

AGENDA
VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
Village Hall Auditorium
9915 – 39th Avenue
Pleasant Prairie, WI
June 18, 2012
6:00 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Minutes of Meetings – June 4, 2012
5. Public Hearing
 - A. Consider 60 day renewal of the Class "A" Fermented Malt Beverage license for BP AM/PM located at 10477 120th Avenue.
6. Citizen Comments (Please be advised per State Statute Section 19.84(2), information will be received from the public and there may be limited discussion on the information received. However, no action will be taken under public comments.)
7. Administrator's Report
8. New Business
 - A. Consider Resolution #12- 18 authorizing signers for the Village's Bingo Bank Account at Chase.
 - B. Consider Resolution #12-19 certifying the creation, review and adoption of the Compliance Maintenance Annual Reports for the Wastewater Facilities in the Village of Pleasant Prairie.
 - C. Consent Agenda (All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.)
 - 1) Approve Operator License Applications on file.
 - 2) Approve Renewal Operator License Applications on file.
9. Village Board Comments
10. Adjournment

The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 – 39th Avenue, Pleasant Prairie, WI (262) 694-1400

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY**

**9915 - 39th Avenue
Pleasant Prairie, WI**

**June 4, 2012
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, June 4, 2012. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen (6:25 p.m.) and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Kathy Goessl, Finance Director/Treasurer; Brian Wagner, Police Chief; Doug McElmury, Fire and Rescue Chief; Mike Spence, Village Engineer; Rocco Vita, Village Assessor; John Steinbrink Jr., Public Works Director; Jean Werbie-Harris, Community Development Director and Jane Romanowski, Village Clerk. One citizen attended the meeting. Inadvertently, this meeting was not recorded thereby summary minutes have been prepared. Staff reports are attached and incorporated herein.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS – MAY 7 AND 21, 2012**

YUHAS MOVED TO APPROVE THE MINUTES OF THE MAY 7 AND MAY 21, 2012 VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- 5. CITIZEN COMMENTS - None.**
- 6. ADMINISTRATOR'S REPORT – None.**
- 7. NEW BUSINESS**
 - A. Receive Plan Commission recommendation and approve Ordinance #12-19 to amend Section 420-131 of the Village Zoning Ordinance related to the Village Floodplain regulations and to adopt new official floodplain maps.**

KUMORKIEWICZ MOVED TO ADOPT ORDINANCE #12-19 TO AMEND SECTION 420-131 OF THE VILLAGE ZONING ORDINANCE RELATED TO THE VILLAGE FLOODPLAIN REGULATIONS AND TO ADOPT NEW OFFICIAL FLOODPLAIN MAPS SUBJECT TO STAFF COMMENTS; SECONDED BY YUHAS; MOTION CARRIED 4-0.

- B. Consider the request of Louis Tricoli, Developer and Owner for a one (1) year extension of the Conceptual Plan for the proposed Paradise Lake Subdivision on the properties generally located south of 104th Street and 22nd Avenue.**

SERPE MOVED TO GRANT THE REQUEST OF LOUIS TRICOLI, DEVELOPER AND OWNER FOR A ONE (1) YEAR EXTENSION OF THE CONCEPTUAL PLAN FOR THE PROPOSED PARADISE LAKE SUBDIVISION ON THE PROPERTIES GENERALLY LOCATED SOUTH OF 104TH STREET AND 22ND AVENUE, SUBJECT TO STAFF COMMENTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0/

- C. Consider Resolution #12-16 approving the Execution of an Offer for Termination and Deobligation of Grant Agreement for Convenience with the Economic Development Administration.**

SERPE MOVED TO ADOPT RESOLUTION #12-16 APPROVING THE EXECUTION OF AN OFFER FOR TERMINATION AND DEOBLIGATION OF GRANT AGREEMENT FOR CONVENIENCE WITH THE ECONOMIC DEVELOPMENT ADMINISTRATION SUBJECT TO STAFF COMMENTS; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; SERPE – YES; MOTION CARRIED 4-0.

(Note: Trustee Allen in attendance)

- D. Consider award of contract for the 2012 Paving Program.**

SERPE MOVED TO AWARD THE 2012 PAVING PROGRAM CONTRACT TO BLACK DIAMOND GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$806,796.90 AS RECOMMENDED BY THE VILLAGE ENGINEER; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- E. Consider Professional Construction Engineering Inspection Services Agreement for the 2012 Paving Program.**

YUHAS MOVED TO APPROVE A PROFESSIONAL CONSTRUCTION ENGINEERING INSPECTION SERVICES AGREEMENT FOR THE 2012 PAVING PROGRAM WITH HOULE ENTERPRISES IN THE AMOUNT OF \$17,280 AS RECOMMENDED BY THE VILLAGE ENGINEER; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- F. Consider Resolution #12-17 to dispose of a surplus Public Works vehicle.**

YUHAS MOVED TO ADOPT RESOLUTION #12-17 TO DISPOSE OF A SURPLUS PUBLIC WORKS VEHICLE AS RECOMMENDED BY THE PUBLIC WORKS DIRECTOR; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- G. Consider Ordinance #12 -20 to amend Chapter 285 of the Municipal Code relating to sampling of industrial and commercial waste and testing fees.**

