

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
September 6, 2016
5:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Tuesday, September 6, 2016. 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; 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, Human Resources; Brian Smith, Recreation Director; Dan Honore', IT Director; Sandro Perez, Inspection Superintendent and Vesna Savic, Deputy Village Clerk. 16 citizens attended the meeting.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **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.**

Steve Kumorkiewicz:

So moved.

Kris Keckler:

Second.

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

John Steinbrink:

The Board will return to open session at six o'clock. No other business will be conducted.

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SERPE MOVED TO RETURN TO OPEN SESSION; SECONDED BY KECKLER; ROLL CALL VOTE: STEINBRINK – AYE; KECKLER – AYE; KUMORKIEWICZ – AYE; SERPE – AYE; KLIMISCH – AYE; MOTION CARRIED 5-0.

John Steinbrink:

Good evening, the hour of 6 p.m. having arrived, the Board will return to open session.

6. MINUTES OF MEETINGS -- AUGUST 1 AND AUGUST 15, 2016.

Steve Kumorkiewicz:

Move to approve.

Michael Serpe:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE AUGUST 1 AND AUGUST 15, 2016 VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY SERPE; MOTION CARRIED 5-0.

7. CITIZEN COMMENTS

John Steinbrink:

If you wish to speak on anything on the agenda this evening this is the time unless there is a public hearing. There are no public hearings so this would be your time to speak on any items on the agenda.

Vesna Savic:

William Robinson.

William Robinson:

This is not about an agenda item. Is it okay to speak on that?

John Steinbrink:

We just need your name and address for the record.

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William Robinson:

William Robinson, 122 108th Street. I brought some pictures along, too. Is it all right if I hand them to the Commission?

John Steinbrink:

Sure.

William Robinson:

What's kind of driving this is we understand that the Parks Department has a budget that they're preparing and are interested in input from citizens about what to do with the Carol Beach area. So some of us are here tonight for that reason. So we're not looking for any increased taxes as a result of what we're proposing or anything like that. But we'd just like to see some improvements. And we do appreciate everything you guys do for the community, and you do a great job running the community. And the parks department and the street department does a great job cleaning up the streets in the wintertime, we appreciate that.

But the pictures show some things that happen both in the summer and the winter. Picture number one is about Lakeshore Drive down there, 108th Street where the ponding occurs. And it becomes a problem in the summertime and in the wintertime. In the summertime it's a problem because bikes have to go around the ponding, and then cars have to go around it, too, sometimes. And it becomes a hazard that way. And it's also unsightly. And that also brings up the area of that parking lot there that sometimes you have cars two and three deep in the parking lot, and it becomes a problematic area just because there's too many cars in the area and too much traffic. So I would like to see something changed with that.

I've talked to different people down in the area, and they feel like the utility poles that were started down in the area around 110th Street, 112th Street in that area if they were continued along the beach further it would prevent the traffic jams from the parking there. And maybe if there was parallel parking like there is where the utility poles are the rest of the length of the beach it would be helpful. There may be some problems that would be created from that due to less cars available to park which might mean on the side streets between 106th Street and 109th Street. They might need to only have parking on one side of the street so that the narrow street there doesn't get clogged with cars.

Also one of the reasons I moved down to that area is to be able to easily get across the street with windsurfing equipment and kayaking equipment. That's some of my favorite things to do. So we liked the open beach access, we liked the country look of the beach. It's a very appealing thing. One of the ideas that might be out there is the idea of a fence that would go up to maybe eliminate some problems. But most of the people I've talked to really don't like that idea just because they like the look of the country setting.

So picture number two also shows how cars get stuck because of the depth of the sand there and the way the parking lot is. I think if they just paved a narrow area alongside the existing street and put the utility poles in it would prevent people from getting stuck. And then they could also

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take care of the drainage problem by using the pavement to make the water drain off into the creek there.

Picture number three is about the garbage cans there. Some people in the community feel like it's not a very appealing way to get rid of the garbage. And we have people coming up all the time with cars and large amounts of garbage that they dump in there. If there was some kind of enclosure or maybe some other ideas could be tossed around so that it would be more appealing and that people couldn't just drive up with their cars and dump the garbage.

The fourth picture I believe that's the one about the alcohol on the beach. And, you know, we have ongoing problems that residents call the police all the time because of people using the beach after dark, and they're not supposed to park down there but they do. But it seems like they don't get ticketed as often as they should. So we'd like to see something done about that, too, where we don't have the ongoing problem with people going down there drinking. And there was also a drug bust not that long ago this winter on a side street that was a significant drug bust for people parking on the streets in the neighborhood that time of night.

