

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 4, 2012
6:00 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Minutes of Meetings – May 7 and 21, 2012
5. 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.)
6. Administrator's Report
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.
 - 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.
 - 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.
 - D. Consider award of contract for the 2012 Paving Program.
 - E. Consider Professional Construction Engineering Inspection Services Agreement for the 2012 Paving Program.
 - F. Consider Resolution #12-17 to dispose of a surplus Public Works vehicle.
 - G. Consider Ordinance #12 -20 to amend Chapter 285 of the Municipal Code relating to sampling of industrial and commercial waste and testing fees.

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- H. Consider Ordinance #12-21 to amend Chapter 355 of the Municipal Code relating to water test fees.
 - I. Consider an extension of the license for Scotty's Mobile Home Park located at 5310 75th Street.
 - J. 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 Renewal of Towing Licenses.
 - 2) Approve Renewal of Keno Outdoor Theater License.
8. Village Board Comments
9. 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
May 7, 2012
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, May 7, 2012. Meeting called to order at 6:10 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen 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; Carol Willke, Recreation and HR Director; John Steinbrink Jr., Public Works Director; Jean Werbie-Harris, Community Development Director; Rocco Vita, Village Assessor and Jane Romanowski, Village Clerk. Four citizens attended the meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

John Steinbrink:

Tonight we have Troop Number 435 with us, and we're going to ask them to lead us in the Pledge of Allegiance.

3. ROLL CALL

4. ELECT PRESIDENT PRO-TEM

Clyde Allen:

Make a motion to nominate Monica Yuhas.

Steve Kumorkiewicz:

I second that.

John Steinbrink:

A motion by Clyde and a second by Steve for Monica Yuhas. Any further additions? If not, do I have a motion for unanimous ballot?

Clyde Allen:

Make that motion.

Michael Serpe:

Second.

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ALLEN MOVED TO CAST A UNANIMOUS BALLOT NOMINATING MONICA YUHAS PRESIDENT PRO-TEM; SECONDED BY SERPE; MOTION CARRIED UNANIMOUSLY.

John Steinbrink:

Motion by Clyde, second by Mike Serpe for unanimous ballot to elect Monica Yuhas as President Pro-Tem. Congratulations, Monica.

Monica Yuhas:

Thank you. Thank you, Board, for your continued support and confidence in my abilities. I appreciate it.

5. MINUTES OF MEETINGS - APRIL 2 AND 16, 2012

Monica Yuhas:

Motion to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Any additions or corrections to the minutes?

YUHAS MOVED TO APPROVE THE APRIL 2 AND APRIL 16, 2012 MINUTES OF THE VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

6. PUBLIC HEARING

- A. Consider the extension of public water main improvements in the right-of way of 77th Street extended and the future right-of-way of 109th Avenue and Final Resolution #12-14 authorizing construction of public improvements and levying special assessments for said project.**

Mike Pollocoff:

Mr. President, this is a resolution for a special assessment hearing. And it's in an area where it does a number of things. One, it abuts the Lynch development which is going to be Lynch Chevrolet. Secondly, the Village entered into a cooperative agreement with the State of Wisconsin and Kenosha County that provided for the rebuilding of Highway 50 in 2016-17. And

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as part of that agreement the State agreed to pay for the construction of frontage roads and local roads. In the case of this area, the 109th extension off of Highway 50 along with 77th are local roads that the State has agreed to pay for the construction and improvements of those roads.

Part of the agreement was the Village would acquire whatever additional right of way was needed, and then also as part of that we want to get our underground improvements put in and taken care of. Simultaneously, there's been a developer other than Lynch that's interested in developing the remaining lots of the Chateau Eau Plaines development. So, we've finished the process of acquiring properties in order to build this, and the next step is levying of special assessments for those properties that are involved that are going to receive a benefit from this construction, the improvements we put it. The State will start on the roads at a later time. So, Mike Spence, our Village Engineer, has put together the engineer's report and special assessment schedule for the project. So, Mike, if you could describe the project in more detail.

Mike Spence:

The project includes the installation of approximately 1,800 feet of 12-inch water main. As Mike indicated, it would connect to our system on 77th Street where the existing water main ends and then go west to the right of way of the future 109th Avenue. And this road has been designed to be located in a position that will accommodate the future 77th Street and 109th Avenue that will be designed – or is currently started to be designed by DOT. The assessment properties that are affected by this are shown on the figure there. And basically the assessment is on a front footage. Fortunately, there's another item that's coming later tonight. We have the actual bid prices on this, and they're actually less than the original estimate. So the assessment value is less than what we anticipated. The assessment cost is \$66.54 per assessable front footage. So the total project cost is \$217,560. So with that I recommend that this assessment be finalized and levied against the appropriate properties.

John Steinbrink:

Okay, this being a public hearing, I'm going to open it up to public comment or question. Did we have a sign up list for this?

Jane Romanowski:

Yes, we did, no signups tonight.

John Steinbrink:

Anyone wishing to speak on this item? Anyone wishing to speak? Hearing none I will close the public hearing and open it up to Board comment or question.

Michael Serpe:

Most of these lots that are identified here are owned by AM Credit Union?

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Mike Pollocoff:

It's AM Community and another credit union out of Green Bay.

Michael Serpe:

And those assessments are due October?

Mike Pollocoff:

Right.

Michael Serpe:

Have they indicated any interest or any concerns on this?

Mike Pollocoff:

They are working on an alternate land use plan for this area that would still reflect the need for 77th and 109th to be located there. So right now there is no water to that property, and this would provide one of the elements that they need for construction. Assuming they submit a plan that is realistic and acceptable to the Plan Commission and the Board, the next step would be to plan for the sanitary sewer construction which goes west to the lift station, as well as grading and storm water work. But they're working on that now, and they'll be submitting an alternative plan for this to take place.

Michael Serpe:

And because of the cost of this we had to bid this out? We have to award this not to our own crew?

Mike Pollocoff:

We did take a look at it. It was less expensive to bid it out. With some of the cuts we've made to staff as part of the general budget cuts we don't have a lot of extra time or people to do that work. We can do some small stuff, but this is probably exceeding it. So we're recommending based on initial numbers that public works looked at as far as what would it take for us to do it and not do other things, we recommend it going out to contract. And the numbers still came in and they were pretty aggressive in the bidding.

Steve Kumorkiewicz:

Mike, just a question. You mentioned about the sanitary sewers going west [inaudible]. But we are going to do that part from 109 west [inaudible].

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Mike Pollocoff:

Well, every street is going to have sanitary sewer. So the developer is going to have to design it, and the developer would be responsible for installing it.

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

Mike, so the sewer will be a separate project?

Mike Pollocoff:

Right.

John Steinbrink:

Nothing that would at the same time be any cost benefit?

Mike Pollocoff:

Sewer is going to have to probably get done before the road construction. But until we see what they're proposing, establishing grade is kind of in the dark as far as the grade on it.

John Steinbrink:

Further Board comment or question?

Michael Serpe:

Move approval of Resolution 12-14.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde for adoption of Resolution 12-14. Any further comment or question on that adoption?

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SERPE MOVED TO ADOPT RESOLUTION #12-14 - FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS FOR SAID PROJECT THE EXTENSION OF PUBLIC WATER MAIN IMPROVEMENTS IN THE RIGHT-OF WAY OF 77TH STREET EXTENDED AND THE FUTURE RIGHT-OF-WAY OF 109TH AVENUE; SECONDED BY ALLEN; MOTION CARRIED 5-0.

7. CITIZEN COMMENTS

Jane Romanowski:

The first speaker tonight is Dick Ginkowski.

Dick Ginkowski:

Good evening. Dick Ginkowski, 7022 51st Avenue. Tonight if I may be permitted a personal observation or two. We in the Village have lost and will lose some very good talent this year. Chief Guilbert, Paul Ratzburg and now Chief Brian Wagner. All individuals that I have had the pleasure and the privilege to have worked with since day one when they came to the community. And I've watched their careers grow. And certainly as the Village matures recruiting new people and hoping that they follow in the same path and perhaps improve on the outstanding work that these individuals have done certainly is in order.

But I would be remiss not to comment about the, and I'm envious, the retirement in the future of Chief Wagner. I remember Brian when he started. There was less gray hair and a little more hair. And I watched his career on the department, and he was probably one of the best chief operating officers that I ever saw in any police department. I work with these folks every day, every week. And, in fact, in kind of an odd twist when Jim Horvath retired and Brian was applying for the job as Chief of Police I actually had some reservations about him as the CEO, because not of his qualifications, he certainly was qualified, but he did such an outstanding job as a COO that it's like we'd be sorry to lose him. And Brian proved me wrong. And my assessment was quickly ameliorated. Of course, I once told Ted Turner I didn't think the concept for CNN would work because who would want to watch a news channel 24 hours a day. Look where Ted Turner is and where I am. So I haven't always been right in my assessments.

But I believe I am right in saying that when Brian leaves we will have lost a great deal of talent and a great deal of commitment. Someone when there's been a problem, and a lot of our mutual work, by the way, is when there's something that comes up that needs immediate attention, get on the phone, talk to each other, try to triage it and get it resolved usually very quickly. That's first line service, and it's also someone who is not afraid to go out and do the job that he expects other people to do whether it's answering a call or talking to a citizen or dealing with some other problem in the community that other chiefs might pass off to someone else, Brian has had the humility and the professionalism to handle many of these things himself. It certainly makes me feel old when there are people younger than I am retiring. But I would be remiss not to express not only my best wishes, certainly they're well earned, but also somewhat my dismay of losing another good servant from the Village. Thank you.

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John Steinbrink:

Thank you.

Jane Romanowski:

Jeff Marlow.

Jeff Marlow:

Jeff Marlow, 1300 North Kimps Court. Thank you for the opportunity to come and speak tonight. I promise I'm going to keep it brief. I was told now more than three minutes, so I'll keep it real brief for you. We're excited to come to the Village. What can we say. We've worked hard on the plans, on the design, and it's something that really are looking forward to really getting in and getting it started and getting it going. If anyone has any questions whatsoever tonight, I'll be here, and I'll be more than willing to answer anything for anyone whatsoever. But I can tell you we are very sincere. We are very dedicated. If you have the opportunity to look us up what we say is what we mean and what we mean is what we say. So we're excited. We'd love to come and build a wonderful community in your wonderful community. Thank you.

Jane Romanowski:

There are no other signups tonight, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments this evening? I was wondering if we could have the Scouts come forward and tell us a little bit about themselves, their names, and maybe tell us why they're here this evening. Like all citizens' comments, we're going to ask for your name and address for the record.

Zack Kleinschmidt:

My name is Zack Kleinschmidt, 5711 34th Avenue. We both attend Troop 435 at the VFW on 39th. The reason for coming tonight is we are working on our merit badge citizen of the nation. It's a needed required merit badge, and this is one of the requirements needed. I attend Harborside Academy on 7th Avenue and 46th Street I believe it is. And I've been a resident of Kenosha for 16 years, my whole life. It's fun being in Scouts at times [inaudible].

Jacob:

My name is Jacob. I'm here for the citizen ship in the community [inaudible]. I've lived in Kenosha for 14 years my whole life.

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John Steinbrink:

And where do you go to school then?

Jacob:

St. Joseph's Catholic Academy.

John Steinbrink:

Thank you both for coming up. I get the honor of going to a lot of Eagle Scout ceremonies throughout the City and the County. Is that one of your goals to eventually become an Eagle Scout.

Zack Kleinschmidt:

Yes, sir.

John Steinbrink:

That's a pretty proud tradition to fall into. It's amazing what you folks accomplish in the years. You're truly put to the test and you're truly qualified when you graduate as Eagle Scouts. Once again, thank you for coming this evening.

Zack Kleinschmidt:

Thank you.

John Steinbrink:

Is there anyone else that wishes to speak under citizens' comments?

8. ADMINISTRATOR'S REPORT

Mike Pollocoff:

I have a couple things tonight, Mr. President. One is next week is National Public Works Week. And public works is easily one third if not more of what our operations are that go on, whether it's street cleaning, snow plowing, street repair, solid waste removal, recycling collection, leaf collection, sewer and water. So we'll be sending some flyers out, but it's a week to just pay attention to all the guys that do a lot of the hard work and get things done in our community that sometimes go unseen although we can't live without.

The other week is this week and it's ending this week is Village Clerk's Week. So it seems to be only appropriate that they would make this Village Clerk's Week after they've been creating election – I don't know how to describe it, it's just an election zoo. But the rules are changing on

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elections like gypsies at a rodeo changing clothes. It's not ending. And Jane has been doing a really good job of dealing with it and making sure that everything is ready. As you can see the voting machines are up, we're ready to go tomorrow. And for the number of elections that we're going to have this year and at the pace the rules are changing as far as how elections are conducted Jane is doing a really good job for us as well as working with the poll workers and providing ongoing training. So two separate groups of people, one big, one small but they're both important to how our municipality operates.

Michael Serpe:

I'm going to follow up on that, Mike. Dick Ginkowski mentioned about Brain and Paul, and we're really kind of blessed when you think of all of our department heads that we have. John, Jr., Rocco, Kathy Goessl, finance, I mean there's nobody better, Tom Patrizzi, Carol, we're really in good shape in every department that we have. And that reflects on the boss, Mike, for making the decision on who to hire and when to hire. Again, he never takes the credit for it but it sure shows. Thank you.

Mike Pollocoff:

You're welcome.

John Steinbrink:

Having the right people in the right positions that makes the difference for us. I want to thank Mike for recognizing the two groups, Jane and public works, because people do a job and oftentimes don't get recognized for it unless it's snowing and their street isn't plowed fast enough, then they call or their garbage isn't picked up. But that's not the case here the Village. We're very fortunate. I think most of the citizens recognize the quality of the people that they have working for them as public employees. We're proud as a Board to have them working for us, and it makes our job a lot easier. That's why we support them, we stand behind them, and we kind of wish the games would end with making public employees the scapegoats with the deficit in a state that they weren't responsible for. And they're the people that actually make our communities look good and help bring the jobs into our communities and make sure the infrastructure works. And that's why employers come here and build their businesses in Pleasant Prairie. So they're just part of the team and we're happy to have them on Board.

Steve Kumorkiewicz:

You know the same as the Marines, the few and the good [inaudible].

John Steinbrink:

Thank you, Mike.

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9. NEW BUSINESS

- A. Receive Plan Commission recommendation and consider Ordinance #12-18 to amend the Village Comprehensive Plan related to the proposed 4-building multi-family development generally located south of Prairie Ridge Blvd. between 91st and 94th Avenues and north of 80th Street.**

Jean Werbie-Harris:

Mr. President, I'd ask that Items A and B be brought up and discussed at the same time with separate action on both items.

John Steinbrink:

Is there a motion to bring up A and B at the same time as Item A?

ALLEN MOVED TO CONSIDER NEW BUSINESS ITEMS A AND B AT THE SAME TIME; SECONDED BY SERPE; MOTION CARRIED 5-0.

- B. Receive Plan Commission recommendation and consider approval of a Conceptual Plan for the proposed 4-building multi-family development generally located south of Prairie Ridge Blvd. between 91st and 94th Avenues and north of 80th Street to be known as Cobblestone Creek.**

Jean Werbie-Harris:

Mr. President and members of the Board and the audience, we have two items on the agenda this evening. Ordinance 12-18 is the first, and that is to amend the Village's Comprehensive Plan, and this is a request by Lexington Homes, Inc., and it's related to the 4-building multi-family development that's generally located south of Prairie Ridge Boulevard between 91st and 94th Avenue and just north of 80th Street in the Prairie Ridge Development. Specifically what they are requesting this evening is to remove the Urban Reserve Designation on Outlot 15 of the Prairie Ridge Subdivision, and to update the appendix of the Village's Comprehensive Plan to include the amendment.

The second amendment is to amend a portion of the neighborhood plan for Prairie Ridge, a component of the Comprehensive Plan, and this is to change that designation on the neighborhood plan from the Commercial Office designation to the Residential designation. It's important to note that the Comprehensive Plan does have a multi-family designation on it, but the original neighborhood plan conflicted, and when they conflict we usually go with the Comprehensive Plan as the dominant plan. However, we want to have them consistent for this purpose.

The second item this evening is actually the conceptual plan, again, from Lexington Homes. And, specifically, what they're requesting to do is to build four multi-family development buildings in the Prairie Ridge development on Outlot 15. Specifically, this project is a 9.79 acre

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property, and they are proposing four buildings of multi-family, 176 apartment units total. This includes 72 efficiency units, 68 one bedroom units and 36 two bedroom units including a clubhouse.

The breakdown of the project basically goes like this. After a thorough market study was completed by the developer, the project includes a wide range of prices with an efficiency, one bedroom, two bedroom, but the prices range basically from just under \$700 per unit all the way up to \$1,400 depending on whether or not they include multiple bathrooms, lofts, multiple bedrooms, so there's a lot of variety. I believe that there's between 15 and 20 different apartment layout plans for various types of tenants that they're looking to attract.

As you can see in the staff comments, there are two 40-unit buildings that are two stories each, one on the east side and one on the west side. Just to put things a little bit in perspective, the St. Anne Catholic Church is at the northeast corner of the property. And then across the street is a two story 40-unit apartment, and then directly west of that is another 40-unit two story, and then directly west of that is the Prairie Ridge Senior Housing. Kind of to the north/northwest is the Holiday Inn Hotel, and directly to the south is the Extended Love Daycare and the Pleasant Prairie Elementary School site.

On the overhead is a copy of the conceptual plan as you have in your packets as well, and this kind of breaks things down a little bit for you to see visually how the site will lay out. And, again, you can see the four different apartment buildings. The main entrance coming off of Prairie Ridge Boulevard at the median crossover, as you come into the site you will run into the clubhouse. The clubhouse is for marketing and for management of the site. It also will contain a gathering room, and it also includes a garage that will hold a vehicle which will bring prospective tenants throughout the site. Specifically the clubhouse is 2,421 square feet and includes a 571 square foot garage area. It's known as Club Cobblestone and, again, that will house their property management team, and then there's a gathering room and a kitchenette.

Directly to the south of the clubhouse will be an outdoor gathering area for the tenants to enjoy which includes like a visiting area and a patio, electric grill, things like that. Initially when their first concept was presented to the Village, they were going to have an outdoor pool as well as a recreation room fitness room type facility inside the clubhouse. But after visiting the RecPlex it just really didn't seem practical. They are working with the RecPlex staff to work something out with respect to providing some assistance to their tenants with respect to memberships. But it really didn't make sense in their minds to have competing facilities here when the RecPlex is so close. So what they did was they expanded the outdoor area as more of a sitting, gathering, activity area for their tenants.

On either side of the clubhouse are two ponds that are approximately a third of an acre in size each. Again, these will handle storm water on site, but they're really intended to be an esthetic feature for the development. They will both have fountains in them with walking trails around the ponds and then adjacent towards the clubhouse and then south towards the buildings.

Specifically with respect to site access, parking and open space, the way things were designed is that they wanted to have their access driveways for the entire development either directly across

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from an existing driveway opening for the commercial development all the way around, or in the case of the one driveway on the east side adjacent to 91st Avenue it is split between the St. Anne entrances. So we won't have any conflicts with respect to jogged driveways coming into and leaving the site.

The apartments are all designed to have underground parking, so there will be an underground parking space for every unit and then an above parking space for each unit as well, so that each tenant or apartment will have two parking places for their vehicles, as well as there is some visitor or guest parking on the site as well. But as you can see how we have them lay this out, the underground parking, we'll take an example on the west side of the development, it will come in off of 94th Avenue which serves as a collector street directly across from the Prairie Ridge Development, and it will come into the above ground parking as well as it will go to the north and to the east for the underground parking in those two buildings.

And then going all the way over to the flip side on the east side of the site, access coming off of 91st Avenue, and then that will split and go into the underground parking for the other two buildings on the east site. The intent was to try to minimize the number of driveways and the traffic or vehicle trips on 80th Street to the south. We know that Extended Love and the elementary school can have a lot of traffic at certain peak times, but we felt that it would be a better option to try to minimize the amount of traffic coming to the south and try to disburse it. And we actually have five different access points for this entire development, so it does look like there's a good opportunity for traffic to maneuver not only inside the site but be able to get to the site from the outside.

Again, the other thing that we had request that they do is along the north edge parallel to the south side of Prairie Ridge Boulevard it's really an emergency lane or emergency road, but it can provide access to and through the development site as well. It's a little bit narrower because it's not intended to take the mainstream traffic, but it is their intent to have an enclosed golf cart that they will take prospective tenants through and around the site into the units. And so that will be parked in the garage, and then it will come out and then they can take this, so they have like an internal looped system to get to the north end. And then there's also the pathway that that golf cart can take as well.

I wanted to mention a little bit about the construction practices. We went into considerable detail at the Plan Commission. I now most of you were there, but for the benefit of the audience as well I just want to talk about a few of the things I'd like to highlight with respect to their construction practices. Lexington Homes prides itself on building communities which are built of high quality and intricate conceptual design. Highlighted below is a list of some of the standard construction practices for them. Each building will have an internal sprinkling system for fire system; two by six construction on the external walls of the buildings; high performance vinyl windows and patio doors with low E glass and argon gas; stone and cement board facade blended with maintenance free products; aluminum frame and full glass front entry doors for security and esthetics; complete intercom system for entry; custom plaster interior walls, it's not a drywall board system; individual sound walls divide each of the units; sound insulation between the falls and RC-1 channel is added to the underside of the floor tresses for additional reduction of sound transfer; three fourths inch gypcrete poured on second and third floors for another sound barrier, it's also

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acting as a fire preventative; individual unit entry doors have deadbolts and peep holes; postal services being accommodated inside the building for convenience and as another security measure; laundry centers provided in the buildings for resident convenience; thirty year dimensional shingle roofs; all exterior site building and landscaping maintenance to be performed regularly by Lexington Management; an onsite management and maintenance and cleaning staff.

At the Plan Commission meeting there was a representative here that talked in detail about the leasing policy and the lease that is provided to each of the tenants. It's pretty much one of the most rigorous leases that I've ever seen, and they go through great pains in order to evaluate each of the tenants before they're allowed to rent from one of their apartments. And at their advice I did contact five other police departments where they had other apartment buildings in Southeast Wisconsin, and every one of the police departments told me that they have had no issues whatsoever with respect to the projects in their communities, no incidents, no concerns. This came directly from the police departments. And what they said especially from 'Tosa and Pewaukee, if in fact there would have been a concern, they would have known about it right away. In fact, two of them weren't even sure where the development was because it had not had any calls or any incidents at those apartments. So we like to do some research in some of the communities that they have done work in.

As part of this development they are proposing to do a certified survey map. They intend to develop the project into two phases. The first phase, and I'm not sure if you can see, there's a very light line, it's actually the north half of the site which will include the two 2-story buildings, the two ponds, the clubhouse, the parking, and then kind of the mass grading of the site. The second phase will be the two 3-story buildings as well as the parking on the south side. It's their intent to get the storm water, the landscaping, the berming, everything in for the site right away so that by the time that they're completed with the last two buildings this site has already started to mature and it does look like a complete finished site when they're completed with their buildings.

Their intended construction schedule is that they'd like to start in July of 2012, and then be completed in March of 2013. And then the second 40-unit building would be anticipated to be completed in September of 2013, and then they would get going on Phase 2 in 2014.

I'd like to just briefly go through some of the slides that we had looked at at the Plan Commission. I know that this is very detailed, but I just wanted to show you that there's a lot of variety with respect to the individual units. The floor plans range in size from 448 square feet for an efficiency unit to 1,364 square feet with one bedroom and two full baths. Again, they also include dens and some loft areas. This is the second of the buildings, again, looking at some of the floor plans.

As I mentioned, they're going to have underground parking spaces for each of the units. Also in the underground area there's storage areas that are going to be designated for each of the tenants as well. The three story buildings will have elevators. Their floor plans range from 560 square feet for an efficiency unit to 1,487 square feet with the two bedrooms, two baths and the lofts. Again, the 48-unit buildings will be built in the second phase. Again, just looking at the underground parking areas and the buildings.

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They've actually brought several boards with them today that show the various perspectives of the buildings. We had asked them to do this to get a pretty good idea of what the buildings were going to look like when they were completed from different angles and different perspectives. The one up on the screen is the first one. It's actually the straight on shot directly looking south where you can see the clubhouse, their entrance and then the four buildings with the two ponds.

