

**1 VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
July 6, 2015
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, July 6, 2015. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Steve Kumorkiewicz, Dave Klimisch and Mike Serpe. Kris Keckler was excused. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Dave Smetana, Police Chief; Doug McElmury, Fire & Rescue Chief; Rocco Vita, Village Assessor; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, HR and Recreation Director; Dan Honore, IT Director; Sandro Perez, Inspection Superintendent and Jane M. Romanowski, Village Clerk. Three citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - JUNE 1, JUNE 10 AND JUNE 15, 2015**

Dave Klimisch:

I move approval of the minutes.

Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. Any additions or corrections?

KLIMISCH MOVED TO APPROVE THE MINUTES OF THE JUNE 1, 10 AND 15, 2015 VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY SERPE; MOTION CARRIED 4-0.

- 5. PUBLIC HEARING**

- A. Consider the request for a Class "A" Fermented Malt Beverage License for the Kwik Trip store under construction at 10451 72nd Avenue.**

Jane Romanowski:

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Tonight we have the application submitted by Joshua Specht. He is the agent for Kwik Trip, the Kwik Trip 230 store under construction at 10451 72nd Avenue. This license is like all our other Class A licenses for our gas stations and convenience stores. I've attached a list of the Kwik Trip stores in Wisconsin, which is quite extensive, that have alcohol sales and their alcohol sales policy.

The store is scheduled to be completed by the end of the month and business to begin on August 6th is what they indicated in their application. Mr. Specht has met the requirements as an agent and has met the approval of Chief Smetana. So I would recommend the license be issued subject to the payment always of license fees, publication fees and, of course, a certificate of occupancy issued by all departments that are required. And then if the license is granted it would be issued from the date that they pick up the license through June 30th of next year, and the license fees would be prorated.

John Steinbrink:

This being a public hearing I'm going to open it up to public comment or question. We ask that you use the microphone and give us your name and address for the record.

Jane Romanowski:

There were no signups tonight, Mr. President.

John Steinbrink:

Anybody wishing to speak on this item? Yes, sir?

Trent Moede:

My name is Trent Moede. I live at 5314 87th Place. I don't know what happened but I did sign up. But, again, I'm here to discuss two topics this evening.

Jane Romanowski:

Mr. Moede, we're talking about a liquor license right now. I'll call you up at citizens' comments.

Trent Moede:

I'm sorry.

John Steinbrink:

Anyone wishing to speak on this item? Anyone wishing to speak on this item? If not, I'm going to close the public hearing and open it up to Board comment or questions.

Michael Serpe:

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I have no comment. I'd move approval of the license.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for adoption of the license for the Kwik Trip. Any discussion on this item?

SERPE MOVED TO APPROVE THE REQUEST FOR A CLASS "A" FERMENTED MALT BEVERAGE LICENSE FOR THE KWIK TRIP STORE UNDER CONSTRUCTION AT 10451 72ND AVENUE, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

John Steinbrink:

Motion carries, and that's going to be subject to all the conditions.

Jane Romanowski:

Yes.

6. CITIZEN COMMENTS

Jane Romanowski:

Trent Moede.

Trend Moede:

I'll start over. Trent Moede, 5314 87th Place. I have two topics to discuss this evening. One is an inspirational one, and one remains a challenge for me and my neighbors. The inspirational one was being a volunteer for the recent triathlon on Sunday, 6/21. I was really moved. The real champions were the athletes with physical challenges. The heart and soul, determination of these athletes was extremely moving to me as I mentioned. It really makes you put your problems in perspective. And I really appreciated being a part of this. Made me feel good being a volunteer for this event. And I will be there in the future volunteering. Thank you for the opportunity.

The second topic is the one that remains a challenge for myself and my neighborhood. And that is this tenant problem I have with a neighbor that's directly west of me. And I've got a couple slides. I'm wondering if we might just bring them up. The first one I'd like to bring up is the one that's called activity. There are four slides if you can pop that up. Basically if you just plug that in and go to my computer it will show that thumb drive. Just open the thumb drive, and it's under

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a heading called pictures for meeting dated last week because I was a week early last week, there was no meeting. I failed to call.

There, that one, yes. Pictures for the 6/29 meeting. And you can blow that one up. This is basically a slide taken on July 4th at about 6:50 p.m. What you see here is my neighbor, this slide right there, you'll see two officers that work for the guy that's renting this house. That's the whole gist of this thing. This business is operating out of this house. And I have a problem with that because it's a residential area. Now if we could just move to the sign called neighborhood side. Just back out of this and go to this other one please. Just close it. You can go to the next one. Okay, just leave it here. This is back in May of this year, May 14th. The guy getting into that car was another officer that belongs to this individual that rents here. You really have to zoom in. It's hard to see it.

Go to the other sign. Okay, this sign is in my community. The bottom of the sign basically says to report any suspicious activity. This is a block over from my house. We print signs like that and I think they have some meaning. And basically I'm just doing what I feel is a civic duty to keep an eye out for my neighborhood. I'm just not sure what the difficulty is. The Village has the means, the resources to find out where this tactical response private police agency operates from. Where is the brick and mortar building for this outfit? And Mr. Tamar Sheritt [phonetic] who runs this outfit if we have codes and laws written to protect us and the community to keep uniformity and they're not enforced they're meaningless. So when they're violated there should be some consequences.

I'm not quite sure -- I understand this isn't as high priority as the BP runoff issue or maybe some of the other concerns that are going to be addressed tonight. But with all due respect if Mr. President, John Steinbrink, lived where I was this place would have been shut down. Unfortunately, it's just little old me, Trent Moede, citizen. I'm not a millionaire. I'm not connected politically, but I'm asking for some support from the Village where I live. I've been a resident here for 16 years, and I just don't understand why this can't be put to rest. It can't be that difficult.

And this guy about two weeks ago a Sheriff's deputy came over and presented some papers at about 7:30 p.m. I don't know what was on those papers, but I got a feeling it was something to do with his business. Well, since then his business still operates. In fact, a week ago Sunday we were at a neighbor's house which is due west of this property, Lawler's house, Mike Lawler, and these guys came in full force. Four or five cars, seven or eight people with backpacks. Went in the house, changed, came out in uniforms. I mean that's blatant. I didn't take pictures. There was a family gathering, I didn't want to make a scene. But this is what I see.

