

**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

May 6, 2019

6:00 p.m.

A regular meeting of the Pleasant Prairie Village Board was held on May 6, 2019. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Mike Pollocoff, Dave Klimisch and Mike Serpe. Kris Keckler was excused. Also present were Nathan Thiel, Village Administrator, Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Dave Smetana, Chief of Police; Craig Roepke, Chief of Fire & Rescue; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, Human Resources Director; Sandro Perez, Inspection Superintendent; Craig Anderson, Recreation Director and Jane C. Snell, Village Clerk. Two citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ELECT PRESIDENT PRO-TEM**

Mike Pollocoff:

I nominate Mike Serpe to be President Pro-Tem.

Dave Klimisch:

Second.

John Steinbrink:

We have a motion and a second. Seeing no other motions, do we do a roll call vote on that? Just a voice vote. All those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries. Congratulations. You've done an outstanding job.

Michael Serpe:

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If you'd miss a couple meetings you'd give me a chance to take over I'd see what I can do.

John Steinbrink:

I'll work on it.

**POLLOCOFF MOVES TO NOMINATES MIKE SERPE AS PRESIDENT PRO-TEM;
SECONDED BY KLIMISCH; MOTION CARRIED 4-0.**

5. MINUTES OF MEETINGS - APRIL 15, 2019

Dave Klimisch:

Move approval.

Michael Serpe:

Second.

John Steinbrink:

Motion and a second. Any additions or corrections? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**KLIMISCH MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD
REGULAR MEETING OF APRIL 15, 2019; SECONDED BY SERPE; MOTION CARRIED 4-0.**

6. CITIZEN COMMENTS

John Steinbrink:

Please be advised per State Statute Section 19.84(2), information will be received from the public on items not on the agenda; however, no discussion is allowed and no action will be taken under citizen comments.

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Jane Snell:

Mr. President, we do have one signup this evening, it's Brian Massie, and you will have five minutes.

Brian Massie:

Hello, I'm Brian Massie.

John Steinbrink:

Just give us your address for the record also, Brian.

Brian Massie:

6930 39th Avenue, Kenosha.

John Steinbrink:

Thank you.

Brian Massie:

I purchased some vacant property at the end of 82nd Street, west end. A lot of lowland. Did a wetland delineation on the property. There are some high spots that are buildable. I was looking to build a single family residence on the property. And I'm being told I need to put in a cul-de-sac at the end of 82nd Street which has no impact on my property, doesn't have any advantages for my property. I'm not developing the property, just putting up one single family home. The cul-de-sac if put where the Village is proposed to go isn't even on my property, it's on my neighbor's property. Again, it doesn't have any -- the only advantage it has would be for the Village for snowplows and garbage trucks to turn around which from my understanding from the neighbor that the Village has been trying to do this for many years trying to get the cul-de-sac put in for that purpose. So I'm asking if the cul-de-sac can be put in by the Village or at least me not having to pay for the cul-de-sac.

Michael Serpe:

We're not able to get in -- we can't get into a dialogue on this, not at this meeting.

Brian Massie:

Okay. If it is decided that I still have to do it I'm asking if the Village would at least cover half the cost, split the cost with me. And if the cost on my portion could be put towards like a special assessment on taxes instead of up front cost. that's all I have.

John Steinbrink:

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All right, thank you. I notice the next item is, of course, correspondence you must have sent forward. Is there anyone else speaking under citizen comments? Hearing none I'll close citizen comments and move onto Item A, the Brian Massie Correspondence.

A. Brian Massie Correspondence.

Mike Pollocoff:

Mr. President, I'd ask that staff prepare a report for us delineating the project and the cost and address the other questions brought up by Mr. Massie concerning special assessment on the project. We could get that back and look at it and maybe -- so we'd all see it before the next meeting or two meetings from now I guess, give you a month to get it done.

Nathan Thiel:

Yeah, we can prepare a report. I will say that as we've reviewed this we've spent several hours on this issue with Brian and have explained from a staffing standpoint the precedence of the Village and the past practices and things of that nature. And the point is that it wouldn't come with a favorable recommendation from staff at this point. And so the question really at hand is a lot of this work that we're preparing reports and things of that nature would be completely at our cost. And we haven't encouraged Brian to go through the whole permitting process only for us to give an unfavorable review or an unfavorable recommendation. So if it's the will of the Village Board for us to prepare a report we can, and we can give a little bit more detail or at least flesh out both sides. But when Brian asked to address -- he had sent a correspondence to the Village Board, and none of the Village Board had come to me and asked for it to be brought before the Board, I said that really his only option would be for public comment unless he wanted to go through the process of actually submitting for permits and opening up that process.

Mike Pollocoff:

Okay, I guess if he's requesting the Board to take some kind of action, if we could see what you've done to date I'm not asking you to recreate the wheel. But I myself understand that I think I'm familiar with the area somewhat and the property that the Village -- we'd be donating land already as part of the deal, so the Village taxpayers would be putting some capital into the project.

Nathan Thiel:

Correct.

Mike Pollocoff:

So then it's just a matter of how much he's going to put in. My first inclination is it's kind of difficult to see someone at the end of that road and then where are we going to push the snow to. Right now you can dump it off at the end of the road and now that won't be possible anymore, so

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we'll have to have some way to move it around. So you've probably gone through this stuff. But I guess if you can just give us the documentation then we can take action on it at the next meeting.

