

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"
9915 39th Avenue
Pleasant Prairie, WI
August 15, 2005
7:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, August 15, 2005. Meeting called to order at 7:30 p.m. Present were Village Board members John Steinbrink, Alex Tiahnybok, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Kathy Goessl, Finance Director/Treasurer and Jane Romanowski, Village Clerk.

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

Diane Shoen:

Diane Shoen, 6320 109th Street. First, I want to let you know that I had to call a Board member to find out if there even was a meeting tonight since the agenda was not published on your website as of Saturday. I do appreciate your website and being able to read the minutes of prior meetings. I use this venue to find out what was the reasoning for the recent sewer increase. I would just like to point out to the Board members that the increase in the sewer fee was an amount of 14 percent, which seems excessive to me. It was stated that the rate had not been increased since 1999, but this increase now is equivalent to a nearly 3 percent increase per year over that period. I realize the dollar amount we're talking about is only \$4 and that's what probably made it so easy, but it is a 14 percent increase. I'm just wondering if there was an effort to cut costs in order to keep down the rate increase. A fee is just a tax by another name, and you have just raised a portion of our taxes of those of us on sewer, which is often not by our choice, by 14 percent.

I would also like to see the meeting time for the Village Board revisited. Have it placed on the agenda in advance to get the input of the citizens. All of the people I know that wanted a change in the meeting time just wanted enough time to get home from work. Going from 5:00 to 7:30 was one extreme to another, and the new time was set by an outgoing Board member. I think most people would consider 6:00 or 6:30 a much more reasonable time. But at least let the people speak their opinion.

With regard to charging new residents for their recycling container, it would be easy for me to say it does not affect me so what do I care? But I do recall the Village stating that they could collect the garbage for less money than an outside source. What happened in the last year that suddenly you must start collecting fees for the recycling bins? I just see an opportunity for those

who cannot or will not pay for the recycling bin to just take someone else's, as they do sit out by the street all day for easy pickings.

Finally, I would like to state that I am in favor of increasing the majority vote required for any eminent domain actions. The recent Supreme Court decision in this regard has made a lot of us fearful, and increasing the majority vote required would be a very good face effort by our Board. In fact, I think it should have to be unanimously agreed that there is a need to seize someone's property. Thank you.

5. VILLAGE BOARD COMMENTS

Jeff Lauer:

I just have a couple of things I'd like to bring up. I don't know if . . . an issue, and if it is . . . but I was wondering if we can work on for the Trustees for getting our packets. As of late we've been getting them Friday afternoon. I got this Friday and it's quite a stack to try to read by Monday. So, if possible, maybe we can work on a way to have them done by Thursday. It would make it a little bit more easier and give us another day to go over it as possible. Again, I don't know if that's a procedural thing. So if anybody knows they can let me know on that. I'd appreciate it.

The other item I have is I see it on a number of ordinances or amendments that we have, on the bottom it says passed and adopted this blank day of August 2005. For example, we have one tonight that says passed and adopted this 15th day of August 2005. I don't know if that's, again, a procedural thing where it's a standard thing. When I read that what that tells me is it was passed and approved but yet the Board hasn't taken a vote on it. So I don't know if that's a procedural thing or an assumption that the Board is going to pass it. So if someone could enlighten me if that's always on there. I think it might be in the best interest not to have that on there, because if it's on there some citizens as well as I could assume, or some Board members being contacted, will you approve this and yes and there we go so we'll put it on there. So I just want to make sure the Board is also understanding where I'm coming from on that. If you look on it tonight it says later on in the packet it says passed and adopted this 15th day of August. I just want to make sure why that's on there. I don't know why. It's been on others in the past. I just never brought it up before. That's it. Thank you.

Mike Serpe:

In reference to Jeff's comments about the packets, a good percentage of our packet for the Board, Jeff, consists of a lot of Plan Commission items. That's really where a lot of work is being done for the Village, and if you attend the Plan Commission meetings you would hear this because it's all a repeat of what happened at the Plan Commission meeting. If you take out the Plan Commission items off the agenda, then what you have left to study or read for the weekend is very, very limited. So my suggestion is that you attend the Plan Commission meetings.

John Steinbrink:

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And the Plan Commission packet you get the week prior.

Jeff Lauer:

And I read those, yes.

John Steinbrink:

Any other comments or questions from the Board?

Steve Kumorkiewicz:

I have a comment. I do believe that items can be added to the agenda an hour before the meeting, but no decision can be made.

Mike Pollocoff:

Right now we have a deadline set for developers, staff, anybody who wants to get something on the Plan Commission for Tuesday at five so the staff can put the agenda together and make sure it's in proper form. Even then sometimes if we get something a little bit late we'll put it on and we might not get it in the exact form that we want it, but at least it's there for consideration. If the Board wants to get the packets earlier we just need to move that deadline back to another day or what have you. I concur with Trustee Serpe's comments so that if you look at your packet almost half of it is things that you would have seen at the Plan Commission and that were part of the Plan Commission packet which helps distribute that workload out.

As far as getting something else on the agenda, it needs to be a true emergency, and it would be an emergency that would qualify under the Village's police powers that would put something on the agenda two hours beforehand, and we'd have to make verbal notice to the news media. It would really need to be a serious emergency to get it on two hours ahead of time. We're required to give 24 hour notice to the media outlets before an item goes out. If the item is not on the agenda we can't act on it. And we shouldn't put the item on the agenda within that two hour period unless it's an emergency. Under comments we can talk about items but the Board can't take a vote on it since it hasn't been noticed.

With respect to your comment concerning ordinances, an ordinance is proposed, some ordinances if there's a fine that's going to be imposed by the ordinance it will require two readings. We identify the date if it's a two reading ordinance it's that second date that it would be considered and adopted. If the Board does not adopt it, of course, the ordinance dies. The ordinance becomes effective not upon your vote but upon the posting of the ordinance. So when the ordinance gets posted that's what the public sees at that time is what you saw that it was passed and adopted. I guess if there's a concern that the staff would alter the document and say it was passed and adopted when it wasn't and then posted, to protect the public from staff malfeasance then you'd want to have nothing there and leave it open. I don't think that's been a concern. Or, you could put blanks in. But really we typically place that on there so when the document is completed by the Board and posted it's as the Board saw it and it reflects that action.

Some ordinances require a statement of the vote, if it was 3-2 or 4-1, whatever the vote was, then in those cases the ordinance is left blank until we know what that is. Or, if a Board member was to call for a roll call vote then we'd have to change that document at that point. That's why it's on there. It's the pleasure of the Board, if the Board wants to alter that. We can bring that back as a policy item at the next Board meeting.

Jeff Lauer:

That's good that answers that question. Once it's posted then that means it's in effect so that's fine.

John Steinbrink:

Other questions or comments?

Steve Kumorkiewicz:

I'd like to make one comment. Pretty much in line with the lady here, one problem we have with the recycling bins . . . with the green recycling containers many occasions the people move and take the container with them and they have to replace it. The thing that we have to pay to replace it costs \$6 to replace it.

Mike Pollocoff:

Yes.

Steve Kumorkiewicz:

But actually the recycling bins should stay with the property . . . that is part of the property people pay with taxes. That's the comment I want to make.

6. CORRESPONDENCE

A. Receive Request for the Extension of Municipal Sewer and Water to 2945 93rd Street.

Mike Pollocoff:

Mr. President, we received a letter from Mr. Paul Triff on 93rd Street requesting that the Village extend sanitary sewer and water to his property at 2945 93rd Street. Just recently the Village completed construction of municipal water from roughly 32nd Avenue west where the existing municipal water main ends which is probably about 300 feet east of 39th Avenue. Sanitary sewer would need to be extended from 29th Avenue west almost to the bike path. Mr. Triff's house is directly east of the bike path on the south side of the road.

He had indicated in earlier correspondence or discussions that he'd like to have the water and sewer extended. At that time there was no project. Other than the water that had been anticipated, I indicated that if he wanted to request that he could advise me of such and we could start the process. There really is nobody else on the sanitary sewer portion of it to be served other than Mr. Triff. St. Joe's Home for the Aged is on the north side of the street. Mr. Triff has a very large triangular piece of property with no other house on it, and with the extension of water it would involve the extension of a water main, again, from the 3200 block to 29th Avenue in order to loop that main. So based on his correspondence I'd request that the staff be authorized to prepare a plan for the extension of the utilities and conduct a public hearing at a later date to consider the extension of sewer and water.

SERPE MOVED TO RECEIVE AND FILE THE REQUEST OF MR. TRIFF FOR MUNICIPAL SEWER AND WATER AND TO SET THE MATTER FOR PUBLIC HEARING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

7. NEW BUSINESS

- A. Receive Plan Commission Recommendation and Consider Resolution #05-44 for the approval of the Final Plat, Development Agreement and related documents for the Creekside Crossing Subdivision generally located north of 93rd Street east of Old Green Bay Road.**

Jean Werbie:

Mr. President and members of the Board, Resolution #05-44 is for the approval of the final subdivision plat, development agreement and related documents for the Creekside Crossing Subdivision. The development is to be located on 120 acres of land. This is the first phase of the development. The property is located north of 93rd Street and east of Old Green Bay Road. It's specifically in the southwest quadrant of the Whittier Creek Neighborhood. A branch of the Jerome Creek traverses through the property.

Within this first phase 12 acres have been identified for 24 single family lots. Average lot size is 21,804 square feet. There are 64 acres that have been identified for 288 condominiums, including 34 two-unit buildings, 17 four-unit buildings and 19 eight-unit buildings. There are 28 acres of open space, and that includes land for wetlands, floodplains, dedicated park space and other open space. Approximately 28 acres of open space is going to be identified within the development. There are two neighborhood park areas that have been identified, one at the south end that's identified in green, and then one at the northern end. The southern 3.9 acres total, 4.6 acres of wetlands and 17.7 acres of 100 year floodplain upon completion of the floodplain boundary work that's going to be done, and there's 1.8 acres of other open space that have been identified with this plat.

The final plat for Creekside Crossing Development proposes 15 new single family lots and six outlots. It breaks down as follows: Outlot 1 is proposed to be used for storm water management purposes; Outlots 2, 3, 4 and 6 are proposed to be further subdivided, and this will be for

condominium development in the future by the current developer; and Outlot 5 is proposed to be dedicated to the Village for public park purposes.

Some of the improvements that are being proposed to be paid for with respect to impact fees for this particular area is a hard surface with two basketball goals, playground equipment and a covered pavilion have been discussed.

The staff has reviewed all of the documents that the developer has submitted with respect to the final development agreement, the letter of credit and all the other documents pursuant to the closing. We have tentatively set a closing for this development for tomorrow. Again, this is one of the developments that they had done in early mass grading back in the spring, so they are quite a ways along with respect to the grading work on the property.

The resolution that you have before you does identify all of the exhibits that are going to be included within the final development agreement, as well as some other outstanding or some conditions that they do need to comply with as they are constructing the subdivision.

The staff and the Plan Commission recommend approval of the final plat and related documents. A public hearing was held by the Plan Commission at their last meeting regarding this matter. Again, this is a subdivision that we had actually been working on for about 10 years and it's gone through a couple of different developers until it finally reached a developer that was going to finalize the project. With that, staff and Plan Commission recommend approval as presented subject to the comments and conditions as stated in the resolution and the staff comments.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #05-44 FOR THE APPROVAL OF THE FINAL PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS FOR THE CREEKSIDE CROSSING SUBDIVISION GENERALLY LOCATED NORTH OF 93RD STREET EAST OF OLD GREEN BAY ROAD, SUBJECT TO STAFF CONDITIONS; SECONDED BY LAUER; MOTION CARRIED 5-0.

B. Receive Plan Commission Recommendation and Consider Resolution #05-45 for the approval of the Preliminary Plat for Woodfield Estates generally located west of 39th Avenue and south of 110th Street.

Jean Werbie:

Mr. President and members of the Board, this is a request for adoption of Resolution #05-45. This is a request of Jerry Freeman who is the agent and Dianna Holland who is the owner of the property. The specific property is located west of 39th Avenue and south of 110th Street. Specifically, they are proposing to develop seven single family lots and one outlot for storm water management purposes. There will be no direct access from 39th Avenue into this small development. This is actually coming in off of 110th Street, which was the entrance to the original Mission Hills development. So, again, it's a pretty small single family subdivision.

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The lots range in size from 20,092 square feet to 29,929 square feet. The lots are proposed to be R-3, Urban Single Family Residential District, and that is similar to the lot sizes in the adjacent Mission Hills which is to the north and to the west.

Also on the slide is a copy of the grading and landscape plan for this particular property. Again, seven lots are intended to be created. A retention basin will handle their storm water on this particular site. There will be some berming along 39th Avenue. The staff has received declarations of restrictions and covenants and has gone through them a couple of times since our very first meetings on this particular development. This complies with comprehensive, neighborhood and also conceptual plans, and also on the big board is the same photograph as you see on the overhead with respect to the proposed subdivision.

