

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
February 20, 2017
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, February 20, 2017. 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; Carol Willke, Human Resources Director; Dan Honore, IT Director; Sandro Perez, Inspection Superintendent; Craig Anderson, Recreation Director and Jane M. Romanowski, Village Clerk. Two citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - JANUARY 16, 2017**

Dave Klimisch:

Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Dave, second by Steve. Any discussion?

KLIMISCH MOVED TO APPROVE THE JANUARY 16, 2017 VILLAGE BOARD MEETING MINUTES AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- 5. PUBLIC HEARING**
 - A. Consider a "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage for Johnny's Pour House located at 10936 Sheridan Road.**

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Jane Romanowski:

Mr. President and Board members, there is an application on file by John Ziembra, agent for JZiembra Enterprises, LLC. And he's applied for the same license that is currently at Mickey's for that establishment at 10936 Sheridan Road. He's going to be starting his own business to conduct there. Again, it would be an application for a license that's currently there so it would be a Class "B" Fermented Malt Beverage and a "Class B" Intoxicating Liquor license.

If the Board does approve the license there are quite a few conditions. Mr. Ziembra would have to provide a lease authorizing the use of the premises at that Sheridan Road address. He still needs to submit proof that a Wisconsin Seller's Permit has been issued in that corporate name. He's got to submit proof that he's either held an operator's license or a liquor license as an agent in the last two years or has taken the responsible beverage server course. That's just a matter of giving me a piece of paper that says he's done that within the last two years. Obviously before anything is issued we would check to make sure any delinquent taxes or invoices are paid. Prorated liquor license fees and publication costs would need to be paid. Again, those are just standard.

In this case if the Board approves or grants the license and before we issue it, whether it's simultaneously or close to Dave Schulte, agent of Uncle Mike's Top Shelf Pub, LLC, must surrender the license that's currently at Mikey's as you can't have two licenses for one establishment. And then, of course, certificates of occupancy have to be issued by the community development department, building inspection and fire and rescue departments. I understand he's submitted some permits to do some alterations in there at this time. I haven't talked to him in the last couple weeks, but his indication was he was going to go through with this possibly looking for a March 1st opening date, but maybe that's pushed back a little bit, not quite sure.

Chief Smetana has approved Mr. Ziembra as an agent for the liquor license. And any other requirements that are necessary have been satisfied. If the Board grants this license and he satisfies these requirements, we can issue the license, I would recommend the license would be issued starting from the date of issuance through June 30th of 2018. Renewals are going to go out in the next month. There's no reason for him to get a license and then come back in two weeks and submit as a renewal especially when the inspections are going to be done by the departments, and we would check delinquencies and such. So we would prorate the fees obviously from the date of issuance through June 30th of this year, and then tack on the fees for the entire year from July 1st through June 30th of next year. So with that this is a public hearing.

John Steinbrink:

Being a public hearing I'll open it up to public comment or questions.

Jane Romanowski:

There weren't any signups tonight, Mr. President.

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John Steinbrink:

Anybody wishing to speak on this item? Anybody wishing to speak on this item? Anybody wishing to speak on this item? Hearing none I'll close the public hearing and open it up to Board comment or question.

Kris Keckler:

Jane, you had mentioned it's been a couple weeks since you've heard from this individual, and this is still a laundry list of things that need to be done. Are they not looking to move in an expedited manner?

Jane Romanowski:

I wouldn't think so. I think he might have got caught up getting his building permits and whatnot. But originally when I talked to him I think at the end of January he was still working on getting through the lease.

John Steinbrink:

Jane, I believe there's somebody in the audience here.

Jane Romanowski:

You can let me know what's going on. I haven't talked to you in a few weeks.

John Ziemba:

Yeah, I still am planning to move forward. I did get caught up with some things that I needed to get in order first.

Michael Serpe:

We'll need your name and address please.

John Ziemba:

John Ziemba, 1001 44th Street.

Jane Romanowski:

So what is your plan on kind of moving forward? Have you been issued your permits?

John Ziemba:

What's that?

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Jane Romanowski:

Building permits have been issued or no?

John Ziemba:

No, I am going to get things for Don tomorrow. I have to meet with the electrician tomorrow and get the rest of what I need for him. The things that you needed I will have tomorrow as well. I have them all except to get them copied to get them to you. It is looking more like it will be early April that I'll be opening, though. I've got to get some grease trap and some other things in order.

Jane Romanowski:

That's what I kind of figured if I hadn't heard from you. I knew a lot of these you had at your fingertips. It was just a matter of putting it all together.

John Ziemba:

Yeah, exactly.

Jane Romanowski:

Yeah, so I think you'll be a month out.

John Ziemba:

The majority of everything will be in this week. I'm just waiting on some other [inaudible].

Jane Romanowski:

And we will -- in addition to all this they do have to wait until -- if he gets the building permits and the inspections are done and certificates of occupancy. So these all need to be done before that license is issued out of the office.

John Steinbrink:

And he knows about the all in one combined?

Jane Romanowski:

Yes, we've talked about the license and Dave surrendering.

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John Ziemba:

Yes, I've talked with Dave as well about it.

Jane Romanowski:

That usually happens -- when I'm ready to issue the license the other person is there surrendering at the same time. Because you don't 'want anything to happen where that license is lost for that establishment. So we've done that quite a few times.

Michael Serpe:

John, I'd move approval of the license subject to the conditions that the Clerk has outlined for the approval.

Kris Keckler:

Second.

John Steinbrink:

Motion by Mike, second by Kris. Any discussion?

Jane Romanowski:

Just for your benefit I won't be in the office tomorrow with the election. So you might want to wait until Thursday would be good.

John Ziemba:

All right, sounds good.

John Steinbrink:

Any discussion or questions for the petitioner?

SERPE MOVED TO GRANT THE "CLASS B" INTOXICATING LIQUOR AND CLASS "B" FERMENTED MALT BEVERAGE TO JOHN ZIEMBA, AGENT FOR JZIEMBA ENTERPRISES, LCC, FOR THE PROPOSED JOHNNY'S POUR HOUSE LOCATED AT 10936 SHERIDAN ROAD, SUBJECT TO THE CONDITIONS SET FORTH BY THE VILLAGE CLERK; SECONDED BY KECKLER; MOTION CARRIED 5-0.

John Steinbrink:

Thank you very much.

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6. CITIZEN COMMENTS

Jane Romanowski:

There were no signups tonight, Mr. President.

John Steinbrink:

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

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, I just want to let everybody know that on February 27th at 10:30 in the morning Samantha Kerkman is going to be at the Village Hall to meet with the Village for two reasons. One is we have a couple of small issues we'd like to visit with her as far as [inaudible]. But it's also an opportunity as the League's representative for lobbying on municipal issues in this area. And she'll be coming here to talk with us about the League's legislative agenda for this upcoming session. And the two major items on the League agenda is the first one is the dark store assessing practices. And the second one is how Walgreen's in a court case that was adjudicated on that that basically gives those guys a significant discount and how their lease is determined versus any other business.

So they're both significant financial issues to the Village. We've met with Representative Kerkman and Senator Wanggaard before. Senator Wanggaard has declined to come and meet with us, but Representative Kerkman is. So for anybody that's able to break away, I know it's the only time I could get her here was during the day at 10:30. So the 27th if you're able to come by and visit with her. 27th is Monday at 10:30.

Steve Kumorkiewicz:

What excuse has Mr. Wanggaard got for not coming here?

Mike Pollocoff:

He just doesn't return our calls. He doesn't return our calls.

Steve Kumorkiewicz:

You know he --

John Steinbrink:

This is the Administrator's report.

Mike Pollocoff:

So that's it. I won't be able to get hold of you guys before that, but that's where we're at. And I'll send you a copy of the Leagues position paper on that. We have posted on Channel 25 a video showing what happened in Michigan to kind of give you an idea of how this rolls out in the community when it goes bad. And we talked with IT about getting that to be able to stream off our website as well as this process goes along. A lot of communities are doing that. And I'll be bringing back a resolution for the Board to consider adopting to request the legislature to deal with these issues rather than letting them kind of keep going the way they are now. That's all I have.

8. NEW BUSINESS

- A. Receive Plan Commission recommendation and consider Ordinance #17-06 amending the Comprehensive Plan to adopt the STH 32 Access Management Plan and create Section 390-6 H to specifically list this Plan as a component of the Village's Comprehensive Plan.**

Jean Werbie-Harris:

Mr. President and members of the Board, the Wisconsin Department of Transportation along with the Village of Pleasant Prairie developed an Access Management Plan for State Trunk Highway 32 or Sheridan Road. This extends from 91st Street to the Wisconsin/Illinois State Line. The purpose of the STH 32 Access Management Plan is to provide WisDOT and the Village with a unified, long-range Access Management Plan for the corridor.

The Plan is intended to be used as a comprehensive and collaborative tool for the evaluation of future driveway and roadway access requests as development and redevelopment occurs along Highway 32. The DOT's goal to maintain Highway 32 as a safe and efficient arterial facility while also providing adequate access to the adjacent properties. The access plan gives the DOT and the Village a holistic approach to managing access and making access related decisions along this stretch of 32, planning for and implementing good access management practices on an arterial facility can prolong the life of the facilities capacity threshold and delay the need for costly and disruptive capacity expansion projects.

The plan identifies strategies to managing existing accesses, managing new accesses due to changing land use, and planning for a supportive local road network, as well as improving coordination of these access points between DOT and the Village. The Plan is not a legally binding document, rather a documented good faith effort by Wisconsin DOT and the Pleasant Prairie to plan for corridor level access management in a way that does not adversely affect the safety or efficiency of the highway.

The Access Management Plan is intended to be a component of the Village Comprehensive Plan and needs to be consistent with all the other comprehensive plans and amendments to those plans. On January 13th, a 30-day notice was published in the *Kenosha News*, and notices were sent to all

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abutting and adjacent property owners adjacent to Highway 32. On February 13th, an open house was held here at the Village Hall from 3:00 p.m. to 5:00 p.m., and also a public hearing was held on the evening of February 13th at 6:00 p.m. wherein comments were taken by the audience and others from the State and others in attendance for that hearing.

The Wisconsin DOT made a presentation that evening, and as part of that presentation there were four individuals from the DOT here, Tim McElmeel, Alex Valley, Brian Carranza and Robert Elkin. As part of their discussion what they did was they talked about access management, best practices and corridor statistics. They also gave other local examples in Southeast Wisconsin which describe why access management is so important to the State Highway.

And I'm just going to read one of their slides. Access management is a systematic control of location, spacing, design and operation of intersecting access points and the supporting local road network adjacent to the arterial roadway. It is a set of techniques that the state and local governments use to control access to highways and other roadways. Access management includes several techniques that are designed to reduce crashes, reduce congestion and improve and maintain the capacity of those roads.

The other items that they talked about were hierarchy or the function classifications of roadways between arterial roadways, collector and local roadways and those intersections as well as how they intersect the state highway. They talked about arterial highways having the fastest speeds at 45 miles an hour typically, collectors at 35 to 45 miles per hour, and local roadways under 35 miles per hour.

They then indicated that promoting local circulation was critical to providing access to the highway. And what we want to do is we want to align driveways, we want to align roadways, we want to promote coordinate access so as to minimize the number of individual points of connection to the arterial highways. They mentioned in a number of their slides that the number of accesses equals conflicts. So when there's multiple points of connection on a faster speeding highway or faster speed limit highway it causes more opportunities for crashes.