And I'm just not quite sure, I understand you can't have a police officer on the corner videotaping this or whatever. But I don't see why we can't find out where this operation is really functioning out of, and I believe it's at this residence. And I'm just wondering what else I could do to assist you or what you need from me to get to the bottom of this. And, again, I thank you for your time. And I appreciate your assistance in resolving this. Thank you.

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John Steinbrink:

Thank you.

Jane Romanowski:

There are no other citizens that signed up tonight.

John Steinbrink:

Anyone else wishing to speak? Hearing none we'll close citizens' comments.

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, I wanted to give you an update on where we are with the 39th Avenue construction project. Right now we're tracking along for a mid-September completion on 39th Avenue and the roundabout. We have had some difficulties with some relocation work of AT&T infrastructure, and they'll be paying a penalty for that. But it doesn't forestall the fact that it ties up the construction somewhat. So they're working on that. And I think that Public Works and John Steinbrink, Jr., and his staff have been doing a good job of staying after them to make sure it stays on track. I know it's a major inconvenience for north and south traffic in the Village. And I'm convinced that the way we're doing this is about as fast as you can do the project and get it done. It's not really our project, it's the State of Wisconsin's project, but we'll get this done and get it done in order.

As long as I have the opportunity I have heard from Mr. Moede about the problems there. And as I've indicated to him the Police Department has not advised me that the homeowner himself is engaged in any criminal activity that would bring about a response where we could arrest somebody and stop something in place. This is a zoning violation. The Village is processing this as a zoning violation of the residential home occupation ordinance. Jean has interviewed him. She gave him time to respond to the issues that he has. And the Police Department has provided Jean with reports as to what's going on there.

And the question a lot of times ends up being to what extent it's a violation of home occupation. Home occupation generally allows for work to be done there that's not going to bring a lot of people to the door. One of the neighbors over there is an architect. He does work at his house as part of his business, but it's not intrusive. And we have one of these in court that we're working through now. They're not simple cases. The level of evidence is probably a little bit tougher to get at and deal with. But I think the Police Department has done a good job of providing Community Development with the base information as to what's going on there. And we're going to work through that and get it resolved.

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I know it's probably not happening as fast as you'd like it to happen, but this is really tracking along a course where when we do finally write citations and bring this to court we're going to have a case that's going to be able to stand up and not have to start all over again because we don't have a case. So with that it's not something we can just go out and shut somebody down and arrest them and haul them off. This is a zoning violation, it's not a criminal violation.

John Steinbrink:

So even if I lived in the neighborhood the process would still be the same and it would take this amount of time?

Mike Pollocoff:

It's the same for you, and I live in the neighborhood and it's the same for me.

John Steinbrink:

I remember at the last meeting you did bring this up and explained it to the Board. The process was proceeding, it does take time. And everybody has their rights and we work through the process, and everybody is afforded their due diligence. And that's what we do with the process. I'm sorry it doesn't go faster for you, but whether we're razing a property or doing any other violation it's the same process pretty much.

Mike Pollocoff:

Right. Believe me, if the Chief felt there was something illegal that the property owner himself was doing there that was criminal, and they have reason to believe that was accurate, they would arrest him. That happens on a day-to-day basis. They're not averse to doing that. But they can't arrest somebody for a zoning violation and take them into detention and take them away from their house. There's a process that we have to go through, and we have to give a homeowner or a property owner an opportunity to provide information from their side. We have to evaluate that, and we'll go forward to evaluate whether or not and how we're going to proceed with that and to what level it's going to be a violation.

That's not to say we won't take any information that you want to provide, any pictures, we'll take those as well. But we can't prosecute a case on a zoning violation based solely on your information. We have to acquire information, background data that leads us to the conclusion that we need to place an order. If that order isn't followed then we're going to take the person to court. So that's where we're at right now.

John Steinbrink:

But it is a good thing that you watch out for your neighborhood.

Trent Moede:

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[Inaudible] so I'm looking out for myself. It's sort of selfish, but [inaudible]. Could I just add one other comment?

John Steinbrink:

You have to come up to the microphone again.

Trent Moede:

Can I add one other comment? Would it help things along if I put in a surveillance system? I'm serious. And this isn't something you buy at K-Mart. Time stamps and dates just to prove what I'm saying.

John Steinbrink:

It's still one side of the story.

Mike Pollocoff:

I think the Village needs to do an independent investigation into this. You're an interested party as you just said. So you've got a personal interest to show the case you want to. The Village has to be a third party of -- we're going to present a total case. Now, if we get some pictures from you or whatever we'll use whatever information we get. But we'll gather our own information as well. I mean the real thing is I think you'd be more than irritated with us if we brought a case to court that we didn't think was defensible and we lose it, then you're starting all over again, and you're already starting with a case that something's been tainted. So I request that you allow us to work through the process and we'll get there.

Trent Moede:

Okay, I appreciate you addressing it and thanks again for your time.

John Steinbrink:

Once again this was under citizens' comments, and there's limited discussion we can have on this.

Trent Moede:

I understand. Thank you, appreciate it.

John Steinbrink:

Thank you. That it, Mike?

Mike Pollocoff:

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That's it.

John Steinbrink:

You know when I grew corn here we didn't have these problems. Raccoons never fought amongst themselves.

8. NEW BUSINESS

A. Consider a claim for refund of taxes by Sanmina Corporation due to a decision issued by the State of Wisconsin Tax Appeals Commission.

Rocco Vita:

Good evening, Mr. President and Board. I'm Rocco Vita, Village Assessor, 9915 39th Avenue. You received a packet of information including a memorandum from me to you, copy to Mike. It's a one and a half page document that summarizes a five page claim for property tax refund made by Don Millis who is an attorney for Reinhart, Boerner, Van Deuren who is counsel for Sanmina Corporation.

To give you some background, Sanmina Corporation is a property and corporation operation in the LakeView Industrial Park. They manufacture electrical and computerized components for machinery and for the technology industry. As a State manufacturer they are valued by the Wisconsin Department of Revenue. All manufacturers in Wisconsin are valued by the Wisconsin Department of Revenue. We pay for that service. The general fund pays for half the service, the Village pays for the other half of the service. I think we pay something like \$15,000 a year to have the Department of Revenue value about 38 properties in the Village.

For the property tax years of 2009, '10, '11 and '12 Sanmina appealed the Department of Revenue's valuation. Every year is heard by what's called a State Board of Assessors. The Department of Revenue presents a case. The property owner presents their information, and a decision is made by the State Board of Assessors. In this instance the property owner never provided any information in any of those State Board of Assessor hearings, so the State Board of Assessors always finds in favor of Sanmina.