The staff and the Plan Commission recommend approval of the preliminary plat for the proposed Woodfield Estates Subdivision subject to the comments and conditions and everything outlined in the resolution. The Plan Commission held a public hearing on this matter at its last meeting and they recommended approval of the subdivision subject to the conditions.

Mike Serpe:

There were questions from a couple of residents in the Mission Hills area, and I think those concerns were certainly met by the proposed development and I would move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

We have a motion by Mike and second by Steve. Any further discussion on this item?

Alex Tiahnybok:

The previous resolution, 05-44, showed 131 possible students affecting Kenosha Unified. This resolution 05-45 shows I think three. I may have gotten those numbers wrong, but we're looking at 134 students, and we're obviously going to be looking at other items down the road. My question is Kenosha Unified notified of this and what is their reaction? Overcrowding is a serious concern and I'd like to know that we're not just throwing students at them without a long-term solution.

Jean Werbie:

We involve the Kenosha Unified School in the very beginning of the process. They were involved in the original comprehensive land use planning with the Village, and every time that we host a public hearing, whether it's a neighborhood plan and then moves to conceptual and then preliminary and final plat, they are aware of everything that we're doing throughout that process. I meet with them also every six months to make them aware of what's coming on line, when subdivisions are intending to get final improvements done, when we start issuing building

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permits and what our buildout rates have been. So they have been able to track a pretty good history with respect to how many students are coming in, if the families are existing in the district or they're moving new to the district. So they have been tracking all this information with me so that they know exactly how many students and what to anticipate with respect to planning for new schools and classroom sizes and such.

Alex Tiahnybok:

And this issue from my perspective has direct connections to the whole debate about impact fees for schools. Obviously it seems as a general philosophy the Board is prepared to assess impact fees for new residences, and yet for schools, if you look at your tax bill, is by far the biggest part of your tax bill. We're balancing this all on the back of everyone in terms of paying for infrastructure changes and all that. Just wanted to know. Are they able to give feedback saying, whoa guys, or no problem go ahead, or what are we hearing?

Jean Werbie:

They've not commented on our developments. They appreciate the advance notice and the time frame. It typically takes a development anywhere from 18 months to four years to get through the process once they get through the complete planning process and they put everything together. So we try to give them as much advance notice as possible, but they've not indicated any concerns with respect to slow down or anything to that effect to us up to this point. And up until 1995 we were collecting school impact fees and we turned those over to them, but recent changes in the State statutes have prohibited us from collecting those fees. I think that we as one Village would be interested in doing it again, but it's not in the process right now.

Mike Pollocoff:

One of the things that's an outgrowth of that that Jean just indicated is the then legislature back in '95 went to great lengths to limit municipal control on what happens with the schools. So there's a divide between--the school districts are responsible for planning facilities for new students, staffing the buildings, getting the buildings built, and the municipality cannot limit residential development for lack of school space. The only way that can really happen is if the comprehensive land use plan that the community has adopted shows that there is no residential development.

Pleasant Prairie's comprehensive plan for large areas of the Village has long identified residential development. After the Village was faced with quarry development in significant areas, based on, again, the Legislature, I think that was in '94, had reflected that if you weren't going to allow someone to develop their property, in this case with your land use plan as residential, then you needed to give them the opportunity to develop it in the next best valuable method. In that case in Pleasant Prairie that's mining. Similar mines like you see in Franklin or Caledonia, limestone quarry pits. The fact that the Village at that point had established residential areas along 165 and major corridors, that's what precluded and enabled the Village at that time to say we weren't going to have a limestone quarry. That seemed to be the sentiment of the Village residents at that time that that wasn't preferred in that residential development as it occurred and as they met the requirements for the Village and as the improvements were extended would occur.

The fact that there's this disconnect between the abilities of the school districts to get a referendum passed and staff the school, and the Village's inability to restrict residential development because of school problems. If we didn't have water we could restrict and if we didn't have sewer we could restrict, if we didn't have roads or those things the Village can act upon those. But because another government is unable or having a difficult time providing the infrastructure, in this case a school, we're precluded from doing that. That's the direct input of people who built homes and how legislation was made at that time. They were very successful in doing that, and that's why we have this wall between the two issues. I don't know if John would be in a better position to say when that's going to change, but just from what I read in the papers I don't see that changing anytime in the near future.

John Steinbrink:

Another item, Mike, you can enlighten us on the number of percentage of students--we are part of the Unified, which is Kenosha, Somers and Pleasant Prairie, the ratio of students and the dollars we provide to the Unified is our fair share.

Mike Pollocoff:

Right. The Village Board and the Village Plan Commission, and even Town Boards and Town Plan Commissions have done a very good job of making sure that Pleasant Prairie developed in a balanced manner, whether it was a lot of agricultural and farming, industrial development or residential, and that's manifested itself if you look at the tax bill today. Pleasant Prairie provides 25 percent of the taxable value to the school district. So Village residents pay 25 percent of the Unified tax bill, plus the students are 12 percent of the demand. So the Village sends almost twice in money as we send in students. So we do our share. I think by having as much manufacturing and industrial development that's really helped offset that, as well as the lower density housing that the Village has planned.

If people are going to indicate that the Village has been remiss or not considered the impact of its growth on the school district, I think the Village has been responsible. You can't stop the housing, but you can control the value of your community and community development so that growth and development doesn't have a negative impact on the schools.

Steve Kumorkiewicz:

One comment about that. The legislators are the ones who removed the school impact fees. In fact, Pleasant Prairie collected \$122,000 on impact fees . . . the district . . . portable classrooms. Paid for the paving of the parking lot in Prairie Lane. But the part that is missed many times . . . community here in Wisconsin who refused to give zoning to a developer for housing because they said they didn't have the means for the students. The decision that came from the Supreme Court of Wisconsin that came down was that was not a problem for the municipality . . . it's up to the school district to take care of the problem. So they threw it right back in the lap of the school district. I think this case was about three or four years ago. Do you recall that case, Mike?

Mike Pollocoff:

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I remember that citation.

Steve Kumorkiewicz:

That was about four years ago . . . working in the community . . .and the Supreme Court supported it

Jeff Lauer:

Mike, did you say that 12 percent of kids in Pleasant Prairie, is that the number?

Mike Pollocoff:

Children are 12 percent of the school population in the Village.

John Steinbrink:

And what you're finding is a lot of folks building in Pleasant Prairie are relocating here even from the City and other places to live in Pleasant Prairie because of the low taxes and other amenities we offer here.

Mike Serpe:

John, I just can't help, as you're talking here tonight, Mike and Alex, you take the 25 percent that we pay to the schools and only furnish 12 percent of the students, and then the double taxation, \$3 and some million dollars, just think how good the Village residents would be if we didn't have to do all the extras that we do.

John Steinbrink:

That's the point we've been trying to make. I believe we had a motion and a second. Any further discussion?

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND ADOPT RESOLUTION #05-45 FOR THE APPROVAL OF THE
PRELIMINARY PLAT FOR WOODFIELD ESTATES GENERALLY LOCATED WEST OF
39TH AVENUE AND SOUTH OF 110TH STREET, SUBJECT TO STAFF CONDITIONS;
SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

C. Receive Plan Commission Recommendation and Consider Resolution #05-46 for the approval of the Preliminary Condominium Plat for Arbor Ridge Condominium generally located north of CTH C (Wilmot Road) and west of 94th Avenue.

Jean Werbie:

Mr. President and members of the Board, Resolution #05-46 is a resolution to approve the preliminary condominium plat for the proposed Arbor Ridge development. This would be stage one or the first phase of development. Last year we approved a conceptual plan as conditionally approved for a 55 acre area generally located at 94th Avenue and Prairie Ridge Boulevard. The Arbor Ridge Condominiums as approved were 15 two-unit buildings, 5 four-unit buildings and 8 six-unit buildings. In addition to the condominiums, there were seven total phases of Prairie Ridge Senior Campus Apartments. Phase 1, which is 120 units; Phase 2, which is 71 units; Phase 3 is 70 units; and Phases 4 through 7 is 260 total units within two buildings. Again, this is a project that initially came before the Plan Commission and the Board sometime between 1996 and 1998, so we are in the process of building out all the Prairie Ridge Development. This just happens to be the condominium component of that particular development.

The certified survey map, engineering plans and development agreement have been already approved, and mass grading has already commenced on this particular development. The public road is 97th Court and the remainder are private roads, which include 96th Avenue, 81st Street, 98th Circle, 82nd Place in Ridgeway Court. The private roadways have been designed as being built to the Village public roadway specifications, but they are private roadways. The utilities underground, the sewer, water and storm sewer are all public utilities.

The preliminary condominium plat for the first stage of the Arbor Ridge Condominiums will be 15 two-unit buildings. This will be just north of County Trunk Highway C and west of 94th Avenue. There's actually five different floor plans/elevations for these particular buildings. Plan A is 1,409 square feet; the second floor is 658 square feet. As you can see, it's a very nicely designed duplex. The floor plans vary slight from unit to unit, and there will be a mix of them on the particular staging by the development.

Plan B, basement and first floor 1,381 square feet; second floor is 667 square feet. As you can see they have a little bit different elevation and look to these buildings as well in the front and the back. We have a significant number of walk outs that are facing along Highway C as well as Prairie Ridge Development to the west.

Plan C, basement and first floor 1,428 square feet; second floor 658 square feet. Plan D, basement and first floor of 1,524 square feet; second floor of 734. And Plan E, basement and first floor 1,539 square feet; second floor of 676 square feet. All of these elevations and floor plans are also contained within the preliminary plat documents that you have before you.

This is a matter that was before the Village Plan Commission. The staff has reviewed it and recommends approval. There was a public hearing regarding this matter. This was an item that was back before the Village Board back in May or early June for the early mass grading to get the mass grading, and then the certified survey map was approved in the summer so we could get the utilities going. And now we are just finishing up on the planned unit development and the preliminary plat and now moving to final plat so they can start construction of the buildings this fall. The staff and the Plan Commission recommend approval of the resolution subject to all the comments and conditions as outlined in the staff packet.

Mike Serpe:

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To Ajay, we talked about 80 percent ownership and 20 percent could be rental units if they wished. If, and I don't think they're going to be any . . . but if one of these condos were to be rented, do you have an idea of what that rent could be possibly?

Ajay Kutemperoor:

We haven't even determined what the rent could be. But similar units that we've rented in Brookfield have rented in the \$1,400 to \$1,500 range per month.

Mike Serpe:

Same price range here?

Ajay Kutemperoor:

Right.

John Steinbrink:

Ajay, if we could just have your name and address for the record.

Ajay Kutemperoor:

Ajay Kutemperoor, 19275 West Capital Drive, Brookfield, Wisconsin.

Mike Serpe:

I commented that condos are becoming more popular. I think it gives another style of housing that people can live in in Pleasant Prairie without having to move out to find this type of living. I think this is going to be a complement to that whole area. So moved.

Jeff Lauer:

Second.

John Steinbrink:

Motion and a second. Steve, you had a question?

Steve Kumorkiewicz:

Yes, I have a question. That senior complex, is there any tax exemption in that?

Mike Pollocoff:

Yes. There are tax credits being applied to the senior housing.

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Steve Kumorkiewicz:

One more question which I don't recall. What are the provisions west of that, a pathway to go up to the school for the kids coming from the subdivisions?

Mike Pollocoff:

There's a provision for it from the single family development to the west, which has already been completed. There's an easement that Jean is showing right there. In fact, we were just going through how that path is going to cross that drainage way. It goes to the road and then it finds its way to Pleasant Prairie Elementary. That's intact. It's in place in the single family and it will be constructed as part of this development.

Ajay Kutemperoor:

Just a comment with the path. We've actually already constructed the concrete path. It's already gone through the single family area and has already been landscaped in the single family subdivision. So when we proceed with the condos we'll continue that along.

John Steinbrink:

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

Jeff Lauer:

I'd just like to mention I think it's going to be great to put those there. I was looking over the weekend, and having fun with my family I said this is going to be our new home, because they really look good and the diagrams look great as well.

Steve Kumorkiewicz:

I remember when originally when these plans were drawn, back in 1995 I believe, and the comment was the 423 acres that were going to be constructed . . . a kid could be . . . assisted living in the same area through the different stages from the residential to apartments to assisted living. That's pretty much what you guys have been doing the last ten years. Thank you.

John Steinbrink:

Motion and a second.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #05-46 FOR THE APPROVAL OF THE PRELIMINARY CONDOMINIUM PLAT FOR ARBOR RIDGE CONDOMINIUM GENERALLY LOCATED NORTH OF CTH C (WILMOT ROAD) AND WEST OF 94TH AVENUE, SUBJECT TO STAFF CONDITIONS; SECONDED BY LAUER; MOTION CARRIED 5-0.