Nathan Thiel:

We can prepare an outline.

Mike Pollocoff:

Okay.

John Steinbrink:

Was that a motion, Mike?

Mike Pollocoff:

Yes.

John Steinbrink:

Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

7. ADMINISTRATOR'S REPORT

Nathan Thiel:

I have nothing to report at this time.

John Steinbrink:

You went to the county.

Nathan Thiel:

Well, if you want me to discuss, we had the opportunity to participate in the Council for Governments this last Saturday, both myself, Dave Klimisch and also President John Steinbrink

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attended. As we were there we discussed a variety of issues. One that is most pertinent is the We Energies Power Plant and trying to address that issue with the eventual decommissioning and then five year step down of utility aids that we receive from the state. Currently there is discussion and motion for an adjustment to the budget to allow for that step down to be extended to a ten year in this budget cycle. So we're hopeful that State Legislators will be on board with that proposal. We're also working on some additional legislation that will allow us to recoup or to make exceptions to the levy limit that would allow us to make an adjustment to recoup those monies that would be taken off the utility aid payment, but that will most likely come at a later date. So that was a positive.

We discussed the dark store issue. Right now that is not on the legislative agenda or in the budget, and so that's somewhat -- well, not somewhat, that's a very disappointing thing. And then we also discussed the water agreement that we're going to be presenting with Bristol and also Highway 50, there was some discussion regarding Highway 50. So all in all it was a good event. I don't if Dave or John you would have anything to add.

John Steinbrink:

Just on that same line ATC is doing work in the Village, they're adding lines and upgrading lines. We benefit from that. Usually there's a return on that.

Nathan Thiel:

Correct. There will be an increase in utility aids with that regard. As substations and additional lines come through the Village there is an increase in what we see.

Dave Klimisch:

It's always nice talking to the other municipalities. There's growth everywhere in the county, and there's also a certain amount of limitations being put on by how Madison is creating the rules for the growth. So it was very constructive to be able to have the local municipalities talk to the state representation about what it is that we see that we need. We didn't have to spend time with back and forth on emails and phone call messages. Everybody was in the room, and as far as I could tell all the municipalities were on the same pages to some of the needs that we have for Madison. We'll see how that happens.

Mike Pollocoff:

Was there any commentary from the local legislators on the dark store?

Dave Klimisch:

There was lots of questions. And I think the local municipalities were in agreement that we were all in support of the dark store legislation that was pending in the budget. When we asked the state delegation what the plans were for getting that passed there was silence in the answer. I don't know if that's going to pass or not.

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Nathan Thiel:

What was discussed was basically just our continued effort to contact our State Legislators, let them know our opinions and make sure that our voice is heard. I think in general there's favorability for the legislation as a whole. There's just some leadership issues that have decided that they don't want to tackle this issue, particularly the speaker. So that's kind of where it lays. The real concern is that there's going to be -- over time there's going to be this malaise or people getting tired of this issue and tired of hearing about it which is unfortunate.

Dave Klimisch:

There was another concern. People at the state keep presenting the idea to put in tolls on our Wisconsin roadways. And from talking to people it sounds like the locations being mentioned would be -- a big percentage would be in Kenosha County between the Illinois border and Milwaukee which would be, of course, impacting those of us that live here. The rest of the state likely would not get the toll system that we would get. It would probably start here. People living in Pleasant Prairie and the Kenosha County area would see the negative effects of a toll to pay in, and the rest of the state would benefit.

Nathan Thiel:

We did discuss an alternative location being near like north of Dane County, but we'll see how that goes.

John Steinbrink:

All right, thank you, Nathan.

8. NEW BUSINESS

A. Consider approval of Amended and Restarted Water and Sanitary Sewer Service Agreement between the Village of Pleasant Prairie and the Village of Bristol.

Nathan Thiel:

So just to provide some historical context, the framework for this agreement first started in 1997 when there was a cooperative boundaries agreement established which established the provision for sanitary services to the Bristol Utility District 5. Then in 2017 the Village of Pleasant Prairie purchased the Abbott property including 68 acres in the Village of Bristol. In 2018 in October the Village of Pleasant Prairie entered into a PSA with HSA for the purchase of that property. But conditional on that purchase was getting utilities to that site. And so the Village was actually already in discussions with the Village of Bristol to provide water at a wholesale level to their Bristol Corporate Park. And so in 2018 November we actually entered into a water agreement which established the provision of wholesale water to the Bristol Utility District Number 5.

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Then in 2019 earlier this year we began having conversations with PSC. The PSC basically raised the issue of if you're providing it wholesale you've got one additional administrator and their fees, the overhead costs. You also have a metering station, you have the potential for another water tower. You also have the call for a booster pump station. And with these additional costs the PSC basically asked is this the best for the consumer in Bristol, and inquired whether or not there would be willingness for a retail provision from the Village of Pleasant Prairie.

And so in that we basically for the past few months have been working with Bristol, their attorneys and our attorneys, to make an upgrade to the agreement which would basically permit us to provide sewer services and water services to the Bristol Utility District Number 5 at a real level. And then one other update with regard to the historical context is that the Village of Bristol did finalize the zoning and land use of that 68 acres so that it would be developable with a potential purchaser.

