

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
September 19, 2016
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, September 19, 2016. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink (6:05 p.m.), Kris Keckler, Steve Kumorkiewicz, Dave Klimisch and Mike Serpe. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Kathy Goessl, Finance Director; Dave Smetana, Police Chief; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, Human Resources; Brian Smith, Recreation Director; Dan Honore', IT Director; Sandro Perez, Inspection Superintendent and Jane Romanowski Village Clerk. A number of citizens attended the meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC HEARING

A. Consider appeal filed by Jack Thomsen of a dangerous dog determination.

Tom Camilli:

We're here today with regard to a determination that the Police Chief made on July 22, 2016 that a certain mastiff dog owned by Village resident John Thomsen is an ought to be determined by this Board to be a dangerous animal pursuant to Village Ordinance 119-2. This hearing results from an appeal filed by Mr. Thomsen for the Board's review of the Police Chief's determination. On behalf of the Chief of Police I would ask this Board to affirm his determination for the safety and protection of the community and for the safety of all individuals involved.

As a brief overview we will provide testimony tonight outlining the basis for the Chief's determination. The testimony will include testimony from various law enforcement and other witnesses that will reveal that on at least three separate occasions during the last 18 months Mr. Thomsen's mastiff has bitten and seriously injured two 13 year old children which both required medical treatment. Besides that we will also provide evidence indicating that last April Mr. Thomsen himself was attacked by this dog.

The most recent incidents involving the 13 year olds occurred in June and July of this year which thus prompted the Police Chief to invoke the ordinance by written letter to Mr. Thomsen on May 22nd. More troubling is that two of these incidents occurred at Mr. Thomsen's place of business. Under Village Ordinance 119-2 a dog is deemed dangerous if it, without provocation, attacked,

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bit or injured any human being or domestic animal on public or private property. In addition, a determination by the Police Chief that a dog has bitten, attacked or injured any person constitutes prima facie showing that the dog is, in fact, dangerous. The opposing party then must provide sufficient evidence to show that the dog is not dangerous.

I'm going to present to be marked as an exhibit a binder containing all of the documents, witness reports and other information that will be referenced during the testimony tonight. May I present this?

Michael Serpe:

Mr. Camilli, can I ask a question of Mr. Thomsen? Mr. Camilli is representing the Village in this case. Do you have a lawyer that you want representing you? Do you have one here?

Jack Thomsen:

No, I don't.

Michael Serpe:

As I understood, I was under the impression that there was going to be a lawyer here to represent you?

Jack Thomsen:

He was subpoenaed and he couldn't go to the other side. So he said he can't be on both sides of the street.

Michael Serpe:

Is it your intent to have a lawyer represent you?

Jack Thomsen:

Well, if the seriousness of this matter continues as I hear it I may have to.

Michael Serpe:

That's what I'm asking you. Do you want a lawyer representing you?

Jack Thomsen:

It sounds like I may have to. I don't know what to think about this.

Michael Serpe:

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Give me some guidance here.

Mike Pollocoff:

I think that the Board has the opportunity if they want to continue it to allow Mr. Thomsen to seek counsel if he was planning on counsel being here and they weren't going to be here to reschedule this. How many witnesses to the Village have to call tonight?

Tom Camilli:

We have nine witnesses.

Michael Serpe:

What's your pleasure, Mr. Thomsen? Do you want representation? If you do then we can postpone this meeting.

Jack Thomsen:

There are nine witnesses?

Michael Serpe:

Yes, sir.

Jack Thomsen:

Oh. And my testimony comes after all of this? The procedures may last --

Tom Camilli:

After the Village presents its case you'll be allowed to present your case. You'll also be allowed to ask questions of the witnesses that I'm presenting.

Jack Thomsen:

Let's go on with this thing.

Michael Serpe:

I'm sorry.

Jack Thomsen:

Go ahead.

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Michael Serpe:

You want to continue?

Jack Thomsen:

Yes.

Jane Romanowski:

Could I ask you to adjust the microphone?

Jack Thomsen:

Oh, yes. Go ahead.

Tom Camilli:

Officer Chad Brown.

Michael Serpe:

Two seconds. President Steinbrink just showed up, so let John take a seat and then we'll continue.

Tom Camilli:

Just for reference to the Board, the exhibit which was presented to you is sequentially numbered from 1 through 52. So when I reference a document I'll be referencing it by the page number as it appears on the lower right hand corner of the document. Please state your name, sir.

Chad Brown:

Chad Brown.

Tom Camilli:

And where are you employed, sir?

Chad Brown:

With the Village of Pleasant Prairie.

Tom Camilli:

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And what is your position with the Village?

Chad Brown:

I'm a police officer.

Tom Camilli:

How long have you been a police officer with the Village?

Chad Brown:

Ten years.

Tom Camilli:

And, Mr. Brown, were you working as a police officer on July 21 of 2016?

Chad Brown:

Yes, I was.

Tom Camilli:

And I understand on that day you were dispatched to St. Catherine's emergency room for a report of a dog bit, is that correct?

Chad Brown:

That's correct.

Tom Camilli:

All right. And as part of your investigation, Officer Brown, you prepared an incident report which outlined your investigation of that dog bit?

Chad Brown:

That's correct.

Tom Camilli:

And I'm showing you now a copy of your incident report which is contained within pages 32 to 38 of the binder. Is this a complete copy of your incident report?

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Chad Brown:

It is.

Tom Camilli:

All right. Officer Brown, can you tell us when you arrived at St. Catherine's ER what did you observe?

Chad Brown:

There was a family in one of the emergency rooms. I believe it was a 13 year old boy who had received a dog bit to his person and had been seeking treatment for that dog bit.

Tom Camilli:

All right. Can you describe the injuries that were sustained by the 13 year old boy?

Chad Brown:

I believe he had a couple of puncture marks, punctures through his skin. They didn't require stitches, but they were bleeding and had broken skin.

Tom Camilli:

All right. Did the injuries appear to be serious to you?

Chad Brown:

Probably for a 13 year old boy I would say so.

Tom Camilli:

All right. And did you speak with the child?

Chad Brown:

I did.

Tom Camilli:

All right. And what did he tell you?

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Chad Brown:

He had stated that he had gone to Transcendental Golf to hit some golf balls. It's a golf range where they conduct business for that purpose. He said that when he arrived at the golf course or at the driving range he observed a large breed dog I believe to be a mastiff outside of the pro area. He said as he went to go into the pro shop or the interior of the business the dog got startled. It sounds like the dog was sleeping. This dog was startled, got up and bit him as he was trying to enter the business.

Tom Camilli:

And based upon your investigation did this boy provoke the dog in any way?

Chad Brown:

No.

Tom Camilli:

All right. And what kind of a dog are we talking about?

Chad Brown:

It's a large breed mastiff so 100 plus pounds.

Tom Camilli:

Do you know who the owner of the animal is?

Chad Brown:

That's correct, it's Jack Thomsen.

Tom Camilli:

And Mr. Thomsen is here today?

Chad Brown:

That's correct.

Tom Camilli:

Did you subsequently speak with Mr. Thomsen?

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Chad Brown:

I did.

Tom Camilli:

All right. Tell us about that conversation.

Chad Brown:

Well, I went over to Transcendental Golf just to make contact with Mr. Thomsen. As I got to the business, I walked inside. When I walked inside Mr. Thomsen and one of his associates was in the clubhouse. The dog was also present. As I entered the building the dog actually got up, took a couple steps towards me and started to do what I call a low bark, kind of a -- I felt it was kind of an aggressive move to say, hey, I'm here, you better watch out for me. Kind of posturing by the dog. I told Jack or Mr. Thomsen I advised him that he needs to remove the dog from the scene because I didn't want to have any issues with the dog aggressing against me.

He tried to call the dog to get him from that common area of the business back into the private residence that's attached to the business or what I believe to be a private residence. He had difficulty doing that. The dog wasn't really listening to him. The dog actually went kind of back to the back of the room to the back corner. And then he and his associate had to kind of coax the dog out of that corner to get back into this more secure location. However, upon getting the dog into the secure location then Mr. Thomsen and I engaged in conversation regarding the incident.

Tom Camilli:

All right. You expressed to Mr. Thomsen your concerns regarding what happened?

Chad Brown:

Yeah, I -- certainly based on my experience with dogs, I was a canine officer here for three years, and I understand canine training and the nature of dogs and kind of how they react. I felt that the dog's behaviors were certainly indicative of an aggressive nature, and I expressed that to Mr. Thomsen. And then I also kind of asked him why if the dog was aggressive like that why he would have the dog in a business setting where the public can come in and have contact with the dog. And he advised me that he didn't believe the dog was vicious. That he didn't believe the dog had bit the child or certainly it had not bit the child in any sort of significant way.

Tom Camilli:

I understand. And as part of your investigation you photographed the injuries to the child?

Chad Brown:

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That's correct.

Tom Camilli:

And those photographs are contained within pages 37 and 38 of the binder?

Chad Brown:

That's correct.

Tom Camilli:

All right. And then can you briefly describe, again, the injuries that we're looking at in these photographs?

Chad Brown:

Yeah, the juvenile has several puncture wounds to the back -- left side of the back that appear to be consistent with teeth coming and making contact with the skin and then either scraping or actually puncturing in several of the instances here of the skin.

Tom Camilli:

Thank you. I don't have any further questions for Officer Brown. Do you have questions?

Jack Thomsen:

Yes. Officer Brown, when you came in --

Michael Serpe:

Use the microphone, Jack.

Jack Thomsen:

Oh, yes. Jose and I and the dog were at evening meal. When the dog got up and came towards you I didn't see the nature of what you had spoken of. And when you asked to have the dog put into the golf shop he behaved, and we put him in there and closed both doors. So that's my story about that. The puncture wounds I was told by the father that came over there after the incident that he needed stitches. And this is the first time that I heard anything that was close to right about the puncture wounds.

Tom Camilli:

If I may ask, Mr. Chairman, please advise Mr. Thomsen at this point he's able to ask questions --

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Jack Thomsen:

Oh, okay.

Tom Camilli:

-- of Mr. Brown regarding his testimony. And then after our testimony he'll be permitted to present his case.

Jack Thomsen:

Oh, okay, all right, all right. So the feelings that you have for the dog and being a canine person do you feel that your behavior because of your experiences can cause a dog to be, as you say, aggressive? Do you understand what I mean when I ask that question?

Chad Brown:

Are you asking if my behavior at the time that I came to your --

Jack Thomsen:

Yes.

Chad Brown:

-- shop?

Jack Thomsen:

Yes.

Chad Brown:

I didn't see any correlation between me walking through the door and the dog getting up and walking towards me in an aggressive manner.

Jack Thomsen:

But as a canine person the question is -- you see the dog -- the question is that a nature of the dog doing what he had done I thought that you may have come here, and the reason for this question is that the dog is reading you as well as you're trying to read the dog so if that makes sense.

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Chad Brown:

I get where you're going with that. I don't believe that the dog had enough time in the second and a half it took me to come through the door to read me and determine that I was a threat in any way to him --

Jack Thomsen:

I see.

Chad Brown:

-- or to your associate to have such a reaction as to get up, low growl at me and then take several steps at me. You know, in dog training there's a time and a place for activity, and that's probably not the time and the place for that type of activity for that type of dog.

Jack Thomsen:

So this is a peculiar thing that happened, yeah. No other questions.

Dave Klimisch:

Mr. Brown, when you walked in were you in a similar uniform?

Chad Brown:

Yes, I was in full duty uniform driving a fully marked squad car. I was on patrol.

Dave Klimisch:

Would that be -- with a uniform like that would a dog like that react differently to you in uniform than if a civilian walked in and --

Chad Brown:

I don't know. I don't know what the history of the dog is. This is actually my first time having any contact with the dog or even with Mr. Thomsen was this call.

Dave Klimisch:

I don't what I'm trying to say here, but your experience with other dogs, walking in in uniform does that create a reaction in dogs that would be different than if you walked in in civilian clothes?

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Chad Brown:

Right, I understand. There are certainly times when we go to a residence and the dog is or the dog on the premises might be a little more defensive because it's somebody coming into their home.

Dave Klimisch:

Okay.

Chad Brown:

I think that's kind of what you're trying to get at.

Dave Klimisch:

And a big black uniform if he sees that as a threat --

Chad Brown:

I don't know.

Dave Klimisch:

-- compared to someone walking in with not the uniform. I don't know if dogs can tell that or not.

Chad Brown:

Right, sure. I don't know that the uniform in and of itself is read as a threat by the dog. I don't believe so. But, you know, I guess it's a public setting, it's a public business. It seems at least to me you don't want a dog that's going to be protecting during business hours.

Michael Serpe:

Officer Brown, in your experiences with having a canine if your canine was in the home by himself and somebody other than you walked in the home would it be a natural reaction for the dog to confront the person coming into the home?

Chad Brown:

Potentially the dogs when we are doing the training they key not on the presence of a person but on things like aggression, you know. If the dog is standing next to me in a crowd of people the dog is not going to just instantly aggress against anybody. It's if somebody comes up, shakes my hand, give me a hug, whatever, that's not an aggressive move. In canine typically the dog

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aggresses towards aggression. If somebody comes up gives me a push, punches me in the face, something of that nature, the dog is going to read that as an aggressive move and then take action appropriately.

Michael Serpe:

Is this breed of a dog a little bit more territorial than some?

Chad Brown:

I don't know with mastiffs. It's certainly a larger breed.

Dave Klimisch:

And do we know what happened that caused the bite to the 13 year old?

Chad Brown:

My understanding is that the dog was sleeping, and then the juvenile was entering the business. And upon approaching the dog startled awake at the presence of the child.

Dave Klimisch:

Okay.

Kris Keckler:

Officer Brown, was the dog eating at the time, or was there any food nearby that the dog would have been --

Chad Brown:

Not that I recall seeing.

Kris Keckler:

Was there any dog toys or something else that it would have found that it would have either through a defensive or aggressive manner trying to interact or play in that manner?

Chad Brown:

I don't recall specifically there being anything that caught my attention.

Kris Keckler:

Okay, thank you.

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Jack Thomsen:

Officer -- can I ask a question? Can I still ask a question?

John Steinbrink:

Sure.

Jack Thomsen:

The young fella did he walk in or did he come in on a bike?

Chad Brown:

To the property?

Jack Thomsen:

Yeah.

Jack Thomsen:

I don't recall. I'm fairly certain he didn't ride the bike right up to the door but I didn't ask either.
So I can't speak to whether he did or not.

Jack Thomsen:

If the dog were sleeping and a bike was driven up would that be the arrangement of maybe a bite
in the back. It's unusual -- I'm wondering --

Chad Brown:

If the dog was startled?

Jack Thomsen:

Yes.

Chad Brown:

Potentially.

Jack Thomsen:

No more questions.

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Tom Camilli:

Thank you, Officer Brown. Theresa McGuire. Would you state and spell your name, ma'am?

Theresa McGuire:

T-H-E-R-E-S-A M-C-G-U-I-R-E, Theresa McGuire.

Tom Camilli:

What is your address, ma'am?

Theresa McGuire:

1396 110th Street.

Tom Camilli:

All right. And, Ms. McGuire, you are the mother of Francis?

Theresa McGuire:

Correct.

Tom Camilli:

All right. And Francis was the child involved in this incident on July 21st of 2016 that Officer Brown testified about?

Theresa McGuire:

Yes.

Tom Camilli:

All right. And what do you do for a living, Ms. McGuire?

Theresa McGuire:

I'm a teacher.

Tom Camilli:

And you are obviously aware of the circumstances surrounding the injuries to your son?

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Theresa McGuire:

Absolutely.

Tom Camilli:

As best as you can remember, Ms. McGuire, can you tell us when you first learned of the injuries to your son on July 21st of 2016?

Theresa McGuire:

Sure. I had gotten a phone call from my mother. She was home with Frank. And he had rode his bike down to the Transcendental driving range. And after he parked his bike he had planned on hitting a bucket of balls. So he walked up to the clubhouse. And upon entering the clubhouse he noticed the dog was sleeping underneath a tree alongside the door. But he just walked past. And when he reached for the handle of the door the mastiff woke up and lurched at him and jumped on his back. So he they had called and told me that he had been bit. He came home, and then I knew immediately that I was going to need to call for medical assistance.

Tom Camilli:

I see. And was medical assistance sought at that point?

Theresa McGuire:

Yes. My husband went down to speak with Mr. Thomsen. And I immediately took him to the emergency room. I wanted to make sure that we were going to be handling it properly. We were going out of town, and he was going to be lake swimming. So we wanted to make sure if he needed an antibiotic or stitches and called his pediatrician as well.

Tom Camilli:

I see. And he received treatment --

Theresa McGuire:

Yes.

Tom Camilli:

-- at St. Catherine's?