And the fifth picture is the far end of the beach down towards I guess it would be around 105th Street. And we have similar problems there with water and big holes. If the utility poles were extended that whole way we wouldn't have people parking in there. They could fill the holes in and make it better looking, but it's not very appealing.

One additional idea would be because of the erosion on the beach lately that's been in the news maybe the Village could consider planting trees along there that would be the type of trees that would help prevent the erosion. Some of the residents in the area would consider help watering with that. So just a few ideas to help with the budget. Thank you for listening.

John Steinbrink:

Thank you.

John Gabris:

Hello, John Gabris, 11335 3rd Avenue. And I'm also here for idea about Carol Beach. And the problem I have with Carol Beach is I use it quite often. And a lot of times I see jet skis coming in and non-motorized boats as well just randomly. And there are children swimming there and adults swimming there. And I would like to see a designated area for jet skis as well as non-motorized boats and a swimming area where boats are not allowed. I feel that something bad can happen with the jet skis and the non-motorized boats coming through there with the swimmers. Also, as Jay said, the overflow parking, but I know down 110th Street the overflow parking will come and they'll park on both sides. And that obviously can make a very narrow zone for other cars coming through there. And, again, there are children coming through there on the roads and stuff. And I think that also could present a hazard. And I'd also oppose a fence at Carol Beach. I like the openness. Thank you for listening.

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John Steinbrink:

Thank you.

Phil Kalowski:

Hi, good evening. Phil Kalowski, 156 108th Street. Also here about the potential thing for Carol Beach. Backing up what Jay said my concern is more of a security issue at night. I work a lot, and a lot of times I come home in the evening, it's after dark. And I can tell you that probably six out of seven days there's a car down there when the beach is closed. Sometimes we call, sometimes we don't. But I like the idea of if there's going to be any budget allocations to fix up or address anything down there that it's backing up what Jay said. Put pilings in there and close off the beach area, not to pave it so we can keep the beach looking like a beach. No fence. But basically keep it more secure at night, then the police don't have to worry about getting down there as much, and the residents wouldn't have to call because then obviously the cars can't get through that area if the pilings were extended through where the public access area is. And that's really the biggest part of it.

Definitely no fence, no security lights. We definitely need bigger garbage cans as Jay mentioned. The cans are way too small. There's garbage laying all over the place sometimes. And the Village does a great job when they do come by and pick it up. But sometimes it sits there and smells, and that's a problem also. So whatever is going to be planned I think the big thing is with having security in mind and keeping it free and safe there at night so we don't have to worry about anything that could go wrong down there. So that's what I have to say. Thank you very much.

John Steinbrink:

Thank you.

George Pruyn:

I live at 322 108th Street in Pleasant Prairie about a half a block from Lake Michigan. I strongly feel that the Village needs to do something to control the parking on the weekends. Monday through Friday we don't get an overflow parking situation. It's on the weekends, Saturday, Sunday and Monday on the three day weekend when there's a holiday on Monday. I used to live in Illinois. Nothing against the people in Illinois, but on the weekends 90 percent of the cars down there by the 108th Street beach are from Illinois. Monday through Friday the cars are 90 percent from the Wisconsin area.

Now, I know village's in Illinois along Lake Michigan including Waukegan control parking by people that are not residents. In the Wilmette area you can't -- it's either Wilmette or Winnetka, I forget which one, you can't park anywhere near their beach, it's a very nice beach, unless you have a Wilmette or Winnetka city sticker. Now, I know Pleasant Prairie doesn't have city stickers, and they don't want to charge people to buy a city sticker. Why couldn't, as a suggestion, you may allow free stickers to all the residents of Pleasant Prairie which would say Village of Pleasant

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Prairie, Lake Michigan beach parking. If the people in Pleasant Prairie that would be interested in parking there by the beach on the weekends to enjoy the beach would use these stickers.

If the people that you mail them to that live in Pleasant Prairie were not interested they just wouldn't use the stickers. But at least that way you'd discourage people from Illinois. I realize that they may park on the side streets, but I think that this would at least allow better access to the beach. And you could tow cars away after you warn them that they can't park there unless they have the sticker, the cars from Illinois. I just think it's something that need to be addressed.