SERPE MOVED TO ADOPT ORDINANCE #12 -20 TO AMEND CHAPTER 285 OF THE MUNICIPAL CODE RELATING TO SAMPLING OF INDUSTRIAL AND COMMERCIAL WASTE AND TESTING FEES; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- H. Consider Ordinance #12-21 to amend Chapter 355 of the Municipal Code relating to water test fees.**

Village Board Meeting
June 4, 2012

YUHAS MOVED TO ADOPT ORDINANCE #12-21 TO AMEND CHAPTER 355 OF THE MUNICIPAL CODE RELATING TO WATER TEST FEES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- I. Consider an extension of the license for Scotty's Mobile Home Park located at 5310 75th Street.**

SERPE MOVED TO GRANT AN EXTENSION OF THE LICENSE FOR SCOTTY'S MOBILE HOME PARK, 5310 75TH STREET TO DECEMBER 31, 2012 AS RECOMMENDED BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- J. Consent Agenda**
 - 1) Approve Renewal of Towing Licenses.**
 - 2) Approve Renewal of Keno Outdoor Theater License.**

ALLEN MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2; SECONDED BY YUHAS; MOTION CARRIED 5-0.

8. Village Board Comments

9. Adjournment

YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 6-0 AND MEETING ADJOURNED AT 6:45 P.M.

VILLAGE STAFF REPORT OF WEDNESDAY, JUNE 4, 2012

Consider Zoning Text and Map Amendments (**Ord. #12-19**) to amend Section 420-131 of the Village Zoning Ordinance related to the Village Floodplain regulations and to adopt new official floodplain maps.

On April 30, 2012, the Village Plan Commission adopted Resolution #12-07 to start the process to update the Village's Floodplain Zoning Ordinance so that it meets the minimum federal and State requirements and to adopt the revised Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) for the Village.

In general, the new FIRM Maps incorporate the Des Plaines River Watershed floodplains adopted by the Village in 1998 and other floodplain boundary amendments approved by the Village, the Wisconsin Department of Natural Resources (WI DNR) and FEMA since the last FIRM Maps were prepared for the Village and dated December 5, 1996 and Section 420-131 of the Village Zoning Ordinance was updated to ensure continued compliance with the minimum federal and state floodplain regulations.

What is a Floodplain? A floodplain is the lowland area adjoining lakes, rivers and streams which will be covered by water during a regional flood or a 100-year flood. Since this is an area of considerable risk, the Village Zoning Ordinance carefully controls the uses of land within the floodplain. The 100-year floodplain or the regional flood level is made up of two areas--called the floodway and the flood fringe.

The 100-year flood or the regional flood is a large flood that has about a 1% chance of occurring in any year. This means it has a 26% chance of occurring during a common 30-year mortgage period. There is one chance in 100 that a flood of this size or larger will happen in any given year. It does not mean such a flood will happen only once in 100 years. The odds remain the same even if the regional flood happened the year before.

The 100-year floodplain is made up of the "floodway" and the "flood fringe". The floodway is the most dangerous part of the floodplain and is the area covered by deeper, quickly moving waters. It includes both the channel of the river or stream and the adjacent floodplain lands required to carry off excess waters from the regional flood or the 100-year flood. The flood fringe is the remaining portion of the 100-year floodplain, lying outside of the floodway, which is needed to store flood waters. Water in the flood fringe tends to be slow moving and not as deep as water in the floodway.

Development in the floodplain is restricted to open space uses that do not interrupt the natural flow of the water. Any development that constricts the flow of water or significantly reduces floodplain storage volumes may create upstream and/or downstream flooding problems or reduce the capacity of the floodplain to store water.

Examples of some uses allowed in the floodplain with a permit include:

- agricultural (pasture, grazing, etc.);
- golf courses, tennis courts, parks;
- boat launching ramps, swimming areas; and
- wildlife and nature preserves.

These uses will not suffer excessive damage if flooded, and if properly designed will not block the free flow of the water.

Uses not permitted in the floodplain are those which threaten human lives, health or property, and those which will increase flood heights. Some of the prohibited uses include:

- structures designed for human habitation;
- structures designed for business operations;
- storage of dangerous materials;
- water wells used for human consumption; and
- septic tanks or solid waste disposal systems.

Can property be removed from the floodplain? Yes, in some instances property can be removed from the floodplain provided proper approval is obtained from the Village and several other agencies including the WI DNR and the FEMA.

Any area removed from the floodplain through the placement of fill must be contiguous to land lying outside the floodplain. In addition, the volume of floodplain removal must be created in the vicinity of the filled area on a one-to-one basis. The land that is removed from the floodplain must be filled to an elevation at least two (2) feet above the 100-year flood elevation.

Is Flood Insurance available? Flood insurance is not mandatory; however, a mortgage company or financial institution may require owners to have flood insurance to purchase a property, refinance a property or make any improvements if the property is in or near the floodplain since standard homeowners insurance does not typically cover flooding.

