

**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
December 19, 2005
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, December 19, 2005. Meeting called to order at 6:30 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

John Steinbrink:

With us tonight we have a group of Boy Scouts from Troop 538, and they are going to lead us in the pledge tonight. If you fellows would like to come forward.

2. PLEDGE OF ALLEGIANCE

Steve Kumorkiewicz:

Mr. President, I'd like to introduce Dave Schuller, the leader of Troop 538 from Lake Forest School. Part of them are from Pleasant Prairie. Also he is the President of the Kiwanis Breakfast Club which I have been a member for six years. That Troop is very active in the community, Shalom Center, fundraisers and so on. I'd like to welcome them here tonight. Dave and I have something going on all the time, but thank you for coming and leading us in the Pledge of Allegiance.

John Steinbrink:

Once again, thank you to Troop 538.

3. ROLL CALL

4. PUBLIC HEARING

A. Construction of Municipal Water to Westfield Heights Subdivision in the Vicinity of 70th Street, 73rd Street and 89th Avenue.

(1) Resolution #05-73 - Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments against benefited property for Construction of Municipal Water to Westfield Heights Subdivision in the Vicinity of 70th Street, 73rd Street and 89th Avenue.

Mike Pollocoff:

Mr. President, this hearing comes to us as part of a development that's occurring north of Highway 50 and west of 88th Avenue. It's the Westfield Estates division. It's a mixed use development consisting of residential and commercial properties. Currently there is sanitary sewer along Highway 50 and 89th Avenue and 70th, but there is not municipal water. The Village's master plan for the extension of water reflects that a water main could be extended on 88th Avenue. That road was recently reconstructed by Kenosha County where at some point it would tie in with a City of Kenosha main that's probably about four blocks north.

The developer is part of bringing water to the subdivision. The best route for the Village and the utility and for the development was to come up 89th Avenue and down 70th. Right now there is not water extended on that road. Sanitary sewer is probably over 30 years old that's in that subdivision right now. In working through the development agreement and the proposed engineering plans for construction on this, as is the case in any development when there's outside improvements to take place, the developer is entitled to recoup any cost that someone takes a benefit from. So if a developer in this case runs a water main down 89th Avenue, if people choose to use that water then the developer is entitled to be reimbursed for the cost of what it took to put that main in. The Village cannot legally make a developer provide service to other properties at no charge.

The Public Service Commission provides a right of recovery period that's ten years in duration. If no one case use a public improvement when it's off site and run then at that point there's no possibility for a right of recovery and that would be at the developer's expense.

One of the reasons this is coming about in this manner is the water main needs to be looped rather than just running a dead end water main up through Highway 50 through the development to 70th. So as we identify 89th Avenue as a site for water to go through, one of the problems on 89th Avenue is the Road is in difficult condition. Although there's probably no reason for that road to deteriorate any further because things are going to cause the road to deteriorate outside of age and at the end of its life cycle heavy traffic. All the homes are built on that street. You won't see concrete trucks coming in or trucks loaded with drywall or trusses or things like that. But the heaviest vehicles you're going to see are snowplows and garbage trucks.

Consequently it was our thought that if water is extended on that road that there will be significant damage to the roadway because it won't stand up to not only just the backhoe digging but basically the trucks that are delivering the pipe, the trucks that are delivering stone to bed the pipe in, the trucks that are taking fill out from the trench. It will fairly well demolish that road, so that the reconstruction of that road is a cost that's associated with the water main.

There's areas if you've seen in the Village, 48th Avenue off of 85th Street is a pretty good example; 26th Avenue off of 116th Street, where the developer has put in a water main and the road was in good enough condition that the trench alone could be stabilized, and that trench was patched in and of itself and not the whole road. In this case, we're certain that's not going to be the case and that won't happen.

What we've done in evaluating out and weighing the expenses and the benefits of this project is

that there's, again, single family homes that are going to be involved in this as well as a commercial area. The water main cost on 89th Avenue is--that water main is integral to the development. Again, to the extent that we can't charge the development for the whole cost of that, but what we've done is we've required the developer to share in all the costs on 89th Avenue, and that's for the roadway reconstruction that's for the water main going in there, any appurtenances and that would be hydrants and valves and things like that, and that all gets spread amongst everybody rather than just those properties on 89th Avenue. In some of our right of recovery projects we're not able to accomplish that. Basically the cost on 89th would be solely 89th and the developer would pick up the other ones. And this one here given the nature of how we're looping that water main, we're in a position to say that everyone should share in this equally. The residents shouldn't have to pay an inordinate amount for the water main and the restoration required by that, and the developer is paying his fair share.

Under the right of recovery that's set forth under the PSC is the property owners who are on 89th and 70th, the water main goes in, the cost of that main can only be collected for ten years at the cost at the time the project goes in. So in the case of this project here, based on the fact that it's a unit based assessment, and that leads to an assessment of \$6,280.70. That cost is fixed for ten years. That cost is based on contracts that have been submitted by the developer's contractors that are going to do work so we know what the cost is going to be. My statute in Wisconsin we can't charge more than what the assessment is without having another assessment is. The wrinkle in this is by the fact that this is being done through the development agreement and the development agreement will outlive the assessment resolution. If his costs are more that's an expense that he takes on because the developer agreement will last beyond this agreement. If the costs are less, and the Village will be verifying and inspecting the construction and the quantities as we go through this project, if the costs are less then that reduced amount, the savings, has to be shared amongst everybody equally just like the assessment has to be shared, and you don't know what that is until the project is over.

If no one connects within ten years, then there is no assessment. The assessment is gone. This assessment has a sunset of a ten year period. If at the end of ten years someone's well goes out and they decide rather than drilling a new well or putting a new pump in or whatever their issue is that they want to hook up to the water, they can hook up at no expense. That's the risk that the developer takes. The developer is banking at some point that some people are going to connect water because they need it now or they may need it in ten years.

The one thing that we can't require a developer to install is the lateral. The lateral is that pipe between the water main and the property line of the house. Those laterals won't service the development. They only service the people on that property as it goes by. The price that the developer as secured for a lateral is \$1,120. That's a cost, again, an option to the homeowner. If they want to pay for that up front it will be included in the project. If they don't want to pay for it, they don't have to have it. We're not going to make them put it in.

I can tell you that I don't think a lateral that's installed on its own is going to be done for less than \$2,000 on average. It might be even more if the main is on the other side of the street from where

the house is. I think that \$1,100 price is pretty good but, again, that's up to the homeowners if they want to select that now or roll the dice for the future.

Once the water main is put in, it's an eight inch water main. Fire hydrants will be extended into the neighborhood. The road that goes in is going to be new stone put down and three and a half inches of asphalt per the spec that existed when that road was put in. And that will happen, of course, after the construction takes place and the trench is stabilized.

Another option that could have been exercised is that the water main would go down 88th Avenue. That would be a broader reach. The same rules would have applied. I think in that case the developer would have had to secure easements to put the water main in since the County road is 80 feet wide in right of way, and I don't think they would be looking to have a water main go into the new road. This one here affords the Village the best of all opportunities to get water into a subdivision without having the residents pay for it unless they want to use it and get the road back into a condition where it isn't. 70th will be in far better condition than it was. As you go west on 70th that road is in difficult condition as well. Bob, why don't you describe the project, exactly what's being put in, and anything I missed on this.

Bob Martin:

Mr. President and Board members, I think Mike covered pretty much a lot of the detail of the project. It is an eight inch water main that is looped, as Mike indicated earlier, and that's important that that portion of the water main get a loop because of the extent of the new subdivision and where it goes from where it's going to be connected into, so it's an important part of that system, from the system's redundancy, fire protection, and just overall good practice of putting the main in in the way that's being indicated.

There is a portion that goes on 73rd Street to 89th Avenue and then goes north on 89th Avenue to 70th Street, and west on 70th Street to 91st Avenue. That's principally the right of recovery area and the rest goes into the subdivision and the new commercial subdivision.

As Mike indicated also that portion of the water main that's going to go into the road will have a granular backfill for pretty much the entirety which is typical under pavement so that we don't get settlement and you support the road, although that does add to the cost. That, again, is being shared as a part of the whole. 89th Avenue the main is on the east side of the street. 70th Street the main is on the north side of the street, so those are all components of the assessment area also.

A little more particulars on the paving, the existing paving will be pulverized. It's ground up and then it will be reshaped and then there will be two layers of asphalt placed which are two and a quarter inch binder and an inch and a quarter service for a total of three and a half inches. This is to match the existing section that's out there. In addition, the granular will be shoulders that are two to three feet wide that will be placed on both sides of the pavement.

There's a total of 25 lots that are assigned as being in the right of recovery area, and the total cost was split equally. Essentially everyone receives an equal benefit from the water service. As Mike indicated the service would be paid by the property owner. The property owner will be contacted by the developer or a contractor and offered the opportunity to install the service at

\$1,120 and that's from the bid. If there are any questions I'd be happy to answer.

Mike Pollocoff:

The other thing I might add is this assessment, again, is \$6,280.70. It's being paid for by the developer. At such time as people choose to activate that assessment they will need to pay the entire \$6,280 so the Village isn't incurring the debt on this to install this. It's a developer expense. We'll be paying that money directly to the developer. So if somebody decides to connect before the ten year period is up then they would need to have that money or secure some kind of home equity loan to be able to pay for it at that time because the Village is not financing this in any way whatsoever and we're not going to be able to issue--once that's connected, the Village owes the developer the money and then we have to come back and get it from the people and we won't be doing that through a bond. So it will not be at a specific point in time, but it's going to be as it's connected. That's where the work will go.

One of the subjects that was brought up at the Plan Commission was the cost of installing the restoration of the roadway over the water main. It is bigger on this project than other ones because the road is substandard. We haven't done anything on that road as part of our previous road improvements because there's always been this bubble about whether there would be water on that road or not. But when we do put in a water main someplace, and if we assume that 89th Avenue was in fairly decent shape, the way it works is the Water Utility is a separate entity from the Village general fund because the general fund is composed of those operations that are supported by property tax dollars, and the Water Utility is in operation where its funds are supported by user fees.

Whenever a water main goes in the cost of that project, of course, is the cost of the pipe, constructing the pipe, and then doing restoration on anything that's around there, whether it was in the roadway or ditchway or whatever. The cost of that restoration and the work is not borne by the taxpayers. It's borne by the utility through the people who are using that water. So if we were to do a special assessment on this street everybody who is charged a special assessment would be paying the cost of the road restoration. And I think that holds true here. And what makes that make a little more sense here is the fact that the cost for the road restoration itself is being diluted over not just the Village residents that are on 89th but the new Village residents that will be on 91st and the commercial businesses that are having to pay more of that road restoration project than normal because that's what's necessary to get this thing under way. So when you look at the assessment at \$6,280, it's very similar to other water assessments. In fact, it's a little bit less based on the width of most of those lots in that area than what we have for a typical water assessment where you're restoring 12 feet of pavement or 8 feet depending on the size of the main.

So a little bit unusual project, but hopefully we have it structured in such a way that people if they feel they have a good working well they've got an option to continue to use that well, and at the end of ten years they've got an easier choice to make than some people have because they'll be able to hook into a municipal water system at no expense.

I think the project right now is slated to start in the spring if everything proceeds, if they get their final plat approval from the Board in this hearing tonight. So that's it from the staff. If you open

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up the hearing we can take comments from the public and answer any questions at that time.

John Steinbrink:

This being a public hearing I will open it up to public comment or question. We ask that you give us your name and address for the record and please use the microphone. Did we have a sign up sheet?

Jane Romanowski:

Yes, we did. The first speaker is Theresa Zielsdorf.

Theresa Zielsdorf:

Good evening. My name is Theresa Zielsdorf, and I live at 7229 89th Avenue. As Mr. Pollocoff has been describing the water will go past our home. My husband and I have lived on 89th Avenue since 1974, and we have paid property taxes to Pleasant Prairie since 1974. And since 1974 89th Avenue and 70th Street have been poor. They have never been a good quality road. They are gravelly at best, and as 70th Street goes west it just disappears.

As we in the past requested road repairs nothing ever came. We were told when water comes you can have a road. So for 30 years, I guess like good girls and boys, we have lived on that road and accepted a very poor road when other roads were being built and fixed and whatever within Pleasant Prairie. We accepted this poor road. And, sure enough, we're going to get water and we're going to get a new road. The bad part is we're going to pay for it. As Mr. Pollocoff has pointed out, he's saying we can't expect Mr. Stanich to pay for something that's going to benefit us, and yet I see that much heavier on the other side. That road and that water are going to greatly benefit Mr. Stanich and his subdivision, and running water up 89th Avenue and 70th Street and getting a nice, new paved road is going to benefit Pleasant Prairie as well.

I do understand that we don't have to take it for ten years. While that in reality might happen for some of us, I think it's a pretty unrealistic thing to think that with the mobility of people that a lot of people on our road will be there for ten years. They're going to need to sell before that, and if they sell that assessment certainly must be dealt with. Some of who have been there a while may have well misfortunes and decide we want water, or we may decide it is a good selling point. Or, heaven forbid, our wells may be condemned as has happened in some areas. So I don't think we can say \$6,280 is there but citizens don't worry it's going to disappear and you don't have to pay for it if you don't want to and in ten years it will disappear. I'm not sure that's real realistic.

I was also wondering if I could get a clarification. If the 18 lots in the Westfield Subdivision are being assessed individually or whether that is considered one parcel to split the cost? Are each of those lots being thrown in with our lots on the street so it's 18 and not a subdivision as one entity?

Mike Pollocoff:

That's right.

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Theresa Zielsdorf:

I see benefits in the water, no doubt about it, but we certainly are not happy for the over \$6,000 to get that street that we have needed and I think deserved for quite some time. Thank you.

Russell Rynders:

Russell Rynders, 7224 89th Avenue. First I want you all to know, and most of you know, I work for Pleasant Prairie, 15 years. I've seen a lot of streets get tore up by utilities. I've seen a lot of streets get paved by I'm sure it was Pleasant Prairie. I saw Pleasant Homes get all their water lines replaced, all their streets repaved. Who paid for this? Taxpayers or the people of Pleasant Homes? Can you answer that, Steve?

Steve Kumorkiewicz:

Yes, we paid for the improvements. We purchased the utility because we couldn't take over the sewer but we took over the water plant back in 1983. At that time the Public Service Commission is the one who made the determination of the price of our utility and that went to referendum township wide. The whole township votes to approve the referendum but only the residents of Pleasant Homes paid for that, because I recall my cost and my property as you know is one of the smaller properties in Pleasant Homes was about \$700 and I took it many years ago. So the people that were affected in that area were the only ones responsible for that.

John Steinbrink:

I just want to remind the speaker that this is the public hearing and this is the opportunity for your public input. Generally the staff and the Trustees will answer questions at the end of it.

Russell Rynders:

Okay, I'll ask questions at the end. Thank you.

Chris Martin:

Hi, Chris Martin, 7108 89th Avenue, the corner lot at 70th and 89th there. A few questions that maybe you can answer at the end of the meeting. Would any of the residents ever be forced to hook up bar any problems with their wells? I can see if the well is condemned you may be

forced to hook up, but if we sold our homes would we be forced to hook up at that point before the sale went through, or for any other reason in the next ten years is there a chance we'd be forced to hook up?