So I've kind of highlighted already the benefits of the retail. Most of these are outlined by the PSC. But one benefit to the Village of Pleasant Prairie which is somewhat significant is just that it affords the Village of Pleasant Prairie control of the system and simplifies the relationship between municipalities and thus mitigating the potential for future conflict. It does eliminate -- one of the objectives that we had was to eliminate the extra infrastructure. On the next slide you'll see that we can achieve pressures that we feel comfortable with. And in talking with Bristol's developers they're also comfortable. These are kind of the minimum pressures that would be provided. Clearly it's a model so give or take. But we're anticipating that those pressures will be slightly larger.

One of the things that the reason why it improved the pressure is that it created a looped system. So originally when we were just providing the retail we were going to run the water main kind of in the center of the Prairie Highlands Corporate Park near the outlot and feed into the middle of the BUD 5 area. In this case we would basically be extending a line or a main from the water tower to the west and then looping it to the south and then running it all along County Highway Q would be the requirement. So it would create a looped system. So that improved the pressures. And that's primarily the reason why the booster pump was no longer necessary.

We did cap in the agreement our responsibilities as far as if they're not satisfied with the pressures that we're committing to that they're not going to require us to put in additional infrastructure. Bristol at any time could make an improvement to their capital. But, again, it's at no cost to the Village. So all the capital improvements would be either on Bristol or their developer. And we also made it conditional that kind of some of the fringe areas where there might be some questions in pressure those areas either they would have to address with a booster on site or, again, they would look into capital improvements but wouldn't necessarily cause us at the provider to increase the system. So with that before you is an agreement to approve an Amended and Restarted Water and Sanitary Sewer Service Agreement between the Village of Pleasant Prairie and the Village of Bristol. And if there are any questions I can answer them at this time.

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Michael Serpe:

There's no call for a water tower is there in Bristol?

Nathan Thiel:

Correct. So our water tower will provide the sufficient fire pressures. Originally the thought process was if it were a wholesale system we didn't want them to be dependent upon our water tower. And so we originally had agreed to provide a certain amount of water storage for fire protection for like three hours. And we knew that we could provide that for a few uses. But as they developed or as they grew they would be required to -- they would want to have more storage. And so in order to provide that they would also have to build an additional tower so that they weren't dependent upon us, and that was kind of a part of that original agreement. However, after our review we made it still conditional that this is the amount of storage we're providing, you shouldn't expect or anticipate additional storage, and they felt comfortable with that. If there are further questions, Matt, I don't know if you have anything else to add on that point but I think I covered it.

Mike Pollocoff:

Nathan, I might have missed this in here, but we're still going to limit that area to the same amount of sanitary sewer flow.

Nathan Thiel:

Correct.

Mike Pollocoff:

So included in the developer work will be a metering station to meter that area?

Nathan Thiel:

So I believe, John, they're metering at the actual -- because it's a part of our system they would be metering at the actual buildings themselves? Or is there going to be another meter?

John Steinbrink, Jr.:

We could do it either way. The plan originally was to have one metering at the property line. And so the sanitary sewer is obviously a different system than the water. So I believe we're still going to keep the one master meter just for the sanitary. And then we'll collect any infiltration or anything like that they may have of their lines, and we're not paying to treat that through the City of Kenosha.

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Mike Pollocoff:

I agree that would be the best way to do it. I didn't see that in the agreement, but I could have missed that.

Matt Fineour:

Now the way it's set up is when the sanitary sewer goes into Bristol it's kind of going to be set up much like our users. Each one is going to have a sampling manhole and so forth and monitor the waste characteristics. As far as the flow we are going to go off of basically water meter. Since it's only a 500 acre area we are going off the water meters for each one of those facilities plus any deduct meters to get a feel for that sanitary sewer flow. So if they were going much over it then we can kind of meter that that way versus one master meter and having to do it that way. Because the master meter goes through a series of flows from basically zero to 2CFS which is our max. So we thought we could regulate that more [inaudible] their water meters for each building.

Mike Pollocoff:

Okay. Have you guys calculated what the allowable I and I would be on this system?

Matt Fineour:

The allowable what?

Mike Pollocoff:

There's going to be I and I on this system no matter what. Do you guys have a feel for what that number is?

Matt Fineour:

The I and I is usually placed in there based off of -- it's already calculated in the amount of sewer that we're kind of calculating to come into our system. So, yeah, that's --

Mike Pollocoff:

Okay. As long as we've got the language in here that allows us to connect each site and then bury that up to the allowable so we have a total picture.

Matt Fineour:

We have that, plus at any point in time that the Village decides that we need a master meter we can install it at any time at Bristol's cost so that option's always in there.

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Mike Pollocoff:

Okay, right, that's good.

Nathan Thiel:

So one thing to be understood clearly is that the actual operations that's going to be accommodated in the rate. So the next step is going to be taking this agreement to the PSC. This agreement is still conditional on two items. One is that PSC approves it and, two, that Bristol completes a developer's agreement with an entity on the 68 acres. So we're not tying them specifically to the HSA agreement, but that it wouldn't come into effect until they have a developer's agreement with an entity.

Michael Serpe:

I'd move approval of the Water and Sewer Agreement between Pleasant Prairie and Village of Bristol contingent upon approval by the Public Service Commission.

Nathan Thiel:

Really that's already written into the agreement so you don't even need to have that contingency.