In 1968, Congress created the National Flood Insurance Program (NFIP) to help provide a means for property owners to financially protect themselves. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates in the NFIP. Participating communities, like the Village, agree to adopt and enforce ordinances that meet or exceed FEMA requirements to reduce the risk of flooding. Adopting the new FIS and FIRM and the proposed amendments will keep the Village within the program that will allow property owners to obtain flood insurance through NFIP. More information related to Floodplain and Flood Insurance can be found at FEMA's website: www.FEMA.gov

To continue to maintain eligibility for Village residents to continue to purchase flood insurance from NFIP, the Village is required to adopt floodplain management ordinance regulations that meet the minimum standards of the NFIP regulations prior to the effective date of the updated FIRM (June 19, 2012).

Background Information:

- On December 5, 1996, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs) for the areas subject to inundation by the base (1-percent-annual-chance) flood in the Village.
- On July 6, 1998, the Village Board of Trustees adopted 100-year Floodplain and Floodway Maps and Profiles for the Des Plaines River Watershed for the areas located within the Village as prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC).
- FEMA completed a re-evaluation of the flood hazards in the Village which incorporates the Des Plaines River Watershed study and other floodplain boundary amendments approved by the Village, the Wisconsin Department of Natural Resources (DNR) and FEMA since the last FIRM update of December 5, 1996.

- On July 31, 2007, FEMA provided the Village with preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in the Village, including Base Flood Elevations (BFS's) for review and comment.
- The Village received the **attached** letter dated December 19, 2011 indicating that the statutory 90-day appeal period had ended and FEMA did not receive any appeals of the proposed BFEs during that time frame and therefore the Preliminary FIRM's for the Village will become effective on June 19, 2012.
- Section 1361 of the National Flood Insurance Act of 1968, as amended, requires that within six (6) months from the date of the December 19, 2011, the Village is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to show evidence of the adoption of the floodplain management regulations that meet the standards of Paragraph 60.3 (d) of the NFIP regulations (44CFR 59, ect.) by the effective date of the FIRM (June 19, 2012). These federal standards are the minimum requirements and do not supersede any State or Village requirements of a more stringent nature. The State of Wisconsin also has minimum standards the Village shall meet.

Section 420-131 of the Village Zoning Ordinance sets forth the Village's floodplain regulations and this ordinance is required to meet the minimum standards of the federal government and the regulations of Wisconsin. Section 87.30(1)(b), Wis. Stats., allows for the Village to adopt a floodplain zoning ordinance that is more restrictive than the provisions required by the State, but not less restrictive. To assist in reviewing the Village's ordinance, the WI DNR has provided the Village with a model ordinance that includes both the minimum regulatory standards required in ch. NR 116, Wis. Admin. Code, and those of the National Flood Insurance Program 44 CFR 59-72.

The Village staff has reviewed Section 420-131 of the Village Zoning Ordinance and is proposing several amendments that are required to ensure continued compliance with Federal and State minimum requirements. The proposed revisions have been sent to the WI DNR for their review to ensure compliance. Upon adoption of the ordinance amendments, certified copies are required to be sent to the WI DNR and FEMA.

The Village sent out nearly 2,600 notices to property owners within 300 feet of the 100-year floodplain and held an Open House on Wednesday, May 23, 2012 from 4:00 p.m. to 6:00 p.m. at the Village Hall where the updated Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) were available for review. The Village staff talked with 30 property owners in the Village prior to the Plan Commission meeting and approximately 50 people attended the Open House.

The Village staff is still evaluating any changes to the *Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan* that may be required as a result of adopting the new official floodplain maps. These changes to the Comprehensive Plan, if any, will be presented at a separate hearing.

On May 30, 2012 the Village Plan Commission held a public hearing and recommends that the Village Board approve the zoning amendments (Ord. #12-19) to Section 420-131 of the Village Zoning Ordinance which includes the adoption of the updated FIRM and FIS dated June 19, 2012 for the Village of Pleasant Prairie as presented.

VILLAGE STAFF REPORT OF JUNE 4, 2012

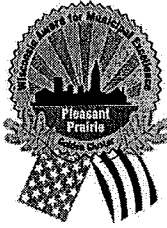
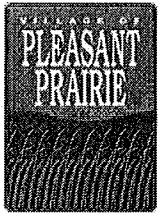
Consider the request of Louis Tricoli, Developer and Owner for a **one (1) year extension of the Conceptual Plan for the proposed Paradise Lake Subdivision** on the properties generally located south of 104th Street and 22nd Avenue.

On April 6, 2011, the Village received a request from the Owner and Developer for another one (1) year extension of the Conceptual Plan for the conditionally approved Paradise Lake Subdivision on the properties generally located south of 104th Street at 22nd Avenue.

The Village Board conditionally approved the Conceptual Plan for the proposed development of 45.83 acres of land to be developed into 20 single-family lots and four (4) Outlots on April 21, 2008. A Conceptual Plan approval is valid for a period of one (1) year. Prior to the expiration of the Conceptual Plan all conditions of approval shall be satisfied and the Preliminary Plat shall be submitted.

