

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 39th Avenue
Pleasant Prairie, WI
April 18, 2011
6:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, April 18, 2011. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Asst. Village Administrator; Jean Werbie-Harris, Community Development Director; and Jane Romanowski, Village Clerk. Two citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - APRIL 4, 2011**

Monica Yuhas:

Motion to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Any discussion?

YUHAS MOVED TO APPROVE THE MINUTES OF THE APRIL 4, 2011 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- 5. CITIZEN COMMENTS**

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive, Pleasant Prairie, Wisconsin, 53158-5201 if you're zip code politically correct. A friend of mine on 3rd Avenue has a six foot high cedar fence that runs along a lot line on the north side of his lot from the east to the west. Very nice looking fence. The fence is exactly six foot tall. Last Friday somebody next door to him put up a fence four inches away from his along the whole lot line, four inches away, another cedar fence, but it's seven or eight inches taller than the one fence. I thought that six foot was the maximum you

Village Board Meeting
April 18, 2011

could have it. This taller fence next to the one makes everything look kind of shabby. So I wonder what the Village position is on stuff like that. Thank you.

John Steinbrink:

Thank you.

Jane Romanowski:

There were no other signups tonight, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Just a note, I'm not the guy to mow between those two fences.

6. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Nothing tonight, Mr. President.

7. NEW BUSINESS

A. Consider Agreement between the Village of Pleasant Prairie and the Village of Pleasant Prairie Police Officers Association, Local 320 of the Labor Association of Wisconsin, Inc. for 2010.

Mike Pollocoff:

Mr. President, we've completed negotiations for the 2010 agreement . . . late on this. Typically a key element of the labor negotiations is salaries. In the fiscal year 2009 the Police Union and the Village had come to an agreement for no increase in salaries that year. We had early on in negotiations worked through that there be no salary increases again for 2010. So the major issues we're working on over time is the Village's adoption of post-employment retirement benefits, health benefits, for employees. As you know, all Village employees that are hired after varying dates depending on what area they are, those employees will not be eligible for health retirement benefits, and they're going to have to set those accounts up themselves.

We came to the agreement with the police officers for the one that basically mirrors the same as the fire department where a post-employment retirement benefit account is set up in a trust. What they receive is they put in one percent of their pay towards that and that's invested. They decide how it's invested. It's their money. And at the time they leave that money goes in there. At the end—all employees of the police department right now they have a cap of 960 hours as the number of hours of sick leave they can earn. So beyond that level, any sick leave they earn beyond that, would also go into the post-employment retirement benefit fund.

Village Board Meeting
April 18, 2011

We've also put in some language through an agreement so that instead of—we've got the situation now where we've got two groups that are covered separately where one group has that benefit because some of the officers in the police department, a good number of them, are too far along to be able to make an adjustment to save enough money to be able to pay for the health benefit, that there's an agreement in there that would, a three part agreement between the Village, the officer and the Union that those employees won't lose their benefits or those won't be bargained away. And that group gets smaller as time goes on.

It's a one year agreement. When we started working on this, given the difficult financial situations that exist, it's pretty difficult to prospectively look out in the future as to what we could do or negotiate with them. We did make some minor modifications that we negotiated as far as duty days and finding what the off duty days were. We've broken up special patrol assignments, black Friday, some of the things that are a little bit unusual when we have those events. We've provided some language for detectives to trade shifts at no expense to the Village but it works within the contract. And, again, providing that on casual days, right now employees earn casual days, but they have to maintain no sick time during the period. We define that as for the last casual day of the year the preceding six months is defined as the work period.

As I said, this is a one year agreement. The other final major change we made is right now employees are limited to living in Kenosha County. In this agreement we've expanded that to the eastern half of Racine County to Highway 45 and it's a one year agreement. So with that, Mr. President, myself and Carol Willke, the HR Director, has been working on this one. I recommend that the agreement between the Village and Local 320 be approved as presented.

Michael Serpe:

Mike, a question for you if I could. Aside from the provision in the contract that specifically are addressed to the police officers, are the basic items in here, the no pay, the insurance and the sick leave pretty much the same as the non-represented employees?