The other question was will a lateral connection be used ten years from now if it's put on now and not used for that entire time? Corrosion issues and all that. I don't know if anyone here can answer that or not, but is that a possibility that a lateral will be unusable and they'd have to re-up

the road and do that again in ten years if we did hook up now?

And my third question was in the notice I received the cost for the later was going to be \$1,500, and I thought I heard \$1,100 today. So just verify that. Thank you.

John Steinbrink:

Just to clarify, Russ did you have more questions? Because what I meant is that at the end we answer those questions. Thank you, Russ. Anyone else wishing to speak on this item? Hearing none, I'll close the public hearing and open it up to Board comment or questions. Mike, did you want to respond to some of the questions?

Mike Pollocoff:

The first one with Mrs. Zielsdorf with the wells, could they be condemned? I think that also relates to a question by Mr. Martin. The Village doesn't condemn wells. That's done by the Kenosha County Health Department, but I can't say that that wouldn't happen. I've been here a while and I can think of two wells that I know have been condemned over 20 years and they needed to be condemned and that's something the County did. You can have a lot of sulphur, a lot of iron, you can have some pretty hard water or smelly water, but the real thing that's going to condemn a well is fecal coliform or some kind of organic contamination that's discovered. Typically that's something somebody is going to discover on their own when they do a well test and seek to either redrill or do something to their well or connect to municipal water.

On Russ's question, if I caught the gist of that, and it also relates to a question that Theresa brought up, is that the Village has paved a lot of roads and there's been utilities put in and that's true. I think this road doesn't rate very well, and it's a road that we've waited on. We try not to pave a road and then go back after we've paved it and put in water or sewer. We try to get that stage so that it happens once because it's the most cost effective way to do it.

Russ, with respect to have we paved roads when we put utilities in? You bet we have. It's typically almost always the cost of the utility. Now, sometimes that isn't very big because it's just a transfer for water because water is about eight feet deep and you really don't create that big a trench. But we've had some streets where we're putting sewer in and the whole street is gone. I mean the whole street just disappears into the trench, and that's part of the utility's expense because, again, the taxpayers paid for the people who bought that street when they put that house in there, paid for that initial road. The Village obligation is to maintain that road in perpetuity.

Now, in this case, if somebody is a sewer utility or a water utility put an improvement in the road, damaged the road, that's a cost of that utility that puts that back to where it was for the general fund for the taxpayers so that the taxpayers aren't paying for utilities to come in and make improvements in putting that road in. So almost every--I'm trying to think right now how many times we've had the general fund go back and repave a road that a utility has disrupted, and it's the utilities that pay for that expense because the utility has caused the disruption to the road.

There have been sometimes where we've put in sewer and water, and right behind the Village

Hall here is an example, where by the time we were done there was hardly anything. Sewer was on one side of the road, water was on the other, and we just demolished the entire profile and that was an expense for the utility to come back and restore that. And just as a practical matter the Village's allocation of funds for road improvements has historically been very, very small. It hasn't been that big. And under the budgets that have been adopted the last three years it's gotten smaller and smaller until in this year's budget there's zero dollars for paving.

Mr. Martin, would you be forced to connect? You'd only be forced to connect, again, if there was a public health problem that was established by the County Health Department or the State Health Department that was verified at your property or your neighbor's property. Under the resolution that's adopted for this project the Village is only requiring connection if you decide to use it. That would be the only way that the Village would require connect. Again, that's been far and few between. Most times people if they suspect a health problem they're looking to connect way before a public agency comes in and makes then connect. For any reason over ten years, the only reason that's been established with the weight of law that would be adopted tonight would be your sole decision to connect and you'd be pulling the trigger on it.

Would a lateral be usable? I've been here 20 years and I've seen some laterals that have been in the ground 20 years before I got here that are still usable. But that's not to say that I wouldn't recommend you visiting with a contractor and looking at possibly PVC rather than copper. The soils here are a little hot. You tend to see some pitting or weakness in the pipe, and I'd definitely consider using a PVC that's plastic and can't be corroded as your lateral going out. I don't know if that's changed. Can we put PVC in the street now?

Bob Martin:

Yes, that's allowed. That changed in the last go around.

Mike Pollocoff:

We're switching to that, too. Copper is nice, but in the soils here it doesn't work as well. So that would be my recommendation if you do choose to put in a lateral is to put in PVC. The lateral price is based on contract. At the time we did the schedule we had a firm price on the front foot or the main cost, but we didn't have a firm price on the laterals. So the \$1,120 is the price that the contractor has offered for the people to have this put in.

As far as a sale, we have some deferred water assessments; some that come to mind are on Highway C that come from the Ladish water tower which is over there by Tri-Clover that go all the way down to River Oaks. In some of those assessments that water main was put in in the early '70s, and that was a deferred assessment project that brought water down to the River Oaks Subdivision. Some of those parcels still have deferred water assessments on them and that property has transacted a number of times. We don't require as part of a sale, and this resolution tonight won't require as part of a sale, that that assessment be paid off or be ended at the time of a sale. That's a buyer/seller decision. Every once in a while I get calls on that one and there's a few other ones where someone's lending institution will call and ask if the Village is going to require connection to the water main in that assessment, and basically I tell them the same thing I'm saying tonight. If they decide to use it they'll have to pay. But by the mere fact that there's a

change in ownership doesn't activate the special assessment. But I'll be honest with you, that doesn't mean that you could get a prickly mortgage officer or somebody who wants to know that that's satisfied and they may demand and require it, but it surely isn't a requirement of the Village.

Just as one final alternative, and I don't know if the developer is here or not, it might make him crazy but it might be something the Board wants to consider, if they feel there's a lot of backlash from people having the water on that street, we could look at terminating the project at 73rd and then have the water main go up 88th to 70th so the people in 70th there's no way they could get out of it, and then have it go that way and not have the water main going on 89th. Everybody is Village residents whether they're on 88th or 89th in the way you deal with this issue one way or another, but if there are strong feelings about not having a water main on 89th Avenue that's an alternative. It doesn't get the road paved. The Village will still have to, if the real issue is getting the road paved, come up with some source of funds in the future by whatever means we choose, whether it's going to be a referendum or some kind of adjustment to set money aside to pave that road. And then at some point deal with the water in the future. I think from the staff's perspective this was the best win/win situation we could to give the people some room or latitude to have the improvements and not have to pay for it possibly if they wait long enough.

Mike Serpe:

Mike, presently there's absolutely no money in the budget for a road repaving due to the tax freeze.

Mike Pollocoff:

No.

Mike Serpe:

And we discussed this in open session that if there were repaving projects to be done in the future we may have to go to referendum to get that money to do these. That being said, if this project were to proceed just for the sake of discussion, if this project were to proceed with the water and the road reconstruction and the people would be assessed with the road repaving, is that correct?

Mike Pollocoff:

They're being assessed for their share of the road repaving. The new people are being assessed for part of it as well.

Mike Serpe:

Right, but the people that are there would also pay as well?

Mike Pollocoff:

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Right.

Mike Serpe:

If we went to a referendum, if we put it on a ballot and passed, would these people that just paid for their portion have to pay again?

Mike Pollocoff:

To have the road repaved again?

Mike Serpe:

Not repaved, but to pay the money to have—

Mike Pollocoff:

Sure, that will happen to somebody who has had their road repaved last year if we have a referendum to do repaving. Everybody kind of puts their money in and it comes in when your road gets paid when your turn comes up.

Mike Serpe:

We haven't assessed anybody for repaving as yet have we?

Mike Pollocoff:

No, that would be the other option that the Village could look at. Rather than raising property taxes to do it is whenever we do a repaving assess that specific road so that if Alex's road got paved he'd pay and I wouldn't have to pay or vice versa. There's a lot of cities and states that do that. You treat it basically like your roof. If your roof goes 30 years it's time to replace it and if your asphalt lasts 30 years it's time to replace it. I think as public finance changes around with freezes and whatever there's going to be some different ways of looking at skinning the cat.

Mike Serpe:

If we do go to referendum, and I don't see how we can avoid it, I think your option that you just mentioned about putting water just up 70th and get to the new area would be the way to go for these people. And then if the referendum passes they're going to be a part of paying for their reconstruction of the road or repaving of the road as time goes on. But I think there's a real practical matter here as far as having that water line go down the front of your road and have it available like an insurance policy in the event that your well does go bad or something happens, you have that option for a pretty reasonable cost, even though it sounds high, for a pretty reasonable cost to hook up with municipal water. Plus the fact that the fire hydrants will not go down anywhere past 70th Street to 89th. And there's a benefit there as well.

It's not my project and I'm not the one paying, but I went through this and what Mike was talking about. I lived through it where my assessment was \$12,500 for sewer and water and that was 15 or 16 years ago. As it turned out it's the best thing we've ever done. But this decision, which route we take tonight, that's going to be a little difficult in light of we don't know what the future is going to bring with a referendum, whether it passes or fails, and just how adamantly people are that they want that road done and how fast they want it done. All these things are going to weigh on our decision here.

Alex Tiahnybok:

I just want to restate the facts as I hear them tonight. Prior to Mike's explanation and Bob's explanation I think there was a fair amount of confusion from the affected property owners. I just want to state the scenario as I see it and you can tell me if I got it right or wrong. There's clearly a desire to have the roads in your neighborhood paved finally and done properly. It sounds like this project accounts for that. This plan, if I understand it correctly, is a--I frequently in my real life I view things in terms of risk, and right now from what I can gather from the presentations and the supporting detail it looks like the risk of \$157,000 is being borne by the developer. If any of the 25 affected properties decides to opt into this, then naturally you're getting an improvement, you're getting municipal water. Everyone in the process is going to get the roads repaired. And, of course, if you hook up to the main according to today's pricing that would be an addition \$1,120. So for \$6,400 you'll have water service, a lateral to your property and an improved road. That's if you decide to connect to it.

If you decide not to connect to it, then if I understand things correctly this is a zero cost benefit to the affected property owners. If you have a functioning well and at no time in the next ten years do you need to hook up to it, you've literally got your road for free and you've got, sort of as Mike suggests today a good backup plan that if you ever needed to hook up to water you'd have something in the area of \$1,500 or \$2,000 and you'd be able to hook up to city water versus the expense of digging a new well or whatever. And I imagine that would be significantly more expensive than the water main hookup ten years from now.

So from that perspective, considering all these improvements would be made and only the property owners that opt into it voluntarily pay a price, I don't see a lot of down side. Do I have this correct, Mike?

Mike Pollocoff:

Yes. You've got \$6,200, if the service lateral was \$1,100 so you're looking at \$7,300 or almost \$7,400 in total cost if you exercise it. There haven't been amazingly a lot of project where we've been able to work a situation where someone is able to do a ten year right of recovery and be able to connect to municipal water for \$1,100.

Alex Tiahnybok:

I have one more follow-up question. This particular project is different than a Village operated main extension because in this case the cost of the operation is being borne by the developer. If the Village was doing it, such as what was done over the course of the last year or so down

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Sheridan Road, hooking up to the water main would not be an option, it would be a requirement, correct?

Mike Pollocoff:

That's right.

Alex Tiahnybok:

In this case it's an option. I understand the issue of does this impact one's property should a sale occur, and it's not something the Village would enforce but probably a mortgage banker on the buyer's side. I think all things considered it's a pretty good deal for the property owners. I'd love to hear from them again if possible to see if they agree with this perspective or not.

Steve Kumorkiewicz:

Russ, I remember years ago you mentioned Pleasant Homes and all the breaks that we got. Still today there are two mains that were not replaced. One of them is in my street and my street is one of the worst streets in the Village. It's not going to be fixed until the main is replaced, 122nd and 125th. I think that pretty much answers the questions of the first lady that spoke before about the roads and the mains.

In looking at the total price for each property, I think that what happens 5 years from now or 10 years from now or 15 years from now, the cost per foot today and at those times, actually this price is frozen. It's going to remain the same. We've got a case in Carol Beach, which I was consultant on, the main water line was installed, but the assessment was deferred. Now they have to pay the deferred assessment when they sold the property because it goes with the property. That is the case here, too, in which they sell the property, the special assessment goes to the new owner, and maybe he doesn't have to pay either because the well is going to be good. So I don't know how . . . can afford . . . making that special assessment because . . . for the buyer. So that's why the assessment goes with the property when it's sold. The costs are raising in any type of activity - we're getting a good deal in this. As Alex said here the one who is going to bear the cost of this is the developer not the residents.

Jeff Lauer:

From how I understand this, if someone wants to connect it's \$7,400.70. And when I heard Theresa speak, because I've been over in that area, that it's been almost 30 years and the roads haven't been worked on I think that's an injustice to do. Obviously this isn't an easy thing to do. I see the developer is asking this to be done for his benefit. And I think maybe the Board should look at seeing if the developer can help reduce the overall cost here, for example putting the road in and paying for the road and paving. I don't think in order for these residents to have a good working road that they should have to pay \$7,400 in order to get that road. Maybe we should look at the developer and saying how about doing this, because he's the one requesting it. The citizens aren't requesting it. If I'm mistaken then maybe the citizens could be allowed to let me know, but the developer is bringing this before the Board. I understand the benefits and I see it, I just have a problem with it, that even though you're not paying for it up front, guess what, you're

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not getting the road unless, one, we put it on the referendum and, two, unless you have water. I just don't think that's the correct way to go right now. Maybe I could hear the comments on seeing if the developer would be willing to do that. Just put the road in and reduce the cost of the \$6,280 for the residents that are affected.

Mike Serpe:

Let me ask this, Mike. We are not forcing people to abandon their wells if they take municipal water, is that correct?

Mike Pollocoff:

That's right. They have to have them tested and they have to have them hooked up to the outside.

Mike Serpe:

They just can't cross-connect the two systems and that's a major benefit. Again, what is the cost of just the paving portion of this?

Mike Pollocoff:

Do you have that, Bob?

Bob Martin:

It's \$32,000.

Mike Serpe:

Divided by how many parcels?

Bob Martin:

Twenty five.

Mike Pollocoff:

We're really not dividing it by that because you've got the commercial parcels as well. So it's based on frontage.

Mike Serpe:

What would the homeowner's portion of that be?

Mike Pollocoff:

In this case here?

Mike Serpe:

Yes.

Mike Pollocoff:

We'll see if they can pull that out. Just to respond to Trustee Lauer's comment or question of why don't we make the developer pay for it. I'm all for making sure the developers pay for everything they have to pay for. In fact, the ordinance requires that I do that. Your staff has negotiated the most stringent settlement with the developer that we can, and my advice to the Board is that although it might be politically easier to say make the developer pay for it and it should be his cost, I don't think you could make that politically stick. I think if that's the case you need to be ready to buy that parcel because you're going to make it undevelopable, and you're making him pay for something that he can show readily that he doesn't benefit from. If that's the case, if you don't feel that the residents on 89th should pay for it, then I think that you need to look at going to 88th or asking the staff to find grounds to deny the plat for some reason. The case law and the statutes are pretty specific.