D. Receive Plan Commission Recommendation and Consider Resolution #05-47 for the approval of the Preliminary Plat for Westfield Heights located north of STH 50 at 91st Avenue consisting of 18 single family lots south of 70th Street and 8.9 acres of office/retail development adjacent to STH 50.

Jean Werbie:

Mr. President and members of the Board, both Items D and E are interrelated. You can take separate action on them but I'm going to make one presentation that covers both subjects. The first is the preliminary plat and the second is the zoning map amendment for the Westfield Development property. The Westfield Development property is generally located south of 70th Street, north of Highway 50 and west of 88th Avenue.

The developer is proposing 18 single family lots south of 70th Street to be known as Westfield Heights Subdivision. 8.9 acres of office retail development is being proposed adjacent to Highway 50, and this area is proposed to be known as Westfield Plaza. The preliminary plat that you have before you shows 17 single family lots that extend down from 70th Street on 91st Avenue. The outlots that will be created will be future storm water management as well as commercial development.

There is a small corner, a rectangle area that looks like it's cut out in this development, at that location and that property is not owned by this current developer, however the property owner has been made aware of and has been in contact with the developer throughout this process so that when and if he desires to develop his property for commercial purposes he will have access and services, and there will be some private agreements and arrangements between the developer so that they can get the services to that particular property. We're not trying to isolate that property. He's just not moving forward at this time with that commercial development.

Just to reiterate, the revised conceptual plan which was approved for this particular development identifies the commercial area along Highway 50. There's some office a retail buildings along Highway 50 just to the north of 74th Street, as well as just north of Highway 50. There are three buildings on the developer's proposed property, and then another building that would be proposed when the subsequent landowner would like to develop.

To the north of this particular commercial area are retention basins as well as some isolated wetlands and woodland areas that will remain in open space or preserved if they are conservancy area. There is a total of 1.35 acres of this site that's been field delineated as wetlands, and those wetlands would be conserved, not filled in or developed. The woodlands, a tree survey was prepared and a number of larger trees had been identified, and tree preservation areas have been identified on the preliminary plat along the west side of the property to the north, actually over here, and along the east end of the property. Again, specifically we heard some concerns from residents in the Whitecaps development as well as in the existing Pleasant Prairie along 89th Avenue, and so we wanted to make sure there was as much of a preservation easement and maintaining of the green space and the wetland areas to keep that separation buffer between the developments.

The zoning map amendment that is proposed with this development, the field delineated wetlands would be rezoned into the C-1, Lowland Resource Conservancy District for permanent open space preservation. The single family lots would be zoned R-4.5, Urban Single Family Residential District. And Lots 1, 2 and 3 of Block 2 and Outlot 1 of Block 2 that would be zoned into the B-2, Community Business District, with a UHO overlay. The staff recommends that the UHO remain on the property until such time as the exact proposed uses come forth to the Village for consideration and approval. At such time as that happens then the UHO would be removed from the properties.

This is a matter that went before the Plan Commission at their last meeting with a public hearing. The staff and the Plan Commission recommended approval subject to all the comments and conditions as outlined in the staff memorandum. There are some offsite improvements that do need to be constructed by the developer. For example, municipal water and municipal sewer need to be extended down 74th, up 89th and then down 70th Street in order to enter into the property. So there are some extensions of municipal improvements offsite that the developer would need to install, and he is going to be requesting a right of recovery from the Village Board so that when and if the property owners connect to either of the services, depending on where the service is located, if it benefits an adjacent landowner that they would be required to pay a recapture fee back to the Village, and the Village would

John Steinbrink:

. . . that will come back at a later time, the carved out portion?

Jean Werbie:

That's correct. The conceptual plan showed that original property owned by Dr. Jurani, but at this point it is not being considered for the zoning text amendment or the preliminary plat because it's not included with this particular developer's ownership.

John Steinbrink:

So we have the neighborhood plan but we're not going to act on the zoning or any other things for that area?

Jean Werbie:

That's correct. The property owner will need to come forth separately for that piece of property. The staff recommends approval subject to all of the comments and the conditions as outlined.

Steve Kumorkiewicz:

We need a separate action.

Jean Werbie:

Yes.

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Steve Kumorkiewicz:

So I'm going to make a resolution to adopt Resolution 05-47 for the preliminary plat for Westfield Heights.

Alex Tiahnybok:

I second.

John Steinbrink:

Motion by Steve and second by Alex. Any further discussion on this item?

Jeff Lauer:

I have a question for Jean. For the green space, are the Whitecaps residents and Pleasant Prairie folks satisfied with your response of the trees and green space left?

Jean Werbie:

That was acceptable to them. They were just concerned that they wanted to have a 25 to 30 foot wide space so that the trees on their property and the ones immediately adjacent to that potential commercial development and the wetlands that those all remain intact, and then the same thing on the east side. They just wanted to make sure those buffer areas stayed intact.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #05-47 FOR THE APPROVAL OF THE PRELIMINARY PLAT FOR WESTFIELD HEIGHTS LOCATED NORTH OF STH 50 AT 91ST AVENUE CONSISTING OF 18 SINGLE FAMILY LOTS SOUTH OF 70TH STREET AND 8.9 ACRES OF OFFICE/RETAIL DEVELOPMENT ADJACENT TO STH 50, SUBJECT TO STAFF CONDITIONS; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

- E. Receive Plan Commission Recommendation and Consider Ordinance #05-34 for a Zoning Map Amendment of the property generally located north of STH 50 at 91st Avenue (proposed Westfield Heights Development) to rezone the proposed 18 single family lots into the R-4.5, Urban Single Family Residential District, the field delineated wetlands into the C-1, Lowland Resource Conservancy District and the non-wetlands in Outlot 1 and Lots 1, 2 and 3 of Block 2 into the B-2 (UHO), Community Business District with an Urban Landholding Overlay District.**

John Steinbrink:

We just discussed both items together and we're acting separately on them.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #05-34 FOR A ZONING MAP AMENDMENT OF THE PROPERTY GENERALLY LOCATED NORTH OF STH 50 AT 91ST AVENUE (PROPOSED WESTFIELD HEIGHTS DEVELOPMENT) TO REZONE THE PROPOSED 18 SINGLE FAMILY LOTS INTO THE R-4.5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT, THE FIELD DELINEATED WETLANDS INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT AND THE NON-WETLANDS IN OUTLOT 1 AND LOTS 1, 2 AND 3 OF BLOCK 2 INTO THE B-2 (UHO), COMMUNITY BUSINESS DISTRICT WITH AN URBAN LANDHOLDING OVERLAY DISTRICT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Receive Plan Commission Recommendation and Consider a Certified Survey Map to re-divide the property located at 11801 26th Avenue.

Jean Werbie:

Mr. President and members of the Board, the property owner, Geoffrey Miller, is requesting a certified survey map to redivide his property at 11801 26th Avenue. As some background information, on May 23, 1990, Certified Survey Map 1354 was recorded at the Register of Deeds office. It divided his subject property, lot 14 of Lake View Farms, into two parcels, Parcel 1 and Parcel 2. At that time, an additional eight feet of one-half road right of way was dedicated to the Village to bring the total eastern right of way for these parcels up to 33 feet.

Then in 1997 the owners combined the parcels, Parcels 1 and 2, in order to construct an approximate 1,998 square foot accessory pole building north and east of the dwelling towards the rear of the property. At this time, the owners are requesting to redivide the property. Once you've legally combined them you have to actually use a certified survey map to split them back apart. So they're bringing forth a certified survey map to redivide their property. The Tax Parcel Number is 924-122-361-0039, again, to bring it back into two properties. The property is currently zoned R-4, Urban Single Family Residential District. That requires that the lots be a minimum of 15,000 square feet and 90 feet in road frontage.

On the slide you can see the aerial photograph of the proposed Miller certified survey map. It is located just adjacent to the east side of 26th Avenue and just to the west of Tobin Woods. As you can see, there is that large pole barn that they did construct on that northern property. This aerial photograph just gives you some perspective, again, of where the existing dwelling is, the pole barn, in relation to the adjacent properties.

Then, finally, their request to subdivide their property. Lot A is 55,163 square feet. They'll have 186 feet of frontage on 26th Avenue with a lot depth of almost 300 feet. The improved 1,998 square foot pole barn is situated in the southeast corner of that proposed lot. Lot B will be 42,707 square feet, with 144 feet of frontage on 26th Avenue. Again, the depth is almost 300 feet.

There is an improved structure, a single story 840 square foot single family dwelling on this particular property. It also has a detached garage that is 375 square feet and a detached shed that is 362 square feet.

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There were some comments within the staff's memorandum with respect to some open permits and such on the particular property. All of those have been taken care of, and all the inspections have been made and everything is fine, so that's no longer an issue for this particular property owner.

The Plan Commission considered the certified survey map and recommended approval at their last meeting subject to the comments and conditions as outlined in the staff memorandum. The staff recommends approval as well.

John Steinbrink:

The Plan Commission did have some reservation on this one and the petitioner was not available for comment. Those have been taken care of, correct?

Jean Werbie:

That's correct.

Steve Kumorkiewicz:

You made them aware of the conditions that you've got?

Jean Werbie:

Yes. My assistant, Tom, spoke with them last week right after the Plan Commission meeting and brought them up to speed with all the comments and conditions. They were not able to attend the meeting, but they had all the conditions and comments. And they addressed the building permit issue right away and scheduled the inspections and they all passed so that's not an issue.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND CONSIDER A CERTIFIED SURVEY MAP TO RE-DIVIDE THE PROPERTY LOCATED AT 11801 26TH AVENUE, SUBJECT TO STAFF CONDITIONS; SECONDED BY LAUER; MOTION CARRIED 5-0.

G. Receive and Consider Staff Report to create a Storm Water Utility and Master Storm Water Plan for the Village.

Mike Pollocoff:

Mr. President, tonight our Village Engineer, Bob Martin, is going to make a presentation on a staff report that he's prepared. It's something that's been in the works for a while. It was primarily driven by the fact that federal storm water management rules have been in place in Milwaukee and Madison for about four years, and the State last year placed those rules on other communities in the State and Pleasant Prairie is one of those, whereby the Village is now responsible for not only ensuring that storm water is managed in a way that's related to flow, but that the quality of storm water and the runoff meets certain standards. We're required and

mandated now to do that and evaluate the effluent or the storm water that's generated in the Village in various uses.

One of the things, and anybody that's been to Village Plan Commission and Board meetings has witnessed, is that as we've grown from a Town government since 1989, and the Town government way before that, there really hasn't been a uniform or structured method in dealing with storm water problems in the Village. We've dealt with a lot of improvements on a case-by-case basis where an existing policy has been in place where if the residents in an affected area wanted to pony up for half the cost, the Village would pay the other half and the improvement would be on its way. Typically with storm water improvements a lot of it's big pipe, it's expensive improvements, and in my years here I can count five times that we've actually come to the table and done that and everybody has agreed to proceed. I can't count on my hands how many times everybody has indicated there is a problem but the solution is more expensive than what we want to spend. You go through a process of re-engineering and re-engineering or going through a dry cycle where the problem isn't bad anymore and it kinds of goes away. Then you go back to a wet cycle and the problem comes back. We just really haven't come up with a good way to take care of these.

Up to this point all this type of work has been funded through the general fund, although not very much because we just don't have a lot. The Village has required new developments, residential and industrial, to install those improvements, manage their own storm water, and in a lot of cases we don't get a lot of mileage out of there but it corrects the problems as part of those new developments. But for the existing areas of the Village we haven't done that.

For the new areas of the Village right now there is millions of dollars of improvements that have been installed, there's going to continue to be millions of dollars of improvements that are going to be installed in the future, and those are assets that once constructed belong to the Village. And the Village is responsible for maintaining them and we are responsible for ultimately replacing those assets. Unlike sanitary sewer and water, for storm water we have no method to provide for that. If a line needs to be replaced, it goes on the levy and it gets replaced that way. You know and I know and anybody who has been reading the paper knows that we're moving into a different environment now as to how we fund improvements. This is one way.

We're going to be traipsing through a budget process here in the coming months, and this is going to be one element of it that the Board wants to consider. One of the reasons we looked at this is it provides the basis for us to look at how we pay for storm water improvements on a more rational basis than related to a value of a property. It's more related to the nature of the property and Bob is going to describe that. It also enables the Village to collect from properties that are exempt from taxes their share of the cost of improvements and maintenance. We did that a couple years ago with public fire protection. The Village from a value standpoint has almost a billion dollars in property that's exempt that doesn't get hit on the property tax roles. But, they enjoy the services that the Village provides. So on that basis that was a way for the existing Village taxpayers to modify how funds were collected, take a look at the use that was being defined, and get that approved so that it was done through a utility basis where people pay based on their access, exposure, or use of the improvement. This is in essence the same thing.