And so the purpose of this plan well in advance of development being advanced along this corridor is to try to identify where are the best locations for public roadway connections and where new additional driveways could or should be placed in order to minimize the potential for conflicts. They did provide some corridor statistics that dealt with crash rates on Highway 32. Specifically they indicated that there are different segments of Sheridan Road between 91st Street and the State Line that they determined that the crash rates, whether they were fatal injury, A, B or C, or property damage, that they are higher than the state's averages. And whenever they start to see that in more rural areas that could develop in the future they like to do these types of access management plans in order to minimize any future problems in the future.

The other thing is that about a year or so ago we were working with some developers in this area, and we were working on neighborhood plans. And as part of that neighborhood planning effort, again, their point was we should start looking at where these access roadway connections should be placed along Highway 32 now so that that will aid any developers or landowners into where and how access would occur on the state highway. On the maps on the left the north segment of

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this roadway it identifies on the north end, 91st Street, and this takes us almost down to Highway 165. You can see the former Keno Theater is the area that's identified in red, just because that's a future commercial area. But the light green, aqua green colors identify where potential roadways would be connected from 91st Street and along Sheridan Road and what directions that the private or local roads could be extended from the road connection points.

The map next to that is the one that is the middle section. And that takes us from just north of Highway 165 down to 116th Street. The same aspects were looked at with respect to where future potential public roadways could be connected and how they would interrelate to the adjacent lands. A couple of other things to note is that up at 32 and 91st Street there is a signalized intersection there. Down at 165 and Sheridan Road there's potential for a signalized intersection at that location as well. And down at 116th Street there's potential for a signalized intersection. Again, they oftentimes want to space these about one mile apart. Then the last or the southern section there were two versions. There was an initial version that was presented by the DOT, and that the Village staff presented an alternative version or the south updated version which is the one that the Plan Commission is recommending.

From the time we began this process last fall to a couple of weeks ago we learned that The Nature Conservancy acquired some land east of Sheridan Road south of 116th Street. With those land acquisitions, the likelihood of any land being developed for urban-related purposes is very unlikely. So as a result showing a number of connecting roadways and access points on Sheridan Road on the east side south of 116th Street seemed very unlikely. And they recommended and the staff is recommending that there be a number of these public roadway connections eliminated from their planning effort.

The Nature Conservancy indicated that they still wanted to see a couple of points of connection for management purposes. But it's extremely unlikely there would be any type of public roadway connections needed to get into their site. In fact, the only one public roadway connection on the east side of Sheridan Road that was left in is just south of Buoy Storage. And in that area there would be a public roadway connection for a future development going south, and then a potential for a connection going to the east.

So these maps were presented by the Wisconsin DOT, again, as an open house and a public hearing before the Plan Commission on the 13th. And the staff recommends approval of the three maps, the southern one being the south updated version of the map. Again, this is a non-binding agreement, but it really does help provide the Village as well as the DOT with some direction as to how and where connection points would be located.

A couple of other things I just wanted to bring to your attention is that it's hard to see on the maps unless you zero in on them real close, but there are a number of areas where there are multiple residential access points - driveways along Sheridan Road. And if and when there's ever a possibility for those land uses, those single family or other land uses if they ever vacate or are removed from those locations they would like to see some combining of driveways.

As it exists today they are not requiring, forcing or recommending any of those to be immediately adjusted or combined. And this goes for not only the single family but as well as the commercial

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areas along Sheridan Road. Because there are a number of larger driveway areas along Sheridan Road when the initial commercial developments went in many, many years ago. The standard width for a driveway for residential purposes is 24 feet. The standard width for commercial access on a state highway is 35 feet. So as a result, they would like to see some adjustments if and when there's improvements to Highway 32.

And they did mention that at this point there are no overall improvements that are scheduled or planned for Highway 32 at this time. Again, we are planning for the future when and if development should occur along this stretch of corridor between 91st Street and the State line.

Steve Kumorkiewicz:

Jean, in the hearing one of the engineers mentioned that the traffic light at 165 and Sheridan was going to be [inaudible]. What do you know about that? They say that was the first one they were going to do pretty soon.

Jean Werbie-Harris:

Right, I did mention that. That is one of them - one of the lights that has been studied. And maybe Matt can correct me, but I think it was 2019 or 2020 that the state had identified for construction of a signal at that intersection. Not a roundabout but a signalized intersection at 165 and Sheridan. I think it was 2019 Mike? 2019.

Steve Kumorkiewicz:

Three years.

Jean Werbie-Harris:

That's the only improvement that I'm aware of at this point. I don't know if Matt has any other thoughts, but I think that's the only improvement that we had discussed with the DOT. And they've been studying and working through PIMs on that.

Steve Kumorkiewicz:

Thank you.

Michael Serpe:

A couple things. Right now I don't see any chance of improvement on the accident rate that we're experiencing at Highway 32 with the access points we have and all the driveways. Chief, I'm guessing a lot of front end, rear end accidents, people waiting to make a left turn getting tail ended? Well, that's not going to change, and maybe helping it by combining driveways might help in the future. Mr. Pollocoff brought up a good point at the Plan Commission meeting, and I think it warrants to mention that tonight as well about the effect that this will have on us.

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Mike Pollocoff:

At the Plan Commission I brought up the concept that if you look at map 5 the area south of 116th Street and east of Sheridan Road in the Chiwaukee Prairie Comprehensive Land Use Plan was identified for development. Not wholesale development, but there was areas in there that could be developed. And in accordance with that plan when we constructed the sanitary sewer on Sheridan Road, we provided oversizing in that main to be able to accommodate lift stations that would eventually pump the sanitary sewer up to Sheridan Road and it would then be on its way.

In approving this plan and removing the access points what we're doing is we're really taking a step away from what was agreed to by the Chiwaukee Prairie Plan where this area could be developed at some point. Now, the plan never did say that it would stop somebody from buying land so it couldn't be developed. But on the other hand for the guys that were around here when that plan was prepared it was a compromise. It was a long, drawn out plan. It lasted a number of years. And the essence of the compromise was that the parties that were involved in it which is Fish and Wildlife, the Conservancies, Sierra Club, Chiwaukee Prairie Rescue Coalition, the DNR, and the landowner interest represented by the property owners in that area not everybody got everything they wanted, but everybody agreed to areas that could be developed and areas that needed to be preserved.

And the Village is the one that's entrusted with enforcing that plan. Day-to-day Jean has to make considerations as people go to build on a parcel, whether or not it's the wetlands or it's not. And if it got developed it complies with the adopted plan. If we approve this Access Management Plan, which by and large I don't have issues with, but what it does is where access was provided to this area for development that was enabled as part of that plan now it's taking that away. And The Nature Conservancy in essence sidestepped the plan. The Village eats the cost for whatever that oversizing was on the sanitary sewer. That land won't be developed. And that is not with the spirit of the plan.

The resources of the environmental agencies and groups were supposed to be directed toward acquiring the properties that have been identified for acquisition or preservation. In this case they found an area that's nice to preserve that wasn't approved for conservation or acquisition in the plan, and they went ahead and bought it anyway. In the meantime there's a large number of lots and parcels that haven't been acquired that were part of the acquisition plan.

My counsel to the Plan Commission was if we don't do something, every little group is going to pick this thing apart and pull it apart, and then we're going to be stuck with either not doing a good job of administering the plan as it was adopted because it hasn't been changed or we really don't have a plan at all. My recommendation is that this portion of the access plan be held in abeyance for 116th Street south to State Line east of Sheridan Road, and that the Village either convene the parties again and say, listen, people aren't following the Chiwaukee Prairie Plan, maybe it's time to update this plan and get realistic with it so that property owners know what their rights are.

And people who are waiting to sell their property to the DNR or to The Nature Conservancy or Chiwaukee Prairie Rescue Coalition or one of these people who are waiting to sell their property

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and it hasn't been bought, but instead they've bought land outside the acquisition area but within the plan area. I think everybody's got to come clean on this and say are you going to follow the plan or not or where are we with this because it isn't fair. I mean they've bought parcels of land before, not so much The Nature Conservancy but other environmental entities group. We have lots in Carol Beach where we have sewer, water, storm sewer, curb and gutter, street, assessments where the Village is holding those where they bought parcels that they thought should be bought even though they weren't recommended for acquisition in the plan.

So we've got that sprinkled all over the area. And the plan was approved right when I started here, 32 years old, and they'd worked on it for three to four years before I started here. And the plan has to come to a conclusion. And the conclusion was that parcels that are identified for acquisition should be acquired. But when you're buying other parcels that goes against the spirit of the plan. And I think approving this Access Management Plan in this area is not within the spirit of the plan. Because in this plan by saying we're not going to allow access in this area we're really acquiescing to The Nature Conservancy buying property that was not in compliance with the plan. And I just think we need to put a halt on that.

I think the Village needs to reconvene that plan and get it either updated or redone or rejected. Maybe we don't need one anymore and we just go with the existing zoning, and it's up for grabs for what anybody ever wants. But really what it's been I have no doubt if somebody would have bought land in the conservancy area and bought it for development there would have been a lot of screaming and yelling going on. And this is just a case on the other side of the shoe, and it's got to be addressed one way or another. We can't have it be a one sided thing where the environmentalists can buy whatever they want that's not in compliance with the plan but nobody else can buy any other land. So that's my recommendation on considering adoption of this plan tonight that that's actually going to be held in abeyance until the Chiwaukee Plan is updated.

Dave Klimisch:

So from 116th up to [inaudible] so we would approve 93rd to 116th?

Mike Pollocoff:

Correct.

Dave Klimisch:

And do you have a time line in mind for when that conversation would take place?

Mike Pollocoff:

Well, we have a lot of things on our plate, but I think it needs to start. I think probably we could convene a meeting in a month or so here and get it going. But I might be the only one that thinks this, but I just don't think what we're doing is right. I don't think it complies with the plan.

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Dave Klimisch:

I move that we accept the Plan Commission 17-06 with the stipulation that from 116th to State Line east of Sheridan is exempt from the motion.

Michael Serpe:

I'll second that.

John Steinbrink:

Motion by Dave, second by Mike. Further discussion? I have to concur with Mr. Pollocoff. That was also like one of my first meetings, and it was baptism by fire because it was a very hot issue. It was a compromise, and unfortunately the Village is the enforcer and basically the only one living up to the plan. Over the years we've seen this sporadic buying and leaving the burden on the taxpayers in the Village for the infrastructure that was put in in accordance with the plan. So I concur with this, and I hope the message gets through to them somebody needs to start looking at the plan. As Mr. Pollocoff said, if that went the other way this room would be packed with people screaming about it. Unfortunately it didn't.

Kris Keckler:

Mike, how difficult would it be to at least give a summary of who has abused this or not adhered to the expectations that were outlined so long ago?

Mike Pollocoff:

We can get a list together for you probably in a couple weeks.

Kris Keckler:

Okay, really not a rush I understand with everything else. But I think that would help put it in context and also identify those that might be going out of their way to circumvent it and abuse it.

John Steinbrink:

Motion, second, any further discussion? Roll call vote is requested.

KLIMISCH MOVED TO RECEIVE THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #17-06 AMENDING THE COMPREHENSIVE PLAN TO ADOPT THE STH 32 ACCESS MANAGEMENT PLAN, ELIMINATING THE PORTION OF THE PLAN FROM 116TH STREET SOUTH TO THE STATE LINE UNTIL THE CHIWAUKEE PRAIRIE PLAN IS UPDATED, AND CREATE SECTION 390-6 H TO SPECIFICALLY LIST THIS AMENDED PLAN AS A COMPONENT OF THE VILLAGE'S COMPREHENSIVE PLAN; SECONDED BY SERPE; ROLL CALL VOTE – STEINBRINK – AYE; KECKLER – AYES; KUMORKIEWICZ – AYE; KLIMISCH – AYE; SERPE – AYE; MOTION CARRIED 5-0.