Bob and Jean and I have gone through the plans from the developer and we've pushed as much towards the developer as we can and had the cost spread out as evenly as we can to make sure that the existing homeowners aren't impacted. But if we're going to go back to the developer and say if you want to do this development in order to do it you have to pave 89th and not charge the residents for it, or give them another deal on the water, as much fun as that might be for everybody I think in the real world that isn't realistic. At that point we can't make that stick. If we don't want to do the water project, at that point I think what we're saying is we don't want to do the water project at 89th and we need to look at going to 88th. Based on the conceptual plan, the preliminary plat that's been adopted, I think we'd be in a difficult position as a community to say that we've changed our minds and we don't want that land to develop unless you do it this way. I think you'd open the Village up to some serious legal challenges.

Mike Serpe:

I have a couple more things. Bob, do you have the answer?

Bob Martin:

I just wanted to comment. I'm not sure it was real clear with my explanation, but the on site which is the development, the water main would just spoil backfill which is typical because they're going into a field essentially. It's \$36.10 a lineal foot. With the granular backfill and that would be the assessable area in particular, it's \$62.50, and that would be the cost if there were a petition for the water on those streets and avenues. Those two are being averaged out over the entire on site and off site improvements, and that's really one of the advantages of doing a water project of this magnitude. If it's a smaller one it may cost higher, maybe higher just because of size. The development is bringing a cheaper cost here to the water main.

Typically we'll see \$50 or \$60 or even \$70 a lineal foot on some of these projects depending on

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the size and if it has a lot of granular backfill for example. So that to give you kind of a perspective of where the costs are. Again, if there were a petition six months from now on that particular avenue or street, you would see the higher cost and it wouldn't be diluted. So I think there's a certain advantage if there's a need at some point or somebody wants it later on.

John Steinbrink:

The developer is responsible for the trench portion of going down that road of restoring it, correct?

Bob Martin:

Correct.

John Steinbrink:

So is that subtracted out of the \$62.50 then?

Bob Martin:

It's averaged over both on site and off site improvements. And the rationale that we told the developer was since you've got to loop this it's not fair to hand over the higher part to the residential side and have the cheaper part--so they should be averaged. So the total cost, and that's why you'll see in the assessment report, the total cost is included and then it gets divided out and it's averaged out. So it brings the cost down for the residential side significantly.

Mike Serpe:

I want to remind everybody to just think about something for just a minute. If we don't put the water line in the entire project, I guarantee you between now and a few years from now somebody or a lot of people are going to petition this Board for water. Something is going to happen to a well, a well is going to fail, a well is going to become contaminated. And then when you petition us for that we're going to have to have a hearing, and if it's a public safety issue we're going to have to extend the water. If we do it then it's going to be much more expensive than if we adopt what we're suggesting tonight. That's just something to think about.

I think Alex hit it right on the head. I think this is a risk and you take a chance with the risk. I think you're going to be a lot better off getting the road, having that water available if you ever need it, and some day the majority most likely will need it, and it's there whenever you want to hook up. If it's after ten years, it only costs you what it costs you to get a plumber out there and make that connection in your house. If it's before that then you pay the assessment. I think it's a good gamble to put it through the whole project myself and not to circumvent any part of that neighborhood.

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Jeff Lauer:

Just two items. One, as far as Mike you mentioned a political decision this isn't politics, it's trying to do the will of the citizens. The Village has been here long enough to know that we can contract with the developers, and I know the things that have been said and done. But if the developer said, you know what, we'll pay that whole road for the citizens there as long as they pay for the water and hookup I don't think we would deny and say no to that. But we can always suggest it, because when you negotiate contracts you can talk about anything you want. If the Board doesn't mind, I know there are three folks that spoke on this, would there be a problem to ask after what they've heard if you would support this or not support it?

Alex Tiahnybok:

I'd support that 100 percent.

John Steinbrink:

Jeff, let me get this right. You're saying the developer pay for the road if the citizens hooked up to the water?

Jeff Lauer:

No, I said in comment to Mike that when you negotiate deals with developers, if the developer stated, well, I'd pave this road for the citizens and that's no problem, would the Village say no you can't do that?

Steve Kumorkiewicz:

What are the legal ramifications of that?

Mike Pollocoff:

Mr. Lauer, the Village staff has negotiated the most that we can within what we feel are legal limits. If you feel the staff hasn't done that, then my recommendation is you remand this back to the staff, back to the developer and ask him are you willing to bring anything more over and above than what you're required to. If you feel we haven't done a good enough job on negotiating the agreement then deny the resolution and send it back.

Jeff Lauer:

I'm not saying that staff didn't do a good job. I wish people would answer the question that's asked. I said if the developer said to Jean or whoever they negotiated with during this project time that, you know what, we'll pave that area at no costs to the residents, would the Village have said yes or no?

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Mike Pollocoff:

If the developer told us he was going to give us a free road I don't know that anybody on the staff would turn it down. In fact, I think the developer would give us free asphalt, but he wasn't going to pay for an eight foot trench five feet wide full of granular material. It's not as simple as putting asphalt down. I do think I was being responsive to your question. It isn't as simple. If they were willing to give us anything we would take anything people would give us.

Jeff Lauer:

I just don't want you to make a public comment that I don't think the staff did a good job. If they didn't, trust me I will say it. Now, is there a problem with having the three residents respond if they would approve after what they heard so we know how to vote?

Alex Tiahnybok:

First off I'll second Jeff's motion to reopen. But a couple of points. This notice was sent to 25 residents. I guess I'm as equally frustrated by this as I was by the turnout for the Carol Beach flood improvement project. Of the 61 affected properties 8 homeowners showed up. Here we have 25 properties and 3 people show up. It's hard to--Jeff is asking to open it up and I hope you come up and talk. The way I see it if this thing goes forward there's going to be two options. One is if you have a perfectly functioning well and you don't see any risk of having to hook up to water, you're going to get a water main put in front of your house and you're going to get a paved road. That's option one. The other option is if you have a failing system, a well system or whatever, I have no idea what the going rate for digging a new well is, but I imagine it's

something in this price range. So you're going to wind up with a continuation of a poor road and a new well that's something in the range of probably \$5,000 or \$6,000. I don't know what digging a well costs but I imagine it's somewhere in that area.

If you have a perfectly functioning well, this is a no cost improvement to your property. Ten years from now there will be no assessment and it will all be gone. Again, I absolutely welcome citizens' comments, and I'll support anything that Jeff recommends.

John Steinbrink:

We have a motion and a second on the floor. Any further discussion on that motion? If not, the motion is to reopen the public hearing so we can get input from citizens on the fact that do you want to--there's several options here. You can run the water down 88th, or go 89th, pretty much 89th will stay the way it is. We've worked out an agreement with the developer, or Mr. Lauer's feeling that you can go back to the developer and say do you wish to pay for the rest of the road. Is there anybody here representing the developer this evening?

Todd Stanich:

I do. I'm one of them. Todd Stanich. It's interesting to hear everyone's comments, but at some

point obviously it becomes counterproductive to do development if off site public improvements go beyond the normal scope of what we're doing. Initially when we first started discussions on this project two years ago I believe it was, we felt with the location of the water main I believe on 74th Street that we could accomplish this development with really only on site improvements completing the loop within the project itself. The Village had requested that because of the need and the desire to extend the water main to property owners that don't have that available to them that they would like us to loop it around 89th Avenue and 70th Street giving I don't know how many properties right in that area. I think Alex you were saying 20 and some. Giving those property owners the opportunity to improve their properties with public utilities. Not something from a development perspective that we were really planning on when we had first looked at developing the property. But, of course, during development there's always some give and take, and we have agreed at this point to pull the water main down 89th Avenue under the conditions of the right of recovery that's on the table right now.

I can't, unfortunately, make decisions independently with regards to this development. My father is not with us today. I would tend to say that we have been working on this project for two years. I believe we're in for the final plat right now and we're anxious to get going. We have some interest in that property. We've tried to work with the Village on everything that's been proposed, and we're ready to move forward. So I don't know where we go from here exactly but I'm here for any questions.

Alex Tiahnybok:

In looking at the breakdown of the costs and I'm assuming you have these numbers.

Todd Stanich:

I don't have them with me, I'm sorry.

Alex Tiahnybok:

Okay. The on site water main costs total to \$100,000 approximately. The off site, which means not the subdivision that you're developing, the water main and the asphalt total is \$158,000 approximately. So it's \$100,000 versus \$158,000. Of that \$158,000, in rough numbers, \$32,000 represents the cost of the pavement, \$4,000 for the pulverizing that Bob described; \$18,000 for the lower layer of asphalt; \$11,000 for the upper layer of asphalt; and \$3,000 for the base. That's the paving part, \$32,000 out of a total \$257,000 project. So approximately 10 percent. I realize you can't speak for your father, and Jeff's recommendation of the developer accounting for the pavement costs would reduce the \$6,280 down to about \$5,600 or so. That would be the impact if we eliminated the pavement part. I'm not saying it's insignificant, but it's not a big part of this entire project. That just needs to be in perspective.

Mike Pollocoff:

One thing I want to clarify from Mr. Stanich's comments, if we would have been able to just have the water main extended from 74th Avenue without involving 89th Avenue that would have been

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fine. The reason we were required is we needed to loop that system. We couldn't have maintained the volume and the pressures needed for a commercial development plus a residential without having the line looped. So that's why we did it. The residents on 89th Street don't need my help to bring water to them. They can petition for it at any time. So the reason for us requiring it was in order for your development to proceed you need to have a looped system to maintain the volume and pressures you need. It's not for any other purpose other than that. If it was, that would have to be something they would initiate on their own.

Todd Stanich:

I know that initially when we had first started working on this we had looked at different routes. We had talked about 88th Avenue. Back two years ago there was some development of the Rolling Meadows Subdivisions further to the north that was going on and the repaving of 88th and how perhaps how we could have tied in that loop at that point. I know that it was briefly discussed. Of course, the timing wasn't perfect with coordinating that with the events . . . as far as the construction is concerned . . . so we would need to discuss it further . . .

John Steinbrink:

Any further comments for Todd?

Steve Kumorkiewicz:

The question I've got. If we start this project all over again, are the costs going to be basically the same or increased?

Todd Stanich:

If we were to start our project over again it would absolutely increase. We have about two years of engineering . . .

Steve Kumorkiewicz:

. . . both would increase?

Todd Stanich:

Both would increase, absolutely.

Steve Kumorkiewicz:

If the neighbors come up with a petition in the future the cost is going to be higher, Mike?

Mike Pollocoff:

That's correct.

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Steve Kumorkiewicz:

That's where I have a concern. At this price . . . if you do it today, but as Alex says the risk is good . . . you can go another ten years it's a benefit for the resident. If we try to separate now again and try to force the builder to pay more and he says I don't want to pay the portion in which . . . his site not involved . . . very muddy waters because . . . the route I want to go. So I'm undecided on this situation if we should go with it and Alex the question about the amount of residents not showing up is a problem that we have for years and years. Very few people show up to the meetings. If we hold another hearing and other numbers I think the numbers are going to go up no doubt.

Mike Serpe:

Mr. Chairman, I'd call the question please.

John Steinbrink:

We have a motion on the floor to reopen the hearing to have further input from the residents.

Todd Stanich:

Can I interject just a couple of questions that were asked. With regards to how much is it for a new well. I just had one bid out because we have a lot that we're looking to put a new house on and I had a proposal for \$7,500 for a well. So if a well fails that's what you're looking at. Outside of complications for the actual digging of the well that was the estimate. It was \$7,500. We have opted on that particular lot to pursue extending the water main at a cost of \$20,000 as opposed to a \$7,500 well, because we feel that the property would be benefitted better with water service as opposed to well service and actually increase the value of the property. So just as a little side note as well. Thank you.

John Steinbrink:

We have a motion and a second for further input. Those in favor?

Voices:

Aye.

Steve Kumorkiewicz:

I'm still not too clear. Are we going to reopen the hearing for the same numbers that we have right here?

John Steinbrink:

We're asking for further citizen input on what's before us right now.

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Steve Kumorkiewicz:

Thank you.

John Steinbrink:

Your vote is?

Steve Kumorkiewicz:

Okay, yes.

LAUER MOVED TO REOPEN THE PUBLIC HEARING FOR ADDITIONAL COMMENTS FROM THE CITIZENS; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

John Steinbrink:

Motion carries. We'll reopen the public hearing. We ask once again you give your name and address for the record and use the microphone.

Bill Zielsdorf:

My name is Bill Zielsdorf. I reside at 7229 89th Avenue. My wife is Theresa. Just a clarification on the numbers you're using as far as the number 25. If I understand correctly you're talking about the existing residents as far as splitting the cost as far as road repairs or reconstruction. My thought would be why can't the lots that are a part of the new subdivision, and correct me if I say a wrong number, but there are 18 lots that are in the new subdivision under the proposal as well as the three corporate or business lots on 74th Street. Why can't they be added to the number that would be divisible as far as sharing the cost as far as road construction?

Mike Pollocoff:

They are. Twenty-five is just the number in this assessment hearing, but the cost of the project is divided amongst the entire project. We're not assessing the developer. He gets the bill for everything in total and he collects his money that way. So what we did is we took the road project and we took the project cost and we divided it amongst the on site improvements and the off site improvements so that number has been spread around. It's just for tonight all we're doing is assessing 25 homes that are off site.

Bill Zielsdorf:

Can you share with me again then what the cost actually is for road construction that I can in my own mind understand how that is divisible by 25 or whatever that correct number is.

Bob Martin:

There's 21 on site and 25 off site parcels.

Bill Zielsdorf:

And I would pretty much agree with that, yes.

Bob Martin:

\$288,912.06 was the total cost of all those on site and off site including, as I mentioned earlier, the on site which would be the project proper, not the assessable projects, there was 2,055 lineal feet of eight inch water main with spoil backfill of \$36.10. On the off site or assessable portion there was just under 1,200 lineal feet at \$6,250. All those got averaged by the 46 properties, so that's how we came up with the \$6,280.70. So included in that is the paving which also gets averaged out among all those other parcels.

Bill Zielsdorf:

My concern obviously is just that all lots. Again, as my wife indicated earlier this evening, the biggest benefactor of this program is the subdivision. They don't appear to want to go forward with it if the cost is too great or if they can't get the water up 89th Avenue. Again, in our situation having been there for 32 plus years here, we're certainly excited about the things happening in the Village of Pleasant Prairie and we would hope that would be some consideration on any party's behalf as far as recognizing what hasn't been done to the road for whatever reason. I don't want to feel like we're getting the goat's tail here because of assessment limitations now with State mandates and all these kind of things. I think our road needed attention a long time ago. I talk highly about all the other services of Pleasant Prairie. I hope I can speak highly about the outcome of this project given the magnitude of it. I just want to make sure that the proper people share in the cost and those who are going to benefit the most, whether it be, again, the contractor, Pleasant Prairie, or any other of the residents and we feel it's going to be a benefit to us but everybody shares equally in the benefit that they're going to derive in this. So I ask your consideration on that. Thank you for the extra time.

John Steinbrink:

Thank you.

Chris Martin:

Chris Martin, 7108 89th Avenue. Just to echo some of the things that Alex brought up. I'm at the other end of the scale from a lot of these folks here. My house was built in 2002. I have a vacant lot on the corner of 70th and 89th there. So I have a brand new well. I haven't lived on a road that's been in rotten condition for years and years and years. If it was up to me this is a great deal for me. I get a free road and I don't have to pay for it which is great. I do understand, though, that they've lived here for the years and years and years and to suffer with the condition with always the carrot that water will come and we'll do the road, water will come and we'll do the road. So I can feel for them.