Again, this is a project that in our Comprehensive Plan we had identified for multi-family development. To the south of this project are two commercial institutional related uses, a school and a daycare. To the east is St. Anne Catholic Church. The height of that building is about 60 feet. To the west is the Senior Center, and that height also is about 45 feet. The hotel is at about 42 feet. And we envision to the north is retail commercial, and that's probably going to have some height to it. So the mass and the height of these buildings we feel will fit in nicely with this area of Prairie Ridge. Again, I mentioned some of the details about the clubhouse earlier, and then this is another view looking to the northwest and describing, again, the compatibility with the adjacent land uses.

One of the things that I had not mentioned yet is this is really more of a cluster-type concept. Instead of doing six or seven smaller buildings on the site, we felt that it was because of the density and the mass of the buildings out in Prairie Ridge and will be out in Prairie Ridge that four buildings a little bit higher density, but they will allow for 57 percent of almost the ten acres will be in green space or open space, whereas the ordinance only requires 25 percent. And, again, this is not something that would be typically allowed anywhere in the Village, but in this particular location we felt that it made some sense and it works with this area of Prairie Ridge. Ultimately the density when it's fully built out will be around 17 units per acre. The senior housing is about 17 plus per acre, and the second senior housing is 16.8 or 16.9. So the density per acre is very similar to those two other projects. But, again, this project is actually going to be surrounded on three sides by some type of commercial related activity or use.

Again, this is the onsite parking for the site. One of the items that was addressed early on is that they're going to be developing a PUD or Planned Unit Development, and as a result we have requested and they have discussed it with us, and they are going to have onsite outside security cameras that will present camera live video feed directly back to the police department, again, to monitor the outside parking and entrance areas to this development.

The two items on the agenda are the Comprehensive Plan amendments, the two amendments, and then secondly the conceptual plan for the Cobblestone Creek development. And the next steps if it reaches a favorable recommendation this evening would be for them to proceed to complete detailed plans for site and operational plan approval before the Plan Commission, and then we are writing very detailed planned unit development regulations and restrictions for this development based on what we've discussed so far, and they're all spelled out in the staff comments, and that will come back before the Plan Commission and Village Board as well. The staff and the Plan Commission did recommend approval as presented subject to the several pages of staff comments. Again, there were a few modifications since the Plan Commission meeting, and all of those changes and specifics are spelled out with respect to the staff comments. And the developer is here in case anybody has any additional questions that weren't answered at the Plan Commission meeting.

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John Steinbrink:

Thank you, Jean. Does anybody have more questions for Jean or the developer?

Michael Serpe:

I just have a couple statements. Number one, I'm very much in favor of this project. I think anybody who has the opportunity to rent here is ideal with the amenities that are provided in the commercial development and everything around it. Just one thing that Jean mentioned and we witnessed at the Plan Commission as well from Jeff was the application process associated with renting these units which is, I agree with Jean, the most rigorous I've ever seen. Jeff has indicated he's going to be the owner, and that's good.

The only thing I don't caution anybody about but I want staff to think about, and I'm sure they have, is if and when Jeff wants to sell this. I'd like to put things in place with the new ownership that will guarantee the integrity of this development for years and years to come. Oftentimes when projects like this are approved and up and running and they go up for sale, an investment group grabs them and tries to get as much money out of them as possible without putting much money back into them. And this area is very high end. The houses in Prairie Ridge with the commercial development we have, St. Catherine's, St. Anne's, everything about it is high end and very classy and very well done. And I wouldn't want to see in the future a new ownership taking place whereby they don't pay as much attention as Lexington would pay attention to this development. I don't know when that would come forward, Jean, and I don't want any surprises with Lexington as well, but I would like to guarantee the future if and when you decide to sell.

John Steinbrink:

Other Board comments or questions?

Steve Kumorkiewicz:

Yes, I've got a question for Jean. In the Planning Commission last week, it was mentioned that the two ponds are going to be dealing with municipal water.

Mike Pollocoff:

We talked with the owner and their engineer, and right now our Public Service Commission order and our ordinances require that anybody who is using water, whether it's for domestic use, industrial, commercial or irrigation must use the municipal water supply. And what they've done previously in other sites is use the ponds, the ponds get filled from a spring or what have you and then they pump from the ponds into the sprinkler system. Our order and ordinances don't conceive that we're going to be sizing our water system to fill up ponds in the area. The ponds usually fill themselves up with no help. So we don't have any problem with them having the ponds constructed, having a well to fill those assuming that there's not enough ground water to fill it, but the sprinkler system will be on the municipal system. So the ponds will still be able to

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be there and work for the esthetic purposes, water and storm water quality and things like that, and that will be filled with a pump or just whatever drains to it. But the rest of the system would be supplied by municipal water. I think that's one thing we worked out as well.

Steve Kumorkiewicz:

Following along in that, the bottom of the ponds are going to be required to be kept up, too, cleaned up every 10 or 15 years with accumulation?

Mike Pollocoff:

When their engineering work is done for storm water quality and for quantity, under the Village's storm water ordinance we require that the owners of ponds or the associations that own ponds do an evaluation, and we do it as well, to make sure that the pond is not silted in or filled up so that the pond doesn't perform anymore. And if it does then it needs to be cleaned out. That's something that as we see their storm water management plans, and I know they have a copy of our storm water ordinance and they'll be cognizant of that issue. It's just an ongoing thing that everybody does. It could be 30 years, 50 years, 5 years depending on how good of care they take with the erosion control.

Steve Kumorkiewicz:

Thank you.

Monica Yuhas:

Jean, looking through all the notes and memos I didn't see really anything addressing the road. The road out there, the condition of it is relatively new, it's strong. With all this construction traffic coming in what if the road does fail or gets torn up? Who is going to be responsible for fixing that?

Mike Spence:

The roads are currently the Village's responsibility, so I think aside from any unusual wear and tear from construction I think it would end up being the Village's responsibility. That's my initial thought on that.

Mike Pollocoff:

I think that we own those roads, but if there's construction activity that we can relate to actions of a subcontractor or excavator or what have you, as part of their permit to work in the right of way they would have to repair any damage and replace that if that happens.

Monica Yuhas:

And that would be in this contract? It's not in there now. Is it something that can be added?

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Mike Pollocoff:

I think we can put in Jean's condition for the PUD that the owner or developer agrees to abide by the conditions of the permit to work in the right of way which includes that requirement. Some action and some failures won't show up for a while, but if there is and someone is careless or negligent in how they're moving equipment or doing whatever that will show up rather quickly, whether it's damage to the asphalt or busted curbs or storm grades that get busted. Those things will jump out right away, and that would be something that they would be responsible for, and I'm sure they would hold their contractor or their subs responsible for any problems like that as well.

If I could comment on Trustee Serpe's comment. I think, and again I don't think we should take action on this tonight because we really haven't had a chance to talk to him about it, but I think one of the items that probably is the foundation for how well their business runs or operates is their rules and regulations. I think what we want to do is include those rules and after discussing that having the rules and regulations incorporated as part of the PUD. So we know that the next person coming in is going to run the facility the same way. And I think the rules and regulations that they have are extensive. I think they're fairly tight, and I think it's something that the community should be hoping that everybody works with. From everything that we've seen from their other facilities they don't vary from those rules. So that would be something we want to look at, but again we haven't discussed that with them.

Monica Yuhas:

And just one more thing. Jeff, your presentation at the Plan Commission was by far the best I've ever seen. I've only been here five years but all your i's were dotted and your t's were crossed and questions were asked and answered. As an elected official, as a Board member making decisions it's greatly appreciated. And to Jean and Peggy and your staff job well done. I know you've been working hard on this. You did your own investigations to make sure everything worked well in other communities. And thank you for your diligence on this project.

John Steinbrink:

Just one more thing. This is the first phase here, the conceptual plan, so there's a lot more steps and a lot of questions can still be answered and thought through.

Michael Serpe:

One question. Your previous projects, the other apartments, are they all plaster walls?

Jeff Marlow:

Yes.

Michael Serpe:

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They are. Where do you find a plaster man?

Jeff Marlow:

In Green Bay [inaudible] and custom cabinets. Like a little [inaudible] area [inaudible]. It's so much easier to touch them up afterwards.

Jean Werbie-Harris:

I also wanted to mention that the current zoning of the property is R-9 which is a Multiple Family District with a UHO which is an Urban Landholding Overlay. Again, as part of the rezoning, we are going to be rezoning it to R-11 which is another Multiple Family District but with a PUD. And it is our intent to discuss with Jeff and his staff about incorporating their detailed lease provisions into our PUD provisions.

Jeff Marlow:

We're fine with that.

John Steinbrink:

Good. Any more comments or questions from Board members?

Michael Serpe:

John, I'd move approval of 12-18 of the Village Comprehensive Plan.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. And this calls for a roll call vote.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #12-18 TO AMEND THE VILLAGE COMPREHENSIVE PLAN RELATED TO THE PROPOSED 4-BUILDING MULTI-FAMILY DEVELOPMENT GENERALLY LOCATED SOUTH OF PRAIRIE RIDGE BLVD. BETWEEN 91ST AND 94TH AVENUES AND NORTH OF 80TH STREET; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – SERPE – YES; KUMORKIEWICZ – YES; YUHAS – YES; STEINBRINK – YES; ALLEN – YES; MOTION CARRIED 5-0.

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John Steinbrink:

Motion carries. That brings us to Item B.

Michael Serpe:

Move approval of the conceptual plan.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Any further discussion on this item?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CONCEPTUAL PLAN FOR THE PROPOSED 4-BUILDING MULTI-FAMILY DEVELOPMENT GENERALLY LOCATED SOUTH OF PRAIRIE RIDGE BLVD. BETWEEN 91ST AND 94TH AVENUES AND NORTH OF 80TH STREET TO BE KNOWN AS COBBLESTONE CREEK; SECONDED BY ALLEN; MOTION CARRIED 5-0.

John Steinbrink:

Jeff, thank you much for coming down.

C. Consider a two (2) year extension for the Final Plat, Development Agreement and related documents and to extend the Preliminary Plat approval for The Courts of Kensington Subdivision generally located east of 63rd Avenue and north of STH 165.

Jean Werbie-Harris:

Mr. President and members of the Board, on August 6, 2007, the Board had conditionally approved a preliminary plat for the Courts of Kensington Subdivision pursuant to Resolution 07-45. The preliminary plat is valid for two years unless an extension is granted. Well, the Plan Commission and the Board over the next four years pursuant to the staff comments made a couple of different extensions due to the economy in 2007, '08, '09 and '10, and at this time there is a new owner for this particular land, 104th Street LLC. And they're requesting a two year extension for the Village Board to consider the final plat, again, for the Courts of Kensington to expire May 10, 2014 and a two year extension of the preliminary plat to expire May 10, 2014.

If you will recall this was a single family development north of 104th Street at about 60th Avenue that was approved by the Plan Commission and the Village Board. Main street kind of ran

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through it north in an east/west direction at the north end of the site, and there were a number of cul-de-sacs within this development, a single family development in particular.

The staff is recommending approval of the extension for both the preliminary and final plats. Specifically, in addition to the conditions as stated above and as part of your previous resolutions, if there are any new modifications or changes that may be approved by the Board with respect to ordinance changes, with respect to public improvements or any other types of the way we do development in Pleasant Prairie in the future, whatever laws or regulations that are in effect at that time they will need to comply with and make any modifications to the existing plans. The staff recommends approval as presented.

Michael Serpe:

Question. Are the new owners local?

Jean Werbie-Harris:

The new owners it's actually Land and Lakes under an LLC.

Michael Serpe:

So just an extension.

Jean Werbie-Harris:

Yes.

Monica Yuhas:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Any further discussion on this item?

YUHAS MOVED TO APPROVE A TWO (2) YEAR EXTENSION FOR THE FINAL PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS AND TO EXTEND THE PRELIMINARY PLAT APPROVAL FOR THE COURTS OF KENSINGTON SUBDIVISION GENERALLY LOCATED EAST OF 63RD AVENUE AND NORTH OF STH 165; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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- D. Consider a three (3) year extension of the Zoning Map Amendment, Certified Survey Map, Easement Documents, Amendment of Restrictions Development Agreement and related documents to the relocate the detention facilities from Lot 58 of the Whittier Heights First Addition Subdivision and Lots 76 and 77 of the Whittier Heights Third Addition Subdivision to an adjacent property west of the Subdivisions.**

Jean Werbie-Harris:

Mr. President and members of the Board, on October 13, 2008 the Plan Commission had held a hearing related to a zoning map amendment and the consideration of a certified survey map, easement documents and an amendment of restrictions of development agreement as it related to a proposed relocation of a detention facility that was actually part of on top of Lot 58 of the Whittier Heights First Addition Subdivision and Lots 76 and 77 of the Whittier Heights Third Addition Subdivision. The Plan Commission recommended that the Village Board approve the request of the developer provided that the conditions were all satisfied as set forth in the staff comments.

Specifically, the Board had granted an extension to the developer to expire in May 2010, and then a second extension was granted until May 10, 2012. At this time the developer is requesting a three year extension for the Village Board to consider the map amendment, the CSM, easement documents, development agreement modifications as well as the related documents for the relocation of these basins. Again, the intent of the developer was to relocate the basins out of the existing Whittier Heights Subdivision and then put it in a larger basin just to the west. And then these three lot areas would then become buildable lots in the Whittier Heights Subdivision.

Staff recommends that if we treat this similar to all the other projects in the Village, the platting projects and the other projects, that we consider a two year extension rather than a three year extension. And the staff recommends approval of a two year subject to the comments and conditions. And, again, the same provision that I had stated earlier that if there are new additions, modifications or changes in ordinances or law before this development moves forward that the new regulations in place would need to be complied with prior to construction and approval.

Steve Kumorkiewicz:

A question for Jean. I don't understand how come the developer doesn't know that we have only a two year extension and he requested three. Why?

Jean Werbie-Harris:

Well, this particular developer hasn't done anything in the last two to four years in the Village because of the economy, and typically he's not attending one of our meetings on a regular basis. He's a developer that's done quite a bit of work in the Village in the past, and so my understanding is he just wanted to see if the Board would consider three years as opposed to two.

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Steve Kumorkiewicz:

I don't think we want to deviate from the previous two years.

Michael Serpe:

Move approval of a two year extension.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde for adoption. Further discussion?

SERPE MOVED TO APPROVE A TWO (2) YEAR EXTENSION OF THE ZONING MAP AMENDMENT, CERTIFIED SURVEY MAP, EASEMENT DOCUMENTS, AMENDMENT OF RESTRICTIONS DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS TO THE RELOCATE THE DETENTION FACILITATES FROM LOT 58 OF THE WHITTIER HEIGHTS FIRST ADDITION SUBDIVISION AND LOTS 76 AND 77 OF THE WHITTIER HEIGHTS THIRD ADDITION SUBDIVISION TO AN ADJACENT PROPERTY WEST OF THE SUBDIVISIONS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

E. Consider the removal of an access restriction along the westerly 67.2 feet of Lot 81 on Ashbury Lane in the Ashbury Creek Subdivision.

Mike Spence:

Mr. President and members of the Board, Susan DeBartolo has requested that the access restriction on the westerly 67.2 feet of her property of Lot 81 in Ashbury Creek be released. Where Tom is pointing that's Ashbury Lane. On the right there is 94th Avenue. We generally try to restrict access at corners at intersections. However, in this particular case having on this corner lot the access off of Ashbury Lane is preferred rather than off of 94th Avenue. 94th Avenue is more of a residential collector street, and as such it will have more traffic. So if there's an instance like this where we can have one less driveway fronting a residential collector street it would be advantageous. Therefore, I'm recommending that the Village Board approve this request to release the restriction, and then if that is the case then we will draft an order that would get recorded to release this restriction.

Jean Werbie-Harris:

If I could add, originally they had shown the driveway on the northwest corner having the laterals and the sump pump lateral in the driveway. And Mike was concerned with respect to where that was placed and indemnification would need to be signed. And I worked with the property owners, and they kind of just turned the house slightly and just adjusted it on the lot so that we

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don't have to worry about waivers or indemnifications and these laterals not having to come up through the center of the driveway. I really think it might have just been an oversight. I know we talked about this when the subdivision was platted initially. I'm not sure what happened, and they brought that access back onto 94th, and it's best that it's on the side street. And I think this works for their house plan, and I think that everyone will benefit from it.

Clyde Allen:

Move approval.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike for approval. Further discussion?

ALLEN MOVED TO APPROVE THE REMOVAL OF AN ACCESS RESTRICTION ALONG THE WESTERLY 67.2 FEET OF LOT 81 ON ASHBURY LANE IN THE ASHBURY CREEK SUBDIVISION; SECONDED BY SERPE; MOTION CARRIED 5-0.

F. Consider award of contract for the installation of the 77th Street water main extension.

Mike Spence:

Mr. President and members of the Board, this item was mentioned previously. This is the actual bid results that were received for the 77th Street/109th Avenue water main. As you can see on the drawing the red line is the proposed water main. Seven bids were received for this project on April 19, 2012 at 2 p.m. The lowest bid that was received was by Reesman's Excavating & Grading, Inc. out of Burlington for an amount of \$150,760.85. The next bid was by A.W. Oakes which was approximately \$5,000 higher.

We're very pleased with the bid results getting seven bids. The lower bids were very close which indicated a good set of construction drawings. And Reesman's has done a lot of work for the Village and is a very good contractor. They're currently finishing up the storm water project at south Kenosha. The engineer's estimate for this project was \$171,000 so, again, it was less than the estimate. So for these reasons I recommend that the bid for the water main construction for 77th Street/ 109th Avenue be awarded to Reesman's Excavating in the amount of \$150,760.85.

Steve Kumorkiewicz:

So moved.

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Monica Yuhas:

Second

John Steinbrink:

Motion by Steve, second by Monica. Further discussion?

KUMORKIEWICZ MOVED TO AWARD A CONTRACT TO RESSEMAN'S EXCAVATING IN THE AMOUNT OF \$150,760.85 FOR THE INSTALLATION OF THE 77TH STREET WATER MAIN EXTENSION; SECONDED BY YUHAS; MOTION CARRIED 5-0.

G. Consider Resolution #12-15 designating the week of May 20, 2012 as National Public Works Week.

Mike Pollocoff:

Mr. President, we talked about this a little bit earlier. This is the resolution that formally adopts the National Public Works Week, and I'd recommend that the resolution be adopted as presented.

Monica Yuhas:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve for adoption.

YUHAS MOVED TO ADOPT RESOLUTION #12-15 DESIGNATING THE WEEK OF MAY 20, 2012 AS NATIONAL PUBLIC WORKS WEEK; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

H. Consider award of contract for laboratory services.

Mike Pollocoff:

Mr. President, we've been evaluated our expenses as far as lab analysis for industrial waste and other items. I talked to John Steinbrink about putting out the bid the service, and so what he has here is the results. John, if you want to describe what you found and how this works.

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John Steinbrink, Jr.:

Mr. President and members of the Board, this evening I'll be requesting approval of the contract for laboratory services. The Village operates a laboratory located at the abandoned Sewer D treatment plant. The Village staff's one lab operator is at the Sewer D lab. The lab is used to complete required Wisconsin DNR work. Other lab tests include sanitary sewer, surcharge testing and water sampling testing from wells and to make sure that our water is safe, and also some tests for our beach sampling.

The Village abandoned two treatment plants late in 2010 which significantly decreased the amount of lab work that's required by the DNR. Public works recently completed a cost analysis of the costs to complete these tasks in house and compared these to costs contracted out with other companies. The following numbers of lab work samples were compared, and these costs were evaluated.

As a component of the sanitary sewer surcharge, there's approximately 756 samples that are done each year. Each sample is tested for the biological oxygen demand which is the BOD which is really the strength of the effluent, the total suspended solids, phosphorous. Also, 156 of these samples are tested for fats, oil and grease which is primarily done through our restaurants and anyone that really does any processing of meat where they can clog up the sewer. Other tests include total chloroform, bacteria testing that we have to do within our distribution system, beach samples and well samples.

As you can see with the numbers up on the screen here, CT Laboratory came in at the lowest annual cost overall at an estimated just under \$38,000 which is quite a bit less expensive than what the Village service is able to provide. The cost of these samples are paid for by the users of the program. Most of the sanitary sewer surcharge is paid for by users of the industrial park, the BAC-T by property owners to have the test completed; the distribution of beach samples are paid for by the water utility.

The Pleasant Prairie lab is currently permitted by DNR and will stay available for laboratory work until the end of 2012. At that time staff will make a decision as to whether to keep the lab permanent or not. The savings will be passed onto the users of the lab services by ordinance revision. Lab personnel will be assigned to maintenance duties within the utility department. CT Laboratory submitted the best lab sampling value for the Village. A list of references and qualifications have been attached in your packet. I recommend awarding a contract to CT Laboratory for sampling through 2013. I can answer any questions at this time.

Michael Serpe:

John, what would it take to keep one of our personnel?

John Steinbrink, Jr.:

Well, our personnel can still be certified through taking some DNR required classes. And so we still intend on keeping a couple of guys certified for doing the lab work.

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Michael Serpe:

The only reason I ask, in the event that CT Lab decides to double their fees in the next couple of years, we would still have personnel available that we could pick up that task if necessary?

John Steinbrink, Jr.:

Yes, we will.

Mike Pollocoff:

We're always going to need it. For some reason they don't show up we need to get these tests done, so one of our guys can go out and grab a sample and do it.

Michael Serpe:

So we'd be a backup. That's good.

Steve Kumorkiewicz:

So it's going to be done in our facilities?

Mike Pollocoff:

No. We could do it in our facilities, but they'll take it back and CT would do it back in their facility.

Steve Kumorkiewicz:

Where is it located at?

John Steinbrink, Jr.:

They're located in Baraboo.

Steve Kumorkiewicz:

Okay, thank you.

Mike Pollocoff:

You can see just by looking at the price breakdown how much they're able to do it versus how much we can do it for. We really can't justify that.

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John Steinbrink:

Mike, does the abandonment of Sewer D play a part in this?

Mike Pollocoff:

Well, yeah, the fact that the treatment plant was abandoned. I mean the lab is still there. We'll probably keep that lab and maybe modify it for some other uses. But the fact that we're not operating two treatment plants where the operator is constantly going out and sampling the process that's gone. So all we're doing is running around town and picking up those samples that we're doing from users. So the nature of the lab work has just changed.

Michael Serpe:

So they're going to do the well water testing as well, CT will?

Mike Pollocoff:

Right.

Michael Serpe:

Move approval.

Clyde Allen:

Second.

John Steinbrink:

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

SERPE MOVED TO APPROVE A CONTRACT WITH CT LABORATORY TO PERFORM LABORATORY SERVICES THROUGH 2013; SECONDED BY ALLEN; MOTION CARRIED 5-0.

I. Consider disallowance of claim for a water main leak on March 22, 2012.

Mike Pollocoff:

Mr. President, we received a claim to the Village for damages to a property that was a result of a Village water main break which broke on Highway C. The Village did at the time that the problem occurred bring in a contractor to help them get some initial work done. And subsequently they submitted a claim for other damages. We turned that, as is our policy, that claim over to the insurance company to investigate it. And the issue ends up being was the Village negligent in the operation in maintenance of the water main, and they determined that we

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were not. This water main broke not because anything the Village hadn't done or had done incorrectly. It just happens. Although it's older, probably about 45 years old, for a water main that's not really old.

So the Village insurance company recommended that the Village not pay the claim, that the Village has granted immunity from the State for actions that occur when the employees are carrying out their discretion in how we take the work out. We did pay for some of it, but as far as the rest of the claim they're recommending that the Village Board disallow this claim and provide the property owners with that notice. You can see that the main is basically right along the ditch line or the shoulder of the road. The houses in that stretch of road sit lower than the road so the water heads down towards the houses and that's where it goes.

John Steinbrink:

This area has been a problem flooding area in the past.

Mike Pollocoff:

Right, for storm water drainage it has been. If you think back, we put in a storm sewer in that area which actually did take quite a bit of water from this project. But, again, from the aspect of municipal liability and the liability that the rate payers pay for, were we negligent in the operation of that infrastructure.

Steve Kumorkiewicz:

That looks familiar to me the steps going down to the door. We were there when we did the work for drainage, yes.

Monica Yuhas:

How long did that main leak?

John Steinbrink, Jr.:

The main was reported broken at around 6 a.m. We went back in our SCADA records that actually monitors everything and we did see a small drop in pressure probably about an hour before that. So it was leaking hundreds and hundreds of gallons per minute. And it really doesn't take very long to cause some flooding as you see in front of you. We had the water main actually turned off, crews on site by about 6:30. But there was a couple hour period from the time when it actually broke until we were notified until we actually had it closed and repaired of several hours.