- B. Receive Plan Commission recommendation and consider Ordinance #17-07 to adopt the revised Flood Insurance Rate Map (FIRM) and the related Flood Insurance Study for Kenosha County and incorporated areas prepared by FEMA related to the We Energies Ash Landfill Site Levee constructed in 2000 on the property located north of Bain Station Road and west of STH 31.**

Jean Werbie-Harris:

Mr. President and members of the Board, on January 9, 2017, the Plan Commission adopted Resolution 17-03, and that was to initiate Zoning Map and Zoning Text Amendments related to the revised floodplain maps and associated Flood Insurance Study for Kenosha County with an effective date of March 7, 2017. This is related to the We Energies Ash Landfill Site Levee that was constructed in 2000 on property located north of Bain Station Road and west of Highway 31 in the Village of Pleasant Prairie.

On December 5, 1996, the Department of Homeland Security's FEMA issued a Flood Insurance Rate Map that identified special flood hazard areas that are subject to inundation of the base flood in the Village. In 1998, the Board had adopted the 100-year Floodplain and Floodway Maps and Profiles for the Des Plaines River Watershed and for areas associated and located within the Village that were prepared by the Southeast Wisconsin Regional Planning Commission. And then on June 4, 2012, the Village Board of Trustees adopted the new Flood Insurance Rate Maps prepared by FEMA for Kenosha County and the incorporated areas. You also approved the Flood Insurance Study for Kenosha County and all other incorporated areas. Those maps were all effective as of June 19, 2012.

The two maps that we're looking at this even are FIRM Map Numbers 55059C0184E and 55059C0192E. And, again, these are the two maps that reflect the areas that are covered by the earthen berm levee that was constructed in 2000 by We Energies. We Energies has agreed to maintain the levy for the protection of the Pleasant Power Plant Ash Landfill Site from the backwater flooding of the Jerome Creek which has been kept from being considered part of the flood zone.

As indicated and as shown in the staff memo, all of this detail that was presented before the Plan Commission at our public hearing explained the fact that whether it's a levee that's this small or one that's very large in some of the southern states abutting oceans, all of the levees are treated the same way with respect to the review process, the implementation, the evaluation, the maintenance requirements. And so while this seems to be quite a bit of work for just a small levee here in Pleasant Prairie we did have to follow the same process. And so we were bound by FEMA and Homeland Security to get these approved so that they could be effective by March 7, 2017.

And, again, each year FEMA has to re-certify their levee to make sure that it's properly being maintained and the area is not being flooded by any backwaters. The Wisconsin DNR as well as reviewed this FEMA application as well as this adjustment that was made. And there was also one other typo in the last set of mapping.

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And so the purpose of this after we've had the proper notices, the proper procedures, all the reviews in place, the Village Plan Commission and the staff are recommending approval for this Ordinance Amendment and the reflection of these adjustments to the floodplain mapping as outlined in the staff memorandum.

Dave Klimisch:

Are there any significant areas of change that you noticed?

Jean Werbie-Harris:

No, no. This is really kind of a follow up to the work that was done back in 2000. That's how long it takes sometimes to get through the federal process and the local process, county process in order to get these maps updated. And these two panels reflect this, We Energies Landfill Levee and the adjustments to the FEMA and FIRM maps. And, again, yearly maintenance requirements by We Energies to follow up and submit the appropriate documentation to identify that there's no backwater flooding. There's no one that lives in this area. There's no structures in this area other than this earthen berm.

Kris Keckler:

Was one of the pictures associated on Bain Station - is there any relevance to the difficulties with the upkeep of the rail crossing that's near there that I know there's been concerns with?

Mike Pollocoff:

With this?

Kris Keckler:

Yeah, they're not using this as a tie in or rationale as to why they're having difficulties with the upkeep?

Mike Pollocoff:

No, they have heavy loads and UP doesn't update their [inaudible].

Kris Keckler:

I just didn't know if there's associated flood damage that makes it more difficult?

Mike Pollocoff:

No.

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John Steinbrink:

You need a motion?

Jean Werbie-Harris:

Yes, we do.

Dave Klimisch:

I move approval of Ordinance 17-07.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Dave, second by Steve. Further discussion?

KLIMISCH MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #17-07 TO ADOPT THE REVISED FLOOD INSURANCE RATE MAP (FIRM) AND THE RELATED FLOOD INSURANCE STUDY FOR KENOSHA COUNTY AND INCORPORATED AREAS PREPARED BY FEMA RELATED TO THE WE ENERGIES ASH LANDFILL SITE LEVEE CONSTRUCTED IN 2000 ON THE PROPERTY LOCATED NORTH OF BAIN STATION ROAD AND WEST OF STH 31; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- C. Receive Plan Commission recommendation and consider the Rescission of Trans 233 Restriction from Certified Survey Maps 2179, 2208 and 2291 related to the properties located adjacent to STH 31 south of 95th Street in LakeView Corporate Park.**

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioner is requesting approval of correction instruments to CSMs 2179, 2291 and 2208. This is for the rescission of the Trans 233 restriction related to the 50 foot highway setback to Highway 31 on the properties located adjacent to Highway 31 that are actually south of 95th Street. A few years back there was a section of the statutes, Trans 233 that imposed greater restrictions than local ordinances for setbacks for structures, signage, parking, various structures or other types of activities on properties on state highways. The state has since pulled back that restriction. And so a number of the properties that were subdivided in Pleasant Prairie, in particular in the LakeView Corporate Park, they have now requested that this provision be rescinded on the certified survey maps, and that they follow the local or the Village zoning ordinance regulations with respect to setbacks.

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For example, we have setbacks of 65 feet or 50 feet depending where you're located. Driveway setbacks, parking setbacks are 20 feet. Sign setbacks are 15 feet. But in most cases they're less than what was imposed by this Trans 233 requirement. So just as with previous CSMs that have come before you in the past, they're asking that this restriction be lifted in three different locations on three different CSMs along Highway 31. The staff and the Plan Commission recommend approval subject to this rescission and this document being recorded and a copy provided back to the Village staff within 30 days.

Steve Kumorkiewicz:

I make a motion to approve the correction.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Steve, second by Dave. Further discussion?

Steve Kumorkiewicz:

Yes. Jean when I see that 233 I remember that we got issues before with that. It can be [inaudible] in the future they can reverse and invoke the 233 in part of the state?

Jean Werbie-Harris:

The state can change regulations at any time.

Steve Kumorkiewicz:

So that's subject to that.

Jean Werbie-Harris:

So right now Trans 233 is more restrictive, and they've identified that local communities can have them removed because that regulation currently does not exist. But it was recorded on all of these certified survey maps in the LakeView Corporate Park when we were very active doing development in the '90s and 2000s.

John Steinbrink:

The original intent was to put landowners on notice that at these intersections it was supposed to save the taxpayers money by not having to come back later and buy out a building that was put in the wrong place. Because they knew in future development intersections would grow and

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highways would be widened. So with removing this and using the Village's ordinances are we allowed enough protection here to meet all the setbacks we need I'm assuming, right?

Jean Werbie-Harris:

I would assume. State Highway 31 has been widened to a pretty wide profile at this location. Its six lanes. I can't envision that it would go to eight lanes at this location. And in each of these circumstances the intersections at both 95th and 165 have been widened. And in particular where these restrictions are proposed to be removed they're in areas where there's vacant land that could be developed in the future. I can never say never, but the intention is that our setbacks are still 50 feet or 65 feet. In certain areas it could impact a sign or some parking areas or driveways. But I guess that's throughout the entire Village.

John Steinbrink:

Right, under the program you were allowed to do parking in the area knowing that at a later date it could be impacted by the growth or expansion, but if we're covered we're covered.

Steve Kumorkiewicz:

The only issue I've got now with this is, Jean, I hope [inaudible] in the situation when we got with Chili's when Chili's was built, remember? There was an invocation of 233 when they were going to go exit from Green Bay from our side through Chili's property.

Jean Werbie-Harris:

Well, to be honest, Steve, State Highway 31 and Highway 50 are going to be reconstructed sometime in the next five to seven years, I think 2021, 2022. And I don't believe that it impacts any of those businesses in the Village where they would negatively be impacted and they'd need to be removed. But there are some businesses that are very close to the highway right of way at the intersection that will be significantly impacted with that reconstruction.

Steve Kumorkiewicz:

We're [inaudible] going to be affected because the developer give the land to the Village for future [inaudible] 233. I remember that.

John Steinbrink:

Okay, we have a motion and a second. Is there any further discussion?

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE RESCISSION OF THE TRANS 233 RESTRICTION FROM CERTIFIED SURVEY MAPS 2179, 2208 AND 2291 RELATED TO THE PROPERTIES LOCATED ADJACENT TO STH 31 SOUTH OF 95TH STREET IN LAKEVIEW CORPORATE PARK; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

- D. Consider a partial termination of Memorandum of Development Agreement entered into by and between the 88th Avenue Properties, LLC and the Village of Pleasant Prairie for public-related construction activities, responsibilities and obligations related to the Niagara Project on Parcel 1 of CSM 2754 infrastructure improvements.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request from Marjorie Howard of Richmond Breslin LLP on behalf of the owner Centerpoint WisPark, Land Company. And this is for a partial termination of Memorandum of Development Agreement on Parcel 2 of Certified Survey Map 2754. At the time that Niagara built in Pleasant Prairie, the land with parcel 1 and parcel 2, Niagara was required to do some public-related improvements. And as a result there was a development agreement and a memorandum that was recorded on the property.

Now, while the development agreement correctly reflects the legal description of the Niagara property, parcel 2 in the front was also shown on the same certified survey map for the development agreement. So instead of only using the legal description for parcel 1, they included both legal descriptions on the document that was recorded. Now, CenterPoint is looking to try to sell some of the properties in the corporate park, parcel 2 being one of them, except their title is clouded by this development agreement with Niagara even though it has nothing to do with the Niagara property.

So in order to clear title because they attached a CSM instead of just a legal description, they are requesting that there be a partial termination of the Memorandum of Development Agreement to remove it from this parcel 2 which is the vacant land so that it's clear and it can be conveyed. The staff recommends approval of this partial termination subject to the comments as outlined in the staff memorandum.

Dave Klimisch:

So we're just recording what's essentially a misfiled legal description?

Jean Werbie-Harris:

It's hard to say whether it was misfiled. I think the best way to say it is they should have used just the legal description instead of just attaching the CSM. When they attached the CSM, it brought both with it and the title company has a problem with that. If you go and you look at the document at the Register of Deeds office it's really only recorded on that one property. But because the attorney at the time stuck that CSM and just said, well, just look at that legal, well, they shouldn't have done that. They should have just written the legal which was on parcel 1 of CSM 2754. So, you know, the Register of Deeds office says it's not on the property, and the title company says it's on the property because they used that other document to record a legal. So it's more of a cleanup. And I don't know if it's incorrect, but it's to clean it up so that there's nothing on title on this front property.

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John Steinbrink:

And all the parties are in agreement?

Jean Werbie-Harris:

Yes.

Michael Serpe:

I'd move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion? .

SERPE MOVED TO APPROVE A PARTIAL TERMINATION OF MEMORANDUM OF DEVELOPMENT AGREEMENT ENTERED INTO BY AND BETWEEN THE 88TH AVENUE PROPERTIES, LLC AND THE VILLAGE OF PLEASANT PRAIRIE FOR PUBLIC-RELATED CONSTRUCTION ACTIVITIES, RESPONSIBILITIES AND OBLIGATIONS RELATED TO THE NIAGARA PROJECT ON PARCEL 1 OF CSM 2754 INFRASTRUCTURE IMPROVEMENTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- E. Consider a First Amendment to the Development Agreement between the Village of Pleasant Prairie and Fountain Ridge LLC and approval of the Chicago Title Company Commercial Construction Loan Escrow Distribution Agreement.**

Jean Werbie-Harris:

Mr. President and members of the Board, this request before you this evening is something that was anticipated and requested by the Fountain Ridge LLC development. Back in September there was a preliminary or a grading agreement that was entered into between the Village and the developer, and this was for the grading of the site north of Bain Station Road and west of County H for the Fountain Ridge Development. We followed it up with a final development agreement in December of this past year, December of 2016.

