

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
LAKE MICHIGAN SEWER UTILITY DISTRICT  
SEWER UTILITY DISTRICT "D"**

**9915 39<sup>th</sup> Avenue**

**Pleasant Prairie, WI**

**April 25, 2005**

**Immediately following the 5 p.m. Plan Commission Meeting**

A Special Meeting of the Pleasant Prairie Village Board was held on Monday, April 24, 2005. Meeting called to order at 6:10 p.m. Present were Village Board members John Steinbrink, Alexander J. Tiahnybok, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe (6:18 p.m.). Also present were Mike Pollocoff, Village Administrator and Jane Romanowski, Village Clerk.

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. NEW BUSINESS**

**A. CONSIDERING ENTERING INTO EXECUTIVE SESSION SUBJECT TO  
SECTION 19.85 WIS. STATS. RE: PERSONNEL MATTERS.**

Mike Pollocoff:

I request the Board meet in Executive Session to include the Board, the Clerk, Attorney Phil Godin and myself.

**KUMORKIEWICZ MOVED TO ENTER INTO EXECUTIVE SESSION  
SUBJECT TO SECTION 19.85 WIS. STATS. TO DISCUSS PERSONNEL MATTERS;  
SECONDED BY STEINBRINK; ROLL CALL VOTE – STEINBRINK – YES;  
TIAHNYBOK – NO; KUMORKIEWICZ – YES; LAUER – NO; VOTE 2-2.**

John Steinbrink:

Then we don't have an executive session.

Mike Pollocoff:

If the Village President wants someone could make a motion again and then on the question, comments would occur.

**KUMORKIEWICZ MOVED TO ENTER INTO EXECUTIVE SESSION;  
SECONDED BY STEINBRINK;**

Alexander Tiahnybok:

What do we do if it is tied? Because right now it is 2-2.

John Steinbrink:

Well, this is a motion to go into executive session to bring the new Board members up to speed on the issue at hand. That is done in Executive Session.

Alexander Tiahnybok:

Is it appropriate to make a statement?

Mike Pollocoff:

On the question.

Alexander Tiahnybok:

Prior to voting on the decision to voting into closed session, I have the following comments. Last week, I went on record as asking the then Board to allow Jeff Lauer and myself to sit in on the executive session in a meeting that did eventually occur. We were not allowed and by law we were entitled to do so. I accepted this but then I did ask the issues to be dealt with at that meeting be tabled and afterwards they were. I commend Tom Terwall and Bill O'Toole and the rest of the Board for doing the right thing that evening and leaving for the new Board to deliberate. It became clear at last week's meeting, that the executive session labeled as being a personnel matter was in regards to Village Administrator Mike Pollocoff's contract. Before moving forward, I want to restate my position that I believe Mr. Pollocoff is a good man and has served Pleasant Prairie very well. In order to be prepared for next week's regular board meeting, I have requested information regarding Mr. Pollocoff's contract and I have been delivered a copy of his original contract dated May 17, 1993. I have received not further information except a verbal statement from Mr. Pollocoff regarding his current annual salary. This may or may not generally be considered public information so I will keep it confidential for now. I do know that the President of the United States, our Vice President, our military leaders, members of Congress, judges, State Governors, State Legislators and so on salaries are public information readily available and from where I stand any person who derives an income from tax related sources should not expect confidentiality. Regarding this specific situation though, last week Jeff and I were treated rightfully so as citizens and were allowed to comment as citizens. Today, we are Board members, and as of this afternoon, we have no more information that I just described. I would have expected to be flooded with information by now but that has not been the case. I am confident that this shortage of information flow is temporary but in order to properly represent my constituency, I feel though that I need to be able to make a confident and sound decision. As of this moment, matters such as current comparables to other local similar size Village governments has not been shared. Details of specifics on the current cost of the Administrator's benefit package also has not been shared. And, furthermore, some details in the contract from 1993 are to me disturbing in terms of the severance agreement. As of this moment, I am not aware of any further documentation regarding extensions of that contract. Jeff and I were asked to participate in the process today only at the end of last week. I look forward to this meeting to be put into the past and working with Mr. Pollocoff and the rest of the Board in a constructive and collaborative process. But for now, based on information available and shared, I must vote no as I did then to go into closed session. Jeff and I ran our campaigns on creating a more open

government and any decision at this point would not be consistent with our pledge. I intend not to break any pledges that I made and this is not going to be the first.