Mike Pollocoff:

Yeah. If you count the RecPlex and the enterprises more than half our employees are non-represented. The benefits are somewhat the same. The police and fire have some statutory language on their retirement and some of those things that are different than everybody else.

Michael Serpe:

I'd move approval.

Clyde Allen:

Second.

Village Board Meeting
April 18, 2011

John Steinbrink:

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

SERPE MOVED TO APPROVE THE AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND THE VILLAGE OF PLEASANT PRAIRIE POLICE OFFICERS ASSOCIATION, LOCAL 320 OF THE LABOR ASSOCIATION OF WISCONSIN, INC. FOR 2010; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- B. Receive Plan Commission recommendation and consider Ordinance #11-07 to amend the St. Catherine's Hospital/Medical Center Campus Development Planned Unit Development Ordinance to reflect new signage proposed within the development.**

Jean Werbie-Harris:

Mr. President and members of the Board, Ordinance #11-07 is a request by Peter Molter, agent of St. Catherine's Hospital, owners of the property located at 9555 76th Street and 9697 St. Catherine's Drive. The purpose of the request this evening is to amend the existing adopted Ordinance 02-31 which created that St. Catherine's Hospital/Medical Center Campus Development Planned Unit Development Ordinance. This ordinance had to do with signage on the property.

As shown on the slide, the hospital campus, along with the medical office building, does occupy a very large area in the Village of Pleasant Prairie, and there are a number of ways to get in and out of the hospital. And the purpose of the request this evening is to modify the PUD as it pertains to primary and secondary monument signage. Because of the important for visitors and guests and those seeking medical attention to get to a particular are of the hospital, this is a situation where it's appropriate to have additional secondary signs and maybe have little bit larger secondary signs and to have primary monument signs that are visible enough to the traveling public so they know where they need to go.

The hospital is in the process of actually doing a refacing or new imaging also with respect to the signs, so this PUD addresses that as well as the size and the number of signs. Since they intend to install a number of signs over time, some other signs are also included in this particular package that really don't require an amendment, but they wanted to include them in the entire package. They deal with canopy and wall signs and informational signs and things like that.

This is a matter that was before the Village Plan Commission at their last meeting with the public hearing. The staff recommends approval of the PUD and the modifications and the presentations that they have within the ordinance as presented. And we find that the sign package as presented by Mr. Molter is very attractive and it looks very nice with respect to the hospital. Again, this includes all the signage included within the entire PUD. The staff and the Plan Commission recommend approval of Ordinance #11-07 as presented.

Village Board Meeting
April 18, 2011

Steve Kumorkiewicz:

I make a motion to approve the ordinance.

Monica Yuhas:

Second.

Steve Kumorkiewicz:

In looking at this it's beautiful.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion?

Steve Kumorkiewicz:

It looks very nice.

John Steinbrink:

Peter designed that himself.

Steve Kumorkiewicz:

Good job, Pete.

John Steinbrink:

We have a motion and a second and no further discussion.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #11-07 TO AMEND THE ST. CATHERINE'S HOSPITAL/MEDICAL CENTER CAMPUS DEVELOPMENT PLANNED UNIT DEVELOPMENT ORDINANCE TO REFLECT NEW SIGNAGE PROPOSED WITHIN THE DEVELOPMENT; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- C. Receive Plan Commission recommendation and consider Ordinance #11-08 to amend the 2035 Comprehensive Land Use Plan to change the Upper-Medium Residential Land Use designation to the Agricultural Land Use designation on the property generally located at the southwest corner of 39th Avenue and 85th Street to allow the property to be used for agricultural purposes (growing crops).**

Village Board Meeting
April 18, 2011

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request of Domenick Tirabassi, Jr., agent for Tirabassi Investments, LLP, and this is to amend the Village's Comprehensive Plan. This is pursuant to a previous request that was approved by the Village Board as it relates to zoning on the referenced property. As you will recall, Mr. Tirabassi had requested that the property at that southwest corner of 85th Street and 39th Avenue be rezoned from an R-5 designation to an A-2 which is a General Agricultural District, the purpose for which would be to grow crops or to develop that land or use that land for agricultural purposes. Some of the conditions of the zoning that were granted by the Village Board were, number one, to amend the Comprehensive Plan; number two that restrictive covenants would be voluntarily prepared, reviewed and executed by the owner; and that any existing construction related equipment parked on the property shall be removed.