And in that development agreement the developer had requested and the Village Board tentatively approved that we would agree to a first amendment to the development agreement between Prairie Ridge and Fountain Ridge LLC. And the purpose of the amendment is to substitute out the letter of credit and cash that was deposited with the Village for the Village to

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use as security for the public improvements in Fountain Ridge and to transfer the responsibility of making payments and drawing down on that letter of credit to the title company, Chicago Title.

What this doesn't do is it does not take away the Village's responsibility to review the lien waivers, review the quantities and the public work that was complete for the public improvements, and it allows the Village to bring this to the -- have our engineers review it, bring it to the Village Board for us to authorize the payment. So the process is the same except for the title company is holding all of the funds, and they are disbursing those funds to the developer. So the developer is still going to be paying his contractors, but he is going to be reimbursed from these funds that are going to be held in escrow at the Chicago Title Company for payment.

Again, Jesse or John from public works will still review the pay requests, the lien waivers and present the information to the Board for authorization of payment to the contractors. Then notification will be sent to Chicago Title, and then they will make payment to the developer. The developer will have already through his internal process made payment to the contractors. So that's the first part of the request. They're just asking that the title company be the disbursal agency of the funds.

The second part is that the Chicago Title Commercial Construction Loan Escrow Distribution Agreement sets forth this process in detail. The development agreement kind of outlines this. And then this disbursement agreement outlines exactly how it's going to happen, and that the developer will also pay Chicago Title for handling the disbursements back to the developer. Does that make sense?

Michael Serpe:

It's a little confusing to me. If everything is going between Chicago Title and Fountain Ridge why are we involved in this thing?

Jean Werbie-Harris:

Because it's a public improvement. And public improvements are needing to be inspected as well as approved by the Village before any disbursements are made back to the developer for his payments to the contractors. So the title is just the agent that is actually just holding the money to reimburse the developer. The developer is going to pay his contractors, collect the lien waivers, collect everything, submit everything to Jesse and John. They are still going to review all the work, make sure everything that has been inspected and installed meets with the Village's specifications. Then we will bring it to the Board for authorization of payment to the developer. Once it gets approved by the Board then it goes to Chicago Title who will disburse funds back to the developer. Again, this is for all public improvements in that development.

Michael Serpe:

Are there any more coming after this?

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Jean Werbie-Harris:

Any more?

Michael Serpe:

Approvals from the Board for any more improvements on that development that need to be approved by the Board?

Jean Werbie-Harris:

Well, each time there's a draw on the funds we will present that to you for the draw on the funds.

Michael Serpe:

So this is only the first of --

Jean Werbie-Harris:

This is the first one because we're taking that million dollar letter of credit that is going to be given to Chicago Title. And then it's just under \$180,000 in cash, and that will be wired to Chicago Title. Again, they're going to be holding and disbursing the funds. This is to protect the Village.

Michael Serpe:

So if we don't approve it nobody gets paid.

Jean Werbie-Harris:

Well, the contractor will have already been paid by the developer. It's the developer that won't get reimbursed. So everyone needs to look at these. It gets looked at by the developer's engineers and his office, then by Jesse and John, and then the title company back to the developer.

Michael Serpe:

Okay, let's keep the confusion going. Move approval.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Mike, second by Dave. Further discussion?

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Jean Werbie-Harris:

I can just mention we worked through our Village attorney as well to draft these documents to make sure the Village was protected throughout this process.

John Steinbrink:

It protects the Village. We have a motion and a second. Any further discussion?

SERPE MOVED TO APPROVE A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND FOUNTAIN RIDGE LLC AND THE CHICAGO TITLE COMPANY COMMERCIAL CONSTRUCTION LOAN ESCROW DISTRIBUTION AGREEMENT; SECONDED KLIMISCH; MOTION CARRIED 5-0.

F. Consider Resolution #17-02 for the extension of the Tax Increment District #4 time period from 2027 to 2034.

Jean Werbie-Harris:

Mr. President and members of the Board, the Village Board approved Resolution 07-62 which included the project plan for Tax Incremental District #4 for the Village of Pleasant Prairie. Again, this is a project that was located at the southeast corner of 91st Street and 22nd Avenue.

As part of this resolution the Village staff is requesting that the Village Board confirm that payments made under this developer revenue bond in the project plan through 2034 have a new termination date of 2034 instead of 2027. So that's the purpose of this resolution. I'd just like to give you some background information, though, on this request.

So the project summary, an affiliate of Bear Development purchased the Ava Manor site at this corner in 2007. Working closely with the Village, TID 4 was established and paid for the demolition of the dilapidated structures and the remediation of environment contamination at that site. Ava Manor is a proposed new construction, predominantly senior housing development, to be located at the southeast corner of the intersection of 91st Street and 22nd Avenue. The project will consist of two buildings, a 42-unit independent senior building and an 8-unit town home complex. Both buildings would be constructed concurrently.

The 42-unit senior building would have a mix of one bedroom and two bedroom units, management office and a community room. All homes within the 8-unit town home building will be two stories featuring individual entrances and many with attached garages. The development will be partially financed through the WHEDA tax credit program constructed of high quality natural materials and will comply with the Wisconsin Green Built Home Standards for energy efficiency.

All design elements will be fully reviewed and approved by the Village prior to commencement as part of the Village's standard PUD process. The senior building will cater to seniors with a

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variety of income levels. Rental rates will be expected to have a mix of income levels with rents ranging from \$400 to \$1,000 per month. Again, that's the senior building. The town home rents are anticipated to be approximately \$900 per month.

The TID extension rationale and, again, that's what they're requesting this evening - Bear is asking that TID 4 be extended from 2027 to 2034 which is currently allowed within TID 4 at the discretion of the Village. Due to the delays with the original development, this extension is vital to secure future investment with their partners. The time extension will provide needed capital to assist in the completion of the environmental cleanup as well as ensuring the high quality building that meets our goals. In addition to putting the development on a stronger financial footing, the additional time is extremely important to secure the WHEDA tax credits.

And it goes on with the financial summary, and I can get into more of that if you need it. Without the allocation of the WHEDA tax credits, the development will not be able to move forward. Extending TID 4 will enhance Bear's chances to obtain WHEDA tax credits and assist in the financial viability. The development will address the high need for senior housing, result in environmental closure of the site, and significantly increase the assessed value of the under utilized vacant parcel.

So, again, the purpose of the resolution this evening is to extend that time period for the TID from 2027 to 2034. It was originally set up as a 20 year from 2007 to 2027. We do have representatives here from Bear Development if you have any additional questions. We've been working with SR Mills and his staff as well as their attorney, and our Attorney Scott Langlois from Quarles & Brady regarding this request. They are trying to make a WHEDA application on or before March 3rd of this year.

Michael Serpe:

This would be a very welcome development in this area, very welcome. At least we can reserve a room, John.

Dave Klimisch:

Jean, what's the status now with that land. Is it being cleaned up? Has it been cleaned up? Is it delayed seven years?

Jean Werbie-Harris:

It's currently vacant. And I believe most of the site has been totally cleaned up and remediated. There is still one minor hot spot which is in the upper north corner. No units would be -- it's a very small area. Again, this was from contamination from a dry cleaner. A very, very small area. There would be units and no garages, no structures put on or near it. But they do need to finish capping the site at that corner. But it's a very small area. Most of the site has been cleaned up, and it's going to be closed very soon. But there are people here if they want to add anything to that.

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Steve Kumorkiewicz:

Jean, how long ago did this project start for the cleanup?

Mike Pollocoff:

2007.

Jean Werbie-Harris:

2007 is when the first project was presented.

Steve Kumorkiewicz:

So ten years, and they couldn't have finished the cleanup of the site in ten years? I see one area where there's water standing right there by 22nd Avenue. That was supposed to be corrected, too, or not?

Jean Werbie-Harris:

So with respect to site contamination oftentimes it takes year and years. And they had to do a series of monitoring wells and other types of testing in order to verify the cleanup. It's not just soil removal because sometimes it can get down into ground water and such. And so they have continued to monitor the site. I'm not sure exactly what percentage, if it's 98 or 99, but they're waiting for closure if they haven't gotten it already.

Mike Pollocoff:

One of the real issues to get the cleanup done you need to know what your final product is going to be. That will dictate how that final capping is going to occur. But you've got to remember they got it started off in 2007, 2008, '09, the economy, housing wasn't doing well. And we're probably just now coming out of it. There have some apartment projects that have been done, but it hasn't been that great. So I think that if anything this piece of property is the victim of the real estate market. I know that they've tried to submit for some WHEDA loans or some low interest loans before, and they haven't been able to prevail on it.

From the Village's standpoint the one reason we wanted to approve this TIF District was it was a contaminated site, it was a dry cleaners there, and that's particularly noxious. And so we wanted to get that done, and they did do that work. The Village hasn't spent any money on this and we won't either. It's really been the developer that's paid for the remediation. So now when it goes to the next step and say, okay -- he knew he was going to put some kind of development on there, and it really hasn't changed too much. It was a senior housing before I believe with the initial one. So it's still the same type use, it's just now it's more directed to the market that exists and we'll be done with it. And I think in the intervening time legislation passed that extended the time period of the TIF. So I don't believe that was possible in 2007 if my recollection is right.

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Steve Kumorkiewicz:

[Inaudible] \$700 million is that what it was?

Mike Pollocoff:

No, the TIF was \$156,000. That's with the cleanup costs, and now they have to finish capping it. I don't know if they got prices on that.

Steve Kumorkiewicz:

I've got a number in my head \$700,000 or some way.

John Steinbrink:

This property was home to a lot of different businesses one of them being former Town Hall. I'm sure they ran a very clean place.

Mike Pollocoff:

Ours was really clean.

John Steinbrink:

Sir, you had comments. Just give us your name and address for the record.

Joe Schwenker:

Sure. Mr. President and members of the Board, my name is Joe Schwenker with Bear Development, 4011 80th Street in Kenosha. Jean really did a great job of summarizing everything. It's vitally important for the success of this project to get the TID extension. As Mr. Pollocoff noted, we've completed a number of remediation activities on the site. We continue to have monitoring wells. By doing this development, we will adequately cap the site and bring the site to closure. So we respectfully request the extension of the TID. And I have some of my colleagues here who can address other specific questions as well.

Michael Serpe:

On the capped section, that's the contaminated area, we can't build a structure on there, but can something be built for recreation purposes like a nice park setting or something with a gazebo?

Joe Schwenker:

We typically stay away from that. We'll put the required cap on top of it, and that will be a vacant part of the development.

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Michael Serpe:

Nothing on it.

Joe Schwenker:

Green space.

John Steinbrink:

Any other --

Dave Klimisch:

Jean, of course we hope this development comes through. It will be nice when it's done. If it doesn't, is there a downside from the Village perspective if we extend this by seven years and the development doesn't happen? I mean currently it would expire in 2027. If this doesn't happen and I hope it does, but if it doesn't is there a downside to extending it by seven years.

Jean Werbie-Harris:

I don't think so.

