

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
December 1, 2014
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, December 1, 2014. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Steve Kumorkiewicz; Clyde Allen; and Mike Serpe. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Kathy Goessl, Finance Director; Dave Smetana, Police Chief; Doug McElmury, Fire & Rescue Chief; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, HR and Recreation Director; and Jane M. Romanowski, Village Clerk. Three citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING - NOVEMBER 17, 2014**

Steve Kumorkiewicz:

Move to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde. Any discussion on the minutes?

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 17, 2014 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- 5. CITIZEN COMMENTS**

John Steinbrink:

Anybody wishing to speak under citizens' comments?

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John Braig:

John Braig, 4707 84th Street. I hope you remember I spoke to this group some time ago regarding train crossings. If I recall correctly I was stuck at the crossing for in excess of an hour. I'm here to give you an update. Last Sunday I was only stuck at the crossing for 25 minutes. But judging from the cars ahead of me and the number of cars that peeled out and turned around and went the other way I got a hunch the train was blocking the tracks for a heck of a lot longer. Thank you.

Steve Kumorkiewicz:

Was that on Bain Station?

John Braig:

This one was on 95th Street. Hey, that coal train stretches a long way.

John Steinbrink:

All depends what direction they're coming from. Anyone else wishing to speak under citizens' comments? Hearing none, I'll close citizen comments.

6. ADMINISTRATOR'S REPORT

Mike Pollocoff:

I have nothing tonight, Mr. President.

7. NEW BUSINESS

- A. Consider Resolution #14-37 to grant a temporary limited easement and a negotiations diary for Parcel 16 owned by the Village relating to the 39th Avenue reconstruction project.**

John Steinbrink:

This sounds interesting.

Mike Pollocoff:

Yeah, this is beyond interesting. You know we have two items on the agenda. One is a resolution granting a temporary limited easement for a property that the Village owns which is the Village Hall property and it's for the widening and improvements to 39th Avenue. We have acquired a number of parcels and fee interest where we've actually acquired right of way, and we've acquired temporary limited easements on some parcels where during construction we need to go back on the parcel, do some grading and during that temporary time we need to be able to

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get on there and have an easement to do it and then when the project is done the limited easement goes away.

There's I believe 20 parcels, and the Village property is number 16. This project is ready to go out to bid in February. So by the end of the week, I believe it's the end of the week, we need to send the complete package. We've acquired all the easements and properties, but the State has indicated that they need us to do two things. One is we have to prove that we've negotiated with the property owner to acquire the temporary limited easement and then we have to approve a resolution saying we're willing to give it.

Now, the Board in a previous action has authorized the project to begin. We've authorized the contracts for engineers to design the project. We've authorized contracts for consultants to acquire the right of way. We've agreed with the State to allow being in compliance with the bidding of the project, and we've funded the project. We have bonds for it. It's been approved in Tax Increment District #2 but they feel that we need to do this stuff and we need a resolution and in my discussion with the State we also need to prepare a negotiation diary because when we deal with other people we do keep a negotiation diary of here's what the appraisal was, what was your appraisal. The people will offer a certain amount of money, we'll counter, and we'll come to a point where we've acquired the property in fairness, but we've exercised some fiduciary responsibilities on behalf of the Village not to pay too much.

So my discussions with them it was "are you really asking us to bargain with ourselves to give ourselves land that we're only going to need to give to ourselves temporarily for the project to be completed" and the answer was yes. So my recommendation is I'm willing to kick a dollar into -- it wouldn't go into the easement, but I'd be willing to kick a dollar into a fund to create a department at the State to quit making us do stupid things, and this would be one of them. I can't believe the amount of money we've wasted on this. But I need somebody from the Board to offer to pay themselves for the easement or offer to give themselves their own land for the project.

Michael Serpe:

So we can start the bidding process [inaudible].

Mike Pollocoff:

Yeah, we have to actively negotiate for this.

[Inaudible]

Michael Serpe:

This is the government that wants less government. I like it, its working. What do you want, a dollar?

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Mike Pollocoff:

I think we can try and convince them again that we really don't want to pay ourselves for something that we already own.

Michael Serpe:

You have to tell them what we did? How about ten cents?

John Steinbrink:

What you need is Resolution 14-37 and you'll work out the details.

Michael Serpe:

If you need a loan, Mike, give me a call.