The petition this evening is for the Comprehensive Land Use Plan amendment. The restrictive covenants were drafted this past week, and Mr. Tirabassi actually came in and signed those today so we'll have those recorded for tomorrow. And Mr. Tirabassi also has indicated that any construction related equipment that was no associated with the agricultural use of his property, that those pieces of equipment would be removed from the property.

There were a couple of things that had come up last week Monday at the Plan Commission meeting. A resident was concerned about him removing a lot of underbrush and other trees on the site, and he has agreed not to remove those trees and those bushes so that they would act as a filter and a buffer between him and the adjacent residential properties that existed on the other sides of him. The staff recommends approval of the proposed amendment to the 2035 Plan.

Again, the amendment is to modify those parcels which have been combined and move them from the Upper-Medium Density Residential land use category and put them into an Agricultural Land Use Designation. So if he would like to develop this property at any time in the future, he would need to come back at that time, amend the Comprehensive Plan, amend the zoning map and then go through the development process. But he intends to farm it into the future at this point.

John Steinbrink:

Amend means to start over again, correct?

Jean Werbie-Harris:

Correct.

Steve Kumorkiewicz:

All the hearings again and everything.

Village Board Meeting
April 18, 2011

Jean Werbie-Harris:

Yes.

Mike Pollocoff:

Jean, any neighborhood plans that show the street layout for that subdivision or the conceptual plats those disappear, too, as well, right?

Jean Werbie-Harris:

That's correct. We still have them on file but there are no active conceptual plans or preliminary plats on file. We have copies of them but they're not valid any longer. He'd have to start that process again.

Clyde Allen:

I make a motion to approve Ordinance 11-08 with the conditions set forth.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Further discussion?

ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #11-08 TO AMEND THE 2035 COMPREHENSIVE LAND USE PLAN TO CHANGE THE UPPER-MEDIUM RESIDENTIAL LAND USE DESIGNATION TO THE AGRICULTURAL LAND USE DESIGNATION ON THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 39TH AVENUE AND 85TH STREET TO ALLOW THE PROPERTY TO BE USED FOR AGRICULTURAL PURPOSES (GROWING CROPS) SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY SERPE; ROLL CALL VOTE – ALLEN – YES; KUMORKIEWICZ – YES; STEINBRINK - YES; YUHAS - YES; SERPE – YES; MOTION CARRIED 5-0.

- D. Receive Plan Commission recommendation and consider Ordinance #11-09 to amend the 2035 Comprehensive Land Use Plan to change the Lower-Medium Residential Land Use with an Urban Reserve designation to the Agricultural Land Use designation to allow the property generally located on the south side of 104th Street west of 22nd Avenue to be used for agricultural purposes (growing crops).**

Village Board Meeting
April 18, 2011

Jean Werbie-Harris:

Mr. President and members of the Board, this is also a request for a Comprehensive Plan amendment based on a recent zoning change of the property. It's a request of Domenick Tirabassi, Jr., this time agent for Rosmann Excavating, again, to amend the Village's Comprehensive Plan and to update the appendix and other related documents relating to the recent zoning change of the property from an R-4, which is an Urban Single Family Resident District with a UHO Overlay, to the A-2 and C-1. Actually the C-1 is consistent, it has not changed, but to the A-2, General Agricultural land use designation basically for that property. Again, he is intending to use the property for the growing of crops.

And the conditions that were set forth by the Village Board back in February was that, number one that the properties needed to be combined which he has since done; and, two, that the Comprehensive Land Use Plan needed to be amended which is being considered before you this evening. The Plan Commission recommended approval at their meeting last week with respect to having the Comprehensive Plan reflect the zoning as presented. And the Village staff also recommends approval.

Again, in this particular circumstance we are looking to change the Lower-Medium Residential land use within an Urban Reserve designation to the Agricultural land use designation. There are some isolated natural resource areas and wetlands on the property. Those designations will remain unchanged on the property as will the C-1, Lowland Resource Conservancy District, which is also on the property. With that I'd recommend approval of Ordinance 11-09.