Mike Pollocoff:

I don't think there is. I mean I think what happens is if for some reason they can't get their credits this time, that's a fixed point in time so that it narrows the window where they can get payments on it. So the person who is going to lose on this is Mr. Mills because he won't be able to recapture the increments to pay him back for the expenses he had on the project. So that ends up being their loss. If it was a public TID that we were responsible for and we couldn't collect the increments fast enough, then it goes on the tax roll at the end of the life of the TID. So I think they have all the incentives they have to try and get this thing done so they have a chance to recapture that. And I'm assuming they've worked a pro forma out where they can make it work with the extension of the time frame.

But what everybody misses I mean the cost of this to the community is Kenosha Unified, Pleasant Prairie, Kenosha County we don't get the taxes from there from that parcel. But right now I think we're paying them probably \$1,200 is the increment we give back to -- that's how much the value of that is. There really isn't any value to that. And the increment will grow, and at some point when that thing goes over they'll go on the tax roll. But in the intervening time it's the impact of this is insignificant.

Kris Keckler:

Move approval.

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Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Further discussion?

KECKLER MOVED TO ADOPT RESOLUTION #17-02 FOR THE EXTENSION OF THE TAX INCREMENT DISTRICT #4 TIME PERIOD FROM 2027 TO 2034; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

Thank you, sir.

Joe Schwenker:

Thank you very much to you and staff.

G. Consider authorization to file the Village of Pleasant Prairie's Request to Intervene and Notice to Appear before the Public Service Commission related to the application of American Transmission Company LLC to construct a new 345 kilovolt (kV) transmission line.

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request by staff for the Village Board to consider a request to intervene and for a notice to appear before the Public Service Commission. This is for the American Transmission Company's new 345 kilovolt transmission line that they are proposing from PLPL 81 transmission line to a new substation that's going to be located in the Village of Wadsworth, Illinois.

In the map that you're seeing up on your screens there are a number of various routes in order to get down to the Village of Wadsworth. The preferred route by ATC is to bring the line from an area just east of H south on the east side -- excuse me, on the west side of the Clausen property then down the Village's recycling road then east to the railroad and then south into Illinois. This is their preferred route. ATC has been working on this for it will be a year this spring. And they have already secured their approvals from Illinois from the Illinois Commerce Commission. And they have filed with the State Public Service Commission in January.

The Village respectfully disagrees with their preferred route. We support the recommended route which brings the line just on the east side of the railroad on the very far west side of the green lines and then south to the state line, east and then south. So ATC had been aware of the Village's concerns as of last spring, last summer when we presented those concerns to them. We asked them to reconsider the routes in Wisconsin so it would be more mutually beneficial to the

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Village as well as the landowners and the residents adjacent to the line. They indicated that they couldn't go along an existing railroad corridor because it was too full of other utilities. And this would be the most direct route, again, bisecting through a private property owner's land, then along the Village's recycling center and then bisecting some other properties along the state line.

So the staff is requesting that the Board allow our attorney to file with the Public Service Commission a request to intervene in order for us to present our case to the Public Service Commission as to why the alternate route would be the better route to choose as you move through Pleasant Prairie with this transmission line.

Michael Serpe:

Where would that location of the hearing take place?

Jean Werbie-Harris:

Likely Madison. Typically that's where they're held.

Michael Serpe:

And there's no chance of bringing that more local?

Jean Werbie-Harris:

I doubt it. I don't know that they've ever done that. I think they're held always in Madison.

Mike Pollocoff:

If they have some really large ones where there's a lot of people they've held them on site. But they really push back against it. They will take telephonic testimony.

Jean Werbie-Harris:

Correct.

Dave Klimisch:

And the reason ATC would like the other way is it's more direct, less line, cheaper?

Jean Werbie-Harris:

It's cheaper, approximately a million dollars cheaper.

Dave Klimisch:

Out of how much budget do you know?

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Jean Werbie-Harris:

I can't remember the exact dollar amount, but it was --

Mike Pollocoff:

A million clearly isn't --

Jean Werbie-Harris:

It was not a significant impact.

Dave Klimisch:

And is there a legal standing where they have to take in concerns of the local homeowners or municipality? It can't be just what's cheapest for them. Do they have to take into reasonable concerns of us?

Jean Werbie-Harris:

The Public Service Commission in the past has taken testimony because this isn't the first time that we have intervened on a transmission line project in Pleasant Prairie. So they have taken local testimony from residents, the community and anyone else who files to be a part of that testimony through this intervening process.

Dave Klimisch:

How successful has it been?

Mike Pollocoff:

I think we've been successful. And kind of the way it works is if our interests align with theirs then they really get us involved in it and we're involved every step of the way. If they have some inclination that our interests aren't aligned as was the case here, they didn't get us involved until - - we knew about it in the beginning, we told them what our concerns were, and then at the very end it's like, well, we've really come up with our plan. We were even trying to meet with them and we couldn't get a meeting before the deadline. They haven't been very responsive on this at all because I think they knew what they wanted and they knew what the Village requested was at odds with their preferred route.

Our intervention is going to allow the Village to have some standing at the hearing. We're going to notify all the abutting property owners because this is going to go by residential properties. And as Jean said it's going to bisect a property that could have future commercial development, and it abuts against the residential recycling area which kind of modifies how we do things in the future. And it goes by some additional houses. So, granted there is some economics for ATC,

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but it does have an impact on the economics of how someone can develop their land, their value on it, how the Village can use ours and all the abutting properties.

Dave Klimisch:

The land that's bisected probably decreases that by at least a million bucks.

Mike Pollocoff:

Yeah. We won't know that until they do an appraisal to determine what the damages are.

Michael Serpe:

Jean, when I asked where this meeting could be held, if you look at the potential of the amount of people that this could affect right here and into Wadsworth, I mean the logical place to have this meeting is right in this room.

Jean Werbie-Harris:

So they had some public informational meetings regarding the route. And each time they were held in Illinois. They were not held in Wisconsin. So the first -- I attended two of them, and they were held down in Wadsworth. So there have been meetings, and they have not held any in Wisconsin.

Michael Serpe:

What happened in Wadsworth, any objections down there?

Jean Werbie-Harris:

There was some objection, and they finally agreed on a route with the residents. Basically they're using the route which makes the most sense. They're using an existing utility railway corridor. That makes the most sense. But it did rile up a few people down there until they came to that conclusion as the preferred route.

Dave Klimisch:

I move approval of the authorization.

Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. Further discussion?

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KLIMISCH MOVED TO AUTHORIZE THE FILING OF THE VILLAGE OF PLEASANT PRAIRIE'S REQUEST TO INTERVENE AND NOTICE TO APPEAR BEFORE THE PUBLIC SERVICE COMMISSION RELATED TO THE APPLICATION OF AMERICAN TRANSMISSION COMPANY LLC TO CONSTRUCT A NEW 345 KILOVOLT (KV) TRANSMISSION LINE; SECONDED BY SERPE; MOTION CARRIED 5-0.

H. Consider award of contract for professional engineering construction management services for the I-94 Southbound off ramp and STH 165 intersection signalization improvement project.

John Steinbrink, Jr.:

Mr. President and members of the Board, proposals for the above-referenced project were received at noon on January 26th of '17 at the public works department. The proposals were reviewed by myself and Jesse Houle, construction engineer. The on ramp signalization project is part of our TID project. It's one of those intersections for the southbound traffic coming off the interstate. It really backs up. There are traffic studies that show that it warrants a traffic signal. So we went ahead and got some designs for it.

It will be a Village maintained project, but we do need some expertise in the construction management of that as we really don't have the expertise in house for the construction management for the signalization. We reached out to five different companies that do have expertise in this. Three of them submitted a bid, one declined and one just did not respond to our request. R.A. Smith National came in at the low bid of \$11,616. We have worked with R.A. Smith in the past for other projects. They do have expert construction managers for this type of work, and we do recommend entering into a contract with R.A. Smith National for an amount not to exceed \$11,616.

Steve Kumorkiewicz:

I make a motion to approve the proposal from R.A. Smith.

Kris Keckler:

Second.

John Steinbrink:

Motion by Steve, second by Kris. Further discussion?

KUMORKIEWICZ MOVED TO APPROVE AN AWARD OF CONTRACT TO R.A. SMITH NATIONAL IN AN AMOUNT NOT TO EXCEED \$11,616 F FOR PROFESSIONAL ENGINEERING CONSTRUCTION MANAGEMENT SERVICES RELATING TO THE I-94 SOUTHBOUND OFF RAMP AND STH 165 INTERSECTION SIGNALIZATION IMPROVEMENT PROJECT; SECONDED BY KECKLER; MOTION CARRIED 5-0.

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I. Consider Resolution #17-01 - Preliminary Resolution declaring intent to exercise special assessment police powers in connection with the construction of the 107th Street water main east of 39th Avenue.

Matt Fineour:

Mr. President and members of the Board, this preliminary resolution is associated with a small water main extension project located on 107th Street just east of 39th Avenue. What started this project was that this corner lot is proposed to be developed. It's proposed on being developed into one single residential family currently and then with the potential of two other residential lots on it being split. There is currently water along 39th Avenue, and this being a corner lot with a potential split as well we need to extend the water main to the far property boundaries of the lot. So the preliminary assessment is to get the project started. And the next agenda item as far as a survey to get the design started as well. Any questions I'd be free to answer them.

Michael Serpe:

I'd move approval of 17-01 and set it for public hearing.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?

Dave Klimisch:

Any proposed access for that larger lot - would that be on 107th Street?

Matt Fineour:

Yes, the driveways would be off of 107th Street.

John Steinbrink:

Further comment or question?

SERPE MOVED TO ADOPT RESOLUTION #17-01 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS IN CONNECTION WITH THE CONSTRUCTION OF THE 107TH STREET WATER MAIN EAST OF 39TH AVENUE AND SET THE PROJECT FOR A PUBLIC HEARING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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J. Consider a Professional Engineering Services Agreement for the 107th Street water main project east of 39th Avenue.

Matt Fineour:

Mr. President and members of the Board, this is a professional service agreement with Clark-Dietz in order for them to go out and actually do the field survey pickup and drafting for the water main design. The water main design itself will be in house by Village staff. But we do need them to go out there and do a field survey and draft it up in Cadd. The contractor amount is for \$8,000. And we'd recommend approval.

Michael Serpe:

So moved.

Kris Keckler:

Second.

John Steinbrink:

Motion by Mike, second by Kris. Further discussion?

Dave Klimisch:

Were there multiple bids for that or we just called up Clark-Dietz?

Matt Fineour:

For a project like this I usually call up on this case Clark-Dietz they're very close by for a survey project. For me to do somebody else usually the time involved in travel and everything else eats that cost up. So we've done other projects with Clark-Dietz. I know their cost and what they don't do, and it being so close and such a small project we usually don't go out for a whole lot of bids on that kind of thing.

John Steinbrink:

Further discussion?

SERPE MOVED TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH CLARK DIETZ IN AN AMOUNT NOT TO EXCEED \$8,000 FOR THE 107TH STREET WATER MAIN PROJECT EAST OF 39TH AVENUE; SECONDED BY KECKLER; MOTION CARRIED 5-0.

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K. Consider an Agreement with the Kenosha County Sheriff's Department for membership of both the Fire & Rescue Department and Police Department in the Tactical Response Team.

Chief McElmury:

Hi, Mr. President and members of the Board. We have been approached by the Sheriff's Department from the Fire and Rescue side to assist them with providing what they call TEMs or tactical emergency medicine operators to assist them on the tactical response team. Up until this point there's only been three people involved, and there just wasn't quite enough depth in there. So they've approached the county fire and rescue departments. So ourselves and three other departments are looking to put people on this team. It would be a benefit to us and the surrounding communities.

