Boy Scout Troop 583
3. Roll Call
4. Minutes of Meetings – September 21, October 5 and October 15, 2015
5. Public Hearing
 - A. Consider the request for a Class “A” Fermented Malt Beverage and “Class A” Intoxicating Liquor (Cider Only) License for the Kwik Trip #172 store under construction at 8900 76th Street.
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 Resolution #15-28 honoring Tammy Conforti for the Accomplishment of Building the Dream Playground.
 - B. Consider Resolution #15-29 honoring Christine Weyker and the Kenosha Achievement Center for their assistance to the Dream Playground project.
 - C. Resolution #15-30 in support of a jurisdictional transfer of CTH EZ (39th Avenue) from the City of Kenosha boundary south to the north right-of-way boundary of STH 165 (104th Street).
 - D. Resolution #15-31 in support for the Transportation Investment Coalition to develop a sustainable funding mechanism for transportation system maintenance.

- E. Consider an Agreement for the May 7, 2016 Wisconsin Marathon.
 - F. Consider Ordinance #15-39 to Amend Chapter 98 of the Municipal Code relating to Polling Places.
 - G. Consider Ordinance #15-40 to Amend Chapter 285 of the Municipal Code relating to Sewer Service Charges.
 - H. Consider Ordinance #15-41 to Amend Chapter 250 of the Municipal Code relating to Firearm and Weapon regulations.
 - I. Consider vacating an existing Storm Water, Drainage, Access and Maintenance Easement and dedicating a new Storm Water, Drainage, Access and Maintenance Easement as a result of expanding the parking lot and relocating the storm water facilities on the property located at 8989 74th Street.
9. Village Board Comments
10. Consider Entering Into Executive Session pursuant to Section 19.85(1)(g) Wis. Stats. to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
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 – 39th Avenue, Pleasant Prairie, WI (262) 694-1400

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
September 21, 2015
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, September 21, 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; Rocco Vita, Village Assessor; 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 Vesna Savic, Executive Secretary. Four citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING - AUGUST 17, 2015**

Kris Keckler:

Move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Any additions or corrections? Those in favor?

KECKLER MOVED TO APPROVE THE MINUTES OF THE AUGUST 17, 2015 VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- 5. CITIZEN COMMENTS**

Vesna Savic:

No signups.

Village Board Meeting
September 21, 2015

John Steinbrink:

Anybody wishing to speak under citizens' comments?

6. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, as you can see the room gets a little better every time we come in. We're clearly not there yet. But we're looking to have this -- I think this auditorium room should be done by the next time the Board meets with the ceiling and the vestibule completed and the doors on. It will be ready for business as an auditorium and municipal courtroom again.

Just to update you, up above we have the rooftop unit, HVAC unit. We've gotten 47 good years out of that unit. The rubber mountings on it are gone. When the thing fires up that's why you can feel the whole structure of the trusses moving because it's metal on metal now. It would get so loud. These lights are motion detector oriented, and it will actually turn all the lights on if nobody is in here the thing starts shaking so much. Now we have a higher efficiency HVAC system coming in. The roof has been redone. Again, we had original 1967 roof on this that they replaced. They redid some of the drainage systems on the roof to improve those.

The 39th Avenue project is moving along. You can see they poured the curb for the actual roundabout island has been done. They have it staked out to be pouring concrete probably this week. Sidewalks have gone in. The medians that had concrete in them, the red concrete, and then up and down 39th Avenue. So we're still kind of looking at targeting into that October 20th, 21st, 22nd. It's bound to rain between now and then so something will help to slow that down. But the contractor has been doing a good job of moving along despite some of the delays by AT&T and We Energies. So that process is moving along. We look forward to having that road done before the end of the month.

Also, we're looking at scheduling an open house for the fire department on Halloween morning from ten o'clock to one. It will be an opportunity for the community to come and see the new fire station they built. And it will be an opportunity to bring the kids in. If they want to dress up as firemen like the guys that are out there or any other thing they'll come out, and there will be some treat for the kids and they'll be giving tours on it. It will be a working station so hopefully we don't have a big event while we're in there. I know everybody who has been out there to go through it it's a very nice facility. And it's going to serve this Village well for many decades. That's all I have under the report tonight, Mr. President.

John Steinbrink:

Thank you, Mike.

7. NEW BUSINESS

A. Consider a Professional Services Agreement for the Chateau Eau Plaines Storm Water Improvement Project.

Matt Fineour:

Mr. President and members of the Board, this is a professional service agreement with RA Smith National to provide design and services to produce construction plans for a storm sewer within the Chateau Eau Plaines subdivision. This subdivision has a long history of drainage studies and everything associated with it. What I have on the board first of all is I want to just kind of go over the Chateau area for you and then explain the proposed storm sewer project.

What you see here in the bold red going around this area is actually the drainage basin that goes around Chateau. This is 79th Avenue, this is 104th, and Highway 50 is a little ways up in here. Everything within this red boundary actually drains and goes and exits at this point over here by the Kilbourn ditch area. The way the stormwater goes right now it goes through here between some backyards. There's a storm part in these backyards right here, and it comes up and across 79th, and there's a wetland complex back behind these houses in this field over here. Most of the area drains to this wetland area over here. Things tend to go through here, go between two yards in this direction, go out to this wetland area, then come back out and out this way. That's kind of the general overall drainage pattern for the area.

You want to switch to the next slide there? The area has had kind of a lengthy history as far as stormwater goes. Back in the early 1990s a storm sewer plan was proposed at that point in time in the early 1990s, and in 2004 -- that storm sewer ended up not going in at that point in time because of opposition for the project from residents out in that area. In 2004 SEWRPC did a study out there a little bit and had a floodplain that ended up going through that area into the wetland areas. And in 2008 and 2009 we had two large storm events during those two years, and we had significant flooding through those two storm events back at that time. Those two storm events were extreme stormwater events at that time.

In 2011 the Village pursued kind of a stormwater study out in that area. And as part of the stormwater study we passed our surveys to residents in the subdivision that kind of asked them if they've had basement backups, what their damages were during storm events and so forth. And at that time we were trying to gather information for a grant. So we were trying to get grant money to do a stormwater project out in this area. This figure here shows some of the residential surveys that came back to us as far as the basement backups. So everything in red, every property owner in red had some form of basement backup at some point in time from stormwater event.

Can you go to the next slide? This figure here kind of shows the number of flooding events that people were experiencing in here, the red being three or more flooding events, yellow being two, blue being one. So these were the responses that we had at that time, again, in 2011 as far as the number of flooding events that these people had experienced at that time. And this figure, again, just goes through and gives it kind of a magnitude or order of damage that people had from

Village Board Meeting
September 21, 2015

flooding events, mostly I'd say basement flooding events that created these damages. And, again, these are pretty much the same property owners that responded to the other two surveys.

This figure just kind of shows a little bit about the history as far as the proposed improvements that have been proposed over the time. Back in 1993 the storm sewer that I was talking about ran along the road through here, and there's a storm pipe that came up this way. And then the storm line comes across along the roadway and ends out in here. At that time in the early 1990s this wetland area back in here was actually proposed to be a detention facility. Back in the early 1990s phase two of the Chateau subdivision was actually being engineered at that time. And this wetland area was planned to be a detention pond or a detention facility which would slow the water down from anything that phase two had contributing to it. And then the storm sewer would pick that up.

In the 2011 time period regulations had changed at that point in time. The detention area up in here was not going to be a detention pond. This wetland was going to remain a wetland. We proposed on putting kind of a storm sewer along the backyards back through here, and then coming up in here and doing what we would call a wetland scrape which would basically take that wetland, lower the elevation of it, still keep it as a wetland, but it would have more storage capability for the stormwater. This would allow us to lower the flooding back in here in this wetland area, pick it up into a storm sewer and discharge it out to the Kilbourn ditch.

That idea as we moved forward with it got kind of nixed by the DNR. They did not want this wetland to be touched in any form or fashion that would really have anything to do with stormwater management. So we could not do a wetland scrape in here. And not being able to do a wetland scrape really affected this entire concept because we weren't able to lower the flooding event and be able to lower that whole water elevation out in that area.

With that in mind the current concept for the stormwater is to provide a storm sewer, again, along the roadway through here keeping the existing drainageway as is. So we would still have a wetland complex back in here, it would still go through culverts across the roadway, and it would still go exactly the way it is today. However, we would have a secondary auxiliary stormwater pipe that comes along the roadway and actually picks up I would say probably half the drainage area that would actually go to that wetland. So we're picking up half the drainage area into the pipe and taking it out, lowering the amount of water that goes to the wetland. And then in any kind of, again, bigger flood events we would still have that existing drainageway. So you'd almost have two systems out there, the existing drainageway and this new storm sewer pipe that would pick up storm water and collect sump pump drainage along that street for all the residents.

The contract with RA Smith, again, we recommend approval. The contract is for \$69,901, that's a not to exceed amount. That, again, is for the design of that storm sewer which includes wetland delineations out there, topographic mapping that needs to take place out there in order to design it, and the design construction plans themselves. And with that I'd take any questions.

Village Board Meeting
September 21, 2015

Michael Serpe:

I know this is long overdue. The 87 that attended was there anybody that really objects to the project?

Matt Fineour:

With stormwater projects it is very typical for people to object with it I would say on the higher end of the drainage area. So the people on the higher end of the drainage area are more likely to have an objection. The people on the lower end of the drainage area that are closer to the flooding or experience more of the flooding are the ones that typically are in favor of it. With this one I think this area has had a history of some people opposing it and some people being in favor of it.

Mike Pollocoff:

I might add this has been a long ongoing problem. With the work that was done in '11, as Matt indicated we were trying to do the wetland scrape on this, lower that area. What we're really trying to do is, one of the big problems is we can't get that water out of that area because of the elevation of where that is wet and what the ditch elevation is going out to the Kilbourn ditch and the Des Plaines. That's a consequence of the subdivision never being engineered back when it was approved by Kenosha County when we were still a town. They really didn't require any substantial engineering to be done other than creating the lots.

That was pretty charitable in saying that the DNR said no. We had no help from the Army Corps of Engineers, none whatsoever. In fact, they really added cost to this project. We really had no help from DNR. In fact, DNR is actually telling us the exact opposite thing they told us back in 2003 when we were doing this project. So what the Village Board did it's been maybe almost ten years ago when we started the Clean Water Utility is provide a vehicle to take and acquire funds over time to do these capital projects.

In this case as Matt's come up with a concept of splitting this basin up in two divides, we wouldn't be abandoning that storm sewer. Although it's not the ultimate capacity, it wasn't designed for that use, by making it a drainage basin attributable to it and then putting in another storm sewer, the storm water utility would be able to pay for that. Nobody likes special assessments, and we don't know what a special assessment would look like. Our plan was we've saved almost \$1 million to be able to get this work done so we can mitigate the greatest amount of flooding.

But if we want to go farther back into Chateau or do extra work, one of the comments from the survey were that people were upset with the ditches, the ditches always had water in them, and sump pumps were constantly running. Then when there was any electrical outage the basements were backing up from the sump pumps failing. And once the basements back up from the sump pumps failing then the sewer backs up because all that water from the sump crock goes down the sanitary sewer and overloads the sewer system.

Village Board Meeting
September 21, 2015

So the next step which would be a new improvement would be getting some type of stormwater collection system for all the sump pumps in that area because the sump pumps do run quite a bit. That would be a further item. But to really get this information put together based on where we're at today that's what we're proposing RA Smith to do. I think if there's any regulatory assistance that we would need -- right now we haven't been able to get any help from our local legislators or from our federal legislators to resolve this problem. As a matter of fact the only assistance we got was from a Minnesota Senator who a property owner had some connection to that actually got a meeting for us with the Army Corps of Engineers.

I think the total damage in 2009 or '04 was pushing a million dollars, over a million dollars where we had serious property damage. And that isn't enough to ring up any alterations to the wetlands or the floodplains there. I guess there's one other thing I want to say. I've had some people indicate to me that people who purchase properties in the west end of that subdivision along 79th they feel like its buyer beware. You should have known this was low property when you bought it, and if you bought low property you've got to bear the cost of it.

Well, the fact of the matter was not until probably 2003 or '04 the Des Plaines floodplains had not been correctly identified. And none of that land was identified as floodplain. So if a mortgage company would have went and looked at the floodplain maps at that time they wouldn't have seen a floodplain in that area. And hindsight being 20/20 when you always have drainage problems in there the first thing you've got to start wondering is, are the floodplain maps right. Eventually FEMA adjusted the floodplain maps, and those maps are felt to be accurate at this time. So at the very least we owe it to ourselves in planning out a good product to get a good engineering study done and take a look at what other additional work is going to be needed in there, what that's going to cost, and what it's going to cost for the stormwater utility to make the improvement that's going to have the most impact on that basin.

Dave Klimisch:

Over the weekend I went out and talked with a number of homeowners in that area. And everybody I talked to was in favor of the idea of doing this. I know over the last 30, 40 years there's been lots of different rules and regulations. Some peoples' front yards the front ditch some of it is open, some of it is covered with dirt. Some of them are very small pipes, some are bigger pipes as far as getting flow. To the point that some people make it should be buyer aware. Over 40 years there's been so many different modifications and so many different rules that I agree it's hard for someone to have to be buyer beware on all those changes. But a question for you, Matt. In the southeast corner of this area it says there's an internally drained area. Can you talk about what that means to the whole project? Would that be included? Would we be able to use some part of that internally drained area?

Matt Fineour:

Right. On the first map I had this area right in here that I have internally drained this field area back in here behind these houses that's a low spot. So right now water does not leave this area essentially. There is a pipe that goes between two houses that I think does drain some of this area. It's not a Village pipe, but it must have been installed at some point in time. But generally

Village Board Meeting
September 21, 2015

what this internally drained area means is that it's a low area that basically holds water on its own.

So in the future when we have this storm pipe coming through here when this road whether it's like this or some other design that comes in through here and cul-de-sacs out that will need its own stormwater system. And the storm pipe that we would be designing would allow a connection into that. So without a storm sewer pipe in there there's no way that water in here really has a good way of getting out. So it will help the current situation, but more importantly for this undrained area the project will help it in the future as well as a storm water outlet.

Dave Klimisch:

Makes sense. There's several different homeowners that said that they no longer let their kids play in the backyard because it's just so wet. They don't let them play in the front yard because it's just so wet. So I'm looking forward to having some options if we approve this for moving forward.

John Steinbrink:

Other comments or questions? Would you care to ask a question? Sure, just give us your name and address for the record. We know who you are, but --

Bob Marfechuk:

I'm Bob Marfechuk. I live at 11315 79th Street. I believe on this diagram I'm the third house from the very end. I've been in my house now for approximately 12 years. And knock on wood no floods but very close. The last heavy rain in 2011 --

Matt Fineour:

2008, 2009, yes, the big storms.

Bob Marfechuk:

I was there. And the only thing that saved my basement was a portable pump that I slept next to for 24 hours. When it turned off it woke me up because I didn't hear the noise. But there is a serious problem there. And I know a few years ago there was talk of going through the backyards. Which there was a meeting and I came and said I don't believe any Board member would like a ditch in their backyard. And I still don't want that. And I don't have the ditch like my neighbors do.

I feel sorry for them, but if this drainage would go from the beginning of the entry all the way to the end I think that's great. I hope that's the case because I do have concerns about when it rains and I do have a backup, but the backup will only run for so long. And I have considered putting a generator attached to my house so that when I'm not home and we lose power it will automatically kick on. But to date I don't have enough of the \$5,000 to buy that so I am very

Village Board Meeting
September 21, 2015

concerned about this. And I'd hate to see my property value go down because the Village is just thinking of building a bigger ditch in the backyards. I will fight that. That's all. Thank you.

John Steinbrink:

Thank you. Anyone else with a question?

Leigh Wolters:

[Inaudible] adjacent property, I'm at 11316 79th Place, Leigh Wolters. So my property actually is along [inaudible] talking about depending on whether I [inaudible] possibly, or then it would be an open ditch. [Inaudible] I came in late because I was running late from work, so has that been determined at this point or is that still up in the air?

Mike Pollocoff:

Matt, why don't you describe that for her.

Matt Fineour:

Jean, can you go to the last slide on this.

John Steinbrink:

This is kind of the first step we're doing here now.