Mike Pollocoff:

Okay. So if I can get a motion to adopt a resolution saying we're granting ourselves a temporary limited easement for our own property so we can complete the construction of 39th Avenue.

Steve Kumorkiewicz:

So moved.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde for adoption of Resolution 14-37. Any discussion?

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #14-37 TO GRANT A TEMPORARY LIMITED EASEMENT FOR PARCEL 16 OWNED BY THE VILLAGE RELATING TO THE 39TH AVENUE RECONSTRUCTION PROJECT; SECONDED BY ALLEN; MOTION CARRIED 5-0.

John Steinbrink:

Do we need discussion in order to make this fly?

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Mike Pollocoff:

So we've got a motion approving the resolution. But I also need a motion to donate our land to ourselves for the project.

Mike Pollocoff:

So I would request the motion that we donate our land to ourselves for the project so that we can complete -- a temporary limited easement that will go away and come back to ourselves once it's done.

Kris Keckler:

Make that motion to negotiate with ourselves and donate the land as requested.

Steve Kumorkiewicz:

Second.

John Steinbrink:

We have a motion by Kris, second by Steve. A question Clyde?

Clyde Allen:

Who is going to be authorized to fill out the negotiation diary and approve it?

Mike Pollocoff:

I can. I can fill it out.

Michael Serpe:

I'm surprised the State didn't ask you to hire somebody to do that.

Mike Pollocoff:

Well, you guys have already adopted the resolution saying I can act on behalf of the Village on this specific project. But that wasn't enough.

Michael Serpe:

This is a total waste of time, okay.

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John Steinbrink:

We have a motion and a second. No further discussion. We're not going to waste any more time.

KECKLER MOVED TO DONATE A TEMPORARY LIMITED EASEMENT ON VILLAGE OWNED LAND KNOWN AS PARCEL 16 RELATING TO THE 39TH AVENUE RECONSTRUCTION PROJECT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

B. Consider Resolution #14-38 in support of Kenosha County's Petition to the Rail Commissioner to repair the Union Pacific Railroad Crossing on STH 50 (75th Street) in the vicinity of Cooper Road.

Mike Pollocoff:

Mr. President, Kenosha County has been striving for a couple years now to get the rail crossing that's in the vicinity of Cooper Road and Highway 50 rebuilt to take away the rubber mats and put in concrete supports on it. If you think back it's probably 10 years ago, 15 years ago, Vulcan Quarry started delivering stone from Racine down to their site, their yard on 31. That just played havoc on all the crossings. So coupled with the weight of the trains and the number of axles that cross on Highway 50 it's taken a beating and the State and the railroad have been hesitant to do that because they want to wait until the Highway 50 project takes place which could be 2018 or '19. So the County filed a complaint with the Commissioner requesting that the Commissioner order this to take place which he has the authority to do and they asked if the Village would join in that resolution and present testimony this week at the hearing at the Kenosha County Building in support of getting that done at this time.

Michael Serpe:

I would move to approve Resolution 14-38, but although the railroad is going to move when they want to move.

Mike Pollocoff:

The Commissioner can make them move faster than what they want to move.

Kris Keckler:

Second.

John Steinbrink:

Motion by Mike, second by Kris for adoption of Resolution 14-38. Any discussion?

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SERPE MOVED TO ADOPT RESOLUTION #14-38 IN SUPPORT OF KENOSHA COUNTY'S PETITION TO THE RAIL COMMISSIONER TO REPAIR THE UNION PACIFIC RAILROAD CROSSING ON STH 50 (75TH STREET) IN THE VICINITY OF COOPER ROAD; SECONDED BY KECKLER; MOTION CARRIED 5-0.

- C. Consider award of contract for the 2015 Village Newsletter printing and mailing services.**

Chris Christenson:

Mr. President and members of the Village Board, I'm here again in the interest of securing the lowest possible bid for our 2015 Village newsletter for printing and mailing services. In late October we sent a request for a proposal to local printers that have the equipment necessary to do the printing and mailing portion of the Village newsletter. And then we also posted this to VendorNet which is a statewide system that has probably hundreds of print vendors out there. And then we collected sealed bids and opened them on the afternoon of November 19th.