Bob's got a good thorough presentation here in the study. I hope everybody had a chance to read it over the weekend. We've had our attorneys look at it. The proposal that we have here is the most incisive and concise that's been presented from what we've seen in the State today as far as really drilling down and taking a good look at the properties and evaluating the differences between them rather than just throwing a number out there to collect. Bob, why don't you get going on this and we'll go through it. As we go through it, if you've got a question, jump in and ask.

Bob Martin:

Mr. President and Board members, what I'd just like to mention to begin with is any utility tries to assess a fair and equitable fee to the user. And that's very hard to do in some situations. I'll spend quite a bit of time going through the method because this is what this really attempts to do. Many of the communities that I've looked at with the ordinance they've looked at that they could easily probably implement. We have some abilities here that others may not have, but it gave us the ability to do it fairly and equitably across the line. I want to make that point. A lot of the information that went into the report and the presentation kind of gets into that. So that's getting at the heart of fairness and equity.

There's at least three reasons that I can think of why you would want to start a utility for storm water, and those are, first of all, we do have new State and federal mandates that have been in the mill for a number of years, and starting with Storm Water Phase I most recently for clean water and water quality, and it's heading towards Storm Water Phase II rules, which we are a community that has been assigned that.

The second is to look at existing drainage issues and have the ability to fund those types of projects, whether they be assessed or whether they be community projects at large or whatever the reason, so you can take those on in a manner that you know what the budget is going to be, you know what the projects are going to be, so you can plan them. I think that's one thing that will help address that.

The third thing is to look at what the exposure is going to be or is that's down the road for new infrastructure that's being installed and has been installed over the last few years.

I'm going to go over this stuff real briefly, but the historical regulations have started way back when and they just keep evolving. Today it's a Storm Water Phase II. As I mentioned earlier that's where we're at today, but we are a community that's earmarked for those rules. It's based on population centers. With Kenosha being close we're in that area that we're going to be part of the rules. There's no ifs, ands or buts about that.

Some of the things that those Storm Water Phase II rules try to do is do public education. Some of these rules in my opinion I don't think are all that bad. There's a lot of things that a lot of us have seen probably over the years where maybe a neighbor has dumped oil down a storm drain. That's the thing you really try to stop through public education. Then there's illicit discharge detection and elimination so trying to stop those and punish those offenders and better storm water management and push and prevention. So those are in a nutshell those rules.

I've seen a number of implementation costs, EPA, and this has been a number of years ago say any community that implements these rules it's going to be around \$9 per household per year. So to the Village that would mean \$50,000. We're not deep enough into what the State has done at this point to really have a fair assessment of what that's going to be, but it's going to cost money. There's no doubt, because there's lots of things we'll have to do additionally as a municipality that we're not required to do at this point so it's going to add cost.

I mentioned some of the parts of the community have had storm water issues, and so we've made a list of capital projects, and you can see that these are candidate projects that are included in the mill right now if there were a funding source. Almost \$3.4 million for those projects that are for real projects. This is a map that kind of shows the location of those, so they are spread throughout the community. You can get an idea of where they're located throughout the community here.

The capital costs that are referred to for ongoing subdivisions, this is a synopsis of a few subdivisions in the community, and this was the cost for storm sewer in each one of those developments or subdivisions. You can see it's just under \$6,000 per lot for storm water improvements. So those are exposures that are kind of ongoing. Matter of fact, they could be more because as you construct these utilities many of them are under the street. So if you have a problem with a utility and particular storm sewer that's under the street, it's going to cost you more for repair. So maintenance is a key issue in setting up a utility that you can opt those monies for some of those repairs as infrastructure ages.

Basically what we tried to do is look at the amount of rainfall that's going to hit a parcel, calculate that runoff, and then base the charge on that. In a nutshell that's what this method tried to achieve. The method that's used and is commonly adopted is the Technical Release 55, and it's a USDA publication. That's what we use for storm sewer design throughout the Village and it's adopted pretty universally. The things that get involved is impervious area, what's referred to as equivalent runoff unit, runoff curve numbers, soils and parcel size, and those are some of the things that go into the mix that you can determine that runoff or how much is going to go onto that parcel or property, for example.

The impervious area is essentially those portions of the property like the roof, sidewalks, driveways, that sort of thing that the water is going to run off almost immediately so it's not going to soak into the ground obviously. So the more impervious area the more runoff. That's really the premise behind that. If we looked at a comparison of the total developed area and broke it down by commercial manufacturing, exempt and residential, you can see that residential for the developed portion within the Village is around 75 percent. If you look at the impervious area, that shrinks considerably and it becomes around 55 percent. So you have to be fair, again. Going back to a fair and equitable charge, you try to take that into account when you're looking at the charges.

An equivalent runoff unit takes into account what is an average size of lot throughout the Village. To determine that we looked at all the parcels within the community and looked at the distribution, and you can see that there's a huge distribution going from very small to very large with a lot kind of bracketed there. So what's important about that is since we're going to key everything off an equivalency of some sort, and that's going to be the lot size and the runoff of

that lot size and impervious surface of some average, it's important to focus in on that and get that size pretty close to what it should be in reality.

The curve number is a runoff curve number, and it depends on any number of things. It's published, so we can go back to that thing and get these curve numbers. And it takes into consideration whether it's brush or metals or forest or lawns, impervious areas of certain sizes and, again, those are all published. So the soils have an impact on how much is absorbed by the property, and we even have the ability to look at those particulars within this. Some of the published numbers are given in this table. So if you look at an impervious area of 85 percent on an urban commercial business the curve number is 94. So that means it's going to have a very high runoff rate. If you go to a two acre residential subdivision, you can see that's only 12 percent impervious, so the runoff rate off that is very low. That's for a given soil type. So those factors all go in there.

So when you combine all those things, when you look at the land use and you look at the imperviousness and you look at the runoff number and you look at runoff, then you can have an equivalency again. So if you take an average house and you take an average lot, in this case it's around 18 percent impervious, and you can pick a runoff number from a table. That runoff might be half an inch for a two inch rain is what this happens to be, that equals one. So everything is relative to that one then, and that's how you can compare parcels, compare imperviousness by just taking that as a number one. So as you have more impervious surface, the runoff factor gets larger. So if you look at the case of manufacturing, you've got a high runoff number and you've got more runoff, so that runoff factor is larger. So they would pay more money because they have that higher factor. So that's really the basis of the fairness again so it goes back to that.

Looking at all that information, it's how do you manage it all. And one thing that the Village is fortunate is that we have a lot of that information that's available through the assessor's office, and we have a lot of that information that's available with our GIS system, so that's what was used to look at this particular program so we could merge all those. We could automate some of those things. We actually wrote some programs that could take numbers, so you wouldn't have to go into a table. As the community grows it more likely gets easier because they become residential lots for the most part, one-third of an acre and average impervious area about 2,000 square feet. Those just get converted in there and it gets simpler as time goes on.

This is an example of an aerial photograph with the parcels listed on it, and the different colors show different metals or trees. On the left hand side you'll see some residential lots there. Those are unadjusted. So we could just plug in the impervious surface of that lot and the lot size and it cranks out what that runoff is. It compares it back to the equivalent again and that's where the chart would be based on. So it's basically that simple. The other ones take the other things into account. So be fair again you want to look at those things that affect the runoff. That's the brush, that's the forest and there may be dense forest in certain locations on larger properties. Of all the parcels that were looked at in the Village, there were around 2,000 that were adjusted in this manner.

These are some older, I think they're about 2003, but these are the annual ERU charges for a number of communities throughout Wisconsin. You can see the dates that the utility was started in those communities, and you can see what the charge was for those. If you break that into a

monthly charge in a number of other communities it ranges from \$1 to \$5 per month per ERU. So if you live in a house, again, about a third of an acre in size and you have approximately 2,700 square feet including the driveway, you would pay \$1. If you have anything beyond that, and it can go up or down, it gets adjusted by what we talked about previously.

If you look at the structure comparisons, you can see that the City of Appleton which is in the blue, the City of Eau Claire is in the red or purple, and the City of Madison is in yellow, you can see how those kind of go up and down. There were four examples that I gave in the report. It's where I doubled the size of the lot and where I doubled the size of the impervious area, and you can kind of see that some of the rate structures aren't sensitive to those types of changes. If you look at the Village of Pleasant Prairie it's kind of going through those, and it's with an exaggerated rate so I can kind of keep it on that scale, but it takes all those variables into consideration before a charge is calculated and these others don't do that. So you can see any of the others they really go up and down, but you can see that three of those or at least two of those utilities in the other communities have the same charge but they have totally different conditions for four difference scenarios, but they only have really two different charges. You can see that. So they've got two high and two low but they're the same in those situations. So they're just not sensitive in some situations.

Looking at those equivalent ERU's, I looked at four scenarios where you have 50 cents per ERU, \$1 per ERU, \$1.50 and \$2, and the monthly average charge would be as shown in there, 86 cents for the 50 cents, \$1.71 for the \$1 charge, \$2.57 for the \$1.50 and \$3.43. And you can see on the revenues that are generated on the residential side only, and we've got commercial, manufacturing and exempt properties that are included in there. At the time the report went out I didn't have that ready so that didn't go out with your report. But tried to give you an idea of what the utility is going to be generating. So you try to match it up with what you're looking at for your capital costs, maintenance costs and determine the goals of the utility, and you can set that dollar per ERU based on that. So it kind of gives you a gauge of where we're talking.

For the 50 percent you can see on the right hand side percent of accounts between one penny and \$2 it's 95 percent of the accounts are in that even though the average is 86 cents. As you increase that cost per ERU, that does go down as you would expect it to. But you can see that there's still almost 45 percent of the accounts between one cent and \$2 even at the \$2 per ERU. So when you look at how reasonable it is per residential unit this kind of gives you an indication of what it is.

This shows, based on \$1 per ERU, equivalent residential unit, the money that would be generated by the residential and commercial, the manufacturing, exempt, round numbers \$236,000 if a \$1 per ERU were charged as a basis for that utility.

One thing the utility can address is there are instances where some of the utilities that look at credits for people that have gone beyond the rules, and probably more so with maybe commercial or manufacturing where if they can exhibit that they have gone beyond the State and federal rules or whatever the rules may be, then they can get a credit for that. So that's one thing that is something that could be looked at.

One thing is when we looked at the areas that were calculated we looked at some of the exemptions. Ag land is exempt and that's primarily due to that there are certain rules that apply.

The Storm Water Phase II rules do not apply to ag, but there are certain rules that I believe are in the making that are going to address ag issues, so they were exempt at least from what was done with this storm water utility. . . . lakes and wetlands were taken out of properties that had them on it, so nobody got charged for a lake and nobody got charged for a wetland. That came out so there was a net area that was included in there. So to make it fair that was done.

So some of the few remaining discussion points probably deal with the credits and that ERU rate, timing for implementation and exemptions. I would say that the rates could be finalized with addressing some of those issues. There's probably maybe a month's worth of discussion or work involved with refining if the Board were to look favorably on this. So to finalize the program issues, there was a draft ordinance included in your packet. There's not a large amount of work but a little bit of work to be done on that to finalize it. And then creating a public information program and holding hearings would be what is included in the development of the utility.

So, why have a clean water utility? It goes back to the same three items we're faced with trying to deal with the mandates, trying to deal with an aging infrastructure and trying to deal with all the infrastructure that's going in the ground. So somebody is going to have to pay the bill when you've got to change the oil and do the things around the road for that. So having the money available and dedicated where it doesn't get similar to water or sewer utility where those monies are dedicated towards that infrastructure is very similar to what's being proposed tonight.

John Steinbrink:

Thank you. We did have some hearings on this in Madison, and there were cities that were concerned because they had direct drainage into Lake Michigan and a lot of old infrastructure and old neighborhoods, and it was a higher cost for these folks to meet these specifications or numbers. We're in a way very fortunate here with the amount of new development and the fact that we've got a jump on this kind of. The presentation was very good and really went a long way to explain it, and probably better than the presentation I saw in Madison.

Mike Serpe:

Does this monitor the quality of drainage as well?

Mike Pollocoff:

Right. One of the costs that would be in there, and I think as Bob's study indicated the EPA's estimate for what their portion of the rules of . . . was would be \$50,000 a year. The DNR is still going to give us rules as to anything over and above that or different that we're going to have to monitor in addition to that.

Mike Serpe:

We have a hearing coming up in the Carol Beach area on storm water drainage. Let's say it just takes place, and let's say, and don't get me wrong here with what I'm saying, let's say we pipe the whole system over there and it collects all the storm water and all the drainage and filters it's

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way into the lake someplace. All the fertilizers that people put on their lawns and everything else, how is that monitored?

Mike Pollocoff:

All throughout the Village we're going to be doing some sampling, but we're also going to be changing--one of the things that's going to be involved in Phase II I believe is going to be more extensive maintenance, catch basin maintenance, cleaning the lines, being extra tough on erosion control. Doing the public education outreach that Bob indicated to talk to people about not only are you not going to put oil down the catch basin but the things that are going to be harmful to the water supply once it does release like fertilizers and things like that. You dealt with some place where that was a real issue for them in Minnesota, wasn't it?