John Steinbrink:

So the motion would be concurrence with the insurance company's disallowance of the claim.

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Mike Pollocoff:

Right. I might add, too, we've had one water main break in a year. In fact, I think if anything John's staff has done an incredible amount of work in getting the system balanced, making sure the booster pumps and the tower elevations and everything is managed and we're not having any surges in the system. When you go one year without a break, I can remember times when we had like a break a week. We've really done more than anything to make sure that these things are a rare occurrence. But it does happen. You get some ground shift, or any number of things can occur, or bolts around the valve could rust away. But, yeah, I'm recommending that the Village disallow this as well as the insurance company.

Clyde Allen:

I make a motion to disallow the claim.

Michael Serpe:

Second.

John Steinbrink:

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

ALLEN MOVED TO DISALLOW THE CLAIMS OF FRED AND MARY MCBETH, 9838 WILMOT ROAD, AND ROBERT AND LOR LARSON, 9908 WILMOT ROAD, DUE TO A WATER MAIN BREAK ON MARCH 22, 2012; SECONDED BY SERPE; MOTION CARRIED 5-0.

J. Consider an agreement between the Village of Pleasant Prairie and the Village of Pleasant Prairie Police Officers Association, Local 320 of the Wisconsin Professional Police Association for 2011-2013.

Mike Pollocoff:

Mr. President, we've just recently completed negotiations with the Pleasant Prairie Police Department with their union, Wisconsin Professional Police Association. As you know, under Act 10 the only entities that were permitted to have collective bargaining were police and fire. It was a little unusual in Pleasant Prairie because all the rest of our employees weren't organized, they were nonunion. But we've always had union negotiations with police and fire, and negotiations I think were productive. We were able to find some things that made life easier or got things done in a better manner with the police department.

I'll just go through some the changes here. We added another shift for the canine officer on the power shift and set the hours on it. We extended the probation period for new employees from 15 months to 18 months. The contribution to the Wisconsin Retirement System was set at 3 percent for March 1st of this year, and then next year it goes up to the 5.9 percent that the rest of the

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employees pay. On vacations we provided some language in there that provides for an employee who is terminated. There is no vacation if the employment is terminated by the Village.

On sick leave we increased the amount of leave accumulation that the officers can hold. It's 1,260 up from 980. We did get some language in there that provided that once an employee has been sick for some extended leave the Chief of Police can require certification from a physician of the Village's choosing that the employee is really adequately ready to go back to work. And also provide some language for our liability standpoint if an officer thinks that they're ready to come back to work and the Chief might have some questions about it, the Chief has the ability to send the officer home and upon a physical determine whether or not they come back, and we'll split the cost of that since neither the employee or the Chief is a doctor. We'll wait until that happens so they're not penalized unnecessarily.

The insurance, the employees contribute 3 percent towards their health insurance premium. In 2012 5 percent, in 2013 deductibles were increased, part of this under a separate law by the State to \$1,000 per person and a family along with increasing co-pays on the meds. Some of the language taken away by the State governing how the insurance company was selected was removed. We revised our insurance language so that employees that are brand new aren't eligible for a uniform allowance for the first 30 months of employment. The employees are reimbursed a maximum of \$550 a year for their insurance expenses.

And we used to provide money for the officers to get their equipment. Now we're switching back to a commissary where we'll purchase the initial equipment for the employees, and if they do leave the Village Police Department we're pretty tough about who we hire and select, and what would happen is those employees would go with all the equipment that they have. This way we'll keep whatever is good. Assuming a guy didn't have a size 60 pants or whatever, we'll reissue the new stuff out.

It's a three year agreement. I know this says two on this, but the revision is three years in the sense that effective January 1, 2011 at that year there was a zero percent increase in wages. So the schedule we're looking for as far in this agreement is one and a half percent January 1 of this year, one and a half percent July 1, one and a half percent effective January 1, 2013, and one and a half percent July 1 of 2013. It didn't take us that long to get this contract negotiated.

And I think that, and I'm trying to say this without being political, but we've always been able to negotiate with the police department and fire department in a professional manner. It hasn't been adversarial. I think we've come up with an agreement that's good for both sides. To the union's credit they worked diligently to negotiate a good agreement. It was good for them, but they were also cognizant of the financial environment that the Village has been placed into by the State. So we did get some help from them on that. With that I'd recommend that the Village President, myself and the Clerk be authorized to execute the contract with the WPPA.

Steve Kumorkiewicz:

So moved.

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Michael Serpe:

I'll second with a question.

John Steinbrink:

Motion by Steve, second by Mike. Mike?

Michael Serpe:

I certainly am not going to question the contract with everything that's gone into it with the administration and the police. I think it's great, and I think we do have a great department. I'm curious on one thing. Maybe Brian can answer this. The shift that you're adding 8 to 4 is that based on calls for service I'm guessing.

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. Could you repeat your question?

Michael Serpe:

The new shift that you're establishing, 8 to 4, is that based on calls for service at that time?

Chief Wagner:

That's where essentially the purpose of that shift that's for the canine officer only. And if you look at the memorandum understanding, the MOU we have with the canine officer through the contract essentially they receive an hour a day to train the dog, to care for the dog and so forth. And what this does is essentially this ensures that we're staffed until 3 in the morning. That's the purpose of it.

Michael Serpe:

Good. I knew there was a good explanation.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO APPROVE AN AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND THE VILLAGE OF PLEASANT PRAIRIE POLICE OFFICERS ASSOCIATION, LOCAL 320 OF THE WISCONSIN PROFESSIONAL POLICE ASSOCIATION FOR 2011-2013; SECONDED BY SERPE; MOTION CARRIED 5-0.

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K. Consider commission appointments.

Mike Pollocoff:

Mr. President, before you is the Commission appointments. We have no changes other than to the Kenosha Area Convention and Visitor's Bureau. Carol Willke I'm recommending she be appointed for a period of one year to 2013 to that August body.

Michael Serpe:

Move approval.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde for approval. Any discussion?

SERPE MOVED TO APPROVE THE COMMISSION APPOINTMENTS AS PRESENTED AND ATTACHED TO THE MINUTES; SECONDED BY ALLEN; MOTION CARRIED 5-0.

L. Consider Operator License Applications on file.

ALLEN MOVED TO APPROVE THE OPERATOR LICENSES FOR ASHLEY NOCKS AND JENNY TALLEY; SECONDED BY YUHAS; MOTION CARRIED 5-0.

10. VILLAGE BOARD COMMENTS

Michael Serpe:

Wasn't that an exciting meeting Boy Scouts?

John Steinbrink:

You have to understand all the Board members were on good behavior tonight because you were here. But we want to thank you for coming out this evening and hope you learned a little bit about government. We wish you the best in your Scouting endeavors. I'm learning all the different phases the Scouts go through and the badges you earn and the fun you have. Sometime when you go on a hiking trip don't be afraid to call us up to go with, because it seems like you guys have a lot of fun out there, you learn a lot but you do a lot. I think you guys make a lot of friends that you're going to have through life, and they're the kind of friends you want to have through life. So on behalf of the Board I want to wish you the best on your Scouting career.

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11. ADJOURNMENT

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

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
May 21, 2012
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, May 21, 2012. 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 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. Two citizens attended the meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC HEARINGS

A. Consider Liquor License renewal applications for the 2012-2013 licensing year.

Jane Romanowski:

Mr. President and Board members, before we start tonight I would request that the renewal application for the first one under Class A fermented malt beverage for BP/AM PM be postponed to a later date due to the delinquencies and the problems they are currently having. So we don't need to discuss that tonight. I just recommend it be postponed, and we'll bring it back to another meeting at a later date.

Michael Serpe:

Do you need a motion on that?

Jane Romanowski:

Yes, please.

Michael Serpe:

So moved.

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Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any discussion?

SERPE MOVED TO CONCUR WITH THE VILLAGE CLERK'S RECOMMENDATION TO POSTPONE CONSIDERATION OF THE CLASS A FERMENTED MALT BEVERAGE RENEWAL APPLICATION FOR BP AM/PM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Jane Romanowski:

So with that, I will quickly read through – I'm going to read the class of the license and the trade names. I will incorporate the memo into the minutes, but just know that when and if the licenses are issued they will be issued in the agent's name for a corporation or an individual's name, not by the trade name. Easier to understand the trade name and the establishment and the addresses.

So the Class A fermented malt beverage license the first one would be for the Pantry 51 Citgo at 7511 118th Avenue. As you can see there are no delinquencies on that one. PDQ Store #352 at 8800 75th Street, again, no problems with that. Stateline Citgo at 12720 Sheridan Road. They just have a delinquent weights and measures bill and a utility bill. Truesdell Mini-Mart at 8531 75th Street. There is a delinquent sanitary sewer surcharge of \$527.99. Again, there are some delinquencies, but at the end we'll talk about how those are taken care of. The Walgreens Store #07935, 7520 118th Avenue. They just have a fire and rescue permit fee they need to pay.

And then we have our Class A fermented malt beverage and Class A intoxicating, Ayra's Liquor Store, which obviously was a Class A fermented, now they've moved to Class A intoxicating and fermented, 4417 75th Street. There are some conditional use permit conditions that they were given when Jean gave these to June 1st to correct. So I don't see any problems with those. And then kind of in coordination with that the fire and rescue department had some minor code violations which all will get thrown into the occupancy permit when those conditions are satisfied.

The other Class A fermented and Class A intoxicating liquor would be for the Target Store at 9777 76th Street. They have a utility security fee that's quite hefty. They had that last year. I think corporate just needs to take care of that, and then a permit fee as well.

Then we go to our Class B fermented malt beverage, Big Oaks Golf Club, 6117 123rd Place. They went through some major remodeling and so they had some outstanding conditions, asphalt the parking lot, but obviously the plants aren't open or they might be open now, and I need a copy of a Wisconsin seller's permit. They are going through a change with the LLC. It used to be Big Oaks Golf Club LLC, and then they're changing it to Timber Ridge Ventures LLC. I've been working with the owners on that so I'm sure I'll have that.

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And then we go to our Class C wine and Class B fermented malt beverage, Honada at 8501 75th Street, Suite G; and the Chancery Pub & Restaurant at 11900 108th Street; Chili's Grill & Bar, 6903 75th Street, Earl's Club, 7529 88th Avenue; Famous Dave's, 9900 77th Street; Gordy's Prairie Pub at 3812 Springbrook Road; Halter Wildlife, 9626 113th Street; Holiday Inn Express, 7887 94th Avenue, and they just have two delinquent fire and rescue fees that they're working with; the Olive Garden at 10110 77th Street, they took care of their permit fee so there's no delinquency under that one; Ray Radigan's, 11712 Sheridan Road, delinquent utility bill, real estate taxes, that's normal for him and he'll take care of those; Ruffolo Special Pizza, 11820 Sheridan Road; Starlite Club, 8936 24th Avenue; Uncle Mike's Top Shelf Club, 10936 Sheridan Road, they're aware of that \$31.70 delinquency.

The Village Supper Club, obviously we all know there was an extensive fire in June of 2011, they're working on rebuilding it and they've had some problems with the insurance company. And she has written a letter which I've included with the packet which indicates they totally understand that they're going to have to get all the occupancies and inspections, and they're working diligently on that. She just wanted to make sure that that wouldn't cause a problem for the renewal and I don't think it does.

The Wooden Nickel, 11606 Sheridan Road, couple delinquencies there. And, as always, any delinquencies, code violations, outstanding conditional use permits and such, the renewals I would recommend to be approved subject to those being taken place. And obviously no license would be issued unless all the conditions that are outlined here would be satisfied prior to having the license leave the office.

Again, if they're approved then renewal letters will go out, and they'll have plenty of time to take care of these. Some of them had the June 1st date. Most of this will probably be taken care of, and most of the people know what's happening with these right now. Never had a problem with people paying their bills to get their license. So I would recommend approval of all the licenses discussed tonight subject to the conditions outlined in my report.

Steve Kumorkiewicz:

Roll call for that?

Jane Romanowski:

No roll call.

John Steinbrink:

This being a public hearing I'll open it up to public comment or question.

Jane Romanowski:

I didn't have any signups tonight, Mr. President.

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John Steinbrink:

Anyone wishing to speak on this item? Anyone wishing to speak? Anyone wishing to speak?
Hearing none, I'll close the public hearing and open it up to Board comment or question.

Michael Serpe:

Mr. Chairman, I would move approval of the licenses that the clerk presented with the understanding that the conditions that she mentioned need to be taken care of before license is issued.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Now is there any other discussion from Board members? Do you need a roll call on this?

Jane Romanowski:

No, I do not.

Clyde Allen:

And that was clear that that excluded the BP.

Jane Romanowski:

The BP was postponed by motion before we began discussion, yes.

John Steinbrink:

We have a motion and a second.

SERPE MOVED TO APPROVE THE FOLLOWING LIQUOR LICENSE RENEWAL APPLICATIONS SUBJECT TO THE CONDITIONS SET FORTH;

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CLASS "A" FERMENTED MALT BEVERAGE

NAME & ADDRESS

TRADE NAME

Roadside Petroleum, Inc.
Surendra Singh, Agent
7511 118th Avenue
Pleasant Prairie, WI 53158

Pantry 41 Citgo
7511 - 118th Avenue
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 7511 118th Avenue

PDQ Food Stores, Inc.
Kathy Loberger - Agent
P.O. Box 620997
Middleton, WI 53562

PDQ Store #352
8800 - 75th Street
Kenosha, WI 53142

Premise Description: One story building only located at 8800 75th Street

Stateline Enterprises, Inc.
Michael W. McArdle - Agent
12720 Sheridan Road
Pleasant Prairie, WI 53158

Stateline Citgo
12720 Sheridan Road
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 12720 Sheridan Road

NOTE: Delinquent Weights & Measures Invoice \$350.51
Delinquent Utility Bill \$1,071.46

Truesdell Mini-Mart, Inc.
Steve Schuler - Agent
7831 45th Avenue
Kenosha, WI 53142

Truesdell Mini-Mart
8531 75th Street
Kenosha WI 53142

Premise Description: One story building only located at 8531 75th Street

NOTE: Delinquent Sanitary Sewer Surcharge \$527.99

Walgreens Co.
Patricia Briggs - Agent
P.O. Box 901 MS 3301
Deerfield, IL 60015

Walgreens #07935
7520 118th Avenue
Pleasant Prairie, WI 53158

Premise Description: One story building only located at 7520 118th Avenue.

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NOTE: Delinquent Fire & Rescue Dept. Permit Fees \$35.00

**CLASS "A" FERMENTED MALT BEVERAGE
AND "CLASS A" INTOXICATING**

NAME & ADDRESS

TRADE NAME

Ayman LLC
Akil Ajmeri, Agent
2714 4 ½ Mile Road
Racine, WI 53402

Ayra's Liquor Store
4417 75th Street
Kenosha, WI 53142

Premise Description: One story building only located at 4417 75th Street

NOTE: Community Development Dept. – Conditional Use Permit conditions due to new use must be completed by June 1, 2012

Fire & Rescue Dept. – Minor code violations due to new use

Target Corporation
Shane Richard Chesick – Agent
1000 Nicollet Mall TPN-0910
Minneapolis, MN 55403

Target Store T2251
9777 76th Street
Pleasant Prairie, WI 53158

Premise Description: Indoor first floor located at 9777 76th Street

**NOTE: Delinquent Security Utility Maintenance Fees \$7,100.52\
Delinquent Fire & Rescue Dept. Permit Fees \$35.00**

CLASS "B" FERMENTED MALT BEVERAGE

NAME & ADDRESS

TRADE NAME

Jose N. Reyes - Agent
Timber Ridge Ventures LLC
6117 123rd Place
Pleasant Prairie, WI 53158

Big Oaks Golf Club
6117 123rd Place
Pleasant Prairie, WI 53158

Premise Description: One story clubhouse and golf course located at 6117 123rd Place

NOTE: Building Inspection and Fire & Rescue Departments – outstanding conditions of recent remodel project including asphalt of parking lot once the asphalt plants are open.

Must provide copy of current Wisconsin Seller's Permit.

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**CLASS "C" WINE AND CLASS "B" FERMENTED
MALT BEVERAGE**

NAME & ADDRESS

TRADE NAME

Honada Sushi Corp.
Lizhu Cao, Agent
8501 75th Street, Suite G
Kenosha, WI 53142

Honada Sushi & Hibachi
8501 75th Street, Suite G
Kenosha, WI 53142

Premise Description: One story building only located at 8501 75th Street, Suite G

**CLASS "B" FERMENTED MALT BEVERAGE
& "CLASS B" REGULAR INTOXICATING LIQUOR**

NAME & ADDRESS

TRADE NAME

Restaurant of Pleasant Prairie, Inc.
Adam Modrow, Agent
7613 W. State Street
Wauwatosa, WI 53213

Chancery Pub & Restaurant
11900 - 108th Street
Pleasant Prairie, WI 53158

Premise Description: Restaurant at 11900 108th Street and hotel rooms and banquet facilities located at 11800 108th Street

ERJ Dining III, LLC
Paul Thompson – Agent
1903 Stanley Gault Parkway
Louisville, KY 40223

Chili's Grill & Bar
6903 – 75th Street
Kenosha, WI 53142

Premise Description: One story building, excluding parking lot, located at 6903 75th Street

Earl's Club, Inc.
John C. Willkomm - Agent
3490 196th Avenue
Kenosha, WI 53144

Earl's Club
7529 88th Avenue
Pleasant Prairie, WI 53158

Premise Description: One story building, basement, deck and horseshoe/volleyball/picnic area contiguous to building, excluding parking lot, located at 7529 88th Avenue

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*Team R' n B Wisconsin LLC
Peter Benedict - Agent
6600 N. Ballard Road
Appleton, WI 54913

Famous Dave's
9900 77th Street
Pleasant Prairie, WI 53158

Premise Description: One story building including outdoor covered fenced-in patio located at 9900 77th Street

***Reserve "Class B" Intoxicating Liquor License**

Prairie Pub LLC
Linda DeBartolo - Agent
8217 60th Avenue
Kenosha, WI 53142

Gordy's Prairie Pub
3812 Springbrook Road
Pleasant Prairie, WI 53158

Premise Description: First floor and basement of building and picnic area south/east contiguous to building located at 3812 Springbrook Road.

Halter Wildlife, Inc.
John F. Burke - Agent
9626 - 113th Street
Pleasant Prairie, WI 53158

Halter Wildlife
9626 113th Street
Pleasant Prairie, WI 53158

Premise Description: Two story lodge and storage shed located at 9626 113th Street

OM Hospitality Corp.
Jatin Patel, - Agent
4600 S. 27th Street
Milwaukee, WI 53221

Holiday Inn Express
7887 - 94th Avenue
Pleasant Prairie, WI 53158

Premise Description: Hotel and kitchen located at 7887 94th Avenue

NOTE: Delinquent Fire & Rescue Dept. Permit Fees \$70.00

*GMRI, Inc.
Jeffery Zimmerman – Agent
1000 Darden Center Drive
Orlando, FL 32837

The Olive Garden Italian Restaurant #1845
10110 77th Street
Pleasant Prairie, WI 53158

Premise Description: One story building located at 10110 77th Street

***Reserve "Class B" Intoxicating Liquor License**

NOTE: Delinquent Fire & Rescue Dept. Permit Fees \$35.00

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Ray Radigan's Inc.
R. Michael Radigan - Agent
10510 Lakeshore Drive
Pleasant Prairie, WI 53158

Ray Radigan's
11712 Sheridan Road
Pleasant Prairie, WI 53158

Premise Description: Building only located at 11712 Sheridan Road

NOTE: Delinquent Utility Bill \$2,266.42
Delinquent 2011 Real Estate Taxes \$4,240.56

Frank J. Ruffolo
6218 - 31st Street
Kenosha, WI 53144

Ruffolo Special Pizza III
11820 Sheridan Road
Pleasant Prairie, WI 53143

Premise Description: One story building and basement, excluding parking lot, located at 11820 Sheridan Road

JAAD, LLC
Angela Daniels - agent
8934 33rd Avenue
Kenosha, WI 53142

Starlite Club
8936 24th Avenue
Kenosha, WI 53143

Premise Description: One story building and basement excluding parking lot, located at 8936 24th Avenue

Uncle Mike's Top Shelf Pub LLC
David Schulte - Agent
8834 42nd Avenue
Kenosha, WI 53142

Uncle Mike's Top Shelf Pub
10936 Sheridan Road
Pleasant Prairie, WI 53158

Premise Description: Building, basement and outdoor patio/picnic area within fencing contiguous to building, excluding parking lot, located at 10936 Sheridan Road

NOTE: Delinquent 2011 Personal Property Tax \$31.70

PAS Village Inn LLC
Susan Neahous – Agent
10909 Sheridan Road
Pleasant Prairie, WI 53158

The Village Supper Club
10909 Sheridan Road
Pleasant Prairie, WI 53158

Premise Description: First and lower level of building, excluding parking lot, located at 10909 Sheridan Road

NOTE: See attached letter with respect to rebuilding after the June 2011 fire.

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Joseph A. Nickel
5813 43rd Avenue
Kenosha, WI 53144

The Wooden Nickel
11606 Sheridan Road
Pleasant Prairie, WI 53158

Premise Description: One story building and picnic area contiguous to building, excluding parking lot, located at 11606 Sheridan Road

NOTE:	Delinquent Utility Bill	\$730.42
	Delinquent 2011 Personal Property Tax	\$104.39

SECONDED BY ALLEN; MOTION CARRIED 5-0.

5. CITIZEN COMMENTS

Jane Romanowski:

There were no signups tonight, Mr. President.

John Steinbrink:

Anyone wishing to speak under citizen comments?

6. ADMINISTRATOR'S REPORT – None.

7. NEW BUSINESS

A. Consider a Stormwater Management Practices Maintenance Agreement with the Wisconsin Electric Power Company for property located at 8000 95th Street.

Mike Pollocoff:

Mr. President, this storm water management easement is for Wisconsin Power Plant Pleasant Prairie as part of the switch yard improvements being completed there. There's going to be some storm water work to be done. And given the sensitive nature of the power plant, we have a particular easement that we have with them that requires them to do a lot of self-management and maintenance of this easement because of the nature of having our crews go into an electrical switch yard. They're going to assume that responsibility. So what we have here is the proposed easement maintenance agreement. Exhibit C is the legal description, and then we have some additional language that we will insert in this easement. I'd recommend that the Board adopt the easement document as presented.

Steve Kumorkiewicz:

So moved.

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Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion?

KUMORKIEWICZ MOVED TO APPROVE A STORMWATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT WITH THE WISCONSIN ELECTRIC POWER COMPANY FOR PROPERTY LOCATED AT 8000 95TH STREET; SECONDED BY YUHAS; MOTION CARRIED 5-0.

B. Consider amendments to the Village's Employee Handbook.

Carol Willke:

Mr. President and members of the Board, what you have before you are three changes to the Village employee handbook. The first one probably looks really familiar because you adopted it a few weeks ago. We did leave out a very important caveat, though, which is that we will be – any time a retiree elects health coverage they have to follow the COBRA guidelines. So we're just adding in there accordance with COBRA for their spouses when they go into Medicare.

Compensatory time, the change there we've always allowed employees to work overtime, and then instead of taking the overtime dollars they would use compensatory time and take extra time off. Given the staff changes that we've had for the past couple years we can no longer offer that. It's just becoming quite the difficulty trying to let people use any extra time off. So we would like to remove that from the handbook.

And then the last one is for vacation. We have always followed this vacation schedule. Just the wording of it has been a bit cumbersome. So instead of saying that you get ten days of vacation plus an extra three days, we're just going to say 13 days and just carry that throughout the 7 year, 15 year and 25 year. And then our part-time employees, Kathy Goessl has always had to go through this very cumbersome process of trying to figure out if part-time employees worked and if they took any time off, if they took more than two weeks off then it negated all of their vacation time. We decided to simplify it and basically say that all part-time employees who average at least 20 hours per week of service in the previous calendar year will be entitled to vacation. It's much easier, and that way we're not really punishing people if they want to take the summer of with their kids or they want to take a vacation.

So with that if you have any questions I'd be happy to answer them. Otherwise I would ask your approval for these changes.

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Michael Serpe:

Carol, the compensatory time and the overtime is that covered in any one of the collective bargaining agreements with the police and fire?