What I have for you might appear a little bit confusing because I'm making a recommendation to go with a printer for 2015 that we canceled with in 2014. They did come back with the lowest bid again. It matches their bid from 2014. And we did have problems with the first four issues that they printed for us in 2014. However, that printer contacted me and asked over the phone if it was worth submitting a bid. And I said if you can prove to me that you have identified the problems in your process that caused the issues with the first four issues of the newsletter, that you've addressed those and addressed them really thoroughly I'll consider it. And he came back with a letter. The letter is in your packet. And he detailed what they did to improve their services. And they said they would like to earn our business back.

So they came back with the lowest bid, but they also added three staff positions to their process in order to prevent any issues from happening again. They added a mailing specialist, a full-time scheduler and a production manager. And the production manager he explained is someone who is experienced from another portion of their printing company. They have multiple sub businesses or sub printers, and so they brought him over from another company. He has a great deal of experience. And they have assured me that they will perform very well for us, and they wanted to earn back our trust.

Given the fact that they added three full-time staff members to the project, to all of their projects I guess I'm willing to give them a go if that's something you're willing to consider. But with that I make the recommendation that we would award the 2015 newsletter printing and mailing services to InTech of LaCrosse.

Steve Kumorkiewicz:

[Inaudible]

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John Steinbrink:

You need to make the motion.

Steve Kumorkiewicz:

I made the motion, yes.

John Steinbrink:

Then we need a second.

Kris Keckler:

Second for discussion.

John Steinbrink:

Motion by Steve, second by Kris. Go ahead.

Steve Kumorkiewicz:

Question for Chris. Where is this company located at?

Chris Christenson:

They have two locations. They have a location in LaCrosse, Wisconsin, and that is where our sales rep is located. And then they also have a location Winona, Minnesota.

Steve Kumorkiewicz:

[Inaudible]

Kris Keckler:

I remember when this came about and we transitioned from this company to the subsequent one. As far as the service was it LaCrosse Graphics was the one that we've been for the last few? How's that been for the last several months?

Chris Christenson:

That's been pretty fair. They've done a good job. They were not the second lowest bidder this time through for 2015 but LaCrosse knows the job, and they've done fairly well. We did run into one recent issue with LaCrosse, and that was on the November issue we had to start reformatting the newsletter in a half fold instead of a tri-fold and that was due to the fact that they did not have

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the capability of putting three tabs on that tri-fold as opposed to two tabs and the post office requires that it either have three tabs or be half folded and have two tabs.

Kris Keckler:

Was there any consideration given to contract language related to if we do move forward with InTech as the recommended vendor and supplier that if they fail to meet any of the deadlines there's a reduced rate directly applied? I understand I read through the proposal that they've gone through and addressed those areas of concern, and so I appreciate their efforts in that regard. But it is a gamble again to go back with that recommendation. I could see giving them that chance, but if they truly want to back that up and guarantee it that there's some additional assurances that don't hurt us if we have to transition to another vendor.

Chris Christenson:

We don't have anything in the contract language regarding a reduced payment amount. But typically if there's a problem with an issue that then comes into play when I call them and I say, hey look, this has happened with this issue, I'd like you to address it for me and tell me what you can do for us. Sometimes they will come back, they will explain what step in the process, they ran into a glitch and they'll ask about the correction. And other times they'll say we'd like to give you a reduced rate on this issue. Typically that's been a verbal.

At the end of the four issues last year they did come back and offer -- after we notified them that we were going to suspend the contract they did come back and say can we give you a reduced rate on these issues because of these problems. And I explained to them at that point in time it was too late because we had already initiated the process of terminating the contract. We could write that in, but it is pretty standard, and typically printers will offer some type of reduction if they make an error in the job.

Kris Keckler:

And this is for a one year contract?

Chris Christenson:

One year contract, yes. Which we do have the option if we're not satisfied we can terminate the contract at any point in time.

Kris Keckler:

And I get that, but it's an additional burden that you and others have to go through several steps then just to go from point A to point B. Thank you.

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Mike Pollocoff:

If you'd want to amend your second and the motion we can direct staff to negotiate on the contract a penalty clause. We do it on the public works all the time.

John Steinbrink:

Probably since we've had problems maybe that is a good idea then.

Michael Serpe:

For this contract?

Mike Pollocoff:

Yeah.

Michael Serpe:

Even when the bid came through at \$1,300 if we awarded it to them without that penalty clause in there do you think they would accept it or do they have the right to reject it?

