

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
July 14, 2014**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on July 14, 2014. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig; Judy Juliana; and Bill Stoebig (Alternate #1). Andrea Rode (Alternate #2) was excused. Also in attendance were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE JUNE 23, 2014 PLAN COMMISSION MEETING.**

Don Hackbarth:

So moved.

Jim Bandura:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JIM BANDURA TO APPROVE THE MINUTES OF THE JUNE 23, 2014 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**
- 5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for the only item on the agenda which is a public hearing we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record of the hearing. However, if you're here for any other item or just want to raise a question now would be your opportunity to do so. We'd ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments? Hearing none we'll move ahead then to New Business.

**6. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF A FLOODPLAIN BOUNDARY ADJUSTMENT for the request of Kimberly Lask, P.E. with Pinnacle Engineering Group, agent for Wisconsin Electric Power Company, owner of the property located at 8000 95th Street for the proposed ladder track project. The Floodplain Boundary Adjustment proposes to remove 133 cubic feet of floodplain and to create 160 cubic feet of floodplain to compensate for the floodplain begin filled.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is the request of Kimberly Lask, who is an engineer with Pinnacle Engineering Group, agent for Wisconsin Electric Power Company, owner of the property located at 8000 95th Street for the proposed ladder track project. Specifically as part of this request they need to request a floodplain boundary adjustment to remove 133 cubic feet of floodplain and to create 160 cubic feet of floodplain to compensate for the floodplain being filled.

Again, the petitioner is requesting approval of a floodplain boundary adjustment this evening. On June 9, 2014, the Village Plan Commission conditionally approved a conditional use permit including site and operational plans for We Energies to install a new ladder track on the west side of the Pleasant Prairie Power Plant. The track is being installed to offer a location to perform repairs of railcars on We Energies' property, which will reduce the number of rail cars that otherwise would need to be removed from and then returned back to the property after being repaired at a local repair shop.

During the public hearing held by the Plan Commission and as part of the conditional use permit approval, it was intended that a small portion of the 100-year floodplain would then need to be modified for this project. The petitioners are requesting approval then to place fill within the current floodplain limits along the west side of the project adjacent to Jerome Creek. The floodplain elevation at 678.4 was taken from the one percent annual chance floodplain elevation provided for Jerome Creek in the current FEMA FIRM Maps with an effective date of June 19, 2012, and it was depicted on a detailed topographic survey.

As illustrated with the application a thin strip of floodplain bisects the development area. In order to accommodate the development, the petitioner is proposing to fill in that area of floodplain that encroaches into the development area. All efforts were made by the petitioner to reduce the amount of impacts to the floodplain. The proposed rail was shifted to the east, and the rail was lowered to minimize the vertical transition to the adjacent ground elevation.

In order to mitigate the negative impacts of the floodplain fill, compensatory mitigation is proposed onsite. The proposed storage area contains existing surface elevations higher than the base flood elevation. This area will be excavated in order to allow flood waters to enter during base flood events.

According to the Village's Floodplain Ordinance the Village shall not permit amendments to the floodplain boundary that are inconsistent with the purposes of 420-131 of the Village Zoning Ordinance, or that may be in conflict with the applicable rules of the Wisconsin DNR or the Federal Emergency Management Agency. Section 420-131 of the Village Zoning Ordinance indicates that amendments to the 100-year floodplain shall comply with the following Village requirements:

- They need to be consistent with the zoning ordinance, and they cannot be in conflict with the applicable rules of the DNR.
- Amendments to the boundaries shall not be permitted where the change will increase a regional flood stage elevation unless the applicant has made appropriate legal arrangements with the affected governmental units or with adjacent property owners.
- Petitions for the floodplain amendment shall provide adjusted water surface profiles and adjusted floodplain limits to reflect the increased flood elevation.
- Any area removed from the floodplain shall be contiguous to land lying outside the floodplain.
- Whenever any volume of flood storage capacity is removed from the floodplain as defined by the ground surface and the regional flood elevation an equal volume of flood storage capacity shall be created within the existing or newly created floodplain boundary, in the vicinity of the removal, to compensate for the lost flood storage capacity. Excavation below the ordinary high water mark shall not be considered as providing any equal volume of storage capacity for compensation purposes. Any such area of compensating flood storage capacity shall drain freely to the receiving stream.
- Removal of land from the floodplain shall not be permitted unless the land has been filled to an elevation at least two feet above the elevation of the floodplain.

The area where that additional floodplain is being created contains existing surface elevations higher than the base flood elevation. The volume computations for the proposed mitigation do not include the removal of soils above the base flood elevation within the proposed compensation area. Given that the proposed compensation excavation is outside of the limits of the mapped base flood, additional excavation within the regulatory base flood limits will be required to allow for floodwaters to enter into the compensatory storage area. This additional volume will increase the storage volume for the base flood; however, the added volume is not included in the compensatory compensation volume computations given the Village requirement that the compensation volume must be situated outside of the regulated base flood limits.