Carol Willke:

Police and fire would not be subjected to this. So theirs will remain the way it is. We will pay them – they don't typically want – the police will use compensatory time and they can keep that, but this is just for everybody who is not covered by a contract.

Clyde Allen:

Make a motion to approve.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike for approval. Any further discussion on this item? You want these as one motion?

Carol Willke:

Yes.

ALLEN MOVED TO APPROVE THE AMENDMENTS TO THE VILLAGE'S EMPLOYEE HANDBOOK AS PRESENTED; SECONDED BY SERPE; MOTION CARRIED 5-0.

C. Consider an appointment to Kenosha County Executive Jim Kreuser's Blue Ribbon Committee on Countywide Bicycle Facilities Planning and Development.

Mike Pollocoff:

Mr. President, the County Exec has requested that the Village provide representatives to the Comprehensive Bicycle Facilities Planning Committee. I'm recommending that Mike Spence, our Village Engineer, be appointed since he's one of the few people that ride a bike around here. So he'd be an outstanding representative. I'd request he be appointed and we make the County Exec. aware of that appointment.

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John Steinbrink:

Stationary bikes don't count, is that what you're saying?

Steve Kumorkiewicz:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO APPOINT MIKE SPENCE TO KENOSHA COUNTY EXECUTIVE JIM KREUSER'S BLUE RIBBON COMMITTEE ON COUNTYWIDE BICYCLE FACILITIES PLANNING AND DEVELOPMENT; SECONDED BY YUHAS; MOTION CARRIED 5-0.

John Steinbrink:

Congratulations. It's going to be pretty big. It's a big plan, and it's going to go through all Kenosha County and a lot of Pleasant Prairie. So it's going to be something we should all be doing. Not the committee, but riding our bicycles.

D. Consider Operator License applications on file.

Jane Romanowski:

Just one tonight for Joshua Montes, and I would recommend approval.

Steve Kumorkiewicz:

So moved.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde for approval. Any discussion on this item?

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KUMORKIEWICZ MOVED TO APPROVE THE OPERATOR LICENSE APPLICATION OF JOSHUA MONTES; SECONDED BY ALLEN; MOTION CARRIED 5-0.

8. VILLAGE BOARD COMMENTS

John Steinbrink:

I'd like to congratulate Chief McElmury on his new hires that were given their badges, and I guess they're on the clock right now working for us. Great group of guys and great addition to the department. It was great to see them and their families there today at that. Mike and Steve were there, pretty good size crowd. I was surprised at the number of people on hand. So you not only have good firefighters, you have firefighters with a lot of family support and community support. There were a lot of people from the Village there also. Anything else?

9. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED AND MEETING ADJOURNED AT 6:20 P.M.

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.

Recommendation: 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 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.

ORD. NO. 12-19

**ORDINANCE TO AMEND SECTION 420-131 OF
THE VILLAGE ZONING ORDINANCE
RELATED TO THE FPO FLOODPLAIN OVERLAY DISTRICT REQUIREMENTS
IN THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN**

THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, DO ORDAIN THAT SECTION 420-131 OF THE VILLAGE ZONING ORDINANCE BE AMENDED TO READ AS FOLLOWS:

420-131. FPO Floodplain Overlay District.

- A. Authorization. The Floodplain Overlay District (or FPO) which includes both the floodway and flood-fringe areas is hereby created, and the regulations set out in this section are hereby adopted, pursuant to the authorization and mandate of §§ 61.35, 62.23 and 87.30, Wis. Stats.
- B. Finding of fact. Uncontrolled development and use of the floodplains, rivers and streams of the Village of Pleasant Prairie would adversely affect the public health, safety, convenience and general welfare and impair the tax base of the Village.
- C. Purpose. The purpose of this section is to regulate land use, development and development-related activities in flood hazard areas in order to:
 - (1) Protect life, health and property;
 - (2) Minimize expenditures of public moneys for costly flood-control projects;
 - (3) Minimize rescue and relief efforts which are generally undertaken at the expense of the taxpaying public;
 - (4) Minimize business interruptions which usually result in the loss of local incomes;
 - (5) Minimize damage to public facilities, such as water mains, sewer lines, streets and bridges, which are located within floodplain areas;
 - (6) Minimize the occurrence of future flood blight areas;
 - (7) Discourage the victimization of unwary land and home buyers; and
 - (8) Prevent increases in regional flood heights that could increase flood damage and result in conflicts or litigation between property owners.
 - (9) Prohibit development in the floodplain that is not expressly allowed as a conditional use pursuant to this section.
- D. Title. This section shall be known as the "Floodplain Zoning Ordinance of the Village of Pleasant Prairie."
- E. Areas regulated. Areas regulated by this section include all areas within the limits of the Village of Pleasant Prairie (Village) that would be covered by water in the event of a regional flood or base flood as shown the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) or other maps approved by the Wisconsin Department of Natural Resources (DNR), FEMA, and described in subsection I below or that would become a floodplain island surrounded by water in the event of a regional flood. Regional Flood Elevations (RFE) may be derived from other studies as reference in this section. If more than one map or revision is referenced, the most restrictive information shall apply.
- F. Establishment of FPO District. The FPO Floodplain Overlay District established by this section consists of the floodplain or A Zone (as defined in Subsection CC below) and includes both the floodway and the flood-fringe (as defined in Subsection CC below). The

floodplain or A Zone may contain lands within the A, AE, AH and AO zones on the FIRM Maps.

- G. Annexed areas. This section shall automatically apply to any floodplain area within land annexed by the Village from and after the time the annexation takes effect. The Kenosha County floodplain zoning provisions and mapping in effect with respect to any annexed land at the time the annexation takes effect shall remain in effect and be enforced by the Village to the extent provided by law, and in any event the county floodplain mapping shall remain effective until such time as a Village floodplain map amendment takes effect. The ordinance amendment shall meet the requirements of Ch. NR 116, Wis. Adm. Code and 44CRF59-72, National Flood Insurance Program (NFIP).
- H. Relationship of FPO regulations to regulations imposed by underlying basic zoning ordinance and other Village ordinances. Any land use, development or development-related activity within the Floodplain Overlay District shall satisfy all requirements imposed by this chapter (including, without limitation, general requirements, requirements relating to specific conditional uses, and requirements relating to basic underlying zoning districts) and all requirements imposed by all other applicable Village ordinances, as well as all requirements imposed by this section with respect to floodplain areas. In the event of any conflict between any such requirements, the most restrictive shall be controlling.
- I. Official floodplain maps and studies.
 - (1) Subject to the provisions of Subsections O, R and S below, the boundaries of the floodplain areas, including both the floodway and the flood-fringe areas, and the boundaries of the floodway areas (all as defined in Subsection CC below), and the water surface elevations of the regional flood profile, are as designated on the official floodplain maps or as stated in or determinable from other official DNR and FEMA approved technical studies, listed below, which are hereby adopted and incorporated by reference. These official floodplain maps and studies are on file in the office of the Village of Pleasant Prairie Zoning Administrator. In the event of a conflict between any of the maps or studies referred to in this Subsection I, the most restrictive information shall apply.
 - (a) Flood Insurance Rate Maps (FIRMs) prepared by FEMA for the Kenosha County and Incorporated Areas, Map Number 55059CIN0A effective date June 19, 2012, Panels 55059C0179D, 55059C0183D, 55059C0184D, 55059C0187D, 55059C0188d, 55059C0189D, 55059C0191D, 55059C0192D, 55059C0193D, 55059C0194D, 55059C0203D, 55059C00211D, 55059C00212D, 55059C00213D, 55059C00214D, 55059C00216D, 55059C00218D, 55059C00302D, 55059C00306D, 55059C00307D, 55059C00326D, 55059C00327D and 55059C00331D, and the related Flood Insurance Study for Kenosha County, Wisconsin, and Incorporated Areas, prepared by FEMA, effective June 19, 2012, Flood Insurance Study Number 55059CV001A and 55059CV002A. The following amendments included:
 - [1] *Reserved for future use.*
 - (b) Map A-2 titled "Floodplains in the Chiwaukee Prairie - Carol Beach Study Area Under Existing and Future Development Conditions" and Table A-3 titled "100-Year Recurrence Interval Flood Stages for the Chiwaukee Prairie - Carol Beach Study Area Under Existing and Future Development Conditions," pages 189 and 188, respectively, of SEWRPC Community Assistance Planning Report No. 88, titled "A Land Use Management Plan for the Chiwaukee Prairie - Carol Beach Area of the Town of Pleasant Prairie, Kenosha County, Wisconsin," prepared by the Southeastern Regional Planning Commission, February 1985.

- (2) Public information.
 - (a) Marks should be placed on structures, where and when appropriate, by local or state agencies to show the depth of inundation during the regional flood.
 - (b) All maps, engineering data and regulations as specified in this § 420-131 are available for viewing during regular Village business hours and can be purchased.
 - (c) Real estate transfers shall show the floodplain district that any real property is located.

- (3) Development is restricted within the floodplain; and, all permit applications shall be reviewed by the Village to determine whether the proposed building site will reasonably be safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant material; be constructed to minimize flood damages; and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. A land division shall be reviewed for compliance with the above standards. All proposed land divisions shall include regional flood elevation and floodway data for any development that meets the land division definition of this section and all other requirements in subsection M below. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

- (4) Amendments. Obstructions or increases may only be permitted if amendments are made to this section, the official floodplain zoning maps, floodway lines and water surface profiles in accordance with this § 420-131.

In AE Zones within a mapped floodway or unmapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this section, the official floodplain zoning maps, floodways lines and water surface profiles in accordance with this section. Any such alterations must be reviewed and approved by FEMA and the DNR.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with subsection T.

J. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

- (1) The Village shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Land divisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision

definition of this ordinance and all other requirements in subsection L(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

- (2) Hydraulic and hydrologic analyses.
 - (a) No land use, development or development-related activity, except as provided below, shall be permitted in floodplain areas which will:
 - (1) Cause any obstruction to flow, defined as development which blocks the conveyance of floodwaters by itself or with other development causing any increase in the regional flood height; or
 - (2) Cause an increase in regional flood height due to floodplain storage area lost.
 - (b) Any proposed land use, development or development-related activity which will obstruct flow or result in an increase in the regional flood height may be permitted only if appropriate amendments are made to the applicable official floodplain map(s), including floodplain and/or floodway boundary lines and water surface profiles of the regional flood, as applicable, in accordance with Subsection T below.
 - (c) The Village Zoning Administrator and other appropriate Village officials and bodies shall deny any application for an administrative permit or approval when it is determined that the proposed land use, development or development-related activity will obstruct flow or cause any increase in the upstream or downstream regional flood height, based on the available data, or when the applicant fails to satisfy the applicant's burden of proof relating to such issues.

K. Floodplain issues and discrepancies.

- (1) Whenever an issue relating to floodplain-related matters arises, it shall be administratively determined in the first instance by the Village Zoning Administrator.
- (2) Where an apparent discrepancy exists between the location of the floodplain boundary [as shown on the applicable official floodplain map(s)] and actual field conditions, the location of such boundary shall be initially determined by the Village Zoning Administrator or other appropriate Village officials or bodies, depending upon the nature of the permit, approval or issue involved, using the following criteria:
 - (a) Where flood profiles of the regional flood exist, the location of the floodplain boundary line shall be determined using both the scale and contours appearing on the official floodplain map (or on a more accurate topographic map if available) and the water surface elevations shown on the flood profile of the regional flood. Where a discrepancy exists between the official floodplain map and actual field conditions, the regional flood elevations shall govern.
 - (b) Where the base flood elevation has been determined pursuant to the official floodplain map (Zone A of the FIRM) or any designated navigable waterway where a floodplain study has not been completed a detailed study to determine the base flood elevation shall be completed and approved by the DNR and FEMA and this section shall be amended.
 - (c) Where flood profiles of the regional flood do not exist, the location of the floodplain boundary line shall be determined using the scale and contours

appearing on the official floodplain map (or on a more accurate topographic map if available) and any other credible information which is available.

- (3) A floodplain map amendment is required whenever an administrative determination is made that a significant discrepancy exists between the official floodplain map and actual field conditions. The Village Zoning Administrator shall be responsible for initiating any such map amendments within a reasonable period of time.
- (4) Notwithstanding any language in any Village ordinance apparently to the contrary, the Village Zoning Administrator and other Village officials and bodies, as appropriate to the type of permit or approval in question, shall have the authority to deny or condition a building, zoning or land disturbance permit, or a land division approval, or any other land use or development-related permit or approval, to ensure compliance with this section. Such permits or approvals may be denied or conditioned upon the basis of an administrative determination, such as the location of a floodplain boundary or the location of a floodway boundary, whether or not an amendment of the official floodplain map is required.
- (5) Disputes regarding the administrative determination of the location of a floodplain boundary line or other administrative floodplain-related determinations, decisions or orders made under this section shall be resolved in the first instance by an appeal to the Village Zoning Board of Appeals in accordance with Subsection R below.

L. Burden of proof. In the event of any issue regarding the location of the boundary of any floodplain or floodway, or whether any proposed or existing land use or development or development-related activity is subject to this section, or whether or the extent to which a proposed land use or development will obstruct flow or raise the height of the regional flood elevation, or the flow rate to which a proposed land use or development will be subjected, or whether the flood-carrying capacity of a watercourse will be maintained, or any other issue arising under or in connection with this section, the applicant, or the owner, developer or user who is the proponent of the land use or development or development-related activity in question, shall have the burden of proof, by a preponderance of the evidence, demonstrating that the land use or development or development-related activity in question is in compliance with and satisfies all applicable provisions of this section.

M. Administration.

- (1) Duties and Powers. The zoning administrator or his/her designee is authorized to administer this section and in addition to the duties and powers specified in Section 420-17 the zoning administrator shall have the following duties and powers:
 - (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood or base flood elevation for the proposed development is shown on all permit applications.
 - (b) Issue permits and inspect properties for compliance with provisions of this section and issue certificates of compliance where appropriate.
 - (c) Inspect and assess all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
 - (d) Keep records of all official actions such as:
 - [1] All permits issued, inspections made, and work approved;
 - [2] Documentation of certified lowest floor and regional flood elevations;
 - [3] Floodproofing certificates.

- [4] Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - [5] All substantial damage assessment reports for floodplain structures.
 - [6] List of nonconforming structures and uses.
- (e) Submit copies of the following items to the DNR:
- [1] Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - [2] Copies of any case by case analyses and any other required information required by the DNR including an annual summary of the number and types of floodplain zoning actions taken.
 - [3] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, report violations and enforce this section pursuant to subsection AA. Provide copies of the reports to the DNR.
- (g) Submit copies of amendments and biennial reports to the FEMA Regional office.
- (2) Application submission requirements. Any applicant for any Village permit or approval for or in connection with any land use, development or development-related activity (as defined in Subsection CC below) within or potentially within the floodplain shall submit to the Village Zoning Administrator or other appropriate Village officials or bodies, depending upon the nature of the permit or approval in question, the following documents or information at the time such application is filed, in addition to any other documents or information required to be submitted by any other section of this chapter or any other applicable Village ordinance. The Village may transmit to the DNR a copy of the information submitted with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data.
- (a) Site development plan. Twelve copies (plus one copy reduced to 8 1/2 inches by 11 inches or 11 inches by 17 inches) of a site development plan, drawn to scale (or superimposed on a scaled aerial photograph), which accurately locates the proposed land use, development or development-related activity with respect to real property boundaries, floodplain boundaries, floodway boundaries, or channel of stream if the floodway boundaries do not appear on the applicable official floodplain map(s) and which shows the following:
- [1] Name and address of the application, property owner and contractor;
 - [2] Legal description, proposed use and whether it is new construction or modification;
 - [3] Location, dimensions and area of the lot or parcel and its elevation(s) using the vertical datum from the adopted study – either National Geodetic Vertical Datum 1929 (NGVD29) or North American Vertical Datum 1988 (NAVD88);
 - [4] Location of the ordinary high-water mark of any abutting navigable waterways;

- [5] Location, type, dimensions and spatial arrangement of any existing or proposed structures with distances measured from the lot or parcel boundary lines;
 - [6] Location of any existing or proposed private sewage systems or private water supply systems;
 - [7] Location and elevation of existing or proposed access roads using the vertical datum from the adopted study – either NGVD29 or NAVD88;
 - [8] Location of floodplain and floodway limits on the property as determined from the official floodplain maps;
 - [9] The elevation of the lowest floor of any proposed buildings using the vertical datum from the adopted study – either NGVD29 or NAVD88;
 - [10] The location, dimensions, volume and resulting elevation(s), using the vertical datum from the adopted study – either NGVD29 or NAVD88, of any proposed fill or other deposition or storage of materials, or of any proposed cut or excavation of materials; and
 - [11] The location, dimensions and elevations, using the vertical datum from the adopted study – either NGVD29 or NAVD88, of all existing or proposed streets, bridges and public utilities.
 - [12] The vertical datum either NGVD29 or NAVD88 shall be clearly shown on the plans and calculations.
- (b) The Village Zoning Administrator, his or her designee, or other appropriate Village officials or bodies, depending upon the nature of the permit or approval in question, shall have authority to waive in writing any of the foregoing requirements in subsection (a) to the extent the information is not necessary to determine compliance with this section.
- (c) Such additional documents and information as deemed necessary by the Village or the DNR to determine compliance of the proposed land use, development or development-related activity with all of the requirements of this section, including the following, without limitation:
- [1] Data and computations sufficient to determine the regional flood elevation, using the vertical datum from the adopted study – either NGVD29 or NAVD88, at the location of the proposed land use, development or development-related activity and to determine whether or not the requirements of this section are satisfied.
 - [2] Data and computations sufficient to determine if the proposed land use, development or development-related activity will cause either an obstruction to flow or an increase in regional flood height or the regional flood discharge and to quantify any such obstruction or increase.
 - [3] Any available documented historical high-water information.
 - [4] Typical valley cross section(s) (elevation view) showing the channel of the stream, the floodplain adjoining each side of the channel, and the cross-sectional area to be occupied by the proposed land use, development or development-related activity (perpendicular to the watercourse) and indicating whether the proposed use, development or development-related activity will obstruct the regional flood flow.

- [5] Specifications for all proposed buildings and structures, floodproofing, filling, dredging, channel improvement, storage of materials, streets, bridges, public utilities, and all related materials.
 - [6] An analysis of the effect of the proposed land use, development or development-related activity on the velocity of flow or the floodplain storage capacity.
 - [7] A surface drainage plan with adequate details showing how flood damage will be minimized.
 - [8] The estimated cost of the proposed development or development-related activity.
- (d) Hydraulic and hydrologic studies to analyze development as required in subsection J (2).
- [1] All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer licensed and registered in the State. The licensed and registered professional engineer shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the DNR.
 - [2] Zone A floodplains:
 - [a] Hydrology. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
 - [b] Hydraulic modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
 - [i] determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting water surface elevation for the study.
 - [ii] channel sections must be surveyed.
 - [iii] minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - [iv] a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - [v] the most current version of HEC-RAS shall be used.
 - [vi] a survey of bridge and culvert openings and the top of road is required at each structure.
 - [vii] additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

- [viii] standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- [ix] the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- [c] Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
 - [i] If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - [ii] If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
- [3] Zone AE Floodplains
 - [a] Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
 - [b] Hydraulic model. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
 - [i] Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 - [ii] Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall

- import the model into the most current version of HEC-RAS for DNR review.
- [iii] Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - [iv] Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - [v] All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - [vi] Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- [c] Mapping. Maps and associated engineering data shall be submitted to the DNR for review which meet the following conditions:
- [i] Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - [ii] Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - [iii] Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - [iv] If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

- [v] The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- [vi] All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- [vii] Both the current and proposed floodways shall be shown on the map.
- [viii] The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

- (e) Expiration. All permits issued under the authority of this section shall expire in 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

N. Conditional uses. The following land uses or development activities are conditional uses in the Floodplain Overlay District, provided that they are either permitted or conditional uses in the underlying basic zoning district or that they satisfy the requirements of Subsection S below, and further provided that they have a low flood damage potential and comply with all other requirements of this section:

- (1) Nonstructural agricultural uses, such as general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, as defined in subsection CC, such as loading areas and parking areas, provided that in addition to all other requirements such uses are not subject to inundation depths exceeding two feet or flood velocities exceeding two feet per second upon the occurrence of a regional flood.
- (3) Nonstructural private or public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.
- (4) Uses or structures accessory to permanent open space uses, or those classified as historic structures, shall comply with the following requirements:
 - (a) The structures are not designed for human habitation or associated with high flood damage potential and is constructed to minimize flood damage;
 - (b) The structures are constructed and placed on the building site with the longitudinal axis parallel to the direction of flow of floodwaters, insofar as the structure does not cause any increase in flood levels during the occurrence of the regional flood and offer minimum obstruction to the flow of floodwaters;
 - (c) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other constricted sections of the stream or river; and
 - (d) The structures shall have all electrical and heating service facilities and equipment at or above the flood protection elevation for the particular area.
 - (e) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other

coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (5) Functionally water-dependent uses, such as docks, piers or wharves, including those used as part of a marina, and other water-related uses, such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines and pipelines, in accordance with Chs. 30 and 31, Wis. Stats.
- (6) Public utilities, streets and bridges, provided that in addition to all other requirements:
 - (a) Adequate floodproofing measures are provided to the flood protection elevation (minor or auxiliary roads or nonessential utilities may be constructed in the flood-fringe at lower elevations, provided that they withstand flood forces to the regional flood elevation); and
 - (b) Construction meets the standards set forth in subsection J(2).
 - (c) When failure of public utilities, streets and bridges within the flood-fringe would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with subsection S.
- (7) Private on-site sewage disposal systems only in the flood-fringe area (prohibited in the floodway area), provided that in addition to all other requirements they shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to subsection S (2) to the flood protection elevation and shall satisfy the applicable provisions of all local ordinances and chapter SPS383 Wis. Adm. Code.
- (8) Public or private wells only in the flood-fringe area (prohibited in the floodway area), provided that in addition to all other requirements they shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to subsection S (2) to the flood protection elevation and shall satisfy the applicable provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- (9) Filling, or other deposition or storage of materials, provided that in addition to all other requirements:
 - (a) The requirements of Subsection J and M above are satisfied;
 - (b) No material is deposited in navigable waters unless a permit is issued by the DNR pursuant to Ch. 30, Wis. Stats., and a permit pursuant to S. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements of this section are satisfied;
 - (c) The fill or other material will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading sufficient to prevent erosion;
 - (d) Such filling or other deposition of material is not associated with private or public waste disposal;
 - (e) The storage of materials, only in the flood-fringe area (prohibited in the floodway area), that are buoyant, flammable or explosive or which in times of flooding could be injurious to property, water quality or human, animal, plant, fish or aquatic life shall be at or above the flood protection elevation for the particular area or floodproofed in compliance with Subsection S below, and adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding; and
 - (f) Excavation below the ordinary high-water mark shall not be considered as providing any equal volume of storage capacity for compensation purposes,

unless NR116 is more restrictive. Any area of such compensating flood storage capacity shall drain freely to the receiving stream, unless NR 116 is more restrictive. The Village may impose slope, safety shelf or other requirements to ensure that such areas of compensating flood storage capacity are reasonably safe under the circumstances, unless NR 116 is more restrictive.

(g) The fill is not classified as a solid waste or hazardous waste material.

- (10) Levees or flood walls, provided that in addition to all other requirements the requirements of § NR 116.17, Wis. Adm. Code and FEMA standards, are satisfied, the requirements of Subsections J and N(9) above are satisfied, adequate arrangements are made by the applicant to ensure that the levee or flood wall will be properly maintained without cost to the Village, unless the Village Board determines that such maintenance should be undertaken by the Village, and all necessary permits and approvals are obtained. The Village may impose requirements to ensure that such improvements are reasonably safe under the circumstances.
- (11) Channel improvements, provided that in addition to all other requirements the applicable requirements of § NR 116.17, Wis. Adm. Code, are satisfied, the requirements of Subsections T and U below are satisfied, adequate arrangements are made by the applicant to ensure that the channel improvements will be properly maintained without cost to the Village, unless the Village Board determines that such maintenance should be undertaken by the Village, and all necessary permits and approvals are obtained. The Village may impose requirements to ensure that such improvements are reasonably safe under the circumstances.
- (12) Open space land uses or development improvements or activities listed above in Subsection N(1) to (11) which are not specifically allowed as permitted, conditional or accessory uses in the underlying basic zoning district may nonetheless be approved as conditional uses in the Floodplain Overlay District, provided that in addition to all other requirements the body with authority to grant conditional use permits finds, in writing, that such uses are compatible with the land uses allowed in the underlying basic zoning district, are not adverse to the public health, safety or welfare, and do not unreasonably interfere with the use and enjoyment of other properties in the vicinity.
- (13) Stormwater detention or retention facilities only in the flood-fringe area (prohibited in the floodway area), provided that in addition to all other requirements the requirements of Subsection N(9) above are satisfied. Further, with respect to any stormwater detention or retention facility designed to exclude the regional flood, the requirements of Subsection N(10) above shall be satisfied. With respect to any stormwater detention or retention facility designed to allow the regional flood to flow into the facility, the facility shall be designed so that all of the required detention or retention capacity shall be above the water surface elevation of the regional flood at the particular location in question.
- (14) Any addition or modification to a nonconforming structure or nonconforming building allowed pursuant to Subsection Q below.