Mike Pollocoff:

Right, if they reject it then we go to the next bidder and the problem goes away. But if we want to see if they want to put their money where their mouth is, if their new proposed process with additional staff is going to help they shouldn't be worried about it.

Kris Keckler:

That was kind of my reflection as well. It seems like they've invested and identified their areas of need and taken steps to correct them. However, it's a reassurance that I would feel a little bit better on. I mean it's a small amount, but this is a high impact item for the community and where a vast majority of them get their awareness from the Village. And so there is value every time this goes out. Both in a timely fashion, people may miss events even if it's a day or two in their awareness and services for the Village. So I find even though it's a smaller cost it's still a crucial entity.

Steve Kumorkiewicz:

[Inaudible]

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Michael Serpe:

Just one other question. With InTech being in LaCrosse and Badger Press being in Kenosha would there be an advantage to have somebody that's going to do business with us like two minutes away?

Chris Christenson:

I thought that initially. When we took this out to bid for an annual bid as opposed to month-to-month, I was concerned using an out of the area printer and honestly LaCrosse Graphics really aced it and they make it very simple. We upload these files to an ftp site so it's all on the computer. We proof over the computer via email. And I go back to them and I shoot an email back that says we're good to go to press. Then they go about getting the pieces here to the Pleasant Prairie post office and getting them out and then getting them to the Village Hall as well and surprisingly I didn't run into anything with using an out of the area printer. I will tell you printers across the board, I mean even local printers, I've come into some time consuming [inaudible] with local printers as well.

Kris Keckler:

Motion for amendment for a penalty clause.

Chris Christenson:

Could I ask would you be able to let me know like what -- are you looking for a certain percentage?

Kris Keckler:

What's typical in the public works one?

Mike Pollocoff:

Typical is 5 percent. We could do it 5 percent, or we could do a penalty for every day that it's late. We can make it 1 percent of the project for every day that the product isn't delivered or maybe delivered to the post office. They can't be responsible for what the post office does. But I mean as far as getting it to the post office for every day it's late maybe we can do 1 percent of the contract.

Chris Christenson:

Okay, and that's something I know the four day turn is hard for most printers to get it to the post office on the fourth day after receipt of files but the fifth day for certain they would have it there if it's a late delivery on my part for the files. That's a very good point that Mike make is we're sending these at a reduced postage rate. So we're sending them pre-sort standard as opposed to first class. There's a ten day window at the post office, ten business day window at the post

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office that they have to deliver these in. So that's always a little bit of a gamble on our part. If it's this time of year and the post office is busy a lot of times our jobs do not get priority delivery because we're not paying for priority delivery. So there's always that chance as well.

Kris Keckler:

And I see that, but I think it's applicable for what is within their realm of control.

Chris Christenson:

I can definitely do that, yeah.

Kris Keckler:

Thank you.

Clyde Allen:

Mike, does the RFP allow us to make changes once the bids have been submitted?

Mike Pollocoff:

Yup.

Clyde Allen:

We are okay to do that. Thank you.

John Steinbrink:

We have an amended motion and an amended second. Any further discussion on those?

KUMORKIEWICZ MOVED TO AWARD A CONTRACT FOR THE 2015 VILLAGE NEWSLETTER PRINTING AND MAILING SERVICES TO IN-TECH WITH AN ADDITIONAL PENALTY CLAUSE OF 1% OF THE PROJECT COST CHARGED FOR EACH DAY THE DELIVERY OF THE NEWSLETTER TO THE POST OFFICE IS DELAYED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

D. Consider 2015 Mobile Home Park License renewal applications.

Jane Romanowski:

The four mobile home parks in the Village have applied for a renewal of their license. Those are City View Mobile Home Park at 4303 75th Street, Westwood Mobile Home Park at 7801 88th Avenue, Timber Ridge Mobile Home Park, 1817 104th Street, and Scotty's Mobile Home Park at 5310 75th Street. As of when the agenda packet went out as you can see there was inspection

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reports from the Community Development and Building Inspection department and no surprise there were a few violations at Scotty's Mobile Home Park but I'm happy to say that all the violations have been corrected. We got a jump on it this year. They started inspections earlier than later, and Jean's department and Sandro's department worked very hard to get any violations corrected for all the parks. So at this time there are no outstanding violations, and I would recommend approval of the four licenses, and it's for the calendar year January 1, 2015 through December 31, 2015.