After four years were compiled Sanmina appeals to the Wisconsin Tax Appeals Commission. This is an appointed body that hears cases of all tax issues in the State whether it's property tax, sales tax, excise tax, licenses, that sort of thing. At that point the property owner presented a case. The Department of Revenue presents their case. And in this instance the Wisconsin Tax Appeals Commission found in favor of Sanmina for all four years in differing amounts.

The first page of the memorandum goes for those amounts. So in 2009 the decision was to reduce Sanmina's assessment in round number \$2.2 million from essentially \$9 million to \$6.7 million. In 2010 they reduced the value from essentially \$8 million to \$6.7 million or one and a quarter million dollars. For 2011 the value was reduced from \$8.2 million or eight and a quarter million to \$6 million or about \$2.3 million. And for 2012 the value was reduced from \$7.85

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million to \$6 million or \$1.9 million. Because Sanmina paid taxes on the full amount they are filing a claim with the Village for refund of those taxes paid in each of those years plus statutory interest.

The second page of my memo goes to the amount that they're asking for. So essentially in 2009 refund and interest they're asking just under \$40,000; for 2010 \$24,000; for 2011 \$45,300; 2012 \$41,000. In total their claim asks for \$147,300 round numbers in refund of paid property taxes plus interest. Now, Kathy Goessl's department and I have been going through their claim. There are some small issues on their numbers that will be correct. But for a large part they're asking for a \$147,000 refund for taxes that they paid on their property for tax years 2009 through 2012. Any questions?

Michael Serpe:

Did I understand that the DOR did not present a case against Sanmina when it went for the hearing?

Rocco Vita:

At the initial Board of Assessors hearing the Department of Revenue was there. The property owner did not present any information. So the Board of Assessors has to find and found for the Department of Revenue. But that was further appealed to the Wisconsin Tax Appeals Commission. Similar to a local Board of Review, that can be appealed to a higher authority. This higher authority was the Tax Appeals Commission. At that point the property owner became engaged and actually presented evidence to the Wisconsin Tax Appeals commission.

Michael Serpe:

And then both sides were heard from the hearing examiner, whoever that was.

Rocco Vita:

That's correct. In this instance the judge that was present retired -- the hearing was heard in March of 2014. Subsequently the judge hearing that information retired. A second judge wrote the decision, and the decision was rendered in I believe June of 2015. It took over a year for them to make a decision.

Dave Klimisch:

When I was reading through the notes it sounded like the judge was not impressed with the information that was presented by the State side.

Rocco Vita:

Yes. In reading the decision of the Tax Appeals Corporation it sounds as if the property owner showed up with a lot of detailed information, and the Department of Revenue showed up with

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very little if anything. Now, in my conversations with the Department of Revenue I'm assured that's not true. But I have yet to receive transcripts to read exactly what had transpired or what information was provided.

Dave Klimisch:

So in your conversations with the State, with the DOR, or with the people that were representing us are they confident that they presented a solid case for our \$15,000? We paid them to represent us. From what I read in the notes it doesn't sound like it was well represented.

Rocco Vita:

They're frustrated with the process. They're frustrated with the Tax Appeals Commission. They were frustrated with what occurred during the hearing. They felt that the Tax Appeals Commission took into account and gave a lot of weight towards information presented by the property owner, but did not regard or ignored their information. For instance, one of their assertions is that the appraisals presented by the property owner contained properties in the Village of a contaminated facility that sold, the Hexion property that sold to Emco, and the Permacell facility which was the Nitto Denko property which transacted and became Mondi Akrosil.

So they were frustrated that when the witness for the property owner indicated that it wouldn't have made any difference in his value had he known the Emco property was contaminated at the time of sale, and that was agreed with by the Property Tax Appeals Commission, the Department of Revenue of frustrated. In the Department of Revenue there's a faction that sets the values, they're the appraisal staff. And then there's a whole separate faction, the Department of Revenue's legal staff they defend the value. And I would guess that they would use some of their appraisal staff as a witness.

Dave Klimisch:

And the appraiser that was used I think was hired by the petitioner? It wasn't an anonymous arm's length transaction. The appraiser was hired by the petitioner.

Rocco Vita:

That's correct.

Dave Klimisch:

Now that we have this case I believe it's closed, it's a done deal.

Rocco Vita:

They've decided not to appeal.

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Dave Klimisch:

So what would be your recommendation on how to protect us for the next round of cases that come forward?

Rocco Vita:

We have a very strong working relationship with the Department of Revenue, their manufacturing division. I think for the most part the values that they've set for us, the values they set for us we believe are good, solid values. We work with them on setting land values, we share sales information, building permit information. I think they've done the Village a lot of good in the past on maintaining property values in the park. This here was something that we've never experienced before. They've never made a change for these kinds of reasons at the Board of Assessors, and they've never made a negative change at the Tax Appeals Commission like this. They never made a negative change at all.

So from the Village perspective all we can do is enjoin in this process at the very first stage which means that we would have had to become part of the process early on sixty days after Sanmina filed their first paperwork in 2009, alright? But that takes a commitment on our part of resources, both monetary and in work resources, to be a part of that. We would have to provide our own information at the Board of Assessors to support the Department of Revenue's value which is not a bad thing. But it would be something that we could do going forward.

There are a lot of appeals, there have been historically a number of appeals in the LakeView Corporate Park. In almost all instances these differences in valuation are supported by the State Board of Assessors, and there's never been an appeal forward. If there have been changes it's because the property owner provides information to the Board of Assessors that they hadn't provided to the Department of Revenue in the past. So this is rather unique where the property owner -- this attorney and this law firm is good at doing what they do here. They're not providing any information up front.

Dave Klimisch:

I think there's going to be more.

Michael Serpe:

And that's exactly what I fear as well. I'm going to guess without being an assessor I'm going to guess that that Sanmina property was properly assessed at least according to the DOR, and I'm going to guess according to your office as well. Now, the difference is to give \$147,000 back to this company is going to come out of the pockets of the taxpayers to make up the difference so we can continue to run the services that this Village provides. Like Dave said just now you worry about what's coming around the corner and whose next, and when it is going to stop.

To get this information out to the people is rather difficult, and it's rather confusing, hard to understand in some cases. But I hope people read the newsletter if we're going to put it in there

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that this is happening and you're going to be paying the difference. It seems the way of the corporate industry right now, the Walgreens, the Targets, all across the nation they're challenging their assessing, and the homeowners are picking up the difference.