Jeff Lauer:

Well, the only comments I'd like to make regarding closed sessions - I did a quick background for myself. I have been really against them most of my life with just a few exceptions. One of them being if it is going to break the confidentiality of the client/attorney relationship and if the Village, in this case, is under litigation - I noticed in the Kenosha News yesterday they published a meeting but it did not say it was a special session, closed session and it did not list specifics and why the meeting was being held. I have a problem with that 'cause I know that for closed sessions it's got to be known so that people within the Pleasant Prairie community know what is happening. The other I have that I feel uncomfortable with, like I said if it is a client privilege relationship then obviously it should be in closed session, but since the decisions that the Board makes, the Planning Commission and the Village at whole affects the citizens of the Village of Pleasant Prairie, I always believe that people should have the right to at least listen to what is being said. I strongly believe that and I know under Wisconsin State Statutes 19.85 this circumstance you can go, it allows you to go in closed session, but yet because you are allowed to do something, doesn't necessarily mean it's the right thing to do. I just wanted to read an article from the League of Wisconsin Municipalities I brought with me, for those of you who may not know what that is, I'm sure everyone up here does, they are like an organization I believe they were established in 1898 and they are based in Wisconsin and what they do they are more or less of a legal resource for municipalities like the Village and for cities in Wisconsin. And they stated this regarding closed meetings - I'm just quoting what they have in their book - "When deciding whether it is appropriate to hold a particular meeting, a closed session, a good rule of thumb is to ask the preliminary question Is there a reason why this matter is best discussed privately other than the desire to escape the scrutiny of the public eye or the media?" And that is what I don't ever want anybody who serves in the Village in any shape, way or form the scrutiny because last week there was a closed door session, there possibly could be one today so that is two within two weeks and that is where the public views that something is happening and obviously I don't ever want to give that impression 'cause I don't know yet - I have been doing a lot of reading within the past two weeks - if closed session was released out of it if anything. So, I can't in good conscience go into closed session based on this because of what I stated earlier - first, the public notification is not breaking or validating any public trust between the attorney/client privilege. I just believe it would be in better public relations if the fewer closed door meetings there is the better relationship we have. Thank you.

Mike Serpe:

Sorry I am late gentlemen.

John Steinbrink:

So let me get this straight. You do not want to go into executive session to discuss personnel matters. Is that what you are saying?

Jeff Lauer:

Right.

John Steinbrink:

And Mr. Tiahnybok is that what you are saying?

Mr. Tiahnybok:

I am saying that if there is a matter that needs to be in closed session I am willing to consider it but as of this moment, I don't know what that is – even in a vague sense and that is my rationale behind not wanting to go into closed session.

John Steinbrink:

O.K., we scheduled this meeting to go into executive session to discuss personnel matters which we always do in a closed session and that is the law and that is within the law and I think that is very good – for a lack of another word – etiquette for a way of doing something. I think the intent was to bring both the members up to speed on the issue which you showed great concern over and as new members I feel you should be brought up to speed on it and if I understand right you do not want to at this time be brought up to speed is that what you are saying?

Jeff Lauer:

That is not – I will clarify – I can give a very simple explanation. If you can be brought up to speed – I read the contracts, I have done contracts before, I have done job descriptions before for my employers, however, that can be given to us in advance to review and read and then come back to go over the issues at hand. Because for me to make an informed decision, I should have all the documents in advance like the Planning Commission - we got our packets in advance and we know what is going to be discussed and we know what is going to happen and I think the same should be here as well.