Steve Kumorkiewicz:

So Scotty's [inaudible].

Jane Romanowski:

Everything is taken care of. I was told today that everything has been taken care of and for the first time in a long time we're good to go tonight.

Steve Kumorkiewicz:

[Inaudible]

Jane Romanowski:

It's been a five year process but I think they finally got it.

Steve Kumorkiewicz:

Okay, I'll make a motion to approve.

Michael Serpe:

I'll second it.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO APPROVE THE 2015 MOBILE HOME LICENSES FOR CITY VIEW MOBILE HOME PARK AT 4303 75TH STREET, WESTWOOD MOBILE HOME PARK AT 7801 88TH AVENUE, TIMBER RIDGE MOBILE HOME PARK, 1817 104TH STREET, AND SCOTTY'S MOBILE HOME PARK AT 5310 75TH STREET; SECONDED BY SERPE; MOTION CARRIED 5-0.

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E. Consider an Animal Control Agreement with Clawz and Pawz.

Mike Pollocoff:

Mr. President we contract out our animal collection and control with Clawz and Pawz. This is a one year agreement. And I'm recommending that the agreement be extended for the period proposed which is January 1, 2015 to the 31st.

Michael Serpe:

We pay that per usage?

Mike Pollocoff:

We have a flat fee, then we also pay -- no, this one we pay per usage. Our flat fee is with the Humane Society or Safe Harbor.

Michael Serpe:

Move approval.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Any discussion?

Steve Kumorkiewicz:

Yeah, I've got a question. Do we pay overtime [inaudible].

Mike Pollocoff:

If the dogs work over? No, it's per call.

John Steinbrink:

Are you good with it?

Michael Serpe:

I have question on the site. This happened to me. Somebody in the neighborhood called on a weekend about an animal problem. There was a skunk that looked like it was diseased plus it

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stunk. But to get the approval on a weekend do any of us -- I gave the Clawz and Pawz the approval, and I said go ahead and do it, just show up because they questioned it.

Mike Pollocoff:

Right now the contract requires that the police department would be the one to authorize the collection of it. So from that point we've got a written record. Because if we go back and charge somebody or fine somebody with it we want to have that on record for that to happen. So all you've got to do is call PD and they'll do it.

Michael Serpe:

They never caught the skunk either.

John Steinbrink:

We have a motion and a discussion. No further discussion?

SERPE MOVED TO APPROVE THE 2015 AN ANIMAL CONTROL AGREEMENT WITH CLAWZ AND PAWZ; SECONDED BY ALLEN; MOTION CARRIED 5-0.

F. Consider Operator license applications on file.

Jane Romanowski:

Three of them tonight, Carrie Fiore, Dawn Jones, Kayla Luska. All three applications meet the approval of the Police Chief and Village ordinances.

Clyde Allen:

So move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Clyde, second by Steve. Any discussion?

ALLEN MOVED TO APPROVE THE OPERATOR LICENSES FOR CARRIE FIORE, DAWN JONES, KAYLA LUSKA; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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8. VILLAGE BOARD COMMENTS

John Steinbrink:

Just one note here. We were given a copy of railroad regulations and liabilities with a very stiff penalty and fine and imprisonment. How does that work, Mike? Because we sat down with the Railroad Commissioner and the railroad and what did they tell us?

Mike Pollocoff:

There's a federal court case that threw all these out. So the State isn't able to administer that, and municipalities can't either. Last time this happened I think when Mr. Braig came in we set a meeting with the State and sent them an order. We told them they were in violation of State statutes as well as Village ordinances and we were advised by the Rail Commissioners that this -- and they haven't changed the statute - but they said there's a court decision, and I can find out for you who it is or a cite on the case but the State is going to no longer impose those limits.

John Steinbrink:

So I guess we've pursued this many times with the railroad, with WEPCo, with We Energies. We were pretty much told so be it, so be it.

Mike Pollocoff:

They just promise to try and do better.

John Steinbrink:

Other Board comments?

Steve Kumorkiewicz:

[Inaudible] by hand it used to be fifty.

Mike Pollocoff:

Now it's nothing. As I said our ability to do this or the State's ability to do this has been overruled by a federal court.

9. ADJOURNMENT.

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 6:30 P.M.