Steve Kumorkiewicz:

We all attended the public hearing last week in the Planning Commission. Consequently I make a motion to adopt Ordinance 11-09.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Jean, those lowland designations stay the same whether it's now—or the way it was or the way it is. There would have to be a field staking again to clarify those so that really doesn't change anything now?

Jean Werbie-Harris:

That's correct. In this particular case there was no field delineation work done for the C-1. It was based on aerial photo interpretation at the time that Kenosha County had zoned this. So we haven't really changed any of the C-1 out here. But, again, if Mr. Tirabassi would like to change the land use of this particular property from Agricultural to an Urban Residential classification,

Village Board Meeting
April 18, 2011

he'd have to go through the complete planning development process which would involve a detailed wetland delineation for the property.

John Steinbrink:

Any other questions?

Michael Serpe:

The isolated natural areas, Jean, that cannot be farmed, is that correct?

Jean Werbie-Harris:

No, they could be farmed if he has tillable land and he has that opportunity. There's a lot of trees and a lot of brush. It's kind of low area, so I'm not sure how productive it will be for him, but it's an opportunity for him if he would like to try to farm it.

Michael Serpe:

Okay.

John Steinbrink:

We have a motion and a second. Roll call vote.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPTR ORDINANCE #11-09 TO AMEND THE 2035 COMPREHENSIVE LAND USE PLAN TO CHANGE THE LOWER-MEDIUM RESIDENTIAL LAND USE WITH AN URBAN RESERVE DESIGNATION TO THE AGRICULTURAL LAND USE DESIGNATION TO ALLOW THE PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF 104TH STREET WEST OF 22ND AVENUE TO BE USED FOR AGRICULTURAL PURPOSES (GROWING CROPS) SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY YUHAS; ROLL CALL VOTE – YUHAS – YES; SERPE – YES; ALLEN – YES; STEINBRINK – YES; KUMORKIEWICZ – YES; MOTION CARRIED 5-0.

E. Receive Plan Commission recommendation and consider Ordinance #11-10 to specifically prohibit wrecking, junk, demolition and scrap yards in the B-1, B-2 and B-3 Business Districts.

Jean Werbie-Harris:

Mr. President and members of the Board, the Village Plan Commission in March adopted a resolution which allowed the Village staff to evaluate and recommend changes to the zoning ordinance in order to provide some consistency among the Village ordinances and to ensure that chapter 203 of the Municipal Code entitled Junk Dealers is repealed and that such uses would be properly regulated in the Village.

Village Board Meeting
April 18, 2011

The current definitions in the Village zoning ordinance related to junk include, and they're on the screen, basically includes just about everything, scrap metal, bones, rags, used cloth, used rubber, used rope, used tinfoil, lots of used products, other manufactured goods that are so worn or deteriorated or so obsolete as to make them unusable in their existing condition.

And then our definition of junkyard is a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, wrecked or dismantled or handled and it goes on from there as you can see the definition. Very complete. Jim Baxter helped us put these definitions together. And then for wrecking, junk , demolition and scrap yards we say see the definition of junkyard.

Well, at this time the wrecking, junk and scrap yards are currently prohibited in the following zoning districts: all ag districts, all manufacturing districts, the B-4 and B-5 Districts. The purpose of the request this evening is to make it very clear that these uses are prohibited in all of the districts related to the Commercial Districts, B-1, 2 and 3, as well as the I-1 Institutional District and all Park and Recreational Districts. So while it's currently implied it does not specifically state that. And just to make sure that everything is clear within the zoning ordinance, we want to specifically provide that these junk and scrap yards and junk dealers and this type of operation is not going to be permitted anywhere in the Village. So that's the intent and purpose of this Ordinance 11-10, again, to specifically prohibit wrecking, junk, demolition and scrap yards in all the districts as listed.

This was a matter that was before the Village Plan Commission in April, on April 11th, and the staff and the Plan Commission recommend approval as presented.

Monica Yuhas:

Motion to approve Ordinance 11-10.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Monica Yuhas:

Jean, I just have one. Under junk bones are listed.

Jean Werbie-Harris:

I saw that.

Village Board Meeting
April 18, 2011

Monica Yuhas:

Is that like for carcass?