Bob Martin:

Yes, and . . . starting off in 1948 how they progressively got more and more restrictive. I think that's probably where we're going with the storm water. But they're not numeric values so you don't have to meet a point, for example, of discharge going out to Lake Michigan or into the Des Plaines River. That day probably will come. It takes a lot of years to evolve, but right now it's for public education so people know that if they see a neighbor pouring the oil down the storm drain they give us a call and we go out so we can catch it, stop it so it doesn't get into a position where it's causing damage. So the public education goes a long way towards being a part of, and I don't want to say policing, but I think it's actually what it does which isn't all bad again. It turns into a lot of eyes looking for you so you know that you're helping people help themselves.

Mike Serpe:

This is the mandate from the federal and the State. When is it going to be implemented? When does it have to be implemented?

Mike Pollocoff:

The Village, as part of getting this ready, we applied for and received a grant to update the Village's master storm water. Bob is winding that down with the consultant to complete that. We're already under the orders, and as we review new improvements and additions to the system, Bob and Jean are requiring them to meet the current specs for what's being constructed. I think as a matter of course we try to do the catch basin maintenance, keep the leaves out of the catch basins. Our leaf program where we suck up the leaves does a lot to help us along the way. But as far as running this thing all the way through with existing infrastructure we're not there yet. To be frank with you our general fund budget for public works is not funded to fully staff that up or to function that out because we're not there with that level of budget, and plus we don't have the full game of rules yet to know what we're dealing with.

Mike Serpe:

So this will be take up at budget time if we're going to implement this?

Mike Pollocoff:

Kind of put this on a continuum. The Board has reviewed and received a report on what's required to address some of the street issues in the Village, to improve street pavement management and street maintenance. One of the indicators that was common in a lot of the failing streets was poor drainage where water is sitting on the edges of the road or it doesn't drain away very well and storm water problems. If Bob put that map up there where we have storm water issues or storm water problems, I could just about guarantee you John, Jr. is out there. Most of those streets or areas are in difficult condition. You get rutting, they're alligatored, there's problems. In that previous study we indicated that if the Village at some point adopts a pavement management plan however we fund that, that you can't just go in and redo the pavement. You're going to have to go in and make the water drain so that the pavement improvement will last and it won't be affected by drainage.

So on one hand we want to address the short falls and street maintenance or the lack of capacity of our streets because a lot of them were built not to any engineering standards, they're old streets. That's one issue that's kind of grown along. And then the second one is the storm water issues. Again, those are across the Village. Over time, like I said, the Village adopted the policy if communities or neighborhoods were willing to pay for 50 percent of the improvements, the general fund of the Village would pay the other 50 percent. We've done that five times. Citizens have rejected it far more than those five times. Probably more than dozen times the residents said I don't care if the Village is paying my half I don't want to pay. If the Village is going to pay half I still don't want to pay my half so nothing proceeds.

The fiscal climate that we're in now is that we've had a relatively flat levy for the past few years, and that's been accomplished by doing a couple things. One is not increasing our capital funds. We've brought our capital funds down to nearly zero, and that's kept the levy relatively flat. Now that we're in a tax freeze environment, the only way that we're going to be able to go over that limit is to go to referendum, or we cut operations of the Village to be able to fund a storm water job. If the average job that Bob indicated was \$200,000, you're eliminating four Village positions, whether it's four public works workers or a cop or a fireman or a whatever. You start digging into personnel costs to fund storm water improvements. That's not even addressing paving.

So as the Board comes through and we evaluate the budgets that you're going to be looking at, we go through a process where we say, okay, these are the improvements we want to make in the Village, have the Village vote on a referendum for X number of storm water projects at a cost. And if you take Bob's list you'd have 15 or 20 project on there at \$3.8 million or \$3.3 million.

Bob Martin:

I think there's around 20.

Mike Pollocoff:

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So you have \$3.3, and is that the total cost or is that the Village share?

Bob Martin:

That's total cost.

Mike Pollocoff:

So the residents would have to come up with half that and the Village would have to pay the other half, and get all the Village residents to vote for that. Chances are if it's in their neighborhood they might vote for it, if it's not in their neighborhood they might not vote for it. That's just how voting goes. The same thing would be the case for street improvements. If we want to fund the street improvements that's going to have to go to referendum in order to get the residents to authorize us to spend more than our budget levy permit to those improvements.

The reason that the storm water utility is a viable option or one that should be considered is that what it does is given the fact that we can identify the parcels so well and identify what makes Alex's parcel different from Steve's based on the size and how their parcels are different than Jerry Franke's in the corporate park where you have manufacturing, it brings storm water to the reality of what's really going on at your property versus putting it on the levy where it only relates to the value of your house, or it only relates to the value of your building. And it also enables us to be able to charge those companies that don't pay property tax whether it's a power plant or a hospital or whatever. So it does get it to be more equitable in relation to how water drains versus the value of property, because the value of property has nothing to do with how water drains. It's really how big is your parcel in area and what's the impervious area.

I think that as the Board approaches the budget this coming year and we want to look at our capital improvements programs, this is one way to do it. Take a look at the street improvements. The other way to look at it is to hunker down, the public has pretty much said they want a freeze. There is a freeze in place and we do nothing until we decide there isn't a freeze anymore or until the problem gets worse. Or, you just take those increments that you can afford out of the general fund budget through the levy in small amounts and do those. It's nothing that I'm prepared to tell you one way or another which way to go, and I think it's something we're going to have to look at as we evaluate it. But one of the reasons to get it out now is so you can think about it, so the public can see it and be able to give you some feedback on it. Again, as we go through the budget process this next two months it's another way of looking at financing these improvements. There's really two ways to do it, through property taxes or through the utility. This would put this on the same level as sewer and water, albeit at a lot smaller rate per month.

Steve Kumorkiewicz:

I have a question. I think there was Assembly Bill 100 that was supposed to include in the budget of 2005, 2007 . . . on that, AB 100 concerning the mandates on the water . . . the League of Municipalities.

Mike Pollocoff:

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They weren't funded.

Steve Kumorkiewicz:

They didn't fund it, okay. Now, in the transportation act they just passed now, there was supposed to be some money for water . . . for storm water . . .

Mike Pollocoff:

The way that works in Wisconsin, and I haven't seen that appropriation, but that goes to the DOT, and then the DOT will appropriate it based on the lane miles, the nature of the roads and that formula is structured for Milwaukee and Madison. There might be some amount that comes to Pleasant Prairie but—

Steve Kumorkiewicz:

That's \$20 million over five years

Mike Pollocoff:

I don't know how much we would get.

Steve Kumorkiewicz:

It's supposed to be \$20 million in five years.

Jeff Lauer:

I just have some questions as well to Bob or Mike. But I saw the one chart you had up there on what it would cost average residents and such. Would that ever go up or down or is that a fixed? Or, does it vary based on the drainage situation in that area?

Mike Pollocoff:

It's varied based on growth. That would alter that, too. But it would be up to the Village Board to adopt the budget every year that would set the rates. Part of your existing budget would take care of your maintenance expenses to meet the quality mandates. You're going to have to go out and do that work to meet those. The other part is going to be set aside for capital replacement of the assets, and the other part is going to build new projects. So it would be up to the Board to take a look at how many and what projects you want to take on. Do you want to have the residents pay 50 percent, do you want them to pay 25 percent, or do you want them to pay 75 percent? What Bob has presented here is that those are the total costs. To date we require the residents to pay 50 percent. If you're a resident from a new subdivision, in your subdivision, for example, I'll pick on you and me both, we paid 100 percent of the cost of our storm water improvements in our lots. If you're in a rural profile one there isn't any storm improvements

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other than a ditch and the culverts in front of your house. That might be fine and you might not have a lot, but all those numbers get rolled in so those are fiscal decisions that the Board would make when they adopt the budget for the utility.

Jeff Lauer:

And let's say something like this, to make it simple, passed as is. What would be the time table of turning around and starting the project? I mean do we wait until we get the money or do we go out and get bonds?

Mike Pollocoff:

My recommendation, assuming you were to start it, you know once you created it and you established the rate you'd have an idea of what your funds are. I think you're better off you've got a full list of projects, and Bob has indicated that a buck will get you \$240,000, so this is \$3.3. You're not going to get all these projects in one year. We do rank the projects that are most critical and fund them out. I think to the extent you could do it without bonding it you're not going to pay any interest on those dollars. Although right now we can borrow at three and a half or four percent, that's pretty light interest, but to the extent that we could keep debt off that utility and work away at it and keep working at it, I think that would probably be the way to go. You're going to have to adjust your rates up over time because it costs more money for the truck driver to haul the pipe to the job and the pipe costs more. That's not 25 percent increases every year, but you're going to have some increases just to reflect the price of work. That would only be one component of the rate.

But my recommendation if you did it would be to have the engineer and staff prioritize the projects that are most critical and fund those over time. If everybody knew their project is on that list and we are going to get to them, then they know what they're dealing with. If you want to do a lot and a big bang then you just need to be prepared to issue debt and pay some interest to get everything done.

Jeff Lauer:

And I saw that presentation, by the way Bob, was a good presentation, so I appreciate you doing that. If it's being mandated is there a time table, does anybody know, as far as when it totally has to be done?

Mike Pollocoff:

No. We're running a little behind right now.

Bob Martin:

We initially had to apply in March, and we were under the impression that things were going to happen probably this summer. I haven't talked to DNR, but I've heard that there is some litigation going on so it's slowed some things down. This has been in the works for a long, long

time, and the EPA is the driving force, and DNR is just required to implement rules, and it's just only a matter of time. So later this year or next year I think is probably what it's going to be.

Jeff Lauer:

I guess just a final item. I thought you mentioned it but I'm not sure. Was it mentioned that if this passes there would be a public hearing on that to explain to the public? Because even I get nervous when I see this because obviously to me it's another fee, another cost, another tax, whatever we want to call it that somebody is going to have to pay out of their pocket. And I just want to know how it would be addressed to the citizens how we would handle explaining this situation.

Mike Pollocoff:

In order to hold true to requirements and I think our desire for good public information on this, as the Board goes through the process to evaluate the budget and if this was determined to be a route that they wanted to take, we'd send out probably with the newsletter or some kind of information, something that people could get in their hands and read, and then we would have probably a series of open houses to explain it. Someone could say here's my house, here's where I live, and we could look at the map and tell them what's going on. And then after those open houses are held, then conduct a public hearing where people could come in and make a statement for the record for the Board to consider, and you would at the end of that hearing or subsequent to that hearing adopt a resolution or adopt the ordinance for the storm water utility with any modifications you'd make between now and then. So I would imagine this would be about a two month or maybe three month process assuming that it was to proceed.

Jeff Lauer:

One final thing if no one minds. So this is like the road maintenance plan that the Board adopted a few weeks back? It's not necessarily going to happen but it's just part of the budget process and part of how that's going to work? Or, is the vote tonight, yes, we're going to go with this plan?

Mike Pollocoff:

The staff isn't looking for an up or down vote on this. It's just you're receiving the report. I think that if you take away anything from the report tonight one is here's a method that is equitable and scientific to evaluate looking at how you collect money. No one on staff sat up nights finding ways to extract another buck out of taxpayers. That's not our goal here. There are some storm water issues, there's storm water problems, there's requirements we have to meet and this is one way to do it. If the Board decides not to do it, that's the Board's decision. If you decide to tax it, that's the Board's decision. If you decide to do nothing, again that's your decision. From the staff's perspective we feel this is an equitable way to look at it. But as you go through the budget process and start balancing priorities and making decisions, you already know you can put it on the taxes. That's a tried and true method and this is another way.

Alex Tiahnybok:

The expenditures part of this plan is self-explanatory. Unlike taxes, though, I see this as a fee. And from a concept perspective if somebody has municipal water they pay for municipal water. If they have a well they don't pay for water. Likewise if they use public sewers, they pay for public sewers. If they don't have public sewers, they don't have a charge. My question is, and I think this is something we're going to have to reckon with if an idea like this was to move forward, is I think there's going to be an awful lot of people that are going to say I don't benefit from this in any way. If it's a rural area or an area that doesn't have any drainage issues currently, how are we going to deal with that situation?

Mike Pollocoff:

I think if it's a rural area, if you think back to the map that Bob indicated, chances are in the Village you're going to have a lot of land that's going to be excluded because if it's brush or wetlands or conservancy. And I've had people tell me this isn't the case, but I can just about guarantee you when water drops on someone's property it's going someplace and it's finding it's way into a drainage way, into a roadside ditch where you're right there's no storm water improvements, but the ditch still has to be maintained. Water is going to go somewhere. It doesn't stay on the property it lands on. It's going somewhere.