The approval to fill and the amount of fill required within the regulated base flood limits in order to prevent the negative effects of the base flood is governed by two agencies, local Village of Pleasant Prairie and the DNR and FEMA. The local requirements generally stipulate that fill must be placed to a level which is two feet above of the base flood elevation while federal requirements generally stipulate that fill must be placed to raise the ground to or above the base flood elevation. The more restrictive Village conditions will apply here.

The plans created for this floodplain boundary adjustment were created to completely address the federal fill requirements while mostly addressing the local requirements in an effort to reduce the fill magnitude at the time of initial grading.

The petitioner intends to obtain Village and DNR approval to fill the floodplain as depicted on the application on the basis that the grading will satisfy volumetric compensatory mitigation requirements for a Conditional Letter of Map Revision based on fill known as a CLOMR-F and ultimately a Letter of Map Revision based on fill or a LOMR-F after construction is completed.

This is a matter for public hearing, and if there are any additional comments or questions we'd be happy to answer them.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff.

Wayne Koessler:

Through the Chair, is there a reason no one appears on behalf of them?

Jean Werbie-Harris:

Well, I know that the initial engineer for this project -- oh, there he is. I don't know if Adam knew that he was the only item on the agenda. We just went through the staff comments, Adam. So Commissioner Koessler wanted to know if you wanted to add anything in addition to what I just said or if you want to present any comments.

--:

I know Jean [inaudible] very well and I have nothing else to add [inaudible].

Tom Terwall:

Any other comments or questions?

Michael Serpe:

Move approval.

Wayne Koessler:

Second.

John Braig:

Wait a minute, we're still in the public hearing.

Tom Terwall:

I'm going to close the public hearing and entertain a motion.

Michael Serpe:

Move approval.

Wayne Koessl:

Second again.

Tom Terwall:

**IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE FLOODPLAIN BOUNDARY ADJUSTMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Mike, before I entertain a motion to adjourn, is there anything new on the crossing on H?

Mike Pollocoff:

[Inaudible] some staff from the Rail Commissioner's office came out today and took a look at it. And apparently the Canadian Pacific crew that was on both the crossings were not using flags and not using flares. And their concern about using flares was if there was some liability issues with the tank car that was on the tracks. So that would be one thing.

And then typically what a lot of railroads do is if they have a concern about a flammable product that's on the truck then they'll put out an LED puck that flashes and you can see that. And they didn't do that. And then they didn't do the flagman either which would help some.

So my concern is that they might just order that, that you have a flagman or something like that. The concern is that this is a busier road back than when Lawter started up there, and there are some substance that are flammable or dangerous that are moving across the tracks. It happens at night, it happens during the day. They get there when they get there. So we still want to have the gates and the red flashing lights going there.

They're looking to have a hearing in Pleasant Prairie, and I believe it's August 12th along with a hearing they're going to be holding to get approval to have bike paths that Kenosha County is constructing across the railroad tracks. In the intervening period we're working with County Exec Kreuser since it's H to put street lights on either side of the tracks to do what we can to illuminate that area. And I think that will help. I mean it should silhouette a black car at night. But it's between two bodies of water. It's not uncommon if it's not winter for that to be a little foggy there at times. I just need the whole work on it.

Tom Terwall:

Was ETOH involved in either of the accidents?

Mike Pollocoff:

I'm sorry.

Tom Terwall:

Was any alcohol involved in either of the two accidents?

Mike Pollocoff:

No.

Tom Terwall:

No?

Mike Pollocoff:

No.

Tom Terwall:

I just found it hard to believe that from a standing start at 95th Street that guy was going fast enough when he hit that train to bury his car completely underneath.

Mike Pollocoff:

I think a review of the video camera on 95th and [inaudible] might show something different.

Michael Serpe:

Just a comment as long as we're talking. Halter's Wildlife and the old [inaudible] that's another crossing that's high speed rail. Halter's has a lot of functions, a lot of weddings. If something could be looked at there.

[Inaudible]

Michael Serpe:

They have?

[Inaudible]

John Braig:

When were they put in? I've been to Halters --

[Inaudible]

Mike Pollocoff:

I thought they were denied.

Michael Serpe:

Oh, good, forget what I said. I didn't know that. Okay, good, that's good.

## **7. ADJOURN.**

Tom Terwall:

I will entertain a motion to adjourn.

John Braig:

So moved.

Don Hackbarth:

Second.

Tom Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed?

**Meeting Adjourned: 6:20 p.m.**