Now, Lake Andrea I understand you have to park down there by the Lake Andrea Beach, you have to pay to park there or pay to get access to the Lake Andrea. Is that correct? Am I correct in that? I'm not talking about the RecPlex. I'm talking about the Lake Andrea Beach park. And that probably controls the number of people from out of state that are parking down there by the Lake Andrea Beach. So that's my suggestion.

John Steinbrink:

Thank you.

Carolyn Gage:

I'm Carolyn Gage, 10815 Old Green Bay Road. I'd like to comment you and the Board for taking the time to do some research pertaining to the sexual abuse and residency restrictions of registered sex offenders. However, I oppose the ordinance and would like to take a moment to expand on and clarify some of the information cited in the text.

The ordinance text cites statistics from the Center for Sex Offender Management fact sheet stating that that most sexual offenses are committed by someone the victim knows or an acquaintance. What it doesn't say is that up to 93 percent of offenses are committed by someone known to the victim. Only 7 percent of sexually based crimes are committed by a stranger. To add to that, 95 percent of new sex offenses are committed by someone who is not currently on a sex offender registry. neither of these statistics would be impacted by residency restrictions.

The citation, again from the Center for Sex Offender Management fact sheet states the recidivism rate of sex offenders if about 12 to 24 percent. This statistic has largely been challenged by more recent studies with some saying the recidivism rate is around 5.3 percent. The implementation of residency restrictions has been based on a false premise that restricting where an offender lives increases public safety. In fact, the opposite has been the result. When referring to residency restrictions, the Center for Sex Offender Management fact sheet states that residency restrictions show no research evidence of increased public safety.

Another source cited in the ordinance text is the impact of residency restrictions on sex offenders and correctional management practices, a literature review. From that same source I offer the following quotes: You're really not improving the safety, but you're giving people a false sense of safety. And residency restrictions do not work. In fact, they exacerbate the problem. Stop It Now, a victims' advocacy group and source that is cited in the ordinance text is offering advice to those concerned about sex offenders moving into the neighborhood also gives their

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opinion on the use of residency restrictions. Residency restrictions and community notification laws may even be undermining community safety. Stop It Now also poses the questions whose responsibility is it to assure safe integration of the sex offender into the community? Their answer, at best community re-entry becomes a cooperative process with a role for all of us to play, whether as a private citizen, a public official or agency professional. True primary prevention demands that each of us be accountable for education ourselves with a clear understanding of the facts so we can take the necessary actions to prevent the sexual abuse of children.

Many statements have been made by victims' advocacy groups, researchers, departments of corrections and sex offender management groups that do not support the use of residency restrictions. I've educated myself and have attempted to educate others as to what current research has shown about the effectiveness of these restrictions. What I have found is that with over 15 years of studies there is zero support for residency restrictions other than by policymakers and community residents. I urge the Board to refer to continue its research regarding this subject and to base any decisions or actions on sound evidence rather than emotions. Thank you.

John Steinbrink:

Thank you.

Chris Delgado:

Good afternoon everybody. My name is Chris Delgado. I live at 11166 3rd Avenue, Pleasant Prairie in Carol Beach. I'm here to support by neighbors at Carol Beach. And there's not much more that I can say about everything that's going on in Carol Beach. But you've heard it from the neighbors. It's an eyesore with all the cars, the congestion on the weekend. It's primarily on the weekends that we have all these issues. So anything that the Village can do I will support. If you need some documentation I've got plenty of pictures. I moved here in about 2007, and just every year it's progressively gotten worse. So I've got documentation over the last three years, pictures, syringes on the beach. We can paint some very pretty pictures for you. So if you need any pictures let me know, and whatever the Village can do to help out. I'm sure you don't need negative publicity to the Village. So whatever you can do we appreciate it. Thank you.

John Steinbrink:

Thank you.

Vesna Savic:

No other speakers have signed up.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Anyone else? Hearing none I'm going to close citizens' comments.

8. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Just a comment. In general on the citizens' comments we're heard concerning the beaches in Carol Beach, this isn't an item that we have on the agenda for any action tonight. But I will say that it's part of the parks department budget, and the police department are working on a proposal to better manage what's going on in Carol Beach on the beaches. This is the first year we designated the areas and named the beaches because it was difficult to -- when somebody saw somebody on the beach, that length of beach, there's a lot of beaches on 1st Avenue as you know, and we could send a squad down there running around looking for somebody everywhere. And the first step is to name the beaches so we can bring a focus onto where somebody is when they see something going wrong.