Michael Serpe:

I move approval of the agreement.

Dave Klimisch:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE THE AMENDED AND RESTARTED WATER AND SANITARY SEWER SERVICE AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND THE VILLAGE OF BRISTOL; SECONDED BY KLIMISCH; MOTION CARRIED 4-0.

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B. Consider approval of Ordinance #19-08 to amend Municipal Code §234-14 and §234-15 related to notices and abatement related to nuisances.

Jean Werbie-Harris:

Mr. President and members of the Board, Ordinance 19-08 is an ordinance to amend the Municipal Court as it relates to the abatement related to nuisances as defined by Chapter 234. There were some provisions as we started to read through the ordinance that were not clear. And it also was very limited with respect to providing notice to the individual property.

As you know, we have a full-time code enforcement officer that has been working through the Village and has been doing a really good job at following up and identifying these and responding to all the complaints that are being filed. But he identified that one of the concerns we have is that sometimes it's not the occupant alone that is responsible, sometimes it's the property owner and not the occupant. Sometimes we need to know and let know the property owner and the occupant whenever there's a problem because someone doesn't live in the areas. So that's one of the modifications that we're making to the ordinance.

Another is to define some different methods for service. Again, it used to be that all service had to be by personal service, and whether it was the CD staff or the police department serving these notices they try multiple, multiple times to serve the individual on the property. And now after so many attempts have been made that regular U.S. mail can be used now to get the notification to the property owner or the occupant.

And then we just looked at a couple of other modifications to the ordinance to make it clear that whether or not it's the police department or the CD director, it would be our desk, me, that could be responsible for following through and getting compliance on the property with respect to the outstanding violations. And then we also made a modification, it looks like it hadn't been updated in a while in the total cost for any citation \$691 which includes court costs.

So we made just minor changes. We thought we were able to make a couple of other changes, but we talked to the Village Attorney and these are the ones at least initially that will provide a little bit smoother process in getting the notifications out.

Mike Pollocoff:

Move approval of Ordinance #234-14 and -15.

John Steinbrink:

19-08.

Mike Pollocoff:

Section. Okay, 19-08.

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Michael Serpe:

Second to Mike's motion.

Dave Klimisch:

One small change, Jean, in 2-A-2, in yellow it says or his designee. The Chief is doing a great job but at some point it might be a her. Can we make a gender neutral language?

Jean Werbie-Harris:

Sure we will do that.

John Steinbrink:

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

Nathan Thiel:

Just one point of clarification. On this last request, Dave, not that it's a big deal, I don't want to make it a big deal, but I know that in going through a recodification process previously that the legal team basically they made it so that his-hers they reversed them all back to his anyway because it was just to simplify things. So I'm just pre-warning you that I have no problem with changing it to his-her, just that in the future because I know that we're going through the recodification process there might be a revision. But, again, one attorney says one thing, another attorney says another. So I just wanted to throw that out there.

Dave Klimisch:

I agree his-her is cumbersome, we could just take out both and say or designee.

Jean Werbie-Harris:

I'm going to change it to their designee, T-H-E-I-R, so then it could reflect either.

John Steinbrink:

Any other discussion? Those in favor?

Voices:

Aye.

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John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOVED TO APPROVE ORDINANCE #19-08 TO AMEND MUNICIPAL CODE §234-14 AND §234-15 RELATED TO NOTICES AND ABATEMENT RELATED TO NUISANCES; SECONDED BY SERPE; MOTION CARRIED 4-0.

C. Consider Approval of Resolution #19-12 to initiate the name change of 120th Avenue (the West Frontage Road) in the Village to 122nd Avenue.

Jean Werbie-Harris:

Mr. President and members of the Board, this is Resolution 19-12. And this is a resolution to initiate the change of the official street name and as well as notifying several property owners in the Village of Pleasant Prairie for a street name change. The reconstruction of the interstate and the frontage roads several years ago, and all the activity that's happening in Pleasant Prairie, has us somewhat perplexed on how to issue addresses along the interstate. On both sides of the interstate in the Village of Pleasant Prairie it's 120th Avenue. So we have 120th Avenue, interstate, 120th Avenue. And we have properties that exist on both sides of 120th Avenue on the east side and both sides of 120th Avenue on the west side.

So before it becomes a problem what we wanted to do, and there aren't any properties that are addressed off of it right now anymore, so the best thing that we thought is if we could modify the street name. We contacted the DOT, and they felt that they had no objection or concern about us doing that. So this is a resolution to initiate that street name change for the west side of the interstate of 120th Avenue and modify that to 122nd.

So the purpose of this resolution is not to make any decisions by the Village Board tonight, but is just to initiate and petition to change the official street name within the Village. And the change is then referred to the Village staff for further review and recommendation. And a public hearing will be set in order to evaluate and to discuss the official changing of that street from 120th Avenue to 122nd Avenue west of the interstate.

Michael Serpe:

Move approval of Resolution 19-12.

Mike Pollocoff:

Second.

John Steinbrink:

We have a motion and a second. Jean, when you look at the new Uline office building farther south what were they using as their address?

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Jean Werbie-Harris:

So there was considerable discussion on that. So Uline had requested that there be an east/west road off of the frontage road. And, in fact, there is. I think it's Uline Place. And so they are actually addressed off of Uline Place, and there's an area of dedicated right of way on the west side that is Village of Pleasant Prairie right of way. And so their address is off of a very small segment of right of way so their address is not 120th Avenue.