O. Conditional use procedures. Except as is specifically provided to the contrary in this section, the conditional use permit procedures set out in Article XVIII of this chapter shall apply to applications for conditional use permits for any land use or development allowed by Subsection N above. In addition to any requirements of Article XVIII, the following conditions shall be imposed on all conditional use permits issued under this section:

- (1) Any land use or development so permitted shall be located, constructed, installed, conducted and maintained in compliance with this section.

- (2) No development shall be used or occupied until it is completed and inspected by the Village and until a certificate of compliance has been issued by the Village Zoning Administrator or other appropriate Village official or body.
 - (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this section;
 - (b) Application for such certificate shall be concurrent with the application for a permit;
 - (c) The applicant shall submit a certification signed and sealed by a Wisconsin licensed and registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a Wisconsin licensed and registered professional engineer or architect that floodproofing measures meet the requirements of subsection S; and
 - (d) If all requirements are met, the certificate of compliance shall be issued within 10 days after the owner submits written notification that the permitted work is completed.
- (3) The applicant shall obtain all other necessary federal, state and local permits and approvals, including without limitation those required from the DNR under Ch. 30, Wis. Stats., and those from the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1334.

P. Prohibited uses. All land uses and development not listed as conditional uses in Subsection N above are prohibited within the Floodplain Overlay District, including without limitation the following:

- (1) Structures in, on or over floodplain areas which are designed for human habitation or associated with high flood damage potential or not associated with permanent open space uses.
- (2) The storage of any materials that are capable of floating, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
- (3) Any land uses or development which is not in harmony with, or which may be detrimental to, the uses permitted in the underlying basic use zoning districts.
- (4) Any private sewage systems in the floodway area, except portable latrines that are removed prior to flooding, and systems associated with recreational areas and DNR approved campgrounds, that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
- (5) Any public or private wells in the floodway area which are used to obtain water for ultimate human consumption, except those wells in recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.
- (6) Any solid or hazardous waste disposal sites, whether public or private.
- (7) Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code.
- (8) Any sanitary sewer or water supply mains in the floodway area, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.
- (9) Any camping units within a public or private campground.

- (10) Any residential structure or use, including a manufactured or mobile home.
- (11) Any accessory structures not specifically allowed with a conditional use permit pursuant to section N above.
- (12) Any industrial or commercial structures or uses not specifically allowed with a conditional use permit pursuant to section N above.

Q. Nonconforming uses.

- (1) General.
 - (a) Applicability. These regulations apply to the modification of, or addition to, any structure, and to the use of any structure or premises, which was lawful before the passage of this section or any amendment thereto, including, without limitation, any text amendment or any amendment to the official floodplain map or to the regional flood profiles.
- (2) The existing lawful use of a structure or building which is not in conformity with the provisions of this section may continue subject to the following conditions:
 - (a) No modifications or additions to a nonconforming use or nonconforming structure shall be permitted unless they are made in conformity with the provisions of this section for the area of the floodplain occupied and the other applicable provisions of this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use or structure or accessory structure or use. Maintenance is not considered a modification. Maintenance activities include such items as internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.
 - (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months it is no longer permitted, and any future use of the property, and of any structure or building thereon, shall conform to the applicable requirements of this section.
 - (c) As requests are received by the Village for modifications or additions to nonconforming uses or nonconforming structures, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of those additions or modifications which have been permitted, and the percentage of the structure's total current value such additions or modifications represent.
 - (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would equal or exceeds 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry land access must be provided for residential and commercial uses in compliance with Ch. NR 116, Wis. Adm. Code. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.
 - (e) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the use and the structure

satisfy the requirements of this section. For the purpose of this subsection, restoration is deemed impractical where the total cost of such restoration would equal or exceeds 50% of the present equalized assessed value of the structure. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it, to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

[1] Residential Structures

- [a] Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of subsection S (2).
- [b] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- [c] Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- [d] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- [e] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet on of the flowing conditions below, whichever is higher:
 - [1] at or above the flood protection elevation; or
 - [2] two (2) feet above the highest adjacent grade around the structure; or
 - [3] the depth as shown on the FIRM.
- [f] In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

[2] Nonresidential Structures

- [a] Shall meet the requirements of subsection Q (2) (e).
- [b] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in subsection S (1) and (2).
- [c] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet on of the flowing conditions below, whichever is higher:
 - [1] at or above the flood protection elevation; or

- [2] two (2) feet above the highest adjacent grade around the structure; or
 - [3] the depth as shown on the FIRM.
 - (f) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as an historic structure, the alteration will comply with § 420-131 J, M, N and O; flood-resistant material are used; and construction practices and floodproofing method that comply with § 420-131 S are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of subsection Q (2) (e) [1]. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
 - (g) No modification or addition to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall not be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry land access shall be provided for residential and commercial uses in compliance with subsection S (4).
 - (h) If on a per event basis the total value of the work being done under (d) and (g) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry land access shall be provided for residential and commercial uses in compliance with subsection S (4).
- (3) Floodway areas.
 - (a) Modification or addition.
 - [1] No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area unless such modification or addition:
 - [a] Has been granted a permit or variance which satisfies the requirements of this section;
 - [b] Satisfies the requirements of Subsection Q (1) above; and
 - [c] Shall not increase the obstruction to flood flows or increase the regional flood height.
 - [2] An addition to the existing structure shall be floodproofed, pursuant to Subsection S, by means other than the use of fill, to the flood protection elevation.
 - [3] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - [a] The enclosed area shall be designed by a registered and licensed architect or an engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

- [b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - [c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - [4] The use must be limited to parking, building access or limited storage.
 - (b) No new private sewage disposal system, or addition to an existing private sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing private sewage disposal system in a floodway area shall satisfy the applicable requirements of all applicable Village or other local ordinances and Ch. SPS 383, Wis. Adm. Code.
 - (c) No new well or modification to an existing well used to obtain water for ultimate human consumption shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall satisfy the applicable requirements of all applicable Village or other local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.
- (4) Flood-fringe areas.
- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village. In addition, the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards in Subsection S, except where Subsection Q(4)(b) below is applicable.
 - (b) Where compliance with the provisions of Subsection Q(4)(a) above would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in Subsection R, may grant a variance from those provisions for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted, provided that:
 - [1] No floor (excluding the basement or crawlway) is allowed below the regional flood elevation for residential or commercial structures;
 - [2] Human lives are not endangered;
 - [3] Public facilities, such as water or sewer, shall not be installed;
 - [4] Flood depths shall not exceed two feet;
 - [5] Flood velocities shall not exceed two feet per second; and
 - [6] The structure shall not be used for storage of materials described in Subsection P(2) above.
 - (c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
 - (d) All new wells, or addition to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this section and Chs. NR 811 and NR 812, Wis. Adm. Code.

- (5) It is the intent of this section that in the event a building permit is validly granted or issued on the basis of the best currently available information relating to the floodplain, floodway or regional flood profiles but a subsequently conducted floodplain study demonstrates that such information was not accurate and that the permit would not be granted or issued in light of the newer information, such permit shall not be deemed to have been granted or issued in error so as to prevent the vesting of rights based upon reasonable detrimental reliance on such permit or approval. In the event of reasonable detrimental reliance upon a Village building permit under these circumstances, the status of the land use, development or development-related activity in question shall be that of a valid nonconforming use or valid nonconforming structure, provided that the requirements for such status, in addition to being lawful in its inception, are satisfied.

R. Zoning Board of Appeals.

- (1) The Village Zoning Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized to hear and decide pursuant to the specific requirements of this section and in accordance with the procedures and requirements specified in Article V of Chapter 18 of the Village Municipal Code.
 - (a) Appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the enforcement or administration of this section;
 - (b) Disputes concerning the location of the floodplain or floodway boundaries; and
 - (c) Variances from the dimensional standards of this section.
- (2) Boundary disputes. The following procedure shall be used by the Zoning Board of Appeals in hearing disputes concerning the location of floodplain or floodway boundaries:
 - (a) Whether a floodplain boundary is established by approximate or detailed floodplain studies, the regional flood elevations or profiles for the location in question shall be the governing factor in locating the floodplain boundary. If no regional flood elevations or profiles are available to the Board, other available evidence may be examined.
 - (b) The person contesting the location of the floodplain or floodway boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.
 - (c) If the boundary is incorrectly mapped, the Zoning Board of Appeals should inform the person contesting the boundary location to petition the Village for a map amendment according to subsection T.
- (3) Variance.
 - (a) The Zoning Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this section where an applicant convincingly demonstrates that:
 - [1] Literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship to the applicant;
 - [2] The hardship is due to adoption of this section and to special conditions unique to the property and not common to a group of adjacent lots or premises (in such case the section or map must be amended);
 - [3] Such variance is not contrary to the public interest; and

- [4] Such variance is consistent with the purpose of this section.
- (b) In addition to the criteria specified above, to qualify for a variance under FEMA regulations, the following criteria must be met:
 - [1] The variance shall not cause any increase in the regional flood elevation;
 - [2] Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the regional flood elevation; and
 - [3] Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (c) A variance shall not:
 - [1] Grant, extend or increase any land use or development prohibited in the floodplain (or in the floodway, if applicable).
 - [2] Be granted for a hardship based solely on an economic gain or loss.
 - [3] Be granted for a hardship which is self-created.
 - [4] Damage the rights or property values of other persons in the area.
 - [5] Permit a lower degree of flood protection in the floodplain than the flood protection elevation.
 - [6] Allow any floor of a basement or crawl space below the regional flood elevation for residential, commercial or industrial structures.
 - [7] Allow any land use or development which requires an amendment to this section, the official floodplain maps or the regional flood profiles.
 - [8] Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a variance is granted in a floodplain area, the Board shall notify the applicant in writing that increased flood insurance premiums and risks to life and property may result. A copy of this notification shall be maintained with the variance appeal record.
- (4) Appeals. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer or department of the Village affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
 - (a) The Zoning Board of Appeals shall review all data related to the appeal. This may include:
 - [1] Permit application data listed in subsection L;
 - [2] Floodway/floodfringe discrepancy subsection K;
 - [3] Data listed in subsection M where the applicant has not submitted this information to the zoning administrator; and

- [4] Other data submitted with the application, or submitted to the Board with the appeal.
- (b) For appeals of all denied permits the Board shall:
 - [1] Follow the procedures of subsection R;
 - [2] Consider the recommendations of the zoning administrator, or his/her designee or other appropriate Village officials or bodies, depending upon the nature of the permit; and
 - [3] Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation the Board shall:
 - [1] Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of section I and T; and
 - [2] Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

S. Floodproofing for Non-Conforming Structures.

- (1) No conditional use permit or variance shall be granted or issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan or document certified by a Wisconsin licensed and registered professional engineer or architect that any required floodproofing measures are adequately designed to protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan that is certified by a Wisconsin licensed and registered professional engineer or architect that the design meets or exceeds the following standards:
 - (a) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) the bottom of all openings shall be no higher than one foot above grade; and
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
 - (a) Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the regional flood.
 - (b) Assure protection to the flood protection elevation.
 - (c) Provide anchorage of structures to foundations to resist flotation and lateral movement.
 - (d) Ensure that the structural walls and floors are watertight to the flood protection elevation and the interior remains completely dry during flooding, without human intervention.

- (e) Minimize or eliminate infiltration of flood waters.
- (4) Floodproofing measures may include, without limitation, the following:
 - (a) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - (b) Addition of mass or weight to structures to prevent flotation.
 - (c) Placement of essential utilities above the flood protection elevation.
 - (d) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures.
 - (e) Construction of water supply wells and waste treatment systems to prevent the entrance of floodwaters into the systems.
 - (f) Cutoff valves on sewer mains or elimination of gravity flow basement drains.
- (5) Dry land Access. All residential or commercial uses or any habitable structure shall provide dry land access from the public road to said structure.

T. Removal of lands from floodplain; amendments. Compliance with the provisions of this section shall not be grounds for removing lands from the floodplain, unless they are removed by filling to a height of at least two feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain, the official floodplain map is amended, and FEMA revises the Flood Insurance Rate Map or issues a letter of map amendment or revision.

- (1) Official floodplain map amendments are required for any changes in the official regional flood water surface profiles or the delineation of the floodplain or floodway. Examples of actions requiring floodplain map amendments are listed below:
 - (a) Any change to the boundary of the floodplain and/or watercourse alterations on the FIRM;
 - (b) Correction of discrepancies between the water surface profiles of the regional flood and the official floodplain maps;
 - (c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - (d) Any fill, deposition of materials, storage of materials or encroachment into the floodplain that will obstruct flow or causing any increase in the regional flood height;
 - (e) Any upgrading of this section; or
 - (f) Any correction to an existing mapped floodplain.
 - (g) All channel relocations and changes to the official floodplain maps to alter floodway lines or to remove an area from the floodplain that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
- (2) Criteria for amending the floodplain boundary: The Village shall not permit amendments to the floodplain boundary that are inconsistent with the purposes of this section or in conflict with the applicable rules of the DNR and FEMA. In addition:
 - (a) Amendments to the floodplain boundaries shall not be permitted where the change will increase the regional flood stage elevation unless the applicant has made appropriate legal arrangements with the Village, any other affected governmental units, and any other property owners affected by the flood stage increase.

- (b) The floodplain boundary shall not be amended without first:
 - [1] Providing the Village with updated engineering data and computations necessary to correctly determine the floodplain boundary and submitting detailed engineering plans for redelineating the floodplain boundary;
 - [2] Amending this section;
 - [3] Obtaining approval from the DNR; and
 - [4] Obtaining approval from FEMA in the form of a letter of map change approved by FEMA.
 - (c) Petitions for the floodplain amendments shall provide adjusted water surface profiles and adjusted floodplain limits to reflect the increased flood elevations.
 - (d) Any area removed from the floodplain shall be contiguous to land lying outside the floodplain.
 - (e) 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 newly determined 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.
 - (f) 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.
 - (g) Amendments to the boundaries of the floodplain or the unnumbered A Zones shall not be permitted unless the petitioner provides the Village with all necessary data and computations to justify and determine the effects of the proposed amendment. The Village may require the applicant to submit any or all of the information that is required pursuant to Subsection M above in connection with applications for a conditional use permit. The effects of any change in the floodplain boundary shall not increase the regional flood elevation unless appropriate legal arrangements have been made to protect the rights of the Village and all affected governmental entities and landowners. If the affected area of the floodplain or the unnumbered A Zone is less than five acres in area and the cost of the proposed development is less than \$125,000, the DNR may assist the petitioner in determining the required flood elevations.
 - (h) No river or stream or watercourse shall be altered or relocated until a floodplain map amendment has been conditionally approved, and in no case shall the flood-carrying capacity within the altered or relocated portion of the watercourse be less.
- (3) Procedures. Amendments to this section, including text amendments, floodplain map amendments relating to the boundary of the floodplain or floodway, or amendments to the regional flood profiles, may be made upon petition of any interested party in accordance with the provisions of § 420-13 of this chapter. Additionally, the following requirements shall apply, and in the event of any conflict between the provisions of this Subsection T and § 420-13, the requirements of this subsection shall be controlling:

- (a) Any amendment proposed shall be submitted to the Village with the completed application, all required information and materials and the required fee.
- (b) Upon receipt of a completed application, the Village will set a date for the public hearing a minimum of 30 days from the date such completed application was received. Copies of the proposed amendment and notice of the public hearing shall be submitted to the DNR for review prior to the hearing and a Class 2 notice shall be published.
- (c) The Village Plan Commission shall hold a public hearing and make a recommendation to the Village Board.
- (d) Upon receiving Village Board approval for the floodplain boundary amendment, DNR approval, a FEMA conditional approval (if applicable), and an erosion control permit, the petitioner may proceed with any cut and fill project.
- (e) Upon completion of the work, an as-built grading plan and supporting documentation certified and stamped by a Wisconsin registered and licensed profession engineer shall be submitted to the Village to verify compliance will all approvals.
- (f) In the case of floodplain boundary corrections based on actual field surveys, a certified plat of survey or site plan providing detailed data which precisely delineates the actual floodplain limits compared to the existing floodplain lines as identified on the corresponding official floodplain overlay maps shall be provided.
- (g) No amendment to the maps or text of this section shall become effective until reviewed and approved by state and federal agencies as required by law.
- (h) All persons petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and provide copies of said legal arrangements before the amendment can be approved by the Village.

- U. Watercourse alterations. Prior to any alteration or relocation of a watercourse, and prior to the issuance of any zoning, building, land disturbance or other Village permit or approval which may be required for the alteration or relocation of a watercourse, the Village Zoning Administrator shall notify in writing any adjacent municipality, the appropriate district office of the DNR and the appropriate office of FEMA within six months and shall require the applicant to obtain all necessary state and federal permits and approvals. Without respect to any other restrictions that may be imposed, the flood-carrying capacity within the altered or relocated portion of any watercourse shall be maintained and standards specified in subsection J above is required.
- V. Development or development-related activity requiring a DNR permit. Any development or development-related activity which requires a permit from the DNR under Ch. 30 or 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams, navigational aids or channel improvements, may be allowed, provided that such DNR permits and all necessary local permits or approvals are obtained and that all necessary amendments to this section, including amendments of the official floodplain map, the boundaries of the floodplain and floodway, and the water surface elevations of the regional flood, as applicable, are made in accordance with Subsection T above.
- W. Compliance. Any land use development or development-related activity within the areas regulated by this section shall be in full compliance with the terms of this section and all

other applicable local, state, and federal statutes, ordinances, regulations and permits. Unless specifically exempted by law, the Village is required to comply with this section and obtain all necessary permits. State agencies are required to comply if s. 13.38 (13), WI Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, WI Stats., applies.

X. Abrogation and greater restrictions.

- (1) This section supersedes all of the provisions of any municipal zoning ordinance relating to the floodplain areas or enacted under § 61.35 or §87.30 of the WI Stats., which relate to floodplains, except that where any other such municipal zoning provision is more restrictive than the provisions contained in this section, such other provision shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this section imposes greater restrictions, the provisions of this section shall prevail.

Y. Interpretation. In their interpretation and application, the provisions of this section shall be held to be minimum requirements liberally construed in favor of the governing body and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this section is required by a standard in Ch. NR 116, Wis. Adm. Code, and where the provision in this section is unclear, the provision shall be interpreted in light of the Ch. NR 116 standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.

Z. Warning and disclaimer of liability. The degree of flood protection provided by this section is considered reasonable for regulatory purposes and is based on engineering experience and methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. Therefore, this section does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages, nor does this section create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this section.

AA. Enforcement and penalties. Any violation of the provisions of this section by any person shall be unlawful and shall be referred to the Village Attorney for expeditious prosecution of all such violations. A violator shall, upon conviction, forfeit to the Village a penalty of not less than \$5 and not more than \$50, together with the current cost and processing fees of such action. Each day of continued violation shall constitute a separate offense. Every violation of this section is a public nuisance, and the creation of such nuisance may be enjoined and its maintenance may be abated by action or suit of the Village, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

BB. Severability. Should any portion of this section be declared unconstitutional or invalid by a court or competent jurisdiction, the remainder of this section shall not be affected.

CC. Definitions. For purposes of this section, words and phrases defined in this Subsection CC shall have the meaning stated below. Words and phrases not defined below in this subsection shall have the common, ordinary meaning which results in the most reasonable interpretation and application of this section in light of the stated purposes of this section. Words used in the present tense include the future, and vice versa. Words indicating the singular number include the plural, and vice versa. The word "may" is permissive; the word "shall" is mandatory and not discretionary.

ACCESSORY STRUCTURE or ACCESSORY USE: A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

A ZONES: Those areas shown on the official floodplain maps which would be inundated by the regional flood, as defined below. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a particular area.

AH ZONE: See "AREA OF SHALLOW FLOODING"

AO ZONE: See "AREA OF SHALLOW FLOODING"

ALTERATION: An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

AREA OF SHALLOW FLOODING: A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a Flood Insurance Study (FIS) and depicted on a FIRM.

BASEMENT: Any enclosed area of a building having its floor below ground level on at least three sides.

BUILDING: A roofed and walled structure.

BULKHEAD LINE: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

CAMPGROUND: Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT: Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent or other mobile recreational vehicle. that is fully licensed, if required, and ready for highway use.

CERTIFICATE OF COMPLIANCE: A certification issued by the Village Zoning Administrator stating that the use of land, or the construction, installation, placement or relocation of a building, structure, facility or site improvement, or the making of an addition or a substantial improvement to a building, structure, facility or site improvement, or the extent and elevation of fill, or the lowest floor of a structure, or any other development activity or improvement regulated by this section, is in compliance with all of the provisions thereof and the provisions of any authorizing conditional use permit.

CHANNEL: A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

CRAWLWAY OR CRAWL SPACE: An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

COMMERCIAL USE: A use involving commerce or manufacturing, without regard to the type of zoning district in which the use is located including but not limited to commercial, industrial, institutional, governmental or park and recreational uses.

DEVELOPMENT or DEVELOPMENT-RELATED ACTIVITY: Any man-made or non-natural change to improved or unimproved real estate, including but not limited to the construction, installation, placement or relocation of buildings, structures, facilities or site improvements; the construction or installation of additions or substantial improvements to buildings, structures, facilities or site improvements; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials; the repair of any damaged structure; or the construction or installation of public or private streets or roads or public or private facilities for sewage treatment or disposal, water supply or stormwater drainage or control. The phrase "development-related activity" specifically includes any land division (and any neighborhood sketch plan, conceptual plan, preliminary plat, final plat, certified survey map or development agreement leading up to, constituting or relating to a proposed land division) which contemplates or may influence development or other development-related activities.

DNR: The Wisconsin Department of Natural Resources or any successor state agency having authority with respect to matters relating to floodplains.

DRY LAND ACCESS: A vehicular access route, the elevation of which is above the one-hundred-year flood elevation, which is wide enough for wheeled rescue and relief vehicles and which connects land located in the floodplain to land outside the floodplain.

ENCROACHMENT: Any fill, structure, building, land use or other development improvement or activity in the floodway.

FEMA: The Federal Emergency Management Agency or any successor federal agency that administers the National Flood Insurance Program.

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas caused by:

- (1) The overflow or rise of inland waters;
- (2) The rapid accumulation or runoff of surface waters from any source;
- (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan; and/or
- (4) The sudden increase in surface water elevation caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOOD FREQUENCY: The probability of a flood occurrence which is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

FLOOD-FRINGE: That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and generally associated with standing water rather than flowing water.

FLOOD INSURANCE RATE MAP (FIRM): A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD INSURANCE STUDY (FIS): A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOODPLAIN: That land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood-fringe and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND: A natural geologic land formation that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT: Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOODPLAIN OVERLAY DISTRICT (FPO): The zoning designation that includes both the floodway and flood-fringe areas that are regulated by this section.

FLOOD PROFILE: A graph or a longitudinal profile line showing the relationship at particular locations along a watercourse of the water surface elevations of a flood event to surface elevations of the land.

FLOODPROOFING: Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding for the purpose of reducing or eliminating flood damage.

FLOOD PROTECTION ELEVATION: An elevation two feet above the regional flood elevation.

FLOOD STORAGE: Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

FLOODWAY: The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FREEBOARD: A flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development, and sedimentation of the river or stream bed.

HABITABLE BUILDING: Any building or portion thereof used or designed for human habitation.

HIGH FLOOD DAMAGE POTENTIAL: The land use or development so described carries with it a significant risk of danger to life or health or of substantial economic loss to a structure or building and its contents.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state

program, as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT: A calculated upward rise in the regional flood elevation, greater than 0.00 foot, resulting from a comparison of existing conditions and proposed conditions which are directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables, such as roughness factors, expansion and contraction coefficients and discharge.