Jean Werbie-Harris:

I think so, like animals' bones, yes, carcasses, whether it's coyotes or deer carcasses or anything like that, correct. Like if you had a slaughtering house or some type of use similar to that. We don't want to see a big pile of that type of refuse anywhere either.

John Steinbrink:

So if you go to Walmart and buy that big bag of dog bones you're okay yet then. We have a motion and a second. Any other further discussion?

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND CONSIDER ORDINANCE #11-10 TO SPECIFICALLY PROHIBIT WRECKING, JUNK, DEMOLITION AND SCRAP YARDS IN THE B-1, B-2 AND B-3 BUSINESS DISTRICTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Consider another one (1) year extension of the Conceptual Plan for the proposed Paradise Lake Subdivision on the property generally located south of 104th Street and 22nd Avenue.

Jean Werbie-Harris:

Mr. President and members of the Board, on April 6, 2011, The Village received a request from the owner and developer of the Paradise Lake Subdivision for a one year extension of the conceptual plan. The properties are generally located south of 104th Street and just to the south/southwest of 22nd Avenue.

The Village Board had approved a conceptual plan for the proposed development on 45.83 acres of land for 20 single family lots and four outlots. This was back in 2008. The conceptual plan for the Village with its conditions is valid for only one year, and so there was a request in 2009, 2010 and they are now requesting for another one year extension due to the economy and marketing. They're just not ready to do any development at this point. The staff recommends approval.

Michael Serpe:

So moved.

Clyde Allen:

Second.

Village Board Meeting
April 18, 2011

John Steinbrink:

Motion by Mike, second by Clyde. This is right on the other end of the farm field now?

Jean Werbie-Harris:

It is. It's just south of that farm field, Mr. Tirabassi's.

John Steinbrink:

Does this lake show up on most maps?

Jean Werbie-Harris:

All maps, yes.

John Steinbrink:

All maps it shows up. But there's really no public access to it then?

Jean Werbie-Harris:

The access right now would be at the very end of 22nd Avenue, and then with 22nd Avenue then extended and the roads that are proposed to the west and south those would be the public roads. I'm not sure if it's fenced off or not at this point.

John Steinbrink:

So it's considered a private lake.

Jean Werbie-Harris:

It is a private lake, that's correct.

Steve Kumorkiewicz:

There used to be a gate a long time ago. My kid used to go fishing over there but that was way back.

Jean Werbie-Harris:

Could be, but it's been private property for a very long time.

Village Board Meeting
April 18, 2011

SERPE MOVED TO GRANT ANOTHER ONE (1) YEAR EXTENSION OF THE CONCEPTUAL PLAN FOR THE PROPOSED PARADISE LAKE SUBDIVISION ON THE PROPERTY GENERALLY LOCATED SOUTH OF 104TH STREET AND 22ND AVENUE; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- G. Consider a Chiwaukee Prairie Land Management Agreement between The Nature Conservancy and the Village for land south of 116th Street within the Chiwaukee Prairie.**

Jean Werbie-Harris:

Mr. President and members of the Board, The Nature Conservancy is a nonprofit organization dedicated to the preservation, protection, restoration and maintenance of natural areas and ecological systems and plant and animal species for support of scientific, educational and public awareness purposes. The Conservancy is requesting a five year agreement with the Village in order to manage its conservancy property in Chiwaukee Prairie. There was a previous agreement in 2005 which expired in 2010 for the same purpose. As shown on the slide those areas that are south of 116th Street and identified in red are those properties that are owned by the Village of Pleasant Prairie.

The Conservancy's goal is to manage and maintain the values of these properties for the Village, and they're going to use various techniques and methods consistent with preservation, protection and restoration. Some of the activities include cutting down of brush and trees, especially non-native buckthorn, controlling invasive plants such as crown vetch, sweet clover, thistles and buckthorn by cutting or through the use of herbicides, completing prescribed burns and collecting seeds for scientific purposes. The Conservancy, again, may also conduct other educational and research programs on the property.

This agreement was before the Village Park Commission and they recommended approval. And the staff recommends approval and requests that the Village President be authorized to sign this agreement and forward it to The Nature Conservancy for the next five year management.

Steve Kumorkiewicz:

I'm going to move to approve the agreement.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion?