My other statement is I do understand now that the Village is not getting the money they used to get from the State to do road repairs and things, so I can sympathize with the Village's position. My last point is the Village is in the driver's seat as far as new projects with developers. If this developer wasn't doing this project, we wouldn't have these meetings and there would not be water coming down the road. We'd have to petition for a road and we'd have to pay for it. But on the other hand you guys or we as a Village have the power to make other suggestions. As Mr. Lauer said, can we make attempts to get more, maybe more than is legally needed, but developers being businesses to make profit will give and take as they've done so far, and there's the possibility to bring that up of would you be willing to look at other situations potentially prorating that cost down the ten years. Five years it's half the money or whatever and things like that. That's basically my statement. Thank you.

John Steinbrink:

Mike, could you address the issue prorating the cost that Mr. Martin brought up?

Kathy Goessl:

Kathy Goessl, 7115 89th Avenue. I believe this is not a big risk to myself as a property owner. Ten years go by pretty fast. We're going to get a new road and water. I think there's a bigger risk here for the developer in terms of people not hooking up to the water and not having to pay the cost than it is for us as property owners. I know the financial situation of the Village, and I know this is our chance now to get the road and the water at no cost. In the future I don't think it would be a situation where we would get our road. It would probably be years before we get a road, so I would recommend voting for this and approving this.

John Steinbrink:

Anyone else wishing to speak. Anyone else wishing to speak?

Catherine Feest:

Catherine Feest, 7130 89th Avenue. I just want to say there are many more people here that are residents that they just don't wish to speak and do not care to speak, but there are quite a few residents here. And also I wanted to say that I believe my husband and I are in agreement with Zielsdorfs and with Chris Martin as well. Thank you.

John Steinbrink:

Anyone else wishing to speak? Are you a resident of that area?

Keith Kull:

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I'm 3609 122nd Street. Do I need to be a resident of that area in order to speak?

John Steinbrink:

No.

Jane Romanowski:

Your name please?

Keith Kull:

Keith Kull. I just have a question after staring at the picture. I guess we're talking about the area of development being the red zone. And I see the green zone there which appears to be farmland or so forth. Is that area also somehow benefiting from this water improvement?

Mike Pollocoff:

The green zone is the development zone.

Keith Kull:

The green zone is. Okay, thank you.

John Steinbrink:

Anyone else wishing to speak?

Gus Hauser:

Gus Hauser, 143 113th Street. I'm here to clarify one thing that has nothing to do with that project but it was brought up in context with that one. At Unit 2 Carol Beach out of nine persons that spoke against the project, actually nine spoke up and eight spoke against it, but there were another ten persons and only short notice that signed a petition against it. In other words, we were 18 persons against one person. That's a significant amount of opposition and I would like to have that noticed. It wasn't just the person that spoke up, but it was the persons that signed the petition just as well. Like I say, that amount was significant on such a short notice. Thank you.

John Steinbrink:

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

Jeff Lauer:

After hearing the residents speak and what they said I would move to approve the resolution.

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Mike Serpe:

You're saying approve Resolution 05-73?

Jeff Lauer:

Yes.

Mike Serpe:

I'll second that.

John Steinbrink:

Motion and a second. Further discussion?

Alex Tiahnybok:

Gus, I appreciate your comment about people willing to actually get up and also to the other people that spoke tonight. There's two ways of doing this at least from my perspective where I'm sitting. You can either try to divine what you think people are thinking or you try to listen to what people are telling you, and the most effective way is to actually say something. So I'm trying to do as good of a job of representation and that's what this is supposed to be about. So please don't misinterpret my comments as being some kind of castigation of lack of willingness to voice your opinion because I know you have one otherwise you wouldn't be here. Simultaneously, the people that are here that haven't spoken could be all in favor of this but they're worried about alienating their neighbors. That happens I'm sure in your subdivision, and it happens in Carol Beach in the area that Gus is talking about. It's interesting dynamics.

Gus, just further to comment on what happened two weeks regarding the flooding issue in Unit 2, I just confirmed over the course of the last couple of days with Bob Martin, January 12th--I'll be sending out a notice to the Carol Beach residents for a meeting here at Village Hall, and I know we're off topic, but to discuss this matter further so truly everyone that's affected by it will get a clear understanding of what's being proposed anyway. That's that for now.

LAUER MOVED TO ADOPT RESOLUTION #05-73 - FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR CONSTRUCTION OF MUNICIPAL WATER TO WESTFIELD HEIGHTS SUBDIVISION IN THE VICINITY OF 70TH STREET, 73RD STREET AND 89TH AVENUE; SECONDED BY SERPE; MOTION CARRIED 5-0.

5. CITIZEN COMMENTS

Larry Matson:

Larry Matson, 8550 122nd Street. I'd like to address Item D on the agenda, the request to waive

certain impact fees for Prairie Ridge Senior Campus. I'm surprised that so soon after adopting the schedule of fees for this item that this appeared on the agenda. I feel it's not in the best interest of the community to waive these fees for a single group. Is it because they are seniors? What about the young families that are struggling as well. If you want to do something nice for seniors, let's provide some drainage for Joe Chlebek and Gus Hauser in Unit 2 of Carol Beach. If your goal is to pull the plug on certain impact fees, let's drain that \$6.2 million pool. Thank you.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Carl Christensen:

I didn't get a chance to sign up. I appreciate it. My name is Carl Christensen. I live at 3201 122nd Street. I had some exhibits if I could pass them out. I have these pictures. I know I've talked to Mike about this. You'll see what I'm talking about with the exhibits here. I'll be very quick. The first page is we live at 3201 122nd Street. That's at the corner of 122nd and 32nd Avenue. This is a review of the Village. The Village decided not to take 32nd Avenue across the bike trail east. This Board voted for that. I know you had a lot of opposition. Our family we didn't sign the petition. We weren't part of the opposition. We did come to the meetings to talk about the road and try to get it to be circuitous and not come across our--the collector road, but we were for the road. We didn't sign the petition.

The Village has now said, well, since the road isn't going to go across we're not going to maintain 32nd Avenue. We bought our lot 11 years ago. We bought a corner lot. We bought that lot on purpose. We were the first ones in the subdivision, second ones in the subdivision, we could have bought any lot in there we wanted to. My wife wanted a corner lot. We had three cars. We wanted to be able to park our cars on the side. We didn't want to park our car in front of the lot. We also thought we could build maybe a second job someday and be on 32nd Avenue.

The second pictures starts to show you what the conditions are today. We've got no plowing taking place on 32nd Avenue. You can see all the traffic on the next page. That's how much pedestrian traffic is occurring on 32nd Avenue. All kinds of people take their dogs. As you know it snows and melts and the snow on asphalt once it gets cold like it is now turns to ice. I've heard comments, well, people are walking to a bike trail that's not plowed. Well, a bike trail you walk on ice on something like grass or gravel it's easier to walk on. You can't walk on ice on blacktop very well. It's a very hazardous condition today. This also blights my property.

So the Village's position, if they're not going to maintain this road after I bought a lot on a Village road, we hear about all these roads in the Village that don't meet Village standards and we're not going to plow them or maintain them, we purposely bought a lot on a Village road that met Village standards. Now the Village ten years later is saying sorry we don't want the road to go through. Or, the people in your subdivision didn't want the road to go through so, therefore, we're not going to maintain your road. I didn't vote for that. You voted for that. I wanted the road to go through. I thought it would be good to have \$500,000 houses a block from me. I didn't want the road to be a collector road, but I didn't say don't put the road through.

So why I'm here tonight is this is a blight for me. I have kids. We have kids. People use this. These are your residences. It's our shoes, it's our kids, it's hazardous. Look at this. It's a blight. Every time I come home I've got this huge mound of snow in front of my house. On the third page here our road, as you see, bends there, so the Village truck now since they're not going to plow 32nd Avenue they start at my driveway and start to go north on 32nd Avenue. Basically if you can see on page three over here the front of 122nd Street. So I'm getting no plowing in the front of my house even. So I've got now no plowing on my east side and I've got very little plowing on the north side of my house.

So I'm asking you this is not tenable for me. You're saying you're not going to maintain my road and it's going to look like Steve Kumorkiewicz's road some day and that's going to be a condemned road on the side of my house. That's not what I signed up for ten years ago. I bought a lot specifically on a proved dedicated road from the Village that you said you would maintain. Now all of a sudden because you don't want it you're going to abandon me? So I have guests coming by tomorrow and that's why I wanted to come over. Mr. Serpe promised me he was going to deal with this. I'm hoping he will.

I just want to point out I drove around and took a few more pictures of the Village. All around the Village we have road that are dead end roads. There's no cul-de-sac. If you look here at 124th Street that's the road in Steve's subdivision, dead end. I've got roads here at 123rd Street, dead end. There's 50 or 60 roads in the Village that are dead end roads and no cul-de-sac. The plow truck plows those. They're all plowed. My street you're going to just condemn me? I don't want to turn into Carol Beach. I'm sorry. I didn't buy in Carol Beach specifically. There's a road here on 113th Street, Mission Hills. There's no driveways on that street whatsoever. 150 foot back and our lot is 150 foot back. That's the one here that says 113th Street and that road is plowed. 150 foot back and he's got the same conditions I've got. He parks on this side. He's got a car there. I would love to park my car on the side of my lot and have my road plowed. So I'm just asking you apparently you need to open up or change your decision to not maintain 32nd Avenue.

I'm asking you please consider that. It's a blight on my house. You're taking away my values. You're taking away my access. You're taking away my building rights. If you condemn the road you've taken something from me. You can take the house and take the road but you have to compensate people. Market values. No one has come to me and said, Carl, we're going to take your road but we want to pay you for it. I don't expect you to do that. But I'm going to have a blighted road on the side of my house with no plowing because the Village doesn't want the road anymore. I'm sorry. I didn't vote for it. You did. So your vote now makes me have a condemned road on the side of my house. So what I'd like to see done is please immediately authorize the plowing of that. We have guests coming for Christmas. And then if you could consider working out for something for me to be similar to these pictures that I showed you. These people have it and I deserve it. Thank you.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Gus Hauser:

Gus Hauser, 143 113th Street. I originally did not intend to speak up today. I was still steaming from two weeks ago to be honest. That map that was brought before us that looked like a Texas congressional district. I'm sure a lot of you people know what I'm talking about. You have one house over here that's assessed, and the next one next to it for God knows what reason is not. Then you have one section totally unnecessary included. I would like each one of you Trustees please after the holidays contact me and I would like to go through with you with the maps. I would like to explain something. I brought at least seven or eight points up last meeting and none of them was addressed, and I know exactly the next time it will not be addressed either. So at least in the meantime every one of you has a chance, or at least I have a chance to voice my concerns to each one of you. Like I say, I contacted everyone before you. Alex, you responded to me. Jeff, you responded to me. Steve, you couldn't. Mike, you couldn't, but I still would like to talk to you. After the first of the year before the next meeting I would like to talk with each and every one of you. Thank you very much.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Keith Kull:

Again, Keith Kull, 3609 122nd Street. I wanted to speak to a comment that Carl had tonight about 32nd Avenue. I do recall when the Board make a decision not to cross the bike trail or the decision was made to not cross the bike trail, and there was several options relative to that spur that was down at the end of 122nd Street. There was a comment then as I recall to barricade off or somehow block off that road. I'd like to know what happened to that particular decision that was made by the Board to block that off. It's a road that shouldn't have went in to begin with. It was put in, and it was voted by the Board to block it off and it's not blocked off because it was going to be I guess reduced to just bike traffic or foot traffic going to the bike trail. Also I'd like to know a little bit more, later on I guess we're going to hear about Item F. Thank you.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Ted Pickus:

My name is Ted Pickus. I figured I'd better come up and clarify why I'm here. I am requesting tonight on Item F for an extension for the Prairie Trails East Subdivision for conceptual approval. It will expire next month. I will be in for preliminary plat approval next month but it will be after my expiration of the conceptual plan. What transpired is we went into SEWRPC. There's a lot of wetland areas in our subdivision, and they took--unfortunately I submitted it or Mr. Martin submitted it July 11th. We got a response back November 11th. So once we got that response back we had to recalculate a number of wetland areas. We've actually lost two lots, and we have to do some compensatory storage on the site. So that's why I'm here tonight.

And in regards to the street ending on 32nd Street, initially the neighborhood plan was to go

through the existing subdivision, so that's why that street came down there. I did not put that street in, but just to clarify that street was going to go over the bike trail. Thank you.

John Steinbrink:

Anyone else wishing to speak? Hearing none, I'll close citizen comments.

6. VILLAGE BOARD COMMENTS

Mike Serpe:

A couple things. Mr. Matson's comment about the impact fees. The Village is not the one that's asking for this. It's a request that is allowed by ordinance for somebody to petition this Board to have that hearing and that's what that's about tonight.

With reference to Mr. Christensen's 32nd Avenue, there's a reason why we didn't want to plow that and that's a safety issue because there's no place for that plow to turn around. A few years ago one of our driver's had the misfortune in a misfortune in a snowstorm to be plowing a street where he had to back up over a block, ran over somebody and killed that person. That employee still works for us and still has to live with that tragedy to this day. That's not something that's easy to do. And that's the reason why we said that we weren't going to plow 32nd Avenue because of the distance that somebody would have to back up if they got down to the end because there's no place to turn around.

I also understand Mr. Christiansen's concerns and that of the neighborhood, Prairie Trails West, about using that road to access the bike trail. That being the case, if anything is to be done, what I would recommend is the highway department just consider, is that 32nd Avenue be looked at not at the time of a snowstorm and not at the time of active plowing taking place, but to come back during the daylight hours in clear weather, and if there's a chance that they can open some of that up and make it accessible, fine. Only if everything is conducive to having it done. If it's snowing, if it's inclement weather, if it's dark, no plow should go down there. If everything is right and they can go down there and just cut a path in and still visibly see safely as they're backing up without any interference of inclement weather, just give that some consideration. I think that's a fair compromise. I think it would take care of the needs of the people that use that street to access the bike trail, and it will give Mr. Christiansen the couple parking places that he's looking for. He has a corner lot.

Gus, I was in Gulf Shores, Alabama when you called. I missed the meeting but I was having a good time.

Steve Kumorkiewicz:

Gus phone my house twice. I happened to be out and I thought he would call me back but he never did but I can go and see you anytime. Now the comment I'm going to make, Carl, if I recall correct a barricade was placed in the street a couple of years ago, and I believe if I recall correct your wife called me and I went over there. I talked to Mike and I talked to John, Jr. when I got back. I was told . . . because the reason the decision was made here in this room in front of everybody was to barricade that area so nobody could go through, no traffic and no plowing. That's what I recall we did here. Right, Mike . . . if I recall correct was that there is a storm sewer right in the curb in the area that leads to the retention pond. There was a problem with that. Do you remember that?

Mike Pollocoff:

I remember we presented the Board with five options on how to deal with that stretch of road. I didn't see all of Carl's pictures, but we do have areas that are stubs that we can plow. If there's a driveway off of it we always will plow it. This section of road you just heard tonight two divergent views from two citizens that live blocks from each other. One guy is saying we never should have went in and I thought we were going to block it off, and Carl said I depend on this road and I need the road. That's a difficulty at a Village Board meeting. Jean, if you want to hit that miscellaneous--these are some shots we took that I guess everybody can take a look at. You couldn't see the shots that Carl had brought in, but I think there's three of them here. There's a shot that shows that road clearly isn't plowed. You can see the outline of where the trees are.