I just do want to point out one thing. There is one clarification I need to make. In my memo that I sent to you I talked about the medical liabilities covered by the Kenosha County Tactical Response Team. And the credentialing would be underneath them. That was incorrect. The medical direction is under Dr. Feinzimer who is also our medical director. And they'll still be credentialed through us. Our malpractice and our medical liability would still be through us, no different than if we responded each to the incident, or if it was an incident in Pleasant Prairie we'd still be covered. So it'll still operate underneath our credentials, underneath our medical license. But it will be still under the same doctor but kind of a different arm if you will.

Michael Serpe:

Doug, is this something that your department is going to come into after the situation is kind of calmed?

Chief McElmury:

With the TEMs operator he's actually an integrated part of the SWAT team. So he'll be fully outfitted with the body armor, will train with the SWAT team monthly, and --

Michael Serpe:

As well as a weapon, with a weapon?

Chief McElmury:

No, without a weapon. None of TEMs operators are allowed to carry weapons.

Michael Serpe:

So just for his own protection he's going to have the body armor?

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Chief McElmury:

Mm-hmm.

John Steinbrink:

Chief, you have any comments?

Chief Smetana:

The second half of that agreement allows me to place Pleasant Prairie police personnel both on the tactical response team which we've done in the past. And I'm kind of expanding it this year and adding one of our officers to the crisis negotiation team. This pays benefits to both the county teams and myself. The more training that our officers get in the specialty areas the more they can return it to the department, train other officers, the better trained the entire department becomes. And it also becomes a recruiting tool for the department.

Most departments the size of ours don't have access to put their employees on a tactical team or a crisis negotiation team. That's a huge benefit when we're going out and talking to people saying while we don't have a tactical response team we have access to one. And if your interest so leads you in the future if you do everything right you can get assigned to that team. So it pays benefits multiple ways. Plus it just gives better prepared officers to service the Village at a very low cost.

Michael Serpe:

Chief, I haven't heard much of this in the past where the fire department engages. Is this relatively new or has it been around a while?

Chief Smetana:

No, it's been around for a while. They used to call them SWAT medics. And it started a while back where they found that during tactical operations should somebody be injured you're waiting for medical personnel. So you're making the scene safe, and then you're waiting for that medical personnel to respond to the scene. They may be outside, but it still takes them a certain amount of time to get in and seconds is the big part of the game here.

So what they do is they assign and train these members to move in right with the tactical team and become part of the tactical team. And that way as well now they can work and train the rest of the tactical team. So those medical life saving efforts can begin immediately as opposed to waiting minutes.

Michael Serpe:

Very interesting.

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John Steinbrink:

The cost or the body armor for the fire medics is that absorbed by --

Chief McElmury:

There's actually no cost. The specific body armor and the tactical equipment and like that is provided by the Sheriff's Department. The only thing that we provide is like the PDU type uniforms them and we pay for the training. But they provide all the specific tactical stuff.

Steve Kumorkiewicz:

I make a motion to approve the agreement.

Michael Serpe:

I'll second that. Is this going to be a regular call out every time TRT is going to be called out?

Chief McElmury:

I don't know if they're going to form a schedule or what being that they're bringing on extra medics. But initially I would image they'll try to get as many as possible in there to gain the experience. Then plus they'll be training monthly.

Michael Serpe:

And how many medics assigned to the unit?

Chief McElmury:

We're looking at putting one on.

Dave Klimisch:

So if there's a situation and that one person isn't on shift is there a backup person?

Chief McElmury:

Well, they'd be also on call. But then that's the idea of approaching multiple departments within Kenosha County to get that added depth. So the surrounding communities, Somers, Bristol, Salem and us would all have medics on there.

Dave Klimisch:

So if our person is out of town on vacation or whatever somebody else will cover?

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Chief McElmury:

Exactly, yeah.

Dave Klimisch:

Good.

Michael Serpe:

Other municipalities have agreed to this as well, do you know?

Chief McElmury:

Right now Bristol has got medics on there. And Somers, Salem and Pleasant Prairie are all proposing to do the same.

Michael Serpe:

And Kenosha.

Chief McElmury:

No, Kenosha doesn't have anyone on there right now. They're approaching them. I haven't heard if they're going to be putting anyone on. But I know the other three departments we have talked and everyone is putting them through the process. There's still some testing that they need to do and everything else, but this is the first step is the agreement.

Dave Klimisch:

I think you mentioned the cost. If there's a situation and our person goes as far as pay that's covered by Sheriff's Department. Liability is covered by our insurance?

Chief McElmury:

I guess probably the best way to sum it up, Captain Weyker said basically if it's a situation they get put in from a liability standpoint other than medical the Sheriff's Department, just like any other mutual aid, they're the host agency, they're responsibility for the liability. Medical malpractice and medical liability would fall on us no different than if we went in with an ambulance.

Chief Smetana:

When our personnel who is currently assigned to the TRT when he gets called in we pay his wages. So if it's an overtime deal we take care of that. Like I said with them paying to outfit the

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individual and us paying for the training time and the call ins, it's a definite win-win for everybody in the county.

John Steinbrink:

Okay, we have a motion, we have a second. Further discussion?

KUMORKIEWICZ MOVED TO APPROVE THE AGREEMENTS WITH THE KENOSHA COUNTY SHERIFF'S DEPARTMENT FOR MEMBERSHIP OF BOTH THE FIRE & RESCUE DEPARTMENT AND POLICE DEPARTMENT IN THE TACTICAL RESPONSE TEAM; SECONDED BY SERPE; MOTION CARRIED 5-0.

John Steinbrink:

Thank you, gentlemen.

L. Consider Resolution #17-03 petitioning the Rail Commissioner to require property maintenance to the culvert crossing under the Union Pacific Railroad located 1,750 feet north of Bain Station Road.

John Steinbrink, Jr.:

Mr. President and members of the Board, I will be presenting this, but Mr. Larry Dejno is a resident that is affected by this property. He did not speak during citizens' comments, so I guess I would request his availability to speak at this time if that would be allowed.

John Steinbrink:

Mr. Dejno, just give us your name and address for the record.

Larry Dejno:

Larry Dejno, 7900 Cooper Road. And the property that I own concerning this would be 7203 75th Street just on the other side of Menard's, south side of Highway 50. Just wanted to bring it to everybody's attention whatever the Board can do in this situation would be extremely helpful. Where is says failed culvert crossing location that's a culvert that goes underneath the railroad. And I first found that in October of 2015 due to some flooding on the property on the east side, and let the railroad know about that. They proceeded within a few months to put some snow fence around that, and that was the resolution for quite a while.

The culvert itself was completely plugged. And it caused all the water to back up on the east side of the railroad all the way back up towards Highway 50. The only reason that the railroad did any more attention to that is their own conductor said if this water on the east side of the railroad gets any higher it's going to start to affect the safety of the tracks. So the water has risen about four feet. That 100-year floodplain that you were talking about is exactly on the other side. And we

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did have the 100-year flood, but it wasn't caused from excessive rain, it was caused from the collapsed culvert.

And what ended up happening is they did send somebody out there to remove the collapsed culvert, but the beavers had made homes on the east side, and they plugged it all up, and we could not -- I contacted We Energies, I contacted Vulcan that actually owns the property on the east side, and we all went out there. We could not find the end of the culvert for the longest time. It took many hours and a post hole digger and eventually got the culvert to open up and start draining. So some of the water started raining very slowly, but if you know anything about beavers they have a way of building it right back in again.

So really the attention that I would ask from the Board is any help that could be done. The culvert itself is probably about 80 percent still plugged. The railroad did let me know that they got some quotes to get -- it's about 100 foot long, about 36 inches around - and they got some quotes to get that cleaned out. And that's the last I've heard from them, and I have not been able to successfully email or call anybody there to get help. So it is going to happen again this spring. There are a number of properties that have been affected. I have about 14 acres on the south side of Highway 50, and a good four or five of those acres were under water the whole time. So grass cut, many trees died. And there was really nothing that could be done because it was so saturated. And, again, the beavers are still there. It is an issue that has to be addressed. And it's going to continue until the railroad actually cleans out the culvert.

Michael Serpe:

We can write the letter and send a petition, and you've obviously dealt with the railroad, and I can tell you they march to a beat of a different drummer.

Larry Dejno:

I'm learning that.

Michael Serpe:

They're the most difficult group to deal with that I've ever experienced.

Larry Dejno:

We Energies has been great to deal with, Vulcan has been great on both sides. It's just this is the missing piece is getting the culvert cleaned. I've tried to clean it myself but I'm not allowed to.

Michael Serpe:

I would move approval of the Resolution 17-03. But like I said I hope it works.

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Dave Klimisch:

I'll second.

John Steinbrink:

Motion by Mike, second by Dave. Further discussion? Also on there Mr. Sal Leo [phonetic] owns the property next to you there. And I know the poor farmer that runs that and he lost half his crop. So it was a virtual lake out there. It was just unbelievable to see. So something has to be done. I know I was driving down by Hidden Oaks which is a railroad away over there, but there's a large beaver hut in the retention pond there. So this is habitat for the creatures we love so well. I thought there was a trapping program going on for this.

John Steinbrink, Jr.:

The Village is going to enter into a contract along with jointly with We Energies through the USDA who actually has a program for doing this. And so we met with We Energies and the USDA. And we do plan on starting that. They do have professionals based out of the Milwaukee area. They do work on the Oak Creek Power Plant, and they're very excited to get an opportunity to work at the Pleasant Prairie Power Plant. And so the Village is going to enter into a contract which we'll probably see in a month or so once the paperwork gets done to take care of that downstream water all the way down to 165 by the Jerome Creek.

And we are going to recommend that the USDA contact the UP railroad also to see if they can work in conjunction. So anything that we can do. I've tried contacting them, Mr. Dejno has tried many times, and they're just not very responsive to us. So we thought if we get the Village Board support, if we can get the USDA in there hopefully that's enough power to make a difference and actually stop this flooding. Because it really could be a dangerous situation. All we can do is try anyway.

John Steinbrink:

Is the USDA's program is that capture and release somewhere else or is that a trap and get rid of?

John Steinbrink, Jr.:

It's a trap and get rid of program. And then the meat goes to a food pantry, and then they do something with the pelts also.

John Steinbrink:

I hope we're feeding somebody well here because we need it. Okay, did we have a motion? A motion and a second. Any further discussion?

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SERPE MOVED TO ADOPT RESOLUTION #17-03 PETITIONING THE RAIL COMMISSIONER TO REQUIRE PROPERTY MAINTENANCE TO THE CULVERT CROSSING UNDER THE UNION PACIFIC RAILROAD LOCATED 1,750 FEET NORTH OF BAIN STATION ROAD; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

- M. Consider a Site Lease Agreement with T-Mobile Central, LLC for a cellular facility at the I-94 Water Tower site.**

Tom Shircel:

Thank you, Mr. President and Board members. For your consideration tonight is a site lease agreement between the Village and T-Mobile. It's for T-Mobile to lease a portion of the Village owned land north of the I-94 water tower site which as you can see on the map is sort of located at the confluence of 120th Avenue, Corporate Drive and 108th Street. This currently houses a water tower which does not have any current cellular communication facilities on it.

As part of the construction of this facility T-Mobile is proposing to build a 200 square foot equipment shelter located on the north side of the tower. And along with that they're also looking to -- I apologize, some of these slides are wrong. But if you look at the slide on the screen right now what they're proposing to do the shelter as you see it now does not meet setbacks. So we're looking to rotate those shelters 90 degrees so it would be oriented east/west and not north/south. So the pink shelters you can see would be the furthest east, and that would be the T-Mobile shelter that they're looking for approval tonight.