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Theresa McGuire:

Exactly. And we had met with Officer Brown. And he had interviewed him in regards to asking Frank exactly what had happened which I had explained. And at the time they realized that the way to treat it properly was not to stitch but to treat with antibiotics for ten days.

Tom Camilli:

And these were lacerations to the back?

Theresa McGuire:

Correct. And which he does have scarring from.

Tom Camilli:

Scarring remains on the back?

Theresa McGuire:

Yes, he does.

Tom Camilli:

All right. And after the incident did you have any follow-up conversations with Officer Brown?

Theresa McGuire:

No, I did not.

Tom Camilli:

All right. How has this incident affected you as a parent?

Theresa McGuire:

Well, for one I am very surprised that being a resident of Tobin Creek neighborhood we drive by the Transcendental Golf. We have seen the dog that has been unleashed. When my husband had gone down to the driving range to speak with Mr. Thomsen following the dog bit, within 45 minutes the dog was still unleashed. And he was very defensive about us asking to tie up the dog. We were very concerned about other children getting bit. Mr. Thomsen advertises children to go down to his driving range for lessons. And he encourages children to go down there. I have four children all of which have gone down to his driving range. And so knowing that it was a place in which he advertises for children to come to we felt very bothered by the fact that he really disregarded this incident.

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Tom Camilli:

Thank you.

Theresa McGuire:

And we were concerned for other children.

Tom Camilli:

Thank you very much, Ms. McGuire. Mr. Thomsen might have some questions for you.

Jack Thomsen:

Were you aware of the fact that after this incident that your son hit 55 golf balls at the range?

Theresa McGuire:

Well, Mr. Thomsen, he's a 13 year old kid, and he was trying to be pretty tough about it. And so when he did come home he did tell us that he had gotten bit. But he was initially startled. And I can't imagine he hit 55 golf balls, but.

Jack Thomsen:

Well, that's one thing about the pyramid, we're accurate.

Theresa McGuire:

But, Mr. Thomsen, I'm not sure that makes it okay what happened to him.

Jack Thomsen:

No, nor do I. But I'm still trying to determine what really happened. So the question is that if he got bit in the back was it a bite or was it a puncture wound from the bike handle? Because he had driven up to the golf shop you say. I was close by. I was giving a lesson only from here to that window away from the incident.

Theresa McGuire:

Well, perhaps you want to take a look at the pictures and the puncture marks. And I can't imagine --

Jack Thomsen:

Don't forget I have --

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Theresa McGuire:

-- that that bike handle would do that.

Jack Thomsen:

-- looked at that. Your son said please take a look. I said there's no blood. I don't see anything but this bruise here. And that's why I said, come on, you can hit balls. I can help you with your swing. He just got a new driver or something from Play It Again Sports.

Theresa McGuire:

And I think that's the most concerning part to me is that you are completely disregarding the dog bite and making it okay. Because there wasn't blood or because he didn't run home immediately or because he didn't have stitches it doesn't make it okay. And that's the reason we're here.

Jack Thomsen:

Well, I'm trying to find out what it is, and that's why I'm here, too.

Theresa McGuire:

Okay. Do you have any other questions for me?

Jack Thomsen:

None, none.

Theresa McGuire:

Thank you.

Kris Keckler:

Ma'am, I have some questions. At the emergency room where you took your son did they confirm it was a dog bite?

Theresa McGuire:

Yes, they did.

Kris Keckler:

They didn't entertain or investigate any other injury or type of injury?

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Theresa McGuire:

No. Officer Brown did not ask if it was anything other than this dog bite.

Kris Keckler:

But the medical staff did treat it as such and it was consistent with a dog bite?

Theresa McGuire:

Yes, and the nature of the wound did show that it was a puncture from a dog bite.

Kris Keckler:

Okay, thank you.

Michael Serpe:

You mentioned concern for other kids that might come down there with the dog not being tied up.

Theresa McGuire:

Mm-hmm.

Michael Serpe:

If that dog was now placed away from the public, in other words in the house, would that be acceptable to you?

Theresa McGuire:

Are you saying outside of Pleasant Prairie?

Michael Serpe:

No, he has a house on the property.

Theresa McGuire:

I understand. I certainly would support if Mr. Thomsen wanted to keep the dog in his own personal property. However, his place of business is also where he lives. And so that is something to keep in mind with the decision made.

Michael Serpe:

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Okay, thank you.

Tom Camilli:

Thank you very much, Ms. McGuire. Officer Severson. Good evening, sir. Would you state your name, please?

Sanford Severson:

Sanford Severson.

Tom Camilli:

And where are you employed?

Sanford Severson:

Village of Pleasant Prairie Police Department.

Tom Camilli:

And what is your position with the police department?

Sanford Severson:

Police officer.

Tom Camilli:

How long have you been employed with the Village of Pleasant Prairie Police Department?

Sanford Severson:

Twenty years.

Tom Camilli:

I see. And, Officer Severson, were you on duty on the evening of June 27th of 2016?

Sanford Severson:

The day of, yes, actually the 28th.

Tom Camilli:

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All right. And on that date you received information of an incident which occurred at the Transcendental Golf Course, correct?

Sanford Severson:

I did. I responded to a home in the Village to take a delayed dog bite report.

Tom Camilli:

All right. And you prepared a written report regarding your findings, and that report is contained within -- excuse me, at page 26 of the binder, is that correct?

Sanford Severson:

That's the report I prepared, yes.

Tom Camilli:

All right. And who did you speak with when you began your investigation?

Sanford Severson:

Both Tyler Dahl and his mother.

Tom Camilli:

All right. And can you summarize the results of your investigation?

Sanford Severson:

Essentially Mrs. Dahl told me that Tyler was at Transcendental Golf the day before, that he had been bitten by a dog on the premises and that she had subsequently taken him to St. Cat's ER for some treatment. And this next day she was now calling to make the report of the dog bite. Tyler had a bandage on his right earlobe, and they told me that that's where the injury was on Tyler.

Tom Camilli:

And your investigation revealed, or at least according to the information given to you by Ms. Dahl, it was Mr. Thomsen's dog that did the injury?

Sanford Severson:

Correct. She stated she had already gone back and talked with him. Tyler told me that it was -- the dog's name is Bookie, that it Bookie that had bitten him on the earlobe. Tyler explained to me that essentially he had entered the pro shop, that he was looking at an item on the counter in the shop, and that item fell to the ground. He reached down to pick that item up which apparently

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then either the falling item or him bending down to pick it up startled Bookie, and Bookie then bit him in the ear.

Tom Camilli:

I see. And did your investigation reveal any attempts by the child to provoke the mastiff in any way?

Sanford Severson:

After speaking with Tyler and then later with Mr. Thomsen I didn't find any information that made me believe that Tyler provoked the dog.

Tom Camilli:

All right. And can you tell us about your conversation with Mr. Thomsen?

Sanford Severson:

Shortly after taking this report I went down to Transcendental Golf and spoke with Mr. Thomsen. I entered, Bookie was present, he was present. As I entered Bookie gave me kind of a low bark as well - came over to check me out. It seemed very consistent with what Officer Brown described. I explained to Mr. Thomsen why I was there. He said he recalled the incident. He described the incident very similarly about this item falling off the counter and Tyler having bent down to pick it up. And he further stated that he did not believe -- he surmised that Bookie scratched Tyler.

Tom Camilli:

Was it more than a scratch?

Sanford Severson:

It was bandaged by the time I got there the next day so I didn't actually get to view the wound.

Tom Camilli:

I see. All right, thank you, Officer Severson.

Jack Thomsen:

Officer Severson, the west side of the counter where the incident had occurred at the shop that's where this young man, Tyler, had asked me, I think I discussed this with you, about the putting course.

Sanford Severson:

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I recall that.

Jack Thomsen:

And in that conversation of balls and putters and score cards and so forth Tyler inadvertently knocked that swing doctor which is a teaching agent off the counter as I recall. I wonder if you would see the falling of that as a startling effect on the dog that was laying there on the floor.

Sanford Severson:

Certainly, yes.

Jack Thomsen:

And would you see that when one is trying to retrieve the mistake that happened falling from the counter that there might be a collision so to speak?

Sanford Severson:

I wouldn't see that as feasible.

Jack Thomsen:

Well, to make it seem a little bit more feasible, the direction that the dog's head was was west. And his feet were to the east, and his head was just beyond the counter. Now, for that dog to bite the right earlobe he would have to be in my mind, or I could ask you, maybe from Brazil an anaconda maybe that might work, so the neck just won't get around the corner that way. But the next question is is what about the left paw is that feasible? But better yet the question is did you note that there was two -- there's wire baskets right there. There's a gum machine, metal, and there's a couple that would really be feasible if we pay attention to it, metal clipboards for the putting course. The feasibility I'm asking is that as he goes after the swing doctor if he, in fact, caught his ear on one of these objects?

Sanford Severson:

Again, I didn't get to see the injury. However, over my 25 years of being a police officer and taking dog bite reports the overwhelming majority of them are bites and not scratches. So my experience and my training tells me that more than likely the reaction was if Bookie wasn't facing him Bookie turned and bit him.

Jack Thomsen:

Would you see that this mastiff dog as big as he is, 100 pounds, to do an injury and he still have an ear?

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Sanford Severson:

I have no doubt that Bookie could have taken his ear off if he wanted. But I also think that Bookie certainly could have done one simple puncture wound to his earlobe as well.

Jack Thomsen:

That size of a head and mouth could do that little damage in the ear.

Sanford Severson:

In my experience, yes.

Jack Thomsen:

Well, again, I put a band aid on that wound and that's why I asked the question. The angle doesn't seem feasible. The size of the dog and the direction that he's laying isn't feasible. So things aren't right. So that's the end of the questions I guess. Okay.

Kris Keckler:

Officer Severson, do you recall seeing any beware of dog signs anywhere on the premises?

Sanford Severson:

I don't recall. I'm not saying there weren't any certainly. I just don't recall.

Dave Klimisch:

So with the item that fell off the counter that would be a provocation -- that's what caused the dog to get riled up or get startled?

Sanford Severson:

Yes. At the same time that the item falls off and either hits Bookie or close to Bookie, Tyler bends down at the same time. The item falls and it either hits Bookie or startles Bookie because it hit close by. And at the same time Tyler is bending right down by the dog.

Dave Klimisch:

Okay, to get back up or something.

Tom Camilli:

Thank you, Officer Severson. Brenda Dahl.

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Brenda Dahl:

Good evening.

Tom Camilli:

Good evening, ma'am. Will you state and spell your name, please?

Brenda Dahl:

Yes, Brenda Dahl, D-A-H-L.

Tom Camilli:

Your address, ma'am?

Brenda Dahl:

4273 113th Street, Pleasant Prairie.

Tom Camilli:

Thank you, Ms. Dahl. And you are the mother of Tyler Dahl, correct?

Brenda Dahl:

Correct.

Tom Camilli:

And Tyler is the subject of the most recent incident that Officer Severson testified about on June 28, 2016?

Brenda Dahl:

Correct.

Tom Camilli:

And did you notify the Pleasant Prairie Police Department regarding the bite on Tyler?

Brenda Dahl:

I did.

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Tom Camilli:

All right. To the best of your recollection, ma'am, can you tell us when you first discovered the injury to your son?

Brenda Dahl:

I remember I was sitting in -- I'm an attorney, I was sitting in Judge Wilk's courtroom. And I got either a text message or a call from my father saying that my son had been bit by a dog. And so I actually had to interrupt court and go into the back room to make a phone call to make sure he was okay.

Tom Camilli:

And what did you discover after that?

Brenda Dahl:

My dad told me that Tyler had been bitten by a dog. He had put some bandages on it, and that he thought he would be okay until I got home.

Tom Camilli:

You eventually went home and spoke with Tyler?

Brenda Dahl:

I did.

Tom Camilli:

Can you tell us what you observed?

Brenda Dahl:

Yes, there is a -- he had a bandage on his ear, but there were basically three to four lacerations on his ear consistent with probably a scraping of the dog's teeth going down his ear. There was also a scrape on the back of his ear. And there's a little chunk taken out of his ear.

Tom Camilli:

So he actually lost a part of his earlobe?

Brenda Dahl:

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Yes, very tiny but you can see it. He can show you it today. He's here today.

Tom Camilli:

All right. And I'm assuming -- let me ask you was there medical treatment sought for that injury?

Brenda Dahl:

Yes.

Tom Camilli:

All right. Where was he treated?

Brenda Dahl:

St. Catherine's Hospital.

Tom Camilli:

All right. And can you tell us to the best of your recollection what the medical personnel determined may have been the cause of that injury?

Brenda Dahl:

Yes, they said it was consistent with a dog bite. They said that it probably could have used stitches, but they typically do not stitch dog bites because they don't want to seal in any kind of infection. So what they do is they give antibiotics and hope for it to heal on its own.

Tom Camilli:

And how old is your son?

Brenda Dahl:

Thirteen.

Tom Camilli:

Have you had any follow-up communications with the police department regarding that incident, or nothing further after the initial call?

Brenda Dahl:

I called the police the next day. I felt bad. I know Mr. Thomsen. My husband knows Mr. Thomsen. Our intent is not to get him in trouble, but I felt the dog was dangerous. When I went

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in and saw the size of the dog I was even more concerned. It's a very big dog. It seemed like an aggressive dog. So I was upset when I went in to talk to him because I didn't feel like he took it very serious. He said, well, I think it's just a scratch. There was actually another boy that witnessed this, his friend Charlie Skenzel [phonetic]. We can bring him here if you need him, but he saw the dog bite Tyler. And Tyler told me basically something fell. He went to pick it up, and as he was bending down the dog bit him.

So I was concerned after I talked to Mr. Thomsen that he basically said, oh, it's just a little scratch, it's not a big deal. And I said, you know, you really need to chain this dog up. The next person might not be as nice as me, or it might really hurt somebody. It's a big dog. And he just kept saying no, no, no, it's nothing. And that's when I got very concerned. And then I'll tell you that Tyler knows Frankie, the mother who testified before. And when I found out -- they're friends and they were talking about golfing and figured out somehow that the dog had bitten them both. So that's when I really got concerned that the dog is still running around. It bit another child. And then I find out now that it's bit a third person. And like I said our intention -- I'm an animal lover, I feel bad for Mr. Thomsen, but this dog is a big dog, and I'm concerned that it could really -- it could kill a child if it went after them hard enough. So I'm concerned.

Tom Camilli:

And you indicated that when you went to talk with Mr. Thomsen the dog was not chained?

Brenda Dahl:

Correct. It was in the clubhouse not chained up. And it's a big dog, and it growled a couple times.

Tom Camilli:

Thank you very much. Was there anything further that you wish to --

Brenda Dahl:

I think Tyler wanted to talk to you. He was upset about what was being said up here, and he says, you know, that's not what happened, he bit me. So I think Tyler wants to tell the Board what happened.

Tom Camilli:

And he'll be called next. Mr. Thomsen, any questions?

Jack Thomsen:

The young man that was with your son striking balls, your son was inside, and did you know that he was asking me about the putting course when he was inside?

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Brenda Dahl:

I'm sure he was. He likes you very much. And I'm sure -- he's always liked you, and I'm sure he was asking you questions, yes.

Jack Thomsen:

Okay, that's what we were doing at the time.

Brenda Dahl:

Yes.

Jack Thomsen:

And so I was showing him the score car. So he inadvertently knocked a swing doctor off the counter which was to his right. But are you aware that the other young man hadn't finished his golf balls yet so he was still striking balls on the range.

Brenda Dahl:

I'm sure. He said that you helped him put a napkin or helped it stop bleeding. But know that his friend saw it happen.

Jack Thomsen:

No, he couldn't have, that's why I'm asking the question.

Brenda Dahl:

Okay.

Jack Thomsen:

It's that the other child was still striking balls while Tyler was getting ready to get onto the putting course, but the other young man hadn't finished his shots yet.

Brenda Dahl:

Yeah, you would have to ask Tyler that. I'm not sure. I just know that the dog bit him.

Jack Thomsen:

Okay, I just want to get this in order. Because I'm on the opposite side of the counter and, therefore, my question to you would be -- or the statement that I want to make is that I can't see

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what's happening on the other counter when the item fell. All I can ask you is if one understands the direction of Tyler going after the object, and the direction that the dog is laying. I wonder if he would recall in his mind that it was almost impossible for the dog to bite.

Brenda Dahl:

Well, I think you could probably ask Tyler that. I know that he told me that when this happened that you said you heard the dog growl.

Jack Thomsen:

Oh, no, that's not so. No, the dog was startled, that's for sure. That's all I --

Brenda Dahl:

Okay.

Kris Keckler:

This dog -- you mentioned you're an attorney.

Brenda Dahl:

Correct.