Steve Kumorkiewicz:

The question is if we didn't know they were with a court [inaudible], we didn't know that. Were you aware they were doing this, Sanmina?

Rocco Vita:

Well, sure. We're notified. The Village Clerk and then the Village Clerk provides [inaudible] we're notified when they file an appeal. But we receive decisions by the State Board of Assessors that they supported the State's value. And like Trustee Serpe indicated the values for the property, the \$9 million, the \$8 million depending upon the year don't seem out of line for the type of facility that Sanmina is. It's a high tech manufacturing facility of good quality. And there's a tremendous amount of value there in this industrial park. Even land in this industrial park sells for about \$140,000 an acre. If you have a property with ten acres right away you're at \$1.4 million.

Steve Kumorkiewicz:

What bugs me is the Department of Revenue did the assessment and they don't stand behind that. Because they were supposed to [inaudible] our favor because [inaudible] numbers they got and they didn't. We've got a political issue here [inaudible].

Rocco Vita:

In reading the decision and in the way that the person that authored the decision claims the Department of Revenue didn't provide a very substantial defense of their work. I have yet to read the transcripts to see whether that's -- how true that is. There's a tremendous amount of frustration on the part of the Department of Revenue right now. They're as frustrated, but they're not in a position that you are that you have to pay money back based on their initial work and the defense of their work.

John Steinbrink:

Have there been staffing cuts up there that may have affected the effectiveness of the department?

Rocco Vita:

I don't believe that. I don't believe that would be the case. If anything it was how -- as in anything else when you go to court it's how well your attorney team does.

Dave Klimisch:

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I've got two things. What happens if we review the transcripts and in our opinion if the summary that was written is inconsistent with what the transcripts show? It just is, it's done.

Rocco Vita:

It's done. If the Department of Revenue has decided not to appeal to Circuit Court then there's nothing that can be done. Now, the damning information that's in the decision indicates that the trier of this fact found that the information provided by the property owner to be credible, and that the information provided by the Department of Revenue as not being credible that's rather significant in the eyes of an appellate court. When something's not found credible and you can't make the case over again it's very difficult to overturn a non-credible decision. But I'm not a lawyer. That's what I've been told.

Dave Klimisch:

And the second thing, for next year's assessment do we start at this reduced amount, or do we come in with the comps that we would come in usually and it would be back to the value that we think it is substantiated?

Rocco Vita:

Now, remember these values are set by the Wisconsin Department of Revenue, and they've already set the 2013, 2014 and 2015 values. And, yes, the property owner wants the 2015 value because that still is probably in play down to this number, and they'll appeal. They probably have appeals of the 2013 and 2014 value. But my understanding is that the Department of Revenue is not willing to go to that. I think they're re-strategizing how to defend these values.

And this is a different market also. 2013 and 2014 is a lot different than 2009, '10, '11 and '12. Remember when you look back at even our own development in the Village very little was occurring in 2011. The crash that occurred really in '09 was felt by development or lack of transaction in '10 and '11. It wasn't until '12 we got -- '12 was bad as well. '13 was kind of a push year. But these kinds of properties didn't succumb to the kind of pressures that residential property did. Good quality, commercial manufacturing property essentially held their values for the most part. There was some decline, but for the most part through this recession.

In here if counsel and witnesses for the property owner provide sales -- here we had Hexion left and tried to sell their property in a down market so it sells for a low price because it was contaminated. Nitto Denko foregoes, leaves and decides they're not going to follow through with their campus and they walk away. And here's kind of a specialty facility for them? What do they do with that? Who is going to buy that? Fortunately they found an in state corporation [inaudible] actually willing to take it over. Those are pretty specialized manufacturing facilities trying to be sold in a very poor market. And for an appraiser to use those to value this kind of a property which is a lot different and for everybody to buy into it it's just kind of questionable. I

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mean it's not questionable on their part to do it, it's questionable that somebody would actually buy into it. And if you're going to use dark sales or sales of defunct property to value existing property, and if that becomes a standard going forward that's an issue we're going to have to deal with all the time.

Michael Serpe:

Rocco, you may have mentioned it, but the attorneys for Sanmina presented a good case obviously. Do politics every play a part in stuff like this?

Steve Kumorkiewicz:

Big time.

Rocco Vita:

I don't know. You know all judges are elected. These judges are appointed by the Governor, or the Tax Appeals Commission are attorneys who are appointed by the Governor. I don't know how many of these commissioners were appointed by this Governor. I don't know if I'm even in a position to answer a question like that.

Mike Pollocoff:

I think that one thing I hate to say we're learning a lesson on this, but I really believe that the Village needs to be prepared. I know Rocco is taking steps to do this. But there's an adjustment in how corporate America is looking at how they should be valued when it comes to pay property taxes. It's pushing into a ball at all different angles. It's coming from a lot of different ways. Part is that dark store concept. Part of it is taking advantage of abilities in Wisconsin law to kind of bypass one reviewing body and get to another body where you think you'd have more success.

And the Village I believe we're going to have to be ready, and we're going to have to fund ourselves so that we can engage and fight these things as they come where we think they need to be fought for a couple reasons. One is we have a TIF District out there that's carrying a significant amount of debt, around \$50 million in debt that we're working to get paid off. If we start finding some eroding of the tax base to the extent any of this become like a precedent or people start buying into how this probably should be valued we don't want to see that that doesn't happen or any other tricks that are going on.

Secondly, it really represents a shift of property tax responsibility from somebody who has got the financial wherewithal to hire an attorney to work the system, and that shifts it to residential users. But what's kind of strange, it's not strange I think it's probably insidious, it really puts the small business guys at risk. Here they are they're in the same commercial market. They're dealing with some of the same things, but they don't have the money or the horsepower to go out and get an attorney to hire them. Because if the attorney is working on a contingency and the taxes aren't

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that high for that one individual, they might not make that much money on that case, but it would mean a lot for a small business to -- now they're trying to compete with somebody who isn't paying taxes in the same method as their property is being assessed as somebody else.

And I think over the next few years we've got a list of property owners in Pleasant Prairie that are taking us to task, and it's happening all over the State, that the amount of time and effort we spend on legally or more intensively defending the method of how property should be assessed in Wisconsin for an equal application of property taxes is going to be under fire. I think people are always doing that. Everybody has the right to try and pay the least amount of taxes that they legally have to, but that doesn't have to be at somebody else's expense. And that's really I think what the assessing manual and the Wisconsin Constitution of uniformity have always tried to accomplish that. If you're going to have to pay property taxes everybody should be treated somewhat equally in how their property is determined what their value is. And that's just going to be a challenge going forward.