LAND DIVISION: Any division or conveyance of land or of an interest in land that results in the creation of one or more additional lots or parcels, including, without limitation, any subdivision, large lot subdivision or minor land division (all as defined in § 395-101 of Chapter 395, Land Division and Development Control, of the Village Code) or the creation of any condominium other than a conversion condominium or a condominium involving a maximum of one principal building per lot or parcel. A land division can be legally created or accomplished only by means of a preliminary and final plat approved by the Village Board, or a certified survey map approved by the Village Board, or, in the case of a condominium, by means of condominium instruments approved by the Village Board.

LAND USE: Any use made of unimproved or improved real estate.

LOWEST ADJACENT GRADE: Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MAINTENANCE: The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

MANUFACTURED HOME: A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. § 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and fitted with wheels, is intended to be hauled to a site and is registered and titled with the Wisconsin Department of Transportation.

MODEL, CORRECTED EFFECTIVE: A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

MODEL, DUPLICATE EFFECTIVE: A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

MOBILE HOME: A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

MODEL, EFFECTIVE: The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

MODEL, EXISTING (PRE-PROJECT): A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

MODEL, REVISED (POST-PROJECT): A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

NAVD88 or NORTH AMERICAN VERTICAL DATUM 1988: Elevations referenced to mean sea level datum, 1988 adjustment. The data conversion factor from NGVD29 to NAVD88 in Kenosha County is -0.3 feet (0.0 feet NGVD29 = -0.3 feet NAVD88)

NGVD29 or NATIONAL GEODETIC VERTICAL DATUM 1929: Elevations referenced to mean sea level datum, 1929 adjustment, to which elevations are referenced. The data conversion factor from NGVD29 to NAVD88 in Kenosha County is -0.3 feet (0.0 feet NGVD29 = -0.3 feet NAVD88)

NEW CONSTRUCTION: For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NONCONFORMING STRUCTURE: An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this section for the area of the floodplain which it occupies.

NONCONFORMING USE: An existing lawful use of unimproved or improved real estate which is not in conformity with the provisions of this section for the area of the floodplain which it occupies.

OBSTRUCTION TO FLOW: Any development which physically blocks the conveyance of floodwaters such that this development, by itself or in conjunction with any future development, will cause an increase in regional flood height.

OPEN SPACE USE: Those land uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGH-WATER MARK: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PERSON: An individual or group of individuals, corporation, partnership, association, municipality, state agency or any other legal entity.

PRIVATE SEWAGE SYSTEM: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Wisconsin Department of Commerce (or any successor state agency), including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

PUBLIC UTILITIES: Those utilities using underground or overhead transmission lines, such as electric, telephone and telegraph, or using distribution and collection systems, such as water, sanitary sewer and storm sewer.

REASONABLY SAFE FROM FLOODING: The base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD: The one-hundred-year recurrence interval flood on the particular stream, river or lake in question.

START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lake bed, including but not limited to roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

UNNECESSARY HARDSHIP: Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this section.

VARIANCE: An authorization by the Village Zoning Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in this section.

VILLAGE: The Village of Pleasant Prairie, Kenosha County, Wisconsin.

VIOLATION: The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATERSHED: The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

WATER SURFACE PROFILE: A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WELL: An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Adopted this 4th day of June, 2012.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

John P. Steinbrink
Village President

Jane M. Romanowski
Village Clerk

Posted: _____

19- FPO Amendments--Clean version.docx



Federal Emergency Management Agency

Washington, D.C. 20472

RECEIVED

DEC 27 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

PLEASANT PRAIRIE

December 19, 2011

John Steinbrink
Village President
Village of Pleasant Prairie
Village Hall
9915 39th Avenue
Pleasant Prairie, Wisconsin 53158

Community: Village of Pleasant Prairie,
Kenosha County, Wisconsin
Community No.: 550613
Map Panels Affected: See Attached List

Dear Mr. Steinbrink:

This is to formally notify you of the final flood elevation determination for the Village of Pleasant Prairie, Kenosha County, Wisconsin, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

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), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On July 31, 2007, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for your community were published in *The Kenosha News* on or about November 19, 2008, and November 26, 2008, and in the *Federal Register*, at Part 67, Volume 73, Pages 2865 thru 2868, on January 16, 2008.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on June 19, 2012. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS report establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to June 19, 2012, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report and FIRM to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

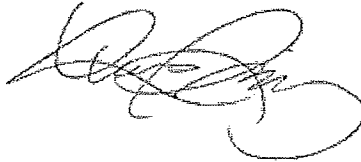
The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Kenosha County, Wisconsin, has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community.

We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA, Region V, in Chicago, Illinois, at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structure*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our (FMIX).

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions
List of panel numbers

cc: Community Map Repository
Michael R. Spence, P.E., LEED AP, Village Engineer, Village of Pleasant Prairie

Community: Village of Pleasant Prairie,
Kenosha County, Wisconsin
Community No.: 550613

Map Panels Affected: 55059C0179D, 55059C0183D, 55059C0184D, 55059C0187D,
55059C0188D, 55059C0189C, 55059C0191D, 55059C0192D, 55059C0193D, 55059C0194D,
55059C0211D, 55059C0212D, 55059C0213D, 55059C0214D, 55059C0216D, 55059C0218D,
55059C0306D, 55059C0307D, 55059C0326D, 55059C0327D, 55059C0331D

FINAL SUMMARY OF MAP ACTIONS

Community: PLEASANT PRAIRIE, VILLAGE OF

Community No: 550613

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on June 19, 2012.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR	00-05-251P	01/16/2001	UNNAMED TRIB.-TREE ESTATES SUBD.(FOLLOW-UP TO LOMA 00-05-2416A)	5506130005B	55059C0326D

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	97-05-5324A	10/03/1997	OAK HI UNIT A - LOT 20 - 11108 86TH STREET	5506130010B	55059C0187D
LOMA	99-05-1700A	04/14/1999	OAK HI, UNIT A - LOT 19 - 11120 86TH STREET	5506130010B	55059C0187D
LOMA	00-05-2416A	05/16/2000	6771 125TH STREET	5506130005B	55059C0326D
LOMA	00-05-4208A	07/20/2000	9009 RIVER ROAD	5506130010B	55059C0187D
LOMA	03-05-0652A	11/22/2002	CAROL BEACH ESTATES, UNIT NO. 2, BLK 22, LOT 11; 324 110TH STREET	5506130005B	55059C0214D
LOMA	03-05-3299A	05/30/2003	CAROL BEACH ESTATES UNIT NO. 2, BLOCK 22, LOT 12; 318 110TH STREET	5506130005B	55059C0214D
LOMA	03-05-5614A	10/24/2003	CAROL BEACH ESTATES, BLOCK 7, LOT 35; 11051 8TH AVENUE	5506130005B	55059C0214D
LOMA	04-05-1667A	01/21/2004	CAROL BEACH ESTATES, UNIT 4, BLOCK 33, LOT 17; 9993 LAKESHORE DRIVE	5506130005B	55059C0214D

FINAL SUMMARY OF MAP ACTIONS

Community: PLEASANT PRAIRIE, VILLAGE OF

Community No: 550613

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	03-05-5503A	02/27/2004	OAK HI - UNIT A, LOT 21; 8619 111TH AVENUE	5506130010B	55059C0187D
LOMA	04-05-1699A	04/02/2004	CHIWAUKEE SUBDIVISION, LOT 61; 12699 1ST COURT	5506130005B	55059C0331D
LOMA	04-05-3022A	06/18/2004	OAK-HI, UNIT A, LOT 48; 11269 84TH STREET	5506130010B	55059C0187D
LOMR-F	04-05-3917A	10/22/2004	LAKEVIEW CORPORATE PARK	5506130010B	55059C0193D
LOMA	05-05-0727A	01/14/2005	CHIWAUKEE SUBDIV, LOT 39 -- 12535 LAKESHORE DRIVE	5506130005B	55059C0331D
LOMA	05-05-1580A	04/01/2005	OAK-HI UNIT A, LOT 76 -- 8608 111TH AVENUE	5506130010B	55059C0187D
LOMA	05-05-1247A	04/01/2005	OAK HI, UNIT A, LOT 45 -- 11245 84TH STREET	5506130010B	55059C0187D
LOMR-F	06-05-BH85A	07/25/2006	B700 BLOCK OF OLD GREEN BAY ROAD -- PORTION OF SECTION 15, T1N, R22E (WI)	5506130010B	55059C0192D
LOMA	08-05-1621A	01/31/2008	CAROL BEACH ESTATES UNIT NO. 2, BLOCK 13, LOT 7 -- 11415 LAKESHORE DRIVE	5506130005B	55059C0218D
LOMA	08-05-3857A	06/30/2008	OAK HI UNIT A, LOT 52 -- 8421 113TH AVENUE	5506130010B	55059C0187D
LOMA	08-05-5399A	11/06/2008	OAK HI UNIT A, LOT 16 -- 11218 86TH STREET	5506130010B	55059C0187D
LOMA	10-05-4354A	07/20/2010	LOT 22, OAK-HI UNIT A -- 8633 111TH AVENUE	5506130010B	55059C0187D
LOMA	10-05-5615A	08/17/2010	PARCEL 1, CERTIFIED SURVEY MAP NO. 2001 -- 12219 1ST COURT	5506130005B	55059C0331D
LOMA	11-05-2347A	02/22/2011	LOT 33, TOBIN CREEK SUBDIVISION NORTH -- 1323 110TH STREET	5506130005B	55059C0214D
LOMA	11-05-5919A	08/18/2011	9926 122ND STREET	5506130010B	55059C0193D

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

FINAL SUMMARY OF MAP ACTIONS

Community: PLEASANT PRAIRIE, VILLAGE OF

Community No: 550613

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

Consider the request of Louis Tricoli, Developer and Owner for another **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.

Recommendation:

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.

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.

**VILLAGE OF PLEASANT PRAIRIE
RESOLUTION #12-16
A RESOLUTION APPROVING THE EXECUTION OF AN
OFFER FOR TERMINATION AND DEOBLIGATION OF GRANT
AGREEMENT FOR CONVENIENCE WITH THE
ECONOMIC DEVELOPMENT ADMINISTRATION**

WHEREAS, on September 20, 2010 the U.S. Economic Development Administration ("EDA") awarded a Financial Assistance Award (#06-46-05622) to the Village of Pleasant Prairie ("Village"), Wisconsin in the amount of \$3,500,000 to construct the Southeast Wisconsin Innovation Center ("SWIC"). The SWIC was to consist of the development of a 40,352 square foot, 3-story business incubator with proposed office, lab, and flexible research and development space, as well as administrative and support resource space. The primary function of the SWIC was to accommodate start-up and early stage technology firms concentrating in the life science, bio-technology and bio-medical industries; and

WHEREAS, the Village and EDA have agreed that it is in the best interest of both parties to terminate the grant for convenience; and

WHEREAS, the EDA will investigate the possibility of reimbursing any eligible expenses incurred through May 21, 2012, such as, but not limited to, property appraisal costs; and

WHEREAS, after the payment of any eligible reimbursements, the EDA will then deobligate the unused portion of the \$3,500,000 Financial Assistance Award.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE, WISCONSIN that the Village agrees to execute an *Offer for Termination and Deobligation of Grant Agreement for Convenience* for said Financial Assistance Award (#06-46-05622), and to the deobligation of any unused grant funds.

Approved and passed this 4th day of June, 2012 by "yea" and "nay" vote with the Village Board members voting as follows:

		<u>Yea</u>	<u>Nay</u>
John P. Steinbrink	Village President	___	___
Monica M. Yuhas	Trustee #1	___	___
Steve Kumorkiewicz	Trustee #2	___	___
Clyde R. Allen	Trustee #3	___	___
Michael J. Serpe	Trustee #4	___	___

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink
Village President

ATTEST:

Jane M. Romanowski
Village Clerk



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:	<u>\$24,280</u>
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.

BID TABULATION

Project Name: 2012 Paving Projects

Owner: Village of Pleasant Prairie

County: Kenosha

Bid Date: May 24, 2012, 2:00 P.M.

CONTRACTOR				Black Diamond Group, Inc., 6925 S. 6th St., Suite 100, Oak Creek, WI 53154		Payne and Dolan, Inc., 1700 120th Ave., Kenosha, WI 53144		Stark Asphalt A Division of Northwest Asphalt Products, Inc. 11710 West Hampton Avenue Milwaukee, WI 53225	
BID SECURITY				5% BB (included)		5% BB (included)		5%BB (included)	
ADDENDUM NO. 1				included		included		included	
No.	Item	Unit	Quantity	Price	Total	Price	Total	Price	Total
WORK SECTION 1: 116TH STREET									
1	Pulverize and relay asphaltic pavement and base course (7,000 SY est. qty.), as specified, at a lump sum price of:	LS	1	\$11,900.00	\$11,900.00	\$7,924.55	\$7,924.55	\$8,940.00	\$8,940.00
2	Preparation of foundation for road widening, as specified, at a lump sum price of:	LS	1	\$630.00	\$630.00	\$0.01	\$0.01	\$7,500.00	\$7,500.00
3	Mill asphaltic pavement (approximately 1,300 ln.ft., 2" thick for road shaping,) and dispose as salvaged asphaltic pavement base to Prairie Farms Trail, as specified, at a lump sum price of:	LS	1	\$3,650.00	\$3,650.00	\$5,056.74	\$5,056.74	\$6,100.00	\$6,100.00
4	Excavation below subgrade (estimated quantity), as specified, at a unit price of:	CY	400	\$15.00	\$6,000.00	\$21.03	\$8,412.00	\$19.25	\$7,700.00
5	Granular material for excavation below subgrade (estimated quantity), furnished and placed as specified, at a unit price of:	TON	800	\$11.40	\$9,120.00	\$16.54	\$13,232.00	\$13.50	\$10,800.00
6	Base aggregate dense, 3/4-inch, furnished and placed as specified, at a unit price of:	TON	750	\$23.50	\$17,625.00	\$19.19	\$14,392.50	\$20.20	\$15,150.00
7	Base aggregate dense, 1-1/4- inch, furnished and placed as specified, at a unit price of:	TON	250	\$14.00	\$3,500.00	\$14.92	\$3,730.00	\$15.50	\$3,875.00
8	Manhole adjustments, as specified, at a unit price of:	EACH	7	\$350.00	\$2,450.00	\$735.00	\$5,145.00	\$450.00	\$3,150.00

CONTRACTOR				Black Diamond Group, Inc., 6925 S. 6th St., Suite 100, Oak Creek, WI 53154		Payne and Dolan, Inc., 1700 120th Ave., Kenosha, WI 53144		Stark Asphalt A Division of Norhwest Asphalt Products, Inc. 11710 West Hampton Avenue Milwaukee, WI 53225	
BID SECURITY				5% BB (included)		5% BB (included)		5%BB (included)	
ADDENDUM NO. 1				included		included		included	
No.	Item	Unit	Quantity	Price	Total	Price	Total	Price	Total
9	manhole adjustments / reconstruction, as specified , at a unit price of:	Each	3	\$1,000.00	\$3,000.00	\$1,150.00	\$3,450.00	\$970.00	\$2,910.00
10	Water valve adjustments, as specified, at a unit price of:	EACH	4	\$125.00	\$500.00	\$140.00	\$560.00	\$125.00	\$500.00
11	Asphaltic Concrete Pavement, Type E-3.0, lower layer, furnished and placed as specified, at a unit price of:	TON	1750	\$48.00	\$84,000.00	\$52.22	\$91,385.00	\$53.50	\$93,625.00
12	Asphaltic Concrete Pavement, Type E-3.0,upper layer, furnished and placed as specified, at a unit price of:	TON	1350	\$58.00	\$78,300.00	\$58.16	\$78,516.00	\$56.50	\$76,275.00
13	Asphaltic Concrete Pavement, 1-inch ultrathin overlay, furnished and placed as specified, at a unit price of:	TON	340	\$77.00	\$26,180.00	\$73.33	\$24,932.20	\$66.25	\$22,525.00
14	Asphaltic pavement removal (driveways), as specified, at a unit price of:	SY	230	\$4.10	\$943.00	\$0.84	\$193.20	\$9.20	\$2,116.00
15	Asphalt pavement removal (asphalt patching in mill /overlay section), as specified, at a unit price of:	SY	300	\$8.40	\$2,520.00	\$5.20	\$1,560.00	\$9.20	\$2,760.00
16	Asphaltic concrete pavement patching, lower layer, (asphalt patching in mill/overlay section), as specified, at a unit price of:	TON	110	\$60.00	\$6,600.00	\$71.67	\$7,883.70	\$86.35	\$9,498.50
17	4-inch white epoxy lane markings, furnished and placed as specified, at a unit price of:	LN.FT.	8,160	\$0.38	\$3,100.80	\$0.38	\$3,100.80	\$0.38	\$3,100.80
18	4-inch yellow epoxy lane marking, furnished and placed as specified, at a unit price of:	LN.FT.	8560	\$0.38	\$3,252.80	\$0.38	\$3,252.80	\$0.38	\$3,252.80
Subtotal - Section 1 - Items 1 thru 18, inclusive				\$263,271.60		\$272,726.50		\$279,778.10	
WORK SECTION 2: 102ND STREET									

CONTRACTOR				Black Diamond Group, Inc., 6925 S. 6th St., Suite 100, Oak Creek, WI 53154		Payne and Dolan, Inc., 1700 120th Ave., Kenosha, WI 53144		Stark Asphalt A Division of Norhwest Asphalt Products, Inc. 11710 West Hampton Avenue Milwaukee, WI 53225	
BID SECURITY				5% BB (included)		5% BB (included)		5%BB (included)	
ADDENDUM NO. 1				included		included		included	
No.	Item	Unit	Quantity	Price	Total	Price	Total	Price	Total
19	Mill asphaltic pavement (1.5-inch thick; 3960 sq.yd est. qty.) and dispose as salvaged asphaltic pavement base to Prairie Farms Trail, as specified, at a lump sum price of:	LS	1	\$5,450.00	\$5,450.00	\$6,110.14	\$6,110.14	\$4,750.00	\$4,750.00
20	Mill or remove asphaltic pavement (3.0-inch thick; 350 sq.yd est. qty.), as specified, at a lump sum price of:	LS	1	\$2,100.00	\$2,100.00	\$992.65	\$992.65	\$3,150.00	\$3,150.00
21	Preparation of foundation for 5-inch asphalt at entrance (350 350 sy est. qty.), as specified, at a lump sum price of:	LS	1	\$1,500.00	\$1,500.00	\$199.62	\$199.62	\$4,250.00	\$4,250.00
22	Asphaltic Concrete Pavement, Type E-1, 1.5-inch upper layer, furnished and placed as specified, at a unit price of:	TON	430	\$66.50	\$28,595.00	\$58.17	\$25,013.10	\$60.50	\$26,015.00
23	Asphaltic Concrete Pavement, Type E-1, lower layer, furnished and placed as specified, at a unit price of:	TON	70	\$67.00	\$4,690.00	\$64.13	\$4,489.10	\$82.00	\$5,740.00
24	Spot concrete curb and gutter removal and replacment (estimated quantity), as specified, at a unit price of:	LN.FT.	135	\$29.50	\$3,982.50	\$37.33	\$5,039.55	\$33.50	\$4,522.50
25	High Early Strenght Concrete Pavment (8-inch thickness) repair (estimated quantity), as specified, at a unit price of:	SY	200	\$50.50	\$10,100.00	\$44.00	\$8,800.00	\$54.50	\$10,900.00
26	Manhole adjustments, as specified, at a unit price of:	EACH	1	\$500.00	\$500.00	\$735.00	\$735.00	\$550.00	\$550.00
27	Water valve box adjustments, as specified, at a unit price of:	EACH	3	\$125.00	\$375.00	\$140.00	\$420.00	\$125.00	\$375.00
28	Excavation below subgrade (estimated quantity), as specified, at a unit price of:	CY	10	\$25.00	\$250.00	\$37.89	\$378.90	\$50.00	\$500.00

CONTRACTOR				Black Diamond Group, Inc., 6925 S. 6th St., Suite 100, Oak Creek, WI 53154		Payne and Dolan, Inc., 1700 120th Ave., Kenosha, WI 53144		Stark Asphalt A Division of Norhwest Asphalt Products, Inc. 11710 West Hampton Avenue Milwaukee, WI 53225	
BID SECURITY				5% BB (included)		5% BB (included)		5%BB (included)	
ADDENDUM NO. 1				included		included		included	
No.	Item	Unit	Quantity	Price	Total	Price	Total	Price	Total
29	Granular material for excavation below subgrade (estimated quantity), furnished and placed as specified, at a unit price of:	TON	20	\$20.00	\$400.00	\$23.78	\$475.60	\$30.00	\$600.00
Subtotal - Section 2 - Items 19 thru 29, inclusive				\$57,942.50		\$52,653.66		\$61,352.50	
WORK SECTION 3: 100TH STREET									
30	Mill asphaltic pavement (1.5-inch thick; 11,150 sq.yd est. qty.) and dispose as salvaged asphaltic pavement base to Prairie Farms Trail, as specified, at a lump sum price of:	LS	1	\$12,000.00	\$12,000.00	\$10,856.20	\$10,856.20	\$11,100.00	\$11,100.00
31	Remove asphaltic pavement (5.5-inch thick; 425 sq.yd est. qty.), as specified, at a lump sum price of:	LS	1	\$3,500.00	\$3,500.00	\$1,181.21	\$1,181.21	\$5,300.00	\$5,300.00
32	Asphaltic Concrete Pavement, Type E-1, upper layer, furnished and placed as specified, at a unit price of:	Ton	1150	\$59.00	\$67,850.00	\$56.72	\$65,228.00	\$60.25	\$69,287.50
33	Asphaltic Concrete Pavement, Type E-1, lower layer, furnished and placed as specified, at a unit price of:	Ton	80	\$64.00	\$5,120.00	\$64.13	\$5,130.40	\$87.50	\$7,000.00
34	Spot concrete curb and gutter removal and replacment (estimated quantity), as specified, at a unit price of:	LN.FT.	875	\$29.50	\$25,812.50	\$37.34	\$32,672.50	\$28.25	\$24,718.75
35	High Early Strenght Concrete Pavment (8-inch thickness) repair (estimated quantity), as specified, at a unit price of:	SY	300	\$50.50	\$15,150.00	\$44.00	\$13,200.00	\$52.50	\$15,750.00
36	Excavation below subgrade (estimated quantity), as specified, at a unit price of:	SY	20	\$25.00	\$500.00	\$37.89	\$757.80	\$50.00	\$1,000.00

CONTRACTOR				Black Diamond Group, Inc., 6925 S. 6th St., Suite 100, Oak Creek, WI 53154		Payne and Dolan, Inc., 1700 120th Ave., Kenosha, WI 53144		Stark Asphalt A Division of Norhwest Asphalt Products, Inc. 11710 West Hampton Avenue Milwaukee, WI 53225	
BID SECURITY				5% BB (included)		5% BB (included)		5%BB (included)	
ADDENDUM NO. 1				included		included		included	
No.	Item	Unit	Quantity	Price	Total	Price	Total	Price	Total
37	Granular material for excavation below subgrade (estimated quantity), furnished and placed as specified, at a unit price of:	TON	40	\$20.00	\$800.00	\$23.78	\$951.20	\$30.00	\$1,200.00
Subtotal - Section 3 - Items 30 thru 37, inclusive				\$130,732.50		\$129,977.31		\$135,356.25	
Section 4: 85TH STREET MICROSURFACE									
38	Micro-surfacing, furnished and placed as specified, at a unit price of:	SY	19,200	\$1.95	\$37,440.00	\$1.92	\$36,864.00	\$1.94	\$37,248.00
39	4-inch yellow epoxy lane marking, furnished and placed as specified, at a unit price of:	LF	7860	\$0.31	\$2,436.60	\$0.31	\$2,436.60	\$0.31	\$2,436.60
40	4-inch white epoxy lane markings, furnished and placed as specified, at a unit price of:	LF	6,910	\$0.30	\$2,073.00	\$0.31	\$2,142.10	\$0.31	\$2,142.10
41	6-inch white epoxy lane markings, furnished and placed as specified, at a unit price of:	LF	6,700	\$0.46	\$3,082.00	\$0.46	\$3,082.00	\$0.46	\$3,082.00
42	4-inch white epoxy dashed bike lane markings, furnished and placed as specified, at a unit price of:	LF	100	\$0.31	\$31.00	\$0.31	\$31.00	\$0.31	\$31.00
43	6-inch white epoxy dashed bike lane markings, furnished and placed as specified, at a unit price of:	LF	100	\$0.46	\$46.00	\$0.46	\$46.00	\$0.46	\$46.00
44	8-inch white epoxy channelization line pavement marking, furnished and placed as specified, at a unit price of:	LF	150	\$0.62	\$93.00	\$0.62	\$93.00	\$0.62	\$93.00
45	18-inch white epoxy stop line marking, furnished and placed as specified, at a unit price of:	LF	48	\$6.80	\$326.40	\$6.80	\$326.40	\$6.80	\$326.40
46	8-inch yellow epoxy diagnol pavement marking, furnished and placed as specified, at a unit price of:	LF	100	\$4.80	\$480.00	\$4.80	\$480.00	\$4.80	\$480.00