Kris Keckler:

Your primary concentration in the field?

Brenda Dahl:

Family law, and I'm also a contractor for the County as a guardian ad litem.

Kris Keckler:

And in that role you are entrusted with securing and identifying hazardous areas for children and trying to improve their welfare and well being?

Brenda Dahl:

I don't know about identifying hazardous areas, but I do a lot of work with children making sure children are safe in the home. A lot of work with foster children, divorces, making sure kids are safe, yes.

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Kris Keckler:

So combining that professional experience and assignment along with your motherly role your stance as far as if this presented itself as a dangerous situation would that be accurate?

Brenda Dahl:

Definitely. And when I saw the size of the dog and unprovoked I was definitely worried.

Kris Keckler:

And you have concern for any future occurrences that this dog may present itself to the young children?

Brenda Dahl:

I do, and especially since it bit someone else and it's still running around unleashed. I don't think that Mr. Thomsen unfortunately is taking this very seriously. I understand he loves his dog. Like I said I'm an animal lover, too. But my concern is for other children or people that this dog may bite.

Kris Keckler:

All right, thank you. That's it. Nothing else, thank you.

Tom Camilli:

Thank you.

Brenda Dahl:

Okay, thank you.

Tom Camilli:

Tyler? How are you, Tyler?

Tyler Dahl:

Thirteen.

Tom Camilli:

Good. You're 13 years old?

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Tyler Dahl:

Yeah.

Tom Camilli:

And your name is Tyler Dahl?

Tyler Dahl:

Yup, D-A-H-L.

Tom Camilli:

Okay. And, Tyler, do you remember something that happened on June 28th of this year?

Tyler Dahl:

Yes.

Tom Camilli:

Do you remember? And what happened to you?

Tyler Dahl:

I got bit by the dog at the golf course.

Tom Camilli:

Say that again.

Tyler Dahl:

I got bit by the dog at the golf course.

Tom Camilli:

And which golf course?

Tyler Dahl:

Transcendental.

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Tom Camilli:

Okay. Can you tell the Board what you were doing at the golf course?

Tyler Dahl:

I was talking to Jackie about the miniature golf course. And I dropped something off the counter. And the dog was pretty much right next to me. And I bent down and picked it up and it bit me.

Tom Camilli:

Did the object that fell did it hit the dog in any way?

Tyler Dahl:

No.

Tom Camilli:

And how far were you away from the dog when he jumped at you?

Tyler Dahl:

Maybe a foot or two.

Tom Camilli:

Did you do anything that might have made the dog mad or angry?

Tyler Dahl:

Not that I would know of, not unless I did something on accident.

Tom Camilli:

Okay, and where did the dog bite you?

Tyler Dahl:

Right here.

Tom Camilli:

On your earlobe?

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Tyler Dahl:

Yeah.

Tom Camilli:

Is it painful?

Tyler Dahl:

Yes.

Tom Camilli:

What did you do after that happened?

Tyler Dahl:

Um, me and my friend started playing the miniature golf course. But then I had to quit because -- and then he called his mom to come and pick us up.

Tom Camilli:

Was your ear bleeding?

Tyler Dahl:

Yeah, a lot. It took like an hour for it to scab over.

Tom Camilli:

Okay. And then you went home and you spoke to your --

Tyler Dahl:

Grandpa.

Tom Camilli:

Your grandpa, okay. And did you eventually have to go to the hospital because of what happened?

Tyler Dahl:

Yes.

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Tom Camilli:

And do you remember what they did to you at the hospital?

Tyler Dahl:

They took off the scab, and then they washed it out with like this liquid thing. And then they put gauze on it and bandaged it up.

Tom Camilli:

Okay. Are you concerned about the dog doing this to someone else?

Tyler Dahl:

Yeah, because it did it to my friend before, too.

Tom Camilli:

Who is your friend?

Tyler Dahl:

Frankie McGuire.

Tom Camilli:

Okay. And do you know if either -- if Frankie did anything to upset the dog before the dog bit him?

Tyler Dahl:

I wasn't there, but I wouldn't think so.

Tom Camilli:

And does your ear still hurt?

Tyler Dahl:

Mmm, when I squeeze on it hard, yeah.

Tom Camilli:

All right. And do you have scarring on your ear?

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Tyler Dahl:

Mm-hmm.

Tom Camilli:

All right. If the Board members would like to see his ear we could certainly -- if they do they'll ask, okay? All right. Is there anything else that you'd like to tell the Board about what happened on that day?

Tyler Dahl:

Jackie had said that he had thought the dog scratched me. But right after that when he was putting band aids on my ear he said is that when you dropped the club, and I heard the dog growl at the same time.

Tom Camilli:

Was it more than a scratch?

Tyler Dahl:

Yeah.

Tom Camilli:

Did the dog hit you with his teeth or his paw?

Tyler Dahl:

I think it was his teeth for sure.

Tom Camilli:

And eventually you ran away from the dog after the bite?

Tyler Dahl:

Yeah.

Tom Camilli:

Thank you, Tyler. Mr. Thomsen might have a couple questions.

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Jack Thomsen:

Yeah, Tyler. Do you recall where I was when this was going on?

Tyler Dahl:

Behind the desk?

Jack Thomsen:

Hmm?

Tyler Dahl:

Behind the desk.

Jack Thomsen:

Behind the counter, yes. And do you recall any items other than the swing doctor, which you inadvertently knocked off the counter, that were in that same location that could have caused an injury to you? To be more clear, do you recall a couple clip boards that were right at the counter?

Tyler Dahl:

I do remember those, but the dog had also growled when I was down on the ground, and I hadn't felt anything until I was down there with him.

Jack Thomsen:

Well, a growl -- I'm asking maybe the question about a growl. But if I'm caused to move quickly I might even have a growl, or maybe my personality there might be a few swear words in there, too, you know.

Tyler Dahl:

But he lurched forward at me at the same time.

Jack Thomsen:

Yes, but do you recall there's other baskets, baskets for balls that are laying there. So I'm just wondering if you may have thought that the dog injured you, and he was just getting out of the way of the item that fell from the counter.

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Tyler Dahl:

The item was in front of me and he was to the right of me, and he had lunged right at me. I'm sure it was the dog.

Jack Thomsen:

Do you recall that the dog was laying on the south side of the counter?

Tyler Dahl:

He wasn't even laying down. He was standing right next to me.

Jack Thomsen:

Well, that's not -- of course, you're on that side of the counter. But for the dog to -- I could see the paw maybe coming that way, but.

Tyler Dahl:

His head was right at me.

Jack Thomsen:

There's no more questions for this --

Michael Serpe:

Tyler, you've had -- you've gone to Transcendental quite a few times, is that correct?

Tyler Dahl:

That was my third or fourth time there.

Michael Serpe:

Have you ever had face-to-face contact with the dog before?

Tyler Dahl:

Yeah.

Michael Serpe:

Was there any reaction from the dog?

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Tyler Dahl:

No, but before he had bit me the same day he had tried to bite me in the hand?

Michael Serpe:

He tried to?

Tyler Dahl:

Yeah, and I got out of the way.

Michael Serpe:

And when you did get bit in the ear and you ran out did the dog try and come after you?

Tyler Dahl:

No, he --

Michael Serpe:

He didn't he stayed in the house?

Tyler Dahl:

Yes.

Michael Serpe:

Okay, thank you.

Dave Klimisch:

Have you been back?

Tyler Dahl:

No.

Tom Camilli:

Thank you, Tyler. Lieutenant Paul Marik. Good evening, sir. Will you state your name, please?

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Paul Marik:

Paul Marik, M-A-R-I-K.

Tom Camilli:

Where are you employed, Mr. Marik?

Paul Marik:

Village of Pleasant Prairie.

Tom Camilli:

In what capacity?

Paul Marik:

I'm a Lieutenant for the Pleasant Prairie Police Department.

Tom Camilli:

And how long have you been employed by the Village of Pleasant Prairie Police Department?

Paul Marik:

Almost 20 years.

Tom Camilli:

All right. And as part of your duties as a Lieutenant with the police department are you responsible for reviewing the reports of other officers within the department?

Paul Marik:

Yes, sir, I am.

Tom Camilli:

And on or about April 8th of 2015 did you review an incident report prepared by Officer Megan Mrnak?

Paul Marik:

Yes, Megan Mrnak, that's correct.

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Tom Camilli:

Yes, sir. And would the report of Officer Mrnak be contained within pages 5 through 12 of the materials?

Paul Marik:

Yes, they are.

Tom Camilli:

All right. I'm going to briefly have you tell us what happened, and I understand that Officer Mrnak investigated this incident and you reviewed the report?

Paul Marik:

That is correct.

Tom Camilli:

And you're familiar with the report and what happened?

Paul Marik:

Yes, I am.

Tom Camilli:

All right. And I understand on April 8th of 2015 Officer Mrnak was dispatched to Transcendental Golf, is that correct?

Paul Marik:

Yes, that's correct. She was dispatched there for a rescue call with the Village of Pleasant Prairie Fire and Rescue.

Tom Camilli:

And when she arrived what did she report in her incident report?

Paul Marik:

She arrived -- apparently this had come in from a third party who came to the Transcendental, a friend of Mr. Thomsen's, and then called rescue for severe bruising, puncture wounds and lacerations to Mr. Thomsen's arms. Mr. Thomsen at that time was not being very cooperative

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with rescue. He denied any treatment. He refused to open up the door. At one point then the rescue personnel were able to get Mr. Thomsen to open up the door where they observed Mr. Thomsen wearing a sleeveless shirt. And there is a photo in the report of his arms. There's several -- I would say several dozen scratches, bruising and puncture wounds to both of his arms. Mr. Thomsen had stated that this was done as he was trying to separate his dog and another dog from across the street who were in a fight. He later recanted that and stated that, in fact, Bookie had done this to him. He went on to say that when he gets in a diabetic reaction and starts to seize Bookie then attacks him.

Tom Camilli:

Is Bookie certified as a service animal or healthcare assistant in any way?

Paul Marik:

I would have no idea.

Tom Camilli:

The photograph that you refer to is located on page 11 of the materials?

Paul Marik:

Yes, sir, it is.

Tom Camilli:

All right. And that photograph is depicting -- it appears to be lacerations to the left arm of Mr. Thomsen?

Paul Marik:

Left and right.

Tom Camilli:

Left and right.

Paul Marik:

And it appears a little bit to his right leg as well.

Tom Camilli:

And when was this photograph taken?

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Paul Marik:

This was taken either that day or the day following I believe. But I believe it was taken on the 8th when the call happened.

Tom Camilli:

All right. And despite Mr. Thomsen's initial denials he eventually admitted that Bookie did this to him?

Paul Marik:

Yes. The gentleman -- the complainant for the call gave the police department several emails in which Mr. Thomsen is stating that the dog, quote unquote, got me again. This time it's really bad. And there's a series of emails over several days to this other gentleman from Mr. Thomsen stating on how Bookie has been biting him very bad.

Tom Camilli:

And are you referring to emails to a Richard Martinez?

Paul Marik:

Yes, sir.

Tom Camilli:

All right. So I'm going to direct you and the Board to pages 14 through 20 of the materials. And these emails were forwarded from Mr. Martinez to Officer Mrnak on or about April 9th?

Paul Marik:

Yes, they are.

Tom Camilli:

All right, and you understand Mr. Martinez to be a friend or an acquaintance of Mr. Thomsen's?

Paul Marik:

I have no idea who Mr. Martinez is. In the reports it states that, yes, they're close friends.

Tom Camilli:

All right, and you've reviewed these emails?

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Paul Marik:

I have not, not before this. I reviewed them before approving the report, but I couldn't testify to them without reading them. They weren't attached with this.

Tom Camilli:

All right. Did Mr. Martinez give a statement?

Paul Marik:

He did give a statement to Officer Mrnak at the time.

Tom Camilli:

All right. And Mr. Martinez's statement is indicated in pages 21 through 22 of the materials?

Paul Marik:

Yes, that's true.

Tom Camilli:

All right. And you're familiar with that statement. Does Mr. Martinez express some knowledge of what occurred on that particular date in question?

Paul Marik:

Yeah, the statement jumps around a bit. In essence he believes the dog to be territorial. He believes that Mr. Thomsen does not have control of his dog. He's worried about Mr. Thomsen being alone with the dog. He has seen Mr. Thomsen go into these diabetic seizures before and Bookie does nothing. It was either observed by him or surmised by him that Mr. Thomsen was provoking Bookie to bite him. I have no idea why that is. But that is what his good friend is saying. And he believed that Mr. Thomsen's safety is at risk while he's home alone with that dog.

Tom Camilli:

And did Mr. Martinez express some concern that these attacks may have happened previously to Mr. Thomsen?

Paul Marik:

Yes, these were happening over a longer period of time other than just what was indicated by the bruising, puncture marks and scarring from his arms. This apparently has been going on over a long period of time.

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Tom Camilli:

Thank you. And, again, this particular incident occurred on April 8th of 2015?

Paul Marik:

That was the time of call for Officer Mrnak, yes, sir.

Tom Camilli:

All right. And looking at the emails from Richard Martinez to Megan Mrnak there, emails ultimately from Mr. Thomsen to Mr. Martinez, correct?

Paul Marik:

Yes, that's correct.

Tom Camilli:

And these are pages 14 through 19 of the materials?

Paul Marik:

Yes, I think 20 as well.

Tom Camilli:

Yes. Going to page 20 there is an email apparently from Jack -- from Mr. Thomsen to Mr. Martinez which is January 29th of 2015. That's when apparently Mr. Thomsen sent it. And he says, Rich, got me again, bad timing, pretty sore, Jack.

Paul Marik:

Correct.

Tom Camilli:

Then there's another email from Mr. Thomsen on page 19 which was sent by Mr. Thomsen -- excuse me, sent by Mr. Thomsen to Mr. Martinez on February 26th of 2015. And among other things he says, Rich, Bookie got me again 6:15 this morning. He pushed door in bedroom, etc., correct?

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Paul Marik:

Yeah, the dog apparently pushed the bedroom open which was locked, and then bit Mr. Thomsen while Mr. Thomsen was asleep.

Tom Camilli:

Then we look again to another email correspondence from Mr. Thomsen to Mr. Martinez on page 17 of the materials. This is an email from Mr. Thomsen sent on April 2nd of 2015. And Mr. Thomsen indicates to Mr. Martinez this is a bad one. He got me, right arm will need to be stitched.

Paul Marik:

Yeah, and he has Jose is here. And I believe Jose also works at Transcendental, one of Mr. Thomsen's friends. Jose allegedly told Officer Mrnak as written in her report if you come back to Transcendental to speak with Mr. Thomsen or myself let me know and I will lock up Bookie so he doesn't attach you. So this is something that's -- there's an ebb and flow here with the dog throughout many different people.

Tom Camilli:

Thank you. And on page 16 of the materials there is an email from apparently Richard Martinez that he wrote to Mr. Thomsen on April 3rd of 2015 where he says, morning Jack, we need to do something about Bookie. He has claimed territory in the dome and now the golf shop, correct?

Paul Marik:

Correct.

Tom Camilli:

All right. There appears to be some concern on behalf of Mr. Martinez regarding the manner in which the dog is maintained?

Paul Marik:

That's correct.

Tom Camilli:

To the best of your knowledge this dog is maintained at Mr. Thomsen's place of business?

Paul Marik:

That is correct.

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Tom Camilli:

And when you discussed with Mr. Thomsen the incident of April 8th of 2015 he, of course, initially denied being bit and eventually acknowledged, correct?

Paul Marik:

That's correct.

Tom Camilli:

Based upon your review of Officer Mrnak's report do you have concerns about this animal and its risk to others?

Paul Marik:

I absolutely do. And I know Mr. Thomsen, I've taken lessons. He's straightened out my drive several times. I've been there, I've seen the dog. But just because the dog hasn't done anything to me doesn't negate the fact that it has certainly done things to children, patrons of his place, and as well as himself. And so the issue really becomes some dogs are territorial, some dogs get startled. Maybe things fall off the shelf. But when a dog is now going to go after repeatedly over the span of apparently months or even years it's own owner then the dog is just simply unstable. I'm not exactly sure what is occurring at the home, if Mr. Thomsen is antagonizing it. However the dog is -- when it's going after the hand that feeds there's definitely a problem with the dog.

Tom Camilli:

Thank you, Lieutenant.

Jack Thomsen:

Okay. The situation as you know me is that the diabetes when I'm out of control because of low blood sugar that's when I think [inaudible] understand it, I don't know how to phrase the question here. Well, this morning, for example, if you would have known that I'm a 63 count in my blood sugar and he's in the room and wakes me up I go down and take my test, and because of that did you know that I would be able to take cranberry juice and raise the blood sugar level.

Paul Marik:

I'm sorry, I don't understand your question.