Matt Fineour:

Back around 2011 or 2012 when that was being proposed that was back in this backyard area back in here, that's what you're talking about, right?

Leigh Wolters:

Right.

Matt Fineour:

So that concept right now is not being pursued. This is going to remain as is. What we're trying to do now this would remain as is, and there would be a storm sewer actually within the roadway or road area along 79th.

[Inaudible]

Matt Fineour:

It would be a buried system, yes, with catch basins.

Village Board Meeting
September 21, 2015

Leigh Wolters:

That would be my main concern. [Inaudible]

John Steinbrink:

You want to move just a little closer to the microphone?.

Leigh Wolters:

I'm sorry. The mosquito population is out of control in Chateau Eau Plaines, and partly it's because of the water table back here. I understand its wetland, but the State they don't do anything about controlling it. I pay extra money every summer, a few hundred dollars, just so we can be outside. And let's face it, it's Wisconsin, we have a very short, limited summertime. And any more water collection somewhere it's just going to be a mess. So that was my main concern with all of this. So I'm glad that was taken into consideration. Okay. And then I guess my other quick question is, and again I apologize if this was reviewed because I came in late, but what is the cost to the people of Chateau Eau Plaines? What is being looked at [inaudible]?

Mike Pollocoff:

I think the results of this study will help us determine that. I mean anything now would just be a dart in the air.

Leigh Wolters:

I guess I understand that. My question is is the State going to help pay for it? Is it all the responsibility of the residents? Is the City or the Village picking -- I mean that's what I kind of --

Mike Pollocoff:

We tried for some various grants, some block grants. We've tried for TBG grant money. We've tried for some FEMA flood control money. And we've been able to get those things when they're available. One of the problems is probably even though there was a lot of damage it wasn't high enough, there wasn't enough damage. That's one problem. And then we end up doing an evaluation on the income of the residents in the area, and the income is too high for the people in Chateau so we can't qualify. So there is no state money for this.

Leigh Wolters:

So this will be the responsibility of --

Mike Pollocoff:

It's going to be the responsibility of the Clean Water fund that the Village has been building up. And then anything that will constitute an additional improvement over and above what we're looking at here then that would be -- before we'd proceed with that we'd have a meeting with the

Village Board Meeting
September 21, 2015

residents and tell them what it would cost. But the big major projects we're looking for is to leave that existing storm that's in in, and then we'd put in another one along 79th that would be a buried storm sewer to take what flow we could get in there. That's really what we're looking at. Based on what we see in the study we'll know how far we can go with that.

Leigh Wolters:

So you'll kind of keep us posted.

Mike Pollocoff:

The residents will be involved in every step of the process.

Leigh Wolters:

Alright, well thank you. I'm sorry if you had to repeat yourself. Thank you.

Mike Pollocoff:

No problem.

John Steinbrink:

Unfortunately this is a prime example of a subdivision that wasn't properly laid out or regulated before we were a Village and this work was approved by the County. And they were pretty lax in what they allowed back then. And this is what we deal with now.

Michael Serpe:

John, I would move to award RA Smith the professional services contract in the amount of \$69,901.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Mike, second by Dave for approval, \$69,000. Any questions?

SERPE MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT FOR THE CHATEAU EAU PLAINES STORM WATER IMPROVEMENT PROJECT; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

Village Board Meeting
September 21, 2015

John Steinbrink:

Thank you, and everybody will be kept up to speed on this.

Mike Pollocoff:

Yeah, we'll be sending our correspondences as we proceed on the project.

John Steinbrink:

And all you've got to do is hope it doesn't rain a lot.

B. Consider a Relocation Order for the Cooper Road/97th Street Extension project.

John Steinbrink:

Do you want to take both of those together?

Mike Pollocoff:

Yeah. I don't know if you want to have the President Pro Tem.

John Steinbrink:

Yeah, because this may have a conflict with the family business, farmland. Mike?

Michael Serpe:

We're doing B and C together?

Mike Pollocoff:

Yeah.

C. Consider a Proposal to provide Acquisition and Appraisal Services for the Cooper Road/97th Street Extension project.

Michael Serpe:

And who is going to handle this, Matt?

Mike Pollocoff:

I can do it or Matt can do it.

Village Board Meeting
September 21, 2015

Matt Fineour:

I'll make a brief explanation. President and members of the Board, this is a relocation order to acquire land in order to connect Cooper Road and 97th Street. One is in the Devonshire subdivision and the other is in the Village Green Heights subdivision. The project area that we're talking about is circled here. This is 97th and Cooper Road is right in here. In the yellow here shows the overall parcel of Parcel 2 in the relocation order. And what's colored here in orange is the overall parcel of Parcel 1 in the relocation order.

The project is to connect, like I said, Cooper Road to 97th Street here for this connection. Along with this connection we'd also be extending water, making a water connection and the sanitary sewer lines. The relocation order is to purchase property in order to make this connection which includes the right of way for the roads. And with the dimensions of these existing lots Parcel 2 here actually extends, and there's actually a little finger that goes down here. You can see it right there. So this would create a remnant parcel right in here that's outside the right of way. And same thing for Parcel 1 here there would be a remnant parcel here as well. So we're actually acquiring the right of way and the remnant piece because these remnant pieces actually there's wetlands in them and they're non-buildable areas. The area in orange is actual area that we're purchasing for Parcel 1. And the area in yellow is the actual area that we're purchasing for Parcel 2.

Michael Serpe:

Comments or questions?

Mike Pollocoff:

This is a project that was planned for in Tax Increment District #2. It's connected to the Village Green project. As such that's how it's being financed. One thing this project will do is it provides Village residents another north/south access point. And we can see what happens when 39th is shut down, that we really do need that access point. This is provided for in the neighborhood plan that's been adopted by the Plan Commission and the Village Board for this entire neighborhood. What we're going to be doing with this one is on the right of way plat this is the relocation order to provide the notice to the property owners or anybody who would be interested in acquiring those properties that the Village is beginning the eminent domain process where we would try to acquire these properties.

And as such under 7C we received a proposal and acquisition services for both of these projects which you can see on the map that's there. We've used the Highland group in some other projects. They delivered a quality project. They essentially keep the Village staff out of the process so we have an independent party that's doing it and reviewing the work. And they're proposing to do this work for \$10,200. The bulk of that expense is for appraisal work to be accomplished with the project. So I'd request that we be authorized to execute a contract with the Highland Group and issue a purchase order to them for \$10,200 to begin the appraisal process and begin the acquisition process for that right of way and remnant parkland.

Village Board Meeting
September 21, 2015

Steve Kumorkiewicz:

I make a motion to adopt the recommendation.

Michael Serpe:

This is Item B, Steve, for Item B?

Steve Kumorkiewicz:

Yes.

KUMORKIEWICZ MOVED TO APPROVE A RELOCATION ORDER FOR THE COOPER ROAD/97TH STREET EXTENSION PROJECT; SECONDED BY KLIMISCH; MOTION CARRIED 4-0 WITH JOHN STEINBRINK RECUSING HIMSELF.

Mike Pollocoff:

We'll need a separate motion on C as well.

Michael Serpe:

Let the record show that President Steinbrink abstained from this vote. Item C, your pleasure?

KECKLER MOVED TO APPROVE THE PROPOSAL TO PROVIDE ACQUISITION AND APPRAISAL SERVICES FOR THE COOPER ROAD/97TH STREET EXTENSION PROJECT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0 WITH JOHN STEINBRINK RECUSING HIMSELF.

Michael Serpe:

Mr. Steinbrink abstained from the vote. Okay, John, it's all yours.

John Steinbrink:

Thank you, Mike.

D. Consider a Proposal for Professional Architectural Services for the construction of a Public Works storage building.

Mike Pollocoff:

Mr. President, part of our capital improvement program for the last few years has involved the additional storage facility to be located at the Roger Prange facility to house and store our public works equipment. We've in essence grown out of our existing space there. And we're keeping expensive equipment, whether it's leaf vacs, trucks, mowers outside in the weather and

Village Board Meeting
September 21, 2015

shortening the life span on it. We've been collecting impact fee money to help pay for this facility. We received a proposal for planning out a facility that would accommodate the needs that we have here by Stephen Perry Smith Architects in the amount of \$92,500.

As you can see on the overhead there if you take a look at what the existing garage space looks like which is that long east/west column at Prange, and in order to be able to get the equipment we have in there, still use the Prange facility for storage, it's a very large building. It takes up quite a bit of space. We're not looking to add any office space or anything like that. It's going to be strictly storage facilities and a bathroom site for the workers inside there. I'd recommend that the Board authorize a contract with Stephen Perry Smith. We talked with other architects in the area, and the rate was a good rate proposed. They've had similar projects in doing these stand alone municipal garages with precast, and they came highly recommended and the interview demonstrated that. Again, I'd like to recommend that we approve the contract with Stephen Perry Smith.

Michael Serpe:

This would be a precast building, Mike?

Mike Pollocoff:

It would be precast concrete. Not as many doors as we have right now. It would be more drive in and drive out. And it would be sized for growth in the future. If you think about the growth that the Village has experienced since 1992 when Prange was initially built, the number of miles of roads, the number of things we've had to take on it's been substantial. So we've gotten some good life out of the Prange.

Kris Keckler:

And this would come online in the spring or it would start in the spring?

Mike Pollocoff:

This would be a proposal to do the design work, and the impact fee money would be paying for that. Then it would be a budget decision as to when we fund the construction of it.

Michael Serpe:

Any change to store squad cars in that building?

Mike Pollocoff:

Well, in the interim there's going to be added space. I'm sure the Chief and John could get together and look at keeping squads there. As long as we're not keeping horses or any other evidence items.

Village Board Meeting
September 21, 2015

SERPE MOVED TO APPROVE THE PROPOSAL FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE CONSTRUCTION OF A PUBLIC WORKS STORAGE BUILDING; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

E. Consider a Reappointment to the Community Development Authority.

Mike Pollocoff:

Mr. President, the Community Development Authority appointment cycle runs a little bit different than the other commissions. The membership of the Authority is strongly directed by the State statutes which require someone from construction, someone from labor, someone from finance, landscaping and two Village Board members. Jill Sikorski is a financial person working with a bank. She's an alternate to this Authority which we also have attorneys on the Board. And she's been a good member. And it allows the Authority for somebody to always be absent, or if there's a conflict they can state a conflict and she can be there. So I'd recommend that Jill be reappointed for a period term to end October 7, 2016.

KECKLER MOVED TO APPROVE JILL SIKORSKI'S REAPPOINTMENT TO THE COMMUNITY DEVELOPMENT AUTHORITY FOR A ONE YEAR TERM TO OCTOBER 7, 2016; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Consider a Settlement Agreement between Target Corporation and the Village regarding property assessments.

Mike Pollocoff:

I'll start with this. We've reached a -- and on behalf of the Village I've been working with counsel to come up with a proposed settlement based on the request by Target for their current litigation they've filed against the Village for excessive assessments for the years 2012, '13 and '14. Target Corporation had an appraisal that claims that the value of their property at the Prairie Ridge Shopping Center was \$6,642,000 over a three year period. The Village assessed value for 2012 and '13 was \$12,181,300. And the '14 value was \$13,715,000.

This settlement recognizes an assessed value of \$10,781,000 for each year of the three year period. The proposed settlement amount is \$118,946.56 which is the taxes that would be due back to Target. Through Wisconsin's charge back process the Village will apply to the Department of Revenue to collect about \$95,000 of this amount from other taxing authorities which we are a part of including the School District, the County and the Technical College.

While we really prefer not to settle claims of this nature, given where we were with Target Corporation by recommendation is this is in the Village's best financial interest rather than proceeding further on legal wrangling on where to get on this. Although from a policy standpoint it really represents this is a troubling case. It's something that I think from a public policy standpoint could be detrimental to equitable tax collection in the community. Rocco Vita our Assessor is here, and I'd like for him to explain how this comes about and why the assessments on these things, not so much the settlement, but why the assessments of these issues is critical.

Village Board Meeting
September 21, 2015

Rocco Vita:

Thanks, Mike. Rocco Vita, Village Assessor, 9915 39th Avenue. As Mike has indicated this isn't really what maybe our office or what the Village would really want to do. We would prefer to have the resources and have the ability to fight this and be successful in a court of law. But, that being said, there has been some valuation reasoning in the last couple years that's gathering credibility in the State of Michigan, State of Indiana, and it's beginning to creep in Wisconsin.

So on the table there are retail properties. If you're an owner of retail property and you operate you either own your real estate or you lease the real estate from somebody else. And whether you lease the real estate or own the real estate property tax professionals and advocates have found two ways to assist you in lowering your assessed value and, therefore, lowering your property tax.

We're all familiar with the Walgreen's case which occurred in the Supreme Court in which the Supreme Court -- one of the interpretations of that decision was that you couldn't anymore use sales of Walgreen's to value Walgreen's because since Walgreen's is leasing this property the investors are buying the properties, and that is investment value versus value for property tax purposes. Even though Walgreen's might sell typically between \$4 and \$6 million, the property tax attorneys and Walgreen's themselves and CVS feel their property values are in that \$1.5 to \$2 million range for property tax purposes. Granted they carry on their books a higher real estate value. They pay a lot more to have these properties acquired and constructed. But for property tax purposes they've convinced the courts the value is less than \$2 million.

That's not Target. Target's situation is that they own the real estate they have. A lot of national chains own the real estate they operate out of. What the tax attorneys are doing here is saying we need to value these properties based on what sales of comparable property are or what comparable properties have sold for. Well, when there's a national chain like a Target, a Lowe's, a Menard's, a Sears, even down to restaurants such as a Red Lobster or what's the Italian restaurant --

Michael Serpe:

Olive Garden.

Rocco Vita:

Thank you, I can never. So those types of things are all owner occupied. The only time they leave is when the economics of that location deteriorate to the point where they're better off siting somewhere else. And so then they have a piece of real estate that they need to sell. And they sell that to generally a secondary user because their location has become a secondary location. And that's the appraisal that they present to the Village. That's pretty much the theory. It's called the dark store theory or a vacant store theory in which you value vibrant, operating locations based on what sales are of similar properties in less than vibrant or old locations.

Village Board Meeting
September 21, 2015

For instance, in the appraisal that we were presented, I don't know if there are slides. There are some slides. Here's a Kopp's store in Stevens Point. This is a rent comparable. You can also use an income approach to value these properties. So they're indicating that this vacant and empty Kopp's store in Stevens Point is a comparable for a rental -- a rental comparable for our store here in Pleasant Prairie. Again, it's a vacant store. Kopp's left this location to go to a different location that turned out to be a better location in Stevens Point. Try the next one.

Here's an improved sale. This is a Walmart in Greenfield. So they're using this sale here as an indication of what Target might sell for because here's a Walmart sale except that Walmart sold this property right here, rebuilt the property right there. It cost them about \$15 or \$16 million to reconstruct the property right there. They sold this one for about \$4 million. The issue becomes that while this Walmart, the old Walmart sold for \$4 million, there was a deed restriction in that it could not be occupied by a big box retailer. So a church acquired it, divided it, occupied part of it and tried to lease out the other part, again, to a small entity. So when you look at the highest and best use being a national retailer the actual sale here to a religious organization does not fulfill that same highest and best use.

Similar to the Target store in Kenosha which sold initially after Target left to come to Pleasant Prairie for a new and better location, the old location sold for \$2.4 million, but it could not sell to a single tenant retailer. It needed to sell to somebody that would divide the property because there was a deed restriction that disallowed any retailer greater than 50,000 square feet, and it was I believe an 80,000 or an 85,000 square foot facility. So they required that someone buy the property, divide it into two and lease it out. That is what was done. It was divided into two and it was leased out, and it was then subsequently sold for \$9.2 million which you would think would be a comparable sale to our Target. Except that remember the Walgreen's case said that the sale of an investment property may not be the best comparable for this because it's investment property bought by investors.

So right now it's put in the assessment community in kind of a defensive mode looking for a way to best defend our values against these types of reasoning's. I think that's about it. Are there other slides? Here's another rent comparable in Marinette. So, again, they're comparing Pleasant Prairie's location to a former Walmart in Marinette, Wisconsin. And while here they're looking for I think \$6 or \$8 a square foot, it's simply not the same kind of location. There might be one more.