CONTRACTOR				Black Diamond Group, Inc., 6925 S. 6th St., Suite 100, Oak Creek, WI 53154		Payne and Dolan, Inc., 1700 120th Ave., Kenosha, WI 53144		Stark Asphalt A Division of Norhwest Asphalt Products, Inc. 11710 West Hampton Avenue Milwaukee, WI 53225	
BID SECURITY				5% BB (included)		5% BB (included)		5%BB (included)	
ADDENDUM NO. 1				included		included		included	
No.	Item	Unit	Quantity	Price	Total	Price	Total	Price	Total
47	Arrow type 2 white epoxy pavement marking, furnished and placed, as specified, at a unit price of:	EACH	2	\$155.00	\$310.00	\$155.00	\$310.00	\$155.00	\$310.00
48	Words "BIKE LANE" , furnished and placed, as specified, at a unit price of:	EACH	11	\$100.00	\$1,100.00	\$100.00	\$1,100.00	\$100.00	\$1,100.00
49	Bike lane arrow pavement marking, furnished and placed, as specified, at a unit price of:	EACH	11	\$100.00	\$1,100.00	\$100.00	\$1,100.00	\$100.00	\$1,100.00
50	Word "ONLY" white epoxy pavement marking, furnished and placed as specified, at a unit price of:	EACH	1	\$160.00	\$160.00	\$160.00	\$160.00	\$160.00	\$160.00
51	Words "END BIKE LANE" white epoxy pavement marking, furnished and placed as specified, at a unit price of:	EACH	1	\$160.00	\$160.00	\$160.00	\$160.00	\$160.00	\$160.00
Subtotal - Section 4 - Items 38 thru 51, inclusive				\$48,838.00		\$48,331.10		\$48,715.10	
WORK SECTION 5: LAKESHORE DRIVE - MICROSURFACE									
52	Micro-surfacing, furnished and placed as specified, at a unit price of:	SY	46,800	\$1.95	\$91,260.00	\$1.92	\$89,856.00	\$1.94	\$90,792.00
53	4-inch yellow epoxy centerline lane marking, furnished and placed as specified, at a unit price of:	LN.FT.	35374	\$0.25	\$8,843.50	\$0.25	\$8,843.50	\$0.25	\$8,843.50
54	4-inch white epoxy edge line lane markings, furnished and placed as specified, at a unit price of:	LN.FT.	33700	\$0.25	\$8,425.00	\$0.25	\$8,425.00	\$0.25	\$8,425.00
55	18-inch white epoxy stop line markings, furnished and placed as specified, at a unit price of:	LN.FT.	41	\$6.80	\$278.80	\$6.80	\$278.80	\$6.80	\$278.80
Subtotal - Section 5 - Items 52 thru 55, inclusive				\$108,807.30		\$107,403.30		\$108,339.30	

CONTRACTOR				Black Diamond Group, Inc., 6925 S. 6th St., Suite 100, Oak Creek, WI 53154		Payne and Dolan, Inc., 1700 120th Ave., Kenosha, WI 53144		Stark Asphalt A Division of Norwest Asphalt Products, Inc. 11710 West Hampton Avenue Milwaukee, WI 53225	
BID SECURITY				5% BB (included)		5% BB (included)		5%BB (included)	
ADDENDUM NO. 1				included		included		included	
No.	Item	Unit	Quantity	Price	Total	Price	Total	Price	Total
WORK SECTION 6: ASHBURY CREEK SUBDIVISION - SURFACE COURSE									
56	Concrete curb and gutter removal and disposal for spot repair (remove and dispose only, estimated quantity), as specified, at a unit price of:	LN.FT.	190	\$4.50	\$855.00	\$10.00	\$1,900.00	\$33.25	\$6,317.50
57	Concrete curb and gutter (estimated quantity), furnished and placed, as specified, at a unit price of:	LN.FT.	350	\$25.00	\$8,750.00	\$31.35	\$10,972.50	\$26.50	\$9,275.00
58	Interim inlet adjustments, as specified, at a unit price of:	EA	25	\$400.00	\$10,000.00	\$524.00	\$13,100.00	\$525.00	\$13,125.00
59	Asphaltic concrete pavement, type E-0.3, 1.5-inch upper layer, furnished and placed as specified, at a unit price of:	TON	1700	\$60.00	\$102,000.00	\$58.82	\$99,994.00	\$59.50	\$101,150.00
60	Asphalt patching, as specified, at a unit price of:	SY	2050	\$22.00	\$45,100.00	\$17.61	\$36,100.50	\$37.25	\$76,362.50
61	Water valve box adjustments, as specified, at a unit price of:	EA	28	\$125.00	\$3,500.00	\$140.00	\$3,920.00	\$125.00	\$3,500.00
62	Manhole internal chimney seals, furnished and installed, as specified, at a unit price of:	EACH MH	54	\$500.00	\$27,000.00	\$608.43	\$32,855.22	\$575.00	\$31,050.00
Subtotal - Section 6 - Items 56 thru 62, inclusive				\$197,205.00		\$198,842.22		\$240,780.00	
TOTAL ITEMS 1 THROUGH 62:				\$806,796.90		\$809,934.09		\$874,321.25	
Schedule of Supplemental Unit Prices									
No.	Item	Unit	Quantity	Price	Total	Price	Total	Price	Total
1	Align manhole frames disturbed by others.	EACH		\$900.00		\$2,000.00		\$500.00	
2	Valve box section, to adjust valve boxes to grade	EACH		\$250.00		\$500.00		\$200.00	
3	Geotextile Fabric, Tensar BX 1100 or equal	SY		\$8.00		\$5.00		\$10.00	

CONTRACTOR				Black Diamond Group, Inc., 6925 S. 6th St., Suite 100, Oak Creek, WI 53154		Payne and Dolan, Inc., 1700 120th Ave., Kenosha, WI 53144		Stark Asphalt A Division of Northwest Asphalt Products, Inc. 11710 West Hampton Avenue Milwaukee, WI 53225	
BID SECURITY				5% BB (included)		5% BB (included)		5%BB (included)	
ADDENDUM NO. 1				included		included		included	
No.	Item	Unit	Quantity	Price	Total	Price	Total	Price	Total
4	No. 3 crushed stone, 2-inch size for unstable soils.		TON	\$25.00		\$30.00		\$20.00	
5	Mailbox relocation as directed by Engineer, not disturbed by Contractor.		EACH	\$300.00		\$300.00		\$250.00	



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.

Professional Services/Inspections Proposal For Teaming of:



and

 **Houle Enterprises**

**105 Washington Avenue
Suite 242
Oshkosh, WI 54901**

**920-979-2914 Ph.
920-744-1691 fax**

Dated:

5-17-12

5-17-12

Mr. Michael Spence, P.E.
9915-39th Ave.
Pleasant Prairie, WI 53158

Dear Mr. Spence,

Houle Enterprises (Houle) and its project team is pleased to submit this proposal to the **Village of Pleasant Prairie** for professional engineering - inspection services associated with the administration of the **V/O Pleasant Prairie 2012 Paving Projects**.

Our services will be based on the following Project Understanding and Scope of Services.

PROJECT UNDERSTANDING

In general, the work will include providing professional construction management/inspection services to provide construction oversight, record and document contractor activities, verify and document quantities for contractor payments and assist Village staff in final inspections and acceptance.

The project consists of paving or paving related projects on the following locations:

<u>116th – Pulverize and Relay</u>
Sheridan Road – 26 th Ave.
<u>102nd St. – Mill/Overlay</u>
<u>100th St. – Mill/Overlay</u>
<u>85th St. – MicroSurface</u>
Cooper Rd to 39 th Ave
<u>Lakeshore Drive - Microsurface</u>
116 th St. to 7 th Ave.

SCOPE OF SERVICES

Construction Inspection / Construction Related Services

1. Provide fulltime inspection during the preparation of foundation, proof rolling of roadway base material, excavation below subgrade, roadway base patching, structure adjustments, curb and gutter replacements and roadway paving operations with the preparation of associated inspection reports, punch list items and measurement of installed quantities.
2. Assist Village staff during a final inspection of completed contract items prior to the Village's processing of final payment to the Contractor.
3. Provide inspection coordination and assistance to Village staff as requested.

PROJECT COMPENSATION AND TERMS

Houle Enterprises and its project team will provide the services and deliverables aforementioned on an hourly + actual expense basis in accordance with the "Houle Enterprises Standard Rate Schedule"-attachment B. The estimate of probable cost of engineering/inspection services is **\$17,280.00**. (See attachment A – "Estimate of Probable Cost Schedule" for details.)

Terms

The terms of payment for these services will be as follows:

Monthly invoices will be generated and provided to **Village of Pleasant Prairie**. All invoices are due within 30 days of the invoice date. All balances over 30 days are subject to an interest charge of 1.5% per month.

ADDITIONAL SERVICES

Any additional work not included in the scope of work for this contract may be performed for a fixed fee, or at rates determined specifically for additional work and will be charged according to the attached rate sheet. A change order document will be issued to detail work and fees at the request of the Owner.

Thank you for your consideration of Houle Enterprises and its project team. Please feel free to contact me if you have any questions or concerns. In accepting this proposal you agree to indemnify and hold Houle Enterprises harmless from any and all liability, which is due to negligence from you or any other entity other than Houle Enterprises. If this proposal is acceptable, please sign and date below where indicated, make a copy for your files, and return the original to me.

Sincerely,

Houle Enterprises, LLC

Jesse Houle, P.E.

Managing Member

ACCEPTED BY:

Village of Pleasant Prairie

Mr. John P. Steinbrink

Village President

By: _____

Date: _____

Attachments incorporated into this agreement

- Attachment A – Estimate of Probable Costs Schedule
- Attachment B – Houle Enterprises Standard Rate Schedule

(Houle Enterprises and its project team will provide the services and deliverables aforementioned on an hourly + actual expense basis in accordance with the Houle Enterprises Standard Rate Schedule, which is attached. The estimate of probable engineering cost of services is **\$17,280.00**)

Attachment A – Estimate of Probable Costs Schedule

<u>Village of Pleasant Prairie-Paving Projects 2012</u>			
<u>Estimated Probable Cost Worksheet</u>			
<u>Houle Enterprises - Paving 2012-Proposal</u>			
<u>Location</u>	<u>Hours (Estimated)</u>	<u>Rate</u>	
<u>116th</u>			
Construction Inspection / Construction Related Services	140	\$ 64.00 *	\$ 8,960.00
<u>102nd</u>			
Construction Inspection / Construction Related Services	40	\$ 64.00 *	\$ 2,560.00
<u>100th</u>			
Construction Inspection / Construction Related Services	50	\$ 64.00 *	\$ 3,200.00
<u>85th</u>			
Construction Inspection / Construction Related Services	20	\$ 64.00 *	\$ 1,280.00
<u>Lakeshore Drive</u>			
Construction Inspection / Construction Related Services	20	\$ 64.00 *	\$ 1,280.00
<i>*INTRODUCTORY RATE - ALL FIELD INSPECTIONS TO BE BILLED AT THE RATE OF CIVIL TECH 1 CLASSIFICATION – NO HIGHER REGARDLESS OF WHO PERFORMS (ie. Jesse Houle, PE will only bill out at \$64/hr if performing inspections)</i>			
<i>ESTIMATED PROBABLE ENGINEERING TOTAL</i>			\$ 17,280.00
	<u>Miles (Estimated)</u>	<u>Rate</u>	
<u>Estimated Direct Costs</u>			
ESTIMATED MILEAGE**	1800	\$0.55	\$ 990.00
<i>**ONLY 75 MILES/SITE TRIP WILL BE CHARGED TO PROJECT</i>			

Attachment B – Houle Enterprises Standard Rate Schedule

STANDARD BILLING RATE SCHEDULE

January 1, 2012

STANDARD BILLING RATE

Project Engineer.....	\$125.00/hour
Senior Designer / Civil Engineer III	\$110.00/hour
Registered Land Surveyor.....	\$105.00/hour
Civil Engineer I.....	\$100.00/hour
Civil Engineer II	\$115.00/hour
Survey Crews	
Two-Man Survey Crew.....	\$120.00/hour
Civil Engineering Technician II.....	\$70.00/hour
Civil Engineering Technician I.....	\$64.00/hour
Word Processing/Office Services	\$45.00/hour

EXPENSES

Mileage.....	\$0.55/mile
Meals, lodging, air travel, telephone, supplies, postage.....	At Cost
Printing Services	
Photocopies.....	\$0.20/impression
Large Format Plots (black & white).....	\$1.00/S.F.
Large Format Plots (color).....	\$2.00/S.F.



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.

* * * * *

RESOLUTION #12-17

**RESOLUTION AUTHORIZING THE
VILLAGE OF PLEASANT PRAIRIE
TO DISPOSE OF A SURPLUS VEHICLE**

WHEREAS, the Village of Pleasant Prairie Public Works Department currently owns a 1993 Ford L8000 Tandem Axle Dump Truck with 100,661 miles; and

WHEREAS, the tandem axle dump truck is no longer needed to meet the needs of the Village; and

WHEREAS, savings would be realized with the elimination of insurance, repair and storage costs.

NOW, THEREFORE, BE IT RESOLVED, that the Village Administrator be authorized to transfer to auction the 1993 Ford L8000 Tandem Axle Dump Truck to solicit the highest and best price.

Passed and adopted this 4th day of June, 2012.

John P. Steinbrink, President

Attest:

Jane M. Romanowski, Clerk

Posted:_____

ORDINANCE NO. 12-20

**ORDINANCE TO AMEND CHAPTER 285
OF THE MUNICIPAL CODE OF THE
VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN
RELATING TO SAMPLING OF INDUSTRIAL AND
COMMERCIAL WASTE AND TESTING FEES**

BE IT ORDAINED AND ESTABLISHED by the Board of Trustees of the Village of Pleasant Prairie, Kenosha County, Wisconsin that Section 285 of the Municipal Code be amended as follows:

Section 285-19. Basis for sewer service charge.

- J. Control of Industrial Wastes Directed to Public Sewers. Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made for the industry as often as may be deemed necessary by the approving authority.**
- (1) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the approving authority.**
 - (2) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the approving authority. Access to sampling locations shall be granted to the approving authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.**
 - (3) The approving authority shall determine whether sampling by district employees and/or contractor's findings shall be used when presented with contrary sampling information. An industry may split samples with the Districts upon request by the industry.**
 - (4) Sanitary Sewer Surcharge Testing, shall measure the biological oxygen demand (BOD); which is the strength of effluent; the total suspended solids (TSS), and phosphorous (P). The Village discharges all sewer flow to the City of Kenosha, Kenosha Water Utility, who in turn places a sanitary sewer surcharge for all flow received. Pleasant Prairie monitors the discharge flow from manufacturing, commercial, private sewer systems, restaurants, and**

others users with a history of discharging sewer flows above the allowable limits. The following limits have been established: BOD 180 mg/L, TSS 200 mg/L, and P 6 mg/L. Each of the test limits has an established fee as established by ordinance.

- (5) **Fats, Oil and Grease (FOG) Testing shall be used as an indicator to assist sanitary sewer surcharge test users that discharge effluent with high BOD's. Users that operate kitchens, restaurants, industrial companies who handle meat, and private sewer system owners are examples of sewer users who would receive this test.**

Section 285-20. Amount of Sewer Service Charges.

F. Laboratory Testing Fees

	Fee
(1) Sanitary Sewer Surcharge Fee	\$115.00
(2) Fats, Oil, and Grease Test Fee	\$ 50.00
(3) Administrative Fee	\$ 10.00

Passed and adopted this 4th day of June, 2012.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink, President

ATTEST:

Jane M. Romanowski, Clerk

Posted: _____



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

To: Michael Pollocoff
From: John Steinbrink Jr.
Subject: Fee Ordinance changes
Date: May 24, 2012

Village Staff is requesting updating the lab fees charged by Pleasant Prairie to their users. The Village operates a laboratory located at the abandoned Sewer D treatment plant. The Village staffs one lab operator at the Sewer D Lab. The lab was used to complete WDNR required lab work. Other lab tests include Sanitary Sewer Surcharge testing and water sample testing. The Village abandoned the two treatment plants late in 2011 which significantly decreased the amount of lab work required. Public Works recently completed a cost analysis of the cost to complete these tests in house and compare these costs to contracted lab costs. CT Laboratories was awarded contract to complete these lab sample tests.

There are three main tests that will be completed by CT Laboratories and charged to sewer and water users on a regular basis:

Sanitary Sewer Surcharge testing – This test measures the biological oxygen demand (BOD), which is the strength of effluent, the total suspended solids (TSS), and phosphorous (P). The Village discharges all sewer flow to the City of Kenosha and is charged a sanitary sewer surcharge for all flow received. Pleasant Prairie monitors the discharge flow from Industrial Park partners, restaurants, and others users with a history of discharging sewer flows above the allowable limits. The following limits have been established: BOD 180 mg/L, TSS 200 mg/L, and P 6 mg/L. Each of the test limits has an established fee as established by ordinance.

Fat, Oil and Grease (FOG) testing - This test is an indicator used to assist sanitary sewer surcharge test users that discharge effluent with high BOD's. Users that operate kitchens, restaurants, industrial companies who handle meat, and private sewer system owners are examples of sewer users who would receive this test.

Water Sample Tests – This test verifies the Total coliform and Bacteria levels. The test is for residents with private wells.

Village works staff is proposing to update the existing fees to reflect actual updated costs.

<u>Lab Test</u>	<u>Existing Fee</u>	<u>Proposed Fee</u>
Sanitary Sewer Surcharge Fee	\$224.01	\$115.00
Fat, Oil, and Grease Test Fee	\$ 85.00	\$ 50.00
Water Sample Total Coliform/Bacteria Test Fee	\$ 18.00	\$ 25.00
Water Sample Drop off/pick up fee regular hours	No Fee	\$ 55.00
Water Sample Drop off /pick up fee after hours	No Fee	\$ 75.00
Administrative Fee	\$ 10.00	\$ 10.00

* * * * *

ORDINANCE NO. 12-21

**ORDINANCE TO AMEND CHAPTER 355
OF THE MUNICIPAL CODE OF THE
VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN
RELATING TO WATER TEST FEES**

BE IT ORDAINED AND ESTABLISHED by the Board of Trustees of the Village of Pleasant Prairie, Kenosha County, Wisconsin that Section 355 of the Municipal Code be amended as follows:

Section 385.17 Performance of waters tests.

D. Cost. The cost for the test shall be \$18 per sample.

- (1) The cost for the Coliform/Bacteria test shall be \$25 per sample.**
- (2) Water sample drop off/pickup fee for regular hours (Monday through Friday 8:00 am to 5:00 pm) shall be \$55.00.**
- (3) Water sample drop off/pickup fee for after hours shall be \$75.00.**

Passed and adopted this 4th day of June, 2012.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink, President

ATTEST:

Jane M. Romanowski, Clerk

Posted: _____



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

To: Michael Pollocoff
From: John Steinbrink Jr.
Subject: Fee Ordinance changes
Date: May 24, 2012

Village Staff is requesting updating the lab fees charged by Pleasant Prairie to their users. The Village operates a laboratory located at the abandoned Sewer D treatment plant. The Village staffs one lab operator at the Sewer D Lab. The lab was used to complete WDNR required lab work. Other lab tests include Sanitary Sewer Surcharge testing and water sample testing. The Village abandoned the two treatment plants late in 2011 which significantly decreased the amount of lab work required. Public Works recently completed a cost analysis of the cost to complete these tests in house and compare these costs to contracted lab costs. CT Laboratories was awarded contract to complete these lab sample tests.

There are three main tests that will be completed by CT Laboratories and charged to sewer and water users on a regular basis:

Sanitary Sewer Surcharge testing – This test measures the biological oxygen demand (BOD), which is the strength of effluent, the total suspended solids (TSS), and phosphorous (P). The Village discharges all sewer flow to the City of Kenosha and is charged a sanitary sewer surcharge for all flow received. Pleasant Prairie monitors the discharge flow from Industrial Park partners, restaurants, and others users with a history of discharging sewer flows above the allowable limits. The following limits have been established: BOD 180 mg/L, TSS 200 mg/L, and P 6 mg/L. Each of the test limits has an established fee as established by ordinance.

Fat, Oil and Grease (FOG) testing - This test is an indicator used to assist sanitary sewer surcharge test users that discharge effluent with high BOD's. Users that operate kitchens, restaurants, industrial companies who handle meat, and private sewer system owners are examples of sewer users who would receive this test.

Water Sample Tests – This test verifies the Total coliform and Bacteria levels. The test is for residents with private wells.

Village works staff is proposing to update the existing fees to reflect actual updated costs.

<u>Lab Test</u>	<u>Existing Fee</u>	<u>Proposed Fee</u>
Sanitary Sewer Surcharge Fee	\$224.01	\$115.00
Fat, Oil, and Grease Test Fee	\$ 85.00	\$ 50.00
Water Sample Total Coliform/Bacteria Test Fee	\$ 18.00	\$ 25.00
Water Sample Drop off/pick up fee regular hours	No Fee	\$ 55.00
Water Sample Drop off /pick up fee after hours	No Fee	\$ 75.00
Administrative Fee	\$ 10.00	\$ 10.00

* * * * *

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

**9915 - 39th Avenue
Pleasant Prairie, WI
December 19, 2011
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, December 19, 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 Mike Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Kathy Goessl, Finance Director; Jean Werbie-Harris, Director of Community Development; Doug McElmury, Asst. Fire and Rescue Chief; Brian Wagner, Police Chief; Rocco Vita, Village Assessor; Mike Spence, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, HR and Recreation Director and Jane Romanowski, Village Clerk. Two citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

Michael Serpe:

John, before we got to the public hearing, I would ask that Item J which is Scotty's Mobile Home Park be brought forward. One of the owners is here in the audience and he has a commitment at 6:30 and we'd like to get him out of here to get him through this thing before he has to leave. So if that's okay, if you want a motion I would make that motion.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde to move Item J forward on today's agenda.

**SERPE MOVED TO CONSIDER NEW BUSINESS ITEM J; SECONDED BY ALLEN;
MOTION CARRIED 5-0.**

8. NEW BUSINESS

- J. Consider the 2012 Mobile Home Park License for Scotty's Mobile Home Park, 5310 75th Street.**

Village Board Meeting
December 19, 2011

Jane Romanowski:

Mr. President and Board members, as you recall the other three mobile home park licenses were considered at our last meeting. Mr. Ruffolo was a little late in getting his application in and so we now have received that. So consideration tonight is for the mobile home park license for Scotty's Mobile Home Park at 5310 75th Street. Just as the last meeting when we had the other three parks on the agenda, there was a report prepared by the Building Inspection and Community Development Departments, and those reports are attached to the memo that was provided to you. And there was some additional correspondence from October that I supplied just so you can see that some of the items before you tonight weren't just items that came up while we were preparing the agenda.

So there aren't any outstanding real estate or personal property taxes on this parcel as we check with all the mobile home licenses or any license for that matter. And Jean can explain her portion of this matter and go through the slides because you are more familiar with them. They're all labeled as to what lot. But there are some substantial violations. And my recommendation after the Board considers it would be that it's time that this park gets cleaned up, and I don't think we should issue a license for an entire year. I think we should make it time specific, or the Board, excuse me, should make it time specific. As you can see by the pictures when they come up, there are a lot of things that need to be taken care of and I think they should be taken care of. So maybe Jean can kind of go through the slides first so you can see what we're dealing with, even though you do have the reports, and then we can discuss it further after that if that works.