Jack Thomsen:

Well, there's an up and down thing here.

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Paul Marik:

Correct, with diabetes I get that.

Jack Thomsen:

And --

Paul Marik:

You're saying the dog wakes you up?

Jack Thomsen:

Would you see me provoking the dog if the blood sugar is so low?

Paul Marik:

I didn't see you provoke the dog, sir. Your friend did.

Jack Thomsen:

No, but I would say -- I don't know. The dog actually he's getting to read chemically on me in the last two days 63 is a low count and 69. And he got me up and I was able to take care of that.

Paul Marik:

So you're saying the dog reads off you, is that what you're saying?

Jack Thomsen:

Yeah.

Paul Marik:

Absolutely, animals do read off of their owners and other people instinctively within seconds. I do agree with that.

Jack Thomsen:

So the question is if the blood sugar goes low, really low, I really don't know who I am. And the rescue people that have come to my place just a couple times at the shop they know how any diabetic, but the question would be they know the behavior of a diabetic that has low blood sugar I would think.

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Paul Marik:

So you're saying the dog bites and sinks its teeth in you because its telling you you have low blood sugar?

Jack Thomsen:

Well, it's not exactly that. It's that he got me up at the 63 and the 69 count. But I'm saying when it's 50 I'm almost like a paraplegic. I cannot manage to even stand up. That behavior is what is provoking the dog.

Paul Marik:

That's also the behavior of my daughter who is a ten year old girl who likes to golf. And kids can get goofy, and they can do weird things and jump around and dance. And it would probably to a dog look very much like you having a seizure. And I don't want --

Jack Thomsen:

Yes, but the chemistry -- yes, I understand. But the chemistry of me is actually a diabetic. And that's when he tries to help me out just like these things. So I've got to get the reference points correct here.

Paul Marik:

I understand, sir.

Jack Thomsen:

So I'm like two different people. Maybe I'm not the right person for you to come and see about that drive of yours anymore, huh?

Paul Marik:

Okay.

Jack Thomsen:

But, all right, that's the end of that, yeah. No more questions.

Tom Camilli:

Thank you, Lieutenant Marik. Walter Stern. Good evening, sir.

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Walter Stern:

Good evening.

Tom Camilli:

Would you please state your name for the record?

Walter Stern:

Yes, Walter Stern.

Tom Camilli:

And what is your address, sir?

Walter Stern:

920 85th Street, 123 Unit, Kenosha, Wisconsin, 53143.

Tom Camilli:

What do you do for a living, sir?

Walter Stern:

Attorney.

Tom Camilli:

How long have you been an attorney?

Walter Stern:

Well, I was an attorney from 1974 until 2013. Off a couple years, and back this March 2016 to date.

Tom Camilli:

I understand. And do you know Mr. Thomsen, Mr. Stern?

Walter Stern:

Yes, I do.

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Tom Camilli:

How do you know Mr. Thomsen?

Walter Stern:

Well, I've known the family really since the '80s. I've known Jack particularly in the past say seven to ten years let's say.

Tom Camilli:

Would you consider him a friend of yours?

Walter Stern:

Yes.

Tom Camilli:

Do you know him well?

Walter Stern:

Well, pretty well, yes.

Tom Camilli:

All right. And, Mr. Stern, you're aware of Mr. Thomsen's dog, Bookie?

Walter Stern:

Yes, I am.

Tom Camilli:

And are you aware of an instant which occurred in April of 2015 where Bookie bit Mr. Thomsen?

Walter Stern:

Yes, I didn't witness it, but I was informed of that by Rick Martinez, yes.

Tom Camilli:

All right. And as part of the police department's investigation in that event you gave a statement to the police department.

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Walter Stern:

Yes, I did.

Tom Camilli:

All right. And your written statement, sir, is contained within page 23 of the materials, is that correct?

Walter Stern:

Yes, that's my statement.

Tom Camilli:

All right. And in your statement you indicate some concern for Mr. Thomsen's safety?

Walter Stern:

Yes.

Tom Camilli:

And why are you concerned about Mr. Thomsen's safety?

Walter Stern:

Well, from what I was hearing, not eye witnessed, the dog would react to the diabetes and would hurt its owner. And as a friend I was concerned about it.

Tom Camilli:

And you were concerned enough to sign a statement and present it to the police department?

Walter Stern:

Yes.

Tom Camilli:

All right. And your statement is accurately presented on page 23 of the materials?

Walter Stern:

Yes, it is.

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Tom Camilli:

Thank you, Mr. Stern.

Jack Thomsen:

Well, Walter, have I ever had a diabetic reaction that you had witnessed?

Walter Stern:

Yes.

Jack Thomsen:

And what was my behavior like?

Walter Stern:

Well, more than a bad mood. You would get very sort of uncontrollable. You would be fainting, like fainting. And you would have Jose or you would get cranberry juice to get yourself under proper control for the diabetes.

Jack Thomsen:

Yes, that's accurate. But I'm not my usual self when the count is low?

Walter Stern:

No, you're not.

Jack Thomsen:

So no further questions. That covers two different people. So one has to understand who they're dealing with here and the dog, that's all. You have to understand the timing of that.

Kris Keckler:

Mr. Stern, in your statement you say I've known Jack since 2008. But you just said the '80s.

Walter Stern:

Yeah, actually I've known the family. The family, the father, used to have a golf range, and I met Jack through that. But I've known him well since 2008.

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Kris Keckler:

Would you be able to ballpark the number of instances that you have witnessed him going into insulin shock?

Walter Stern:

I would say four times, four or five times.

Kris Keckler:

And has that gotten progressively worse in those instances that you've witnessed it.

Walter Stern:

I don't think so, no.

Kris Keckler:

Okay.

Dave Klimisch:

During those instances when he was in a diabetic situation was Bookie around?

Walter Stern:

Yes.

Dave Klimisch:

And how did Bookie react when he was in a diabetic situation?

Walter Stern:

There was no aggressive behavior or any particular reaction that I was concerned about.

Dave Klimisch:

Did it appear like the dog could sense the chemistry need in his body and react to a need for insulin?

Walter Stern:

Well, I have enough problems reading humans so I wouldn't know. I honestly wouldn't.

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Dave Klimisch:

Did he appear like he was any kind of a trained dog that could help with the diabetic situation?
Or was he more like a --

Walter Stern:

I really don't know. But I know that that is a definite possibility when someone has a disability to have a dog where the dog is trained to deal with whatever that disability is, mental illness or diabetes or whatever.

Dave Klimisch:

Do you know if this dog is medically trained to help with the diabetes?

Walter Stern:

I have no idea, no. I was concerned, though, when I went to talk to the police officer that that was a really good option, you know, available was to perhaps to train that dog to deal with that kind of reaction, yes.

Kris Keckler:

You mentioned concern for his safety. Would you characterize that you have a concern for his safety at this moment in time for him managing his diabetes?

Walter Stern:

From what I see in going there and what I've observed I don't see a need now. I think whatever was done, which I don't know, the dog I've not heard complaints, and I've not seen any problem with scratches or bite marks or whatever. But, again, you know, I'm not there all the time and I just -- I don't know. But I'm not as concerned today as I was.

Kris Keckler:

Okay.

Tom Camilli:

My last witness Chief Smetana. State your name, sir.

David Smetana:

David Smetana.

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Tom Camilli:

And you are employed by the Village of Pleasant Prairie, correct?

David Smetana:

That's correct.

Tom Camilli:

You are the Police Chief?

David Smetana:

That's correct.

Tom Camilli:

How long have you been employed by the Village of Pleasant Prairie Police Department?

David Smetana:

Three years, nine months.

Tom Camilli:

And how long have you been Chief of Police during that period?

David Smetana:

Three years, nine months.

Tom Camilli:

All right. And as part of your duties as Chief of Police you are charged with the duty to properly protect and maintain the safety of the community?

David Smetana:

That's correct.

Tom Camilli:

And part of your obligation include enforcing certain ordinances as they pertain to dangerous or vicious dogs, correct?

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David Smetana:

That's correct.

Tom Camilli:

All right. And, Chief, have you reviewed all of the incident reports, witness statements and other materials which comprise the exhibit in front of the Board today?

David Smetana:

I have.

Tom Camilli:

And in reviewing those materials you have made certain determinations with regard to a mastiff owned by Mr. John Thomsen, correct?

David Smetana:

That's correct.

Tom Camilli:

And based upon your review of the materials what have you determined as a result of your review?

David Smetana:

Based on my review of the three incidents and compiling these reports it was my determination that based on the seriousness and the unprovoked attacks by the dog that I believe the dog to be vicious.

Tom Camilli:

And do you believe that there is -- do you have a concern for the safety of the community?

David Smetana:

I do. There's a reoccurring theme here. There are several reoccurring themes. One is that everybody that testified her tonight has a relationship with Mr. Thomsen. They're not enemies, they're not out for revenge. There's no reason or motivation for anybody to be making up false stories. The other reoccurring theme seems to be a lack of taking responsibility for what the dog's been doing. I don't blame Mr. Thomsen for the dog's actions. But when it comes to the dog having contact with innocent people who are walking in the door of a business and are subjected to a dog that can be startled as quickly as what you've heard tonight from the testimony,

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that gives me concern for the public that visit Pleasant Prairie and visit that business who walk in that front door. And they are unaware at times -- unless they've heard the stories they're completely unaware of what that dog is capable of doing.

You've heard the reference to startling the dog. Well, any child who walks in there or young adult who walks in there can do something that would startle the dog that seemingly is just sleeping on the floor. And they have very little control over that. So what we have to control, what I have to control is the dog's presence in the Village. That's why I made the determination that I believe the dog to be vicious as defined in the ordinance. And I brought this incident forward to you tonight.

Tom Camilli:

And the determination was set forth in a letter to Mr. Thomsen dated July 22nd, and that is attached as pages 1 and 2 of the binder, is that correct?

David Smetana:

That is correct. I also had a phone conversation with Mr. Thomsen subsequent to him receiving that notification.

Tom Camilli:

And you didn't come to this decision lightly, did you, Mr. --

David Smetana:

No, I don't. Taking somebody's property, whether it's a piece -- an inanimate object or an animal which can be like family I take that extremely serious. This is not something I do on a weekly or monthly or even a yearly basis. This is a rare occasion.

Tom Camilli:

And you understand that if the Board affirms your determination that the dog will either need to be euthanized or removed out of the jurisdiction, correct?

David Smetana:

Correct.

Tom Camilli:

And you've made this determination knowing that those are the consequences to Mr. Thomsen's animal?

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David Smetana:

That's correct.

Tom Camilli:

And you've done it with the interests -- with the best interest of the safety of the community in mind, correct?

David Smetana:

That is correct.

Jack Thomsen:

When do I have to move? When do I have to move?

Tom Camilli:

You're asking the chief a question?

Jack Thomsen:

How soon do I have to move?

David Smetana:

That would be based on a determination made by the Board. I don't think the determination is that you would have to move. I think the animal would either have to be removed from the Village or euthanized. And you and I talked about this during our phone conversation. That those are the choices we are left with at this point. And if you recall during our phone conversation I offered up that what I've done in previous cases is you remove the dog from the Village at this point and give me an assurance that the dog is gone there wouldn't be a need to proceed further. And you didn't wish to do that at that point.

Jack Thomsen:

Do you realize that the golf season is half a year, and the season has come to completion? And that this next half of year there is no golf shop business.

David Smetana:

That's entirely possible. I don't know when your business is open, if it's open for resale. I don't know.

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Jack Thomsen:

Well, golf is a seasonal business.

David Smetana:

Okay.

Jack Thomsen:

Yeah, half year on and half year off. Were you aware of the fact that I put a retaining place in front of the golf shop in case people would come in that felt like the dog's size was intimidating?

David Smetana:

No, I was not aware of that.

Jack Thomsen:

Oh. Well, this behavior that -- were you aware of the fact that since August 8th until today I've accrued 123 names that feel the dog is a friendly dog and not vicious.

David Smetana:

No, sir, I was not aware of that.

Jack Thomsen:

So are you aware of the fact that Ron Francis who is part of the Kenosha Police sent -- did Pleasant Prairie get that letter or not? The dog is with me for all these junior golf lessons through the last three, four, five years. And the dog's loved by the kids. He's always with the kids.

David Smetana:

I have no doubt of anything you're saying. I'm also aware that Ron Francis while he works for the Kenosha Police Department is probably not aware of the witness's statements given here tonight, the reports that were entered into evidence tonight, and the statement contained therein.

Jack Thomsen:

What about the word provoked and unprovoked. I have a problem with that. Is that -- if I've seen -- if it's unprovoked with me it would be if I would be of the blood sugar I am now. But when it's provoked I'm provoking that behavior. I'm not saying that that's good for the dog being like I am, but I'm saying it's my fault. I'm also saying that I'm wondering about the unprovoked and the provoked at that counter when that swing doctor came off the counter. That bothers me right there.

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David Smetana:

Well, and those things are going to happen when you've got customers in a store. That's part of my concern is that you don't have total control of what your customers are going to be doing. Some customers may drop something, some customers may walk over to what appears to be a friendly, sleeping dog and try to make contact with it when the dog doesn't want to have contact with a person. As far as your diabetic reaction you are a big part of my concern. When you are in the midst of a diabetic reaction you don't have control over that. And I would hate to see something more serious occur to you. And I think I would have some responsibility if I didn't bring this forward at this point.

Jack Thomsen:

Are you aware of what the blood sugar count of 63 or 69 mean?

David Smetana:

No, sir.

Jack Thomsen:

Okay, well what it does mean is that he got me up and out of a problem this morning. So what you have to understand is that he's helping me more often than not. So if you want me to get out of town I will.

David Smetana:

That's not my objective.

Jack Thomsen:

Well, that's what your [inaudible]. So fear is different than love, and I love, I don't fear. Understand where I'm coming from. I'm done asking questions.

John Steinbrink:

Questions?

Michael Serpe:

Just hearing tonight it concerns me deeply. I don't think anybody in this room likes dogs more than I do. And I know Jackie, I've known Jackie for a lot of years. If we as a Board determine this dog to be not dangerous that allows the dog to continue to be in the home or on Jackie's property and have access to whoever comes on Transcendental Golf to hit balls. That would be an irresponsible decision on our part to do that. Bookie I'm sure is a good dog, is a good guard

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dog for your property. And a lot of people have dogs like that to protect their homes. But when they go out in public uncontrolled then there's a problem. And that's what we have tonight.

We have two children, two kids that were bitten. And if we don't take an action tonight what's going to stop Bookie from biting another child? As far as you're concerned, Jack, when you go into a diabetic reaction you probably get somewhat violent and do something to the dog that he reacts to your violence. That's my take on this. I'm not a doctor. I can't say that with any certainty. But it's not a good situation. The first thing I think you could find a home for that dog where that dog would be appreciated outside of Pleasant Prairie. And I think that's the route you should take.

John Steinbrink:

You gave Mr. Thomsen two options, that the dog be euthanized or removed from the community.

David Smetana:

Correct.

John Steinbrink:

If the dog is removed from the community the Board has then determined that it is a vicious animal.

David Smetana:

That's correct.

John Steinbrink:

Will another community have to be notified that this dog is coming to their community and steps taken that this does not happen in another community? What is the procedure here?

David Smetana:

There are separate ordinances. I'm not aware of -- there is no blanket ordinance for the State as far as what would have to be -- what procedure would have to be followed on a notification of a new jurisdiction. So it could be someplace within Kenosha County that maybe does not have a prohibition for a vicious animal as what has been indicated by another jurisdiction. So a dog moving from, say, Pleasant Prairie to Bristol I don't know what Bristol's ordinances are. That is entirely possible that if the dog is determined to be vicious by the Board that there may be some issues on getting it placed. I don't know if that would -- I don't know if there's options of a mastiff rescue. I know there are certain breeds that have people who go after them and rescue them from situations like this. It would be up to the individual jurisdiction where Mr. Thomsen would choose to move the dog.

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Kris Keckler:

Chief, if the dog was -- I'm sorry.

John Steinbrink:

This is a question for counsel probably. If the Board determines it is vicious and the dog is removed to another community and the dog has another episode where it attacks or injures somebody is this Board then responsible for its actions by allowing that dog to go to another community?

Tom Camilli:

I can't imagine a theory under which the Board would be responsible in that sense. It's obvious the Board and the Police Chief must follow the Village ordinances. And as a supplement to the Police Chief's testimony under our own Village Ordinance which is 119-2 E(7) there are provisions whereby the Village Clerk must notify the Clerk of the receiving municipality of the entrance of the dog into that community. So if we are aware that the dog is being transferred to another municipality we do need to let that municipality know that that dog is coming into their jurisdiction, and how that municipality chooses to handle it is within the confines of that municipality. As the Chief said correctly there is not a statewide ordinance on the matter. This is a matter of purely typical local concern where each Village may have different ordinances as applied to the issue.