John Steinbrink:

So it's not affected by this.

Jean Werbie-Harris:

No.

John Steinbrink:

We have a motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE RESOLUTION #19-12 TO INITIATE THE NAME CHANGE OF 120TH AVENUE (THE WEST FRONTAGE ROAD) IN THE VILLAGE TO 122ND AVENUE; SECONDED BY POLLOCOFF; MOTION CARRIED 4-0.

D. Consider approval of Resolution #19-15 to initiate the discontinuance of a portion of 128th Avenue north of 104th Street in Prairie Highlands Corporate Park.

Jean Werbie-Harris:

Mr. President, Resolution 19-5 is a resolution relating to the discontinuance of a portion of 128th Avenue. This is in the Prairie Highlands Corporate Park. The Village Board of Trustees, again, has the right to initiate a discontinuance in whole or a part of any street, road or slipper alley by the introduction of a resolution declaring that the public interest requires it. The Village of Pleasant Prairie is, in fact, the owner of the adjacent land that is being requested to be discontinued. It's a portion of 120th Avenue right of way which is north of 104th Street.

It's right of way that was never constructed because we're just in the process of constructing the road today, and there are two things. There's a shared use path that is being eliminated in that

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section. So as a result we don't need that right of way. And then the second piece is that there was some right of way that was dedicated immediately west of Gold Bear Drive west of 128th Avenue. And that area is not being extended as public road. So as a result neither of these pieces of right of way are needed. And so we, again, are initiating a discontinuance. They were dedicated initially by CSM, but we're now requesting that they be removed or discontinued, and then the land go back to the adjacent properties.

Again, the Village Board is not making any determinations this evening regarding this discontinuance. And we are at this point setting a public hearing not less than 40 days after the passage of this resolution to discuss this. It will first go to the Plan Commission for their recommendation. And it's anticipated to go to the Village Board at their meeting on July 1, 2019.

Dave Klimisch:

Move approval of 19-15.

Michael Serpe:

Second.

John Steinbrink:

We have a motion and a second. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

KLIMISCH MOVED TO APPROVE RESOLUTION #19-15 TO INITIATE THE DISCONTINUANCE OF A PORTION OF 128TH AVENUE NORTH OF 104TH STREET IN PRAIRIE HIGHLANDS CORPORATE PARK; SECONDED BY SERPE; MOTION CARRIED 4-0.

E. Consider and approve agent change for MOD Super-Fast Pizza.

Jane Snell:

MOD Super-Fast Pizza has submitted a request to change their agent. Their current agent is no longer employed at that establishment. They're request that Benjamin Henneberry be appointed as a successor agent. They do hold a Class B Fermented Malt Beverage and a Class C Wine License. Chief Smetana has conducted a background check and has approved it. And I am recommending of Benjamin J. Henneberry as successor agent for MOD Super-Fast Pizza.

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Mike Pollocoff:

I move approval of license for Benjamin Henneberry at MOD Super-Fast Pizza.

Dave Klimisch:

Second.

John Steinbrink:

Motion and a second. Any discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOVED TO APPROVE AGENT CHANGE TO BENJAMIN HENNEBERRY FOR MOD SUPER-FAST PIZZA; SECONDED BY KLIMISCH; MOTION CARRIED 4-0.

F. Consider and approve agent change for Cheddar's Scratch Kitchen.

Jane Snell:

Cheddar's Scratch Kitchen has submitted a request to change their agent as well. Their previous agent is no longer an employee of their establishment. They are requesting that Brian J. Schwanz be appointed as successor agent. They currently hold a Class B Fermented Malt Beverage and a Class B Intoxicating Liquor License. Chief Smetana has completed the background check and approved his background. And I am recommending approval of Brian J. Schwanz as successor agent for the Cheddar's.

Dave Klimisch:

I move approval of the agent change for Cheddar's Scratch Kitchen to be Brian J. Schwanz.

Michael Serpe:

Second.

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John Steinbrink:

Motion and a second. Any discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

KLIMISH MOVED TO APPROVE AGENT CHANGE TO BRIAN J. SCHWANZ FOR CHEDDAR'S SCRATCH KITCHEN; SECONDED BY SERPE; MOTION CARRIED 4-0.

G. Consider Resolution 19-13 proclaiming the month of May 2019 as Building Safety Month.

Nathan Thiel:

Sandro, are you handling this one? I guess we're going to show a video first, right?

Sandro Perez:

Right.

[Video Shown]

Sandro Perez:

Hello, everyone, President and Board members. I just wanted to take out a quick minute to just again, as the video said, acknowledge May as Building Safety Month. And I've been with the municipality for about seven and a half years. And I've only asked for a proclamation once before, and never to this detail. But I just wanted to take out a minute to just highlight what we do, my team and the efforts we put and the dedication we have to the municipality, to our business owners, our residents, our designers, our engineers and everyone for that matter whether externally, internally or whether we're working with fire, police, zoning, DPW, engineering.

We play a role in this municipality, and we play a big role in the safety of all the buildings whether they're residential, commercial, industrial. It takes a lot of time and dedication. I was just looking actually today, I have 20 code books in my phone. I have hundreds of hours of continuing education and my team. So I just, again, wanted to take out this quick opportunity to give them some recognition, give our department some recognition for the stuff we do kind of behind the scenes to be a part of this municipality and make it the great municipality it is.