Jean Werbie-Harris:

Mr. President and members of the Board, what I'd like to do is I'd like to go through the various slides. These slides were taken by Ralph Nichols, our building inspector, back in September, then again this past week out at Scotty's. And myself and Eric Cunado from the Engineering Department were out there as well, and that makes up the bulk of our comments in our reports. What we thought was very important was to go through and take photographs of a number of the mobile home units out there. And we identified a number of building inspection violations, building permit violations, as well as we identified a couple of units out there that have been damaged or destroyed to an extent because of fire or other calamity that those particular units should be removed from the park as well.

Lot 1 work was in progress and work was being done without permits. The occupants did not obtain any permits to do any work in the unit. This is a photograph inside. As you can see, they're doing some major remodeling, and whenever you're doing some major gutting and remodeling, one of the most critical aspects is that we do need to have some type of structural analysis. We need to have electrical permits, plumbing, HVAC, I mean a number of very, very important permits for us to inspect the mechanicals of the building as well as to make sure that the structure can handle the additional framing and work that's being done inside the unit.

Lot 10, again, work being in progress done without permits. In this case, again, gutted it, did quite a bit of work inside the unit, new windows, new doors, new mechanicals, a lot of different

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things that we done with respect to this one without any permits as well. Again, this is a photograph kind of through some sheer curtains. That's why it looks a little foggy. But, again, basically they gutted it completely and were rebuilding it as like a brand new home.

Lot 11 it's the vacant unit owned by the owners of the mobile home park. And, again, while it's boarded up on all sides, it actually had some issues with respect to garbage and debris and the skirting around the particular unit, and just a number of other issues. Whenever you start to have a vacant unit it's usually subject to being vandalized and this one has been as well. And, again, junk and debris has accumulated around this particular unit as well.

Lot number 12 has a unit on it. The owners of this particular unit put a porch on without any permits or approvals. Obviously, you can see that the steps leading to the unit are not code compliant either. And then there just is a lot of miscellaneous junk, debris and garbage throughout the outside of this particular unit.

Lot number 13 is another vacant unit, and what you'll see when these units are vacant for long periods of time is they have a tendency to be vandalized, windows broken, things like that. And, again, garbage and debris starts to accumulate around these units when there's nobody there.

Lot number 25 has a unit that underwent some severe fire damage. It should have been removed from the premise just because, again, it becomes an attractive nuisance. This particular one you can see what the inside looked like. It looked like they're trying to remove a lot of the fire damaged area. And, again, it looks like this one was about to begin its renovations without permits. You can see that no one has been living in this particular unit as well. Another shot of this fire damaged unit. You can see steps being taken to start to clean up this unit and to try to occupy it. Again another angle of the kitchen area of this particular fire damaged unit.

Lot 27 is a unit in need of repair. There are safety issues. I don't know if you can see it on there, but there's actually a situation where there's a cutout on the far end of the unit that was their access to get to the water heater. And then a lot of the skirting around the base of this particular unit was punched out or ripped out or vandalized. The situation whenever you have an entrance to a doorway you need to have code compliant steps with handrails and things like that. This is, again, one that has a number of safety and code violations and some junk and debris around the particular unit. Also, again, as I mentioned skirting repair, water heater compartment has not been properly sealed. Once the skirting is in disrepair a lot of things can start to accumulate, and animals and such can accumulate underneath the unit to make it very unsanitary.

With respect to my report, Ralph and I were actually going to sit down and go through the entire mobile home park lot by lot by lot and put together a report. But mine is generally submit all the proper building and zoning applications for permits for any renovation work being completed, repair broken windows, boarded up window and, in fact, remove those units out of the park if they're not being occupied and get everything cleaned up from that perspective. Install and get the appropriate stairways and hand railings and get all the proper permits where necessary.

One of the other things I identified is that a number of the units don't have their numbers on any longer. That's a critical aspect for the Fire Department or Police or anyone trying to locate the units. The numbers go on, the numbers go off but in most cases there weren't any numbers.

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Another was to repair the severely damaged private roadway especially on the west side, replace the asphalt or fill the potholes and resurface. Another item I have is pick up all the garbage and litter around the units, get the garbage in the dumpsters, get the dumpsters picked up, get all the private driveways open and accessible.

And then one of the other things that we noticed twice is that they're working without permits but I mean they're operating kind of a business because they're working on vehicles in the park which is actually causing a blockage, so you can't even get to some of the units because there are so many cars and others being worked on. So they need to kind of regulate that a little bit. With respect to Ralph's report, I assume his says something very similar to mine with respect to getting all the appropriate permits, remove the units out there that are basically abandoned and deteriorated and such, and bring basically the park up to code so that it's clean and it's safe for the tenants who live there.

We did have a meeting last week on Friday with G. John Ruffolo, one of the owners of the park, and we kind of went through all of the photos because we actually had about 40 photos. We talked about each of the units in the areas and the things that need to be done. And even from the time we talked to him initially and the reports went out, they've been doing a lot of cleanup work and they've been doing repair work, and they've been going and talking to each of the unit owners to let them know what's allowed and what's not allowed. I believe that he also put some ads in the paper to dismantle and to remove at least two of the units if not three. And I know that Trustee Serpe can probably address that a little further because he was out at the park again today where we talked about the fact that this park needs to be brought up to code, and it really needs to be in much more livable condition not only for the residents that live there, but they have to be respectful of the other residents and those that live in that area so that it looks like a more attractive place in Pleasant Prairie.

Michael Serpe:

I was at the park today with G. John Ruffolo and it was an experience. I have to tell you it was cleaned up. There was no garbage lying around. Yet, I've got to tell you before I go any further I mean this is poverty. This is poverty living at its best. These people haven't got two nickels to rub together I don't think, and they're living and probably doing the best they can. But, as far as the photographs go with the garbage that has been taken care of. I did not see any vehicles being worked on today. I had an opportunity to talk to at least three residents that were curious as to why I was out there. I told them very frankly it's up to you people to keep this park in good order because the Village is going to be putting a lot pressure on the owners for it to get done. And they understood.

We talked about the two trailers that are to be removed for scrap because they're not inhabitable. And my personal opinion is I think they should be dismantled and scrapped on site and then hauled away. I don't want to see those things being dragged down any highway in the State of Wisconsin, especially the Village of Pleasant Prairie, because I don't think they'd make it. They've been there for 30 and 40 years. I don't think they'll move very easily if they could. And I asked John how long it took in one of his other trailers in another park to be dismantled and

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scrapped, he said about a week. I talked to Jean, she thought that was acceptable if they took a week on each trailer to dismantle scrap and get rid of them.

So I agree with Jane. I think it's come to our attention. Now, this is the first time this has come to this much detail of attention. I think the owners now realize that. I think the owners are now getting that message to the tenants, and they're going to have to understand it, and it's up to us to monitor that. And any time we see deficiencies I think we have to bring it to their attention. So I would be in favor of granting the license through June 30th. In talking to G. John Friday in a meeting we had, he said that would be acceptable for them to get certain things done and in place, and we'll work together with him to achieve that goal.

Jean Werbie-Harris:

I also wanted to mention that G. John agreed to meet with me every first week of the month for us to go through our listing and to drive through or walk through the park to see what the state of conditions were at that time. And what I indicated is that if anything new pops up it's going to be added to the list. But otherwise we would continue to work off the list to make sure that the units look better, they don't look like they're, you know, it doesn't look like a war zone, the windows aren't broken, the stairs are where they're supposed to be, the garbage is picked up, the numbers are on the units, that all of the units are accessible by emergency services and so on and so forth.

So Ralph Nichols and I are going to actually put together that list this week. We took notes from our meeting on Friday, and from what Trustee has indicated and what I indicated to John is that every Thursday or Friday of the first week of every month we're going to go through and see how things are coming with respect to things.

Michael Serpe:

Just one more statement and question if I could. The numbers were on the units that I saw today. I didn't see any units without numbers. And, Brian, if I could ask you a question, many calls for service at the park?

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. Could you repeat your question?

Michael Serpe:

Calls for service, do we get many at Scotty's?

Chief Wagner:

You know, we do. I mean we're there pretty frequently.

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Michael Serpe:

Types of calls do you recall?

Chief Wagner:

A lot of domestic-type disturbances occur there, thefts, things of that nature.

Michael Serpe:

Not an overwhelming amount of calls?

Chief Wagner:

Well, you know, I guess before I start making those kinds of characterizations maybe –

Michael Serpe:

You'd have to look?

Chief Wagner:

Yeah.

Michael Serpe:

I understand. But nothing stands out?

Chief Wagner:

Well, you know, it's a mobile home court, and we see as compared to, you know, similar type facilities in the Village it's probably one of the higher volumes.

Michael Serpe:

Which goes hand-in-hand with maybe the poverty level of the park.

Chief Wagner:

Very possible.

Michael Serpe:

Okay. I didn't mean to put on the spot, Brian, but thanks.

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Chief Wagner:

Okay.

John Steinbrink:

Is that a motion, Mike?

Michael Serpe:

I did make a motion to grant –

John Steinbrink:

Alright, before I get a second, Vince, did you have something you wanted to say? Name and address.

Vince Ruffolo:

Vince Ruffolo, 3805 13th Place in Kenosha, Wisconsin. First of all, all of you ladies and gentlemen I want to thank you for bringing it to my attention. I echo Mr. Serpe's comments that he made. There's a segment of population that needs to live in certain areas. It doesn't mean that they need to live in a slum area, but on the other hand they do the best they can. Now, if you look at their conditions and what they do, I think the (inaudible) in the economy affects them just like it has hit many. I think Mr. Ruffolo he consistently monitors and talks to them and discusses what needs to be done from that front. I think your presence makes a big difference just as well, because I think the people will understand this is serious business. On the other note is that people that live in those mobile home parks they will do as much as they can. They're obviously, I'm not so sure that they want to live in those conditions, but on the other hand (inaudible) so I think that there's ways to curtail that, and I think some of it's been addressed. And from our standpoint we'll take a look at it just as well.

Now, for the future of the mobile home park there and so on the park has been there for many, many years as many of you know. And it's something that I discussed with some of you with regard to what at least the plans are to looking into moving that out so it will not be an eyesore and an area where obviously it's Highway 50 and we'd like to have it nicely developed and so on. So I'm working from that front. That's a front that I'm looking at. I've been looking for some time, and I'll keep you informed on what direction we're going to go.

But I can say this, this is not our character to go and have those types of issues, but it also is as a regulation and a law in place that you can only do so much in the privacy of the home of individuals because that's what it's going to come down to. We have no right to go and inspect inside the trailers. I think you have more of a right to than probably we do. They own their own walls, and we own the land. So we'll lease the land and they pay their own water, and they pay their own utilities and so on. We don't have any right to go in and do. I know that there have been issues in regard to people remodeling inside their walls. And obviously I'm not so sure we

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have a right to go in and knock on the door and say let me see what you're doing. If we see it, of course, it's something we bring to their attention. We will monitor it.

As far as the potholes I think every spring Mr. Ruffolo has been taking care of those every spring and will continue to do so, make sure it doesn't happen. And the idea of going there maybe once a month I think it's a good idea. I think maybe your presence will make a difference. But it's a park that's been – it's an old park, it's been there for a long time. And there's a segment of population that we're dealing with unfortunately. But obviously they're doing the best they can just as well. I'm a true believer cleaning is not a rich or a poverty thing. Cleaning is just a characteristic thing that comes to it, and people have to maintain their own clean environment. We can make sure that needs to happen. So I want to thank you. I don't have other comments unless anyone has a question.

Steve Kumorkiewicz:

I used to get calls from the (inaudible) phone number for (inaudible). I called one time and he was in Florida, because there were complaints over there not just for the trash and the weeds growing in the area but also (inaudible) junk in the property (inaudible) –

John Steinbrink:

Okay, we're not talking about 73rd Street.

Steve Kumorkiewicz:

No, no, I'm talking about (inaudible). I'm talking about the property where junk was thrown over the fence, right next to the fence. I saw that.

Vince Ruffolo:

If you look at the park it's got a wooden fence all around. Now, there's a property on the other side of the fence that presently I own. The property on the other side of the fence is basically a property of vacant land, vacant lot and so on. Are you saying the property that basically rubbish is being thrown over the fence going north or what direction is it going?

Steve Kumorkiewicz:

Directly north next to the fence. I saw it.

Vince Ruffolo:

And what kind of rubbish was that/

Steve Kumorkiewicz:

Junk (inaudible) cans and empty boxes and garbage and whatever thrown over the fence.

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Vince Ruffolo:

Over the fence in the empty land?

Steve Kumorkiewicz:

That's right.

Vince Ruffolo:

Okay, well, that's news to me. I was not aware of that.

Steve Kumorkiewicz:

(Inaudible)

Vince Ruffolo:

Well, obviously, it's not something we tolerate. If that happens then of course we need to look at that if that's the case. It needs to be addressed. I'm not disputing it. Why is it thrown over the fence? I don't understand because it's not going to go anywhere, it's sitting there and so on. As far as the lot next door we get the grass or whatever cut as we see fit during the course of the year. Obviously, again, I guess it's just a sign of the times more than anything else. And also it's critically important to recognize the type of segment of the population we're dealing with just as well. But, like I said before, it's not so much cleaning that has to do with rich or poor, it doesn't have to do with wealth or non wealth, but it's got to do with the characteristic of individuals. And it's something that I believe we definitely can go ahead and – it's continuously monitoring I say more than anything else.

This thing here, you're doing your job and I appreciate that. But on the other hand also, too, there's a fine line just as well, because you've got to remember the clientele we're dealing with just as well. Yeah, a monitoring system needs to be done, but just as well it's almost like a training. Hopefully we can get them to comply with the rules that are set forth. But I echo your sentiment there. It's not an issue there.

Michael Serpe:

Just one other comment. There was talk about an office in the house. You're going to work with the tenant in the house to see if she'll take on the responsibility of running the office so we have a contact point for the park. I don't know if we talked about that and Jean's mentioned. But that also will be addressed.

Monica Yuhas:

Vince, I have a couple questions. How many lots are in the park?

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Vince Ruffolo:

I believe 20 some. Maybe 28 or 29. I'm not sure. Jean you would have a better idea.

Jean Werbie-Harris:

I'm looking at Ralph because I don't have the map in front of me? 22?

(Inaudible)

Vince Ruffolo:

Less than 30 there are, I know that.

Jean Werbie-Harris:

About 30?

Vince Ruffolo:

Less than 30.

Monica Yuhas:

And how many of them are –

Vince Ruffolo:

Empty?

Monica Yuhas:

Yes.

Vince Ruffolo:

I couldn't tell you. I don't know. Jean, do you have an idea on that how many are empty?

Jane Romanowski:

There are 32 units in the park.

Jean Werbie-Harris:

32 units. I would say probably maybe 6 empty.

Village Board Meeting
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Michael Serpe:

Two are going to be hauled away.

Jean Werbie-Harris:

Right, two of the units.

Monica Yuhas:

And then just an average, I don't want a specific number, but lot rent what do you charge for rent for a lot?

Vince Ruffolo:

I believe it's about \$120 a month roughly.

Jean Werbie-Harris:

But I think you have a couple at about \$275. I think that's what John had mentioned.

Monica Yuhas:

And do the tenants own these mobile homes?

Vince Ruffolo:

Yes.

Monica Yuhas:

They do own them and they just pay you rent?

Vince Ruffolo:

Correct.

Monica Yuhas:

None of them lease or rent?

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Vince Ruffolo:

No. The majority of the – well, all of them, they're trailers that you have a pad, you advertise, they come in and say I want to bring my trailer here. They bring their own, and they just lease the pad. The only thing you have to supply to them is the water and utilities that are available.

Monica Yuhas:

Thank you.

Vince Ruffolo:

You're welcome.

John Steinbrink:

Vince, once there's like one empty lot in there now and if two more are removed there would be three empty lots. Any plans to bring more trailers in to fill those?

Vince Ruffolo:

John, your question, if it was up to me and so on I'd like to see there a totally different type of business, because trailer parks are a business just as well for an owner.

John Steinbrink:

You've had that discussion with the Village. That's why I just wanted to make sure –

Vince Ruffolo:

Correct. I'm hoping that this conversation can take place at a later date when I can bring you guys a proposal on what we need to put there, at least what we're proposing to look at that. I'm in discussion with some folks in regard to some commercial there in the whole area there.

Clyde Allen:

I second the motion.

John Steinbrink:

Second by Clyde. Thank you, Vince.

Vince Ruffolo:

Thank you. Pleasure.

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John Steinbrink:

Jean, the other question, the mailing address that was an issue we always had getting the mail to G. John always. He's got unreliable people he has the mail taken to. Have we settled that now so we have a good mailing address?

Jane Romanowski:

G. John gave us a different mailing address.

John Steinbrink:

That's where a lot of miscommunication comes is when we got through this and he doesn't get the notice in a timely fashion a lot of times.

Jean Werbie-Harris:

And we also mentioned, or John mentioned to us on Friday that he would not be bringing any new units in, and they likely wouldn't meet the setbacks or any of the criteria today. So it was not their intent according to John that they were going to be bringing in any new units or any used units in at the park that they would just continue with the way they have. And if units become destroyed and personal property value is decreasing and they're not re-rented immediately and they're of such a condition that they would be salvaged. And we'll put all that in our staff report.

John Steinbrink:

And I think we're working with the situation with the removal, setting a value on them so that he can go through the process –

Jean Werbie-Harris:

We've done that.

John Steinbrink:

– we've done that. Yup, we did that today and we contacted him today.

Monica Yuhas:

And, Jean, is six months enough time to get this laundry list done?

Michael Serpe:

John agreed to that.

Village Board Meeting
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Jean Werbie-Harris:

It should be more than enough time.

Steve Kumorkiewicz:

(Inaudible)

Jean Werbie-Harris:

That's why the monthly meetings and drive thru's of the park might be very helpful. Because if new issues or items pop up throughout the next six months, we can get on top of them right away.

John Steinbrink:

Alright, any more comments? We have a motion and a second. If there's no further discussion I'll call the question.

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.

John Steinbrink:

John has got his homework now. Thank you, Vince.

4. PUBLIC HEARING

A. Proposed 2012 Solid Waste Utility, Clean Water Utility and Fleet Internal Service Fund budgets.

- 1) Citizen Comments.**
- 2) Closing of Budget Hearing.**
- 3) Board of Trustee Comments.**
- 4) Resolution #11-47 - Resolution relating to adoption of 2012 Solid Waste Utility Budget.**
- 5) Resolution #11-48 - Resolution relating to adoption of 2012 Clean Water Utility Budget.**
- 6) Resolution #11-49 - Resolution relating to adoption of 2012 Fleet Internal Service Fund Budget.**

Kathy Goessl:

Mr. President, I have three budgets that were completed by John Steinbrink, Jr. They're the solid waste budget first. There's only one program that we're recommending – well, you actually had



Office of the Village Clerk
Jane M. Romanowski

December 22, 2011

Mr. G. John Ruffolo
Scotty's Mobile Home Park
3508 13th Place
Kenosha, WI 53140

Re: Scotty's 2012 Mobile Home Park License

Dear Mr. Ruffolo:

On December 19, 2011, the Village of Pleasant Prairie Board of Trustees conditionally approved the Mobile Home Park License for the Scotty's Mobile Home Park located at 5310 75th Street in the Village. The term of the license granted is January 1, 2012 through June 30, 2012, and the license enclosed is to be posted at the park office. The Mobile Home Park License approval was conditioned upon the following Village Municipal Code violations being corrected, building permits being obtained and required inspections being performed as soon as possible, but no later than June 1, 2012.

As the owner and manager for Scotty's Mobile Home Park, you are responsible for maintaining the park and obtaining code compliance in the park. The following matters must be addressed:

1. Submit the proper building permit applications for any renovation work being completed on any mobile home units or additions to units in the Park.
 - a. Lot 1 - Submit building permit applications for work being completed. This unit should not be occupied until it has the required permits, proper inspections and an occupancy permit.
 - b. Lot 10 - Submit building permit applications for work being completed. This unit should not be occupied until it has the required permits, proper inspections and an occupancy permit.
 - c. Lot 12 - This porch shall be inspected for compliance to the code. Submit a building permit application for porch enclosure, make the corrections and call for an inspection or remove the porch enclosure.
2. Remove the dilapidated and unoccupied units from the Park. The following units can be dismantled on unit site, insofar as each site and the Park is kept in a safe condition and all debris from each unit is removed within seven (7) business days of the start of the dismantling.
 - a. Lot 11 - Remove from the park -see the attached Estimated Fair Market Value of the Mobile Home on Lot 11 memorandum from the Village Assessor, Rocco Vita.
 - b. Lot 25 - Remove from the park -see the attached Estimated Fair Market Value of the Mobile Home on Lot 11 memorandum from the Village Assessor, Rocco Vita.
3. Lot 13 - The conditions of this unit is in question. Contact Village Assessor to discuss the status of this unit after it has been evaluated with the Village staff.

Mr. Ruffolo
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December 22, 2011

4. Lot 27 - Repair the skirting, entrance stairs and the water heater compartment for the unit.
5. On a regular basis, verify that all units are properly numbered and the numbers can be easily viewed from the private roadway for emergency services identification.
6. Repair the severely damaged private roadway – patch and replace the asphalt or fill the potholes and resurface.
7. Repair and replace broken windows or board up broken windows in units until they can be repaired.
8. On a regular basis, pick up garbage and litter around units, dumpster and in private driveways. Also, verify that after garbage pick-up day all garbage bins are removed from the private access roadway and placed to the side or rear of the units.
9. On a regular basis, remind the residents that conducting auto repair businesses or other outdoor businesses within the Park is prohibited. The auto repair activities become an even bigger problem when the vehicles being worked on block access to units in the Park.
10. As you indicated in the December 16, 2011 meeting with the Village Board representatives and the Village staff, your intentions are to modify the future use of this property. As such, your focus will be on correcting the violations and maintaining the Park as is and that no new, renovated or remodeled, or used units would be brought into the Park.

As discussed, Ms. Jean Werbie-Harris will be contacting you the first week of each month starting in January and concluding in June to set up an inspection time to verify that the code violations are being corrected and the mobile home park is being properly maintained. The Village Board will consider the park license at a future board meeting in June 2012 to determine if all the above conditions have been satisfied and the license term is to be extended or if additional action is necessary due to non-compliance. As you know, the Village Board is very concerned with the health, safety and welfare of its residents, as well as the appearance of this park in the Village. If you have any questions, please contact either Ms. Werbie-Harris at (262) 925-6717 or Mr. Ralph Nichols at (262) 925-6723.

Sincerely,

Jane M. Romanowski
Village Clerk

Enclosures: License #11-66
Estimated Fair Market Value Memorandums for Lots 11 and 25

cc: Village Board of Trustees
Michael R. Pollocoff, Village Administrator
Rocco Vita, Village Assessor
Jean M. Werbie-Harris, Community Development Director
Ralph Nichols, Senior Building Inspector/Deputy Zoning Administrator

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

TO: VILLAGE BOARD OF TRUSTEES

FROM: JANE M. ROMANOWSKI
VILLAGE CLERK

RE: 2012-2013 TOWING LICENSES

DATE: MAY 22, 2012

The following companies have submitted applications to renew their respective towing licenses in the Village:

Glasman Towing, 8230 - 160th Avenue, Woodworth, WI
Jantz Towing, 3405 Washington Road, Kenosha, WI
Atlas Service Center Inc., 5150 60th Street, Kenosha, WI
Jensen & Jensen, 5410 – 50th Street, Kenosha, WI
J & M Towing, 6010 26th Avenue, Kenosha, WI
Firehouse Performance, 4502 22nd Avenue, Kenosha, WI

All applications comply with Section 332 of the Municipal Code and the license fees have been paid. Chief Wagner has also indicated his approval of the applications listed above. I recommend approval of the six applications for towing licenses effective July 1, 2012 - June 30, 2013 subject to the provisions of Chapter 332 of the Municipal Code.

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Office of the Village Clerk
Jane M. Romanowski

MEMORANDUM

TO: Village Board of Trustees

FROM: Jane M. Romanowski
Village Clerk

DATE: May 22, 2012

RE: Keno Family Drive-In
9102 Sheridan Road

The Village received a renewal application for the Keno Outdoor Theater. A safe water test has been received and inspections by both the Inspection Department and Fire & Rescue Department have been completed and no violations exist. The license fee of \$300 license is paid, and I recommend approval of this license for the period July 1, 2012- June 30, 2013 subject to the provisions of Chapter 326 of the Municipal Code.

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