On March 2, 2009, the Village Board approved a one (1) year extension (until April 21, 2010), on April 19, 2010 the Village Board approved a second one (1) year extension (until April 21, 2011) and on April 18, 2011 the Village Board approved a third one (1) year extension (until April 21, 2012) Due to the economy, the Developer is requesting another one (1) year extension to comply with the conditions of the Conceptual Plan approval (until April 20, 2013).

Village staff recommends approval of another one (1) year extension (until April 21, 2013) for the Conceptual Plan approval for the proposed Paradise Lake Subdivision. Prior to the expiration of the Conceptual Plan all conditions of the April 21, 2008 approval shall be satisfied and the Preliminary Plat shall be submitted. A copy of said conditions of approval is on file with the Community Development Department. In addition, the Preliminary Plat shall comply with any new Village Ordinance amendments effective in the Village since the initial 2008 conditional approval.



MEMO

Office of the Village
Engineer/Building Inspection
Michael Spence, P.E., LEED® AP

TO: Mike Pollocoff, Village Administrator

CC: Jane Romanowski, Village Clerk
John Steinbrink, Jr. Public Works Director

FROM: Mike Spence, Village Engineer

DATE: May 29, 2012

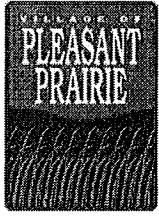
SUBJ: Bids for 2012 Paving Program

Sealed bids for the above referenced project were received until 2 p.m. on May 24, 2012, at the Village Hall Auditorium and were publicly opened and read aloud. Copies of the bid tabulation are enclosed for your reference.

The 2012 Paving Projects consists of six work sections generally described as follows:

- Section 1: 116th Street (Sheridan Road to 26th Avenue) - Pulverize and relay asphaltic pavement, mill and overlay existing asphalt pavement, foundation preparation, manhole and valve adjustments, furnish and place new asphaltic pavement and lane markings.
- Section 2: 102nd Street - Mill and dispose of existing asphalt, valve and manhole adjustments, spot curb replacement, furnish and place asphaltic pavement.
- Section 3: 100th Street - Mill and dispose of existing asphalt, spot curb replacement, furnish and place asphaltic pavement.
- Section 4: 85th Street (Cooper Road to 39th Avenue) - Furnish and place latex modified asphaltic pavement (micro-surface) and furnish and place lane markings.
- Section 5: Lakeshore Drive- Furnish and place latex modified asphaltic pavement (micro-surface) and furnish and place lane markings.
- Section 6: Ashbury Creek Subdivision – Furnish and place asphaltic pavement surface course, base patching, spot curb replacement, manhole chimney seals, and interim inlet adjustments.

A total of three bids were received for this project.



MEMO

Office of the Village
Engineer/Building Inspection
Michael Spence, P.E., LEED® A

The lowest bid was submitted by Black Diamond Group of Oak Creek, WI in the amount of \$806,796.90. The second bid was from Payne & Dolan of Kenosha, WI. for \$809,934.09.

The 2012 Paving Program budget is:

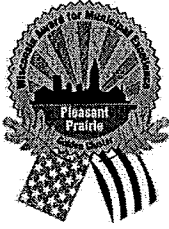
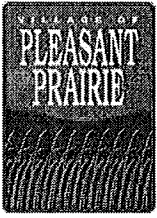
| | |
|-------------------------------------|------------------|
| Design Services: | \$12,000 |
| Construction: | \$563,720 |
| Construction Inspection/Management: | \$24,280 |
| TOTAL: | \$600,000 |

The construction bid price included \$197,205 for Ashbury Creek which will be paid for by the Developer. This brings the construction bid amount down to \$609,591.90. This is \$45,871.90 higher than the construction budget of \$563,720. However, the Village received a \$17,523 LRIP grant from WisDOT towards the repaving of 102nd St. this reduces the deficit to \$28,348.90.

The paving contract allows the Village to reduce the scope of work if needed. We will reduce the length of paving on 116th Street to keep the project at the **budgeted amount of \$563,720**. The limits of the repaving on 116th St will be from Sheridan Road to 22nd Avenue. (Originally 26th Avenue).

I recommend that the Village award this project to Black Diamond Group of Oak Creek, WI in the amount of \$806,796.90 based on the low bid price submitted with the understanding that the project scope will be reduced to keep the project within the budget.

Following the formal award by the Village Board, we will prepare the necessary documents for execution by the Village and the Contractor.