John Steinbrink:

All right, thank you. Trustee Keckler?

Michael Serpe:

Excuse me. Where's the dog at right now?

Jack Thomsen:

At the golf shop.

Michael Serpe:

At the golf shop?

Jack Thomsen:

Yeah.

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Kris Keckler:

Chief, if we entertain the notion that the dog would be relocated outside of the Village, what language, if any, exists or what would be the procedures for notification if the dog is found to be back on Village premise either through visitation or through ignoring the transfer order?

David Smetana:

I believe at that point it would be an ordinance violation and a citation. And at that point having the dog been determined to be vicious we would confiscate the dog.

Kris Keckler:

And would it entertain another hearing of sorts or would it immediately proceed to the secondary option?

David Smetana:

I think if the dog has already been determined to be vicious we would confiscate the dog and order for it to be put down.

Kris Keckler:

And you had mentioned earlier but I just would like to revisit it. There are minimum requirements on what applies to this type of case as far as infractions against the ordinance from the dog and the investigations with all the evidence, you feel that it more than met the minimum threshold as to originating your letter to proceed?

David Smetana:

I do. And, as I said, I don't do these lightly. I don't try to bring frivolous matters up in front of the Board. This is one of the more serious ones that I've seen not as far as bites, but as far as the number of times and the actions surrounding the actual bite itself.

Kris Keckler:

Do you feel that the situation and the danger as evidenced is compounded by the owner's medical condition?

David Smetana:

That's one of my main concerns. Part of my concern is people visiting the Transcendental Golf as customers. Another part of my -- a larger part of my concern is the welfare of Mr. Thomsen after seeing what happened last April.

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Kris Keckler:

Thank you.

Tom Camilli:

I have no other testimony to present on behalf of the Village.

John Steinbrink:

Okay, Trustee Serpe?

Michael Serpe:

Could there be -- you know, when I think of a vicious dog I'm thinking of a dog that leaves the yard and goes after somebody and attacks and mauls them and everything else. That's not what's happened here, you know, basically. Is there any way that we can have an agreement with Mr. Thomsen that he relocate the dog without us declaring is dangerous?

Tom Camilli:

To your point, Trustee Serpe, under the Ordinance Chapter 119-2 the Ordinance defines a dangerous dog as any dog which without provocation has attacked, bitten or injured any human being or domestic animal on public or private property. So the ordinance defines what is a dangerous dog, and that's a matter of Village law. I think the evidence here clearly suggests that that has happened. My concern is if the Board declines to affirm the Police Chief's determination I'm not sure what legal weight the Village would have to attach stipulations to Mr. Thomsen's dog in the absence of a finding of dangerousness.

Jack Thomsen:

Can I say something about that? It's that provoked and unprovoked comes in here again. So I'm saying if you're running up numbers, one, two, three, and you say that that defines vicious I'm saying that you should be taking one, me out of there because I provoked. I'm saying that the instrument from the counter fell. That was provoked, not unprovoked. So it's a single thing now, not three parts. That's huge in understanding this here. Huge.

Dave Klimisch:

This whole process has been very difficult for me. When I heard about this I came out to Transcendental, met with Jack, met the dog. I had a horrible slice, he made it better. So you are good at what you do. When I was out there Bookie was a good dog. I knew about the two bites with the two 13 year olds. So when I came in here tonight I was thinking I would love to find a way to keep the dog out of the business part and in your home so that when people come to the business they don't have to -- the dog won't be startled.

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Jack Thomsen:

Yes.

Dave Klimisch:

That was my thinking. And as I've listened to this whole process I'm concerned that on your ability to keep the dog away from the business. After the first incident that we talked about tonight where the young boy got bit in the back, a half hour later, 45 minutes later the dog was still running around. After the second attack the dog was still unleashed. When I came out there in the midst of all this hearing the dog was still unleashed.

So I'm thinking in my own family we adopted a dog from the pound one time, a nice dog, a collie. And it was a good dog to my kids and the neighbor kids. But one girl came over and something the girl did provoked the dog and the dog nipped her in the cheek or in the ear and she was gone the next day. I didn't want a dog like that in my life. I haven't seen any change in the behavior on your side which concerns me about keeping the dog on property.

I'm also concerned reading these emails and seeing the pictures of what happens inside your home. I have experience as a teacher working with students with diabetes. I have family with diabetes. I have neighbors with diabetes. None of the people I've ever worked with with diabetes get bit by dogs. That's inconsistent with any kind of medical care. Not that it's my business as a Board member, but I'm concerned about your ability to manage your diabetes. Getting bit by a dog is never a good solution if you have any kind of medical situation. There are medical animals out there and they might do other things to provide assistance, but biting you on your arms and legs is never a good thing.

So after this I would love if you were able to talk to a doctor and find a way to better manage your diabetes. And this is coming from -- I was ready to vote no when we came in tonight. Having met the dog a few times I wasn't going to vote yes. But my mind has been changed. There's so many incidences out there. The dog keeps hurting you in your own home, and that's just not a way to live that I would think you would want to live. That's inconsistent with --

Jack Thomsen:

Well, I don't have much longer left. I'm almost 80 years old.

Dave Klimisch:

You have a right to live pain free if you can. You have a right to not be bitten.

Jack Thomsen:

I've been a diabetic for 55 years and taking care of it. And this dog has helped me like I said. I hope you don't have something in here. When I say 63 and 69 in the last two days he's gotten me up. So if you want to look at the instances he's been with me for six years, so there's a couple of

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those that had happened. He's been at the shop for 2,000 days. Start getting these quantitative numbers in your head.

Kris Keckler:

But through the ordinance it doesn't justify an equated number of incident free days against incident days. And the questions that keep popping in my head if you were to answer it accurately how many people has this dog attacked versus how many people has this dog caused bodily harm to and whether or not those are different numbers or should be viewed as different numbers. This dog has caused bodily harm to multiply people including yourself. And the concern that this dog would continue to potentially injure yourself even further, even if its intent is to help you with your managing of your diabetes to the point of if it's a duration time and it just keeps clawing at you, scratching you, biting you to the point where you're not able to wake up, and then it's a horrific scene that the police have to come visit or another instance of another young person being attacked.

Jack Thomsen:

Right, so fear can enter in. You're absolutely right so fear is what to follow. So that's not my equation. So I love the animal, and he's my protector. And I don't know if he's playing for the Bears tonight, but the thing is that the dog's a good dog, and there's so many people that know it. I've got 123 names here that I've collected at the counter that say it. So, of course, the Chief here his responsibility is to the community, so he has to fear for his job. So he has to say what he has to say. That's how that works. He's a good man doing his thing. But I need the dog so I will keep him away from the business. It's almost automatic that he won't be by the business because this business doesn't work in wintertime. I sell clubs, golf clubs not ice skates. So I've got a half year that I could keep the dog. It's valuable to me. As hard as it is to understand in seeing that my arms look like that.

Michael Serpe:

Unfortunately, Jack, putting a dog on a leash should have happened prior to these kids getting bit. That dog should have been controlled and it wasn't. We're in a bad situation here, Jack, and --

Jack Thomsen:

Yeah, but the thing is -- wait a minute, Mike. The determination on Tyler saying that that was a bite I don't believe that. I don't believe that. The angle was wrong, totally wrong. Beyond that there's other instruments, instruments that were right there that that ear could have been nicked. And when he said that his buddy was inside the shop his buddy wasn't inside the shop witnessing anything. He was out on the T hitting shots. So I don't accept --

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Michael Serpe:

Jackie, if this Board does not take the proper action we're opening this Village up to a civil liability. And as a Board member I can't do that. And, therefore, I have to concur with the Chief of Police's recommendation that the dog is dangerous.

John Steinbrink:

Are we following the right procedure here, counsel?

Tom Camilli:

You are. And you may just want to ask Mr. Thomsen whether he has anything -- technically he has the right also to bring witnesses here. I don't know if he has witnesses or what other testimony he'd like to present other than what he's just indicated.

Jack Thomsen:

Yeah.

John Steinbrink:

No further questions?

Jack Thomsen:

I've got more people, yeah.

Steve Kumorkiewicz:

You know, Jack, we're pretty much the same age?

Jack Thomsen:

What?

Steve Kumorkiewicz:

We're the same age, you and I. I've got dogs for 55 years. Every dog I've got in my life is trained. I trained every one of my dogs. Never got any problems. And I've got German Shepherds. I trained them. And I believe that in my opinion the biggest mistake you're making in your life, you love your dog, yes, but you never trained your dog properly. And now there's a consequence to pay for that. We're in a very tough position. I didn't say a word during this hearing. I just listened because I've put dogs to sleep and I know how you feel. When you have to do that I know how I felt. It's very hard to make a decision but we have to do it. We've got no

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choice. Six months for you that the golf course is going to be closed, I don't think you can train your dog in six months to be a normal dog.

Mike Pollocoff:

Point of order, point of order, Mr. President. I think before the Board makes any more comments I think we need to afford Mr. Thomsen an opportunity to introduce any evidence or any witnesses he may have on behalf of his defense.

John Steinbrink:

This was my question for counsel.

Mike Pollocoff:

Mr. Thomsen, do you have any witnesses you want to present?

Jack Thomsen:

[Inaudible] here. I can see Jim. Hey, if Jim would come up, yeah. Yes, please.

[Inaudible]

John Steinbrink:

You need to come forward, sir.

James Sosaci:

My name is James Sosaci [phonetic]. I've known Jack for 30 years. I work for We Energies. I'm a first responder gas [inaudible] calls, carbon monoxide calls. I'm in homes all the time, I see dogs. The most vicious dogs are the little ones. At the beginning of this golf season I'll go get golf balls maybe three times a week. Towards the end maybe once or twice. I haven't been there in a couple weeks. I stopped there last night to hit some balls.

Every time I've been to Jack's place to hit golf balls I've never, ever seen aggressive behavior from Bookie. I've had a German Shepherd dog where people would approach and he would bark. And he had a vicious bark where my windows would vibrate. I've never even heard the dog growl. I've been there on occasions where the Milwaukee Police Department brought inner city kids to Transcendental Golf in vans and they're all running around and Bookie is running around. I've never, ever seen him in an aggressive manner or he was vicious.

Like I said, I've walked in there when they're eating dinner. Because after work I'll go there to hit balls and he's there, and he's never, ever growled at me. I don't interact with the dog. I just go there to hit my balls. Jack comes out and yells at me, you're doing this wrong, you're doing that wrong. But I've never, ever seen the dog in a vicious tone, growls or attacking anybody.

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I've been there on nights where coyotes would run out onto the golf range. And he would run out there, the coyotes would run away, but he would come back. I've never seen him chase them down the block. I've never seen him off the property. I've been 30 years I think hitting golf balls. My game hasn't ever improved, sorry Jack. I'm not a scratch golfer. But I go there occasionally. Three times at the beginning of the season a week, two times, and now towards the end I'll go once maybe every couple of weeks.

But I deal with dogs on my job so I have a sense, I have a feeling. I had a German Shepherd dog for 13 years. I've never, ever seen Bookie in an aggressive manner or out of control. He would chase the coyotes, Jack would holler, he'd come back and that was it. The coyotes would like play peekaboo with him and he'd chase after them and chase them away and come back. I've never, ever seen him running down 116th Street. And if I'm correct I don't think Jack went out and bought this dog. I think someone dropped him off and says, here Jack, you can have this dog. I can't have him, my place is too small, is that correct?

Jack Thomsen:

That's correct, yeah.

James Sosaci:

So he adopted this dog. So he didn't really train him but it was given to him. And I've been there, he had Duffy and he had another dog. I want to say 30 cats there at one time, but I think the coyotes got the cats. But, like I said, I've never, ever seen Bookie in aggressive behavior, and I've gone there numerous times, sometimes three times a week. So there to hit my golf balls and he's there. He runs around, he plays. I've seen inner city kids there running around and he's never, ever chased them. That's all I have to say.

Tom Camilli:

May I cross-examine? First of all, Mr. Chairman, may the officers be released who testified? May they leave unless there's any further business before the Board?

John Steinbrink:

Yes.

Tom Camilli:

Thank you. Mr. Sosaci were you there on July 21, 2016 when Bookie attacked 13 year old Frankie McGuire?

James Sosaci:

Was I there --

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Tom Camilli:

At that time? Did you witness [inaudible].

James Sosaci:

No, I have not.

Tom Camilli:

Did you witness the event on June 27, 2016 when Bookie attacked 13 year old Tyler Dahl?

James Sosaci:

No, I was not there at the time.

Tom Camilli:

Did you witness the incident on April 8, 2015 when Bookie attacked your friend, Mr. Thomsen?
Did you witness that event?

James Sosaci:

No, I was not there at the time.

Tom Camilli:

Did you witness the event -- did you witness the event on April 2nd of 2015 when Bookie
apparently attacked Mr. Thomsen?

James Sosaci:

No, I was not there at the time.

Tom Camilli:

Were you there, Mr. Sosaci, on February 26, 2015 to witness Bookie attack Mr. Thomsen on that
date again?

James Sosaci:

No, I was not there at the time.

Tom Camilli:

Thank you.

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John Steinbrink:

Questions? None, thank you.

John Steinbrink:

The question is are we able to ask Mr. Thomsen any questions?

Tom Camilli:

Yes.

Kris Keckler:

Do you have any beware of dog signs or signage to that effect at your place of business?

Jack Thomsen:

No, only what I was told to do was put that separation. When the dog was under --

Kris Keckler:

Quarantine?

Jack Thomsen:

Quarantine, yeah. I was told to put a fenced in area which I did in front of the golf shop in case somebody or a group of people or anybody that feared a larger dog such as Bookie is. So I could put him in a restricted area.

Kris Keckler:

Okay. Do you carry any type of liability insurance on your place of business?

Jack Thomsen:

Yes.

Kris Keckler:

Have you at any point made your insurance carrier aware of the fact that the dog has attacked or given bodily harm to any individuals on the premise there or business?

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James Sosaci:

Oh, yes. Oh, yeah.

Kris Keckler:

Okay, so they are aware of it. And your belief is that the dog has attacked you in some fashion or caused bodily harm due to the reaction of trying to bring attention to your low blood sugar levels?

Jack Thomsen:

That's correct.

Kris Keckler:

Could you say right now that moving forward at this date and time that you would or would not continue to have episodes of a similar nature?

Jack Thomsen:

Probably not because I am taking units -- reduced the units from 30 to 20, and I take them in patterns of two injections of insulin. So, therefore, even if I were to overwork my body the possibility of the insulin of doing the blood sugar count I would say that I would probably have no chance.

Kris Keckler:

So you don't foresee any further episodes --

Jack Thomsen:

None.

Kris Keckler:

-- of low blood sugar?

Jack Thomsen:

That's right. Not to that degree. I said already that I was low at 69 and 63.

Kris Keckler:

Do you feel the dog is able to discern what level would instigate an attack on yourself?

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Jack Thomsen:

Well, numerically I wouldn't say so. But I don't know. Everybody counts their numbers on the [inaudible]. But 63 and a 69 yesterday and today was with a whine and got me up. And I found out that that number was low when I went and checked it downstairs. So I say that that's helpful.

Kris Keckler:

Thank you.

Dave Klimisch:

Jack, you said you got Bookie three, four, five years ago, six years ago?

Jack Thomsen:

It was about six years ago. He's going to be seven in December, December 1st.

Dave Klimisch:

And you've had diabetes for 55 years or so.

Jack Thomsen:

Yes.

Dave Klimisch:

How did you manage your diabetes in the past when you didn't have a dog that could apparently sense your chemistry? How did you do it before you had Bookie?

Jack Thomsen:

Well, I wasn't managing the beer very good back in '77. I quit smoking in '76. And I was in Indonesia in '74, so I'd been out of the country for a while.

Dave Klimisch:

So before you had Bookie you knew you had diabetes. Were you still managing your low sugar numbers?

Jack Thomsen:

Yeah, the St. Bernard's weren't as good as Bookie. I had three St. Bernard's. They're bigger than Bookie. I had a chocolate lab [inaudible] a New Finland dog both at the same time. But Bookie is unusual. The chemistry he knows it. He's got a heck of a nose.

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Dave Klimisch:

And did those other dogs bite you when they were trying to communicate with you?

Jack Thomsen:

Well, they didn't communicate.

Dave Klimisch:

Did they bite you?

Jack Thomsen:

I haven't been bitten by any dog other than when Bookie is trying to help me out of that situation.

Kris Keckler:

To your knowledge Bookie has received zero training in any type of medical identification or chemistry [inaudible].

Jack Thomsen:

Well, whatever I've done with him and realized what he could do for me, that's all what really mattered to me. I don't care about the rest of it.