What makes this different from other roads is it's a long stretch and you're curving around. So picture a snowplow going down that in snow, in a storm, plowing down to the end and then backing up back to a curve. It's a long stretch. As Trustee Serpe indicated we've actually had a fatality and we have accidents every year where somebody ends up underneath--the front end of their car is under a snowplow. We have these big signs on the backs of the snowplows that say stay 100 feet back, but they get right up behind those, and the plow driver has limited vision. The closer you get to the back of the dump truck the less they can see. So this isn't just a minor or a little stub. It's a run of road and it has a curve to it.

So when the Board looked at options, the option that was selected was to bollard the road off and to block it off so it would stay in one piece. Mr. Christiansen indicated at that time that he wanted to have access to the road and that was a problem. The residents wanted it closed off and some of the residents wanted it ripped out. It was just kind of a mixed bag. As such we indicated we wouldn't plow it and that's what you have.

Now, as Trustee Serpe indicated, if we can maybe get down there with a smaller truck when we're not in plowing operations and we're not backing up at an adverse time. My request to the Board is that if we take care of Mr. Christiansen's issues so that he has--how much parking room do you need, Carl, 100 feet or 200?

Carl Christensen:

. . . I'd like the street to be plowed the length of my property line.

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Mike Pollocoff:

So we cover all of Carl's property so he's fair and square, so then we only back up 132 feet. What I don't want to do is put the plow driver in a position where he's in a storm and he's backing up curving looking for people behind him. That was the goal in doing that. It's not to deprive anybody of service. But at the end of the day nobody lives on this street. It goes to the bike path which isn't plowed. It's a trail to the bike path. But if we can plow down to a point where we don't have to start curving around and backing up on a curve and we can fit that in, there's some issue . . . we can't afford to do it but we put our resources where we can get the maximum benefit where there are people actually using the road. So if Carl is using 132 feet then we'll try and plow 132 feet. They might miss and get 130 or 129, but we'll go so we're not curving and take care of that.

Carl Christiansen:

How about the maintenance . . . seal my road . . .

Mike Pollocoff:

Maintenance is an issue that the Board is going working with now and how that's going to happen. Right now we're not maintaining anybody's roads so you're not being slighted.

(Inaudible)

John Steinbrink:

Okay, I'm not going to have a discussion going back and forth.

Alex Tiahnybok:

Some of the things I was going to comment on have been touched on already, but I'd like to compliment Trustee Serpe for his creativity. Clearly if there's a major snowstorm on a road leading to a blocked off bike path there's no need to treat it during those conditions. So something that I commented on six or eight weeks ago about the interspaced kind of mind thinking in terms of determining what the needs are and what the obstacles are and coming up with creative solutions, I think that's a great creative solution. So I think whatever method needs to be done for the Village Administrator to instruct a snowplow operation to take care of it on a timely basis when the weather clears and during daytime. I think that's a great idea. That's it for now.

Jeff Lauer:

Just a comment real quick regarding Mr. Christiansen. I think that would be a good idea. If we have a smaller truck maybe we can plow that out. I guess a question I have that I'm not familiar with has this road ever been plowed, or has it always just been—

Mike Pollocoff:

It's been plowed before. But I guess it goes back to the decision that based on the input from the residents that they didn't want the road to go through and in essence it ended up being a road to nowhere at that point, so that's why the Board had adopted after reviewing five different alternatives one that said block the road off and not plow it. We didn't block it off because, again, that affected Mr. Christiansen's world so we just didn't plow it. But it has been plowed before. It wasn't easy to plow then but there was some reasonable likelihood, and there was people actually doing survey work and things like that on Mr. Pickus's piece of property. There was some thought that might proceed along more quickly and that hasn't happened.

Steve Kumorkiewicz:

I think one other option at the time was to put a cul-de-sac at the end, too. That was one of the options . . . a cul-de-sac by the bike path . . . snowplow turn around. The other option I recall clearly was to block the street but it would interfere with parking on the west side of 32nd Avenue.

Alex Tiahnybok:

One more quick thing. The other commissions and the Parks Commission have published a calendar of meetings with exceptions because of holidays, etc. Is that something we're going to be putting out so that nobody is surprised down the road by a Tuesday meeting or whatever?

Mike Pollocoff:

Yes, ours is done, too. You should have it. I'll make sure you have one.

Jean Werbie:

I've got them and I can hand them out after the meeting.

Jeff Lauer:

I have one final comment. I'm not sure who to address this to. But I've had numerous citizens contact me because they've been reading in the paper like I have about possibly Abbott Labs or their . . . west of I-94. They're trying to get answer from me and obviously I don't know what's happening. I don't know who can discuss anything regarding them. I'm telling them I don't know. I wasn't privileged to the project. So they were asking me to bring it forth and we can somehow give them some information on what's happening. I don't know. I just know what I read in the paper.

Mike Pollocoff:

Do you want me to respond?

John Steinbrink:

No.

Mike Pollocoff:

Pardon me?

John Steinbrink:

Do you wish to comment? We were just moving onto Item 7, Unfinished Business.

Mike Pollocoff:

I'll comment if you want me to.

John Steinbrink:

I figure it's going to come out when it comes out in the paper and we make our comment on it. Right now there has been no comment on it.

Mike Pollocoff:

That's a project that the Community Development Authority is working on and I'm working on. When it's time for it to come forward it will and for the Board to make decisions. No decisions will be made without the Board. When that needs to happen I'll bring it forward to the Board for their review and consideration. Before that I think I just don't know that it's in anybody's interest to undermine a project that has a lot of promise to the community for the sake of being able to talk about it.

7. UNFINISHED BUSINESS

A. Receive Staff Report on 911 Dispatch Services.

Mike Pollocoff:

Mr. President, this is an item that we deferred until this meeting here. I was waiting on some quotes coming back from some vendors. In essence, at the October 19th meeting, the Village Board directed the staff to investigate the possibility of transferring 911 dispatch services from Kenosha County Joint Services Dispatch to the Public Safety Dispatch located in the Roger Prange Municipal Building. The source of the request was that there had been two specific occurrences where the Kenosha County Sheriff had ordered County dispatchers to question calls from citizens seeking emergency services to determine which agency they wanted; Pleasant Prairie or Kenosha County.

There had also been a change in how calls for police services would be handled on the Kenosha County Bike Path. The Kenosha County Sheriff had unilaterally determined that all calls for service from the bike path, however that can be determined, would be the responsibility of the

Sheriff, irrespective of the location of Pleasant Prairie police squads.

The Current System is that all 911 calls are received at Kenosha County Joint Services call intake. If the call is for the Pleasant Prairie Police Department, a button is pushed and the call transfers automatically to Pleasant Prairie Public Safety Dispatch, who in turn dispatches the appropriate squad car. So at Kenosha County Joint Services you have two functions. You have a call intake center and you have a dispatch center. So instead of going to the County's dispatch center it goes to the Village's dispatch center. If the call is medical in nature, the call still goes to the Pleasant Prairie Public Safety Dispatch, but a Kenosha County Dispatcher trained in Emergency Medical Dispatch stays on the line with the caller as long as necessary, which is typically until a rescue squad arrives on the scene. There are a number of calls that find their way to Pleasant Prairie Public Safety Dispatch by other lines. Pleasant Prairie Public Safety Dispatch also dispatches all public works crews to requests for service and responds to all calls to the Police Department for detective, administrative, and non-emergency needs. Pleasant Prairie Public Safety Dispatch also responds to calls by the fire and rescue personnel concerning the paid-on-call schedule for fire/rescue staff to be contacted when a call comes in. That's another significant exposure that's atypical from what Joint Services for the County does.

As far as transferring 911 service to Pleasant Prairie Public Safety Dispatch, transferring that service would involve some significant expense. The Village has received an estimate from SBC for \$134,303.00. We've also received a quote from our communication consultant, Emergitech, for \$47,000.00 for the same equipment. In either case the expense is greater than what the existing budget can absorb. The Village would also need to petition the Public Service Commission for a change to the service area for the 911 service. Although this is more of a ministerial approval, it should be anticipated that Kenosha County would object and a contested case hearing would be requested.

During the review of the Kenosha County Sheriff's proposal to abolish the Village police the response times for County squads was evaluated by the Village. It was surprising to note that there was a 4:02 lapse from the time when a call is received at Kenosha County to when it is dispatched by Kenosha County. This number came from calls for Family Trouble into Kenosha County Joint Services as reflected on the Kenosha County computer aided dispatch system. For personal injury accidents the average time was 2:08. The Pleasant Prairie Public Safety Dispatch time from call is less than 30 seconds because the same person is doing the work, taking the call and sending the squad out. Transferring the 911 calls would significantly improve response times under either scenario.

Chief Guilbert has the golden six minutes or eight minutes, six minutes, which means if somebody is having a heart attack, if you want to have a significant chance to save that person you've got to be there in six minutes. If we don't get the call for four minutes and he needs four minutes to get there, you can see where you compromise that call.

The other significant change in assuming 911 responsibilities would be how emergency medical dispatch would be handled. Currently Kenosha County Joint Services Dispatchers are trained in Emergency Medical Dispatch, and Pleasant Prairie dispatchers are not. In evaluating how this could be addressed, the staff has found a way to transfer a medical call directly to a paramedic that would be responding to the call. This places an EMS provider with significantly greater

training than a dispatcher with a citizen at need, and it familiarizes the paramedic with the circumstances that they are about to deal with as they're on their way to a call. This is a significant improvement in service, not to mention improving the response time.

My recommendation is the initial reason for moving 911 services to the Village of Pleasant Prairie was because the Kenosha County Sheriff had been arbitrary in how the service was provided to the Village citizens. If Pleasant Prairie can not be certain that a 911 call will be directed to the Village Public Safety Dispatch, then in order to meet our requirements to provide for public safety a change is needed.

There's no question there would be some significant expense and changes involved, and this is really brought about by the actions of I guess politically dispatching calls and changing how that process works.

Over the next two years the Kenosha County Joint Services will be moving to a new location with the application of new technologies for emergency dispatch. In the intervening time my recommendation is that the Village with our police and fire and myself meet with municipalities that provide similar services as the Village, and with Kenosha County Joint Services to determine what levels of service are required and what can be done to improve and enhance emergency dispatch operations.

If an improved structure for providing emergency dispatch can be established to improve response time and insuring that emergency calls are not tampered with for political reasons, a new method or structure for dispatch can be developed to serve the citizens in a faster and more reliable manner.

I don't think this is going to get solved overnight, and to be honest with you I don't think it will be--I think the Sheriff has indicated to us in his appearances here that he feels he has the authority to make those changes on his own unilaterally. I think that's something either the Village is comfortable with or we're not, but I think that if we get down to the basics of what we need to do, which is to either get a police car someplace as fast as possible or a rescue squad, we need to take advantage of what technology is going to exist that's there now that isn't in place and find a way to make that work to get those calls out faster, and do it at the smallest possible cost, and find a way to eliminate any political direction on how services are delivered. That's when things quit working when there's some motivation other than getting the service out.

I think that whether we as a community decide that we're going to have a centralized dispatch as recommended under the Virchow Krause study, we have to be certain that the parameters for that service are specific and it's driven by insuring that people get service as quick as possible and it's not up to somebody to alter how the calls are delivered. . . . maybe that will change, but that's where we are. I think we're not in a position to dump a bunch of money into changing the 911 system, but I think that the fix is more than just throwing money at the problems. It's getting Joint Services and the people who operate it to act responsibly. And while we're doing that we might as well take a look at what we can do for ourselves in the future.

I think, Mike, we know that response time is very important, and as the Chief said the four minutes or six minutes with the heart attack is crucial. I think the Village prides itself on its response time. We've in the past handed out magnets and stickers not only with the Police Department emergency and non-emergency number, but also magnets and other things, and maybe it's time to reissue those again to the citizens so they have it readily available to them to put by their phones so they can dial the number that's going to get them the fastest response. It's a few more numbers to dial, but if you can save a lot more time it's well worth it to them.

Sometimes it gets confusing in an emergency as far as remembering what number to dial with all these other numbers. Would it be possible to go to a number for the Village, an emergency number for the Village, like 694-0911?

Mike Pollocoff:

We could investigate that.

John Steinbrink:

Which would give the citizens an option and a number they would readily remember. Sometimes in the height of confusion it's hard to remember all the different numbers we have out there. If we could have something similar to an emergency but not conflicting with it I think the citizens would well be served.

Mike Serpe:

Mike, I like the suggestion of the emergency medical dispatch being transferred right to a paramedic answering the call. I don't think Joint Service dispatch is going to object to losing that portion of their job. I've been in that dispatch center enough times to know that when a 911 line lights up that call taker has to take that call not knowing what's going to come off the other end. It could be instructions on giving somebody to help in a heart attack while the rescue squad is getting under way or somebody not breathing or somebody choking. It's very stressful on the call taker. Call takers are not paramedics. They do a great job for Kenosha County. I have a lot of respect for that position. It's very stressful. It's very hectic. They do a good job.

I like the idea also that we should meet and try and improve the system and make it a little bit better. I also think at the same time that things have to be put in place to take the politics out of staying with dispatch center. It's Pleasant Prairie today. It could be Twin Lakes tomorrow and it's got to be stopped.

If we go to the medical dispatch to our paramedics, if that's the route we eventually take and I highly recommend we seriously look at that, I would also recommend that we maybe do that on a trial basis two or three months to make sure it's going to work before we tell dispatch that we're going to eliminate you altogether on the EMD and do it ourselves and we want to make sure that it is going to work for us. Because if there are glitches in the system and we can't work them out, then I guess we have to resort back to where we came from. I commend you, Mike, for looking at this. It's unfortunate that we had to spend the time and the resources to get to this point, but we

didn't invite the situation. It was thrown at us.

Mike Pollocoff:

I might add, Trustee Serpe, that the process of getting a paramedic involved in a call, as we talked about it, it really became a good answer. I think some of the phone technology that didn't exist before now does exist. It's going to be a major change. As Chief Guilbert had indicated, it's going to take some work to get the mechanics on that working so it works well and get that call in at the right time while those guys are jumping on the rig. But if it works, another community might want to pick up and do the same thing because really as the Chief indicated we're basically with our squads bringing an emergency room right to someone's home. It's the best emergency care you can get. Hopefully it should have a beneficial impact at Joint Services to offload that in another way. Hopefully it's a good thing that came out of the problems we've gone through is that we increased the level of service. I guess I won't say it was worth it but it's a good thing that we go through it.

Jeff Lauer:

Mike, just a question. Could you evaluate a little bit more on since the staff found a way to transfer medical directly to the paramedic that's responding to the call? You mean when the dispatcher gets it they can direct it straight to the paramedic?

Mike Pollocoff:

Right now they'll set off the horns in the fire station on a medical call and they'll be dealing with the people. So what we'll be doing is probably a couple of steps. Having that call and saying my kid stepped on a nail and sliced his foot open, have that actual discussion come out in the station. When we get a call they're running and getting their boots and getting their gear and running on the rig and they can hear the call coming in, hear what's happening, and then be able to get on a wireless line and pick up the call as they get in. There's somebody on the rig that's not driving, there's three paramedics on the squad, and have them pick up on the conversation as they're enroute to the site so they can find out where the person is, answer questions, give advice on what to do, and really upgrade that response. So it's really a phased event. As the call comes in and they turn that over, we would hear what the dispatcher is hearing until we pick up the line and start giving instructions so as they're getting they know what they're dealing with.