Mike Serpe:

The reason for executive session is to discuss exactly what you are saying Jeff to be able to make an informed decision. You are not going to adopt anything that we are going to do tonight in executive session. You just can't do that. That is done in an open setting. Now, if you have questions on what we are going to be discussing tonight in executive session that is the place to talk about it. About personnel matters and it stays in executive session. After you learn what is going on and you get all the questions that you may have answered, then we come out in an open session or put this on a future agenda for its adoption or its denial. That is what the executive session is about. You may have some personnel questions to ask of us about where we have been for the last 16-18 years; you may have some personnel questions of Mr. Pollocoff. You shouldn't discuss personnel matters in a public setting. That should be done in a private setting. I think you know that.

Alex, last week you asked to be a part of that executive session. We tabled it so you guys could be a part of it and now you are saying you don't want to. I'm a little lost here. I don't understand the rationale of what you are saying.

Jeff Lauer:

Well, with all due respect, as I mentioned before you got here, every decision this Board makes affects every citizen of Pleasant Prairie; therefore, since we are using their money, they should know exactly how it is being spent. I know the understanding they can come down and do an open records request but I think if we all think about it, a lot of citizens wouldn't do that but I did promise when I was campaigning that I had people ask me are you going to sneak around and do those closed session meetings on me. And I go "Well, I can't answer that because it is based on really what the topic is going to be about."

Mike Pollocoff:

The purpose of an executive session to discuss personnel matters is so that, and in this case to discuss my contract and to look at what I am proposing, find out from the Board what they are proposing. I am not, I have not and I will not withhold my salary, I have not. To imply that I am trying to hide something or sneak something around – that is not the case. Whatever comes out of that executive session when it is voted on whatever meeting that would fall or land on, that contract is going to be open to public scrutiny, the results are of it are, just as the contract I have now. The purpose of this meeting is not to slide anything by because in executive session a decision cannot be made. It is illegal to make a decision in executive session. You cannot make a decision until that meeting has been noticed and you have the documents and the documents can be presented for public review. And that is not what I am looking for. If you are saying that all personnel actions and the negotiations are going to be covered in open session with the public to review to prove that something shady isn't going on, it is going to be difficult to conduct personnel business in this community with employees, and I think the Board would have some legal exposure in disclosing personnel information in an open setting. The purpose of tonight's meeting, whether it proceeds tonight or not, but the intent and purpose was to be able to discuss and negotiate a contract. All the information you requested concerning my salary, my benefit package, what I make is public information and you don't need to file a public records request but you asked for 12-13 years worth of information which I am compiling. I will provide that to you and it is not being withheld and I don't intend to withhold it. But, I would appreciate as a professional, the opportunity to discuss in closed session with my employers the parameters of a contract, find out from you what the parameters of the contract are and go forward. If, when that contract comes for an up or down vote, you decide to put it on the windshield wipers in the parking lot or do whatever with it, it is public information. But I don't know of very many employees who negotiate their positions at a public forum. I think the end result of what is negotiated assuming that something is negotiated is proper discussion for a public forum.

Alexander Tiahnybok:

Getting back to our campaign. Jeff and I ran on an open government platform, that is what we wanted to see and speaking for myself, my reason for voting no on the executive session today, was because we wanted to forward that process and we want it to go on record as wanting to forward that process. Frankly, we weren't expecting to have a stalemate with a 2-2 vote and I believe since Mr. Serpe is here we probably can bring this to a vote and settle the issue. I'd like to motion that we move forward with the vote.

Jane Romanowski:

There is a motion and a second on the table – a roll call vote would be in order.

**ROLL CALL VOTE TO ENTER INTO EXECUTIVE SESSION: STEINBRINK - YES; TIAHNYBOK – NO; KUMORKIEWICZ – YES; LAUER – NO; SERPE – YES;**

John Steinbrink:

Motion carries 3-2. The Board will return to open session for adjournment only. No other business will be taken.

Before discussion in executive session proceeded, Attorney Phil Godin asked Mr. Tiahnybok and Mr. Lauer to confirm they would not breach their fiduciary responsibilities as public officials by discussing any and all confidential closed session matters. Mr. Tiahnybok and Mr. Lauer agreed they would maintain confidentiality of the closed session discussions.

**B. RETURN TO OPEN SESSION**

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

**5. ADJOURNMENT.**

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY LAUER; MOTION CARRIED UNANIMOUSLY.**