Maybe in Carol Beach that's one of the few sandy areas you're going to get some absorption in there, and the calculations take that into consideration that the soils are more porous. But we hear that, as you know, in any public hearing on storm water improvement that the guy at the top of the hill says I don't have a problem. He says I don't flood, my water leaves. The guy at the bottom of the hill should have known better before he bought the property at the bottom of the hill. But the fact that all his water is going down there is someone else's problem. That's the difficult thing about storm water. I haven't ever figured out a way to make it any easier or palatable. That's the issue. You talk to people about storm water problems right now and they don't have any. They can't even keep their grass green. But when you think back to a year ago in May we were swimming in it. There were storm water problems all over the place. The rural areas you're talking about typically also don't have any storm water improvements to take care of flooding.

Steve Kumorkiewicz:

I was reading the draft ordinance, and there are exemptions that are created, a bunch of things that can apply to a lot of people in the Village . . . because as you mentioned, Alex doesn't have . . . sewer, I don't have . . . sewer . . . and the water . . . to my house I've got a problem, too. But I think what we've got right here . . . charge anything is a report to consider the formation of a storm water utility . . . I think according to what I've read right here there are going to be public meetings and information concerning that so I think they've pretty much covered that. I don't know what else we can add to this. I read it and I see it right here in black and white.

Bob Martin:

I might add that everybody uses roads and there's culverts and bridges that all are up for replacement at some point in time. Matter of fact, I think there's one identified at Barnes Creek, a

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large bridge \$150,000 in round numbers. So everybody benefits by those. So when you do a utility everybody is in. You can make cases, but there has to be where everybody is in for the common good of the community also, and that's where you can't sort out which one you want. It's sort of like sanitary sewer. You only need an eight inch that goes by your house, but we need a 24 inch to get it to the waste water treatment plant, the person at the end of the line it's not fair for him to pay for that 24 inch. So everybody kind of combines in those costs. This has really tried to get at that also, a fair and equitable way not only for the charge but how you do projects community wide.

Steve Kumorkiewicz:

Also you can appeal those costs

Mike Serpe:

Seeing how this is a mandate and I honestly think that what Bob has presented tonight is a very reasonable approach to the problem, at least I think it warrants us to look at this thing a little further during budget time, I would move to receive this report and revisit it again at the proper time during the budget hearings.

Alex Tiahnybok:

I second that.

John Steinbrink:

Motion and a second. Any other discussion?

Jeff Lauer:

Just one if I may. I think when we come up in the future in case I forget to bring it up at the next meeting, I see on page 18 for an ERU charge of \$1 with an administration fee of 50 cents per month, I think we always have to be careful of having an administration fee because we all, even us sitting up here, are paying taxes for the employee to be over there to process the cost for this. So I just want us to keep that in mind because I know I get frustrated when I always see administrative fees when I'm already paying somebody's salary to do it. So let's keep that in mind as well.

John Steinbrink:

. . . decide how you're going to fund it and pay for it because money just doesn't fall out of the sky anymore. We have to cover our costs and our peoples' costs and the cost of putting this all together, and doing these reports and the explanations and public hearings are expensive. Somewhere there has to be a cost or a charge to reimburse at least the municipality for it so that it's paid for. It would be nice if everything could be done without a cost but that's just not the way it works. Unfortunately, we're in a carrot and a stick society where the feds are holding something over the State for not doing it and they're going to withhold funds, and the State is

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probably going to withhold funds from somebody else for not doing it. So we try and be responsible. We try and do our part. I think the Village has for a long time impressed upon developers and homeowners when you do construction to be responsible. We've taken a lot of the measures that keep the environment clean, keep the storm water clean that a lot of the other communities haven't done. We've already pursued it as vigorously as we have. So we've been doing our fair share. We've tried to do our fair share, but there's a cost involved with that. If you're going to do it right, you have to do it right.

Mike Pollocoff:

The administrative cost at 50 cents a month, the stamp is more than 40 percent of that. The card might be--maybe it's because of my profession but I don't view administrative as demonic. It just is what it is. I mean we've got to get the bill out and tell them, provide them something so they can see what the bill is when they get it. Maybe ideally we bill them less often. If somebody is getting a 50 cent bill I hate that because we're spending a ton of money to get them that damn bill and find different ways to do it. But at that point you are really stuck in that drill of getting the information out to them and spending money on that to finance the improvements.

Bob Martin:

I believe there were like 200 accounts or something that were less than 50 cents. So it goes back to the statement I made previously is that everybody uses roads and there's going to be those costs, and everybody should have a stake in it. So it goes back to not necessarily penalizing anyone, but like Mike said it would be ridiculous to charge a penny. You can't do that. It doesn't make sense even if you charged them for a whole year. So it was a way to get at those very low ones where everybody has a stake and everybody just kind of pays a token amount is what it boils down to.

Jeff Lauer:

We can move on if I can make one quick idea. I keep getting these new ideas. This would be good, if we do something like this, to maybe throw it on the website if possible, a nice simple explanation down the road when we do it. In case folks can't make it in, at least they can go to our website and look at it.

Steve Kumorkiewicz:

A lot of ideas that the same property is going to be included with that . . . included in the taxes I thought it was \$1.1 billion exempt in the Village and they didn't pay a penny. At least now they are going to pay the same they pay for fire protection. So I think the concept in my opinion is good because they are going to pay, too, which is going to reduce our costs There was a motion and a second already, right?

John Steinbrink:

There was a motion and a second. The presentation gave us an understanding so we understand what the ordinance is about and how it's put together. It was very thorough. Further discussion?

SERPE MOVED TO RECEIVE THE STAFF REPORT TO CREATE A STORM WATER UTILITY AND MASTER STORM WATER PLAN FOR THE VILLAGE AND REVISIT IT AGAIN AT THE PROPER TIME DURING THE BUDGET HEARINGS; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

H. Consider Ordinance No. 05-35 – Ordinance to Amend Section 292 of the Municipal Code Relating to Recycling Container fees.

Mike Pollocoff:

Mr. President, this amendment to Ordinance and Section 292 provides that the Village would charge \$50 for a 65 gallon cart and \$55 for a 95 gallon cart for new residence that is constructed in the Village rather than have one of two things, either the taxpayers paying for subsidizing a new home's recycling cart the first time, or the solid waste utility users financing that new cart for new homes. This is more in step with, one, the price of the cart and, secondly, the delivery to get that cart out there and delivered to the parcels. So my recommendation is that Ordinance No. 05-35 be adopted.

Alex Tiahnybok:

Is it my understanding that the non-bolded parts are in effect currently?

Jane Romanowski:

That's correct.

Alex Tiahnybok:

So the \$50 and the \$55 reflect the costs of the replacement cart?

Mike Pollocoff:

Right.

Alex Tiahnybok:

I think it was as Diane Shoen had stated, we're providing the first recycling container, the Village is, correct?

Mike Pollocoff:

We are right now, right.

Alex Tiahnybok:

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We are currently. And this would be for a replacement. I think as Diane correctly stated now we're making it a marketable piece, our recycling carts. I think they're out there and vulnerable to perhaps abuse. The second part then, the new residential part, again I think that reflects the costs, but I'm a little concerned about putting a price on these things and having them subject to people abusing it.

Steve Kumorkiewicz:

What kind of abuse

Alex Tiahnybok:

Stealing it.

Mike Serpe:

Diane made mention that they could be an item that could be taken, but they're not going to be issues until the occupancy of the house has been issued. I don't see that this is going to become a big theft item. I'm not going to say that some aren't going to be stolen at some point in time, but I don't see a big problem.

Secondly, Jean Werbie, approximately just give me a guess estimate, in the next two years or next year how many homes do you think this Board would be approving? How many homes in the subdivisions, best guest estimate?

Jean Werbie:

Through final plat or permits issued?

Mike Serpe:

Final plat, how many?

Jean Werbie:

Between 200 and 300.

Mike Serpe:

That's \$10,000, more than just in things that we're giving away. In light of everything that we're witnessing happening right now with the State imposing the levy freeze, the money has got to come from someplace.

John Steinbrink:

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So what you're saying is we'll roll out the welcome wagon but not the recycling cart.

Mike Serpe:

It's not the way, Alex, that we want it. We've been in business in Pleasant Prairie for the last 17 years, but it's the way we're going to have to do business in the future and not by our choosing. I think we're pretty responsible in how we ran our affairs, but obviously that luxury has been taken away from us. I don't see how we can not do what we're doing with charging fees with everything that's happening. It's not something that we've been doing regularly in the past, but we certainly have to look at it now. I know what you're saying, but what choice do we have? Where is the money going to come from? This is what people have been campaigning about for the last couple of years around the State and local races and this is what they got, this is what they're going to get. I'd move approval of 05-35.

John Steinbrink:

We have a motion. Is there a second?

Steve Kumorkiewicz:

I second it.

John Steinbrink:

Motion and a second. Any further discussion?

Jeff Lauer:

For the monthly bill that we get for garbage, does that not include the cost of bins? This was a problem that I thought of when Pleasant Prairie decided to do its own garbage pickup down the road that we're going to getting nickel and dined again. This is what nickel and dime is. We complain to the State, we complain to federal government, we complain about the freeze, but what it comes down to is we seem to have more fees. Pretty soon the fees are going to exceed the property taxes of Pleasant Prairie. So we are paying already a fee a month for garbage, are we not, in recycle, or no?

Mike Pollocoff:

The recycling component is included in the \$11 per month. I guess, respectfully there's a couple ways to look at this. In that \$11 per month, and respectfully I guess when the staff presented the case for having the Village collect the solid waste and recycling, it wasn't even a close call. It was \$18 a month for residential user. To me that was the classic no brainer. There's two ways to do this. We can try to manage the tipping fees of the solid waste and try to manage our personnel expenses for the people who are doing it. You can call it nickel and diming. You can call it this is what it costs to do business. You can say we're not going to collect it from new people. The existing solid waste users are going to tell the new people that come to the community we

welcome you to our community and we as solid waste and recycling users are going to provide you with a free bin and you just include that in the rate. So, what do you want your rate to be? Or, who do you want to have to bear the cost for a new bin?

We could take and say part of that bin cost is covered in the rates, but I'm telling you it costs for a new bin--when we bought these bins before we bought 8,000 of them and we got a pretty good price on them. We're not going to buy 8,000 again. We're going to buy them as we need them. Can we get a couple hundred bins or 400 bins? John has probably a few hundred out there now. Jean has indicated she might get 300 and that's just with single family homes. That doesn't count condominiums. You guys approved close to 250, almost 300, condominiums tonight. They're going to have bins. No one here is trying to nickel and dime anybody. What we're trying to do is say there's a cost to do business and how do you want that cost spread? Do you want to have everybody's rates raised to accommodate whatever it takes to buy bins? We can do that. Do you want to try to keep the cost for the bins separated so that we can manage that monthly rate for the people who already have their bins? We can do that. You cut the pie up.

Or, you can take it out of the property taxes. Have the general tax fund subsidize the solid waste utility and recycling utility so that new homeowners don't have to buy a bin. But it's not an attempt at nickel and diming. It's how do you want to parse out the cost for this service. I really don't think that when we did this, we did this to say we can lowball solid waste and recycling and cut out a private enterprise from doing business in here. We saved the Village residents \$8 a month and that was right out of the shoot. And it's going to take a long time before the Village rates come anywhere close to what the privates are charging for. Those were numbers. Those were bid numbers.

Mike Serpe:

As a resident and a Village Board member, I welcome anybody that wants to move into our community. But at the same time I'm going to go to bat for those that are here. If you want to come into Pleasant Prairie with today's climate it's going to cost you a few bucks more. I didn't create that climate. This Board didn't create that climate but we're stuck with it. Mike, you hit it right on the head. You can do it this way or a multitude of other ways to charge for the services. I think this is the easiest way. It just cost you \$55 more to come into Pleasant Prairie to build a new home here. To me we have such a nice Village it's worth it.

Jeff Lauer:

Just for clarification for the cost of this, is that what the Village is actually paying, the \$50 or \$65?

Mike Pollocoff:

No. The \$50 and the \$55 includes the cost of the bin. It also includes the cost of putting a bin on the truck, running it out there and getting it delivered to the house. Far be it from me to try and restrain how you vote on this, but there's two ways to split this up. You may want to say for existing residents we'll give you as many free bins as you want if you lose them, and the utility will pick up the cost for whatever bins you lose. Anybody new you've got to pay for your first

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bin and then we hustle bins out there whenever you lose them. Or, you can go the other way. Welcome to Pleasant Prairie, you get a new bin, but if you ever lose it you're paying for your own.

Jeff Lauer:

I understand that. I try and look at both sides of it obviously. For moving in obviously there's a cost and if they're not paying for it someone is subsidizing it.

Mike Pollocoff:

That's right.

Steve Kumorkiewicz:

Jeff, when I moved here, we got the same service in the subdivision. Another time we had to pay \$200 a month in 1994 and 1995 Look what you pay today? You pay less today than you did back in 1994 or 1995.