MEMO

Office of the Village
Engineer/Building Inspection
Michael Spence, P.E., LEED® AP

TO: Mike Pollocoff, Village Administrator

CC: Jane Romanowski, Village Clerk
John Steinbrink, Jr., Public Works Director

FROM: Mike Spence, Village Engineer

DATE: May 29, 2012

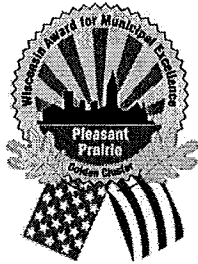
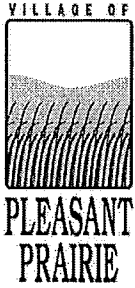
SUBJ: Professional Construction Engineering Inspection Services Agreement
2012 Paving Program

Proposals were received two firms to provide professional construction management/inspection services including construction oversight, record and document Contractor activities, verify and document quantities for Contractor payments and assist the Village staff in final inspections and acceptance. The proposals were from Crispell Snyder and Houle Enterprises. Both firms are well qualified to perform these services.

The hourly rate from Houle Enterprises was lower than that of Crispell Snyder. The hours spent were expected to be the same for both firms, consequently the Houle proposal represents a lower total cost. Attached is the Professional Construction Engineering Services Agreement from Houle Enterprises of Oshkosh, Wisconsin to provide construction services and construction assistance as necessary including site visits, administration, and inspection during the proofrolling of roadway base material, excavations below subgrade, structure adjustments, curb and gutter replacements, driveway approaches and roadway paving operations with the preparation of associated inspection reports and measurement of installed quantities.

The scope of services is detailed in the agreement. The fee for Houle Enterprises for these professional services is \$17,280 (hourly basis) which means we are billed for only the actual hours used.

I recommend that the contract from Houle Enterprises for these services be approved.



Office of the Village
Director of Public Works
John Steinbrink, Jr.

To: Michael Pollocoff
From: John Steinbrink Jr.
Subject: Vehicle Disposal Approval
Date: May 29, 2012

I am requesting approval for the disposal of the following Village vehicle which has reached the end of its useful life and is currently being stored at the Prange Center:

Vehicle 6931 – 1993 Ford L8000 Tandem Axle Dump Truck, 99,098 miles.

Cost savings would be realized in the elimination of insurance, repair and/or storage costs.

The aforementioned vehicle will be sent to auction.

I recommend that the above vehicle be disposed of.

* * * * *

Office of Village Clerk

MEMORANDUM

TO: Village Board Trustees

FROM: Jane M. Romanowski
Village Clerk

DATE: May 31, 2012

RE: 2012 Mobile Home Park License for Scotty's

On December 19, 2011, the Village Board of Trustees approved a six month mobile home license for Scotty's Mobile Home Park, 5310 75th Street. The board's decision was based on numerous zoning and building code violations. Attached to this Memorandum are the excerpts of minutes from that meeting as well as the letter sent to Mr. Ruffolo setting forth the specific violations to be corrected before the board would consider renewal of the license.

There are still outstanding violations as noted in the attached Village Staff Memorandum dated May 29, 2012. The board's motion on December 19, 2011 is as follows:

SERPE MOVED TO GRANT A MOBILE HOME LICENSE TO SCOTTY'S MOBILE HOME PARK, 5310 75TH STREET, FOR THE TERM JANUARY 1, 2012 THROUGH JUNE 30, 2012 WITH ALL ZONING AND BUILDING CODE AND PERMIT VIOLATIONS TO BE CORRECTED BEFORE ANY EXTENSION OF THE LICENSE TERM WILL BE CONSIDERED BY THE VILLAGE BOARD; SECONDED BY ALLEN; MOTION CARRIED 5-0.

The mobile home license for Scotty's expires June 30, 2012.

* * * * *

Attachments

VILLAGE STAFF MEMORANDUM

TO: Village Board of Trustees
Michael R. Pollocoff, Village Administrator
Jane M. Romanowski, Village Clerk

FROM: Jean Werbie-Harris, Community Development Director
Ralph Nichols, Senior Building Inspector
Mike Spence, Village Engineer

DATE: May 29, 2012

SUBJECT: 2012 Mobile Home Park Inspections –
Community Development Department (Planning & Zoning)
Building Inspections Department

This memorandum is intended to inform the Village Board of Trustees/Village Clerk of the outstanding zoning issues/violations on the Scotty's Mobile Home Park property.

| PROPERTY | ADDRESS | ZONING |
|--------------------------------------|------------------------------|---------------|
| Scotty's Mobile Home Park | 5310 75 th Street | R-12 |

G. John Ruffolo
1750 22nd Avenue
Kenosha, WI 53140

Outstanding violations yet to be corrected:

1. For Unit on Lot 27 – Submit proper building/zoning applications for permits for renovation work being completed -- repair the skirting, entrance stairs and water heater compartment for the unit. (All other units have been either removed or permits have been obtained for remodeling work).
2. Repair severely damaged private roadway – replace the asphalt or fill the potholes and resurface.

JMWH/jmwh

MEMORANDUM

Date: June 12, 2012
To: Village Board of Trustees
From: Jane M. Romanowski
Village Clerk
Re: BP AM/PM Class "A" Ferment Malt Beverage License Renewal Application

On May 21, 2012, on the recommendation of staff, the Village Board postponed consideration of the Class "A" Fermented Malt Beverage License for the BP AM/PM establishment located at 10477 120th Avenue. The staff's recommendation was based on the conditional use permit and the illicit discharge violations that currently exist at that location.

