

**VILLAGE OF PLEASANT PRAIRIE
PARK COMMISSION
Village Hall, Auditorium
9915 39th Avenue
Pleasant Prairie, Wisconsin 53158
Wednesday, December 6, 2006
6:00 p.m.**

A regular meeting of the Pleasant Prairie Park Commission was held on Wednesday, December 6, 2006, 6:00 p.m. Present were Rita Christiansen, Michael Russert, Glenn Christiansen, William Mills and Kathleen Burns. Michaeline Day and Alex Tiahnybok were excused. Also present were Michael Pollocoff, Village Administrator; John Steinbrink, Jr., Superintendent of Parks; and Judith Baternik, Clerical Secretary.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER APPROVAL OF THE NOVEMBER 7, 2006 PARK COMMISSION MEETING MINUTES.**

Rita Christiansen:

Did everybody have a chance to review them? Any corrections or additions?

William Mills:

I'd like to make a motion to accept the meeting minutes.

Michael Russert:

I'll second.

Rita Christiansen:

All in favor?

Voices:

Aye.

Rita Christiansen:

Opposed? And I abstain. I wasn't here at the meeting.

4. CITIZEN COMMENTS.

Rita Christiansen:

We have one citizen today. No comment.

5. NEW BUSINESS

A. Consider Transfer of Land to Kenosha-Racine Land Trust.

Mike Pollocoff:

Up on the overhead there you can see two parcels of land on the north that were acquired by the Community Development Authority. And, of course, the mission of the Authority is remove blighted property, remove the blight, and the Village also has specifically in our ordinance that established the Community Development Authority is to preserve environmental features or assets that are in the Village from development and to be able to enhance it. So we have two different things that we need to do.

We've had ongoing discussions with the Kenosha-Racine Land Trust over the last few years about being able to identify properties, that once the Community Development Authority condemned them that we would find a way to effectuate a transfer that would eventually go to the Kenosha-Racine Land Trust so they could use that land as leverage in obtaining grant money to procure more land in their Des Plaines project for floodway and wetland preservation.

One of the things that makes it easier from our attorney's standpoint and I think it does for the Land Trust is not to accept condemned land so the CDA is really a separate governmental body all to its own. They don't answer to the Village Board. The Village Board has to approve the plan that they're working on, but they make their own spending decisions and acquisitions and so forth. So the transfer would be from the Community Development Authority to the Village of Pleasant Prairie after Park Commission approval since the Park Commission has responsibility for open space and park development.

What the Community Development Authority wants to do is put a cross section across—you can see where that red line is. That's the wetland. If you look at that westernmost line that's red they want to be able to identify, and we'll be field staking to find out where wetlands are specifically, and then also for surveying that floodplain line to see where that line is, maintain the developable land and have a straight line down. Do a cut and fill to remove wetland that's within that area and put it in and then lower the upland that's behind it.

This is the area we'd like to remove from the floodplain and this is the area we'd like to cut and lower into the floodplain along with this area here.

—:

Why would you want to do that out in that back field I'm curious?

(Inaudible)

—:

Where is this located exactly?

Mike Pollocoff:

I'm sorry, this is 165 right here. (Inaudible) . . . Prairie Springs Park comes through here. The other thing the Village wants to do is place a deed restriction on the property to transfer that . . . have the same wetland management responsibilities that the Village has for the surrounding land . . . how big these things are in actuality until we have a field survey done we won't know how high that is. But the mapping doesn't show wetlands. We won't know until we survey it, until we have a botanist go out and take a look at what's wetlands and what isn't. So we want to be able to keep this feature here but we basically want to be able to get a line here and square this off. Then the Development Authority would sell that front piece off for redevelopment and we're all set . . .

Rita Christiansen:

Where are the two farms that are along there? Are they farther down, the farms that are there?

Mike Pollocoff:

Right here. It's hard to see. This is where that riding stable was and then there was . . . the Schaffer farm property is right up there. This is owned by WisPark. We had some discussions about doing a joint venture with them where they would develop it but they're not interested in paying for the land and the Authority can't give land away.