And here is a sale of a former Walmart in Milwaukee, the north side of Milwaukee in the Northridge area which is a declining location. And here's a sale of what was a big box store to a company called ETE Reman which remanufactures transmissions and transfer cases. So, again, the highest and best use in this instance did not remain as big box retail like our Target has or any other operating store, but has changed to something else. And evidence of that is that it sold for a lower, less intense use. It turned into a rehab or a manufacturing facility.

But whether it's a Sears or a Menard's, a Walmart, Lowe's, Target, being owner occupied right now is making it difficult. There are sales of leased properties like Lowe's. There are rents, and they're pretty good rents, \$11 to \$12 a square foot, and the sales are \$15, \$16, \$17 million, but the Walgreen's decision kind of stands in that way of using those as indications of value. So these

Village Board Meeting
September 21, 2015

are two issues facing communities going forward, facing assessors in the valuation of retail property.

Michael Serpe:

This is going to have to be explained to the residents in some way or shape or fashion that they can understand it. And I'm sure that Chris will be able to do that with Rocco's help, too. But this is a classic example of big bully business coming into the municipalities, and the bottom line is the property owners are going to make up the difference, and they don't really care as long as they get what they want. And unfortunately I hope somebody on the State level sees what's going on and addresses this like Michigan did and Indiana did so we have some kind of hope that we can put an end to this. Right now this is really a shame what's happening. It's too bad.

John Steinbrink:

Mike, so what does this mean to the taxpayer that doesn't get these special benefits and perks and high priced lawyers?

Mike Pollocoff:

I think that's the first key thing is this is a -- they have lawyers that are litigious. They'll take these cases on a contingency basis where they'll make some kind of split in the settlement. In this case that we're proposing I don't know how much the attorney is going to get. He gets a settlement out of this and eventually Target will get their share. But what it really does to the average property taxpayer is if you assume that we were just to accept Walmart's or Target's initial value we would have taken that \$6 million, and they would have had their taxes reduced. But the costs for the government don't change. We still have to send cops out to Target, we have to do all the things we have to do. It just means that instead of Target paying their fair share of it the residential taxpayers they really can't use this vehicle to get their taxes adjusted. They end up paying for it.

And then in the worse case scenario you take a local hardware store, a True Value store or something like that, they have a hard enough time competing with a Target or any other of these big boxes anyway. But now the big boxes are able to lower their tax expense, and it's just going to help them leverage the prices even further. So what it does is it really puts small business behind the eight ball because they can't buy in the same quantities these big guys can. And now they have to pay taxes at a rate that are at a higher value than the big boxes do. So they see it come out of the bottom line. They see how it affects their business. And then when they go home after a day's work their house is going to pay it.

So the best way to describe this is a tax shift. It's shifting taxes from large big box corporations back to their shoppers or back to their competition who are small businesses. And if you don't have a municipality that's willing to say, listen, our tax base has to be equitably assessed to everybody, everybody's got to pay their fair share based on their value. And the more you monkey with this thing the more you shift value, that cost for government, back to the people who can't afford to monkey with this thing.

Village Board Meeting
September 21, 2015

And in Michigan they didn't survive it. Their tax base for their local governments is decimated. They're shutting down parks, they're reducing services, schools are being affected because all these businesses pretty soon they either file these petitions and pretty soon it became a court order, and everybody was going in saying you have to follow this. Well, all it does is it reduces -- it makes the pie bigger for the small guys.

Indiana was able to get some legislation passed that minimized that. It didn't totally resolve it, but they could see what was happening in Michigan. And the same thing will happen here. We have this case, the City I think has 20 cases that are on. We have a few more that are in the pending for us. And everybody should be able to have to pay no more than their fair share. But what this does is it changes what a fair share is. That's up for grabs at this point. From our standpoint Rocco works really hard to make sure everybody can have some faith that there's some equity in the system, that people are being evaluated on an equitable system and everybody is having to pay their fair share unless you're able to work the system. Because everybody else is going to the Board of Review, making their pitch if they think something's wrong or right. This kind of goes right outside that system and goes straight to court. And if you've got the money to do it you can do it.

Michael Serpe:

One other thing. We're going to get a few of these coming forward, and some people are going to question what's going on in Pleasant Prairie's assessing. They're going to look at are they doing something wrong here, and that's the furthest thing from the truth. I think we have the best in the business right here in front of us, and his staff is excellent. And I just want to let everybody know that this is not a problem with our assessing, it's a problem with the law or lack thereof I should say.

Mike Pollocoff:

I agree 100 percent.

Rocco Vita:

To give you some sense I have made rounds with leadership in the legislature giving them an indication of how this would impact Pleasant Prairie. While we have an ideal situation in this community, although we are somewhat of a bedroom community, 45 percent of our assessed value is either commercial or manufacturing value which is very envious of other communities for that kind of spread.

When we look at the amount of investment grade properties in the Village because of the economic development in the Corporate Park being a good quality park, and the economic development in Highway 50 attracting national tenants make it a very enviable location to site, about 30 percent of our value is investment grade and at risk of being reduced dramatically if the dark store theory or other interpretations of the Walgreen's decision continues to go through the courts. If that were to happen the Village of Pleasant Prairie would have between a 15 and an 18

Village Board Meeting
September 21, 2015

percent shift in taxes from the commercial manufacturing base to everybody else. I mean not just residential property owners but to all other commercial property owners or manufacturers that wouldn't benefit from this. It's a pretty sizeable change.

Now, we're not an office, we're not a community that has negotiated a great deal with property owners over the years, but some communities probably have. So their adjustments or their impact might be somewhat less. But here in the Village it would be rather significant.

Mike Pollocoff:

A lot of the comments I've read is that attorneys are saying, well, we just want to be reasonable. As soon as these guys are saying they want to be reasonable what they're saying is we want you to pay a reasonably greater amount of taxes so that our clients don't. Don't think that they're giving anything. It's coming out of everybody's pockets so theirs can stay full. That's kind of a crass way to put it, but that's really where this goes down to.

Rocco Vita:

And it's very difficult to explain to residential property owners. Because over the years everybody has told them your values are based on what similar properties sell for. So if properties like yours sell for \$200,000, your value is worth \$200,000. So then here comes the Supreme Court, oh wait, Walgreen's typically sells between \$4 and \$6 million, but they're not worth that. No, for property tax purposes they're worth less than \$2 million. It's a concept that's difficult for everybody to get their arms around and accept.

Dave Klimisch:

And when the attorneys say that they want to be reasonable if I read the charts right their initial offer was 50 cents on the dollar. So we were at roughly \$12 million in assessment. They came back and said, no, it should be fix.

Rocco Vita:

Right.

Dave Klimisch:

And when we settled they could say look how high up we came, but they were unreasonable in their first request.

Rocco Vita:

Right. I think when you look at what it takes to construct their Costco just came to the Village. The cost to construct the building in Costco was \$19 million. And maybe they paid \$4 or \$5 million for their land, okay? And it's about the same size, maybe 25,000 square feet larger than Target, so you look back at what Target paid for their land and what they may have paid to have

Village Board Meeting
September 21, 2015

it constructed. And they're saying, sure, maybe it comes to \$12 million but we're only worth \$6. Because from the day we built nobody else wants this store. And evidence of that are sales of these dead stores in these dead locations. Because we'll never sell a good store in a good location unless we're leasing it. And, oh yeah, Walgreen's says you can't use that sale because that's an investment property, and that sale reflects business value. So there's some work to do to mitigate this, their reasoning.

John Steinbrink:

But this doesn't just affect the Village. We're the front guy here. This is going to affect the school system, it's going to affect the County. And the City already knows what their effect is because Kurt Wilson wrote a letter to the Voice of the People, and he pretty much hit it on the head, too, with what's going on and what's happening and how this is shifting it down to the more vulnerable taxpayer who can't fight the big lawyers.

Michael Serpe:

Maybe it's time we have a little seminar for the judges and let them know what's going on.

Dave Klimisch:

And for the State legislators so they can do something.

Steve Kumorkiewicz:

I don't expect any help from the State. Because the way they are doing business in the State they are going to do nothing for us. My belief is they are going to just stand aside and let a community fight the decision. If we lose we lose. That's the thinking of the State. I believe that. They're not going to do anything to help us, nothing.

Rocco Vita:

Then the community has to decide whether they can afford to serve these people that come in and only want to pay taxes on one third of their value.

Steve Kumorkiewicz:

We'll have to provide half of the service. If they want to pay less we provide less services. Unfortunately we cannot do that.

John Steinbrink:

Not only does the Village get hit with the reduction of the taxes, we're the one that has to front the money to fight the legal battle. So we get double dipped here with that.

Kris Keckler:

I really think that the Village and other entities like the School District need to be vigilant and help educate the public every chance they get on instances like this. It's not just the initial hit. But when this comes back and affects peoples' taxes and their residential values and they start to want to just lash out and go with those easy excuses of, oh, the Village spends too much, the School District spends too much or why are my taxes going up when this is a direct correlation to it. And it is a little bit difficult to grasp some of the elementary concepts of it. And not only promoting it here from the district standpoint. I know the superintendent is very aware, and we're working to educate the school board on how it will both affect the short- and long-term investment and support for our district.

It's a shame that we have to make this decision in the best financial interests as you stated, but that's the reason they make their decisions on where to locate to. This is all profit driven. And you'd hope that any entity be it resident or commercial would want to be a contributing member to any community or society. And that includes their fair share of it. I feel bad, I'm glad Mike pointed it out, that their initial claim is that they have excessive assessments, and that certainly is not the case. But they make an attempt and they got something for it. And what they shouldn't be able to do is run around saying we were proven right, that the Village was excessive in these assessments, and not to try in any way tarnish and set a precedent for any other entity to take that baton and run with it. It's sad in that fact. And Target especially just because they're the ones that are in front of us right now.

It's been a while since I looked up on whatever wall they used to have it on where they had a little barometer of how much they've contributed back to the school districts or the communities. And it was very similar to a school's PTO fundraising efforts. And I just think of that now that whether they still have it up or not. It's just a joke. There's no way that I can look at that seriously where say that they've contributed \$8,000 or whatever back to the community, and then on the back end they're doing this. It's just a shame.

SERPE MOVED TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN TARGET CORPORATION AND THE VILLAGE REGARDING PROPERTY ASSESSMENTS; SECONDED BY KECKLER; MOTION CARRIED 5-0.

G. Consent Agenda

- 1) **Approve a Certified Survey Map to subdivide the property located at 9222 30th Avenue into two parcels.**
- 2) **Approve a Correction Instrument to CSM 2339 for the Rescission of the Trans 233 Restriction on the property generally located at the southwest corner of STH 165 and CTH H.**
- 3) **Approve a Lot Line Adjustment along the properties located at 12658 Timber Ridge Drive and 6540 126th Place.**

KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

8. VILLAGE BOARD COMMENTS

Kris Keckler:

I'd like to thank everybody that helped contribute to the dream playground. I know John Steinbrink's crew, and he was out there, I'm surprised to see him here that he's not doing any more work over there. But I got to participate just one of the evenings for part of it. And there's a lot of wonderful people that helped volunteer. And just for the few hours I was there witnessing that seeing the effort and everybody's enthusiasm I think it's a well worthwhile cause and commending all the employees that helped contribute to it.

Dave Klimisch:

A friend of mine was over at Carthage helping to move some kids in as freshmen. And speaking about the dream playground project a new freshman not from Kenosha was overheard saying look at that playground that went up in a week or two. I'm so glad I came to this area for school. So, again, for all those that helped out it makes our place even better than it was before.

9. ADJOURNMENT

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ;
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:26 P.M.**

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
October 5, 2015
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, October 5, 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; Dave Smetana, Police Chief; Doug McElmury, Fire & Rescue Chief; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Dan Honore, IT Director; Sandro Perez, Inspection Superintendent and Jane M. Romanowski, Village Clerk. No citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESENTATION OF FUNDS COLLECTED BY THE FIRE & RESCUE DEPARTMENT TO THE MUSCULAR DYSTROPHY ASSOCIATION.**

John Steinbrink:

Why don't you come on up, and I think we have a presentation here this evening. Introduce yourselves to the crowd here.

Mike Passafaro:

Mike Passafaro. I've been with Pleasant Prairie Fire Department full time for about three and a half years. This is my first year taking over MDA. I've got a lot of background in MDA from growing up as a kid. My dad always ran it up at St. Francis. So I'm excited that I have the opportunity to go ahead and take it over here with Joe being tied up.

The first year we had not too many snags. We had some pretty good attendance. We were able to -- well, it's slated for three days. We actually got about a day and half with calls and things of that nature. Weather, Friday night it was raining. However, we were able to raise \$16,602 which is within the top ten so far that I've seen in the state this year which is quite a ways off from last year which was \$12,568. So it is my pleasure to present to you, Elizabeth, our MDA rep, for \$16,602.

Elizabeth:

I'm Elizabeth from the Muscular Dystrophy Association. I've been with the Association for almost eight years. I actually got to work with both Passafaros in my time here. So it's been kind of fun to see the torch carried on. And we always love working with Pleasant Prairie. We have several

Village Board Meeting
October 5, 2015

families right here in the area that this money will go to health benefits. Things like something as simple as a flu shot for a family of four or more to something as big as research which is going to bring us here, and then hopefully I will be out of a job. So we just want to thank the firefighters for all that they do. A lot of guys donate their time to come out and do this and for the community and for your support in allowing them to do this. We really appreciate it. We serve over 1,600 families here just in southern Wisconsin. So this money is going to go to help like I said the clinic, flu shots, support groups, wheel chair repairs. And then, of course, summer camp is actually just down the road in Salem. So we really appreciate all of your support and look forward to another successful year next year. So thank you very much.

John Steinbrink:

Thank you and congratulations.

5. MINUTES OF MEETINGS - SEPTEMBER 1 AND SEPTEMBER 17, 2015

Dave Klimisch:

I move approval of the minutes.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Dave, second by Steve. Any additions, corrections to the minutes?

KLIMISCH MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 1 AND SEPTEMBER 17, 2015 VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

6. CITIZEN COMMENTS

Jane Romanowski:

So signups tonight, Mr. President.

John Steinbrink:

If you wish to speak on any item now is your opportunity on or off the agenda. Anyone wishing to speak? Hearing none I'll close citizens' comments.

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, I wanted to give you an update on where we are on 39th Avenue. If you look at the -- Jean, if you could get the next slide. It's a little tough to see on this wall, but basically on the picture to the left you're looking south towards 165. You can see almost all the concrete has been put in. You've got the median or the dirt in there where the grass is going to be located. I think all that concrete work is done. It still has to have an asphalt overlay. And a good part of the sidewalks are done, and we're waiting on streetlights.

On the picture on the right is looking from 100th Avenue looking north up towards the roundabout, and you can see, again, a good part of the concrete work is done. The medians are done. The landscaping isn't done. And the sidewalks with some interruptions waiting on the utility location again are underway.

The picture on the left shows the south parking lot which is not part of the street contract. It's part of the 100th and 38th Avenue projects. That parking lot is done. The lights are up. The area up by the apparatus bay for the fire station is still under construction. And you can see the work at the intersection -- I don't know where in the hell that is. Oh, southbound from Village Hall, okay. That's technical speak.

This is Springbrook Road. And if you notice when we came to the building tonight we were able to actually drive on that. This is in front of the fire station by our access point. And you can see that today they've been pouring concrete as you look westward into the roundabout to get that portion done. This is another shot of that portion westbound. Here you can see the roundabout. The curbs have been poured. We have the truck path which is still yet to be poured, that will be in red. And we have a concrete pumper pouring the lanes on the other side.

Here's a fresh pour coming across from the roundabout. Same thing, Springbrook Road going westward from the roundabout. Here you can see the machine that's leveling them out. It's a little bit hard to see but it's a laser level. So the thing is actually almost working by itself setting the level to make sure the street gets the concrete smoothed out, then the guys work on it. This is another picture from the opposite angle Tom took where you can see the concrete is being poured and dumped into the site.

This shows the media, again, as you're coming from Springbrook going east to the fire station. And, again, this is on the edge of the roundabout. You can see the doctor's office over there. It's hard to see it on the wall there but it's on the right. This next one this one here you can see the median that has the red concrete cement as that is poured. That's been poured up to as you approach Village Hall. And, again, the other ones point south.