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We have Grace here, she's been with us for a year. Obviously she's our secretary, and she as you can see there on the slide enters and issues our permits every day. She hand's the counter. She schedules our inspections. She issues various reports to the state. And then also provides support for the team.

Michael is my residential inspector. He's been here for four years. He's been in that residential industry for many, many years. And he does, again, all our residential inspections, single family, two family, remodels, additions. And actually he was off just last week Wednesday, Thursday, Friday and I subbed for him. Even though I'm primarily commercial I am licensed on all the disciplines. And it's amazing how much work he actually gets done in a day. Michael, I have a report here, last year Michael performed just shy 2,700 inspections, one guy. That's a lot of inspections. Yes, these residential inspections are a little bit quicker than our commercial inspections, but that's a lot of inspections for one guy. In addition to the inspections he does plan reviews for new single family homes. He reviews the deck structures. And he issues permits along with helping clients whether it's over the phone or at the counter.

Don's been with us for five years. He does all my commercial inspections as far as commercial building, commercial plumbing and commercial HVAC. And it doesn't say there but also ADA compliance as well of our commercial buildings. Remodels and additions. Again, Don he also does plan reviews, issues permits and helps out with the clients whether it's over the phone or at the counter. So Don performed last year just shy of 1,500 inspections.

Greg just started with us. He's been with us, he's been here just a little under six months. He actually took my place. I used to do all the commercial electrical inspections for the municipality, and obviously manages the department, but it's just been too busy. As you can see we're pretty busy out there. So I brought Greg in. He was an electrical contractor for many years. He's been in the trades many years, and he does perform all the commercial electrical inspections. And that includes low voltage, so anything from a 12 volt system to a literally 100,000 volt system. You name it, he does it, hazardous locations, hospitals, as simple and complicated as they are out there. So it's nice to have him on the team, and it gives me more time to do my administrative work in the office.

I think you guys know who that is, that's me there. Been like I said seven years. Electrician by trade. Been in the trades for almost 25 years. Worked with my hands all my life whether it was helping my dad rebuilt a transmission or what. But it's just that some people have that knack and like working with their hands and understand how things get put together. And I think that was my niche. So I'm glad for the opportunity I have here in Pleasant Prairie. Thank you guys for offering that to me. Again, I just wanted to take some time to recognize my division and that's it. So, again, a total of 4,700 inspections we did in 2018. I'm guessing we're going to be closer to 5,000 this year. Again, hundreds of hours of continuing education. And we really strive to service excellence for the municipality.

Michael Serpe:

Sandro, I don't know that people realize just how much of the importance that your department does initially that could save the property owners and the Village a lot of money ultimately and a

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lot of problems ultimately. Especially with fire having to respond to something that was done wrong, you guys catching that early is --

Sandro Perez:

If we stop and think about it for just even a quick minute here, we expect our buildings, whether it's residential or commercial, to last a very long time. You think of electrical systems that are 50, 60, 70, 100 years old, you think of buildings structurally that have been around for 50, 60, 70, 100 years old, and mechanical systems that we expect to work efficiently and effectively with no problems. Most importantly we stop and look at a lot of our big commercial buildings, and you mentioned fire and police and things to that nature. There's stuff behind the scenes that help them do their jobs, whether they're smoke partitions, fire walls, again, different things with structural safety systems as far as smoke control or shutting equipment down via a fire alarm system, notification systems, you name it, it's out there.

These commercial buildings get more and more and more complicated by the day. And it's our job to work with the designers, with the contractors to make sure that they are at the bare minimum code compliant. We always have to remember that, and I try to remind if we do get a difficult design or a client that our code is the bare minimum. The code is one step above the legal. So at the bare minimum it's my team and my responsibility to make sure these contractors and builders work at least within the guidelines of the code. And we're lucky enough in Southeast Wisconsin and in Pleasant Prairie that we have great quality contractors, designers that at least meet that. More times than not they're exceeding those expectations. So it's nice to work with professions like that day in and day out that truly want to deliver a quality product. It makes our life easier. And also they understand that we're an extension of their team and we're here to work with them to get this project done. We're another team member in the process. So, again, thank you very much for your time. Just wanted to give our team some recognition. It's been seven years.

Michael Serpe:

Thank you.

Nathan Thiel:

One thing if I can just add. I know that we went through the team, Sandro's team, but I appreciate the fact that we can have a significant level of confidence in Sandro's team. And every once in a while it's nice to review. As we get larger sometimes we don't remember or we haven't even met some of the individuals that are now employed in the Village. So, again, I just want to also give kudos to Sandro and his team.

Mike Pollocoff:

Sandro and the guy before him really brought up the standards for inspections and the safety of the building. I remember when I first started here if I wanted to find an inspector I had to start checking coffee shops to see where I could track them down. That's a long time ago. The

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professionalism of the department and the public safety is something you really can't think about enough. If anybody was around awake at 9:30 on a Friday night, I think it was Friday night, I found out how expensive my windows are because they were rattling pretty good when it happened. And if you have a good group of people watching that as it's going up or making sure that things are running right between Sandro hitting it first or if there are any changes from the fire department twice a year, it saves lives. It does the essential thing that you want it to do. Things like that don't happen in buildings that are looked at all the time. So good job by his department, and it's nice seeing the staff identified. I'd make a motion to heartily approve Resolution 19-13.