The second part is going to be coming up with a budget item as a new program to recommend for how we're going to manage those beaches. The Village manages the beach at Lake Andrea. We rarely have problems out there. But the difference is we don't have people living across the street that are relying on that view and the serenity of a lake across the street. It's a public space that people are using. So we're going to go through a process, and that budget process is going to have a number of public meetings where we're going to put that out and people can comment on it. Then the Board will ultimately make a decision on what level of funding we're going to put as far as resources to making some improvements in that area to make it manageable for the Village staff and the police department to enforce the ordinances in that area. That's where that will be done.

I don't know what the impetus was tonight to have them come tonight. I'm glad to hear the input. But, again, we're probably a month and a half to two months out to be in a position to present the budgets to the public for comment. That's all I have, Mr. President.

John Steinbrink:

Thank you, Mike.

9. NEW BUSINESS

A. Consider Ordinance #16-27 to Repeal and Recreate Chapter 287 of the Municipal Code relating to Sex Offender Residency.

Mike Pollocoff:

Mr. President, staff and counsel has been working to evaluate and look at current studies and issues regarding the placement of sex offenders and making modifications to the current ordinance that we have. As you recall there's been litigation that's been initiated by current residents in the Village concerning this issue. And we wanted to give it a serious examination. I know Board members as well as my staff have been reading numerous studies to find a way to take care of the difficult issue in the sense of working with some competing interests.

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As such we're making some recommendations. The first one is modifying the prohibited location of residents from 1,500 feet from the current 3,000 feet. That brings us a distance of 1,500 feet -- it brings it to compliance with Senator Wanggaard's law that said 1,500 feet as the maximum for the violent sex offenders. And this would match that as well. So there would be some continuity. There wouldn't be a difference in where anybody goes, and it would be easier for people to evaluate where they're going to look for placement and live and not have any different standards set up.

Staff is recommending, and I think our research reflects that restricting the placement of permanent residence of a designated offender so that they can't be any closer than 500 feet, staff is recommending removing that section of the current ordinance. And, again, studies have indicated that having that in effect is probably counterintuitive. It's counterproductive to do that.

We are recommending that the original domicile restriction stay, but we want to -- again, after evaluating some of the studies we feel that an addition should be made to that. And the original domicile if someone had his permanent residence in the Village or a temporary residence that they can come back in the Village if they have family here and the most recent conviction of a crime subject to a restriction, or an offense that is within the definition of a designated offender which occurred ten years or more prior to taking occupancy within the Village provided the designated offender has not been convicted of a class A felony against a child.

So if somebody has done their time and they've gone through the program where they've been placed in the community, they've been evaluated, they've gone through parole, they've been monitored, there's been no arrest for a ten year period, studies indicate that probably their chance of committing another crime is significantly reduced. And no matter where they're from they should be able to be welcome in the Village because they've done everything that's been asked of them, and they've changed their life around. And we would have a reason to suspect that whether they were a Village resident originally or not they should be able to locate in the Village.

As far as exceptions residence is also -- again, we changed that to 1,500 feet. Residence is also the primary residence of the designator's parents, grandparents, siblings, spouse provided that such a parent, grandparent, sibling spouse or child established the residence at least two years subject before the designated offender's established residence at that location. What we're doing is adding to make the ordinance stronger in this case and the offender is prohibited from residing in such a location if a victim in the offense giving rise to the designation also resides in a residence and is a minor unless the designated offender is on probation or parole and residing with a victim is approved by a probation and parole officer and also in writing by the chief of police based upon a finding of circumstances of the offense, the designator or offender, the victim and all relevant information and the matter substantially eliminates the risk of re-offending.

We're also removing property owner restrictions. The portion of the ordinance that restricted the lease hold interest that would be established in the residence, in taking another look at that and evaluating that we feel that that portion of the ordinance under property owner's restriction should be eliminated. Right now the ordinance would remain. It says that somebody who is seeking residential placement in a home, it's the responsibility of the property owners to lease or rent any structure that they have with the knowledge that it would be used as a permanent

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residence to any person prohibited from establishing a permanent residence in that location. And then removing the section that the lease hold interest and taking that out.

I know there's been a lot of reading and research done by the Board and the staff. I think the staff believes these are recommendations we can make based on existing case law and research on cases and studies that are relevant to the issue. And it gives it a more fair and rationale interpretation of the ordinance on behalf of the Village. So with that, Mr. President, if you have any questions or comments from Board members.

John Steinbrink:

Kris?