Glen Christiansen:

Maybe it would be easier if we walked up to the map and had a discussion . . .

Rita Christiansen:

We can't get it on the record.
(Inaudible)

Rita Christiansen:

So what is the purpose then, Mike for building some up and putting some down?

Mike Pollocoff:

Two things. One is to create a developable parcel that doesn't impact the floodplain or wetlands any more than possible. And the second thing is to identify the wetlands or the floodplain here to improve the performance of the wetland and the floodplain.

Rita Christiansen:

So has there been a study to say if you do these two things that's what's going to occur?

Mike Pollocoff:

No, we need to do that. We can't do that in the winter. But there's a grant that the Land Trust is interested in getting so we want to facilitate getting that done, getting the transfer made. We can identify what that line will be after we do our floodplain survey, and then that would specify the amount that's going to be transferred over to the Land Trust.

Rita Christiansen:

So it's the hope with the land that's built up then there's going to be something buildable we can put there?

Mike Pollocoff:

Right.

(Inaudible)

Glenn Christiansen:

. . . and I helped negotiate the relationship with the understanding . . . worked out between the Village and the Land Trust. I am no longer on the Board of Directors but I figured for the record it should be stated. I don't know if there's any conflict any longer because I'm no longer with them.

Mike Pollocoff:

It's not a conflict.

Glenn Christiansen:

But I thought I should state that. If somebody feels that any involvement I had or any voting on it has a conflict please point it out.

Mike Pollocoff:

I think it meets in my mind with the admission of the Authority to do that. That was in our project plan to do this work and we stated that was a goal. We had other parcels other than this to transfer to the Kenosha-Racine Land Trust.

Glenn Christiansen:

The one thing I would want pointed out and maybe it doesn't need to be said but maybe it also should be said for the benefit of the rest of the Parks Commission, there is a time limit once this land is given over to the Land Trust for the gift of this land to be used for matching grants. I think it's a three year time limit. We don't have to go into all the explanation how that works. What I always wanted to see happen is if these piece of the land or some of these other pieces of land could be all lumped together, and that's what we started to talk about just before the meeting, if you had 100 acres or thereabouts of land donated, let's say 100 acres are donated you get 50 percent and then you get another parcel that's 50 percent, you now have 100 percent for that second 100 acres if you know what I'm getting at. I don't know if that made much sense to everybody else. If you have 60 acres now you're getting a lot closer to what the fair market appraised value of—no, I take that back. Because once you take that buildable parcel off you're only talking about 80 or 85 acres. So there's real potential for that to be rolled over into the C94 property, all that lowland. I think that's the direction that we all, the Parks Commission and the Village and the Land Trust that we want to be going in in the first place. I think this would be a perfect opportunity to pursue that.

Mike Pollocoff:

Right. For the Commissioners, what Glenn is talking about is the Village is—there's a lot land here in private ownership basically west of this section towards that line there. There's always been a push to get it developed. It's marginally developable land as it is.

Glenn Christiansen:

I'm not even sure it's marginal by current standards.

Mike Pollocoff:

The people who own it don't believe that so it's a constant back and forth. And the Village acquired almost all the land north of C, between C and 50, and put that in

Conservancy and we'd like to do the same with this. I don't believe you can ever backstop yourself enough against a property right challenge in the courts our word could be overturned and someone would be allowed to develop. The best way to protect yourself against that is to get into public ownership.

Glenn Christiansen:

Or, you run the risk of what if the federal government for a brief period of time change their regulations depending on which way the political climate is blowing and if they remove the regulations even for a year or two. I can't imagine the developers not taking the opportunity to try and change the status of the property. This . . . has been for a very long time all floodplain. Currently there are no real structures in the floodplain that impact people on the Des Plaines River. But if you did start filling in some of these, now you substantially alter it. There's that side of it.

The other side of it is you can . . . the land for flood retention, well what I just stated. The other side is this is all essentially wet prairie and it would be a very substantial addition to the lowlands that are already preserved. There are some very substantial features of this land.

Kathleen Burns:

Is there any down side to this? This is all a learning process for me, but is there a down side?