Mike Serpe:

I don't know what your next step is.

Mike Pollocoff:

I guess what I'd be looking for is authorization to start discussions with communities that are interested in working this out, talk with Joint Services and see what they have planned. Again, if they're looking to build a new dispatch system in two years it would be nice to get some of these operational issues addressed and the upgrade and the fix and make sure we're up to speed with

them.

SERPE MOVED TO AUTHORIZE THE VILLAGE ADMINISTRATOR TO MAKE CONTACT WITH JOINT SERVICES AND OTHER MUNICIPALITIES THAT MAY BE INTERESTED IN LOOKING INTO MAKING SOME CHANGES AND SOME IMPROVEMENTS IN THE 911 SYSTEM; SECONDED BY KUMORKIEWCZ; MOTION CARRIED 5-0.

8. NEW BUSINESS

- A. Receive Plan Commission Recommendation and Consider Ord. #05-58 to amend Section 420-131 of the Zoning Ordinance related to the Village Floodplain requirements.**

Jean Werbie:

Mr. President and members of the Board, on June 23, 2005, the Village received a letter from the Wisconsin DNR requesting that revisions be made to the floodplain ordinance of the Village to comply with recently made changes to the Wisconsin model floodplain zoning ordinance. The revised Wisconsin model ordinance as approved by DNR and FEMA was done to incorporate changes to conform to recent administrative code changes and NR 116, to Wisconsin Supreme Court cases and minimum standards of the National Flood Insurance Program known as NFIP and their regulations found in 44CFR, Part 60.

All communities that participate in the NFIP must comply with the changes within six months, and any failure to do so could result in suspension from the NFIP program. If the Village is suspended it would prohibit federal officers or agencies from approving any form or loan, grant, guaranty, insurance, payment, rebate, subsidy and disaster assistance loan of a grant for acquisition or construction purposes within floodplain areas pursuant to Section 202 of Public Law 93-234 and obtain modernized FEMA map for the Village.

The Village staff reviewed the current floodplain regulations, and on August 31, 2005 we sent a copy of our ordinance to the Wisconsin DNR for their review. On November 2, 2005, I received a phone conversation from the Wisconsin DNR from Gary Heinrichs. He's the Senior Floodplain Manager with the Wisconsin DNR, and through an e-mail he subsequently sent me we went through the minor modifications that needed to be made to our floodplain ordinance. The DNR will issue a conditional approval letter to the Village with the requirement that the Village make the minor corrections within six months. This is a matter that was before the Village Plan Commission at their last meeting and a public hearing was held at that time.

On November 14th the Plan Commission adopted the resolution to initiate the text amendments to the floodplain ordinance. The following changes are the ones that were recommended by the Wisconsin DNR. First, to amend Sections 420-131 N (8), 420-131 P (5), 420-131 Q 3 (c), 420-131 Q (4) (e) by changing all the references in the ordinance from NR 111 to NR 811 and NR 112 to NR 812 of the Wisconsin Administrative Code.

Secondly, to amend Section 420-131 Q (2) (e), and that related to nonconforming buildings that are damages by non flood disasters. That means that if there's a building that's in the floodplain that's destroyed by fire, under the new State laws they would be able to be rebuilt in the floodplain even though they are within a floodplain because the damage was not caused by a flood.

The third would be to create Section 420-131 Q (2) (f), and that relates to alterations to historic structures. Four, to create Section 420-131 I (3) created for public information purposes. Number five, to amend the definition of development or development-related activity. Number six, to add a definition for substantial damage to the definition section of the ordinance which is 420-131 BB.

Those were all of the recommended changes. The Plan Commission held a public hearing, recommended approval of all those changes, and the staff recommends that the Board support the ordinance changes and we send these ordinance amendments to the DNR as being included within our ordinance.

LAUER MOVED TO ADOPT ORD. #05-58 TO AMEND SECTION 420-131 OF THE ZONING ORDINANCE RELATED TO THE VILLAGE FLOODPLAIN REQUIREMENTS; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

B. Receive Plan Commission Recommendation and Consider Ord. #05-59 to amend Sections 395-16; 395-17; 395-24; and 395-85 of the Village Land Division and Development Control Ordinance related to Development Agreements; Letter of Credit; Private Improvements; and Staking Field Inspection and Related Services.

Jean Werbie:

Pursuant to the Villages Land Division and Development Control ordinance, public improvements that are installed by a divider or developer are required to be installed at the divider's/developer's cost. Public improvements are defined as public municipal infrastructure improvements required by the Village Board for the development of property. These include sanitary sewer and water and all the related appurtenances, lift stations, storm sewer, roadway, curb and gutter, street signage, street trees, plantings, streetlights, which are all intended to be municipally owned or maintained.

Under the installation of public improvements in the current Land Division Ordinance, the divider or developer enters into a development agreement with the Village, and at a minimum the development agreement must include all the references items on the side. That includes everything from the contractor's contract, performance and payment bonds, payments for required public improvements, irrevocable letters of credit to secure the divider's obligation, reductions in the remaining balance of the letters of credit, dedications and acceptance of public improvements, covenants, restrictions, easements, street lighting, street signage, street landscaping, title commitment, representations, warranties, investigations, procedures in the event of a breach, indemnification of the Village, it's employees and consulting engineers, and any other requirements that may be needed in order to protect the health, safety and welfare or to

accomplish the objectives and intent of the Land Division Ordinance.

Recently the Village has been working with a number of local developers, specifically condominium developments, wherein the roadway improvements and some of the on site improvements are private rather than public. There have been some situations that have raised some concerns for the Village and the Village staff that in order to ensure some quality control and to protect the future residents that will occupy those condominium units or private developments, that the Village would entertain and suggest that to protect these improvements that the private improvement installation throughout the development should be treated identical to public improvement installation. So the private improvement would be defined basically the same as a public improvement would be defined as I read into the record earlier.

So if that is the case, the installation of private improvements currently they're designed by licensed professional engineers registered in Wisconsin in accordance with the Land Division Ordinance in accordance with sound engineering. They should be constructed and installed in a workman-like manner and they should be completed to the satisfaction of the Village. But what they don't include are some of the provisions to ensure quality control.

So the recommended amendments before you this evening address those very issues. First is that the primary difference has to do with staking and field inspection. At this time there's a licensed professional engineering firm that does those for the developer, but there are no double checks by the Village. There's no engineering firm from the Village that verifies that it was done properly and correctly to the standards as set forth in the construction documents that verifies back to the Village that it has been done in such a manner.

Currently in private developments development agreements are not required, and in order for a private developer of private condominium developments to understand and to be surely informed of all of the requirements, we're recommending that a development agreement be entered into. And, finally, a letter of credit or other financial security is not currently provided, but we are recommending that it be provided. Again, because it's not public improvements but rather private improvements, we are going on basically the good faith of that development and that developer that they are going to start and finish that project even though they are not public improvements. And in order to ensure the integrity of those projects the staff is recommending that whether they're public or private they should be treated the same in the Village and follow through all the same processes and procedures. So, again, those are the three amendments that the staff is recommending.

This is a matter that was before the Village Plan Commission, and they agreed that whether it's a private development or a public development they should be treated the same and work through the same process and the same procedures that they should be held to the exact same standards, whether or not we're accepting those improvements or private individuals or homeowners through an association are accepting those improvements.

Steve Kumorkiewicz:

I have a question for Jean. Every time an improvement is made by a developer and is dedicated to the Village, do we televise the sewer and the water lines before it is accepted?

Jean Werbie:

Yes because those are public improvements. When they're public improvements we currently have our consulting engineering firm working for the Village inspect all public underground improvements and roadway curb and gutter improvements, all improvements that would be dedicated to the Village.

Mike Serpe:

I think this is a good ordinance to have. What prompted this was just a recent asphalt paving of a private road on a condominium project. It just had got done snowing, it was 27 degrees and they were laying blacktop. Private road within five or six or seven years the homeowner's association is going to end up rebuilding that road. So what this does is protect future homeowners just like Jean said. I agree with it wholeheartedly.

SERPE MOVED TO ADOPT ORD. #05-59 TO AMEND SECTIONS 395-16; 395-17; 395-24; AND 395-85 OF THE VILLAGE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE RELATED TO DEVELOPMENT AGREEMENTS; LETTER OF CREDIT; PRIVATE IMPROVEMENTS; AND STAKING FIELD INSPECTION AND RELATED SERVICES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Mike Pollocoff:

I might add on that road, right now we have some latitude. We approved the methods of construction. In that case there somebody sat on their brains that day. Even though it was put in, we're going to let them keep that in for the winter and then they're going to have to rip all that out and the curbs and start all over again. As Trustee Serpe said, the losers in that are the people that are going to buy those condos. That's not how we want business done. There's always a developer that is going to make you keep trumping your ordinances because you think you've seen everything and somebody does something different. But in that one case all that is coming out and they get to try again.

- C. Receive Plan Commission Recommendation and Consider a Zoning Map and Zoning Text Amendments (Ord. #05-60 and #05-61) to rezone the properties located at 12207 and 12125 Wilmot Road based on the temporary Zoning Classification adopted when the two properties were annexed into the Village and to amend Section 420-131 I (f) 3 of the Village Floodplain Ordinance to specifically include these properties on the Village's Floodplain Map for Section 13, Township 1 North, Range 21 East.**

Jean Werbie:

Mr. President, on July 5, 2005, the Village Board adopted annexation ordinance #11, and that was to annex two properties of land, 1.07 acres. They're located at 12207 and 12125 Wilmot Road. These are properties just south of Highway C and west of I-94.

Pursuant to State Statute Section 66.0217(8), the Village annexed the land under a temporary zoning classification as identified on the overhead. Two different tax parcel numbers, two different properties. One, the first property, which is identified as 91-4-1212-134-0125, came into the Village under the C-1, Lowland Resource Conservancy District. The majority of the property is located in the FPO District which is the Floodplain Overlay District. The second property, which is identified as Tax Parcel Number 91-4-121-134-0121 also came into under C-1, Lowland Resource Conservancy District, and also the FPO, Floodplain Overlay District.

On November 14, 2005, the Plan Commission adopted Resolution 05-15 to then initiate an official zoning map and text amendment to rezone the properties in accordance with these temporary zoning classifications that they had when they came into the Village. In addition to the zoning map amendment, Section 421-131 I (f) 3 of the Village's floodplain ordinance is proposed to be amended to specifically include these properties annexed into the Village by annexation ordinance #11 into and on the Village's floodplain map for Section 13, Township 1 North, Range 21 East.

The Village Plan Commission held a public hearing for these zoning map and text amendments and recommended approval, and the staff does recommend approval of both ordinance 05-60 and 05-61 related to these matters.

LAUDER MOVED TO APPROVE A ZONING MAP AND ZONING TEXT AMENDMENTS (ORD. #05-60 AND #05-61) TO REZONE THE PROPERTIES LOCATED AT 12207 AND 12125 WILMOT ROAD BASED ON THE TEMPORARY ZONING CLASSIFICATION ADOPTED WHEN THE TWO PROPERTIES WERE ANNEXED INTO THE VILLAGE AND TO AMEND SECTION 420-131 I (F) 3 OF THE VILLAGE FLOODPLAIN ORDINANCE TO SPECIFICALLY INCLUDE THESE PROPERTIES ON THE VILLAGE'S FLOODPLAIN MAP FOR SECTION 13, TOWNSHIP 1 NORTH, RANGE 21 EAST; SECONDED BY TIAHNYBOK;; MOTION CARRIED 5-0.

D. Consider Request of VK Arbor LLC for Waiver of Impact Fees, excluding Rescue fees, for Phase II of the Prairie Ridge Senior Campus Development.

Mike Pollocoff:

Mr. President, we received a request for a variance as permitted by Village Ordinance as required by Village Statute to provide a developer with an opportunity to appeal their impact fees. On November 11, 2005, Mr. Ajay Kuttemperoor, of VK Development submitted a written request appealing the payment of impact fees for the Prairie Ridge Senior housing complex phase II and all future phases, with the exception of the EMS Rescue Fee of \$137.00 per unit. Since 1998, the Village rescue squad has responded 337 times to the Prairie Ridge senior housing complex for EMS needs.

On June 20, 2005, the Impact Fee ordinance was adopted by the Village Board of Trustees with the provision that senior housing would only be subject to an impact fee for EMS services. The ordinance was approved 3-2 with President Steinbrink, Trustees Kumorkiewicz and Serpe

approving, Trustees Tiahnybok and Lauer dissenting.

The Appeal filed with the Village did not follow the exact requirements as provided by Village Ordinance, the Board's action in approving the Impact Fee Ordinance did exempt senior housing from all fees other than EMS, consequently it is understandable why the petitioner did not follow the exact format.

The petitioner also requests that all future buildings be exempted from Impact Fees. My recommendation is that the Village Board evaluate each petition on its specific merits since there could be changes to the structures and the nature or extent of the use in the future.

I recommend that the Prairie Ridge Senior Housing Campus Phase I appeal for the waiver of Fire, Public Works, Parks, and Police impact fees be granted, and that the impact fee of \$9,727.00 be collected for the EMS impact fee.

When the impact fee statute was adopted by the State, it specifically culled out the need for subsidized senior housing as one of those entities that should receive preferential treatment. That was discussed at the Board meeting when the impact fees were delineated. The motion that was made by the Board that night was to exempt senior housing, not just Prairie Ridge, but any senior housing that would come forward from impact fees with the exception of EMS. The logic both in the statutes and in our own impact fee ordinance is that seniors in a housing setting tend to have less impact on parks, public works, police and fire, and they indicate EMS also is one they should have less of. As we indicated and show the numbers now, the EMS impact is significant for a senior housing complex. By comparison the Fire Department was there 50 times over a five year period ranging from doing inspections to getting somebody who was in an elevator when the elevator got stuck and things of that nature.

Again, the purpose of the impact fee is to collect money for not operations but for those capital expenditures that are going to be taking place in the future so that the existing taxpayers aren't paying for that added need. Our ordinance doesn't provide for any other exemptions specifically other than senior housing, so anybody who would come forward in the future would need to make a specific appeal to be relieved of that. We can't not include an appeal process. You have to have an appeal or give somebody a right to appeal an impact fee. You just can't say we're not going to allow you to appeal it or we're not going to give you a variance on it. There's a process that they'd have to go through. If there are any questions.

Steve Kumorkiewicz:

This involves the ambulance service to the senior housing complex . . . right, that we're talking about?

Mike Pollocoff:

This new building they'll have to provide the Village with \$9,727 so that at such point as we expand our EMS station or vehicle that additional money will be there. As far as their calls, they're charged for their calls for service just like anybody else. So if we go there we're going to send them a bill for EMS service depending on what kind of service they receive.

Steve Kumorkiewicz:

I agree 100 percent they've got to pay. I've got a small house, smaller in value than any one of those . . . if I call the ambulance I have to pay and they should, too, so that impact fee they should always pay no matter what. So in future development I think that should be automatic. They should pay for that. As a senior citizen I get no breaks. I don't have a senior citizen subsidized property. They do. The builder does it and the builder . . . taxes for us . . . senior citizens.