Village Board Meeting
April 18, 2011

KUMORKIEWICZ MOVED TO APPROVE A CHIWAUKEE PRAIRIE LAND MANAGEMENT AGREEMENT BETWEEN THE NATURE CONSERVANCY AND THE VILLAGE FOR LAND SOUTH OF 116TH STREET WITHIN THE CHIWAUKEE PRAIRIE; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- H. Consider the revised Wisconsin Department of Natural Resources Chiwaukee Prairie Management Agreement between the WI DNR and the Village Agreement for land in Carol Beach Unit #4 Subdivision.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is an agreement that went before the Village Park Commission and before you at your meeting on March 3, 2011. This has to do with an agreement between the Village and the Wisconsin Department of Natural Resources regarding a SOGL or a Sustain Our Great Lakes grant. And this is to complete wetland restoration in the Chiwaukee Prairie area.

The Village parkland that's identified for the restoration is located between 98th and 104th Streets and between the Chicago Northwestern Railway and 4th Avenue. Their goal is to restore the wetland areas to a wet meadow-type community. The area in question has overgrown woody vegetation, buckthorn, dogwood and pockets of invasive vegetation which they are intending to control similar to the methods that The Nature Conservancy has used.

The reason why it's back before you is there have been some changes in the management and structure at the DNR, and a different attorney has reviewed the language as it relates to liability and insurance and has rewritten the two paragraphs on two. The paragraphs specifically state now that the DNR and the Village shall each be responsible for its own acts, errors or omissions and those of its own employees, boards, commissions, agencies, officers and so and so forth as it pertains to any work on the property. Typically the Village is not involved with respect to their management activities, but they just wanted to make it clear that if the Village decides to do work and our employees are injured that we're responsible, that they aren't. That's just the purpose of this clarification.

The statement on insurance that the Department is protected by the State of Wisconsin self-funded liability and property programs and there's some information related to that. With that, the Village staff recommends approval of the revised language and the agreement as presented by the Wisconsin DNR.

Michael Serpe:

Jean, who picks up the debris, the cut trees, brush? Who hauls that away, who chops it up?

Jean Werbie-Harris:

My understanding is it's the Wisconsin DNR unless they enter into some type of special agreement with the Village. But in the past I believe it was the DNR.

Village Board Meeting
April 18, 2011

Mike Pollocoff:

Yes, it's the DNR. Usually they don't haul it off. They chop it up and spread it unless it's something really nasty they came across that they don't want to have go to seed again.

Clyde Allen:

Make a motion to approve.

Michael Serpe:

Second.

John Steinbrink:

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

ALLEN MOVED TO APPROVE THE REVISED WISCONSIN DEPARTMENT OF NATURAL RESOURCES CHIWAUKEE PRAIRIE MANAGEMENT AGREEMENT BETWEEN THE WI DNR AND THE VILLAGE AGREEMENT FOR LAND IN CAROL BEACH UNIT #4 SUBDIVISION; SECONDED BY SERPE; MOTION CARRIED 5-0.

I. Consider Amendment No. 1 to the Agreement between the Wisconsin Department of Transportation and the Fire Department relating to emergency services during the I-94 N-S Corridor Reconstruction Project.

Mike Pollocoff:

Mr. President, this is an amendment to the existing agreement that's going to take us through December 31, 2011. It's the same as the other one. It handles the services that are being provided by fire and rescue for the extended period. My recommendation is that the Village Board authorize the Village President to execute the agreement.

Clyde Allen:

Mike, it states in here somewhere, and I don't know where, that there's no dollar effect, is that correct?

Mike Pollocoff:

No dollar increase. They pay us for the rates that we've already agreed.

Clyde Allen:

Okay, I couldn't find it in here. With that I'll make a motion to approve.

Village Board Meeting
April 18, 2011

Monica Yuhas:

Second.

John Steinbrink:

Motion by Clyde, second by Monica. Any further discussion?

Steve Kumorkiewicz:

One question for Mike. Mike, does it relate only to the people that work for the DOT, right? I don't quite understand.

Mike Pollocoff:

It's for the traveling public that's on that highway, it's not just DOT. We're providing fire and rescue services. We're working around the construction as they've got it laid out.