I recommend a 60-day renewal of the Class "A" Fermented Malt Beverage License to Syed Hussain, Agent for R & D #IV, Inc., subject to the following conditions:

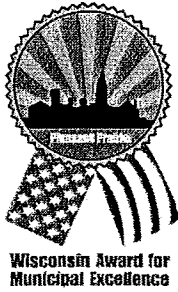
1. Payment of the liquor and cigarette license fees and publication costs.
2. Payment of a delinquent sanitary sewer surcharge invoice in the amount of \$249.81.

The 60-day renewal will allow a revocation hearing for the conditional use permit to take place. In addition, there has been some work performed to correct the illicit discharges at this location, but this work and the reports submitted do not meet with the Village Engineer's approval at this time. Attached is the Complaint and Notice issued with respect to the Conditional Use Permit Violation and a memo from the Village Engineer regarding the illicit discharge matter.

The license, if granted, will be issued when the payment of licenses fees, publication costs and the outstanding sanitary sewer surcharge invoice has been paid. The license will expire August 31, 2012.

* * * * *

Attachments



Office of the Village Community
Development Director
Jean M. Werbie-Harris

VIA REGULAR MAIL AND CERTIFIED MAIL

**COMPLAINT AND NOTICE
OF CONDITIONAL USE PERMIT VIOLATION**

June 12, 2012

Mr. Dixit Patel
VIDHYA Corp VIII, Inc.
1491 W. Roosevelt Road
West Chicago, IL 60185

Mr. Dixit Patel
BP Amoco
10477 120th Avenue
Pleasant Prairie, WI 53158

RE: ZONING ADMINISTRATOR COMPLAINT AND NOTICE OF CONDITIONAL USE PERMIT VIOLATION AND ORDER TO CORRECT VIOLATION for the BP Amoco Station # 3789, 10477 120th Avenue, Pleasant Prairie, WI.

Dear Mr. Patel:

According to the Village of Pleasant Prairie/Kenosha County public access records, VIDHYA Corp VIII, Inc. is the legal owner of the property located at 10477 120th Avenue, which is further identified as Tax Parcel Number 92-4-122-302-0130 in the Village of Pleasant Prairie. Currently, the BP Amoco gasoline station operates at the referenced location but only with the expressed written approval and authority of a Conditional Use Permit #01-11 approved by the Village Plan Commission on June 25, 2001. The purpose of this letter is to document a written complaint filed by the Village Zoning Administrator regarding BP Amoco's noncompliance with the terms of the Conditional Use Permit and the violation of Village Ordinance Section 420-145 G., as it relates to "standards for conditional uses" and specifically Section 420-38 D., Water Quality Protection performance standards.

BP Amoco has been found to be in violation of the following Village Zoning Ordinance Section 420-38 D. water quality protection performance standards to be enforced:

(11) Water quality protection.

- (a) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or

Mr. Patel
BP Amoco Violation Letter
10477 120th Avenue, Pleasant Prairie, WI

harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life.

Recent inspections and photographic documentation over the past year revealed that the BP Amoco property has illicit discharges or petroleum releases into the drainage ditch adjacent to the property that have occurred and continue to occur from the property, which also drain onto the adjacent property impacting the water quality and resulting in potentially both soil and water contamination.

This complaint, having been filed on June 12, 2012, alleges ongoing noncompliance with the terms of the Conditional Use Permit for this property. You are hereby ordered to correct the outstanding zoning violations as noted in this letter within 30 days (July 13, 2012). If the ongoing contamination is not stopped and the soil and water cleaned-up within the prescribed 30-day time period, the Village will initiate the revocation or suspension of the Conditional Use Permit. As such, the Village Plan Commission will be scheduling an open hearing within 45 days of the filing of the complaint and will be conducting a hearing regarding this matter pursuant to the general outline set forth in Zoning Ordinance Sections 420-145 and 420-147. **The date for the public hearing is being set for Monday, July 16, 2012 at 5:00 p.m. at the Village Hall Auditorium, 9915 39th Avenue, Pleasant Prairie, WI. You or your representative should attend this hearing.**

Upon a finding that the standards, regulations and conditions set forth in granting of the Conditional Use Permit has been violated, the Plan Commission may suspend the Conditional Use Permit and use of the premises as a gas station until such time as there is compliance with the standards, regulations and conditions imposed with said permit, or the Plan Commission may revoke the Conditional Use Permit.

If you have any questions, contact me directly at the Village Hall at (262) 925-6717.

Sincerely,



Jean M. Werbie-Harris
Village Zoning Administrator, Village Planner and
Community Development Director

cc: Michael Spence, P.E., Village Engineer
Fire Chief Doug McElmury
Police Chief Brian Wagner
Village Clerk Jane Romanowski
Village Administrator, Michael Pollocoff
Community Development Department
Building Inspection Department
Attorney Timothy Geraghty, Godin Geraghty Puntillo
Property File

BP Amoco 10477 120th Avenue



MEMO

Office of the Village
Engineer/Building Inspection
Michael Spence, P.E., LEED® AP

TO: Mike Pollocoff/Village Administrator
Jane Romanowski/Village Clerk
Jean Werbie-Harris/Community Development Director

FROM: Mike Spence/Village Engineer

DATE: June 12, 2012

SUBJ: BP Gas Station Illicit Stormwater Discharge Update

This memo serves as an update to my previous memo (attached) of May 15, 2012.