Mike Serpe:

I believe that this recommendation by the Village Administrator is reasonable and I would move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Any further discussion?

Alex Tiahnybok:

Living in Carol Beach I'll be the first one to say that some kind of relief for senior citizens across the board maybe is a good idea. Senior citizens particularly get I think unfairly assessed with property taxes for education. I think they've paid years and years and years and there's got to be some kind of vehicle to provide some relief in that aspect. Frankly, it's a lot more significant than this kind of relief could ever provide.

Steve just made a comment that kind of inspired a thought on my part, and that is if a senior citizen decides to build a house anywhere else in Pleasant Prairie they're going to pay for fire and public works and parks and police impact and EMS. Why a specific development should be exempt from that is a mystery to me. Again, a senior citizen would have to pay the same impact fees anywhere else they built a house. So I don't see the logic behind this. If the law requires it, as Mr. Pollocoff suggested, it sounds like the three of you are going to do the right thing anyway. But I don't see the philosophy behind exempting anybody. As Mr. Matson brought up, once a family grows to five children should we start making them exempt from certain things because their cost of living is too high? So I'm philosophically opposed to this.

Mike Serpe:

I think the rationale behind this is that there's a certain amount of assistance given to many of the seniors that are living in this complex, and in order to meet those needs by the developer he's asking for a little assistance from the Village and I totally understand that. If a senior or seniors elect to build a house in Pleasant Prairie or anywhere for that matter but we're talking Pleasant Prairie, I'm guessing that they can well afford to do that or they wouldn't do it. In this case many

of these seniors are living here with assistance because they can't financially do it on their own. They're providing this housing for them and I think that's commendable. I almost feel guilty even asking for the \$9,700 on the building, but I also understand the impact that it creates on the services that we provide. So I don't see a big problem by doing this, and I don't see a big problem by exempting the other areas of the impact fees that the seniors don't have much need for.

Mike Pollocoff:

Mike brings up a point and I don't know if I adequately made it. But the seniors that live in there their incomes are so low that they receive assistance to live in the housing, so it's not just any senior and it's not just any senior complex. In this case this is subsidized housing because the seniors who are living there can't afford to live in a home in Pleasant Prairie or Kenosha without that financial assistance. So the statutes provide for not only with this but with their property taxes incentives so that a developer is able to put together a project to provide good housing so that it's comparable to other places and then have those residents be able to pay what they can afford. It's not a negotiated thing. Their assistance is based on it. So this isn't just a senior house or senior apartment where everybody gets a break. The people that are living there have been determined to be needy and that's how they get in their. Maybe Mr. Kuttemperoor could better describe the make up.

Ajay Kuttemperoor:

Ajay Kuttemperoor, 19275 West Capital Drive. As Mike and Trustee Serpe indicated, this is not strictly just a senior housing facility. It is a restricted rent structure for a certain percentage of the seniors that live there so that the rent is based on a limitation of 40, 50 and 60 percent of the Kenosha County median income. So basically the rent structure for this development is a one bedroom at the 60 percent level would rent for \$645 which is significantly lower than a regular market rate would. And then from the 60 percent we go down to 40 percent for a one bedroom with rents of \$422, which I'm sure you understand is significantly lower than what the market rate would dictate. So that's why we're asking for the waiver of the impact fees.

John Steinbrink:

Questions of Mr. Kuttemperoor?

Jeff Lauer:

That's one question I was going to ask. Is it based on assisted living, which it is, so they couldn't get an apartment somewhere else more expensive because they're getting assistance from—

Ajay Kuttemperoor:

No, let me clarify. It's not assisted living. It's independent living. The assistance is coming from the tax credits. This was done through the Wisconsin Housing and Economic Development Authority's tax credit program. So that's the financial assistance that we're talking about. There's no assisted living such as nursing care or anything like that.

Alex Tiahnybok:

Again, I completely can support any notion, because we're very proud of telling everyone that Pleasant Prairie's portion of property taxes is 19 percent, school district is 50 percent. I'd be very happy to find some kind of relief to the operating side of things which is the general levy where property taxes come from in the form of reduced rents or however that's structured. I don't know the details. But this building doesn't exist yet, and it is going to have some kind of load on the infrastructure of Pleasant Prairie. Now, if because of this development being build if it's going to require enhancements to the capital aspects of the fire department, public works, parks, police then nothing against your development corporation, but you're being asked to pay it because the residents don't live there yet.

Ajay Kuttemperoor:

Let me just clarify. Although the building is not there yet, this is a process that takes approximately a year to get to this point. We had to submit a budget to the State in January of '05 in order to be allocated these tax credits. At that time these fees were not implemented so those fees were not incorporated into our budget. And because of the high quality of the materials that we're putting into this building, the cost of the building is extremely expensive. Now, these tax credits help us bridge that gap. AT this point if these impact fees were included in our budget we would have to sacrifice in other places such as not as much brick on the building, or we'd have to sacrifice some of the amenities that go within the building. Our construction budget is very tight on this development.

Alex Tiahnybok:

Again, a family with four kids or five kids has to make sacrifices. I'm sorry. I have the utmost respect for seniors. I'd like to find a way to save them real dollars and not something that contributes to the lower cost of construction. I understand your point.

Ajay Kuttemperoor:

This doesn't contribute to the lower cost of construction. It contributes to our ability to provide these lower rents to the seniors.

Mike Serpe:

I feel very good about being able to do something for our seniors. A couple that elects to have four or five kids did that willingly and knowingly what they were doing. A person who is a senior that falls on bad times because of inflationary rates taking the majority of their retirement can't really go to work at 82 or 83 years old and needs some help, and VK Development is offering that housing for these people. And we're coming back and saying we're going to do our part the best we can. The only thing we can't possibly do is forgive the whole impact structure. I think this is a reasonable compromise. I'm going to stand by it. I think by doing this and supporting this we're supporting our seniors who need the help. I'd move approval.

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Steve Kumorkiewicz:

I'll second that.

John Steinbrink:

Motion and a second. Further discussion?

Jeff Lauer:

Ajay, I think you threw the number out there. Do you know what was the rent if this was passed? Do you have a differential if this didn't pass what it would be?

Ajay Kuttemperoor:

o, the rent is set by the State. It goes according to--each County has a different rent structure. So whether or not this is passed will not affect the rent structure. What it will affect is the quality of the building.

Jeff Lauer:

I do agree with Alex, but yet hard times for a lot of people it is difficult. I believe in being fair no matter if it favors me or somebody else and this is a hard thing, because what's going to happen is even though it may not be a precedent we might have other people coming in here. What if we have a senior who wants to build a house, not a big house but a real small one because that's all they can afford, are we going to waive any of those fees because they're a senior? No. I just don't want the Board to get caught with arguments from developers or people who want to build.

Ajay Kuttemperoor:

If I could just add one more thing as far as evidencing how tight our budget is on this project, with this application each developer is allowed a development fee through this process. We have deferred that development fee. We're not taking that development fee up front so that we can put that money back into the project.

Alex Tiahnybok:

Once again, I'll state that I have no issues with trying to provide some kind of relief to senior citizens. I hope the words that were stated here tonight are recalled the next time we talk about reassessing people whose properties happen to be in very high growth areas and senior citizens on fixed incomes are looking at \$10,000, \$12,000 or \$15,000 tax bills. I hope we remember these words.

Steve Kumorkiewicz:

Every time we talk about impact fees and . . . I look at something more that I have to pay. I'm a senior citizen at 69 on a fixed income probably lower than anybody in this room. And every time

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I see someone exempted I feel that I have to pay for it. I'm a senior citizen. I can't keep doing that all the time. That's why I support this fee.

Mike Serpe:

Alex, I'll tell you what, come up with a better formula that will give a break to whoever you're talking about and I'll support the whole thing. But until that comes let's stick with what we can do and let's help out somebody that needs the help.

John Steinbrink:

Mike, in order to get--what did you say taxes were \$12,000 to \$15,000.

Alex Tiahnybok:

Yes, \$600,000 valuation \$12,000 tax bill. Drive up and down Lakeshore Drive and you'll see plenty of for sale signs.

John Steinbrink:

So that's what a senior on a tight budget would build?

Alex Tiahnybok:

A \$12,000 tax bill, yes.

John Steinbrink:

But we're talking about new construction here.

Alex Tiahnybok:

It's irrelevant. We're trying to help seniors. These are people what already live here and have paid taxes for years and they're getting taxed out of their houses.

John Steinbrink:

And they'll build \$600,000 homes, okay.

Alex Tiahnybok:

No, no, they've lived in their homes for decades and that's what their property values are today.

John Steinbrink:

We're talking about impact fees on new construction. That's what this addresses here. I just want to make that clear.

Alex Tiahnybok:

It's clear. I'm just saying if we really want to help seniors there's other ways of doing it, too, and it seems to be not a concern right now.

John Steinbrink:

But the issue here is new construction. Motion and a second.

SERPE MOVED TO APPROVE THE REQUEST OF VK ARBOR LLC FOR WAIVER OF IMPACT FEES, EXCLUDING RESCUE FEES, FOR PHASE II OF THE PRAIRIE RIDGE SENIOR CAMPUS DEVELOPMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-1 WITH TIAHNYBOK DISSENTING.

- E. Consider Resolution #05-75 to initiate an address change for the property located at 1804 116th Street.**

Jean Werbie:

Mr. President, on December 6, 2005, the property owners and developers submitted the final plat for the proposed King's Cove Subdivision. As a result of the development and pursuant to the conditions of the preliminary plat for that subdivision, the address of the existing home on the property, which is located on the north side of 116th Street and 18th Avenue is proposed to be officially changed in order for that home to have its address facing the other direction.

A public hearing to change the address is proposed to be held by the Village Board on January 16, 2006. Again, this is a resolution to initiate this. The address proposed to be changed for the existing home to remain on lot 12 of the King's Cove Subdivision would have their address changed from 116th Street to 18th Avenue. The orientation of the home is changing. It's facing 18th Avenue. Their existing driveway will no longer come off of 116th Street and their garage and everything will be facing 18th Avenue. So this is a matter that is going to be coming before the Village Board on January 16th. The staff recommends approval of Resolution #05-75 to initiate the address change for this property at 1804 116th Street.

SERPE MOVED TO ADOPT RESOLUTION #05-75 TO INITIATE AN ADDRESS CHANGE FOR THE PROPERTY LOCATED AT 1804 116TH STREET; SECONDED BY LAUER; MOTION CARRIED 5-0.

- F. Consider the request of Ted Pickus, agent for Prairie Trails, LLC owner for an extension of the Conceptual Plan for the proposed Prairie Trails East Subdivision.**

Jean Werbie:

This is a request by Ted Pickus who is the agent for Prairie Trails, LLC. He's the owner for an extension of the conceptual plan approval for the proposed Prairie Trails East Subdivision. This is a proposed subdivision that would be located north of the State Line or 128th Street and to the east of the Kenosha County Bike Trail south of 26th and 28th Avenues.

The Village has through its land division and development control ordinance set up a time frame and a framework for which developers need to continue to move through the process within a timely manner. The period of time for the conceptual plan is one year for the developer to satisfy all the conditions and put all the documents together to submit for preliminary plat.

As Mr. Pickus indicated earlier this evening, there was a situation where wetlands needed to be re-delineated and floodplain needed to be defined on his property, and that process took a lot longer than what was originally anticipated, almost six months from start to finish or longer. And so with that I see that he's brought in a pile of materials that are sitting across the room, probably the preliminary plat, but unfortunately because of the time frame of the 30 days to get on the Plan Commission and Board's agenda, the time period for the conceptual plan will have expired. So he is requesting an extension I believe 60 days, two months or 60 days, in order to work through the preliminary plat approval process of the Village. The staff recommends approval as presented.

TIAHNYBOK MOVED TO APPROVE THE REQUEST OF TED PICKUS, AGENT FOR PRAIRIE TRAILS, LLC OWNER FOR A 60-DAY EXTENSION OF THE CONCEPTUAL PLAN FOR THE PROPOSED PRAIRIE TRAILS EAST SUBDIVISION; SECONDED BY LAUER; MOTION CARRIED 5-0.

G. Consider Ordinance No. 05-62 – Ordinance to Amend Section 180-17 of the Municipal Code Relating to Automatic Fire Sprinkler, Fire Suppression, Fire Alarm Systems and Fire Hydrant Fee Structure.

Mike Pollocoff:

Mr. President, this is an ordinance to amend our fee structure for automatic fire sprinklers, suppression and alarm systems and hydrant fee structure. Primarily these are fees that are driven by what the consultant charges us for reviewing plans. So rather than as a new development comes in absorbing that internally, we require that the developer pay a fee to us comparable to what we're being charged by a consultant to review that. I'd recommend that the ordinance 05-62 be adopted as presented.

John Steinbrink:

So moved. Do I have a second?

Jeff Lauer:

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I'll second.

John Steinbrink:

Motion and a second.

Jeff Lauer:

Just a quick question. The reason these charges come in is because we're being charged and we're just making up the cost from the consultant?

Mike Pollocoff:

Yes. Chief Guilbert and his staff are very competent, but typically we need a mechanical engineer to review these. We don't have one on staff and we contract that out.

STEINBRINK MOVED TO ADOPT ORDINANCE NO. 05-62 – ORDINANCE TO AMEND SECTION 180-17 OF THE MUNICIPAL CODE RELATING TO AUTOMATIC FIRE SPRINKLER, FIRE SUPPRESSION, FIRE ALARM SYSTEMS AND FIRE HYDRANT FEE STRUCTURE; SECONDED BY LAUER; MOTION CARRIED 5-0.

H. Consider Resolution #05-70 – Resolution to Dispose of a Surplus Fire Truck.

Mike Pollocoff:

Mr. President, we have a 1971 Hahn that we're looking to dispose of. About a month ago we took delivery of a new pumper tanker to replace it. We'd like authorize to dispose of this vehicle from our fleet and put it up for sealed bids. There it is being loaded up. It gets where it's going a lot faster that way. It runs, but we've had a lot of mechanical problems with it. It runs but just not fast. It's a '71. We did some major work on it in '88 to bring her up to spec.

Alex Tiahnybok:

Do we have any typical expectations on what something like that brings in a bid?

Mike Pollocoff:

A couple thousand, \$6,000?

Chief Guilbert:

I hope to recover the cost of advertising. It's going to be a 35 year old fire engine that we're trying to sell.

SERPE MOVED TO ADOPT RESOLUTION #05-70 – RESOLUTION TO DISPOSE OF

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A SURPLUS FIRE TRUCK; SECONDED BY LAUER; MOTION CARRIED 5-0.

I. Consider Weights and Measures Assessments from 7/1/04 - 6/30/05.

Mike Pollocoff:

Mr. President, weights and measure assessments are charges for work that the State of Wisconsin does for us in calibrating and ensuring that various businesses in the Village their scales or the gas pumps are in good working order and people are paying for what they actually get whether it be a gallon of gas or a brownie that's being sold by the ounce. These charges come to us from the State. We are responsible for administering this. We put on a ten percent charge for the work we do on maintaining the records. So that amounts to \$400 a year is what we collect out of the \$4,000. It would be my recommendation we adopt the assessments that are going to be charged to the users of the weights and measures systems.