Michael Serpe:

Second.

John Steinbrink:

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

Dave Klimisch:

To my quick math in my head that works out to at least 17 inspections per day. In my dealings with the inspections team and people I talk to they're pleasant, they are consistent. And everybody I've talked to that's had workings with the team they know that they are being treated fairly, and everybody who is working with the team is being treated fairly, and that's the ultimate standard along with the safety. So it's hard to pull off 17 inspections a day plus the paperwork plus the training plus being pleasant plus being consistent. So kudos to you and the team.

John Steinbrink:

And everybody in the trades wants you now because they're ready to pour a footing that needs to be inspected to finish a wall, to do this, that. I'm not sure how you guys fit it all in, but you're doing a great job. With that we have a motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOVED TO APPROVE RESOLUTION #19-13 PROCLAIMING THE MONTH OF MAY 2019 AS BUILDING SAFETY MONTH; SECONDED BY SERPE; MOTION CARRIED 4-0.

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H. Consider Resolution #19-14 designating the week of May 19 - 25, 2019 as national Public Works Week.

John Steinbrink, Jr.:

Mr. President and members of the Board, I do bring before you Resolution 19-14, Public Works Week as designated by APWA, American Public Works Association of the 19th through the 25th. The guys in public works, as do all Village employees, really work hard. They really put a lot of time in. These are the guys in the wintertime when they're forced to be on call pretty much 24/7. They really give up a lot of stuff. The worse the weather is the harder that they work. We really have a great group of guys over there. They're always alerting, they're always challenging, and they're always really providing a great service to the residents of Pleasant Prairie.

We are planning the week prior to that because of some staff scheduling some training and team building like we do every year. And the guys really appreciate that. And it's a good opportunity for them to learn some different skills that they may not have. So with that I ask acceptance of Resolution 19-14.

Michael Serpe:

I'll make a motion to approve 19-14 with just small comment. Oftentimes when change happens sometimes in other areas it takes a long time to get those resolved. We have a little change in the recycle area. It was brought to John's attention. He quickly resolved the issue. And I commend you for taking quick action and putting to bed a little bit of a glitch that we had experienced out there and it's working well now and I appreciate that. And that's the type of service that public works and really the entire Village gives the residents of Pleasant Prairie which is commendable.

John Steinbrink, Jr.:

Thank you.

Mike Pollocoff:

I'll second that. And I'd also like to say that I don't know if people realize we're not the smallest community and we're definitely not the largest, but our public works department has done everything to build bridges, potentially heavy bridges, installing 18 inch water mains, storm sewers, sanitary sewers, building roads, and on top of that collecting the solid waste and recycle and making sure the water's flowing and the sewer is going where it's supposed to go. There's a lot that happens every day, and I know it's a lot to keep track of. They're a really good department at doing that, and they're definitely worthy of recognition. So I second Resolution 19-14.

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Dave Klimisch:

In a tight labor market being able to have a job that requires as much hands on effort and to keep the staff motivated and doing very difficult work is a testament to how you lead and the type of people that we attract into the Village. So kudos to your team.

John Steinbrink:

As Mike said there isn't anything you guys can't do. I think you've done it all, and you've amazed all of us with what you can accomplish. Not only what you can accomplish but how you accomplish it, how you do it at a cost that generally saves the public money and how you do it in such a timely fashion. And having a team like that on board at the Village has definitely made life better for all the residents here. And I think that goes for all our departments, their work ethic and what they can provide to the taxpayers of the Village, especially your guys. And as you said there's no set hours for these guys. They get called out at the worst time of night during the worst weather. And we expect them to do the job and they do it. I think sometimes if it was a private contractor they'd say, well, we'll get it tomorrow, and that's not the case here. So congratulations to you guys, and you've got a week well deserved here. They should probably give you the whole month, too, but they don't. We'll give you the whole month, how's that.

John Steinbrink, Jr.:

Thank you. I'll make sure to pass all the comments onto the staff.

John Steinbrink:

We have a motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE RESOLUTION 19-14 DESIGNATING THE WEEK OF MAY 19 - 25, 2019 AS NATIONAL PUBLIC WORKS WEEK; SECONDED BY POLLOCOFF; MOTION CARRIED 4-0.

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I. Consider a disallowance of claim submitted by We Energies for a damaged unmarked gas line during excavation operations on December 6, 2018.

Tom Shircel:

Thank you, Mr. President and Board members. Before you is an insurance claim through Statewide Services, the claimant is We Energies. And some background, the Village of Pleasant Prairie public works crews at the time alleged some wrongdoings during some excavation processes. And We Energies, of course, filed this suit. Some background, the crews acknowledge doing damage to a We Energies gas line during excavation operations at the approximately 103 block of 28th Avenue. However, the Village advised Statewide that the gas line was not marked or flagged properly. Thus the Village staff had no idea the gas line was there as the excavation work was being performed. Therefore, the Village has no liability for damaging an unmarked or unflagged gas line. So with that it's recommended that the Village Board disallows the disallowance of claim submitted by We Energies alleging that the Village during excavation operations damaged a We Energies gas line at the 103 block of 128th Avenue.

Michael Serpe:

Move to disallow.