Kris Keckler:

I'd like to add some governance comment on where we're at in this process. As Mike pointed out through the Village administration and legal counsel we've been provided at my last count it was near 30 various artifacts, case studies and related items that lend themselves to a broader awareness of how sexual offender ordinances have impacted various communities throughout the United States. A lot of commonalities exist in that, ones that are used for regulatory purposes. They're not for retribution or punitive or additional penalties against any such individuals. They're walking a line of what's appropriate to apply to a group of individuals balanced against the known safety and concerns in a general sense to our community and particularly our young individuals that live in that community.

And so we have to go with the recommendations as they're applicable which Mike has already highlighted. It's for the community and the health and safety as an established component. And so we make these decisions and recommendations based off those studies and case laws through those various artifacts. And so we've reviewed quite a bit of those and had ample discussion for those. And so we recognize the revisions that are applied today.

Michael Serpe:

Well stated, Kris. I think it's incumbent upon any municipality, state legislature to provide as much safety as you possibly can to the public to guard them against any violent crimes committed by felons or criminals. It's also incumbent upon municipalities and the legislature to keep in mind that even those convicted of a felony are entitled to a constitutional right. And we have to weigh in on all of that when we make our decisions. I think tonight what we have so far I think addresses that.

Mike Pollocoff:

Mr. President, we'd recommend adoption of the ordinance as presented.

Dave Klimisch:

I'd move approval.

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Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. Any further discussion? Those in favor?

KLIMISCH MOVED TO APPROVE ORDINANCE #16-27 TO REPEAL AND RECREATE CHAPTER 287 OF THE MUNICIPAL CODE RELATING TO SEX OFFENDER RESIDENCY; SECONDED BY SERPE; MOTION CARRIED 5-0.

- B. Receive Plan Commission recommendation and consider approval of a Certified Survey Map for the property located at the southwest corner of STH 165 (104th Street and 80th Avenue) in LakeView Corporate Park.**

Jean Werbie-Harris:

Mr. President and members of the Board, on August 22, 2016 the Plan Commission had conditionally approved preliminary site and operational plans for Doheny Enterprises, Inc. And this was to begin mass grading to install underground utilities and to construct footings and foundations for the construction of 175,000 square foot building. This building is proposed to be located in the lakeView Corporate Park at the southeast corner of Highway 165 or 104th Street and 80th Avenue.

Doheny is a leader in the swimming pool supply industry with ten distribution centers nationwide. Doheny's has been in the City of Kenosha for 20 years. They currently occupy three warehouses there with plans to consolidate those locations into a single distribution center in Pleasant Prairie as well as to move their corporate headquarters here to Pleasant Prairie. They sell swimming pool supplies to the consumer and commercial markets via catalogs, websites, outbound marketing and a local retail pool stores.

Construction for their new facility will start in the fall of 2016 and hopefully be completed by 2017. As part of their request they're looking for approval of a certified survey map. The CSM would be revised to create an outlot surrounding the existing retention basin shown on Lot 1 since this basin serves several surrounding properties. And the maintenance and the associated costs are likely to be a shared expense.

In addition, the petitioners will be requesting a zoning map amendment because the Outlot 1 that is currently Lot 1 as shown on the slide would need to be rezoned into the PR-1, Park and Recreational District. In addition, they'll be needing to amend the Village's Comprehensive Plan to deal with that specific retention basin on the property. The CSM currently indicates that there are some wetlands on the property. These are artificially created wetlands as being determined by the Wisconsin DNR. So these wetlands which were created as part of the mass grading for the LakeView Corporate Park in this area it's believed that they will be determined to be artificial and will be able to be piped or filled or adjusted on this site for this construction to begin.

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With that this is a matter that was before the Village Plan Commission. The Plan Commission recommended approval of the certified survey map subject to the comments and the conditions as outlined in the staff memorandum.

John Steinbrink:

Board pleasure?

Michael Serpe:

Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion? Those in favor?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CERTIFIED SURVEY MAP FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF STH 165 (104TH STREET AND 80TH AVENUE) IN LAKEVIEW CORPORATE PARK; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- C. Consider an Option and Land Lease Agreement with SBA Towers IX (SBA) for a cellular communication facility located at Pleasant Prairie Park (8436 104th Avenue).**

Tom Shircel:

Thank you, Mr. President and Village Trustees. Again, before you is an option and land lease agreement between SBA and the Village of Pleasant Prairie, again, to locate a proposed cellular communications facility within the park. The Tax Parcel Number is 92-4-122-074-0694. The facility to be constructed by Midwest Underground Technology, Inc., in general was proposed to consist of a leased area of 60 by 75 square feet consisting of a fence enclosure and enclosed in that leased area. There would be an initial 26 by 24 foot or 624 square foot two tenant capacity equipment shelter located on the property. There would be an initial enclosure, and then a second adjacent enclosure would also be proposed at a time in the future that would need to go before the Village for proper approvals as well.