This is the sidewalk. You can see the Village monument sign there. One more, there you go. You can see the monument sign in front of the Village Hall. There's that little utility farm to the right of the sign. That has to be relocated and moved. And that sidewalk is a ten foot wide sidewalk. Ten feet. It's going to be a nice walking sidewalk for people in the area. And you can see it from

Village Board Meeting
October 5, 2015

the other side heading over towards 100th Avenue. Okay, this one here is, again, the shot of the median going into the roundabout. Again, this is the sidewalk going north on 39th Avenue from Springbrook. And then this shot here, the next one, shows the brickwork going up on the apparatus bay for the auditorium. So the brickwork here matches the rest of the brickwork on the Village Hall. It shows the windows that are two large windows, some smaller windows above the doorway. Then you can see on the edge there the vestibule being constructed on the site there.

So we're still looking for 39th Avenue to be completed by the 20th, the landscaping, the lights, everything being done and being open for traffic. So really the contractors short of the utility delays has been making pretty good time. The weather has been giving us a break. But every day they get more concrete laid the less the weather problems are going to affect us.

The work on the repurposing of the Village auditorium there or the fire station we don't have a firm date on that project. We're working on getting that ironed out tomorrow. Right now we're having issues with the elevator supplier getting the drawings so that the contractor knows where to put the concrete footings for the elevator. Just one thing delays another thing and that's where we're at. So I'm hoping by December sometime we're able to have a meeting downstairs in the new auditorium. And that's it with everything as far as the road project. Public Works Director John Steinbrink and his staff are doing a good job of managing that project and getting it through completion as well as the 100th Street and 38th Avenue projects to get those things wrapped up by the end of this year or really by the end of this fall. If you have any questions on those I'd be glad to answer that.

Steve Kumorkiewicz:

One question. Utilities are outside of the walk, right, the walkway?

Mike Pollocoff:

The private utilities?

Steve Kumorkiewicz:

Yes. I'm talking about Time Warner and Wisconsin Electric.

Mike Pollocoff:

We set a terrace area up on one of those where that's where they're supposed to locate either on our side of the sidewalk, or some places they're terraced between the sidewalk and the curb.

Steve Kumorkiewicz:

If we widen the road in the future we don't have to go again through the same problems with the utilities.

Village Board Meeting
October 5, 2015

Mike Pollocoff:

As part of this project the Board asked us to look at the long haul on this. We've acquired enough right-of-way to add on another lane to this. So what will happen first is the parking lanes will disappear, and at such point as necessary we could add onto it. Just as a reminder this road is being built to the same specifications as the roads in WisPark. Concrete base, asphalt on the top. It will last a long time because if you think about it as the Village Green is built all the construction that's going to take place carrying materials in and out of this area on this road the worst thing that could happen is we destroy our own road that we're using to bring people in here. So this road will be able to handle all the construction that takes place as well as all the traffic that moves through the area.

This week Wednesday we'll start -- we rejected the concrete work that's on the front area, the plaza for the doors on both sides of the building. So Wednesday they're going to start taking that out and replacing it. So there will be one -- the front doors will be closed for a couple days. So everybody is going to have to go in the back door then that will change through the back area.

Steve Kumorkiewicz:

Thank you, Mike.

John Steinbrink:

Thank you, Mike.

8. NEW BUSINESS

- A. Receive Plan Commission recommendation and consider Ordinance #15-36 related to the floodplain boundary adjustment to amend the Village 2035 Land Use Plan and the 100-year floodplain land use designations for the Uline Conference Center property located at 12575 Uline Drive.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request for Comprehensive Plan Amendments. On June 8, 2015, the Plan Commission had conditionally approved some preliminary site and operational plans as well as later approved a floodplain boundary adjustment for Uline for their conference center.

Specifically as part of that process and the site and operational plan process, there was an approval of a 22,500 square foot Uline conference center which would be located on the banks of the existing retention pond at the southwest side of their corporate office building. But as part of that approval it was conditionally set that a floodplain boundary adjustment needed to be completed which is has. But now we need to amend the Comprehensive Plan to reflect that area that is no longer floodplain and that area that we are actually creating or including into the 100-year floodplain.

Village Board Meeting
October 5, 2015

Specifically they're requesting to remove or fill 2,226 cubic yards from the 100-year floodplain, and they'd be creating a little bit more, 3,795 cubic yards of 100-year floodplain. The floodplain will be impacted only within the interior of the retention pond and the Uline site. The floodplain will not be impacting any adjacent landowners or property owners. As you can see with respect to the stars, the red star and the purple star kind of identifies on the site specifically where the cut and fill analysis is going to be taking place.

And, again, as I mentioned as part of the site and operational plan process both the preliminary and also final site and operational plans were approved by the Plan Commission on August 10th. Again, this is for a conference center to be used primarily for their own private purposes. And the maximum capacity of this facility will be about 350 persons at this site.

A zoning map amendment had also been approved for this property, again, to reflect that area of the floodplain that's going to be added to the FPO and that area that was removed to that FPO which, again, is that overlay district. The final approvals are also subject to FEMA's final approval. And, again, that involves the final analysis, the cut and fill work to be completed and the final documents after being surveyed to be submitted to FEMA for their approval.

So with that we did approve the zoning text amendment, and our final step of the process is, again, to approve the Comprehensive Plan amendment. So specifically we are looking to correct and change the Park, Recreation and Other Open Space lands and amend that 100-year floodplain land use designation. And, again, we'll be putting those areas that are no longer in the floodplain within the Limited Industrial land use designation.

This was a matter that was before the Village Plan Commission at their last meeting. Specifically we're requesting to do two amendments, to amend the Village 2035 Land Use Plan Map 9.9 in order to reflect the floodplain boundary adjustment as well as the modification to the land use plan map. The Village staff recommended approval subject to the comments and conditions as outlined in the staff memorandum. Again, they will have to final things up with a final letter of map revision final from FEMA upon completion of all of the work out at the site.

Kris Keckler:

Move to approve Ordinance 15-36 as outlined.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Any further discussion on this motion? Hearing none, a roll call vote has been requested.

Village Board Meeting
October 5, 2015

KECKLER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #15-36 RELATED TO THE FLOODPLAIN BOUNDARY ADJUSTMENT TO AMEND THE VILLAGE 2035 LAND USE PLAN AND THE 100-YEAR FLOODPLAIN LAND USE DESIGNATIONS FOR THE ULINE CONFERENCE CENTER PROPERTY LOCATED AT 12575 ULIN DRIVE; SECONDED BY STEVE; ROLL CALL VOTE – SERPE – AYE; KUMORKIEWICZ – AYE; KECKLER – AYE; KLIMISCH – AYE; STEINBRINK – AYE; MOTION CARRIED 5-0.

- B. Receive Plan Commission recommendation and consider Ordinance #15-37 to amend the Village 2035 Land Use Plan for four (4) properties:**
11618 Sheridan Road (Tax Parcel Number 93-4-123-311-0230);
11624 Sheridan Road (Tax Parcel Number 93-4-123-311-0240);
11638 Sheridan Road (Tax Parcel Number 93-4-123-0256); and
11740 Sheridan Road (part of Tax Parcel Number 93-4-123-312-0266).

Jean Werbie-Harris:

Mr. President, I'll be speaking and addressing both Items B and C on the agenda. I'd like to make one presentation, but separate actions would be needed on both items.

John Steinbrink:

Motion to bring up Item C?

Michael Serpe:

So moved.

Kris Keckler:

Second.

SERPE MOVED TO APPROVE ONE PRESENTATION FOR NEW BUSINESS ITEMS B AND C; SECONDED BY KECKLER; MOTION CARRIED 5-0.

- C. Receive Plan Commission recommendation and consider Ordinance #15-38 for a Zoning Map Amendment to rezone the following single family properties from B-1, Neighborhood Business District to R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District:**
11618 Sheridan Road (Tax Parcel Number 93-4-123-311-0230);
11624 Sheridan Road (Tax Parcel Number 93-4-123-311-0240);
11638 Sheridan Road (Tax Parcel Number 93-4-123-0256); and
11740 Sheridan Road (part of Tax Parcel Number 93-4-123-312-0266).

Village Board Meeting
October 5, 2015

Jean Werbie-Harris:

With that Mr. President and members of the Board, there are four properties on south Sheridan Road located at 11618, 11624, 11638 and 11740 Sheridan Road. And we're requesting two modifications to our regulations or ordinances for them. First a Comprehensive Plan amendment and second a zoning map amendment.

Specifically we're requesting these modifications because all four of these properties are literally they're residential single family properties, but they were placed within a comprehensive designation of a commercial designation. Originally when we adopted the Comprehensive Plan and we placed them into the B-1 Zoning District back in the early 2000s, at that time there was some discussion as to whether or not these properties would be changing their land use in short order and going into more of a commercial designation.

But what we've been finding over the years is that it's been very problematic and actually quite burdensome on these four property owners because they would not be allowed to renovate, remodel, expand or put any type of residential-related improvements on their properties because of the fact that their properties are zoned commercial and they're in a commercial land use designation.

So while the short term is residential, the long term at some point will be commercial for these properties, they're requesting that their land use be more of a dual land use that allows them to allow for their residential properties to continue, to be able to do expansions, to be able to make modifications to these residential properties, but placing an urban reserve designation on the land use plan map. So leaving it in the commercial but putting the urban reserve so allowing it to be commercial some day but actually bringing it back into a residential zoning classification.

The four properties as I had mentioned are identified as Tax Parcel Number 93-4-123-311-0230; the second is 93-4-123-311-0240; the third is 93-4-123-0256; and the final property is a part of 93-4-123-312-0266. So we would be also requesting in addition to that land use modification a zoning map amendment. And this would be to rezone these properties and put them back into a residential R-4 designation, but also placing a UHO, an Urban Landholding Overlay District over these four properties. We would not be impacting or modifying or changing the three commercial properties that are interspersed around these residential properties which are the Ray Radigan's, the Ruffolo's and the Wooden Nickel tavern restaurant. We would not be modifying those in any way.

We received a few phone calls, inquiries about the request, and no one had any objections to the request that was before the Village Plan Commission and the Board. And the property owners, one property owner in particular was petitioning to have this happen. And then the other three had no objections or no calls. The Plan Commission recommended approval of both the Comprehensive Land Use Plan amendments.

And, again, this would be to amend the 2035 Land Use Plan Map to add the Urban Reserve land use designation over the four properties that I referenced, and to update Appendix 10.3 of the Village of Pleasant Prairie 2035 Comprehensive Plan to reflect the noted changes to the Land Use Plan Map 9.9. And the second part of this request is the zoning map amendment to rezone these

Village Board Meeting
October 5, 2015

four properties from the B-1 Neighborhood Business District and place them into the R-4 UHO Urban Single Family Residential District.

Steve Kumorkiewicz:

I'll make a motion to adopt Ordinance 15-37.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Steve, second by Dave. Any further discussion on motion for 15-37?

Dave Klimisch:

I have a question, Jean. With this change how would it impact their ability to buy and sell a property? And how would it in theory go commercial at some point?

Jean Werbie-Harris:

So the one property that has initiated this request is a property that has their land up for sale. They've done some modifications to the site and are requesting some after-the-fact permits. But they are, in fact, trying to sell it for residential purposes. And they were running into a number of problems with the mortgage holder as well as potential buyer because of the fact that if, in fact, it would stay the way it is and they purchased the property and it was destroyed by fire or other calamity it would not be able to be rebuilt under the current zoning. So they were having some problems with some people who were looking at the property because of the fact that it would have to be developed them as commercial. This relieves that burden from both the seller and the buyer.

With respect to in the future anybody who would like to develop this for commercial purposes they would need to modify the Comprehensive Plan to remove the urban reserve, and they would have to rezone it back into the B-1 Neighborhood Business District. But, again, the land use plan map does identify the overall land use as being business.

Dave Klimisch:

So a future commercial person that wanted to buy it they could do one parcel at a time, or would all four have to go at the same time?

Jean Werbie-Harris:

One at a time.

Village Board Meeting
October 5, 2015

John Steinbrink:

Other comments or questions? If none a roll call vote was requested.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #15-37 TO AMEND THE VILLAGE 2035 LAND USE PLAN FOR FOUR (4) PROPERTIES: 11618 SHERIDAN ROAD; 11624 SHERIDAN ROAD; 11638; AND 11740 SHERIDAN ROAD; SECONDED BY KLIMISCH; ROLL CALL VOTE – KECKLER – AYE; KLIMISCH – AYE; SERPE – AYE; STEINBRINK – AYE; KUMORKIEWICZ – AYE; MOTION CARRIED 5-0.

Michael Serpe:

John, I'd move approval of Ordinance 15-38.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for approval of 15-38. Further comment or question?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #15-38 FOR A ZONING MAP AMENDMENT TO REZONE THE FOLLOWING SINGLE FAMILY PROPERTIES FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO R-4 (UHO), URBAN SINGLE FAMILY RESIDENTIAL DISTRICT WITH AN URBAN LANDHOLDING OVERLAY DISTRICT: 11618 SHERIDAN ROAD; 11624 SHERIDAN ROAD; 11638 SHERIDAN ROAD; AND 11740 SHERIDAN ROAD; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- D. Receive Plan Commission recommendation and consider approval of a Conceptual Plan for a proposed multi-tenant retail building on a portion of the property generally located at the northwest corner of 76th Street and 91st Avenue within the Prairie Ridge development.**

Jean Werbie-Harris:

Mr. President, I would ask if Item E could also be taken up at the same time as I'll be making one presentation, but separate action would be needed by the Board.

Kris Keckler:

So moved.

Village Board Meeting
October 5, 2015

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve for bringing up Item E.

KECKLER MOVED TO APPROVE ONE PRESENTATION FOR NEW BUSINESS ITEMS D AND E; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

E. Receive Plan Commission recommendation and consider approval of a Certified Survey Map to subdivide two (2) parcels located at the northwest corner of 76th Street and 91st Avenue within the Prairie Ridge development.

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioner is requesting approval of a certified survey map to subdivide Outlot 20 of the Prairie Ridge development. This project is generally located at the northwest corner of 76th Street and 91st Avenue in the Prairie Ridge development. As part of the second request this evening they're requesting a certified survey map to subdivide this outlot into two different parcels.

So back in July and June, June, July and August actually, there was a project that was presented to the Village Plan Commission and the Board, Outlot 21, which is located just to the west of this Outlot 20. At that time when Bulls-Eye was presented to the Plan Commission and Board, they had presented a conceptual plan to present both to the Plan Commission and the Board as to how this entire area north of Costco, north of 76th Street between 91st and 94th Avenues would develop.

This was quite important because of the fact that this land area has significant limitations with respect to access. And so some of the things that we needed to look at as part of a master conceptual plan was the future development patterns, the setbacks, the cross-access, the parking, the access restrictions, the drive through stacking, the curb and gutter areas, the Fire Department hydrant connection locations, landscaping, signage as well as driveways in and out from 76th Street.

As you can see this area has restricted access, basically no direct driveway access from 91st or 94th Avenues or 75th Street to the north. The only access to this development, Outlot 20, 21 are through two connection points to the south adjacent to 76th Street. And they will share cross-access through and across these properties. We've made just some very minor tweaking to some of the things on this master conceptual plan. And this really had to do with some Fire Department connections, signage and some minor things like that. So I just wanted to let you know that we did originally approve that conceptual plan, but now we're reinforcing it now that we have the next piece of the puzzle which is this center property.

So with respect to the development of this particular property they are requesting to subdivide it into two lots, Lot 1 and 2. Lot 1 actually has just been adjusted slightly. It will have two acres,

Village Board Meeting
October 5, 2015

and Lot 2 will be just over two acres. Again, their access will come from two points of connection through shared access through 76th Street.

Specifically their conceptual plan will result in one 13,297 square foot multi-tenant retail restaurant building with potentially five tenants. One tenant at 2,490 square feet, a restaurant with outdoor seating, and that will be on the far east end. That's the site that I'm going to refer to as Corner Bakery. There's a 4,037 square foot retail space, a 1,428 square foot retail space, a 1,426 square foot retail space, and then one additional restaurant, 3,810 square foot at the very west end of this site.

The petitioner is going to be requesting a couple of PUD or modifications to the zoning ordinance. And they will be presenting that request next -- it will be coming in next month for the November Plan Commission and Village Board meetings. But specifically they are looking to get some PUD modifications as it refers to reductions in some open space to allow for zero foot setbacks because their lot lines are going to be shared in common lot lines to the properties to the east and to the west.