Steve Kumorkiewicz:

Okay, it's clear.

John Steinbrink:

I guess the greatest confusion becomes what is the north/south corridor project nowadays.

Mike Pollocoff:

It's not what it was. This year that extension between where they left off by C up to 50 is being let out this fall for next year's construction. And then that's going up I believe to 142. Then the Governor has dropped the remaining piece to Milwaukee and 94 West. The west corridor is going to be done next. So when the west corridor is done then they'll come back and finish the south corridor.

Steve Kumorkiewicz:

So in between will be done later.

Mike Pollocoff:

Sometime later, yeah.

Village Board Meeting
April 18, 2011

John Steinbrink:

It's more frontage road work and other things. We had a motion and a second. Further discussion?

ALLEN MOVED TO APPROVE AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE WISCONSIN DEPARTMENT OF TRANSPORTATION AND THE FIRE DEPARTMENT RELATING TO EMERGENCY SERVICES DURING THE I-94 N-S CORRIDOR RECONSTRUCTION PROJECT; SECONDED BY YUHAS; MOTION CARRIED 5-0.

J. Receive Recreation Commission recommendation and authorize an agreement to provide a Master Recreation Plan.

Carol Willke:

Mr. President and members of the Board, on March 1st the Recreation Department released a RFP for a Master Recreation Plan, a five year plan. We just want to get some information so we can make some decisions coming up in the next five years on what programs we're offering and what amenities that the RecPlex may be able to offer to meet the demands of our membership and the community.

We had four bidders respond. The first one was Ballard*King out of Highlands Ranch, Colorado with a bid of \$29,500. The Chamness Group out of Milwaukee was \$29,000. The SAA Design Group out of Madison was \$23,650. And Public Research Group out of Naperville, Illinois came in at \$15,520. So with that the Rec Commission recommends that we pursue a contract with Public Research Group for \$15,520.

Michael Serpe:

For what kind of time period is this, Carol, one year?

Carol Willke:

It's a five year. And the process will be just doing the group meetings with the public and just looking at all the demographics. Public Research Group is run by a gentleman by the name of Dave Emanuelson, and he's already done some work with us so he's familiar with the RecPlex.

Michael Serpe:

What kind of plan did we have in place prior to this?

Carol Willke:

We have never had a Master Rec Plan.

Village Board Meeting
April 18, 2011

Michael Serpe:

And I'm going to guess the Recreation Commission was in full favor of this?

Carol Willke:

Yes.

Michael Serpe:

And so am I. Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Clyde?

Clyde Allen:

I just want to make a point, correct me if I'm wrong, Carol, the budget was set at about \$10,000, and because it came in at \$15,000 there's other areas targeted in the budget for reduction to cover this?

Carol Willke:

That's correct.

Clyde Allen:

Thank you.

Steve Kumorkiewicz:

That was clarified in the Recreation Commission meeting.

John Steinbrink:

We have a motion, we have a second. Any further discussion?

SERPE MOVED TO CONCUR WITH THE RECREATION COMMISSION RECOMMENDATION AND AUTHORIZE AN AGREEMENT WITH PUBLIC RESEARCH GROUP IN THE AMOUNT OF \$15,520 TO PROVIDE A MASTER RECREATION PLAN; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Village Board Meeting
April 18, 2011

K. Consider denying the claim of excessive assessment for 2010 filed by Super Valu, Inc. for property located at 7400 95th Street.

Rocco Vita:

Mr. President and Village Board, SuperValu, Inc. has filed a claim for excessive assessment against the Village of Pleasant Prairie on the property at 7400 95th Street in the Village. To give you some background, you're all aware that for 2010 the Village went through a Village-wide revaluation. Our assessor's office reduced the value of the SuperValu property from the 2009 assessment of \$32,800,000 essentially to \$28,350,000, a \$4.4 million decline for a 13.5 percent decrease. SuperValu, as well as many of the properties in the Village, had their values reduced pursuant to the 2010 revaluation.