This is I think in the best case it's an aberration, but in the worse case this is the beginning of a trend. And I think that's more what I'm concerned about. And I agree with Rocco that we need to plan on being engaged up front to the extent we can protect the Village property taxpayers as these things go down. I don't know if there's political influence in there. The jaded side of my life tells me there is, but I don't know and I can't prove that there is or there isn't. But I do know that Rocco and I and the staff and I believe the Board has the same interest to protect the local property taxpayers to make sure that we can look them straight in the eye and say, yeah, you're getting a fair tax bill. We're not treating you any differently than we are anybody else.

And I think by benignly letting this kind of float along and say, well, the Tax Commission did it or the Board of Assessors at the State did it and there's nothing we can do, well, it's true. But I think if we know we can engage and at least fight the fight I think we're obligated to do it. At some point you either win the war or you stall the war or you lose the war. And we won't know that right away. But as we look going forward I think it's something this community needs to be prepared for because left unchecked and unmanaged it can do an incredible amount of damage to the property tax levy.

Dave Klimisch:

As much as I disagree with the process I move that we follow the directive of the courts and move for passage of section A.

Michael Serpe:

Is this to receive and file?

Mike Pollocoff:

No, what we're actually doing with this is we're going to move money from contingency to pay this bill. And then when we do the statement of taxes this year then everybody is going to have their share on their taxes and pay us back.

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Michael Serpe:

I'll second Dave's motion.

Dave Klimisch:

And you had said previously that its \$147,000. That's not all Pleasant Prairie, right?

Mike Pollocoff:

We'll pay 20 percent of that. In the first instance we'll pay all of it, but we'll get it back at the beginning of the year.

Dave Klimisch:

And about half of that will come from the school district?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

Rocco, one question I forgot to ask of you. Those three people appointed to this Tax Appeals Commission are those professional appraisers or what, or just lawyers and that's it?

Rocco Vita:

They're attorneys.

Steve Kumorkiewicz:

But they specialize in this?

Rocco Vita:

They're attorneys that may specialize in tax law. Most of the cases, there are probably 24 different types of tax that they have jurisdiction over in the State. There's cigarette tax, gas tax, excise tax. There's an unbelievable number of items. They don't hear a lot of property tax because it's only the Department of Revenue. But when they do hear it they make a decision on the information before them. So they're not necessarily specializing in any of -- they're not an accountant and they don't specialize in the process. They specialize in hearing fact and making a decision based on the fact presented to them.

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Steve Kumorkiewicz:

One sided.

John Steinbrink:

Okay, we have a motion by Dave, second by Mike. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed?

Steve Kumorkiewicz:

No, I disagree. That's my opinion.

John Steinbrink:

Let the record show that Trustee Kumorkiewicz is a no vote. Motion carries 3 to 1.

KLIMISCH MOVED TO RECEIVE THE WISCONSIN TAX APPEAL COMMISSION'S DECISION REGARDING SANMINA CORPORATION'S CLAIM FOR REFUND OF EXCESSIVE REAL ESTATE TAXES AND TO TRANSFER \$147,281.85 FROM THE VILLAGE'S CONTINGENCY FUND TO PAY THE SETTLEMENT AND THEN CHARGE BACK TO THE OTHER TAXING ENTITIES THEIR PORTION OF THE OVERPAID REAL ESTATE TAXES BASED UPON THE WISCONSIN DEPARTMENT OF REVENUE'S PROCEDURES; SECONDED BY SERPE; MOTION CARRIED 3-1 WITH KUMORKIEWICZ DISSENTING.

B. Receive Plan Commission recommendation and consider a Conceptual Plan to construct an 11,021 square foot veterinary office on the vacant property generally located on the north side of Prairie Ridge Boulevard west of 88th Avenue within the Prairie Ridge development.

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request by Care Animal Hospital for a conceptual plan to construct an 11,021 square foot veterinary office. And this would be on the vacant property generally north of Prairie Ridge Boulevard and just to the west of 88th Avenue identified with the star area on the map. There will be two items on the agenda this evening.

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There will be a second item as well, the certified survey map, to generally subdivide this particular property. I'd ask if this item could be taken up at the same time. I'll make one presentation, and then separate action can be taken by the Board.

John Steinbrink:

Go ahead, Jean.

- C. Receive Plan Commission recommendation and consider a Certified Survey Map to subdivide the property generally located on the north side of Prairie Ridge Boulevard west of 88th Avenue within the Prairie Ridge development.**

Jean Werbie-Harris:

Okay. So the next item also is a request by David Galowich, and he's with SB1 Pleasant Prairie Wisconsin, LLC. And it's for a certified survey map. And this is to subdivide the property generally located on the north side of Prairie Ridge Boulevard, again, between Highway H or 88th Avenue and 91st Avenue. And this would be to create two lots, Lot 1 and Lot 2. Lot 1 would be the lot that would be considered for the Care Animal Hospital.

Back 2013 a generalized conceptual plan was prepared for this area bounded by 76th Street, Prairie Ridge Boulevard between 88th and 91st Avenues. At that time SB1 put together a concept plan that would identify four different parcels of land to be subsequently divided by them. The first parcel which is directly south of 76th Street that one has already been subdivided, and that property is owned by Dr. Nader Gill. And then the next land division is this one for Care Animal Hospital which includes that wetland. And then they are creating a second lot that actually includes both of these other two properties.

The purpose, again, of the conceptual plan is to lay out potential developments to see how road layouts, lot layouts, cross-access, parking and how buildings could be envisioned to work on a particular property if one property starts to subdivide and develop off so that we can still make the rest of the development work. The request this evening is then for them to have a certified survey map Lot 1 which would be just over 2.161 acres. And, again, this would be for the veterinary clinic. It would also include the wetland on the property. Lot 2 is the balance or the remainder of the property owned by SB1 of 4.880 acres of land. And that's again, abutting 91st Street.

The conceptual plan that was presented before the Plan Commission as part of a public hearing identified that they are proposing an 11,800 approximately square foot veterinary clinic. Care Animal Hospital treats dogs, cats, exotic pets and offers some routine preventative care to orthopedic surgery. And actually I believe they have five veterinarians.