They'll be looking at some minor modifications with respect to parking. It appears that the number of parking spaces is about three spaces short. So they're going to be requesting a modification with respect to that. But as part of their presentation they're also going to be indicating and showing the Plan Commission and the Board that there's going to be at least six or more spaces at least on the one drive through side if not more. So hopefully there won't be as big of an issue with respect to missing those three parking spaces.

The petitioner is here in the audience if you have any additional questions. The Plan Commission did ask a number of questions to them with respect to their site. Again, I think the biggest concern still for the Village is probably the parking. But, again, as part of the PUD that they're bringing in we feel that with the stacking of the spaces and the drive through that should be able to make up for approximately those three spaces.

There has already been an executed cross-access agreement between the parties with respect to cross-access as well as maintenance and so on and so forth. So that agreement's actually already been executed by the parties. With that the staff and the Plan Commission recommended approval of the conceptual plan as well as the certified survey map. And that is subject to all the comments and conditions as outlined by staff.

Again, my understanding from the developer is that they intend to make their submittal sometime in the next week or so to be on an agenda in November. That being said I believe that they don't intend to actually start construction until the spring and be finished sometime in the summer.

Michael Serpe:

Was there any agreements with Costco parking there?

Village Board Meeting
October 5, 2015

Jean Werbie-Harris:

I'm sorry?

Michael Serpe:

Was there any agreements with the Costco lot being used as overflow?

Jean Werbie-Harris:

No. And, in fact, I did just receive an email from Costco, and they're willing to cross-access park for any type of grand opening or special event. But at this point they are not willing to offer any permanent cross-access easements for parking at their site as they feel as the Pleasant Prairie Costco becomes more popular that they will need all of their parking.

Dave Klimisch:

You said there's a cross-access agreement between the two lots. Is that between Lot 1 and 2 or between Outlot 21 and 20?

Jean Werbie-Harris:

Between 20 and 21, between the two outlots which, in turn, is between the two Lots 1 and 2 of Bulls-Eye, and the Lots 1 and 2 for Outlot 20.

Dave Klimisch:

And just to confirm we're three parking spaces short, but you were saying six cars could be stored in the drive through area?

Jean Werbie-Harris:

In this particular circumstance Corner Bakery is right on the end, and there's at least six spaces that would be stored here. Again, there's an additional lot that is Lot 2 to the east. I can't tell you what that particular or those particular uses are at this time with respect to parking.

Dave Klimisch:

So that new lot of Lot 2 will be a PUD or not necessarily?

Jean Werbie-Harris:

I would say all of these lots would be a part of a PUD, both the Bulls-Eye as well as Lots 1 and 2 of this one.

Village Board Meeting
October 5, 2015

Dave Klimisch:

Would it be feasible to take the three parking spots that were short and increase the requirement on Lot 2 for the PUD at some future point?

Jean Werbie-Harris:

I'd think it is possible, correct. I will work towards that end.

Dave Klimisch:

Okay, just from looking at the footprint it looks like there might be some space over there depending how it all gets designed out.

Jean Werbie-Harris:

I think it's unlikely that the east Lot 2 of Outlot 20 will develop exactly the way you see it on this conceptual plan. I am working with someone on a revision, and they will be coming in as well to modify it a little bit more. But, again, some of the points cannot be altered, and those are the cross-access connection points and so on and so forth. But I will work towards that with them.

Dave Klimisch:

Okay, thank you.

John Steinbrink:

Other comments or questions?

Steve Kumorkiewicz:

It was well discussed in the Planning Commission.

Michael Serpe:

Second. Was that a motion?

Steve Kumorkiewicz:

Yes, that's a motion of the conceptual plan.

John Steinbrink:

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

Village Board Meeting
October 5, 2015

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION APPROVE A CONCEPTUAL PLAN FOR A PROPOSED MULTI-TENANT RETAIL BUILDING ON A PORTION OF THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 76TH STREET AND 91ST AVENUE WITHIN THE PRAIRIE RIDGE DEVELOPMENT; SECONDED BY SERPE; MOTION CARRIED 5-0.

Michael Serpe:

Move approval of the certified survey map.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Mike, second by Dave. Further discussion? Nothing else they want to share with us this evening. They were very open at Planning Commission.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CERTIFIED SURVEY MAP TO SUBDIVIDE TWO (2) PARCELS LOCATED AT THE NORTHWEST CORNER OF 76TH STREET AND 91ST AVENUE WITHIN THE PRAIRIE RIDGE DEVELOPMENT; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

F. Consider Ordinance #15-35 to amend Chapter 242 of the Municipal Code relating to RecPlex fees.

Chris Finkel:

Mr. President and Board members, I'd like to present Ordinance #15-35 to amend Chapter 242 of the Municipal Code of the Village of Pleasant Prairie as it pertains to the RecPlex. Under user charges numbers 1 and 5 it pertains to youth that can be added to the membership. Currently full-time students who live at home can be added to the membership as youth. And that caps out at age 22. Over the past few years we've had current members who have youth that are still in college, and they seem to stay in college up to the age of 25. And so the staff is recommending that we allow full-time college students who live at home to be added on this youth up to age 25, both residents and non-residents.

Under 23, membership options, this is a new option. Occasionally we have primary members with spouses who have a parent who comes and lives with them, or on occasion two parents have an adult child come live with them to care for them. And we really have no avenue to allow them to become a member as part of that household. They have to have their own membership, and oftentimes in those circumstances there is some financial need. So this option probably won't be used that often, but it would be great customer service to our current customers and help our residents in need and non-residents in need. So those are the two changes. Any questions?

Village Board Meeting
October 5, 2015

Kris Keckler:

I appreciate you responding to the needs of the different situations and households. What do you consider full-time status?

Chris Finkel:

Any full-time student has to provide their transcript that gives the hours that they are enrolled full time in school so 12 hours.

Kris Keckler:

And is that taking into consideration just traditional four year colleges, or any post secondary institution?

Chris Finkel:

Secondary institutions like a technical college.

Kris Keckler:

Gateway or programs or apprenticeships?

Chris Finkel:

That would apply, yes.

Kris Keckler:

Okay. And I don't know how many inquiries you get based off of that, but just defining that and having it kind of clear for people that have a lot of different scenarios because I think we're seeing increased enrollments in some of those other programs. But thank you for expanding this.

Dave Klimisch:

I've got a question here. So any thought process given to all adult children living at home up to the age of 25 taking out the specification of a college student?

Chris Finkel:

Option D does expand to them. It would just be a little bit more than the youth option. So, for instance, a youth that lives at home that's over the age of 18 that is not going to college and presumably may be working they could be added as an additional adult on the membership which would still save the family money instead of making them get their own members.

Village Board Meeting
October 5, 2015

Dave Klimisch:

So a college student would be a youth for \$122, and then the adult if they're not in school would be \$360?

Chris Finkel:

Correct.

Dave Klimisch:

I'm having some thoughts about why the college exclusion or this specification for college as opposed to somebody who is not in school living at home. I like the idea, like Kris said, that we're expanding and meeting the needs.

Chris Finkel:

The thought process would be that an adult child living at home would be working and could afford more of a membership than a full-time college student.

Dave Klimisch:

Okay, very good.

John Steinbrink:

Other questions?

Dave Klimisch:

I move approval of 15-35.

Kris Keckler:

Second.

John Steinbrink:

Motion by Dave, second by Kris. Any further discussion? So the school of hard knocks doesn't count, right?

Kris Keckler:

Maybe at some future point we can agree to consider that.

Village Board Meeting
October 5, 2015

John Steinbrink:

No further comment or question?

KLIMISCH MOVED TO ADOPT ORDINANCE #15-35 TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO RECPLEX FEES; SECONDED BY KECKLER; MOTION CARRIED 5-0.

G. Consider approval of an Agreement between Prime Outlets at Pleasant Prairie LLC and Prime Outlets at Pleasant Prairie II LLC d/b/a Pleasant Prairie Premium Outlets and the Village related to expanded shopping hours during the Thanksgiving Holiday.

Jean Werbie-Harris:

Mr. President, it's that time of year where Premium Outlets operating also as Prime Outlets has an annual what used to be referred to as a midnight madness sale because it was the special sale that they had the day after Thanksgiving. They opened at midnight Thanksgiving night, and then they stayed up through the next day until 10:00 p.m. the following night. They are requesting their annual agreement in order to operate those hours. They, in fact, are actually going to be opening probably at about 9 p.m. as opposed to midnight. So it's not quite as crazy out there with respect to the amount of shoppers coming out right at midnight.

But in the event that they do get a lot of people out there they are going to have and need additional security as in previous years. And they have entered into an agreement with the Village of Pleasant Prairie in previous years. And this agreement covers both the Police Department as well as the Fire Department. So they're looking to have additional officers out at the site specifically for the services of three additional second shift officers from 7 p.m. to 11 p.m., on duty Pleasant Prairie police officers to supplement the Pleasant Prairie police force out there as well as four additional third shift workers from 11 p.m. to 4 a.m., again, to supplement the additional police force throughout the Village.

And then in addition there's going to be a code enforcement officers. And this will overlap between second and third shifts between 6 p.m. and 4 a.m. In addition, there will be one additional onsite Pleasant Prairie Firemedic to supplement the typical Fire and Rescue Department staffing. And this individual will be on site for 14 hours. Again, this is to provide additional services for them. And they have agreed as in previous years to pay the additional costs that would be associated with having these additional services being provided for their special event.

Michael Serpe:

I guess this is for Chief Smetana. Have you experienced an exceptionally high call for service while this is going on at Prime in the past?

Village Board Meeting
October 5, 2015

Chief Smetana:

Just due to the sheer volume, yes, there's an increase in calls for service. Another reason for us being out there is the visibility factor as well with the increased volume, the traffic issues coming into the Prime Outlets. So we make sure we're visible and we're available to handle calls that way. Any calls for service that would be coming in because of the high volume of traffic and shopping would suck the resources out of the Village.

Michael Serpe:

Were you able to handle these without calling in any resources from the Village, from patrols in the Village?

Chief Smetana:

Yes, we were.

Michael Serpe:

You were, good.

Chief Smetana:

And with the earlier start hours that they've kind of gone to in the last couple of years it's really managed to spread those issues out so it's not so much of a mad crush at midnight. The earlier people get in and things are pretty much dwindled down by 4 a.m.

Kris Keckler:

That was my first one and thank you for answering that. My second one, though, so traffic, it's been a few years since I've been out there for this event. That still seems to be the primary obstacle?

Chief Smetana:

We do at times get some assistance from the County with the off ramps from the interstate. So there does tend to be an issue. That was mainly with the start hours that started later. With the earlier start hours, like I said, it seems to have eased that crush a little bit.

Kris Keckler:

Is there any option for expanding parking availability in any capacity in that area or is that maxed out pretty much right now. I know it bleeds off into the surrounding fields and everything.

Village Board Meeting
October 5, 2015

Jean Werbie-Harris:

That's correct. We are going to have just as in previous years this area that is just north of the water tower, we do create that as an offsite parking area for Premium and their guests.

Chief Smetana:

And then the employees -- they make arrangements with the employees for that evening to park elsewhere and they bus them in just to create even more parking.

Kris Keckler:

Alright, thank you.

Dave Klimisch:

Is there any busing provided by the outlet malls for the people parking in that field or anywhere else just running a shuttle back and forth?

Jean Werbie-Harris:

They haven't since the first two or three years. At the very beginning there used to be some shuttles going back and forth. And even they used the RecPlex parking lots and they've shuttled them back and forth from there, but not recently. People just hoof it.

Dave Klimisch:

Okay. And I can't picture what that looks like. Is there a safe pedestrian walking area from that field, or are they walking on the side of the street?

Chief Smetana:

They're walking on the side of the street and the grass area so it's not a side walked area.

Michael Serpe:

There's some auxiliary lighting in there, too, right? I think they have portable lighting?

Chief Smetana:

Right, they've got portable lighting out in that parking lot for the security. They've got additional on scene security, a private security company working that evening as well.

John Steinbrink:

Will Target be competing about the same time with some similar program?

Village Board Meeting
October 5, 2015

Chief Smetana:

I would imagine.

Jean Werbie-Harris:

But they haven't contacted us yet.

Chief Smetana:

They normally contact us at the last minute.

Jean Werbie-Harris:

Premium is going to be doing some additional outdoor displays and Santa visits and igloos and different things this year. So I think there will be a little bit even greater attraction but earlier in the evening as opposed to late with children and such.

Dave Klimisch:

And if Target did or some other facility if they did have similar hours would we have enough staff to cover it?

Chief Smetana:

No, it would be based on manpower, and we most likely would not have enough staff to do that at that point.

Jean Werbie-Harris:

Additional security.

Chief Smetana:

Right. We've made agreements with other stores, and I believe Target was one of them in the past years that they should bring on extra security, and we made provisions that that extra security should have a marked squad or a marked vehicle in place to help with the crowds of people coming in.

Dave Klimisch:

I'm just thinking of all the neighboring, like if we need assistance from -- if there's an event Kenosha is going to be tapped because their stores are open so it's just a difficult evening all across.

Village Board Meeting
October 5, 2015

Chief Smetana:

Right. We've got officers on the street, we've got officers manning --

Dave Klimisch:

That's our overflow, okay.

Chief Smetana:

Right. So our normal coverage of the Village isn't compromised by these special events. So those officers, the extra officers that are on early second shift and through third shift are specifically designated for that area. And so far historically they've been able to handle that.

Michael Serpe:

I'd move approval of the agreement between Prime and Pleasant Prairie.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Thank you, Chief. Motion by Mike, second by Steve. Further discussion?

Steve Kumorkiewicz:

One question, Jean. You say there's going to be a paramedic for 14 hours?

Jean Werbie-Harris:

Yes.

Steve Kumorkiewicz:

That means an ambulance is going to be parked onsite?

Chief McElmury:

What we do is we put a Firemedic out there in like a command car or a staff vehicle. They're able to kind of -- if we get a rescue call or a fire alarm or a car fire or anything they're actually able to go and check it out before our other units would get on scene. Something simple they can handle it. And in a case like fire alarms and all because of all the additional traffic it's very difficult to get full size apparatus in there. So they're actually able to handle some of the simple problems just

Village Board Meeting
October 5, 2015

being onsite. It's more of a preventative measure than anything else. We don't put a whole ambulance. We just put one person in a car.

Steve Kumorkiewicz:

Thank you, Chief. Good idea.

John Steinbrink:

Motion and a second. Any further comments or questions?

SERPE MOVED TO APPROVE AN AGREEMENT BETWEEN PRIME OUTLETS AT PLEASANT PRAIRIE LLC AND PRIME OUTLETS AT PLEASANT PRAIRIE II LLC D/B/A PLEASANT PRAIRIE PREMIUM OUTLETS AND THE VILLAGE RELATED TO EXPANDED SHOPPING HOURS DURING THE THANKSGIVING HOLIDAY; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

H. Consider Letter of Credit Reduction for Thomas Interests (formerly Kings Cove).

Mike Pollocoff:

Mr. President, the letter of credit is coming due on this project. On the 7th we contacted the developer and asked him to enrich the letter of Friday of last week. They haven't done it. So I'm recommending that the Board authorize the reduction of the letter of credit in the amount of \$60,000.

Steve Kumorkiewicz:

So moved as requested.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Steve, second by Dave. Other comment or question on the motion?

KUMORKIEWICZ MOVED TO APPROVE A LETTER OF CREDIT REDUCTION FOR THOMAS INTERESTS (FORMERLY KINGS COVE) IN THE AMOUNT OF \$60,000; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

Village Board Meeting
October 5, 2015

9. VILLAGE BOARD COMMENTS

Michael Serpe:

I have one. Chief McElmury I was very impressed with the presentation tonight by your new firefighters and by Aaron Longrie for the training that he provides, and just overall a very nice job. Made the whole department look great. It's a compliment to the Village.

Kris Keckler:

I wanted to recognize the wonderful contribution that we had for the MDA outfit and see that the amount was increased. That was very nice. I just wanted to ask, though, the last several weeks there's been multiple instances of other people requesting funds or donations at some of the major intersections that seem to be taking up and taking place longer than what the lights account for. I just didn't know if there was any consideration or awareness of what's going on in the Village.

Mike Pollocoff:

Chief, you guys been dealing with that?