The item on the property would be a 170 foot tall monopole tower which would include a five foot tall lightning rod, and the initial tenant proposed for this facility is Verizon, and they would install their equipment within that easternmost equipment shelter along with they'd place their antennas at the 165 foot height upon that 175 foot tall tower. And there would be also easements

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associated with this development. It would be a 20 foot wide access and utility easement to provide access to the site as well as utilities to power the site.

There's an initial option fee of \$2,500 that would be paid to the Village upon execution of the lease. The one year option period allows SBA and future tenants to do their due diligence. From that point on the initial term of the lease is for five years and shall automatically renew for up to five additional terms of five years each. The initial rent that Verizon would pay to the Village would be \$1,500 per month, and that would increase by three percent per year.

In addition to the rent the Village would also receive a co-location revenue sharing beginning with the second sub-lessee. And those amounts would occur when someone leases one of the future other tenant sites. So if someone leases a site within the first term of the lease the Village would receive an additional \$1,200 per month. If it occurs in the second term \$1,300 per month. And in the fourth and the third term it would be an additional \$1,400 per month. So SBA would collect those, and they would pay the Village those monies, and those are also increased by three percent per year.

As far as landscaping goes for this facility SBA has agreed to make a one-time \$10,000 payment to the Village for the Village to landscape the cellular facility. The Village would then be responsible for the maintenance of the landscaping. And since this is a park location the Village landscape responsibilities will allow the Village parks department to maintain the cellular site up to Village standards. We've had many cases where these sites the landscaping is sort of let go and it doesn't look up to snuff like the Village would like to see. So I think this is a good solution.

As far as the easement is concerned the Village is providing a 25 foot wide access and utility easement from 104th Avenue to this site. It will allow for 24/7 365 access for SBA and future tenants. Again, SBA in this instance will make an annual \$600 contribution to the Village for maintenance costs related to the easement. Again, that would increase by three percent per year.

I know the Village community development department has received the application for a commercial communications structure application, and it's currently under review. So that will be -- the Village's community development department will review that and take the proper action. So at this point the staff is recommending that the Village Board approve the lease with SBA subject to the pending community development department conditional approval of the site of the commercial communications structure.

Steve Kumorkiewicz:

I make a motion to approve the recommendation.

Kris Keckler:

Second.

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John Steinbrink:

Motion by Steve, second by Kris. Further discussion?

KUMORKIEWICZ MOVED TO APPROVE THE OPTION AND LAND LEASE AGREEMENT WITH SBA TOWERS IX (SBA) FOR A CELLULAR COMMUNICATION FACILITY LOCATED AT PLEASANT PRAIRIE PARK (8436 104TH AVENUE); SECONDED BY KECKLER; MOTION CARRIED 5-0.

Kris Keckler:

I just had one quick question. My Acrobat Reader just killed on me so I couldn't remember if it was in here or previously discussed. So the rent money for this tower then, I know it's not in that agreement, but know there's been discussion that it's allocated for park improvement just in that designated area? Or is that still something that's for consideration?

[Inaudible]

Kris Keckler:

Okay, but it's still something that's being considered correct? Okay, thank you.

Dave Klimisch:

I had the same question. Any talk of a second or third tenant coming in yet? Or currently it's Verizon?

Tom Shircel:

At this point just Verizon.

Mike Pollocoff:

Trustee Serpe, this agreement her has taken two years to negotiate. So when the next ones do it we could maybe have one put together by the next census.

Tom Shircel:

Patience is a virtue.

Steve Kumorkiewicz:

Mike, any approach from AT&T?

Mike Pollocoff:

No. They're dedicated to minimal service.

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Michael Serpe:

Now, you say this tower will accommodate another head if needed?

Tom Shircel:

Up to four carriers, correct.

Michael Serpe:

Up to four?

Tom Shircel:

Yes.

Michael Serpe:

Okay, good.

John Steinbrink:

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

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

10. VILLAGE BOARD COMMENTS

11. ADJOURNMENT

Michael Serpe:

I suggest we adjourn.

Dave Klimisch:

Second.

Village Board Meeting
September 6, 2016

John Steinbrink:

Motion by Mike, second by Dave. Those in favor?

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KLIMISCH;
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 6:50 P.M.**