[Inaudible]

Jean Werbie-Harris:

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So now you're up to six veterinarians. As you know they are a current veterinary office in Pleasant Prairie just north of Highway 50 off of 74th Street just west of 88th Avenue, kind of west of the PDQ. And they're here to answer any questions that you might have. But as you can see they've kind of pushed their proposed a little bit further to the east, but they do have parking lots on both sides on both the east and on the west. We did do the parking calculation so they do have adequate parking. There are some comments and issues that we do need to get resolved as they move to the next level which would be the detailed site and operational plan. My understanding is that they're looking to be working towards that end to build in 2016. But we wanted to just make sure there was more than adequate parking.

A couple of other things I just wanted to point out is their access on the east side is from Prairie Ridge Boulevard. It would provide direct access to the clinic as well as a cross access to the north. And then the western entrance off of Prairie Ridge Boulevard would come in and provide access to this site. And then their private roadway or driveway would curve to the west and then provide access to that other lot that is lying to the west.

And, again, some of this information was presented at Plan Commission. We talked about their clinic hours Monday through Friday and Saturday. The Care Animal Hospital is proposed to be open for emergency patients only up to 24 hours a day on an on-call basis, again, in the event that there is some type of serious illness to someone's pet.

The site and operational plans did identify a prairie style primarily brick building to be located on the property. The number of employees anticipated, and I think this might be up a little bit now, but 38 employees through various working shifts. Approximately 128 to 160 customer visits per day, one to two truck deliveries. There's approximately 71 parking spaces, three handicapped accessible parking spaces. And, again, while they may be beginning in 2016 my understanding is that they would be opening in the fall of 2017 at this point.

As part of our site and operational and conditional use matters that were before the Village Plan Commission they will be submitting for a zoning text amendment for a PUD. They will be looking for a modification to the side setback on the east property line as that is all an open outlet with wetlands and just it's open from there all the way to 88th Avenue. There's a five foot setback instead of a 25 foot setback from the parking lot to that pocket wetland that was created from a broken drain tile that cannot be filled pursuant to State and federal regulations. So it's just like a little pocket of wetlands right in the center of that commercial area. And then they're also looking for a ten foot setback instead of a 25 foot setback, again, to that same wetland area. Again, this wetland is not interconnected to any body of water. It's not interconnected to any shoreland. It's not interconnected to a floodplain. It's just a pocket wetland that exists in the middle of the site.

So with that this is a matter that went before the Village Plan Commission at their last meeting. The Plan Commission recommended conditional approval of the conceptual plan subject to all the comments and conditions as outlined in the staff memorandum. And they also recommended conditional approval of the certified survey map. Again, that's to subdivide this property located on the north side of Prairie Ridge Boulevard between 88th Avenue and 91st Avenue in the Village.

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Steve Kumorkiewicz:

I move to approve the conceptual plan with all the conditions stated by the staff.

Michael Serpe:

I'll second.

John Steinbrink:

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

Dave Klimisch:

In the small print I was reading on something that we had as a Village that's limited to 20 employees per shift. Is that accurate or is that not accurate? I was scrolling through the notes, and I thought something in there said limited to 20 employees per shift. That's not accurate?

Jean Werbie-Harris:

No. I guess one of the things with respect to the parking is that they need to make sure that they have adequate parking for the number of doctors. They are required at all times to have at least five spaces per doctor. If you want to address it. And then in addition they need to have one space per employee. So I'm not sure if there was something that they had in their test.

Russ Brewer:

Russ Brewer, address is 10990 192nd Avenue, Bristol, Wisconsin. Owner of Care Animals Hospital with partner/wife Dr. Wilsey. As far as the employees I think the commentary might have been that we have about 20 employees per working shift. So there may be 20 employees at one time. I don't know that's necessarily a limitation. We're required to have one parking space per doctor plus four extra spaces which would be clients and then one per staff. Right now we're severely limited. We're car pooling from St. Anne's over to our current existing practice. And we took what we need and three plused it so that we shouldn't run out of parking. If I run out of parking I'll need a bigger building. Does that answer your question?

Dave Klimisch:

It is, yeah. It's a growing business, it's a wonderful business. I didn't want it to be limited. I like that there's 71 parking spaces. That's way past that we require. And it's nice that all the work we do as a Village to recruit businesses to move here it's nice when we have an existing business that re-cements their relationship in our community. So moving from Pleasant Prairie to Pleasant Prairie it's good to keep you.

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John Steinbrink:

Any further discussion?

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CONCEPTUAL PLAN TO CONSTRUCT AN 11,021 SQUARE FOOT VETERINARY OFFICE ON THE VACANT PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF PRAIRIE RIDGE BOULEVARD WEST OF 88TH AVENUE WITHIN THE PRAIRIE RIDGE DEVELOPMENT, SUBJECT TO STAFF COMMENTS; SECONDED BY SERPE; MOTION CARRIED 4-0.

Michael Serpe:

Move approval of certified survey map.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for adoption of the certified survey map. Any discussion on this item?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CERTIFIED SURVEY MAP TO SUBDIVIDE THE PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF PRAIRIE RIDGE BOULEVARD WEST OF 88TH AVENUE WITHIN THE PRAIRIE RIDGE DEVELOPMENT, SUBJECT TO STAFF COMMENTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

John Steinbrink:

Thank you.

D. Receive Plan Commission recommendation and consider Ordinance #15-21 for several amendments to Section 420 related to zoning permits required for driveways, time limits for permits, certificates of compliance and the issuance, duration, and approval or denial of sign permits.

Jean Werbie-Harris:

Mr. President and members of the Board, on March 23rd the Board had adopted Resolution 15-10 to initiate some amendments to the Village zoning ordinance to re-evaluate and to amend the

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zoning procedures for zoning and sign permits related to submittal requirements, time limits and notification of approval and denial of both zoning and sign permits.

So with that I'd like to just go through these amendments. They were part of a public hearing that were presented to the Village Plan Commission at their last meeting. The first is to amend Section 420-22A (1), and that's related to requiring a zoning permit for a driveway. In the past driveway permits were specific in the building code. This requirement has been relocated to the zoning ordinance.

Two, to amend Section 420-22 J (2) (b) related to changing the time limits for zoning permits from 6 months to 12 months. We did this to have them coincide with the building permit time frame. Three, to amend Section 420-22 J (2) (e) related to changing the time limits for sign permits from 120 days to 12 months, again, also to coincide with the time frame for building permits.