Kris Keckler:

Specifically at Highway 50 at H and also Green Bay Road. And they're not as easily defined.

Chief Smetana:

We've been contacted by a church organization that has been requesting donations at that corner as well. The provisions we've put in place is that they stay out of traffic and don't block traffic. Constitutionally that's about all we can do. They've got the ability to stand at the corner and stand in the median and request funding. So based on that those things have been given verbal approval at this point. We make sure we have a contact for the organization that's coming in and doing those donations. And that contact is passed on to our communications. In their case there's some issues.

Kris Keckler:

Is that on a first come, first serve basis as far as notification?

Chief Smetana:

I've never had more than one call. I've had one organization at this point. There's been a couple others that hand out mints at the corner and take donations. That's one other group. I've never had a situation where it's competing interests against each other.

Village Board Meeting
October 5, 2015

Kris Keckler:

I just know that when the firefighters do the boot drives they're a little bit more visibly present and organized in that fashion. These just seem to be multiple people and kind of blocking or getting out in the areas.

Chief Smetana:

If they're blocking traffic that's one of the provisions that they're given that they're not allowed to do. They can stand and ask for funds, hold up a sign, but that's it.

Kris Keckler:

They weren't per se blocking the car with their body. It's just as the lights are changing they're still trying to get donations from other cars which in a sense are blocking other vehicles. And I'm just worried about some type of safety issue.

Chief Smetana:

And that's one of the issues that we ask our squads to watch for as they pass through that intersection.

Kris Keckler:

And if citizens have concerns as far as the validity of the organization how do you want them to be made aware?

Chief Smetana:

I don't know. As far as the validity of the organization, like I said anybody can stand on a corner and request funds as long as they're not blocking traffic. So we're not checking the validity. I'm not doing any vetting on what the organization is. I'm not able to do that.

Kris Keckler:

Okay, thank you.

John Steinbrink:

Chief, who assumes liability once they're standing in the right of way like that for periods of time?

Chief Smetana:

I believe that would be the organization themselves. I don't believe there's a liability on the part of the Police Department. All they're doing is calling and asking and letting me know that they're going to be standing on that corner. It's not a permit. It's nothing that we are issuing them.

Village Board Meeting
October 5, 2015

John Steinbrink:

Should they be permitted through the Village because they're panhandling in the Village.

Jane Romanowski:

I think charitable aren't required. They're exempt. Charitable organizations are exempt.

Dave Klimisch:

Do they need to prove their charitable status then in that regard?

Jane Romanowski:

They usually just contact the Police Department.

Dave Klimisch:

So it's just variable at this point.

John Steinbrink:

Didn't we once check with the County on this thinking the County had some jurisdiction over those highways?

Mike Pollocoff:

They basically said what the Chief said. If they want to go out there and stand on the corner and hop for funds they can, but they can't get in the way. Unless somebody's watching them. Firefighters are trained how to stay out of the way of cars and be in the median effectively. These people are not. This between somebody who is trying to get money and somebody who is going to wash their window for you it gets to be a short gap there for a while.

Chief Smetana:

Right. And we've had the opinion of the Village Attorney and the Village Judge as well what we can do and what we can't do, what is legislated in this area and what we can't. Basically if they're not creating a traffic problem by breaking State or local ordinance entering a traffic lane legally, freedom of speech allows them to stand there.

Kris Keckler:

And as far as it goes just for clarity right now it's really just a verbal notification that they are nonprofit. We're not doing any vetting. And maybe that's something we can look into, the different between nonprofit and those that are not.

Village Board Meeting
October 5, 2015

Chief Smetana:

Right. And I can check into it further with the Village Attorney. I'm not sure what the process would be, if it would be allowable for them to file for a permit and show their charitable status. I can check with the Village Attorney on that.

Michael Serpe:

Just a thought here. When these people come forward to collect money, even if it's the Fire Department, it probably wouldn't be a bad idea for the organizations to put a sign a little ways up the street money being collected for MDA or something. Let the people know that today is the day they're collecting instead of approaching the car, waiting for them to get their money out. Giving them a little advance notice would be in order. It's just a thought.

Chief Smetana:

I think it's notable as well that the church organization that's been contacting me in the past is not a local organization. So it's more of a regional group.

John Steinbrink:

So they don't have identification with them so you can tell when you come up. Anything in the traffic at an intersection like 50 and H is a distraction to the drivers.

Kris Keckler:

And even the sign they did have was extremely small on the buckets. And the only more readily available signage was on their hats that either said CIA and FBI are the ones I noticed. Whether or not that's on purpose or not.

Chief Smetana:

To my knowledge it was not the CIA and FBI.

Kris Keckler:

I didn't think so.

John Steinbrink:

We'll have to contact our senator and get a law made.

Dave Klimisch:

So the people requesting donations need to stay on the median, not on the road.

Village Board Meeting
October 5, 2015

Chief Smetana:

Correct.

Dave Klimisch:

So if the light's red they shouldn't be walking on the driver's side.

Chief Smetana:

They should not be walking into traffic. There's a crosswalk area that they can walk into. They shouldn't be cutting in between cars. And those people are advised that when they call that if they can solicit funds from the vehicles right next to the median that's what they should be doing, staying out of traffic.

10. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KEKCLER; MOTION CARRIED AND MEETING ADJOURNED AT 7:05 P.M.

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
October 15, 2015
5:00 p.m.**

A special meeting of the Pleasant Prairie Village Board was held on Thursday, October 15, 2015. Meeting called to order at 5:00 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; Carol Willke, Human Resources Director and Kathy Goessl, Finance Director. No citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CONSIDER ENTERING INTO EXECUTIVE SESSION PURSUANT TO SECTION 19.85(1)(C) TO CONSIDER EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY.**

John Steinbrink:

The Board will return to open session to adjourn the meeting. No other business will be conducted.

KECKLER MOVED TO ENTER INTO EXECUTIVE SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – AYE; KECKLER – AYE; KUMORKIEWICZ – AYE; KLIMISCH – AYE; SERPE – AYE; MOTION CARRIED 5-0.

- 4. RETURN TO OPEN SESSION AND ADJOURNMENT**

After discussion was held, **KECKLER MOVED TO RETURN TO OPEN SESSION; SECONDED BY SERPE; ROLL CALL VOTE – STEINBRINK – AYE; KECKLER – AYE; KUMORKIEWICZ – AYE; KLIMISCH – AYE; SERPE – AYE; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:40 P.M.**

MEMORANDUM

Date: October 27, 2015

To: Village Board of Trustees

From: Jane M. Romanowski
Village Clerk

Re: Kwik Trip #172 – 8900 76th Street
Class “A” Fermented Malt Beverage and “Class A”
Intoxicating Liquor (Cider Only) License Application

Paul Torgerson, Agent for Kwik Trip, Inc. has applied for a Class "A" Fermented Malt Beverage and “Class A” Intoxicating Liquor (Cider Only) License for the Kwik Trip store currently under construction at 8900 76th Street. A Class “A” Fermented Malt Beverage license allows for the sale of fermented malt beverages (beer and fermented base beverages) and a “Class A” Intoxicating Cider Only License allows for the sale of fermented juice of apples or pears and which contains not less than 0.5 percent alcohol by volume and no more than 7.0 percent alcohol by volume and includes flavored, sparking and carbonated cider. The beverages are to be sold to consumers in original packages or containers for off-premise consumption only from 8 a.m. - 12:00 midnight.

The store is scheduled to be completed by November 25, 2015 with business operations to begin on December 3, 2015. Mr. Torgerson has met the agent requirements including the approval of Chief Smetana. I recommend a Class "A" Fermented Malt Beverage and “Class A” Intoxicating Liquor (Cider Only) License be issued to Paul Torgerson, 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.

* * * * *

Resolution No. 15-28

**Resolution Honoring Tammy Conforti
for the Accomplishment of
Building the Dream Playground**

WHEREAS, Tammy Conforti, in 2012, witnessed a playground dedicated to providing a play environment for all children regardless of their abilities and became inspired; and

WHEREAS, Tammy Conforti, through her inspiration, nurtured a vision and desire and then developed a plan to construct the Dream Playground; and

WHEREAS, Tammy Conforti organized and mobilized community volunteers and resources to build the Dream Playground; and

WHEREAS, Tammy Conforti's efforts have successfully resulted in the construction of a community built playground that has exceeded everyone's expectation; and

WHEREAS, the Kenosha area is indeed fortunate to have a person with such a generous vision for the disabled in our community and the drive and ability to make that a vision become reality.

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Pleasant Prairie, that Tammy Conforti be recognized and honored for her vision on behalf of those who need our help and her ability to make that vision a reality.

Considered and adopted this 2nd day of November, 2015.

John P. Steinbrink, President

Attest:

Jane M. Romanowski, Clerk



Resolution No. 15-29

**Resolution Honoring Christine Weyker and
the Kenosha Achievement Center**

WHEREAS, the Kenosha Achievement Center has a long and rich history of serving individuals with special needs in the Kenosha area; and

WHEREAS, Christine Weyker, as Chief Executive Officer, engaged the Kenosha Achievement Center in a partnership to help raise funds and gather volunteers to help complete the Dream Playground Project; and

WHEREAS, Christine's leadership of the talent and resources of the Kenosha Achievement Center played a key role as the existing non-profit organization that assisted in the Dream Playground Project; and

WHEREAS, Christine's leadership at the Kenosha Achievement Center enables the organization to create opportunities for the personal growth and success of persons with special needs and is a true reflection of her ability and the Kenosha Achievement Center's capacity to improve the lives of people with special needs in our community; and

WHEREAS, Christine and the Kenosha Achievement Center have represented their mission with distinction in their partnership to build the Dream Playground Project.

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Pleasant Prairie, that Christine Weyker, Chief Executive Officer of the Kenosha Achievement Center, be recognized and honored for her leadership and direction of the Kenosha Achievement Center and its important role in both the Dream Playground Project and the provision of invaluable services to our community on a daily basis.

Considered and adopted this 2nd day of November, 2015.

John P. Steinbrink, President

Attest:

Jane M. Romanowski, Clerk



RESOLUTION #15-30

**RESOLUTION APPROVING THE JURISDICTIONAL
TRANSFER OF CTH EZ (39th AVENUE) FROM
THE CITY OF KENOSHA BOUNDARY SOUTH TO
THE NORTH RIGHT-OF-WAY BOUNDARY OF STH 165 FROM
KENOSHA COUNTY TO THE VILLAGE OF PLEASANT PRAIRIE**

WHEREAS, the Comprehensive Land Use Plan for the Village of Pleasant Prairie reflects that residential development and neighborhood commercial development will take place along CTH EZ (39th Avenue) from Springbrook Road to STH 165; and,

WHEREAS, the planning for future development has anticipated that CTH EZ (39th Avenue) within this area would be developed under local municipal standards; and,

WHEREAS, the Regional Transportation Plan prepared by the Southeastern Wisconsin Regional Planning Commission identifies that CTH EZ (39th Avenue) should be transferred to the Village of Pleasant Prairie in an orderly manner; and,

WHEREAS, Section 83.025 of the Wisconsin Statutes enables jurisdictional transfers between units of government with mutual agreement and approval by the Wisconsin Department of Transportation; and,

WHEREAS, to provide for more efficient capital planning for both the Village of Pleasant Prairie and Kenosha County, a jurisdictional transfer should be adopted at this time.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Pleasant Prairie that effective January 1, 2016, CTH EZ (39th Avenue) from the City of Kenosha boundary to the north right-of-way boundary of STH 165 be transferred from the jurisdiction of Kenosha County to the Village of Pleasant Prairie for ownership, maintenance and operation.

Passed and adopted this 2nd day of November, 2015.

John P. Steinbrink, President

Attest:

Jane M. Romanowski, Clerk

Posted: _____

VILLAGE OF PLEASANT PRAIRIE

**RESOLUTION #15-31
IN SUPPORT FOR THE TRANSPORTATION INVESTMENT COALITION
TO DEVELOP A SUSTAINABLE FUNDING MECHANISM
FOR TRANSPORTATION SYSTEM MAINTENANCE**

WHEREAS, local government in Wisconsin is responsible for about 90% of the road miles in the state; and

WHEREAS, Wisconsin's diverse economy is dependent upon county and town roads as well as city and village streets and transit systems across the state; and

WHEREAS, according to a report commissioned by the Local Government Institute of Wisconsin (LGI) the condition of Wisconsin's highways is now in the bottom third of the country; and

WHEREAS, state funding for local roads in Wisconsin has failed to keep up with costs over the past several decades which has adversely affected local transportation finances. According to the LGI study, municipal transportation spending has declined from \$275 per capita in 2000 to \$227 in 2012. Forty-seven states increased local transportation spending more than Wisconsin during 2000-2011; and

WHEREAS, levy limits do not allow local government to make up for the deterioration of state funding; and

WHEREAS, Wisconsin's over-reliance on bonding eats away at the state's segregated funding sources – the state gas tax and vehicle registration fees – which increasingly go to pay debt service rather than fund local transportation needs; and

WHEREAS, safety is a primary concern and responsibility of local governments across Wisconsin. Unfortunately, according to TRIP, a national non-profit transportation research group, Wisconsin had 347 non-interstate, rural road fatalities in 2013; and

WHEREAS, the Village Board of Trustees recognizes that our state highway and interstate system is the backbone of our surface transportation system and plays a vital role in the economy of Wisconsin. Both local *and* state roads need to be properly maintained in order for our economy to grow; and

WHEREAS, from a competitive standpoint Wisconsin motorists pay significantly less than any of our neighbors when you combine the annual cost of the state gas tax and vehicle registration fees; and

WHEREAS, the Transportation Finance and Policy Commission, appointed by the Governor and Legislature clearly found that if Wisconsin does not adjust its user fees, the condition of both our state and local roads will deteriorate significantly over the next decade.

NOW, THEREFORE, BE IT RESOLVED the Village of Pleasant Prairie Board of Trustees urges the Governor and Legislature to agree upon a sustainable solution: one that includes a responsible level of bonding and adjusts our user fees to adequately fund Wisconsin's transportation system. Furthermore, the Village Board directs the Clerk to send a copy of this resolution to our State Legislators and to Governor Scott Walker.

BE IT FURTHER RESOLVED that every month that state and local repairs are deferred increases the cost to the taxpayers.

Passed and adopted this 2nd day of November, 2015.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink, President

Attest:

Jane M. Romanowski, Clerk



2016 WISCONSIN MARATHON

THIS AGREEMENT, made this 21 day of October, 2015, by and between the Wisconsin Marathon, LLC, hereinafter referred to as "Wisconsin Marathon" and the Village of Pleasant Prairie, hereinafter referred to as "the Village".

WHEREAS, Wisconsin Marathon conducts and promotes the Wisconsin Marathon; and,

WHEREAS, Wisconsin Marathon wishes to race along Lake Michigan on Lakeshore Drive and through various neighborhoods in Carol Beach; and,

WHEREAS, Wisconsin Marathon will provide the residents residing along the route with information pertaining to the race course and anticipated start and finish times of the race; and,

WHEREAS, Wisconsin Marathon requests the Village provide public services along the race course within the Village; and,

WHEREAS, the cost of the public services provided to Wisconsin Marathon will be reimbursed to the Village in full, at the actual cost of the services provided.

NOW, THEREFORE, the parties hereto do mutually agree to the terms of this agreement under the conditions described below:

1. The Wisconsin Marathon race course begins in the City of Kenosha, transitions into the Village through a residential neighborhood in the eastern part of the Village, and returns to the City of Kenosha for the finish (**See Exhibit A**).
2. Wisconsin Marathon shall provide Pleasant Prairie residents residing along the specified route information pertaining to road closures, detours, routes and anticipated start and finish times of the race a minimum of 45 days prior to the race.
3. The Village will agree to the race course proposed by Wisconsin Marathon after the residents have had an opportunity to review the course, but no later than 30 days prior to the event.
4. The Village shall provide police, fire and rescue and public works services along the Wisconsin Marathon race course within the Village, at the expense of the Wisconsin Marathon.
5. Wisconsin Marathon agrees that all debris from water stations along the route in Pleasant Prairie will be completely cleaned and restored to their previous condition before the end of the day on May 7, 2016.