As part of the other additional improvements on the site, T-Mobile will attach a new handrail and three antennas, a microwave dish and supporting apparatus on top of the existing 137 foot Village water tower. To allow site access T-Mobile will install a new asphalt paved access road with turnaround along the north side of the tower which will connect with the existing asphalt drive. Also cabling from the antennas to the equipment shelter will be routed inside the existing access tube of the water tower down the interior wall of the stem and down the interior wall of the bell. And then from there it will go underneath the conduit from the water tower to the T-Mobile shelter.

As far as rent is concerned, the initial rent will be \$1,800 per month with a yearly increase of three percent. Landscaping and maintenance, pursuant to the agreement the Village will be responsible for the maintenance of the property and easements within 30 days of the site lease agreement. Commencement date T-Mobile will agree to make a one-time payment to the Village in the amount of \$3,000 to cover the Village expenses to landscape and maintain the landscaping on the property. The Village will complete the landscaping site upon T-Mobile's construction of their equipment shelter.

The Village shall be responsible for the ongoing maintenance and general care of the landscaping. And in order to do that a \$50 portion of the monthly T-Mobile rent which will then come to \$600 a year plus that two percent increase will be used to subsidize the Village's responsibility to maintain the site as far as landscaping, the access drive pavement and so forth goes. Easements on the site will be from the existing electrical transformer to the equipment shelter, from the

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water tower to the equipment shelter for underground conduits, and along 114th Avenue and Corporate Drive to the equipment shelter.

The T-Mobile facility is designed to be constructed with exterior building materials consisting of brick or stone. Those are to be determined. And also a standing seam metal roof with aluminum soffits and fascia. T-Mobile will submit material samples to the Village for us for their approval of that. The Village community development department is responsible for the review and approval of the commercial communications structure and permit application that is currently under review.

Again, just to reiterate, to the T-Mobile would be the initial shelter that you're approving the lease for tonight. And then subsequent shelters, there's room for two subsequent shelters which will be to the west of those for future carriers as well. And the idea is to have all those structures connected to have the appearance of one structure instead of having three individual huts on this property so we'd have just one structure.

The recommendation for tonight is that the Village staff recommends this site lease agreement subject to the Village staff continuing to work with T-Mobile to get the architecture and the setbacks of the structure down pat. Any question I'd be happy to answer them.

Kris Keckler:

Move approval.

Steve Kumorkiewicz:

Second.

Kris Keckler:

Aside from finishing the landscaping when they're done with their portion, the rental fees are those going to be allocated for any specific purpose? I know when we've talked about it at the Parks and stuff it would be for improvements.

Mike Pollocoff:

These fees on the water towers are directed towards therapeutic recreation.

Kris Keckler:

Okay, thank you.

Dave Klimisch:

And any future carriers that install an antenna do they pay a monthly rent as well?

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Tom Shircel:

I'm sorry, could you repeat that?

Dave Klimisch:

Any future carriers that install antenna would they pay a fee to us as well?

Tom Shircel:

Yes. We'll negotiate separate site lease agreements with them. We'll look at separate permits for communication facilities. And, yes, they would be paying additional rental fees as well.

Dave Klimisch:

Okay, good.

John Steinbrink:

We had a motion by Kris, second by Steve. Further discussion?

KECKLER MOVED TO APPROVE A SITE LEASE AGREEMENT WITH T-MOBILE CENTRAL, LLC FOR A CELLULAR FACILITY AT THE I-94 WATER TOWER SITE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

N. Consider an amendment to the Safe Harbor Humane Society Agreement relating to animal sheltering service fees.

Mike Pollocoff:

Oh, I'll take it. Mr. President, Safe Harbor has invited us to change the current contract actually for this year. Our monthly payment which is currently \$1,368.37 a month is going to go to \$1,384.79. Our yearly animal control services will go from \$16,420 to \$16,617. I recommend that contract changes be approved and submitted.

Michael Serpe:

The service has been good?

Chief Smetana:

Yes.

Michael Serpe:

Move approval.

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Steve Kumorkiewicz:

Second that.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?

SERPE MOVED TO APPROVE AN AMENDMENT TO THE 2016 SAFE HARBOR HUMANE SOCIETY AGREEMENT RELATING TO ANIMAL SHELTERING SERVICE FEES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

O. Consider amendments to the Village of Pleasant Prairie Employee Handbook.

Carol Willke:

Mr. President and members of the Board, periodically the HR department takes a look at all of our handbooks and policy just to make sure that we are compliant with federal and states laws as well as staying competitive with some of our neighboring communities. So you received a lot of policies. The majority of them just had small grammatical and language changes. But these 11 policies have a little bit more substantial changes. So I will very briefly highlight each one.

Back in 2010 with the enactment of Act 10 public entities were required to put together a grievance policy and procedure. So we've had one but it was never really documented really well, and it did not give the actual process for the hearing. So in this new updated policy it gives the responsibilities of the impartial hearing officer as well as the actual process for the hearing. Time limits, participation, things like that. So we have yet to use this policy. And hopefully these changes will make it easier to use in the future.

The acceptable use policy, this was implemented by our information technology director, and it replaces that technology use policy. It was updated and simplified to reflect the changes in the ways that employees utilize technology. And I will give Dan lots of credit because it went from five pages to one and a half pages. That usually doesn't happen with policies.

Our cell phone policy we've actually combined two policies, the cell phone and the personal cell phone policy. Most of our employees have their personal cell phones. And a lot of businesses, a lot of companies are now requiring that employees use their own cell phones for business reasons. In fact, we spend a lot of time trying to get employees not to use their phones while they're working so we know they have them on them, so it's not an inconvenience for them to use their own phone. There are some employees who need to have data. So if they need to use the data for either emails or systems the Village will reimburse them \$30 a month for that. And that will all be determined by the department head.

The attendance policy this, again, is updated. We have an attendance policy now, but we have modeled this policy after the policy that was implemented by the fire department and the police

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department. It's just a good idea to have a consistent policy across the board. This policy incorporates a point system rather than just the managers being responsible to say, oh, you were gone today and I'm going to give you a first warning. So this is an actual point system. I think that both the fire department and the police department have seen success with it. So we're going to implement that across the Village.

The smoking policy we've always allowed employees to smoke in Village vehicles as long as they were by themselves. That really does not follow our wellness policy. So as of tomorrow hopefully there will be no smoking in Village vehicles.

The safety equipment policy this was implemented at the request of the superintendent of DPW. This is basically it's going to be a combination of giving safety equipment to our employees once a year and then also reimbursing them for some of the bigger items like safety boots and vests. But this will give John's department a little bit more control over how much equipment they're going through. And it's also going to make sure that the employees have the equipment they need to be efficient and safe.

And our overtime policy, we're changing this just to be a little bit more competitive with our neighbors. Right now the policy is that you have to work 40 hours a week before you get overtime, so that's hour to work. So if you have a vacation day or holiday and you end up working overtime you don't get compensated for that. So now it's going to be a total of 40 hours a week, so that would include vacation time and holiday time. And it's based on eight hours a day. So if you work eight hours in one day, anything over that is one and a half times your regular salary. Holidays would be two times your regular salary.

And then the second part of this is the on call. So some of our employees are on call on a regular basis. So if they're on call outside of their regular schedule they get \$100 a week, but they have to follow some criteria that John has implemented.

Dave Klimisch:

Carol, can you review the overtime again. Per day or per week you said?

Carol Willke:

So you have to work -- anything over eight hours per day you get overtime on that. And then for a total of 40 hours a week. But it doesn't have to be worked -- it has to be all hours, not just worked hours. So if you work Monday through Thursday and you have two hours of overtime every day but then you take Friday as a vacation day you still get that overtime.

Dave Klimisch:

Okay, so vacation days count for eight hours?

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Carol Willke:

Yeah. Up until now, our previous overtime policy was like that but we changed it probably six years ago where its hours worked.

Dave Klimisch:

So if somebody works two hours extra for four days and takes a day without pay for some reason that wouldn't be overtime.

Carol Willke:

Right. Well, it would be now. If you took it without pay it wouldn't be, but if it was a holiday or a vacation day then you would still get the overtime pay.

Kris Keckler:

So those are paid time off days. What about using a sick day?

Carol Willke:

Same thing as long as you have accrued time for that.

Kris Keckler:

So it's a local recognition of paid time off counting towards that 40 hours, not listed as a federal mandate on the Department of Labor site. They just list that if it's over 40 hours worked in a week then it goes to a minimum one and a half times.

Carol Willke:

Yes. So as long as you are getting paid for 40 hours in that week.

Dave Klimisch:

I have a quick question on the cell phone. If we provide a cell phone to somebody there's no expectation of privacy. If we reimburse somebody \$30 a month for their own personal cell phone is there an expectation of privacy.

Carol Willke:

No.

Dave Klimisch:

If they're using their own email --

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Carol Willke:

Well, it is if they're using their own phone absolutely. But the Village retains the right to wipe off everything that is Village property.

Mike Pollocoff:

If they're using the data, though, they have no right to privacy on the data portion of their phone. Any business that gets accomplished we're going to be able to see it.

Kris Keckler:

If they're accessing their technology landscape enterprise system going about the course of their duties it's still susceptible to open records request and Freedom of Information Act.

Dave Klimisch:

So if like somebody is on break and they're checking their own personal email is that an expectation of privacy? Or should they know that if they're sending their own emails from their own Yahoo! account that we can look at that?

Carol Willke:

My understanding for that they could expect privacy if they're on their own email account. Now, if they're on the Village's email account no.

Dave Klimisch:

Correct.

Carol Willke:

But if they're on their own email account, yes.

Kris Keckler:

But if they're accessing the system, right, just for clarification if they're utilizing the Village's network for communication it's an inherent waiving of the right of privacy.

Dave Klimisch:

So if they're accessing the WiFi on their own cell phone is that what you're saying?

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Kris Keckler:

I believe that's where the condensed page and a half also clarified that language.

Dan Honore:

So in an employee is using their phone to access Village information, any of that information that they're accessing it doesn't matter whether it's on their phone or not because it's in our infrastructure. So there is no privacy. IT can see that data whenever we're authorized to look at that data. IT would not take the phone and look at their personal email. That would be for police to do if there was cause to do so. But we would not have any access to their personal email accounts on that phone. The only thing that we would do is wipe the phone totally. If it were lost or they left the Village and tried to do something with their account we could delete that entire phone.

Steve Kumorkiewicz:

The police have to have a court order to do that [inaudible].

Chief Smetana:

To search a contents of a phone we'd need a search warrant, so you'd need probable cause to be able to get a search warrant. So generally for administrative deals the police wouldn't be involved in that. For criminal matters yeah we would. So if somebody was involved in some criminal matter with their personal phone that had access to Village IT functions we'd be able to seize that phone if we had probably cause and apply for a search warrant. Does that answer it?

Steve Kumorkiewicz:

Yeah.

Carol Willke:

Anything else on cell phones? All right, so the next policy is our employee self-serve. This is actually something that we have been doing for a while but we just updated it. The employee self-serve portal allows employees to access their personal information. They can go in there and change stuff, they can change their address, they can change their withholdings. We're expanding it. Every time that we think something else can safely go on there we now have tied this into an online application process. So we're really excited about that.

The sick leave pay plan the significant change to this policy is that discretionary day pay out will now be deposited into a retirement savings account at the end of the year instead of being actually paid out to employees.

The retirees health and dental plan the major change here is that we have changed the requirements for non-represented public safety command staff. They have asked that they be

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allowed to follow the WRS retirement age which we are certainly agreeing to. However, they're still limited for ten years. So if they retire at 53 their health and dental insurance expires at 63. And then the retiring health savings plan we just put in the vesting period which is 20 years. And then the discretionary day pay out falls under this policy also.

Dave Klimisch:

Can you speak more about the 20 year vestment?