Dave Klimisch:

Second.

John Steinbrink:

Motion and a second for disallowance. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO DISSALLOW THE CLAIM SUBMITTED BY WE ENERGIES FOR A DAMAGED UNMARKED GAS LINE DURING EXCAVATION OPERATIONS ON DECEMBER 6, 2018; SECOND MY KLIMISCH; MOTION CARRIED 4-0.

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J. Consider a disallowance of claim for a Notice of Injury and Claim for Damages by John and Idala Gasser for an incident which occurred on December 18, 2018.

Tom Shircel:

Thank you, Mr. President and Board members. Again, this is actually two claims on the same incident. This occurred at the 77th Street and 99th Avenue intersection which is just north of Target by Famous Dave's. The first claim is from Idala Gasser, and she's claiming that the Village Police Department, the police officer used excessive force when arresting her during an OWI incident. And she's seeking \$2,750,000 in damages comprised of bodily injury including permanent bodily injury, emotional damages and punitive damages.

And then the second claim is the same incident on the same traffic stop. Her husband, John Gasser, alleges a loss of consortium, society and companionship with his wife, Idala Gasser, due to the injuries she received, allegedly sustained from the use of excessive force by the Pleasant Prairie Police Department during that OWI arrest. And he is seeking \$50,000 in damages for loss of society and companionship. Again, through Remzy Bitar of Municipal Law, the Village staff is recommending that the Board disallow both of these claims -- excuse me, both of these claims submitted by John and Idala Gasser for the amounts stated.

Dave Klimisch:

Move to disallow.

Michael Serpe:

Second.

John Steinbrink:

Motion and a second for disallowance. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

KLIMISCH MOVED TO DISALLOW THE CLAIM FOR A NOTICE OF INJURY AND CLAIM FOR DAMAGES BY JOHN AND IDALA GASSER FOR AN INCIDENT WHICH OCCURRED ON DECEMBER 18, 2018; SECONDED BY SERPE; MOTION CARRIED 4-0.

9. VILLAGE BOARD COMMENTS

John Steinbrink:

Just one on the dark stores. We covered it pretty well. But it's amazing all the excuses we've heard over the years. It's finally in the budget. And once again several people, those in charge of joint finance on the majority side, have the power to remove this which is basically the will of the people here to have this done. And they can have it removed from the budget and that's the end of it. It's a sad scenario on what's happening in Madison again now. The League has done an outstanding job of getting out there and educating the public, and the public needs to know that because of the work not being done in Madison it basically is going to amount to increase in their portion of property tax which they should not be paying. And everybody is expected to pay their fair shares, but with this glitch in the law these people are able to get off considerably saving a lot of money and passing that cost onto the taxpayers in more than one way, because there's a legal cost of us having to defend ourselves. And, once again, this is borne by the taxpayers. So [inaudible] Madison is going to start working, but we can all hope it will be soon.

Michael Serpe:

We've tried to educate the public on this, and obviously it may have fallen to deaf ears. The problem is the people will approach this Board when they start getting increases on their tax bill. And we can tell them that we tried to warn you but they're not going to accept that, they're going to blame us for the increases. And I made a prediction before the election last November that if nothing changes the dark store will not change as well and here we are.

Mike Pollocoff:

I think the local governments did a pretty good job to be honest with you educating the public. Because all you have to do is look at how many referendums were held where community by community voted in favor of modifying the legislation to correct this issue with dark stores. I don't think I can remember a community, municipality or county where it didn't pass. And in turn two people sitting in Madison took referendums, voice of the people who wanted this change, and they decided, no, we're not going to do that. And to me that's the real rub. Maybe there's going to be a price to be paid for that. Issues important enough to be brought out to the community, have a referendum, get feedback from the people as to what their preferences are, what they'd like, and have those referendums succeed at the levels they did everywhere, and then have somebody in Madison we see it differently that's not good government. That's not good for democracy. Every now and then there's a referendum you don't agree with. But it's a referendum, the people spoke, and you do what you've got to do. It's the will of the people. I think they're playing with fire. Sooner or later that comes back to bite you.

John Steinbrink:

Anything else under Village Board comments?

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- 10. ENTER INTO EXECUTIVE SESSION PURSUANT TO SECTION 19.85(1)(E) WIS. STATS., TO DELIBERATE OR NEGOTIATE THE PURCHASE OF PUBLIC PROPERTY, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION.**

John Steinbrink:

The Board will return to open session for the purpose of adjournment only. A roll call vote is requested.

Michael Serpe:

Move to enter into executive session.

Mike Pollocoff:

Second.

John Steinbrink:

We have a motion and a second. Roll call vote.

Jane Snell:

John Steinbrink?

John Steinbrink:

Aye.

Mike Pollocoff:

Aye.

Dave Klimisch:

Aye.

Michael Serpe:

Aye.

John Steinbrink:

Motion carries.

SERPE MOVED TO ENTER INTO EXECUTIVE SESSION; SECONDED BY POLLOCOFF; ROLL CALL VOTE: STEINBRINK – YES; POLLOCOFF – YES; KLIMISCH – YES; SERPE – YES; MOTION CARRIED 4-0.

11. ADJOURNMENT

KLIMISCH MOVED TO RETURN TO OPEN SESSION AND ADJOURN THE MEETING; SECONDED BY SERPE; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 8:11 P.M.