The week of May 21, 2012 a Contractor began operations to replace the supply piping to the fuel pumps on the west side of the station. While this action was taken to replace old, outdated piping it was not believed to be the primary cause of the illicit discharge.

On May 25, 2012, daily citations were issued to VIDHYA Corp VIII, Inc. the owner of the BP gas station at 10477 120th Ave. for the period of March 21 through May 24, 2012. The citations were for \$676 per day including court costs for their continuing illicit stormwater discharge. These citations totaled \$43,940.

On May 30, 2012 the owner failed to appear at Pleasant Prairie Municipal Court on the original citation for March 20, 2012.

On May 31, 2012 Jack Yan, the Owner's Environmental Engineer (Jack Yan-QES) contacted me by email and indicated that he would submit a progress report on June 1. He said he would be on site to observe the piping upgrade activities and collect soil samples as a part of the site assessment. I responded to Mr. Yan on May 31, 2012 that there were a number of items that were included in the corrective action plan and schedule that **have not been addressed**. They include:

- The installation of a new set of booms in the ditch area to absorb petroleum products by **April 13, 2012;**
- The installation a free product recovery trench/sump near the stormwater discharge point and a monitoring well inside the trench. These actions were to be implemented on or before **May 2012;**
- QES personnel were to inspect the sump and monitoring well **once per month** (starting in May 2012) for residual products;



MEMO

Office of the Village
Engineer/Building Inspection
Michael Spence, P.E., LEED® A

- The Owner or his agent was to obtain work in right-of-way permit from the Wisconsin Department of Transportation for the drainage ditch area work;
- The Owner or his agent was to provide evidence of regular tests of tank tightness and line leaking. The frequency shall be as agreed to between the Owner, agent and the Village;

In addition, I indicated that the issue of **potential contamination within the drainage way** needed to be addressed (contamination testing and a remediation plan if required); Until all of these items are addressed, I still considered the **illicit discharge a continuing event**. I also need evidence from the Owner that a Contract for the monitoring and implementation of this work has been signed.

On June 1, 2012 I received by email a 1 page progress report from Mr. Yan. I responded on June 4, 2012 with the following comments/questions:

- Is there any other documentation that substantiates that the property owner pumped out the residual petroleum products from the tank field and containment pans near the pumps islands on March 27, 2012? Pumping tickets etc.?
- Do you have written inspection reports for April and May?
- Do you have any additional information on the second set of booms that were installed in May 2012? It does not from our visual observations that this was done.
- A copy of the soil sampling results should be submitted to this office for our records;
- Your report indicated that the Owner will initiate the remaining tasks, **this is not sufficient**. I need to know **what the tasks are** and **when the activity will occur**. Past experience has indicated that the owner has disregarded previous schedules;
- In addition, the issue of **potential contamination within the drainage way** needs to be addressed (contamination testing and a remediation plan if required);

I also stated the following in my email response: *“Please provide this information to me. This is a critical situation and I need documentation that the situation is being adequately handled. Jack, I think a weekly update would be appropriate, this can be via email. As I said, the intent is to document fully what actions are being taken to correct the illicit discharge.”*

As of the date of this email I have not heard anything else from the Owner or his Environmental Engineer. The Engineering Department is inspecting the drainage way on a daily basis and evidence of an oil sheen is still present in the ditch as of yesterday, June 11, 2012.



MEMO

Office of the Village
Engineer/Building Inspection
Michael Spence, P.E., LEED® AP

TO: Mike Pollocoff-Village Administrator
Jane Romanowski-Village Clerk

FROM: Mike Spence-Village Engineer

DATE: May 15, 2012

SUBJ: BP Gas Station Illicit Stormwater Discharge

A Compliance Order was sent to the Owners of the BP Gas Station located at 10477 120th Avenue in Pleasant Prairie on February 23, 2012. The Station had ongoing Zoning Code violations relating to the site and building and also Municipal Code violations relating to the illicit stormwater discharges from the site. Petroleum discharges were released into the adjacent drainage ditch.

The Order specified the following to be done:

1. Eliminate the illicit discharge;
2. Cease and desist violating discharges, practices, or operations; and/or
3. Abate or remediate the stormwater pollution or contamination hazards and restore any affected property.

An action plan was to be submitted to the Village Engineer by March 6, 2012.

This date came and went and a Citation was the issued on March 22, 2012. A Corrective Action Plan and Schedule was received from the Owner's Environmental Engineer on March 30, 2012. An acknowledgment and approval of the plan was sent by me to the Owner's Engineer on April 5, 2012. This letter stipulated that a progress report was to be submitted to the Village Engineer on the first of every month detailing what activities had occurred during the past month, what was anticipated during the next month and an updated schedule. The first report was due May 1, 2012. No report has been received. I had also received a telephone call from the Owner's Engineer indicating that they had not authorized him to report or monitor on this project.