Carol Willke:

Yeah, this is for the health savings account. So if you're an employee of the Village and you were hired after 2010 you don't get the same benefits that the retirees prior to that do. So they put money into a -- the Village puts one percent and the employee puts one percent into a health savings account. But it's based on the fact that you're going to be here 20 years because that's the policy it's replacing because you had to be here 20 years to get health insurance. So the money that you put in, the one percent you put in, is always your money. But the one percent that the Village is contributing is a 20 year vestment.

Dave Klimisch:

And that's to cover if you retire at 55 to get you to 65 for Medicare?

Carol Willke:

Yes, or whenever you retire. Your portion of it is portable and you can take it whenever. But the one percent the Village is contributing, yes, is for the health insurance retirement plan.

Dave Klimisch:

And the public safety staff they can retire at 52 same as --

Carol Willke:

Is it 52 or 53, Dave?

Dave Klimisch:

Or did that change?

Carol Willke:

52. Yeah, and I think the verbiage in there is that it's going follow the WRS --

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Dave Klimisch:

If it were slightly from that -- the old verbiage was different?

Carol Willke:

It was 55, yeah. Yeah, that was a contract.

Dave Klimisch:

So whatever the state is we match that?

Carol Willke:

I'm sorry?

Dave Klimisch:

Whatever the state retirement age is we match it?

Carol Willke:

Yes, because we all know WRS changes on occasion. This is for non-represented, yeah. So if anybody has any more questions I'm happy to answer them. Otherwise recommendation from staff is to accept the amendments to the handbook.

Steve Kumorkiewicz:

So moved to adopt.

Kris Keckler:

Second.

John Steinbrink:

Motion by Steve, second by Kris. Further discussion or questions?

Kris Keckler:

Yes, I have a few. The \$100 allocated for the on call that was part of the budget we've enacted that already?

Carol Willke:

Yes.

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Kris Keckler:

And do we have any data how that's been going?

John Steinbrink, Jr.:

It's been working well. The guys are very excited. One of the problems that we had in public works where we were losing a lot of staff because of some of the overtime rules and the safety and allocation and the on call. And so by the Board being responsive to this has really changed morale within public works. And we're really able to recruit and keep some much better employees.

Kris Keckler:

And was it mentioned to potentially expand this for other departments or not really, this is just really for public works?

Carol Willke:

There's not a whole lot of other departments - I can actually only think of one that has somebody on call. So it's mainly for public works because they have to be on call every week but especially during snow events.

Kris Keckler:

That's good.

Steve Kumorkiewicz:

Good idea.

Kris Keckler:

I want to ask you about the attendance point system that's isolated in here. So somebody just calling in sick even if it's not a Friday or Saturday or Sunday or a holiday it's two points? Somebody calling in sick or maybe because one of their kids is sick, and so that's absent of any proof of any doctor's note so they just get two points for that?

Carol Willke:

They do. Just because it's replacing a policy that says that if you call in sick before a holiday or you call in sick the day before vacation that you don't get that vacation or holiday pay. So that tends to be the days that people call in sick are Fridays or Mondays. And this is a 12 month ruling period. So I think that Dave and Doug who are already implementing this they haven't gotten anybody who has even gotten close to those points.

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Kris Keckler:

I was just looking at some scenarios. So two points just for calling in sick. And I know you go through the rest of the portion, but you do have for step three final the accumulation of more than 18 points in any 12 month period is cause for termination. So is it in that scenario is it truly that somebody could call in sick either for themselves or a child on a Monday through Thursday, normal work day, and once they hit ten times they could be terminated regardless if it's --

Carol Willke:

Well, that's one occurrence. If it's like three consecutive days it's only considered one occurrence. You don't get points for every single day that you're gone.

Kris Keckler:

So if its ten individual days just happened to be randomly and one day a month call in sick -- I mean I see where this goes because I've dealt with this scenario, but I just didn't know if this was too deep or not.

Carol Willke:

You think this is too lenient?

Kris Keckler:

No, I don't know what your past practice has been. By putting this in there I'm assuming that there's been some cause for this or at least put it in a format that staff can identify. And certainly the Friday, Saturday and holiday portion I get that. You had mentioned, though, that nobody has really had accumulation up to this point then.

Carol Willke:

Well, police and fire are the only ones that have implemented this. It was part of their -- it came up when we were doing contracts with them.

Kris Keckler:

Has it improved the attendance then?

Mike Pollocoff:

You have to remember, too, if there's a doctor's note, if they go to the doctor because they're sick they're not going to lose any points.

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Chief Smetana:

That's what I wanted to mention. If they come in with a doctor's excuse there's no points. So what it does, you asked about past practice, and it was all over the board. That was part of the problem. So directing a police like this has put everybody at least in my department, and I think I can speak for the fire department, on the same page. Here's how it's going to be. There's nothing arbitrary about it. If you call in sick during these scenarios there's going to be points assessed. If you come in with a doctor's excuse those points go away. It's a rolling calendar. So if you have a challenging time period with some sickness in your family that you can't get a doctor's excuse for that's a rolling calendar. So those things tend to go away.

And it doesn't jump right to the termination. So there's counseling involved with the police department. It's actually a sick time intervention plan is the name of our policy. So with they key word intervention. So we want to get to somebody who is exhibiting some issues that may forebode some other problems coming to a head. And us as employers need to be cognizant of that. So we need to be able to step up and deal with those issues. And if we can deal with those with a point system and go after it that way we think that's the best way. I think it has helped our department. I think it's helped with morale on being able to say we're not looking at the two or three times sick a year with legitimate issues. We're looking at the people who are having a chronic issues with.

Kris Keckler:

And abusing it. I like the organization of it and the approach. I'm glad to hear it has improved.

Chief Smetana:

It's good.

Dave Klimisch:

How many sick days does the average employee get for a year?

Carol Willke:

How many do they get?

Dave Klimisch:

Right, five, ten days a year of sick days?

Carol Willke:

Non-represented get five discretionary days a year. And then we also accumulate one sick day a month. So 12 days plus 5 so 17.

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Dave Klimisch:

So if an employee were to use their sick days they would be terminated? If they get two points to call in sick and they called in like Chris said nine times that's 18. In my mind if they used the sick leave benefit that they get --

Carol Willke:

Well, keep in mind, though, that if they are -- so the way that our sick plan works is that we get five discretionary days a year. So you can use those for whatever reason you need. The day that you're accumulating, the day that you're accumulate one day a month that's for the employee only. So it's only for the employee, its own serious health condition. It's not for taking care of your kids or somebody else gets sick. But if you're gone for five days or you're gone for an extended period of time you're going to have a doctor's note. So if you bring in a doctor's note you don't accumulate any points for that.

Dave Klimisch:

Just so I understand if an employee uses their sick day one day per month and they're actually sick one day, if I'm sick a day I'm not going to go to the doctor that would be cause for termination because that's 12 days in a year, 24 times.

Carol Willke:

That's kind of a lot, yeah.

Dave Klimisch:

Okay. Are we encouraging people to come in sick?

Mike Pollocoff:

I think the goal in this is not to encourage somebody to come in sick. They have good health insurance so they can take care of themselves. But if somebody just has I got a bad headache today, sinus headache and it's a Tuesday or one of those other days that doesn't have excessive points, they're going to take their points and they're sick and they're going to take care of themselves. So having two points or six points or eight points isn't going to hurt anybody because it's a revolving thing. If we see you on the Jumbo Tron on Monday at a ball game and you called in sick then you're going to get the whole 12 points and a talking to.

It's not meant to be punitive. But I think if somebody is taking a lot of time it gives us the opportunity on a level playing field to say, listen, you're using a lot of time, what's going on? And they're having a lot of illness that's repetitive we need to sit down with them and see what we can do to get them in the wellness program or see what's going on in their lives to take care of it. If they've got a sick kid which is probably for a lot of people, it might not be so much them,

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it's their family, they haul the kid off to the doctor because he's sick, that kid's doctor slip is going to take care of the employee for losing points.

I don't think we're looking to say come to work sick. I think we're saying you've got to be responsible to get here when you need to get here. But if you need to stay home you stay home, and you've got a point system where you're going to make decisions. Ah, it's not that bad, it's not worth going to the doctor because I haven't had any days I've used in the last six months so I'll just take that, too. If somebody's really got something going on repetitively then it addresses that problem. Because at the end of the day none of the departments are staffed that heavy where we can afford to have somebody that's taking repetitive sick leave. Let alone the prime sick leave which is abutting days off or shifts off.

Just looking at the numbers in PD and less so from fire only because fire hasn't had it as long as PD it has slowed it down, the repetitive sick leave. So I think a lot of people especially when they get their numbers up it's like I'm entitled to this because I've got so much of it, and I'm not worried about being off so I'll use some days.

Carol Willke:

This is also for all of our part-time employees also. They don't accrue sick time at all. They don't get paid any sick time, but they're probably the most likely to call in, especially the younger staff that we have. But honestly, Dave, if somebody was sick once a month for year I would be concerned about them, and we would be talking to them and finding out if there's anything that we can do to help them because I think that's probably a little excessive. If they couldn't come with a good reason then termination would be a possibility.

John Steinbrink:

Chief, did you have something to add? Any other questions?

Kris Keckler:

My only other remaining one is progressive discipline. You crossed out it was four steps and it went down to three with the removal of the verbal portion. Is it just because the Village isn't viewing that as a primary step to progressive discipline? Or is it just because it's not documented that it's not really adhered to and what might end up as a termination hearing and/or an appeal hearing?

Carol Willke:

Yeah, we just felt like four steps is a little bit much. It's just one too many steps. You shouldn't have to be corrected four times not to do something. So we just cut that back.

Kris Keckler:

Okay.

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John Steinbrink:

Nothing else?

KUMORKIEWICZ MOVED TO APPROVE THE AMENDMENTS TO THE VILLAGE OF PLEASANT PRAIRIE EMPLOYEE HANDBOOK; SECONDED BY KECKLER; MOTION CARRIED 5-0.

9. VILLAGE BOARD COMMENTS

John Steinbrink:

Mr. Serpe?

Michael Serpe:

I have one. It appears that the *Kenosha News* continues the vicious dog complaint and has bit the Board. So I guess it's going to court Wednesday, Chief.

[Inaudible]

Michael Serpe:

And do I guess that the photographs will accompany the police department when they testify?

[Inaudible]

Michael Serpe:

Good. And I don't know if the *Kenosha News* is going to cover that, but I think if they did see the photographs of the victim they wouldn't publish them but they could describe them if they wish. And I don't think [inaudible] that I look back at our hearing I think this Board under the recommendation of Chief Smetana took the right action on declaring Bookie as a vicious dog. Unfortunately he's bit the owner again, and this time much more severely than the first time. And I hope the *Kenosha News* does a follow up on the testimony that might come out of court.

John Steinbrink:

Just to add to that, Chief, are those photographs public record?

[Inaudible]

Michael Serpe:

I think they could be adequately described and that's a matter of record.

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John Steinbrink:

The news stories say bone, tendon, flesh, muscle, all that exposed. It doesn't have the same gravity as looking at the photo where you actually see those items exposed and say to yourself this dog ain't helping this guy. All right.

Dave Klimisch:

Based on what Mike Pollocoff said earlier I'm hopeful that when Representative Kerkman comes next week that she listens to the concerns of her constituents of which we are and hears what we have to say and actually takes it under advisement to the dark stores and that whole process because we see what's happening in Michigan and Indiana and we don't want it here.

Steve Kumorkiewicz:

[Inaudible] show up here. All the times he was Senator for the Village he showed up two times. One at our request and another one where he came for [inaudible] the only time. For us only one.

John Steinbrink:

Other Board comments?

10. ADJOURNMENT

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KECKLER;
MOTION CARRIED AND MEETING ADJOURNED AT 8:10 P.M.**