Mike Pollocoff:

I don't think—I mean everybody is going to say, some environmentalists might want to say give us the whole darn thing. They would be probably unhappy with this split of the land where we take a few acres and they'd take the remaining. I know there's going to be people, and maybe WisPark would be one of them, to say they want to be able to have that one piece they have north south of our property bigger and combine with ours. So you've got a competing interest if they don't put as much in the Conservancy.

From a tax standpoint it's negligible. We really won't notice it. It's just that we've been relatively lucky that the Village has really been tough about floodplain zoning and we don't have some of the problem that exist in Illinois where they encroached in it because we've been aggressive about either acquiring land or getting it into some kind of Conservancy ownership so that it doesn't develop. Property rights people don't like the fact that we do that. They're generally upset about it. But at the end of the day if you really look at what's good for the overall community it's been at least with prior Boards that why develop marginal land and live with the problems that you have with it? The perfect example is Carol Beach. That's the classic example of developing marginal lands and the problems you live with forever after that happens.

Jean Werbie can tell you story after story after story of people coming in and wanting to not just in this part of the Des Plaines but as you go up north of C and it wraps around River Oaks there's always people looking to encroach into the floodplain and exercise every right they have as a property owner to develop it bouncing against our control for floodplain. So there is going to be an element of people that aren't happy that the Village is doing it.

The Board has been pretty tough about it. The current Board is probably divided about it. But from my mind, from a public works standpoint and land use it's just good public policy. You don't want to take peoples' assets away from them and we're really not. We're just making them recognize the true value of them. That's a hard thing.

Glenn Christiansen:

These parcels . . . recommended by SEWRPC for possible preservation . . . I think in one of the plans. I think this is one of the areas where they recommended that it be set aside as-

Mike Pollocoff:

Primary environmental corridor.

Glenn Christiansen:

Yes.

Kathleen Burns:

Thanks for giving me the whole picture. It sounds like that approving this is in the best interest of the community as a whole. I just know I don't have a total understanding so it helps to hear it.

Mike Pollocoff:

There are two sides to it and those are difficult conversations to have with people that think that they're able to do more with their land than really is physically rational?

Glenn Christiansen:

. . . and some of the neighbors . . . they don't benefit by that land being developed in the first place, and in the second place there's some element of stress if that land is developed also. There's that side. Some people, like you say, feel threatened by being set aside . . .

Mike Pollocoff:

The Village's land fill plan that would be developable would be the professional office or minor hotel and restaurant. It could be a gas station but we won't allow gas station with the trucking. In that area we won't permit semis to be in that area so that wouldn't be a use so the gas station probably drops off.

Michael Russert:

Mike, I'm a little confused here. So we're talking about putting land in Land Trust, protect it because it's floodplain, and we're going to draw a vertical line north and south to put that land in control of the Village that could be buildable, correct?

Mike Pollocoff:

It is buildable. What we're trying to do is since the line is moving and we want to be able to define that line, fill it to the extent and in a way we can drain that property, hold water from that before it goes into the floodplain and not have encroachment from development into the floodplain or into the wetland areas.

Michael Russert:

And the Village currently owns the property?

Mike Pollocoff:

No, the Community Development Authority does. It's a distinct government unit. It's kind of under the Village's umbrella, but since that authority has condemnation powers to condemn land to remove blight, they have to be separate from the Village Board. It can't be a politically generated decision to acquire land. In Wisconsin that needs to happen with a separate body that isn't elected.

Michael Russert:

And how long have they had overseeing of this land?

Mike Pollocoff:

We acquired the land probably about three years ago. We paid approximately \$780,000 for both parcels.

Michael Russert:

Total acreage is?

Mike Pollocoff:

Sixty. And before we started that project we had to come up with a plan to say what's going to happen with the land, the Community Development Authority did, and that's what the Authority's plan was to develop what could be developed in the front, first remove the blight and you remember what was there, but it met our criteria for blight as far as abandoned buildings, junk and debris, land that was for sale already. We acquired it. Then the remaining land according to the redevelopment plan was to allow the concept to transfer that to the Kenosha-Racine Land Trust or the Village. At the time we didn't have a good enough legal opinion whether or not Kenosha-Racine Land Trust could accept that land that had been condemned and then turn around and use that to end up applying for the grant. By making that transfer between the Development Authority and the Village, then the Village is giving it—it removed the condemnation one step from the Trust getting the land.