6. Wisconsin Marathon shall submit a plan for approval by the Village no later than 30 days before the race that specifically describes how residential access in the area will be accommodated along race course in order for residents to access their homes and race participants to safely run in the event. The Village encourages plan submission earlier than 30 days before the race in order for enough time to provide for any potential changes.
7. The Village shall be reimbursed in full for all actual expenses for police, fire and rescue and public works services provided for the Wisconsin Marathon (**See Exhibit B, Service Costs for 2015**) within 10 days of the receipt of invoice.
8. Wisconsin Marathon shall provide the Village with a Certificate of Insurance 10 days prior to the 2016 Wisconsin Marathon race, which will be held on May 7, 2016.
7. The Village shall provide Wisconsin Marathon with a Certificate of Insurance 10 days prior to the 2016 Wisconsin Marathon race, which will be held on May 7, 2016.

Wisconsin Marathon

BY  Date 10-21-15

Print Name: Jonathan Carr

Village of Pleasant Prairie

BY _____ Date _____

Michael R. Pollocoff, Village Administrator

race course (in red) within the Village of Pleasant Prairie

Lake Michigan



North

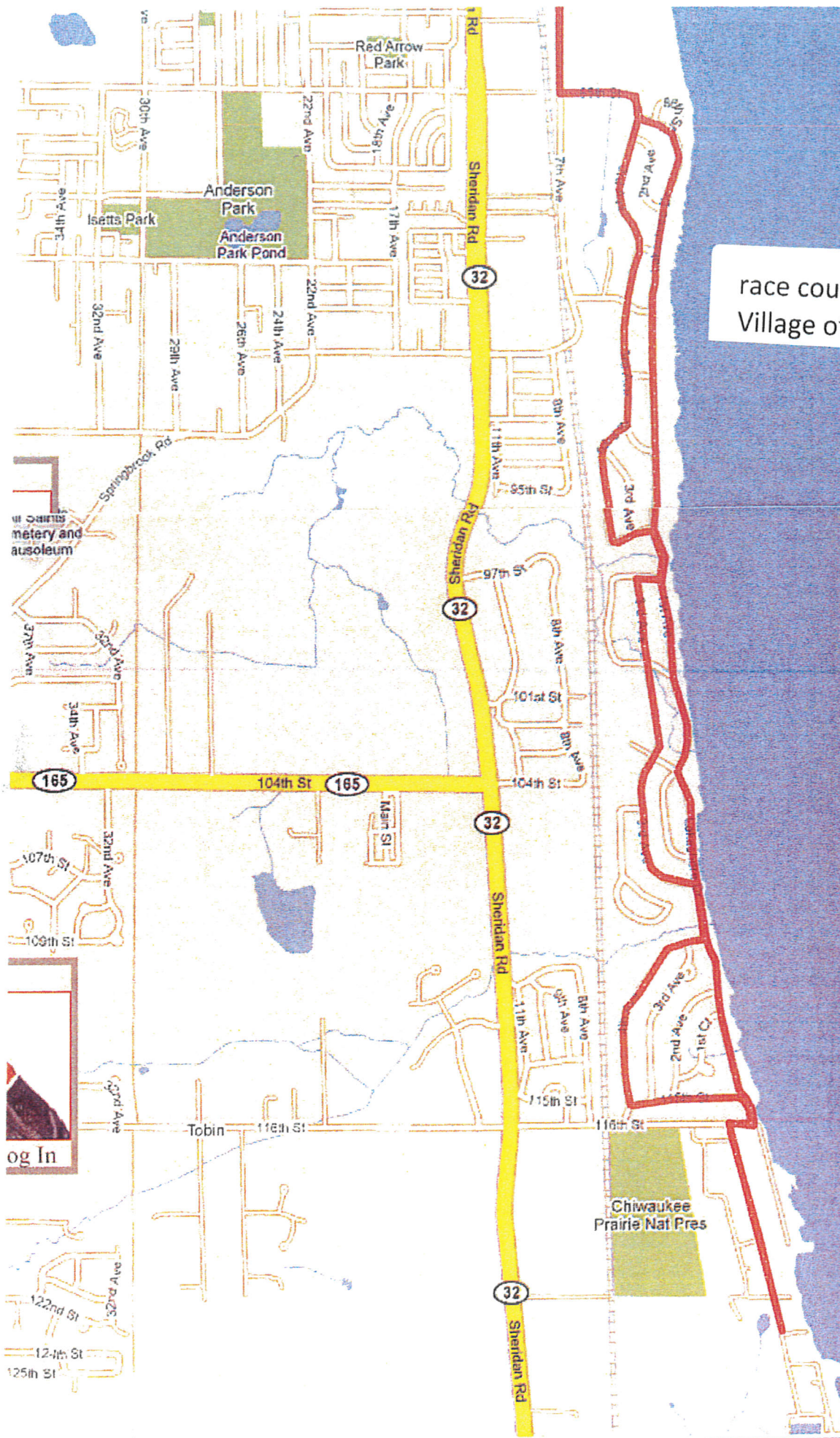




Exhibit B

2015 Wisconsin Marathon May 2, 2015 Race

Village of Pleasant Prairie
Service Costs Billed

Public Works	\$	-
Police	\$	642.06
Fire & Rescue	\$	424.64
Total	\$	1,066.70

ORDINANCE NO. 15-39

**ORDINANCE TO AMEND CHAPTER 98 OF THE MUNICIPAL CODE OF THE
VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN
RELATING TO POLLING PLACES**

BE IT ORDAINED AND ESTABLISHED by the Village Board of the Village of Pleasant Prairie, Kenosha County, Wisconsin that Chapter 98 of the Municipal Code is amended to read as follows:

§ 98-16. Polling places. The polling places for the wards shall be at the following locations:

Wards	Polling Places	Addresses
1, 2 and 3	Village Hall - <u>Auditorium</u>	9915 - 39th Avenue
4 and 5	Good Shepherd Lutheran Church <u>Village Hall – Courtroom</u>	4311—104th Street <u>9915 – 39th Avenue</u>
6 and 7	Lamb of God Lutheran Church <u>Caterpillar College Preschool</u>	8411 Old Green Bay Road
8, 9, 10 and 11	RecPlex	9900 Terwall Terrace
12, 13 and 14	St. Anne's Catholic Church	9091 Prairie Ridge Boulevard

Passed and adopted this 2nd day of November, 2015.

PLEASANT PRAIRIE VILLAGE BOARD

John Steinbrink, President

Attest:

Jane Romanowski, Village Clerk

Posted: _____

ORDINANCE #15-40

**ORDINANCE TO AMEND CHAPTER 285
OF THE MUNICIPAL CODE
VILLAGE OF PLEASANT PRAIRIE
KENOSHA COUNTY, WISCONSIN
RELATING TO SEWER SERVICE CHARGES**

BE IT ORDAINED AND ESTABLISHED by the Village Board of Trustees of the Village of Pleasant Prairie, Kenosha County, Wisconsin that Chapter 285 of the Municipal Code is hereby amended as follows:

§ 285-19 Basis for sewer service charge.

G. Winter base rate:

- (1) The winter base rate shall be that volume of ~~water that can be proven to pass through a municipal water meter,~~ that can be verified through the use of municipal water meter readings for a ~~two~~four-month period from December 1 through March ~~131~~. This volume shall serve as the basis for determining the sewer volume charge for residential customers for ~~five (5) billing periods that are connected to municipal water for the following 10 billing cycles from May 1 through September 30.-~~ Customers whose water meter indicates nonconsumption in the winter base determination period shall be billed based on the average of the nonmetered customers or their actual meter readings if it less than the nonmetered average.
- (2) Those sewer customers that are not connected to the Village's municipal water system shall have a winter base rate that is determined by taking the total volumetric reading for all residential municipal water customers and dividing that number by the number of households that have water meters. That average consumption rate of water, rounded to the nearest thousands of gallons, shall serve as the basis for residential customers that are not connected to municipal water.
- (3) Kenosha Water Utility (KWU) should provide winter water usage to the Village of Pleasant Prairie for those Pleasant Prairie sanitary sewer customers that are served by municipal water from the Kenosha Water Utility KWU. If KWU does not provide winter water usage, the KWU municipal water customer with Pleasant Prairie sanitary sewer will be responsible for providing the appropriate information and may bring in two KWU utility bill stubs each year from the Kenosha Water Utility KWU representing readings-usage from the same comparable billing

periods, and that average consumption shall be used to calculate a winter base rate. Those customers may also choose to accept the average winter base rate established in Subsection G(2) of this section.

Passed and adopted this 2nd day of November, 2015.

John P. Steinbrink, President

Attest:

Jane M. Romanowski, Clerk

Posted: _____

ORDINANCE NO. 15-41

ORDINANCE TO AMEND CHAPTER 250-3 OF THE MUNICIPAL CODE OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN RELATING TO FIREARM AND WEAPON REGULATIONS

BE IT ORDAINED AND ESTABLISHED by the Board of Trustees of the Village of Pleasant Prairie, Kenosha County, Wisconsin that Section 250-3 of the Municipal Code is amended to read as follows:

§ 250-3. Discharge of firearms restricted.

A. No person shall fire or discharge any firearm, air rifle, spring gun or air gun (commonly referred to as "BB guns," "dart guns," "pellet guns" or "paintball guns") of any description or fire or discharge any instrument, bow and arrow, crossbow, slingshot or other weapon or device capable of discharging a single projectile, including an arrow, except this section shall not apply to the following:

- (1) Any authorized officer of the law in the performance of his duties.
- (2) At a shooting range, shotgun trap or skeet-shooting field, archery range, shooting gallery or public or private sportsman's range or club if allowed by the underlying zoning district.
- (3) Gun salutes as a special function at a parade, program or funeral.
- (4) The discharge of blank cartridges in a firearm suitable for their safe use when utilized as a starting signal device at athletic events or as a prop in any stage performance.
- (5) Hunting.
 - (a) The discharge of a shotgun or use of a bow and arrow for hunting wild animals and birds under licenses issued pursuant to Ch. 29, Wis. Stats., including the hunting of deer during the State of Wisconsin gun and bow and arrow deer seasons.
 - (b) Anyone engaged in the discharge of a shotgun or use of bow and arrow for hunting wild animals and birds under this section shall comply with all state statutes and rules promulgated by the Department of Natural Resources pertaining to game, including but not limited to the following:

[1] State-designated hunting seasons, times, and zones.

[2] State limits on the number of game obtained per season.

- [3] Safety measures.
- [4] Acquisition of necessary permits and licenses.
- [5] Penalties and fines for violations and noncompliance.

(6) Shooting or discharging a Bow and Arrow or Crossbow.

- (a) It shall be unlawful for a person to hunt with a bow and arrow or crossbow within a distance of one hundred (100) yards from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building. A building is defined as a permanent structure used for human occupancy and includes a manufactured home, as defined in Sec. 101.91(2) Wis. Stats.
- (b) A person who hunts with a bow and arrow or crossbow shall discharge the arrow or bolt from the weapon toward the ground.

B. Transporting weapons. No person shall possess, use or transport, while on the lands of another, within the Village, any firearm, air gun or other weapon or device capable of discharging a missile, unless the express permission of the owner or occupant of such land has been first obtained.

C. Hunting and trapping prohibited. Hunting and/or trapping on all Village-owned property is prohibited.

D. It shall be illegal to discharge a firearm utilizing a single projectile in the area of the Village bordered by Sheridan Road on the west, Lake Michigan on the east, 128th Street (Illinois State Line) to the south and the Village boundary line to the north.

Passed and adopted this 2nd day of November, 2015.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink, President

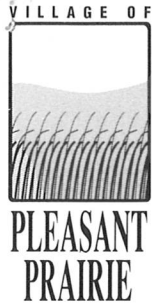
Attest:

Jane M. Romanowski, Clerk

Posted: _____

Consider the request of David Aul, owner, to **vacate an existing Storm Water, Drainage, Access and Maintenance Easement and dedicate a new Storm Water, Drainage, Access and Maintenance Easement** as a result of expanding the parking lot and relocating the storm water facilities on the property located at 8989 74th Street.

Recommendation: Village staff recommends that the Village Board approval the vacation of the existing Storm Water, Drainage, Access and Maintenance Easement and dedication of new Storm Water, Drainage, Access and Maintenance Easement as presented at the November 2, 2015 meeting.



DOCUMENT NUMBER

1138342

EASEMENT

RECORDED

at Kenosha County, Kenosha, WI 53140
Louise I Principe, Register of Deeds
on 3/29/1999 at 2:45 PM \$14.00
990013274
SANF REGDEED3

GRANT OF EASEMENT

This Grant of Easement made this 8 day of January, 1998, from David Aul, party of the first part, his successors and assigns to the Village of Pleasant Prairie, party of the second part, and its successors and assigns.

Return to:

Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

Tax Parcel Number:

91-4-122-054-0252-0

14

LEGAL DESCRIPTION

Lots 2 of CSM 1981 (FKA Parcel A of CSM 1218) located in a part of the Southeast One Quarter of U.S. Public Land Survey Section 5, Township 1 North, Range 22 East of the Fourth Principal Meridian, Kenosha County, Wisconsin.

WITNESSETH

That for and in consideration of the sum of One dollar (\$1.00) and other good and valuable consideration, in hand paid, the receipt of which is hereby acknowledged, the party of the first part have this day bargained and sold and by these presents do bargain, sell, convey, transfer and deliver to the party of the second part, its successors and assigns forever that a Drainage, Access and Maintenance Easement is hereby dedicated, given, granted and conveyed by the Owner to the Village for private storm sewer and drainage system improvements, uses and purposes, and for all related ingress and egress, construction, installation, repair, alteration, replacement and maintenance activities. These drainage, maintenance and access easements shall be exclusive, except for: (1) such other easements as may be given with respect to the same area or any portion thereof; and (2) such use, planting, care and maintenance responsibilities of the easement area by the owner(s) of the property on

which such easements are located as will not interfere with the improvements, uses and purposes of the Village; and (3) such construction or installation of driveways, fences or other structures within the easement area, which might interfere with the Village's rights, as may be approved by the Village in writing and subject to such conditions as the Village may impose. In the event of any conflict between the rights of the Village pursuant to this easement and the rights of other persons or entities with respect to the area of such easements or any part thereof, the Village's rights under this easement shall be deemed to be superior. Unless the Village exercises the rights granted to it hereunder with respect to the easements, the Village shall have no obligation to do anything pursuant to its rights under these easements. The costs for any work performed pursuant to the maintenance responsibilities of this easement by the Village shall be assessed to and by the responsibility of the owner.

The real estate affected by the grant of this permanent easement and right-of-way is located in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin as described below:

Part of Section 5, Township 1 North, Range 22 East, Village of Pleasant Prairie, Kenosha County, Wisconsin, described as follows:

A Parcel of land described as follows: Commencing at the Southeast corner of Lot 2 of CSM 1981 (FKA Parcel A of CSM 1218), Kenosha County, Wisconsin; thence S 89 degrees 46'36" W, along the right-of-way of STH 50, 131.06 feet; thence N 02 degrees 16' 11" W, 70.00 feet; thence N 87 degrees 33' 44" E, 84.93 feet; thence N 52 degrees 50 '24" E, 56.39 feet, to the East line of said property; thence S 2 degrees 16' 11" E, along the East property line, 107.33 feet to the point of beginning.

Party of the second part and its successors and assigns shall forever HAVE AND TO HOLD said easement and right-of-way.

Party of the first part, for themselves and for their heirs, executors, administrators, successors and assigns, do hereby covenant with the party of the second part, its successors and assigns forever, that they are lawfully seized and possessed of the real estate above described, and that they have good and lawful right to convey it or any part thereof, and this it is free from all encumbrances.

David Aul
Drainage, Access and Maintenance Easement
Page 3 of 3

IN WITNESS WHEREOF, the party of the first part has hereunto set forth his hand on the day and year above written.

By: David G. Aul
David Aul

STATE OF Wisconsin
 SS)
COUNTY OF Walworth

Personally appeared before me this 8th day of January, 1999, the above named David Aul, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Bonnie M Howard
Notary Public, Walworth County, WI
My Commission Expires: 2-27-00

This instrument was drafted by:
Jean M. Werbie, Community Development Director
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

G:\DATA\CD\PLANNER\Easements\vet.drainage

VACATION OF GRANT OF EASEMENT

This Vacation of Grant of Easement made this ____ day of _____, 2015 between David Aul, referred to as the "Owner", and the Village of Pleasant Prairie, Wisconsin, hereinafter referred to as the "Village".