Number four, to amend Section 420-24 C and D related to modifying the certificate of compliance. This changes the clarification since some of the projects are issues a certificate of occupancy, and some are issued a certificate of compliance. So in addition this amendment clarifies that a verbal occupancy can also be referred to as a temporary occupancy. We needed to do this in order to make the terminology between the building code and the zoning code consistent.

And number five to amend Section 420-64 A and B, and this is related to approving or denying a sign permit application. The amendment will require that the applicant be informed in writing by first class mail, email or by fax only if the sign permits is denied. Currently the way the language is written we have to send an approval letter every time it's approved, and that's just kind of a waste of staff time and resources. So they're primarily concerned if it's denied and for what reasons, and so we will continue to send a letter for that purpose.

Number six to amend Section 420-65 related to the issuance of a sign permit to indicate that a permit shall be issued only upon the payment of any sign inspection fees. And number seven to amend Section 420-69 A relating to changing the duration of the sign permit so that it's valid for 12 months, again, in order to coincide with the building permit. With that the staff recommends approval of all the text amendments as presented.

Dave Klimisch:

I'm impressed with the detail work, and I move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

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KLIMISCH MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #15-21 FOR SEVERAL AMENDMENTS TO SECTION 420 RELATED TO ZONING PERMITS REQUIRED FOR DRIVEWAYS, TIME LIMITS FOR PERMITS, CERTIFICATES OF COMPLIANCE AND THE ISSUANCE, DURATION, AND APPROVAL OR DENIAL OF SIGN PERMITS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

E. Consider award of contract for the 2015 Sanitary Sewer Rehabilitation.

John Steinbrink, Jr.:

Mr. President and members of the Board, this year again we put out for bid the rehabilitation project for the sewer utility. And this is really encompassing the final mainlining within the Cooper Road basin and grouting all of the laterals, 200 plus laterals within that drainage basin. And the moving onto our next section which is out by Highway 50 and I-94. And so we had received three bids for this project. The low bid that came in was Michels Corporation at just over \$297,000, Visu-Sewer who has been doing the project every year in the past \$352,000, and then Terra Engineering and Construction came in at \$346,000.

The budget for this project was \$242,000. Went through and evaluated the line items, and for some reason the mobilization jumped up quite a bit. I'm not sure why. But because of that increase we are looking at decreasing one of the sections off and just bumping it to the 2016 project here which would give us a project total of approval of \$238,563.25.

I'll just take a little bit of time here and kind of explain what we have going on on the slides. The whole process of sewer lining in a clay main is it's something -- there's different ways that you can rehab a main. You can either go through and the most common way or what's done historically you'll go down and you'll excavate the road. The sewer's normally down very deep. It's a very intrusive project that you have. It really disrupts the neighborhood. And it's very costly because I have to go through and put down stone backfill and redo all the road and do all the traffic control and everything else.

Something that we've been doing I believe this is our fifth year we've been doing the sewer main lining where you can see there's a large truck that keeps the liner -- there's an epoxy coating that's rolled through the liner, and then that liner is forced through the main. It's actually inverted. It's cured with water. And then the holes reach the laterals. There's a little robot that goes in the main and it cuts the holes out for the laterals in the process and continues from main to main.

I have an example of what the liner looks like before the epoxy and when it's cured. If you like I can pass it around to the Board members. And so this is the liner before it's installed in the main.

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The outside of the liner is really the inside of the pipe. And so when the epoxy coating is put in through the inside its inverted and it goes through the pipe, and so then the epoxy is on the outside. And so when that liner is cured it becomes into a structure component like what Tom is going to run up to you. And then when this goes within the pipe you can kind of see the liner how it fits within a pipe. And it really does a good job of sealing all of the spaces that you may have within the main. And so these are just a couple items that I picked up at some trade shows that we've gone through. And it just kind of gives you a little bit of a representation of what it looks like.

Next slide, Jean. The area that we're looking at finishing up the main and then grouting all the individual laterals is in this Cooper Road section. Since we started this project we've noticed a significant decrease of infiltration during large rain events, and the duration after the rain events is quite a bit shorter when it comes back to normal.

Next slide please. The area that we have bid out you can it's the area that comes from Walgreens and the hotel and the gas station up in the blue highlighted area up in the top left of your screen through here. And this is really a swampy, marshy area. We have done some video investigation and some floor recording, and we noticed that there is some high infiltration in this area. But there are no areas to grout, but we are looking at relining these mains. And then the other section that we were looking at starting is this River Oaks lower Chateau area.

Next slide please. But because of the cost estimates how they came in high we're looking at keeping this within the program and moving this section to the 2016 budget year. And this is the bid tabulation in about as small of print as we could find it looks like. And it does show all the line items, Michels, Terra Engineering and Visu-Sewer coming in.

One other thing that we're adding to this program last year is epoxy coating some of the sewer vaults that we have. We have some large vaults that lift station mains discharge into. And inherently within the lift station discharge is a lot of hydrogen sulfide gas. The hydrogen sulfide gas really eats away at the concrete. And so two of the vaults that we have, one of the vaults is where the LakeView lift station discharges at, and South Central and 73, one lift station around the 6400 block of 165. And that really has been deteriorated. That vault is probably over 20 years old.

And then the other one is our 7th Avenue metering pit where a majority of the flow of the Village ends up around the 8500 block of 7th Avenue. And that vault has also really been aging and deteriorating. So we're looking at making repairs on the cement vault and then epoxy coating to keep the hydrogen sulfide from deteriorating that any more. And then the total scope of this project is \$238,563.25. I can answer any questions you may have.

Michael Serpe:

John, I give you credit for the aggression that you're going after the I & I problems with the Village, and that's been going on for quite a while. I just have a question here. Do we know if the City is as aggressive as Public Works is on taking care of the I & I problems?

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Mike Pollocoff:

We know they're not.

Michael Serpe:

They're not. And the reason I ask that, and I expected that answer, we're getting hit with a three percent increase in the sewer charges. And we're addressing massive I & I problems and the City is not. So what we're doing is we're funding the extra work that goes into treating the sewage that goes into the City. Less from us, more from them, but we're going to get charged extra because they refused to take care of their own problems. Just a thought.

Mike Pollocoff:

One thing I want to mention, and its good news in the sense that the price of lining has been coming down over time. Even though we've got a disparity in numbers here there was a time when really the only financial turn that was to relay it and get it in, the way they went about doing the lining and making some of the cuts for laterals and things like that just weren't efficient. And it's getting to be more and more. Right now there's no call on this. Lining it is way better than digging up the main. If we thought there was some horrible structure problem that the main couldn't hold an insert. But as we go through the budgets this year and next year and going forward my goal is to attack as many as we can and then start working on the laterals to get that done as well.