Kris Keckler:

I can understand that. But just to confirm you've never --

Jack Thomsen:

No, I got the dog after he was about a year old.

John Steinbrink:

No further questions?

Tom Camilli:

Mr. Thomsen, do you have any further witnesses or evidence?

Jack Thomsen:

I'm not sure [inaudible]. Pat, do you have anything?

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Pat Lambo:

Good evening. My name is Pat Lambo. I used to caddy for Jack, and I'm helping him out because of his situation and what's arisen and age. And to take away Bookie from Jack would be like taking away the putter out of the bag. There's got to be a way that he's be more than willing to cooperate. And I'll be there, too, now more [inaudible] helping and in compliance with whatever you recommend away from the business. But to take it away from him would just be -- do the right thing. Yes, I understand rules and ordinances and all that. But there's also the law of life, too, and love. And to take that away from him would be -- all that Jack's done for the community and what he gives of his time and the passion and the care please take that into consideration to take this animal away from him. It would be devastating. There's got to be a way we can come to some type of an agreement and make it work and where it is away from the business so these incidents don't happen.

I'm in the insurance business and I understand it. There's no question about it. It shouldn't happen and will not happen again. And I know Jack is very willing to do that without making such a devastation decision of taking that away from him. Like he says he doesn't have much longer. Well, you know, I hate to hear those words. We all do. But one knows his own destiny eventually. And I can see Jack is starting to come down the 18th. Please don't, don't. I mean do the right thing. Just do whatever it takes to comply that's helpful for the Village and the safety of the community and take it out of the element of the business where it is exposed to the public. And I thank you and appreciate your considerations.

Kris Keckler:

Can we ask questions?

John Steinbrink:

You had a question? Sir, if you'd come back.

Kris Keckler:

I have a couple of questions, and I'll try and get these chronologically. After the owner was attacked April 2015 I believe were you aware of any proactive measures that were taken to prevent that from happening again?

Pat Lambo:

You mean Jack doing it physically?

Kris Keckler:

Was anything put in place to proactively try and avoid that scenario happening again?

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Pat Lambo:

Yes, you mean taking his diet and blood sugar and watching his count? Yes, he's taken it quite serious. Keep in mind, Mr. Keckler, I've only been involved now for about 60 days. But it's in my heart and duty to make it work.

Kris Keckler:

I understand.

Pat Lambo:

So whatever it is that we need to do.

Kris Keckler:

I appreciate that, and I can --

Pat Lambo:

No, I don't live there so I don't see it 24/7.

Kris Keckler:

After the first 13 year old boy that was attacked or physically harmed were you aware of any proactive or reactive measures that were taken to prevent that from happening again?

Pat Lambo:

Yes, I have seen Bookie put in the pen. If that means the pen should be moved further to the west then that's what we'll do to comply and circumvent this from happening again. Where there's a will there's a way, and we're willing to make this work.

Kris Keckler:

So after the first 13 year old boy was bitten you're stating that the dog was placed in a protective pen, an isolated pen?

Pat Lambo:

I've seen it in there, yes, physically.

Kris Keckler:

Okay, did that prevent the second instance?

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Pat Lambo:

I don't know the dates. You're asking me prior -- after me now getting involved and helping out and organizing and taking on the responsibility of the management end of it now, yes.

Kris Keckler:

And I can appreciate your comments that you made for the care and concern. Do you have a concern moving forward for the owner to be placed in harm's way if the dog would remain?

Pat Lambo:

No, I do not, no. I know Jack. He knows he now has to give it more focus, 100 percent attention, and he will. And I'll be by his side. So I'm getting more active to help.

Kris Keckler:

Thank you.

Michael Serpe:

We have two mothers out here that I think deserve some type of consideration on this decision. You've been hearing what everybody's been saying. Come forward please.

Brenda Dahl:

I would just like to say I've heard all the testimony tonight. And I am not unsympathetic to Mr. Thomsen. As I said my husband has known him since he was a young boy. I feel bad that he has to get rid of the dog if that's what the Board decides. I don't take this lightly. I'm an animal lover. My son felt horrible when he found out that Mr. Thomsen might have to get rid of the dog. But ultimately safety is the issue. We're not trying to do this to be malicious, but I am afraid that this is going to happen to another child. It's bitten at least three people that we know about. And I believe my son's bite was unprovoked. If you ask him he's upset hearing that it was provoked because I don't consider dropping a golf club on the floor provoked.

And unfortunately I think that shows the Board his mentality that this dog is more important than these children that have been bitten. And that was the same attitude when I tried to talk to him before even going to the police. Please, chain your dog up. Then I hear Frankie got bit. And I think her neighbors would come in and testify that the dog has been running around the neighborhood and has not been chained up since these two boys were bitten. So it's very concerning to me for him to come in and say tonight, yes, I'm going to go ahead and take all these measures but they've not been taken. And now Frankie and Tyler have both been bit because of it. And so I'm really worried that he doesn't take this seriously. As bad as I feel about this, as bad as my son feels about this, I don't have any assurance that he's going to take it seriously unfortunately. And that's too bad for him and for the dog. Thank you.

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Theresa McGuire:

And to kind of piggyback what Brenda had said, when my husband had gone in after Frank had been bit he could see the dog wandering around. He was very defensive saying it was just a scratch. He is not taking this seriously. And I do not agree that he will put the dog in a place in which it's going to be kept away. He is of the mind set that the dog is loved by children. And there are probably many children that love to be around that dog. But I do not feel as though what has happened has made him aware of the fact that even though children might like the dog, children cannot be protected from that dog. And it's a concern. He is not -- there has not been one minute in which I have felt that he feels sorry about what that dog has done either to himself or to these children.

And so that is a big concern of mine is that if we're not going to deem this dog dangerous and take this dog away from Transcendental Golf eventually this will not be followed, that he will be able to keep his business and his home separate. His home is his business. And so when he's working the counter he is going to feel as though that dog needs to be there to protect him to make sure that he does not have a diabetic seizure in which he can't handle. And, frankly, I do not believe that he is going to be able to follow through with keeping that separate. And I think the dog should be removed.

Pat Lambo:

That is why I am now involved. So it will be. Have either of you contacted a lawyer about this matter?

--:

Yes.

Pat Lambo:

Okay, the firm out of Madison asking for the liability insurance.

[Inaudible]

John Steinbrink:

I'm not sure where we're at here now, but --

Pat Lambo:

We will take care of the dog. And I'm here to help Jack. Obviously --

John Steinbrink:

All right, we've heard testimony.

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Pat Lambo:

So if we can remove the dog, and we will, his residence is a good 50 years, I don't know, 50 yards away.

John Steinbrink:

You two ladies are excused. We're going to move on here because we're just rehashing. We're interested in facts here in this case.

Jane Romanowski:

Mr. President, I think there's a motion on the table.

John Steinbrink:

Do you have anything further to add, sir?

Pat Lambo:

No, thank you. Just we will conform and comply, whatever's needed so this does not happen again.

John Steinbrink:

All right, then you're excused.

Pat Lambo:

Thank you.

Jane Romanowski:

Mr. President, I think there's a motion on the table. Did you make that motion quite a while ago?

Michael Serpe:

I said to concur with the Chief of Police's recommendation.

Kris Keckler:

I'll second.

John Steinbrink:

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Do we close the hearing before we make the motion, or is this hearing just an ongoing with the motion?

Michael Serpe:

The testimony he said was done anyway.

Mike Pollocoff:

I think that portion of the hearing is closed.

John Steinbrink:

All right, because I'm not sure if the testimony was done or not.

Jane Romanowski:

Yes.

John Steinbrink:

That was his last witness. Okay, then we have a motion.

Jane Romanowski:

And we have a second, Mr. Keckler seconded the motion.

John Steinbrink:

Motion and a second by Mr. Keckler. Any further comment or question?

Dave Klimisch:

It's a difficult decision, but I'm going to have to vote to concur with the Chief.

John Steinbrink:

And that is the motion for concurrence with the Chief and the second to bring us up to speed. It's been a while. Okay, we have a motion and a second. Any further discussion? If not, is a roll call vote ordered on this?

Jane Romanowski:

If you'd like one. Mr. Steinbrink?

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SERPE MOVED TO CONCUR WITH THE POLICE CHIEF'S DETERMINATION THAT JACK THOMSEN'S DOG "BOOKIE" IS A DANGEROUS DOG IN ACCORDANCE WITH CHAPTER 119 OF THE MUNICIPAL CODE; SECONDED BY KECKLER; ROLL CALL VOTE – STEINBRINK – AYE; KECKLER – AYE; KUMORKIEWICZ - AYE; KLIMISCH – AYE; SERPE – AYE; MOTION CARRIED 5-0.

John Steinbrink:

Motion carries, all those in the affirmative.

Tom Camilli:

Thank you, Mr. Chairman.

John Steinbrink:

Thank you. Mr. Thomsen, I think the Chief [inaudible] whatever it is after the Board's decision here.

Tom Camilli:

We'll follow up with Mr. Thomsen as necessary.

John Steinbrink:

You'll follow up with Mr. Thomsen, all right. Thank you, Mr. Thomsen. You're excused also.

Kris Keckler:

Where is the dog right now is the question.

John Steinbrink:

Where is the dog right now is the question. With Mr. Thomsen yet at his business.

Kris Keckler:

Okay, so the next steps will be to --

John Steinbrink:

And there's a compliance time here and everything, and that will be done here now at the Board's direction. With that we're going to take a five minute break, and I mean a five minute break before we move on to Item 5.

[Break] – (Kris Keckler was excused from the meeting)

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John Steinbrink:

If I could have all Board members back up here please. Okay, a quorum being present I'm going to reconvene.

5. CITIZEN COMMENTS

John Steinbrink:

Anybody wishing to speak under citizens' comments? Hearing none I'm going to close citizens' comments.

6. ADMINISTRATOR'S REPORT – None.

7. NEW BUSINESS

A. Receive Plan Commission recommendation and consider Ordinance #16-28 approving a Zoning Text Amendment to amend The Bulls Eye Commercial Development Planned Unit Development for the properties located at 9330 and 9370 76th Street within the Prairie Ridge development.

Jean Werbie-Harris:

Mr. President and members of the Board, on June 20, 2015, the Village Board had approved the Bulls Eye commercial development planned unit development. It was Ordinance 15-22 for the proposed development. This is a project that is north of 76th Street and is just to the east of 94th Avenue north of the Costco area. It's a retail commercial development.

Upon submittal of the as built plans, the parking lot was determined to be constructed at 19.83 feet from the north property line rather than the required 20 feet. Since this site was constructed the petitioner is requesting to amend the PUD to allow for the parking lot adjacent to the north property line to be 19 feet as opposed to the 20 feet as it was constructed. The Plan Commission recommended approval of the zoning text amendment, Ordinance 16-28 as presented. And, again, what it does is it sets forth that that setback to the north property line from the parking lot be at 19 feet rather than 20.

Michael Serpe:

Move to concur with Plan.

Dave Klimisch:

Second.

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John Steinbrink:

Motion by Mike, second by Dave. Further discussion?

Dave Klimisch:

Jean, this is for the second building that's being proposed or for both?

Jean Werbie-Harris:

This is for actually the two first buildings that have been constructed. It's their parking lot. So it's the first Bulls Eye development. Remember it has the Mattress Firm and the –

Dave Klimisch:

Sandwich.

Jean Werbie-Harris:

Yes.

Dave Klimisch:

So when that was coming in we were very concerned about tight parking, and this is going to make it tighter?

Jean Werbie-Harris:

No. Just the parking lot is one foot set back less to the state highway to the north.

Dave Klimisch:

Same size parking lot closer to the property line?

Jean Werbie-Harris:

Right. Once the right of way is needed for a future widening it's just going to appear to be one foot closer. Most people won't even notice this just because of where the proximity of the parking lot is to the highway right now.

Dave Klimisch:

Very good.

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John Steinbrink:

Further comment or question? Hearing none we have a motion and a second.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #16-28 APPROVING A ZONING TEXT AMENDMENT TO AMEND THE BULLS EYE COMMERCIAL DEVELOPMENT PLANNED UNIT DEVELOPMENT FOR THE PROPERTIES LOCATED AT 9330 AND 9370 76TH STREET WITHIN THE PRAIRIE RIDGE DEVELOPMENT; SECONDED BY KLIMISCH; MOTION CARRIED 4-0.

John Steinbrink:

That brings us to Items B and C. Should I recuse myself on these?

Mike Pollocoff:

Yes.

John Steinbrink:

Then I will turn Items B and C over to Trustee Serpe. These are items in which my family has an interest in.

Michael Serpe:

Both Items B and C will be discussed by the Board members, and President Steinbrink will not participate in any of the deliberations or any comments.

B. Receive Plan Commission recommendation and consider two Certified Survey Maps, Mass Grading and Drainage Development Agreement and associated documents for the proposed development of 3-49 unit apartment buildings, 10-8 unit apartment buildings and 19 single family lots on the vacant properties generally located west and north of Bain Station Road and CTH H (88th Avenue) to be known as Fountain Ridge.

C. Receive Plan Commission recommendation and consider Ordinance Nos. #16-29 and #16-30 approving a Zoning Text and Zoning Map Amendments for the proposed development of 3-49 unit apartment buildings, 10-8 unit apartment buildings and 19 single family lots on the vacant properties generally located west and north of Bain Station Road and CTH H (88th Avenue) to be known as Fountain Ridge.

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Jean Werbie-Harris:

Trustee Serpe and members of the Board, these items are related and will be discussed at the same time. However, separate actions will be needed by the Board. Again, the petitioner is requesting several approvals to develop the vacant properties generally located west and north of Bain Station Road and County Trunk Highway H or 88th Avenue to be known as the Fountain Ridge Development.

This evening they are requesting approval of two certified survey maps, the grading and draining development agreement as well as related documents to that agreement for the public and private improvements that will be constructed and zoning maps and zoning text amendments.

On June 20, 2016 the Village Board had approved the applications related to the Fountain Ridge development, and specifically those approvals consisted of a Comprehensive Plan amendment, Prairie Ridge Neighborhood Plan amendment. Again, these were approved by the Board on June 20th. At that time they were proposed for three 49-unit buildings and ten 8-unit buildings and 19 single family lots to be known as Fountain Ridge.

This development agreement this evening and our continued discussion is really for the apartment portion of this development. The single family home development or the subdivision at this time is included for reference purposes only. There will be some minor work with respect to stormwater management and such on that property. But those lots will not be developed at this time.

As indicated previously this was part of a Comprehensive Plan amendment, and those were previously approved by the Village Board. The conceptual plan at that time was also conditionally approved on June 20th. This is for a 34.5 acre site property. Again, they intend to actually create six different lots with two certified survey maps. A small wetland area at the southeast corner of this development site was field delineated. It will not be filled. It will remain unchanged and protected as part of this particular project.

The proposed right of way public roads will come in off of County Trunk Highway H on the east and then venture south towards Bain Station Road. So 83rd Street and 90th Avenue are the two public streets that will be dedicated. They'll be dedicated through certified survey maps. There are two different certified survey maps that have been prepared by the developer. He currently does own this property. There are dedication and easement language that -- there is dedication and easement language that was drafted by the Village staff as well as working with our Village engineer to put a series of easements pertaining to stormwater management, grading, drainage, sanitary sewer, public water, a number of documents easements are actually shown on these certified survey maps.

Again, throughout the development agreement that was put together the grading and drainage development agreement refers to these two certified survey maps. The eastern CSM which is Lots 1, 2 and 3 that abut County Trunk Highway H and Bain Station Road. And then the second certified survey map, also 1, 2 and 3, which is known as the western CSM, again, only Lots 2 and 3 of that western CSM are to be included as part of this apartment development.

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As shown on the slide it identifies the various areas where the buildings where the buildings will be located. Site 1 which is the northern portion of this development area will have the three 49-unit apartment buildings. And then the southern portion south of 83rd Street on either side of 90th Avenue is the location for the ten 8-unit buildings. Again, the streets will be public and internal to the site development. Private streets will interconnect.

There are three water retention basins that are intended to have fountains constructed and some smaller detention areas on the site. There will be three that contains fountains for the development. In addition there's going to be a clubhouse that will be constructed as part of one of the last phases of the development. The clubhouse will be similar to the Cobblestone Clubhouse which is in the Prairie Ridge Development just to the north/northwest of this.

As part of the property development, the property will be zoned R-4.5 for the Urban Single Family Residential District which is where the future subdivision would be located. And then the balance of the site would be zoned into that Multifamily Residential District. The Multifamily District will also have a PUD or a planned unit development overlay on the property. And that will allow for some variation or modification, flexibility with respect to some of the provisions of the zoning ordinance with respect to, for example, some building heights and a few other things with respect to that.