Return to:

Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, Wisconsin 53158

Tax Parcel Number:

91-4-122-054-0252

RECITALS

- A. David Aul (the Owner) owns certain real estate that is legally described below:

Legal Description: Lot 2 of Certified Survey Map 1981 recorded as Document #1063441 on July 10, 1997 at the Kenosha County Register of Deeds Office and located in a part of the Southeast one-Quarter of the Southeast One Quarter of U.S. Public Land Survey Section 5, Township 1 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Village of Pleasant Prairie, County of Kenosha and State of Wisconsin.

- B. The Owner designed and constructed a storm water basin for the development of the Care Animal Hospital property in the Village of Pleasant Prairie in 1999.
- C. The Owner dedicated, gave, granted and conveyed an original Easement to the Village for storm water drainage system improvements, storm water conveyance, uses and purposes, and for all related ingress and egress, construction, installation, repair, alteration, replacement and maintenance activities. Said Easement was recorded as Document Number 1138342 at the Kenosha County Register of Deeds Office on March 29, 1999.
- D. The Owner has petitioned the Village of Pleasant of Prairie to construct a parking lot expansion on the referenced property, which includes the relocation of the existing storm water drainage system improvements and storm water basin and the corresponding storm water easement.
- E. The Owner has agreed to grant a new Storm Water Drainage, Access and Maintenance Easement to the Village, which reflects the relocation of the existing storm water drainage system improvements and storm water basin.

- F. The Owner and the Village have agreed to vacate the existing referenced original Easement subject to the terms and conditions provided for in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals that are incorporated into and made a part of this Agreement and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Owner and Village promise, covenant and agree as follows:

1. The Owner and the Village agree to the vacation of the aforementioned original Easement subject to the execution and recording of a new Storm Water Drainage, Access and Maintenance Easement as granted by the Owner for the benefit of and enforceable by the Village, including the perpetual right to enter upon the real estate hereinafter described at any time that the Village may see fit, to construct/maintain, use and repair the drainage way area, ditches, swales and/or trenches for the purpose of conveying storm water across, the real estate hereinafter described, together with the right to excavate and refill the basin, swales, ditches and/or trenches and pipes for the location of said storm water conveyance system, and the further right to remove trees, brush, plants, etc., and any other above ground or below ground obstructions interfering with the location, construction, use and maintenance of said storm water storage and conveyance system.
2. The Owner shall record a new Restrictive Covenant over the storm water drainage area, which prohibits the filling of the easement, the construction or movement of any structures or impediments including but not limited to garages, sheds, decks, steps, patios, driveways, signage, gardens or fences within the Easement area, and the storage of equipment of any type within the Easement area, which might interfere with the function and maintenance of the new Storm Water Drainage Easement area.
3. The Owner shall have the obligation and responsibility for grading, seeding or sodding, maintaining erosion control methods to protect the drainage areas; ditching to reestablish design capacity; removing of trash, debris, leaves and brush; and mowing and weeding to prevent nuisance conditions within the new Storm Water Drainage Easement area.

4. The original Easement is hereby vacated effective as of the date that the new GRANT OF STORM WATER DRAINAGE, ACCESS AND MAINTENANCE EASEMENT is recorded.

5. The real estate affected by the Vacation of Grant of this permanent easement and right-of-way is located in the Village of Pleasant Prairie, County of Kenosha, and State of Wisconsin as described below:

Legal Description for Vacation of Grant of Easement:

Part of Section 5, Township 1 North, Range 22 East, Village of Pleasant Prairie, Kenosha County, Wisconsin, described as follows:

A parcel of land described as follows: Commencing at the Southeast corner of Lot 2 of CSM 1981 (FKA Parcel A of CSM 1218), Kenosha County, Wisconsin; thence S 89 degrees 46'36" W, along the right-of-way of STH 50, 131.06 feet; thence N 02 degrees 16' 11" W, 70.00 feet; thence N 87 degrees 33' 44" E, 84.93 feet; thence N 52 degrees 50' 24" E, 56.39 feet, to the East line of said property; thence S 2 degrees 16' 11" E, along the East property line, 107.33 feet to the point of beginning.

IN WITNESS WHEREOF, the parties hereto have executed Vacation of Grant of Easement dated this _____ day of _____, 2015.

Notarized Signatures Appear on the Next Page

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink
Village President

Jane M. Romanowski
Village Clerk

ACKNOWLEDGMENT

STATE OF WISCONSIN)

SS

KENOSHA COUNTY)

Personally came before me this _____ day of _____, 2015, in Pleasant Prairie, WI the above named persons, John P. Steinbrink, Village President and Jane M. Romanowski, Village Clerk, who executed the foregoing instrument and acknowledge the same.

Print Name: _____
Notary Public, _____
Expiration date: _____

This document was drafted by:
Jean Werbie-Harris, Community Development Director
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, Wisconsin 53158

**GRANT OF STORM WATER DRAINAGE, ACCESS
AND MAINTENANCE EASEMENT**

This Grant of Easement made this ___ day of _____, 2015 between David Aul, referred to as the "Owner", and the Village of Pleasant Prairie, Wisconsin, hereinafter referred to as the "Village".

Return to:
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, Wisconsin 53158

Tax Parcel Number:
91-4-122-054-0252

Legal Description: Lot 2 of Certified Survey Map 1981 recorded as Document #1063441 on July 10, 1997 at the Kenosha County Register of Deeds Office and located in a part of the Southeast one-Quarter of the Southeast One Quarter of U.S. Public Land Survey Section 5, Township 1 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Village of Pleasant Prairie, County of Kenosha and State of Wisconsin.

WITNESSETH

That for and in consideration of the sum of One dollar (\$1.00) and other good and valuable consideration, in hand paid, the receipt of which is hereby acknowledged, the party of the first part have this day bargained and sold and by these presents do bargain, sell, convey, transfer and deliver to the party of the second part, its successors and assigns forever a Storm Water Drainage, Access and Maintenance Easement, including the perpetual right to enter upon the real estate hereinafter described at any time that the Village may see fit, to construct/maintain, use and repair the drainage way area, ditches, swales and/or trenches for the purpose of conveying storm water across, the real estate hereinafter described, together with the right to excavate and refill the basin, swales, ditches and/or trenches and pipes for the location of said storm water conveyance system, and the further right to remove trees, brush, plants, etc., and any other above ground or below ground obstructions interfering with the location, construction, use and maintenance of said storm water storage and conveyance system.

This Easement is hereby dedicated, given, granted and conveyed by the Owner to the Village for storm water drainage system improvements, storm water conveyance, uses and purposes, and for all related ingress and egress, construction, installation, repair, alteration, replacement and maintenance activities. There shall be a recorded Restrictive Covenant over the storm water drainage area, which prohibits the filling of the easement, the construction or movement of any structures or impediments including but not limited to garages, sheds, decks, steps, patios, driveways, signage, gardens or fences within the Easement area, and the storage of equipment of any type within the Easement area, which might interfere with the function and maintenance of the storm water drainage easement area. Furthermore, the Owner shall have the obligation and responsibility for grading, seeding or sodding, maintaining erosion control methods to protect the drainage areas; ditching to reestablish design capacity; removing of trash, debris, leaves and brush; and mowing and weeding to prevent nuisance conditions within the Easement area. This Storm Water Drainage, Access and Maintenance Easement shall be exclusive except for: (1) such other easements as may be given to the utility communication companies with respect to the storm water easements along the rear property line and (2) such use, planting, care and maintenance responsibilities of the Easement area as mentioned in this paragraph which is required by the Owner of the property on which such easement is located and as will not interfere with the improvements, uses and purposes of the Easement. In the event of any conflict between the rights of the Village pursuant to this Easement and the rights of other persons or entities with respect to the area of such Easement or any part thereof, the Village's rights under this Easement shall be deemed to be superior. Unless the Village exercises the rights granted to it hereunder with respect to this Easement, the Village shall have no obligation to do anything pursuant to its rights under this Easement. Any such storm water drainage construction or maintenance activities performed within this Easement by the Village shall be assessed to and payable by the Owner as a special charge pursuant to Section 66.0627 of the Wisconsin Statutes.

The Owner shall provide to the Village an as-built grading survey prepared by a Wisconsin Registered Land Surveyor to verify that the Storm Water Drainage Area, Access and Maintenance Easement was built per the Village approved Grading and Drainage Plans dated September 4, 2015 on file with the Village Engineering Department. The Village will inspect the storm water drainage improvements made or constructed within its Easement upon its completion to insure that the storm water drainage improvements were constructed in accordance with the approved Grading and Drainage Plans and the Village standards and conditions. The Village reserves the right to refuse the acceptance of any improvements that have not been constructed pursuant to the approved Plans or to the Village's satisfaction and standards.

The Owner shall indemnify, defend, and hold harmless the Village of Pleasant Prairie, its employees and consultants from and against any and all claims, actions, damages, liability, demands, costs and expenses, including reasonable attorney's fees, that arises from or are in connection with the Village's review or inspection of the Storm Water Drainage area and related drainage improvements on the referenced property.

The real estate affected by the grant of this permanent easement and right-of-way is located in the Village of Pleasant Prairie, County of Kenosha, and State of Wisconsin as shown below:

Legal Description for Storm Water, Access and Maintenance Easement:

Part of Lot 2 of CSM 1981 located in a part of the SE1/4 of Section 5, T1N, R22E, Village of Pleasant Prairie, Kenosha County, Wisconsin described as follows: Commencing at the Southeast (SE) corner of Lot 2 CSM 1981 said point being the Place of Beginning; thence S89°46'36"W 185.75 feet; thence N02°14'14"W 67.00 feet; thence N89°46'36"E 120.00 feet; thence N67°25'52"E 70.20 feet to a point on the East line of said Lot 2 CSM 1981; thence S02°11'35"E 93.70 feet to the Place of Beginning. See illustration attached as **Exhibit 1**.

Party of the second part (the Village) and its successors and assigns shall forever HAVE AND TO HOLD said Easement and right-of-way. Party of the first part (the Owner), for himself and for his heirs, executors, administrators, successors and assigns, does hereby covenant with the party of the second part, its successors and assigns forever, that he lawfully seized and possessed of the real estate above described, and that he has a good and lawful right to convey it or any part thereof, and this it is free from all encumbrances.

IN WITNESS WHEREOF, the party of the first part has hereunto set forth his hands below on this _____ day of _____, 2015.

Notarized Signatures Appear on the Next Pages

OWNER

Printed Name: David Aul

ACKNOWLEDGMENT

STATE OF WISCONSIN)

SS

KENOSHA COUNTY)

Personally came before me this ____ day of _____, 2015 in _____, ____ the above named person who executed the foregoing instrument and acknowledge the same.

Print Name: _____

Notary Public: _____

Expiration date: _____

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink
Village President

Jane M. Romanowski
Village Clerk

ACKNOWLEDGMENT

STATE OF WISCONSIN)

SS

KENOSHA COUNTY)

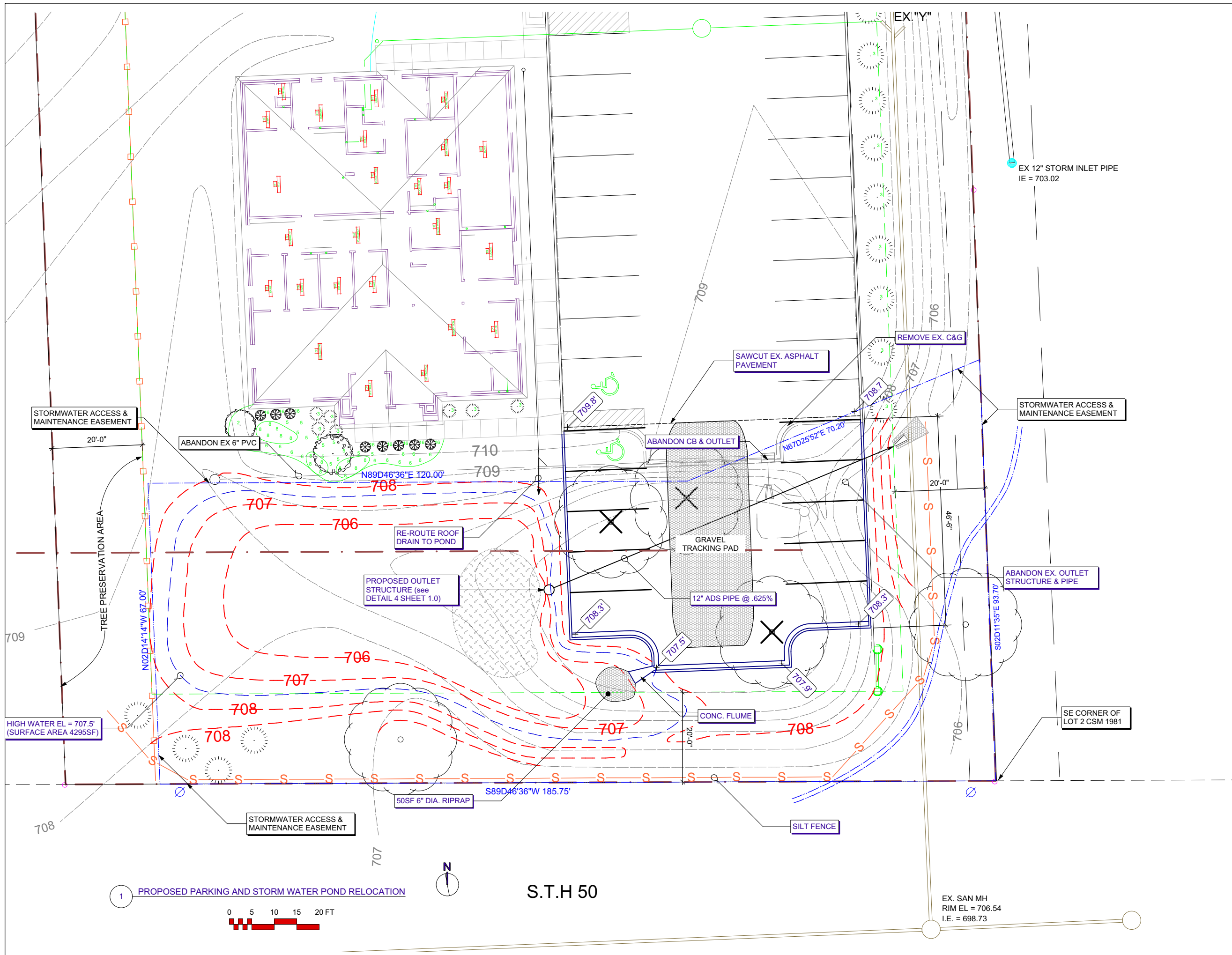
Personally came before me this _____ day of _____, 2015, in Pleasant Prairie, WI the above named persons, John P. Steinbrink, Village President and Jane M. Romanowski, Village Clerk, who executed the foregoing instrument and acknowledge the same.

Print Name: _____
Notary Public, _____
Expiration date: _____

This document was drafted by:
Jean Werbie-Harris, Community Development Director
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, Wisconsin 53158

EXHIBIT 1

PROPOSED PARKING AND STORM WATER POND RELOCATION



No.	Date	Appr	Revision Notes

No.	Date	Issue Notes

2014 GARY P. WELSH, PE., THIS DESIGN AND DRAWING IS THE EXCLUSIVE PROPERTY OF GARY P. WELSH, PE. ANY USE OR REPRODUCTION WITHOUT THE EXPRESSED WRITTEN CONSENT OF GARY P. WELSH, PE. IS STRICTLY PROHIBITED AND SUBJECT TO LEGAL ACTION. DO NOT SCALE THIS DRAWING - FOR DIMENSIONAL INFORMATION NOT SHOWN - CONTACT THE OFFICE OF GARY P. WELSH, PE.

Project Title: **CARE ANIMAL HOSPITAL**
8989 74TH Street
Kenosha, WI 53142

Drawing Title: **PROPOSED PARKING LOT**

Project Manager	GPW	Project ID	Parking Lot
Drawn By	GPW	Scale	2.0
Reviewed By	GPW	Drawing No.	of
Date	09/04/2015		
CAD File Name	Filename		

1 PROPOSED PARKING AND STORM WATER POND RELOCATION



S.T.H 50

EX. SAN MH
RIM EL = 706.54
I.E. = 698.73