As far as your comment about the City I think there's going to be a point if they really -- in fact, I'd like to see if they do what they say where they're going to come back every year for a rate increase I think we may want to challenge the next one at the Public Service Commission.

Michael Serpe:

I think we're building a good case for a challenge. I really do.

Dave Klimisch:

I have a question, John. The life expectancy of this epoxy liner I'm guessing is 50, 60, 70 years?'

John Steinbrink, Jr.:

Yeah, it's well over 50 years. I mean some studies are even showing in 80 or 100 years. But since it's probably only a 15 or 20 year old process it's really hard to tell. But they're estimating it at well over a 50 year life span.

Dave Klimisch:

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And at the end of the process none of the sewage or gases will touch the concrete anymore? The concrete will just hold the liner in place?

John Steinbrink, Jr.:

Right, right, that is correct, 100 percent of the flow will go through that liner.

Dave Klimisch:

Okay. And for the time line of the project, for the liner, if we had to tear up the pipe in the old days is this --

John Steinbrink, Jr.:

It would be a whole construction season. This is something that's done relatively within a one week time duration. And honestly besides the truck and a couple of vehicles that are there people really don't have an idea of what's going on. Because really everything is done underground with cameras in the sanitary sewer main.

Dave Klimisch:

It's a small team sitting in the truck.

John Steinbrink, Jr.:

Right, that's correct.

Dave Klimisch:

And the machines keep sending the liner down.

John Steinbrink, Jr.:

Yes, you're correct.

John Steinbrink:

So even if the exterior pipe totally deteriorates you have structurally sufficient pipes after this cures.

John Steinbrink, Jr.:

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Yeah, as the one sample that I passed around I kind of showed the pipe as it is cured really has the same structure as new schedule 40 PVC pipe.

Dave Klimisch:

And how long does it take to cure roughly?

John Steinbrink, Jr.:

I believe it's a four hour cure time.

Michael Serpe:

John, I'd move approval of the award for \$238,563.25 to Michels.

Dave Klimisch:

I'll second it.

John Steinbrink:

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

SERPE MOVED TO AWARD A CONTRACT TO MICHELS CORPORATION IN THE AMOUNT OF \$238,563.25 FOR THE 2015 SANITARY SEWER REHABILITATION PROJECT; SECONDED BY KLIMISCH; MOTION CARRIED 4-0.

F. Consider Resolution #15-22 to dispose of surplus vehicles.

John Steinbrink, Jr.:

Mr. President and members of the Board, we are asking for approval for disposal of two vehicles. I believe that van has seen pretty much every department within the Village. I'm sure at one point it was even Mike's van and assessing van and public works van and maybe RecPlex van and IT van. So everyone has had a chance to drive it. And then the last one is a 1987 trailer that we really welded and rebuilt and done everything that we can do with it. And we just don't feel that it's structurally sound for the use that we have for it anymore. And so we are asking Board approval to bring these two items to auction.

Dave Klimisch:

Have they already been replaced?

John Steinbrink, Jr.:

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We do not have a replacement trailer, but we do have one in the budget for 2016, and we'll be fine until that time. We're very good at recycling vehicles within our Village fleet. And so the department that has this van will be reissued another used vehicle in better condition than this one.

Dave Klimisch:

I move approval.

Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. And I think, Jane, you drove this once, didn't you? Any further discussion?

KLIMISCH MOVED TO ADOPT RESOLUTION #15-22 TO DISPOSE OF SURPLUS VEHICLES; SECONDED BY SERPE; MOTION CARRIED 4-0.

G. Consider a draw on the Letter of Credit for the Vintage Parc development located at the southeast corner of STH 165 and Old Green Bay Road.

Mike Pollocoff:

Mr. President, I request the Board authorize a draw to be made on this letter of credit.

Michael Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

SERPE MOVED TO APPROVE A DRAW ON THE LETTER OF CREDIT FOR THE VINTAGE PARC DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF STH 165 AND OLD GREEN BAY ROAD; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

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H. Consider a draw on the Letter of Credit for the Bain Station Crossing development located at the northeast corner of Bain Station Road and 88th Avenue.

Michael Serpe:

Move to remove Item H from the agenda.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike and second by Steve to remove Item H from the agenda. Any discussion on this?

SERPE MOVED TO REMOVE ITEM H FROM THE AGENDA; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

I. Consider Trick or Treat Date and Time - Saturday, October 31, 2015 3-6 p.m.

Mike Pollocoff:

The state is giving you total control on this so have fun.

Jane Romanowski:

This date and time coincides with the City this year.

Dave Klimisch:

It would be nice just to keep that every year, Saturday, October 31. I'll move approval so my kids are happy.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Dave, second by Steve. Any discussion? I think it's going to make more than your kids happy. It's going to make all your neighbors happy, too.

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KLIMISCH MOVED TO SCHEDULE TRICK OR TREAT IN THE VILLAGE ON SATURDAY, OCTOBER 31, 2015 FROM 3-6 P.M.; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

9. VILLAGE BOARD COMMENTS – None.

10. CONSIDER ENTERING INTO EXECUTIVE SESSION PURSUANT TO SECTION 19.85(1)(E) TO DELIBERATE OR NEGOTIATE THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION.

John Steinbrink:

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

Michael Serpe:

So moved, roll call.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve, and a roll call.

Michael Serpe:

Aye.

Dave Klimisch:

Aye.

Steve Kumorkiewicz:

Aye.

SERPE MOVED TO ENTER INTO EXECUTIVE SESSION PURSUANT TO SECTION 19.85(1)(E) TO DELIBERATE OR NEGOTIATE THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED

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SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – SERPE – AYE; KLIMISCH – AYE; KUMORKIEWICZ – AYE; STEINBRINK – AYE; MOTION CARRIED 4-0.

John Steinbrink:

Motion carries four zip. That concludes this evening's business. As I said we will return to open session for the purpose of adjournment only. No other business would be conducted.

11. RETURN TO OPEN SESSION AND ADJOURNMENT

After discussion, **SERPE MOVED TO RETURN TO OPEN SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – SERPE – AYE; KLIMISCH – AYE; KUMORKIEWICZ – AYE; STEINBRINK – AYE; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 7:50 P.M.**