Steve Kumorkiewicz:

So moved.

Mike Serpe:

Second and I have a question. Do we have the capability or the authority to go out and check these ourselves?

Mike Pollocoff:

No, right now the equipment that does this there's one in the State, so he goes from place to place to place to place to do that.

John Steinbrink:

Does this still fall under Mr. Sorensen's expertise?

Mike Pollocoff:

Yes, Mr. Sorensen is Mr. Weights and Measures for us.

**KUMORKIEWICZ MOVED TO LEVY THE WEIGHTS AND MEASURES
ASSESSMENTS FROM 7/1/04 - 6/30/05; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**J. Consider Resolution No. 05-74 - Resolution Relating to Amendment of the 2005
Budget.**

Mike Pollocoff:

Mr. President, we have an amendment to present for the 2005 budget. We've had an increase in contractual consultant fees for the transcript of Board minutes, and they've increased significantly due to the length and number of meetings that the Village has had this year. So we were under budget by \$6,000. We are over budget by \$6,000 on the liquor licenses primarily due to one new license coming, so my recommendation would be that we authorize the transfer of funds from revenue to expenses.

Jane Romanowski:

I might just add that out of that \$6,000 about half of that was municipal code recodification, the amount of ordinances due, and this is our first year we did supplements because we just adopted the code in April and so we have a budgeted item next year under legislative--I can't remember the name of the account.

Mike Pollocoff:

Legislative services.

Jane Romanowski:

So we'd have two separate accounts so we'll be able to keep separate accounting of those next year.

**TIAHNYBOK MOVED TO ADOPT RESOLUTION NO. 05-74 - RESOLUTION
RELATING TO AMENDMENT OF THE 2005 BUDGET; SECONDED BY KUMORKIEWICZ;
MOTION CARRIED 5-0.**

K. Consider Award of Contract for Time and Attendance System.

Mike Pollocoff:

Mr. President, we've issued RFPs for a new time and attendance software that's going to update us from our paper cards we have right now. Kathy Goessl and Ruth Otto, our IT Director, would like to present the recommendations.

Kathy Goessl:

Our current collection process is manual. There's many different forms of data collection. It's very inconsistent. We have some automation at RecPlex where they're using Thin Track. We have time cards, paper time cards, we have work orders, we have spreadsheets, and it's very time consuming. These time sheets need to be manually entered into our payroll system. We pay over 200 employees bi-weekly, and we have to process data within a day and a half or two days to get the time down to process. Most of our employees, the majority of our employees are on

automatic direct deposit, so we have to get the information to the bank by Wednesday in order to get direct deposit on Thursday.

We also do a lot of detail accounting of the hours worked. We detail and track the hours worked on projects. We have sewer and water projects and also different tasks that are being done. Employees at the RecPlex can be there one day and working days off, another day after school care. John's crew can be doing snow plowing and another day doing culverts, patching and those type of work, so we're keeping track of these people so it's not just a flat eight hours charged to one account or one area. They can be broken down into a number of hours each day.

We also charge each department. For example, John Jr.'s employees has people working in highway and storm and parks and garbage. So one person can be doing all these different tasks so we have to track that. Also, we have to track the divisions between RecPlex and IcePlex in terms of people working concessions at RecPlex or IcePlex, whether they're doing custodial or maintenance work at IcePlex or RecPlex.

Ruth and myself put together a request for proposal. Before we put that together we met with the department heads as well as the clerical people putting together our payroll information. Also, the finance department met and talked about the different problems and issues we had. Then we put together a request for proposal. We put it out and there were a number of vendors we put it out to, eight of them, and we got requests from five vendors.

These are the quotes that people have given us in terms of proposals. We have Work Force, Chronos, Intelli Time, Information Controls and Time Clock Plus. The first column is the initial proposal. This is for the software and the consulting fees for them to actually install the product and work with us to get it working in the first place, and then the annual support that they require to update the software and also give us phone support if we have issues after the initial installation.

So after we met with three of these vendors, Time Clock Plus, Intelli Time and Information Controls, they were the lowest cost proposals. All three came to the Village and demoed the project for myself, Ruth Otto and two of my staff, Jennifer my assistant, and also Francine who is my payroll clerk. So they spent a good couple hours, each of them, demonstrating their software. After considerable consideration and discussion, we also did referencing on two of our top candidates we felt gave us the best proposals, Intelli Time and Time Clock Plus, and after that we are recommending Time Clock Plus which is actually the lowest bidder also for \$34,000 with annual support of a little over \$3,000 a year.

We'd like to implement this the first quarter of 2006. This was in the budget for 2005 for actually \$30,000 so these proposals came over. This one is the closest we have to it. I think this will save us considerable time for ourselves and the payroll department or finance as well as all the departments, because we're looking at interfaces. There's three systems that we have out there that clocked a lot of our payroll data, Hanson which is our work order system, then we also have CSI which is our new RecPlex software, and then also Fire House that collects payroll data or time data. Those systems we're looking at interfacing that to this main database. Then once this database gets all the information there's electronic approvals done by the managers, and then it gets sent to payroll as a group file once everything is approved, and actually interfaces also

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with Caselle our payroll processing software and dumps the hours into our payroll software. It also interfaces the other way where information is also interfaced into the time and attendance from our Caselle payroll.

So we're asking for approval to continue and work with Time Clock Plus to purchase the software and implement this software for our department.

Mike Serpe:

So the difference in the budget was what?

Kathy Goessl:

The budget was \$30,000 so this is \$4,798 over the budget that we had initially approved a little over a year ago.

Mike Serpe:

And that comes out of contingency?

Kathy Goessl:

There's some money left in capital that we'd be able to cover this.

Mike Pollocoff:

This is being allocated out between RecPlex, utilities and Village Hall, so this isn't all coming off tax roll.

Kathy Goessl:

If you allocated out it actually would go under for general government budget.

Jeff Lauer:

Which budget?

Kathy Goessl:

Currently the \$30,00 is budgeted in our general government budget. So the \$34,000 if we spread it over RecPlex which has 50 percent of the employees and utilities has a handful of employees you would actually go under the budget for general government.

Jeff Lauer:

Just another question, Kathy. Do we have to pay the \$3,399 up front, or is that already included in the \$34,000?

Kathy Goessl:

We pay it after the initial installation of the software and the setup, so after the first quarter is over with we'll start the annual support then after that for the year.

Mike Serpe:

Move approval.

Alex Tiahnybok:

Second.

John Steinbrink:

Motion and a second. Further discussion?

Steve Kumorkiewicz:

One question. How come there's so much difference? What is the main reason of that?

Kathy Goessl:

On Intelli Time was one that we went into more detail with. Intelli Time was actually oriented towards governments. A majority of their customers is government entities, and they were more hand holding in terms of the consulting fee was the highest part of their bid. They were more hand holding in terms of getting through the process and setting up a plan ahead of time. It seems like it made it a lot more complicated than what it really is in terms of time and attendance data. Time Clock Plus their consulting fee is not as high. They help us out but we have staff here, Ruth and myself and my staff that can implement this and work through and do a lot of the work on it. Time Clock Plus actually has some pretty impressive companies that they have their time system in. They have big names that you guys are probably familiar with. They have . . . Sara Lee, Dial, Overstock.com, actually the U.S. Navy, Boeing, the Goodwill stores, and they've gone through this process a lot, too. Intelli Time was more consulting. Work Force and Chronos they were high in both consulting and the software. There was no way we needed that sophisticated of a software. We didn't even bring them in. They gave us a proposal but it was way over our budget even to look into more detail with them.

So mainly it's the consulting fee and the software and some of them had different equipment costs, too. Intelli Time actually had a small equipment cost because you have to have time clocks in certain areas. Time Clock Plus and Intelli Time also has computer time clocking, too, so the people that work in the office can not have a time clock but actually clock through their PC's when they come into the office. Those are the differences between the cost.

Steve Kumorkiewicz:

I see it interacts with our software which is good.

SERPE MOVED TO AWARD A CONTRACT FOR CONSIDER AWARD OF CONTRACT FOR TIME AND ATTENDANCE SYSTEM TO TIME CLOCK PLUS AS PRESENTED; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

L. Consider Agreements for the Provision of Real and Personal Property Assessment Services with the Towns of Randall, Brighton and Salem.

Rocco Vita:

Rocco Vita, Village Assessor. Mr. President, Board, the Towns of Brighton, Randall and Salem have requested that we extend the service agreements we have for assessing services for another six years. In front of you you have signed copies of those agreements. I presented them to the Towns in the past month.

To give you some background, as you're all aware all jurisdictions, municipalities and assessment jurisdictions in the State of Wisconsin are required to have a statutory assessor and staff that's certified by the Department of Revenue to perform that sort of work. Up until the early '70s each community had that relationship with either a contracted assessor or their own in-house personnel. In 1973 Kenosha County took over the assessment duties in the entire County, and that office existed until 1995. When Kenosha County decided to disband the assessor's office, the communities again were required to either contract with an assessor, and contract assessor or open their own office.

A group of communities in Kenosha County led by Pleasant Prairie got together and decided for their instances what they wanted to do was retain some local accountability and put together a professional office that had a background and familiarity with the local real estate values in Kenosha County and try to create a service environment that was more conducive to serving the people in their communities. We put this together in 1995 effective January 1, 1996, and it's been a rather successful endeavor. It's the only one like this in the State of Wisconsin, but I anticipate in further years if out State counties don't ban together in a County assessing system that more communities will go to a system like this.

In my presentations to the Towns in the last month a lot of them had positive things, people had positive things to say about our office and the way we perform our work and the product we produce for them and were anxious for us to continue the relationship going forward.

John Steinbrink:

Thank you, Rocco. It's probably one of the best examples of governments working together to provide the highest quality service to the taxpayers and yet provide a real product. I think we've seen some of the other municipalities that went with cut rate assessing and they got what they paid for. And when it comes time to bring things up to speed or to fill in all the blank spots it costs those taxpayers a lot more dollars and they don't have the availability that your consortium provides to the taxpayers of these municipalities.

Rocco Vita:

Actually in this County the most perceived to be the cut rate assessor is a decent contractor out of Appleton. They do reasonably good work, but their services are ala cart. And when you calculate their cost into a revaluation which is about \$40 a parcel over a five year period that's \$8 a year added to their record maintenance costs between \$12 and \$14 a parcel. The communities using that corporation or that little company are paying \$20 to \$22 a year effectively for their assessment work. And they don't have anybody on site. We have office hours every week in the communities. We have appraisers that have substantial experience in the community to understand better what creates value in those communities.

John Steinbrink:

That's another comment that you hear from the citizens in those towns and villages, along with public officials, is the fact that you're available and that's something that means a lot to taxpayers when they have questions. They may not always agree with you but—

Rocco Vita:

The one benefit of being a contractor assessor is that you're in the woods. You're here today and you're gone. You can't be caught. Here as an entity in the Village of Pleasant Prairie we're always at the end of the telephone. The newspaper always has my number. They know where to contact me and where to call. When you see articles about revaluations you see in depth articles of revaluations in the City of Kenosha, the Village of Pleasant Prairie, the Village of Twin Lakes, the Town of Salem. You really don't see anything about the Town of Bristol or the Town of Somers or the Town of Paris because the assessors are gone and don't answer calls.

John Steinbrink:

Any questions for Rocco? Thank you. I'll move. Is there a second?

Mike Serpe:

Second.

STEINBRINK MOVED TO APPROVE AGREEMENTS FOR THE PROVISION OF REAL AND PERSONAL PROPERTY ASSESSMENT SERVICES WITH THE TOWNS OF RANDALL, BRIGHTON AND SALEM; SECONDED BY SERPE; MOTION CARRIED 5-0.

M. Consider Engineering Services Agreement for the Westfield Heights Subdivision.

Mike Pollocoff:

Mr. President, this is an engineering services agreement between the Village and Baxter &

Woodman to provide contract engineering services for the Westfield subdivision. Construction administration is \$32,400, construction staking \$34,000 and observation is \$36,000. These are expenses that will be absorbed by the developer. I'd recommend that we be authorized to enter into an agreement with Baxter & Woodman for the proposed contract.

Bob Martin:

It's an hourly contract, and as with some of the other smaller subdivisions we're going to be doing probably more of the construction inspection portion out there. It's one that we're capable of doing. They will do the staking for sure. If we need to fill in this contract allows us to do that, but it's an hourly based on the estimate which is just under \$1 million totally.

SERPE MOVED TO APPROVE AN ENGINEERING SERVICES AGREEMENT WITH BAXTER AND WOODMAN FOR THE WESTFIELD HEIGHTS SUBDIVISION AS PRESENTED; SECONDED BY LAUER; MOTION CARRIED 5-0.

- N. Consider Resolution #05-76 - Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers for the Construction of Storm Water and Roadway Improvements for Westfield Heights Subdivision in the vicinity of STH 50 and 91st Avenue.**

Mike Pollocoff:

Mr. President, this is a resolution to conduct a public hearing for a right of recovery special assessment. If you look at the map we've seen this before. This relates to the Westfield project. And the parts that would be affected would be on Highway 50 between the development and White Caps. It's that one little rectangular parcel up there. This wasn't included in the hearing we had tonight because this one relates to the street and storm sewer improvements and not water. So rather than muck those two issues up this would be a separate hearing to deal with this one parcel alone. So I'd request that the resolution be adopted and we schedule a special assessment hearing for the first meeting in January or our only meeting in January.

LAUER MOVED TO ADOPT RESOLUTION #05-76 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS FOR THE CONSTRUCTION OF STORM WATER AND ROADWAY IMPROVEMENTS FOR WESTFIELD HEIGHTS SUBDIVISION IN THE VICINITY OF STH 50 AND 91ST AVENUE; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

- O. Consent Agenda**
- 1) Approve Bartender License Applications on File.**
 - 2) Approve Renewal of Mobile Home Licenses.**

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

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Mike Pollocoff:

We have, as I indicated, one meeting in January, and we waited on the sanitary sewer of the utility budgets pending the Kenosha Water Utility's sewer rate adjustment so we haven't gone through that. And the Rec Commission will finish the IcePlex budget on Tuesday. I believe Tuesday is the 3rd. So right now we probably are pushing to almost a four page agenda for the one meeting in January. We'll have the Unit 2 hearing. We'll have that one we adopted tonight and that's only one person. I'm looking to see if I'd recommend the Thursday before the Board meeting if you want to separate out the agenda and do the work sessions on the utility budget and RecPlex and IcePlex at that point and separate that from the Board meeting, or if you want to shoot the wad and do it all in one night.

Steve Kumorkiewicz:

Separate them out.

Alex Tiahnybok:

You're talking about the 12th then because the meeting is the 16th.

Mike Pollocoff:

Yes.

Alex Tiahnybok:

We're here from 3 to 7 with Carol Beach anyway so I'm okay with that.

Mike Pollocoff:

So when you want to start?

Alex Tiahnybok:

Seven.

Mike Pollocoff:

Seven is fine. That will just be enterprises that night, IcePlex, RecPlex and sewer and water.

Mike Serpe:

I don't know what to say at this time of the year anymore if I'm supposed to say Merry Christmas or Happy Holidays but I'm going to be politically incorrect and say Merry Christmas.

9. ADJOURNMENT.

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**LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ;
MOTION CARRIED 5-0.**