Specifically the layout then, again, is shown as part of this development, and then this is an artist's rendering. There's been a few modifications. There's more brick and stone actually on the clubhouse as well as the 49-unit buildings. I just wanted to provide that to you.

So as part of the approval this evening we do have a development agreement. It's called a grading and drainage development agreement. And that specifically sets forth the developer's responsibilities with respect to what's going to take place on the property and the time frame for which it's going to take place.

The developer while we are working towards this initial development agreement is going to be finalizing a final development agreement that will come back to the Village Board sometime in November. That final development agreement will finalize all of the detailed civil plans for all the public improvements within the public roads as well as some of the private improvements on the site as well as submittal of a letter of credit for the public related improvements. And there will be a number of approvals that will be obtained by that point with respect to sewer and water, infrastructure. There will be development contracts also submitted at that time.

So at this point they are looking to get an early start on some footing and foundations for the first building just west of Highway H as well as the four buildings just south of where 83rd Street comes off of Highway H. And the developer understands that there will be no verbal to occupy or any type of occupancy permits for any of these five buildings until such time as all of the public improvements are completed, inspected, accepted by the Village of Pleasant Prairie. So they would just like to get a jump on the weather with respect to grading and drainage on the site. And then to get some of these buildings under construction.

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The Village has set forth in the grading and drainage development agreement and has identified that a gravel access driveway or roadway does need to provide access to these buildings throughout their construction so that not only Village inspectors but any emergency personnel can get to these buildings at all times. In addition, municipal water is in County Trunk Highway H and is available to the site in the event that they have any accident or incident and they needed municipal water on that site.

What this grading and drainage development agreement also does is it sets forth all of the developer's obligations and what his agreements are to financially and physically being obligated to put in all of these improvements. That's all designated in here. And one other item is that should for some reason that this development not move forward to its final development approval in November, the developer has also put a cash deposit with the Village to guarantee that any of the area that has been graded, that there would be enough funding to put those soil areas back, stabilize it and to remove any stockpiles on the site. So in the event he would start and stop for some reason that there would be funding on account to restore the site back to its original condition.

With that the development agreement does go into some other details. For example, with respect to the digital security imaging system that's required they have agreed to and have entered into contract agreements to put in DSIS for not only the larger multifamily buildings but as well the ten 8-unit buildings on the south side and the west side of the site for the viewing and security purposes. Again, this is exterior camera sites that provide camera viewing to entrances and exits as well as parking lots and driveway areas that are open to the public area.

Michael Serpe:

Anything else, Jean?

Jean Werbie-Harris:

The last thing I just wanted to mention is this agreement, and there is reference to it and there is a separate agreement or a memorandum of understanding agreement. And this is regarding the Bain Station transportation improvement fees. Based on an initial traffic study that was put together as well as information that was provided by Kenosha County we are at about 30 percent plan completion for that intersection. They have agreed to post a letter of credit with the Village for their fair share cost of the improvements to the roundabout which is proposed to be under construction by Kenosha County in 2017, next summer.

So with that there are obviously a number of things that we're working towards getting completed as part of the final development plans. And the Village Board staff memorandum and conditions for approval for Fountain Ridge that includes engineering comments and a number of the other comments and conditions. Again, as we continue to move towards final development approval and development agreement approval all of those conditions and comments will need to be addressed prior to this coming back before the Board in November. The staff and the Plan Commission recommend approval subject to all of these documents being executed and the appropriate documents being recorded at the Register of Deeds office.

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Michael Serpe:

You said he's putting up a letter of credit towards the roundabout?

Jean Werbie-Harris:

Yes, there will be a letter of credit.

Michael Serpe:

How much is that going to be worth? What's his exposure to that? How much?

Jean Werbie-Harris:

I think it's \$136,000. Matt, do you know, \$136,900? That sounds about right.

Matt Fineour:

I think that's about correct. And that's for the actual Bain Station future improvement.

Jean Werbie-Harris:

I'm sorry, it's not for the roundabout. It's for the Bain Station improvements. I'm sorry. The roundabout was -- the funds for that had come from Kenosha County and from the Majestic development. I apologize.

Michael Serpe:

The total cost of the roundabout is considerably higher than that, isn't it?

Jean Werbie-Harris:

Yes, and they're not putting any money towards the roundabout. This is for their fair share cost of the improvements of Bain Station Road. Sorry about that.

Dave Klimisch:

Is there a fair share cost for H? Is that part of this as well?

Jean Werbie-Harris:

No.

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Mike Pollocoff:

Kenosha County hasn't really indicated that they're requesting any additional improvements unless there's going to be a turn lane improvements.

Jean Werbie-Harris:

Bypass.

Mike Pollocoff:

But as far as any thoroughfare improvements or what have you, I mean they didn't require it of WisPark, and they're not requiring it here. I have to say that I'm sure Jeff would be glad to volunteer to make H four lanes through that area. But I think that's really a County decision.

Dave Klimisch:

I move approval of the two certified survey maps.

Steve Kumorkiewicz:

Second.

Michael Serpe:

Okay, motion by Dave, second by Steve for the certified survey maps, grading and drainage development agreement and associated documents, correct?

KLIMISCH MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE TWO CERTIFIED SURVEY MAPS, MASS GRADING AND DRAINAGE DEVELOPMENT AGREEMENT AND ASSOCIATED DOCUMENTS FOR THE PROPOSED DEVELOPMENT OF 3-49 UNIT APARTMENT BUILDINGS, 10-8 UNIT APARTMENT BUILDINGS AND 19 SINGLE FAMILY LOTS ON THE VACANT PROPERTIES GENERALLY LOCATED WEST AND NORTH OF BAIN STATION ROAD AND CTH H (88TH AVENUE) TO BE KNOWN AS FOUNTAIN RIDGE, SUBJECT TO STAFF CONDITIONS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 3-0 WITH STEINBRINK RECUSING HIMSELF FROM DISCUSSION OR VOTING ON THIS ITEM.

Michael Serpe:

And now we're looking for approval of Ordinances 16-29 and 16-30.

Steve Kumorkiewicz:

Make a motion to approve the text and zoning map amendments.

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Dave Klimisch:

I second for 16-29 and 16-30.

Michael Serpe:

Motion by Steve and second by Dave for Ordinances 16-29 and 16-30. All in favor say aye.
Voices:

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE NOS. #16-29 AND #16-30 APPROVING A ZONING TEXT AND ZONING MAP AMENDMENTS FOR THE PROPOSED DEVELOPMENT OF 3-49 UNIT APARTMENT BUILDINGS, 10-8 UNIT APARTMENT BUILDINGS AND 19 SINGLE FAMILY LOTS ON THE VACANT PROPERTIES GENERALLY LOCATED WEST AND NORTH OF BAIN STATION ROAD AND CTH H (88TH AVENUE) TO BE KNOWN AS FOUNTAIN RIDGE; SECONDED BY KLIMISCH; MOTION CARRIED 3-0 WITH STEINBRINK RECUSING HIMSELF FROM DISCUSSION OR VOTING ON THIS ITEM.

Michael Serpe:

Thank you. John, all yours. Thank you.

John Steinbrink:

That concludes Items B and C.

D. Consider a Memorandum of Understanding Agreement and associated documents between the Village and Innovative Investments, IL regarding site improvements required to be completed pursuant to Conditional Use Grants #04-02 and #06-01 for the property at 9201 Wilmot Road.

Jean Werbie-Harris:

Mr. President and members of the Board, this is a memorandum of understanding agreement entered into by and between the Innovative Investments, Illinois and the Village of Pleasant Prairie. And this is regarding conditions of approval that were identified in two previous conditional use grand documents number 04-02 and, again, in conditional use grant document 06-01. And they are associated with the property at 9201 Wilmot Road identified as Tax Parcel Numbers 91-4-122-084-0101 and 91-4-122-084-0102.

As some back ground information, again, the Village Plan Commission had approved some conditional use permits in the past in 2004 and 2006. Specifically some of the conditions of those conditional use permits were when 50 percent or more of the building is proposed to be occupied then the exterior site modifications including but not limited to parking lot upgrades, stormwater facilities upgrades, landscaping and berming to the south, east and west will be required. While some of those parking lot upgrades landscaping and berming modifications were completed by

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the previous developer, certain parking lot upgrades, landscaping, berming, fire lane improvements and other stormwater improvements were not yet completed.

So the developer is in the process of purchasing these properties and intends to utilize the existing building and site improvements in accordance with a currently approved zoning use which is in the M-1 District with the acceptance of some additional restrictions to limit truck loading and unloading and backing activities to between 7 a.m. and 10:00 p.m. on the properties.

As part of this development that he is looking to purchase, he needs some time to make these additional improvements and grant the necessary easements to the Village. And so what we are proposing here is a development agreement that sets forth all of the obligations by the developer as well as the requirement of posting a letter of credit in order to complete all of these onsite improvements.

Some of the things that he is proposing to do is, number one, through the demolition plan they are going to be removing that large parking lot that is kind of to the north/northeast of the existing 9201 building. They are going to be doing some modifications and widening the fire lane access roads coming off of Highway C going around the property. They are looking to do some improvements to the parking lots and adding cul-de-sac islands and curbing and redoing some surfacing there. So they do have some general demolition work to be done on the site. In addition, some new work has to do with stormwater retention basins that will be constructed on the site.

A couple of other things that are referenced in the agreement is that there is proposed future development. And at this point we're not really discussing what that's going to be or how it's going to be developed. They are vacant pieces of property, and he's just making the Village aware of the fact that at some point, some day he's looking to develop these particular properties. The areas that are identified in red just identify the road access points. And then there's again, some stormwater management work as well as some berming and landscaping work also that need to be done on the site.

One of the projects that was discussed last December by the Village Board which has now been completed by the current owner which is the bank, and that was the improvements and resurfacing of that private access road that extends from Highway C to 88th Avenue between the 9201 property and the existing Pleasant Prairie fire house that is located just to the north. So that work has actually been completed. So that is no longer in the memorandum of understanding, and there's no letter of credit for that because that work has been completed.

So the memorandum of understand then addresses stormwater retention system, addresses landscaping berms, the east parking lot, the east/west access drive and parking lots and the north/south private drive and future development sites. All of this is referenced in this agreement. With that the staff recommends approval of this memorandum of understanding agreement between the Village and the parties.

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Michael Serpe:

Move to concur with Plan and staff.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. And this is referring to the former Ladish building, that's correct?

Jean Werbie-Harris:

Correct.

Dave Klimisch:

Jean, I have a question for you. You talked about landscaping and berming. I'm thinking about that residential neighborhood to the west. Are there significant improvements to create more of a boundary between the two properties, the two areas?

Jean Werbie-Harris:

With respect to Ashbury Creek to the south?

Dave Klimisch:

Yes.

Jean Werbie-Harris:

Yes. There is separation spacing with berming and additional landscaping. And then we have talked to them about modifying a little bit with respect to the hours of operation in order to avoid the noises associated with the backup beeping. And we've actually tried to create more of a structure parking lot with landscaping islands and so on and so forth so that the trailers are not coming in and just driving all over and backing up and parking there. It's intended that, I don't know if you can see this on the slide, but it's intended that the trailer units will be parked in the back. And they've got some docks on the north side. They do have a few on the south side still, though.

Dave Klimisch:

So the parking lot on the west looks like it will be for cars for staff possibly?

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Jean Werbie-Harris:

Correct.

Dave Klimisch:

And the trucks will come and go to the back passing through either the west or east side?

Jean Werbie-Harris:

Yes. I think that there are still dock doors, though, on the north side so they could come off on the north side of the building. So they could still be docked right there at that location.

Dave Klimisch:

I get a lot of phone calls from the people that live in Ashbury Creek, and they understand that there's a commercial property next to them. Do you know what the hours of operation have been and what they are proposed to become?

Jean Werbie-Harris:

No, but possibly the developer or his attorney might be able to address that. At this point they have two tenants that occupy the space. I don't believe that their particular operation would be a 24 hour operation. But, again, one of the things that we discussed with respect to the trucks coming and going that they would be limited and not be traveling during that 10:00 p.m. to 7:00 a.m. Because it's really the backup beeping I think that is causing the biggest distress for the neighbors.

Dave Klimisch:

And the people tell me a lot about the headlights that come into the windows on the backs of those houses late at night as the trucks are moving around.

Michael McTernan:

Attorney Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin. I'm the attorney for the potential purchaser who is working with the staff to make the modifications. And one of the things that has been paramount that the Village staff has presented is building up that landscape berm along the residential property to create that buffer because right now there's nothing there. It's just straight in. I'm sure they can see the building from their backyard. Very cognizant of making sure that landscaping is there, and also with the improvements of putting in the detention facility in the southwest corner will be done as well. And obviously the landscaping that will run along there will continue to buffer that.

From an hours operation the current tenants it's leased to two different tenants. They're there until 10:00 at night. My client who is looking to occupy the other 50 percent of the building is 7

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or 8 o'clock in the morning until 5 or 6 o'clock at night, normal business hour business. So that business activity will only be during the business day and not operate past 5 or 6 o'clock at night. They'll be closed. They're just a 9 to 5 type business. And they're going to be occupying eventually the other 50 percent.

Michael Serpe:

What type of traffic are we talking about, Mike, as far as trucks?

Michael McTernan:

They're a recycling, computer recycling.

Michael Serpe:

So no major --

Michael McTernan:

None, no massive semis will be bringing in on [inaudible]. There will be truck traffic but there won't be like there is -- with the truck traffic you have now you have S.C. Johnson [inaudible] companies that deliver trucks in there now. Those are still subject to their agreements in place with the current owner. And they do deliver until 10 o'clock at night. But we understand the staff and the fact that there's residents around there. So that's why we've agreed to limit those hours between 10 and [inaudible].

Dave Klimisch:

And the handling of the recycled products is inside for the noise?

Michael McTernan:

All of it.

Dave Klimisch:

Okay, good. And I believe you said the south side landscaping will be built up for the future residential area to the south?

Michael McTernan:

My clients are here. The current property owner [inaudible] a host of developers that are working with my client are here. So if you have any questions for them they're here to answer them. Thanks.

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John Steinbrink:

Jean, will the truck traffic be going Highway C to the interstate or Highway H to 50 to the interstate or Q to the interstate? The reason I ask that is sometimes the other truckers --

Jean Werbie-Harris:

So with County Trunk Highway C being a weight limit posted road then they would be taking my understanding would be County Trunk Highway H. And I'm hoping that they're going to take County Trunk Highway H south. That would be the goal.

Michael McTernan:

That's our understanding that you have to take Highway H south.

John Steinbrink:

The shortest route.

Michael McTernan:

Yes, the shortest route going south on H, not C at all. Thank you.

John Steinbrink:

Other comment or question?

SERPE MOVED TO APPROVE A MEMORANDUM OF UNDERSTANDING AGREEMENT AND ASSOCIATED DOCUMENTS BETWEEN THE VILLAGE AND INNOVATIVE INVESTMENTS, IL REGARDING SITE IMPROVEMENTS REQUIRED TO BE COMPLETED PURSUANT TO CONDITIONAL USE GRANTS #04-02 AND #06-01 FOR THE PROPERTY AT 9201 WILMOT ROAD; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

E. Consider the 2016 Agreement between the Village and Premium Outlets to allow for extended shopping hours Thanksgiving night and Black Friday.

Jean Werbie-Harris:

Mr. President and members of the Board, this is the agreement between the Village of Pleasant Prairie and Premium Outlets. This is regarding what has been known as the Black Friday or the Midnight Madness agreement between Premium Outlets and the Village of Pleasant Prairie. As you may know there has been a number of meetings and quite a bit of discussion between the Village staff and the owners as well as the management at Premium Outlets regarding concerns that we had prior to issuing this agreement again this year.

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The Police Chief and Village administration has met on several occasions with Premium Outlets, and we have outlined the various additional services that would be needed by Premium Outlets to provide a good, safe and visible parking experience for the shoppers. This agreement specifically sets forth the police department additional protection services that will be provided as well as the fire and rescue services that will be provided by the Village. This is a contractual agreement that talks about the costs for additional overtime services for the hours of the sales.

They are doing things a little bit differently than when we first started the Black Friday celebration where the Black Friday celebration of shopping started at midnight, and then it went straight through Black Friday. Now what they're going to be doing this year is that they are going to be opening 6 p.m. on Thanksgiving night, and they'll be open until 2 o'clock in the morning. They're going to close the center down and then open it back up at 6 a.m. Black Friday morning. And then they'll continue and stay open until 10 o'clock at night.

So with that and those hours the Police Chief and I have worked with them to identify how many hours and what additional officers would be needed for the different shifts in order to handle the additional traffic flow as well as the additional activity that would be going on at the center with all the additional shoppers. And this includes additional police officers and sergeants and parking enforcement officers to cover. And they overlap the additional hours from when the center is going to be closed. In addition the fire and rescue department has also identified some time that they would be out at the site as well an additional eight hours where they would have some additional coverage as well.