Jeff Lauer:

I understand that. I was just looking at both sides of the issue here.

Steve Kumorkiewicz:

. . . protect the existing residents because I don't want to pay for the future residents . . . to the old resident, the original investment that we got to get this service going. That service is increasing because we're getting more people. That's why this

Jeff Lauer:

I understand.

Mike Serpe:

One last comment. Last year this Board could have taken the easy way out and just contracted with Onyx with their new contract. Just pass it onto the residents at \$19 a month. Instead we have \$11 and some cents a month because we took the bull by the horns and we advocated on behalf of the taxpayer. We did them a good turn. Now this next step has come and I don't see anything wrong with it. Like I said, there are impacts that are affecting everybody in this community that's presently living here. Let the people coming into this Village pay for those. Call the question.

John Steinbrink:

We have a motion and a second. Further discussion?

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Alex Tiahnybok:

What's the expected--this is kind of a ridiculous issue after a while, but what's the expected life span of one of these bins?

John Steinbrink Jr.

Ten years.

Jeff Lauer:

Might be good to mark mine when I get home with my name on it.

Alex Tiahnybok:

I have no reservations about the one-time welcome to the Village charge. I do have a problem with the bin disappearing. I look out my window sometimes and I see the way these bins are treated, either the recycling bins or my personal garbage bins, and I'll be shocked if they last ten years.

John Steinbrink:

There are serial numbers on them, too, that you can record.

Alex Tiahnybok:

Are we tracking the residents and the serial number?

Mike Pollocoff:

No.

John Steinbrink:

Write your number down.

Mike Serpe:

John, how many have we lost so far? Have we lost any and had to replace any through theft or whatever?

John Steinbrink, Jr.:

We delivered the bins out in December of '04 and to date we haven't had anybody report any stolen recycling bins. That's been almost around nine months.

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Mike Serpe:

Did you ever see the inside of those things after a couple of months? Who the hell would want to steal one?

Mike Pollocoff:

I agree.

John Steinbrink, Jr.:

One more thing, there is a ten year warranty on the bins. So if there is a manufacturer's defect on the bins they cover the bin at no charge. A lot of the bins in other communities we looked at, Milwaukee and Madison, these bins have been in for over 15 years and they're still in really good condition.

Alex Tiahnybok:

So the exposure really is about \$5 a year for the cost of the bin? Okay, I'm done.

Steve Kumorkiewicz:

For example, the recycle I put it out once every six weeks because with the wife and I, we never fill that container in three week.

Alex Tiahnybok:

You need to trade in your bin and get a \$5 rebate.

Steve Kumorkiewicz:

I need six weeks to fill it actually because the wife and I don't generate so much recycling. Now, a young couple using the 95 gallon use it every week.

Mike Serpe:

Some of us drink more beer than others.

John Steinbrink:

We have a motion and a second on the floor.

SERPE MOVED TO ADOPT ORDINANCE NO. 05-35 – ORDINANCE TO AMEND SECTION 292 OF THE MUNICIPAL CODE RELATING TO RECYCLING CONTAINER FEES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0/

I. Consider Amendment to the Recycling Contract with One Source Recycling.

Mike Pollocoff:

Mr. President, in order to keep our prices down . . . constructing a transfer site at Prange. And what that enables us to do is the recycling trucks do their routes in the Village, instead of driving up to Racine to drop off their load, they drive to Prange and drop off their load, and one source would have a walk-in trailer there in order to collect the recyclable materials and they would take it to Racine, which saves us time, saves us gas, especially with the price we're paying for gas right now, and it enables us to be able to do more in a day so we're not nickel and diming everybody for the recycling portion.

What one source is requesting is that for them to make that investment we can amend the contract with the ads that are identified here saying they receive the loads at public works, which is Prange, that they would invest an additional \$15,000 for walking floor trailers in order to handle the material, and that the term be extended by two years. The important thing about our contract with one source is the tipping fee is free. So whatever we can put into that waste stream out of the solid waste stream means that we're not paying a solid waste tipping fee. So if we can get them to pick it up at our yard that saves us time and we're time paying anything for that material to disappear.

As a reference point, we're at about 25 percent now diversion of recycling away from the solid waste where we were bouncing around 18 percent. Given the tonnage we deal with that's significant funds. So if we can continue to get that to happen and if we can reduce our cost for recycling collection by not having to drive back and forth to Racine that's significant. That will help us keep our costs under control. So I recommend the Village Board authorize the President and Clerk to execute the agreement, the amendment with One Source Recycling for this work.

Mike Serpe:

I'm going to support this, Mike, but I have a question for you. Could we possibly consider a dumpster type or container type of thing at the recycling center for those residents that have more recyclable material for whatever reason than what their bin will hold? Is that possible? Right now we take our grass clippings out there. Sometimes, especially at Christmastime, you've going to have a lot of cardboard boxes and everything else.

Mike Pollocoff:

One of the things we want to get on the website and in our newsletter is, one, to tell people they can put their cardboard out with their bin, just lay it or lean it against the bin and they'll pick it up and get it in the truck. Encourage people to pick up another bin from us or get a bigger bin. But the idea of having a dumpster or something to pick up the recycling I don't know. John, what do you think as far as treating that the way we treat compost where if people want to bring it out there?

John Steinbrink, Jr.:

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I think, Mike, one of the expenses would be staffing that site and the cost associated with staffing. One of the things about recyclables is it does have to be clean recyclables. Any time you put out a dumpster for someone to put recyclables in there's a high probability that there would be other sources of garbage and yard waste in there also. There probably have been about two dozen people that have purchased extra bins to use also. We have exchanged many of the 65 gallon bins for 95 gallon bins and it seems to be accommodating most of them. So maybe if we advertise that you can purchase another bin or you can put your cardboard alongside and our guys will get out of the truck and throw it in manually as a more cost efficient option possibly.

Mike Serpe:

I didn't even know you could put stuff outside the bin so that would help. That's going to make the difference right there.

Mike Pollocoff:

One of the things is when they're picking that up they've got a television screen so they can see what's going into the truck when they're tipping it. So if someone is giving us something they shouldn't be they can handle it. I forgot about the fact that we've got to keep that clean and that helps us, again, get a zero tipping fee charge.

Steve Kumorkiewicz:

I think that it is convenient to tell the people to keep track of the number of the bins. If you keep track of who got what . . . everybody got a bin and a number on the bin.

Mike Pollocoff:

No.

John Steinbrink:

Could we get a motion and a second before we continue?

**LAUER MOVED TO APPROVE AN AMENDMENT TO THE RECYCLING
CONTRACT WITH ONE SOURCE RECYCLING AS OUTLINED; SECONDED BY SERPE;
MOTION CARRIED 5-0.**

J. Consider an Amendment to the Development Agreement between Westwood Estates and the Village of Pleasant Prairie regarding the assignment of the Agreement and related documents and approval for the Westwood Manufactured Housing Development.

Mike Pollocoff:

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Before Jean starts, we received a call right before the meeting from the developer to table this item.

Jean Werbie:

I did not receive a call. Staff recommends that this item be tabled until the next Village Board meeting in September.

Jeff Lauer:

I'll make that motion based on what was just told. Mike, that was the contractor who called?

Mike Pollocoff:

The developer.

Jean Werbie:

Riverside Communities had called?

Mike Pollocoff:

I didn't get his name.

LAUER MOVED TO TABLE ITEM J UNTIL THE NEXT REGULAR BOARD MEETING; SECONDED BY SERPE; MOTION CARRIED 5-0.

K. Consider Amendment #1 to Agreement for Construction Related Engineering Services for Creekside Crossing Phase I.

Mike Pollocoff:

Mr. President, we currently have a contract between the Village of Pleasant Prairie and Crispell-Snyder to provide construction related services at Creekside Crossing. This is a service that the developer pays for, the engineer contracts with the Village. His responsibility is to us and not to the developer. The first contract related to the grading. This contract relates to what was approved previously tonight on the final plat. Compensation that the developer will be paying to the Village which in turn will be paid to the engineer would be \$34,900 for construction staking services on an hourly basis in accordance with the charge out rates in effect at the time services are provided, an estimated fee of \$44,000 for construction inspection services. That's an estimate because our inspector will be there as long as it takes their contractor to do the work. If he's fast, it's a smaller amount. If he's slow it's a larger amount. And \$70,100 as an estimated fee for construction inspection services. I'm sorry, the staking is \$44,000 and the construction related services are \$34,900. I recommend that the Village President and Clerk be authorized to execute the agreement with Crispell-Snyder.

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SERPE MOVED TO APPROVE AN AMENDMENT #1 TO AGREEMENT FOR CONSTRUCTION RELATED ENGINEERING SERVICES FOR CREEKSIDE CROSSING PHASE I AS PRESENTED; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

L. Consider Resolution No. 05-48 - Resolution to Dispose of Surplus Police Cars.

Mike Pollocoff:

Mr. President, the Village has had a practice of changing out half our fleet each year. In this case we have Dodge Intrepids that we're changing out. The low bid that was submitted as part of the State program was for Chevrolet Impalas. We've had the best success as far as return on used on cars by putting them out to auction. We used to collect sealed bids from people making them into cab and sending them to Honduras or wherever they went. We find that the auction has gotten us the best dollar. These squads have about 90,000 miles, Brian?

Chief Wagner:

About 85,000 to 90,000.

Mike Pollocoff:

And those are 85,000 to 90,000 hard miles. What was the last auction price we got?

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. Last year at auction I believe the recovery ranged from in the this three thousands to about \$4,500. It depends on the condition of the vehicle, how many miles and things of that nature. These are all 2004 Dodge Intrepids by the way.

Steve Kumorkiewicz:

I have a question. You're going to go from four wheel drive to rear wheel drive?

Chief Wagner:

These are front wheel drive. The Impalas is a front wheel drive also.

John Steinbrink:

Thank you, Chief.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION NO. 05-48 - RESOLUTION TO DISPOSE OF SURPLUS POLICE CARS; SECONDED BY LAUER; MOTION CARRIED 5-0.

M. Consider Trustee Lauer's Request to Amend Section 98-7 F. of the Municipal Code Relating to Village Board Conduct of Deliberations.

Jeff Lauer:

Board members, you should all have a copy. I see it was part of my packet, so you should have a copy of an e-mail I sent to Mike to go over this this evening. As it was read, I'd like to make an amendment to Section 98-7 to add the following words. They are bolded and underlined. I'll start just above the sentence. "Except as otherwise provided by these rules, a majority vote of those present shall prevail in other cases, except for Eminent Domain and Blighted Property. When the Village Board votes on Eminent Domain and/or Blighted Property it shall be required by a recorded vote of 2/3 of all the members of the Board."

I looked at adding this to it because I have had citizens come up to me and ask me about blighted situations, how it affects them, especially after the recent Supreme Court case. I think this is one good way for all of us members of the Board to show that we support the people and their property rights. I think this is a good step to show that the government is working with the people and for the people, so I would like to make a motion to add this wording to this section.

Mike Serpe:

I'll second that only for purposes of discussion here. What prompted this?

Jeff Lauer:

Residents. I was just mentioned residents have contacted me. They are concerned about the recent Supreme Court case and things like that. They want to know what can the Village do to help protect, quote, my property, and things of that nature. I says, well, some laws are in there. Some things I've been concerned about with this you could make it a little more difficult by requiring a two-thirds vote. Some actually wanted everybody, but I know that was—

Mike Serpe:

Because we declared the west side of the Interstate some areas there are blighted property.

Jeff Lauer:

Right, that was over a year ago.

Mike Serpe:

Was that taken into consideration as well for this?

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Jeff Lauer:

No. Some citizens have contacted me and they did bring that up, but they were very concerned about Supreme Court cases. They did bring up what happened prior to me getting on the Board, what happened as well.

Mike Serpe:

Knowing what we've done on the Interstate, do you have any objections to how that was handled on the west side?

Jeff Lauer:

I was on the outside looking in actually. I only know what I've read and what some staff members have told me. I wasn't there when it was presented. I have my own personal ways how things like that should be presented. Was it handled that way? I don't know because I wasn't there. I can only base it on what staff members would tell me.

Mike Serpe:

I hear what you're saying, Jeff, but I know there are probably some municipalities in the country that may have taken advantage of their position with the community and may have overstepped their bounds in some cases, for the lack of a better term. The Supreme Court, the highest court in the land, they make a decision and I think that kind of sets the tone on how you're to proceed. At least that's how I interpret it. I don't know if I can support what you're recommending here. I don't think we overstepped our bounds in what we did on the west side of the I. I think when you look at the bookstores, one now gone and one soon to leave hopefully, it steps in the right direction really.

John Steinbrink:

I think the process we use has been tested in court and we follow the rules. We follow just about everything we have to. We have legal advice. We have experts in the field guiding us. I think we protect the Village taxpayers and we protect the property owners in the method that's used. If you can show us any evidence of wrongdoing or a reason to change I think that would be of interest to us.