I have also spoken with the Village's attorney to pursue the next steps in addressing this Company's lack of compliance to the Village Ordinances. I recommend that any renewals of licenses be withheld until these matters are resolved.

RESOLUTION #12-18

**RESOLUTION TO AUTHORIZE SIGNERS FOR THE
VILLAGE'S BINGO BANK ACCOUNT AT CHASE**

WHEREAS, the Village Board of the Village of Pleasant Prairie, in order to provide entertainment at Prairie Family Days, and program revenue for the RecPlex in the future and,

WHEREAS, Chase Bank is the Village's primary banking intuition,

WHEREAS, the Village Finance Director is Kathleen M Goessl, the RecPlex Business Director is Christopher A Finkel,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Pleasant Prairie hereby authorizes the above named as signers for the Pleasant Prairie Bingo account that the Village will open at Chase Bank.

Passed and adopted this 18th day of June 2012.

John P. Steinbrink, President
Village of Pleasant Prairie

Attest:

Jane M. Romanowski, Village Clerk

RESOLUTION #12-19

**RESOLUTION CERTIFYING THE CREATION, REVIEW AND ADOPTION OF THE
COMPLIANCE MAINTENANCE ANNUAL REPORTS FOR THE
WASTEWATER FACILITIES IN VILLAGE OF PLEASANT PRAIRIE**

WHEREAS, it is the policy of the Commissioners of Sewer Utility Pleasant Prairie Village that the utility be maintained within generally accepted guidelines; and

WHEREAS, the State of Wisconsin prescribes a method of evaluating the operating efficiency of a wastewater collection system; and

WHEREAS, the Sewer Utility Pleasant Prairie Village has been evaluated under the State's Annual Compliance Maintenance Evaluation, and financial management scored 4 with a GPA of 4.0; and

WHEREAS, wastewater facilities for Pleasant Prairie Village has received a raw score of 12 with a GPA of 4.0 and the Collection Systems Section has received a grade of A as set forth by the Department of Natural Resources; and

WHEREAS, the Wastewater Utility District continues to identify and eliminate infiltration and inflow; and

WHEREAS, the Commissioners of this Utility District have reviewed the report prepared by the Village's Plant Operator;

NOW THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Pleasant Prairie that the Annual Compliance Maintenance Report has been reviewed and accepted as presented and is forwarded to the Department of Natural Resources for their review.

Passed and adopted this 18th day of June, 2012.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink, President

ATTEST:

Jane M. Romanowski, Clerk

**CLERK'S CERTIFICATION OF
BARTENDER LICENSE APPLICATIONS**

Period Ending: June 12, 2012

I, Jane M. Romanowski, Village Clerk of the Village of Pleasant Prairie, Kenosha County, Wisconsin, do hereby certify the following persons have applied for bartender licenses and **each applicant is in compliance with the guidelines set forth in Chapter 194 of the Municipal Code**. I recommend approval of the applications for each person as follows:

NAME OF APPLICANT

LICENSE TERM

- | | |
|-------------------------|--------------------|
| 1. Brittney A. Dzbinski | thru June 30, 2014 |
| 2. Brian J. Lewis | thru June 30, 2014 |

Jane M. Romanowski
Village Clerk

**CLERK'S CERTIFICATION OF
RENEWAL BARTENDER LICENSE APPLICATIONS
Period Ending: June 12, 2012**

I, Jane M. Romanowski, Village Clerk of the Village of Pleasant Prairie, Kenosha County, Wisconsin, do hereby certify the following persons have applied for a renewal bartender license, and **each applicant is in compliance with the guidelines set forth in Chapter 194 of the Municipal Code.** I recommend approval of the application for each person as follow:

| <u>NAME OF APPLICANT</u> | <u>LICENSE TERM</u> |
|--------------------------|---------------------|
| 1. Abid Husen Ajmeri | June 30, 2014 |
| 2. Michael D. Ashby | June 30, 2014 |
| 3. Crystal G. Burdine | June 30, 2014 |
| 4. John S. Daniels | June 30, 2014 |
| 5. Christopher L. Frye | June 30, 2014 |
| 6. Elizabeth M. Gerdt | June 30, 2014 |
| 7. Michael L. Henthorn | June 30, 2014 |
| 8. Julie J. Jensen | June 30, 2014 |
| 9. Andrea M. Wagner | June 30, 2014 |
| 10. Michelle L. Walker | June 30, 2014 |

NOTE: ALL LICENSEES LISTED ABOVE HAVE SUBMITTED RENEWAL APPLICATIONS AND THE POLICE DEPARTMENT HAS SEARCHED ITS RECORDS. FOLLOWING PAST PRACTICE DUE TO THE NUMBER AND TIME REQUIRED, THE RENEWAL APPLICATIONS WERE NOT COPIED FOR THE BOARD MEETING.

Jane M. Romanowski
Village Clerk