SuperValu filed for a hearing with the local Board of Review. The local Board of Review heard their testimony, heard the assessor's office testimony and supported the assessor's value. In Wisconsin the property owner has the right to appeal the Board of Review decision through this 74.37 excessive claim action and that's what they're doing at this point. SuperValu indicates that their opinion of value is \$22,300,000, or what they're asking for from you is a drop in value of 32 percent because of the market conditions and, therefore, are requesting a refund or claiming a refund of \$118,005.47.

My office looked at this claim prior to today and we still feel confident in our value, and it would be our recommendation that you consider disallowing the claim. Do you have any questions about the claim process or what has transpired?

Michael Serpe:

What's the next step? If we disallow the claim what's the next step?

Rocco Vita:

SuperValu has the opportunity to sue us or file the claim in Circuit Court. And if they were to do that the Board of Review hearing would be put aside and a valuation hearing or a court case would be the venue for determining what the value of the property would be.

Michael Serpe:

I would move to disallow the claim.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for disallowance of the claim. Further discussion?

Village Board Meeting
April 18, 2011

SERPE MOVED TO DISSALLOW THE CLAIM OF EXCESSIVE ASSESSMENT FOR 2010 FILED BY SUPER VALU, INC. FOR PROPERTY LOCATED AT 7400 95TH STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

Thank you, Rocco.

L. Consider denying the claim of excessive assessment for 2010 filed by Wynwood of Kenosha for property located at 7377 88th Avenue.

Rocco Vita:

Mr. President and Village Board, similar to the last SuperValu, Wynwood of Kenosha is an entity owned and operated by Brookdale Senior Living. They own the assisted living facility at 7377 88th Avenue just north of the old First Banking Center. Again, during the 2010 Village-wide revaluation we reduced this property assessment from \$6,584,800 to \$6,030,800, a value decline of \$554,000 or an 8.5 percent decline in value. The property owner requests a 44 percent decline in value to a value of \$3,670,000 or a claim of \$45,972. The assessor's office recommends considering disallowance of this claim also.

Clyde Allen:

I make a motion to deny.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Further discussion?

Steve Kumorkiewicz:

A question for Rocco. That used to be the old Altera, right?

Rocco Vita:

That's correct.

Steve Kumorkiewicz:

. . . this property has been on the list, the corporation Wynwood, how long ago?

Village Board Meeting
April 18, 2011

Rocco Vita:

Shortly after it was built it was transferred to Wynwood. There have been transactions since. Actually I think it's called ALS Kenosha on the assessment roll. There have been transfers of the business, but there haven't been outright transfers of the real estate.

Steve Kumorkiewicz:

So that property was assessed before.

Rocco Vita:

This property has been assessed since I believe since about 2000 or 1998.

Steve Kumorkiewicz:

Okay, I thought it was for a long time in the Village, ten years.

Mike Pollocoff:

Give or take.

John Steinbrink:

We have a motion and a second for denial. Any further discussion?

ALLEN MOVED TO DISSALLOW THE CLAIM OF EXCESSIVE ASSESSMENT FOR 2010 FILED BY WYNWOOD OF KENOSHA FOR PROPERTY LOCATED AT 7377 88TH AVENUE; SECONDED BY SERPE; MOTION CARRIED 5-0.

Rocco Vita:

Thank you.

John Steinbrink:

Thank you, Rocco.

M. Consider Bartender License application on file.

YUHAS MOVED TO APPROVE THE BARTENDER LICENSE FOR DANIELLE SIROCCHI; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

8. VILLAGE BOARD COMMENTS – None.

Village Board Meeting
April 18, 2011

9. **CONSIDER ENTERING INTO EXECUTIVE SESSION PURSUANT TO SECTION 19.85(1)(G) TO CONFER WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED WITH THE VILLAGE OF BRISTOL AND A RELATED PARTY.**

John Steinbrink:

The Board will return to open session only for the purpose of adjournment only.

Michael Serpe:

So moved tor executive session.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve.

SERPE MOVED TO ADJOURN TO EXECUTIVE SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; ALLEN – YES; SERPE – YES; MOTION CARRIED 5-0.

10. **RETURN TO OPEN SESSION**

After discussion was held in closed session, **SERPE MOVED TO RETURN TO OPEN SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; ALLEN – YES; SERPE – YES; MOTION CARRIED 5-0.**

11. **ADJOURNMENT**

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:25 P.M.