Jeff Lauer:

I think, as you mentioned, if everything has been handled with "i's" dotted and "t's" crossed this should not be a problem for anybody to vote in favor of. Again, it signifies the people which is not get a carte blanche at any point in time either this Board or a Board 30 years from now, just carte blanche anybody because they can blight an area and saying, you know what, we can put Taj Mahals up there now and get more tax revenue. So this is just a way to show the people that we are looking out for their behalf, because this is America and Americans work hard for their dream home and their dream businesses, and I don't personally believe that any government,

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local, state or federal, should undercut that right of the people to own their property, especially if it's being maintained and things of that nature.

John Steinbrink:

I guess I would entertain a motion. We have a motion on the floor already, correct?

Mike Pollocoff:

I have a point of order, but I'd rather the Board members speak first.

Alex Tiahnybok:

The past was referenced as an indicator of how the Board deliberates these kind of decisions. I have no reason to believe there was anything wrong done. But in support of Jeff's idea was the vote that was taken to consider blighting these properties west of the I was it typically unanimous? This was before our time, so was there disagreement?

Mike Serpe:

I think Mike could explain that, but I think this was the CDA. The Board doesn't do that. That's the Commission that's responsible for doing that.

Steve Kumorkiewicz:

. . . eliminate the politics in that . . .

John Steinbrink:

Mike, did you have a point of order?

Mike Pollocoff:

The Village Board is not allowed to make a declaration of blight. The Village Board can't determine that a property is blighted for condemnation. It can't determine that a property is blighted as part of a redevelopment plan. You don't have that authority. That authority by Wisconsin State Law and by Federal Administrative Rule rests with either a Redevelopment Authority, a Community Development Authority or a Housing Authority. When the Board created the Community Development Authority, it takes a two thirds vote of the Village Board to provide the Community Development Authority with that power. Without a two thirds vote the Authority cannot be created.

Once the Authority has been created, and they adopt a redevelopment plan, that redevelopment plan, if there is blight that's identified that needs to be remediated or moved, that plan has to come back only to the Plan Commission for the Plan Commission to approve. Again, the Board cannot approve--cannot make that blight determination. The reason the Board can't make that determination is found, the precedent is found in court where it was determined that a municipal

government would impart their political values and ambitions or desires or goals on blighting somebody's property. So it was relegated, after a two thirds vote, to the appropriate authority that would do that. And when the authority does that they have to prepare a report that identifies why a property is blighted.

In the case of Pleasant Prairie, after the Authority was created, the staff had to do a parcel-by-parcel evaluation of each parcel along I-94, determine whether or not the parcel represented a blight to the community in terms of the nature of the building, the size of the lot, the irregularity of the lot, the environment conditions, if it was a floodplain or a wetland. Was it poorly maintained? Was it dilapidated? There's specific criteria that you have to follow, and each one of those items have to meet that test.

After the Authority makes that blight determination, then that blight determination has to have an independent review by the Wisconsin Department of Commerce who finds whether or not the statutes and the rules have been followed before you do that. Then after that blight determination has been made, only at that point can the CDA adopt the relocation order which is the beginning of the process of eminent domain. Prior to that order being adopted, each individual property owner and each individual tenant of a property owner, because some people have a business or some people live there as a tenant, you need to identify who they are, give them a notice that this is going to happen. So they have an opportunity oppose or object to the blight determination.

After that has taken place, the relocation order is filed and they're put on notice as to what their rights are in order to move through the eminent domain process. Again, anywhere along that process they can appeal to the State Department of Commerce; they can get an appraisal that the Village pays for; we'll pay for their attorney's fees; and in most cases where there's blight if it's residential they're pretty happy to get out of there. If it's business, you're concerned about businesses and we did upset some businesses on the Interstate. The bookstores were perfectly happy to keep doing business over there. The Military Salvage Yard is happy to keep doing business over there. Those are difficult choices but, again, they can't be made in the political arena. It's got to be made on a factual basis that the statutes require.

So I guess my point of order would be that the Village Board can't vote on blight. You're prohibited on doing that so it would be redundant. Although you will create an Authority and it takes two thirds of a vote to create an Authority to make that blight determination. If you want to create another Authority to work in another area, it's going to take another two thirds vote to do that.

With respect to eminent domain, the Village's authority on eminent domain is rather restricted. The Authority has, based on work they do for a redevelopment plan, once that's done they can do eminent domain, but the Board is pretty much restricted in eminent domain only for those improvements that are public in nature. So a lot of people made a hullabaloo out of the Supreme Court case for economic development, which would be something that the Community Development Authority would do.

The Village Board cannot acquire land for anything other than streets, sewer mains, water mains, storm water improvements and parks. They can't acquire land and then turn around and redevelop that land and sell it. Probably the closest thing would be the 60th Avenue

improvements where we bought a piece of land, constructed 60th Avenue and sold out the remnants. The difference on that is the only way we could do that is if we had a willing buyer and a willing seller which in that case we did. But the Village Board is prohibited from buying any land and flipping it for another use for economic development. Which, I believe, what Mr. Lauer is saying is his concern we would take somebody's business, we would take somebody's property so that we could get more tax dollars for something, and the Village Board is prohibited by statute from doing that. You can only use your eminent domain powers to acquire property to build a public improvement that the public will get the benefit of. The only authority that can acquire property and eliminate blight and redevelop it is the Community Development Authority. Again, that authority was created by a two thirds vote of the Board. Not maybe the Board of your choosing, but that was the Board that voted on it. I do believe it was a unanimous vote to create that Authority.

Jeff Lauer:

A lot of info you said but let me get it so I understand it. The CDA they're the only group that blights property. Is that by simple majority or two thirds?

Mike Pollocoff:

That's simple majority.

Jeff Lauer:

I have a few questions. With that being said I'd just like to make a comment if I can. Obviously from what I--okay, let's say the CDA approves it. This Village Board doesn't vote on anything like that, what they did or anything, correct?

Mike Pollocoff:

That's right. You don't have that authority.

Jeff Lauer:

Then the concern I have then we have non elected officials serving on that Board. How are they held accountable to the public for what they do?

Mike Pollocoff:

Well, they're held accountable in the sense of what they do is an open record. They're held accountable in the fact that if they take actions, one, that benefit them personally that's illegal. If they illegally or unconstitutionally blight somebody's property without it being blighted, they're accountable.

Jeff Lauer:

I understand that. I know the--

Mike Pollocoff:

The Board's ultimate accountability over the CDA is the Board holds the purse strings. The Board is the one that authorizes the funding that the CDA would get, through bonds or TIF District or what have you.

Jeff Lauer:

That being said, then I would like to just recommend if I could, I know Mike and John you serve on that Board, I would think it would be in good best interest maybe to bring this up at the next meeting to see if that can passed in active blight properties through the CDA that it would take a two thirds thing. I know obviously this--I don't believe the Board has any authority to do that, but I know you two gentlemen serve on it. That might be something to endeavor--

John Steinbrink:

How many members do we have on the CDA, Mike?

Mike Pollocoff:

Seven.

Mike Serpe:

When you talk about CDA members being accountable because they're not elected, you have the same thing with the Plan Commission making decisions two Monday nights a month, the Police and Fire Commission. All of our Commissions in some way or another make decisions on behalf of our Village. I know what you're saying, Jeff, but I have enough faith and confidence in the Village that I don't think we're going to hurt ourselves by continuing as we're going. To be honest with you, I think every one of us when that decision came out probably had the same thoughts you just expressed tonight. I don't doubt that for one minute that somebody is going to overstep their bounds and take somebody's property without good cause. But if you do your things responsibly and up front I don't think you have to worry about that.

Jeff Lauer:

I believe now that what I've learned tonight obviously this could have possibly been somewhat avoided to a certain degree because I could have been explained this in advance because everybody had a copy of this. So I'm assuming, maybe I'll exclude Alex, but everybody else up here on the Board knew that this wouldn't happen anyways, correct. So it would have been nice to receive a phone call saying, hey Jeff, I saw your thing but, you know what, the Village Trustees don't vote on blighted properties. I mean that would have been a nice gesture from somebody rather than just taking the 20 minutes now to explain it to me.

Mike Pollocoff:

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I guess, Mr. Lauer, that probably would have been who would make that call.

Jeff Lauer:

The other Trustees got a copy of the e-mail.

Mike Pollocoff:

I think in all due respect at least how I took your request is you wanted the Board to consider this, and that consideration should happen in the open and public meeting and it was docketed for that. I don't think that--I don't believe anybody had any problems. I think this was an important discussion. It wasn't putting this on there to cause you any ill will. This is what you wanted to talk about.

Jeff Lauer:

Now that I know, I recommended to John and Mike maybe you could bring it up at the next Board meeting. Maybe they won't like it either, but to me it comes down to doing what's right. And the right thing to do is not to make it so simple by simple majority to take somebody's property.

John Steinbrink:

I think we have seven very responsible people that show up for the meetings, listen to all the facts put forward, deliberate over them, discuss them, listen to the consultants and make some hard decisions. I guess you're welcome to show up at the next CDA meeting. We have comments ahead of time and you can express that issue to those folks there if you don't think they're doing their job.

Mike Serpe:

Jeff, you mentioned that maybe somebody should have called you. My thought process when Diane Shoen came up and spoke and she only had a copy of the agenda, and I'm going to guess that maybe was her suggestion that you sponsor this because on the agenda it never said anything about eminent domain.

Jeff Lauer:

No, she came up to me when I was out here walking, because I stay out here and walk and meet with the public. I don't go into the back room. She said, you know, Jeff what's your--

Mike Serpe:

If she wanted to use you to sponsor that, that's fine.

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Jeff Lauer:

No, she didn't.

Mike Serpe:

Then you should have--I'm going to give you a little advice and take it for what it's worth. I spend a lot of time at the Village Hall. Sometimes I walk through and just say hi to everybody and walk out. And sometimes I'm sitting here talking to Mike, talking to Jean, talking to Rocco, talking to whoever. When you got this idea to do this, maybe you should have come in and sat down with Mike and got his opinion rather than just shuffle this forward. And then he could have advised you at that time. But when you don't come in to spend a little time at the Village Hall and see what's going on this is what happens. I'm sorry. If someone embarrassed you tonight I apologize for that. But at the same time Steve comes in a lot, John's here a lot, I'm here a lot. I don't see you here very much. And it wouldn't hurt to stop in on occasion to find out what's going on. Don't even stop in but maybe make a phone call saying, Mike, what do you think? This guy is a wealth of information. He's here for your benefit. Use him.

Jeff Lauer:

That being said, Mike, I'm not retired like you, and I do come in twice a week and Friday and to prove it I walk around to say almost hi to everybody here. And I think Jean can even attest to that. I guess a little word of advice for you if you disagree on my motion then don't take it personally and attack because I will stand and defend my position as well. I don't get embarrassed. So don't say you don't see me here. I'm not out on the golf range. I do work for a living, 45 plus hours a week. I take care of two developmentally disabled individuals in my home, so I do show up here. So you can ask the staff when you're in here next time, does Jeff come over here and say hi to you.

Mike Serpe:

I call the question.

Jane Romanowski:

I don't think there's an ordinance.

John Steinbrink:

Motion and a second. Further discussion? Alex?

Alex Tiahnybok:

I think one lesson to be taken from this is the Village Board does approve nominations or appointments to the various Commissions like the CDA and the Plan Commission and, Jeff, I think it's something that rather than I think maybe the traditional rubber stamp, I think Jeff and I

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will reserve the right from this point forward to understand the philosophies of the people that are being appointed to these various Commission. This was news to me also about the CDA's authority to blight properties. So if we have the authority to vote on appointments, then I think it also becomes our duty to understand the mind set of the people that are being appointed.

Jeff Lauer:

And just in closing for the record it was mentioned by John that doubt or don't trust those on the CDA, that's not true. But everybody has to be held accountable, and if they don't like little things coming up like this then maybe they shouldn't serve. But I have no ill will about the CDA individuals so for the record.

Mike Pollocoff:

I know there was a motion and a second. I'm hoping it was discussed because the ordinance as it's written now is illegally so, respectfully, you can't adopt it. You could request that it be modified, put into a different format.

Jeff Lauer:

No, I mean it can't--it doesn't come through the Board as I learned tonight. If it was illegal maybe I should have been contacted in advance maybe.

Alex Tiahnybok:

So now that it's been seconded do we vote--

Jeff Lauer:

No, Mike just seconded it for discussion only. I'll just withdraw the motion.

John Steinbrink:

Motion withdrawn.

N. Consent Agenda

- 1) **Approve Bartender License on File.**
- 2) **Approve Park Permit request by Hospira for Amplified Music.**

**SERPE MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2 AS PRESENTED;
SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

8. ADJOURNMENT

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY LAUER; MOTION
CARRIED 5-0 AND MEETING ADJOURNED AT 10:20 P.M.**