Rita Christiansen:

Bill, did you have any questions?

William Mills:

I'm trying to figure it out. I'm kind of confused, like Mike was, in terms of what we're trying to do here. So the Kenosha-Racine Land Trust can you maybe just explain the concept around the Land Trust a little bit?

Mike Pollocoff:

Glenn, you're in that association. You can describe it better than I can.

Rita Christiansen:

He was in the association.

Mike Pollocoff:

He was in the association. You can still describe it better than I can.

Rita Christiansen:

He's been out for a year.

Glenn Christiansen:

Their purpose has been to try and preserve—if I can recall the mission statement it would probably be a little more precise. Essentially their purpose was a group of people got together a few years back to try and find a way to facilitate preservation of environmentally sensitive and natural area lands, and in particular try and pursue stuff that's not developable. There was no point in trying to pursue developable land with the property values as they are today. Perhaps I'm leaving a little about of it. There's more as how they pertain to us. They're a 501C3 corporation, a nonprofit . . . no profit . . . don't get paid any money for it . . . but the whole purpose of their involvement in this was to help pursue the, and I can't think of the name of that DNR grant, the land acquisition grant. There is certain money set aside that municipalities can pursue, and certain monies said aside that only private organizations such as The Nature Conservancy or other 501C3 organizations . . . essentially they're a conservation organization.

If you understand what The Nature Conservancy does a lot of their development . . . sort of like a . . . group . . . smaller areas that really no longer fit the scope of The Nature Conservancy because they tended to go in the direction of larger and more environmentally sensitive areas, more like the scientific areas. Over time they realized they couldn't go off in all these different directions so they encouraged . . . to get involved locally . . . no longer practical for them to get involved. That was essentially . . . inception and how it fits into this.

Mike Pollocoff:

The other option is if for some reason the Land Trust wasn't interested in it, it would just become part of Prairie Springs Park and it would be zoned conservancy. I mean it is zoned conservancy but it would just be put into—it would remain public ownership and we would place the same deed restrictions on that land that we have with The Nature Conservancy for the other conservancy we have. So it's going to be conserved. The only reason to give it to the Racine Land Trust is to give it to them so they can use it as leverage to acquire more land in the area.

William Mills:

And that's the grant that you're talking about.

Glenn Christiansen:

And if I remember correctly and I don't know that anything has ever changed, the idea was for them to not even hold onto it for any period of time other than perhaps a brief period of time and then ask the Village if the Village would take ownership of this land. That's what I always pushed for. Obviously, since I'm no longer part of that organization

I don't know if anything in that direction changed.

Mike Pollocoff:

When I talked with Katrina . . . the person who is representing the Land Trust now that's still in the plan. After the Trust has completed all their transactions, got their grant and made their acquisitions, then that land would revert back to the Village to be combined with Prairie Springs Park.

Glenn Christiansen:

Right. Their purpose is to preserve and not necessarily own land.

Mike Pollocoff:

The short of it is we can get money for acquisition to a certain level and Glenn said they can and we're doing an end run to use their access to fund land acquisition to acquire the rest of this land.

Michael Russert:

So the 60 acres is not currently in the red outline, correct?

Mike Pollocoff:

It is. The only thing that isn't is that piece in the front. There's a bulge that goes into the floodplain. That land is high that isn't in the floodplain.

Glenn Christiansen:

You essentially want to square off the front of the property and you're going to go by the . . . 50 percent clause . . . the amount of acreage that was developable in the first place you can't exceed that . . . less but not more. You can move it around . . .

Mike Pollocoff:

It's going to be equal volume, equal area. We don't want to change that one area in the north part. There's a pond up there and floodplain and wetlands. We're going to leave that there.