And then finally a few other things that we have added in here is that there's some outstanding invoices that some various tenants have out at Premium Outlets that owe to the Village. And the owners have agreed to pay those outstanding invoices for inspection costs to the Village in the amount of \$650 that's added that's new this year so that there aren't any outstanding bills that are owing to the Village.

In addition the planning staff, zoning staff, has done a series of inspections. We've been out to the site to verify that the site is in compliance with zoning and site conditions. And they have been working very hard over the last three, four months to bring this site into compliance with all of the site issues that we had some concerns about. But everything is going well, and they are proceeding to upgrade and update their site as required by the Village. With that the staff recommends approval unless you have questions either for the Police Chief or myself.

John Steinbrink:

Jean, I don't see a representative here. And I think if they're going to bring forward an expanded thing like this there should be a representative here in case there are questions from the Board. I mean maybe we notify them if this is going to be a continued practice for them to come forward have somebody show up at the meeting so we can ask them questions.

Jean Werbie-Harris:

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It is typical that we do have somebody present. I'm not sure why they're not here this evening. I'm not sure if they knew that they needed to be here or not.

John Steinbrink:

You can pass that on to them.

Jean Werbie-Harris:

We certainly can.

Steve Kumorkiewicz:

Do you want to table this issue?

John Steinbrink:

No, I don't need to table it. There's issues out there, and the Board may have questions on different outstanding issue out there. And when you expand something like this it may create another situation where these issues should be addressed.

Michael Serpe:

I think the big concern should come on the Chief. If he's good with this then that's fine. Do you have any concerns, Chief? I'm sure you do.

John Steinbrink:

I mean my wife is in the back, she shops there, but that doesn't qualify her.

Chief Smetana:

My concerns were addressed during the various sets of meetings we had. We had discussions with Simon Corporate on security issues not specifically having to do with Black Friday but all encompassing security issues. As you know we've had a couple of major events out at -- prime incidents out at the mall. And we're working with Simon to try to improve that. I've addressed the mall managers. I've addressed the mall employees. We're working on some special events with them. Tomorrow we've got an active shooter drill that we're putting on for the employees. We're starting early before their stores open. So this is something that we put on strictly for them. And we're requesting a little bit more time with their corporate office and addressing some of the other security issues.

I'm satisfied with our coverage for that evening. I know that progressively in the three and a half years since I've been here it seems to have been waning a little bit with the amount of shoppers coming out. I think that's why they addressed it and altered their schedule a little bit. But we were able to work on that and make sure we've got coverage out there. They're actually paying

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for two additional officers from 3 p.m. until 11 p.m. on Friday that are going to have coverage just in the Village just in case we would need some extra coverage at the mall. They're paying for that.

Michael Serpe:

Do we have problems with the -- do we have the sheriff's department helping on the interstate as well with the traffic if there is a problem?

Chief Smetana:

They normally do. The sheriff's department and the state patrol will help out as needed.

John Steinbrink:

Thank you, Chief.

Michael Serpe:

I would move approval for the agreement between Village and Premium Outlets.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

SERPE MOVED TO APPROVE THE 2016 AGREEMENT BETWEEN THE VILLAGE AND PREMIUM OUTLETS TO ALLOW FOR EXTENDED SHOPPING HOURS THANKSGIVING NIGHT AND BLACK FRIDAY; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

F. Consider granting a Distribution Easement to We Energies relating to the installation of new electric facilities for the Roger Prange Storage Facility currently under construction.

John Steinbrink, Jr.:

Mr. President and members of the Board, as part of the 2016 CIP public works was authorized to begin some construction on a storage facility for the public works equipment. To power this facility, We Energies has to run about 120 feet of electric service from its existing position to the new facility, and we're asking for an easement at this time, 12 foot wide times 120 feet. The

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documents with all the detail were included in your packet. And I can answer any questions you may have. And staff does approve signing this easement with We Energies.

Dave Klimisch:

I move approval of the easement to We Energies so we have power at that shop.

Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. Further discussion?

KLIMISCH MOVED TO GRANT A DISTRIBUTION EASEMENT TO WE ENERGIES RELATING TO THE INSTALLATION OF NEW ELECTRIC FACILITIES FOR THE ROGER PRANGE STORAGE FACILITY CURRENTLY UNDER CONSTRUCTION; SECONDED BY SERPE; MOTION CARRIE 4-0.

(Kris Keckler returned to the meeting 8:50 p.m.)

G. Consider a Relocation Order on a parcel of land located in the vicinity of 101st Street and 39th Avenue in working on a preliminary plan for a future Village Police Station.

Mike Pollocoff:

Mr. President, right now the Village has been saving funds from the impact fee funds for future growth and development of the police station. And on the record for future negotiations I'd rather not say what that amount is. But what we want to do is two things. One is we've identified one of the sites that a potential that would be an extension of 101st, that street was there, and along 39th Avenue. We're looking for a site of 4.3 acres that we need to acquire for the police station.

The second part of this is we've gone through to make sure that what we've laid out for the station is adequate to the needs of the department. Chief Smetana and his staff have evaluated this. And we need to update our impact fee ordinance at a date in the near future so that we can modify our fees to correctly reflect the cost of what the new station is going to be for those new developments to come in the future.

But we do need to make an acquisition of a future site before the end of the year or at least be in a position where we could ask for that money and have it set back. Other than that we have to give it back to the developer if we don't do that. In many cases those developers are gone. So this is not a condemnation. This is really just a relocation order authorizing the Village to post the

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notice that we're contemplating acquisition with the County Clerk so that if someone goes to buy that and they do a title search there's no surprises. Just land, no homes, no improvements.

And this would take place at such time as -- it could be a couple scenarios. If the public works continues to need more space there we'd be looking to take the Prange site and just reserve that solely for public works and IT. Or at the time we expand the police department and it grows incrementally we're going to reach a point where we need a plan for that to move over here. Prange was build in '93. We received a lot of good use out of there. And with the modifications that we made almost four years ago we bought ourselves some more time to be able to live there a little bit longer. But I think for good planning we should take a look for the future when we want to be able to relocate that and have a place for it to occur.

Michael Serpe:

It's an absolutely perfect spot as far as the Village Hall, the fire department, the police department, everything is right centrally located. Plus it might do a little bit of -- spur a little bit of development interest across the street which is going to be good.

Steve Kumorkiewicz:

So we have an option to buy the property?

Mike Pollocoff:

Well, I can't really start negotiating it until you adopt this.

Kris Keckler:

And it could be used for something besides the police station if we wanted to? Really it would become Village property?

Mike Pollocoff:

Right.

Kris Keckler:

And it would move -- would there be a second place -- we're moving farther from the northwest corner. This would be the only police station, of course?

Mike Pollocoff:

Right. It kind of places the police station, though, in a demographically central area for the residential area of the Village. So it's close to 165 which is the fastest way east and west in the Village, 39th has been improved. We have looked at some other sites, but it's a fairly large building. The site itself is an acre and a half. If we can, it's going to be two stories, but it's really

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going to be like -- when you look at it from the road it will look like its two stories because it's on a hill. And it's really going to be a basement and then a story above. But to the extent with the needs study we did with the Chief and his staff is if we can keep everything on one floor and not have people running up and down that's going to be the most efficient use of their time.

At some point in the future when there's an expansion there's room here to do it. Or at that point you could make the decision to go up. We're looking at chewing up a lot of land for storing squads. We want to get those squads inside so they last longer. Right now a lot of them are standing outside. Not that they're going to make them last a lot longer, but it just eases the wear and tear on them.

Kris Keckler:

And this is approximately how much bigger as far as square footage or the footprint from the current station and all the associated offices and storage areas?

Mike Pollocoff:

The current footprint is 8,000 square feet I believe. And this one here is both levels 48,000.

Tom Shircel:

I think, Mike, the main level office area is 16,000 with a 16,000 square foot lower level so 32,000 combined.

Mike Pollocoff:

The old one.

Tom Shircel:

The old one. This is the new one I'm speaking of.

Kris Keckler:

Thank you. Move approval of adoption.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Further discussion?

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KECKLER MOVED TO APPROVE A RELOCATION ORDER ON A PARCEL OF LAND LOCATED IN THE VICINITY OF 101ST STREET AND 39TH AVENUE IN WORKING ON A PRELIMINARY PLAN FOR A FUTURE VILLAGE POLICE STATION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

H. Consider Ordinance 16-31 to amend Chapter 292 of the Municipal Code relating to Solid Waste and Recycling.

John Steinbrink, Jr.:

Mr. President and members of the Board, Ordinance 16-31 is really just cleanup on Chapter 292 from the changes I got approved in the 2016 budget year. I'll just briefly go through them. It's elimination of collection option number two. So residents are really just left with two options, unlimited and automated collection. And then it's the updating of the address for the old compost drop off site which is now the residential recycling center located at 8000 128th Street. And then just a couple of small updates on some of the words within the ordinance just to make sure that we keep it cleaned up and consistent with our practice that we do on a daily basis.

Michael Serpe:

Move approval of 16-31.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Mike, second by Dave. Further discussion?

SERPE MOVED TO ADOPT ORDINANCE 16-31 TO AMEND CHAPTER 292 OF THE MUNICIPAL CODE RELATING TO SOLID WASTE AND RECYCLING; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

I. Consider Resolution #16-34 authorizing the funding to implement Village forest management plans for Prairie Springs Park, Village Green Park and Sorenson Woods through a Wisconsin Department of Natural Resources Urban Forestry Grant.

John Steinbrink, Jr.:

Mr. President and members of the Board, on October 1, 2016 public works intends to submit a DNR Urban Forestry Grant application to implement Village forest management plans for Prairie

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Springs Park, Village Green Park and Sorenson Woods. The Wisconsin Urban Forestry Grant program provides funding to communities across the State for projects that stimulate and support the development of urban forest management programs. The grant assists communities to help them serve, protect, expand and improve the urban forest resource through planting, hazardous tree removal and pest control.

For 2017 funding priorities will be on actions with long-term positive impacts on urban tree canopy, development or enhancement of community urban forestry programs and projects that can serve as new models for others to adopt. This grant award provides a 50/50 match for expenses incurred. Our estimates expenses for 2016 which you'll see in the decision packets for the 2017 fiscal year is just over \$53,000. And our grant request is for \$25,000 which is the grant maximum. As part of the grant application the DNR requires the Village to adopt a resolution authorizing the funding of the project, that will be the 50 percent match, and public works to administer the funds as the grant would allow.

Dave Klimisch:

Sounds like a smart use of our time and I'd move approval.

Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. Further discussion?

KLIMISCH MOVED TO ADOPT RESOLUTION #16-34 AUTHORIZING THE FUNDING TO IMPLEMENT VILLAGE FOREST MANAGEMENT PLANS FOR PRAIRIE SPRINGS PARK, VILLAGE GREEN PARK AND SORENSON WOODS THROUGH A WISCONSIN DEPARTMENT OF NATURAL RESOURCES URBAN FORESTRY GRANT; SECONDED BY SERPE; MOTION CARRIED 5-0.

J. Consider a Distribution Easement with We Energies to relocate a transformer due to the replacement of six street lights as part of the Wisconsin Department of Transportation STH 165 expansion project.

Matt Fineour:

Mr. President and members of the Board, this item is to grant We Energies an easement in order to relocate their transformer that feeds the streetlights along 165. As part of the State Highway 165 corridor project there is street lights being put in from Corporate Drive all the way up through Terwall Terrace. And where you see yellow on the map those are six streetlights that currently exist. Those are We Energies lights. They're being removed because they're within the project corridor. They're going to be replaced with new LED lights, and they'll be owned and maintained by the Village.

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As part of this work the existing transformer which is closer to Terwall Terrace is being removed, and a new transformer is being placed further east as shown on the map. So with this this is just granting an easement to relocate that transformer. It is recommended the Village approve the granting of this easement to feed the streetlights.

Kris Keckler:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Further discussion?

KECKLER MOVED TO APPROVE A DISTRIBUTION EASEMENT WITH WE ENERGIES TO RELOCATE A TRANSFORMER DUE TO THE REPLACEMENT OF SIX STREET LIGHTS AS PART OF THE WISCONSIN DEPARTMENT OF TRANSPORTATION STH 165 EXPANSION PROJECT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

K. Consider an Offer to Purchase property located at 8448 104th Avenue and a vacant lot to the south owned by William Jecevicus.

Mike Pollocoff:

Mr. President, we received an offer to sell from Mr. Jecevicus for the value of his property for approximately \$177,000. These properties are identified in the Master Park Plan as part of the Pleasant Prairie Ballpark for ultimate acquisition. So it's a willing buying, willing seller. If the Board agrees we'd be looking to close on these items before the end of the year so they'd be on the Village's tax roll as tax exempt beginning January 1 of next year. The funds for this would be acquired as part of a bonding we'll be doing later this year for Prange storage building and a ladder truck.

Michael Serpe:

How many more [inaudible] that are named?

Mike Pollocoff:

There's one directly north that you could see on this map. And then there are two parcels, one vacant and one with a home on 108th. And I haven't been contacted by them recently. They have talked about it, but they haven't really come back and said, yeah, I want to sell.

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Dave Klimisch:

And as we discussed before if there's a willing seller we will entertain a buy? We're not actively looking to do anything?

Mike Pollocoff:

No. And our price is really based on what we assess it for. So if we're willing to assess in this case two properties at a total of \$177,000 we should be willing to purchase them for that price.

Dave Klimisch:

And then what's our plan after we -- if we get these by the end of the year what's our plans for the property?

Mike Pollocoff:

Well, as part of the funding on this we're going to set aside an additional \$10,000 for razing the properties as soon as practical after we acquire them. One of the conditions of closing would be that the tenants need to be out so we don't raze it when they're in there.

Dave Klimisch:

Would those be good sites for a practice burn for the fire department?

Mike Pollocoff:

They could be. We'd have to ask the Chief. That one house is fairly close to the north - but if they can find a way to make it work - if not maybe the police department might want to do some of their training in there. We won't take it down in the winter. It would probably be spring before we take it so there would be some opportunities for the departments to get in there and work on them.

Dave Klimisch:

I move approval to purchase the property at 8448 104th Avenue.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

KLIMISCH MOVED TO APPROVE AN OFFER TO PURCHASE LOCATED AT 8448 104TH AVENUE AND A VACANT LOT TO THE SOUTH OWNED BY WILLIAM JECEVICUS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

L. Consider reappointments to the Community Development Authority.

Mike Pollocoff:

Mr. President, it's time to reappoint the members of the Authority. The statutes point out the skills, knowledge and training that members should have that are appointed to the Authority. So President Steinbrink is recommending that the term ending in 2018 by Kate Jerome who is a horticulturist and Tom Reiherzer who has got labor experience be extended to that point of time. And then Jill Sikorski who is a financial expert her term would go one more year.

Michael Serpe:

Move approval on the three.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any discussion?

SERPE MOVED TO REAPPOINT KATE JEROME AND TOM REIHERZER TO OCTOBER 7, 2018 AND JILL SIKORSKI FOR A TERM ENDING OCTOBER 7, 2017 TO THE COMMUNITY DEVELOPMENT AUTHORITY; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

8. VILLAGE BOARD COMMENTS

Dave Klimisch:

I need to give a big thank you to our first responder staff. Yesterday afternoon my neighbor's son suffered a severe asthma attack. Couldn't breathe, went unconscious. The fire department paramedics, firefighter crew, police department all came out. They were onsite for an hour, stabilized him. And as of tonight he's sedated but still alive. So Chief and everybody else that's involved thank you for your consistent professionalism all across the Village. It doesn't matter day or nighttime, location, it's just this consistent ability to arrive on a crisis scene and do what needs to be done and provide the medical care and the support for the family.

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John Steinbrink:

Other Board comments?

9. **ENTER INTO EXECUTIVE SESSION PURSUANT TO SECTION 19.85(1)(C) TO CONSIDER EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY.**

Michael Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve.

SERPE MOVED TO ENTER INTO EXECUTIVE SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – AYE; KECKLER – AYE; KUMORKIEWICZ – AYE; KLIMISCH – AYE; SERPE – AYE; MOTION CARRIED 5-0.

John Steinbrink:

Item 10 will be to return to open session for the purpose of adjournment only. No other business will be conducted.

10. **RETURN TO OPEN SESSION AND ADJOURNMENT.**

After discussion took place in closed session, **SERPE MOVED TO RETURN TO OPEN SESSIO AND ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – AYE; KECKLER – AYE; KUMORKIEWICZ – AYE; KLIMISCH – AYE; SERPE – AYE; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 10 P.M.**