Glenn Christiansen:

That big wetland. Now I understand. All you really want to do is scalp off that kidney shaped spot . . . excavating otherwise. You just want to scalp that off.

Michael Russert:

Then that land will be sold since it's land that can be developed?

Mike Pollocoff:

Right. It will be sold to the Development Authority who will use it to retire debt that they've incurred to acquire this parcel, the bookstores, all those things that the development authority purchased. Just as we're going to sell all the land that we have that the Development Authority acquired to businesses. We're selling some to Abbott. Our mission is not to hold onto land either. Whatever is developable that's why we did. It's the redevelopment authority and we redevelop land that's blighted.

(Inaudible)

Mike Pollocoff:

The other thing is between us and Abbott is work out a deal to be able to do the same thing with land on the west side of the Interstate with the Trust to pick up lands that we have that we're going to transfer to them and then work to have them transfer that back to the Trust. And some of that land is a little bit more exquisite. There's some nice, or some threatened species and some things that are important to them. We're just not that far with our discussions with them right now to get to that.

Glenn Christiansen:

(Inaudible) . . . as far as the Schaffer property . . . DOT going after some of these properties, there are endangered species on two sides of the Schaffer if not three sides of it. Anything that they do on there has to be

Mike Pollocoff:

They'll have to go through a whole EIA.

Glenn Christiansen:

They'd probably have to go through some pretty substantial steps if we're trying to create a nice natural area, park, set aside a natural area you certainly don't want to destroy

Rita Christiansen:

Any other questions from the Board?

Mike Pollocoff:

so we don't have the dimensions yet. And the reason we're hurrying this is they need to make a deadline before the end of the year for submission. We could survey it now but it's not meaningful. The biologist isn't going to get a good look at the plan life until this spring and that's when we'll firm up the actual boundaries. So we're going to do the boundaries based on the floodplain, identify the wetlands, and if the wetlands are in a developable area they have to be protected. If they're in the conservancy area they'll be protected, whatever way it goes. The defining line is the floodplain.

Rita Christiansen:

Do we need a motion then recommend the transfer of land, Resolution No. 06-27?

Kathleen Burns:

I move that we approve Resolution No. 06-27.

Rita Christiansen:

Motion is made. Do I have a second?

William Mills:

I second the motion.

Rita Christiansen:

All in favor say aye.

Voices:

Aye.

Rita Christiansen:

Opposed? Being none, Resolution No. 06-27 recommendation passes.

b. Consider Approval of 2007 Parks Commission Meeting Dates.

Rita Christiansen:

You have the dates and hopefully everybody has had a chance to look the mover. You notice that some of our meetings will be on Wednesday during the 2007 year. Are there

any changes or conflicts? Anybody see anything they're not in agreement with?

Michael Russert:

My only concern was July 3rd. We're on vacation that week.

Rita Christiansen:

Mine, too.

Mike Pollocoff:

We don't have to have a meeting that month unless you want to come up with another date.

Michael Russert:

Can we just see how the June meeting goes.

Rita Christiansen:

That would be my recommendation, too. Let's see what we have on our plate in June and then we can make a recommendation to change the date or not meet. Do I need a motion then to accept the dates of the 2007 Village of Pleasant Prairie Park Commission meeting dates?

Kathleen Burns:

We might want to change these dates to 2007. On my copy they're all 2006. Other than that I move that we accept the dates.

William Mills:

I second.

Rita Christiansen:

Motion made and seconded. All in favor?

Voices:

Aye.

Rita Christiansen:

Opposed? Being none, the motion passes. Are there any other considerations? I just want to say from everybody on this Board to the Village have a very happy holiday and a safe one and a joyous one and we'll see you in 2007. Judy, thank you for all your hard work. It's greatly appreciated. Thank you, everybody. I need a motion for adjournment.

William Mills:

I'd like to make a motion to adjourn the meeting.

Michael Russert:

Second.

Rita Christiansen:

Motion and a second. All in favor?

Voices:

Aye.

Rita Christiansen:

Opposed? Seeing none the meeting is adjourned. Thank you.

6. ADJOURNMENT

ADJOURNED 6:33 P.M.