

**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 5, 2005
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, December 5, 2005. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Alex Tiahnybok, Steve Kumorkiewicz and Jeff Lauer. Trustee Serpe was excused. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Kathy Goessl, Finance Director/Treasurer and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS – NOVEMBER 7 & 14, 2005**

TIAHNYBOK MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 7 AND 14, 2005 VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

5. PUBLIC HEARING

A. Storm Sewer Improvements in a portion of the Carol Beach Unit 2 Subdivision.

1) Resolution #05-70 - Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments against Benefited Property for the Construction of Storm Sewer and Storm Water Management Improvements in a drainage basin in a plat named Carol Beach Estates Unit 2 Subdivision.

Mike Pollocoff:

Mr. President, tonight before you you have a public hearing form storm sewer improvements in a portion of Carol Beach Unit 2 Subdivision. This is in an area where the Village has spent, along with the residents, a considerable amount of time looking at various ways to manage storm water that finds its way into that area. It's part of the Chiwaukee Prairie Compromise Land Use Plan which indicated that this was an area that was slated for development as part of that plan evolved, and there has been significant development in that area.

The Village has in the first instance evaluated a system that would convey a ten year interval event storm water out of that area. There was concern by the Department of Natural Resources at that time that that would have a negative impact on the wetlands in Chiwaukee Prairie and the

project was expensive with respect to the assessments on the property owners. One of the good things that came out of that plan is we developed a specific topographic map of the neighborhood to be able to evaluate elevations in that area.

Subsequent to that we performed a second study which addressed the DNR's concerns related to impact on the wetlands by providing storm water basins throughout that subdivision. That program didn't meet with acceptance by the residents, and that proposal was also scuttled.

A little over a year ago the residents again requested that improvements be made in the area, and the Village had received a grant from the Wisconsin Department of Natural Resources for a master storm water plan for the Village. In that grant we identified a few problem areas where we had ongoing drainage problems, and we asked a separate consultant that had reviewed the other proposals, that's Bonestroo and Company, they evaluated the plan. We had a couple neighborhood meetings evaluating the alternatives in this area. Based on those meetings, and tonight you don't typically see 100 percent of the people at the meetings, we proceeded to get this to a resolution to a hearing so that we could have formalized comments on this.

One of the things I think Bob will go into some more details is that we haven't been able as a Village staff or engineers that are in our employ or consultants or Bob Martin our staff Engineer to be able to identify a system that is going to be able to drain this area through a series of ditches. Throughout the Village there's areas that were platted and developed pre-development controls that the Village has now where now we won't allow a subdivision to go in without curb and gutter and storm sewers and detention basins. Carol Beach is an older area. It was developed without improvements. There's no sanitary sewer there, there's no water, no curb and gutter, no storm water retention or detention, and there's no storm sewers themselves. So ditches would be the next best option. But in this area here, given the lack of grade in the area, we can't make a ditch perform and get it to drain someplace efficiently or without causing water problem downstream.

Consequently the storm sewers was the next alternative. If this was an issue that we could have resolved in house with public work crews we would have done that quite a while back. So this leads us to the resolution tonight. We've adopted a resolution authorizing the hearing. We've sent notices to all the properties. Some of the properties are only partially affected since the Village identifies storm sewer assessments based on area and not by parcel. A drainage basin can break anywhere, and sometimes that is in the middle of a parcel, sometimes it's a corner, sometimes it's the front. It's the lay of the land. So not all parcels are fully assessed. But everybody that does have an assessment received a notice whether it be partial or full.

What I'd like to do is tonight have Bob Martin identify the project as we proceeded. I've directed Bob not to complete the construction drawings for this project. Rather we have a good estimate on what it's going to take to do this, and then have this hearing first and then proceed should the Board authorize the project to go on and then develop construction plans to be put out to bid. Bob why don't you take it over.

Bob Martin:

Mr. President and Board members, as Mike indicated there's a significant history behind the storm water issues related to this portion of Carol Beach Unit 2. The latest attempt by staff was to look at an environmentally sound and relatively inexpensive solution. This particular project, and I'll go over the costs a little bit later, but it's approximately a third of what was initially proposed. So the costs have gone down. Any time you do make physical improvements there's usually a cost. We try to address that cost with the improvements and I'll go over those in detail.

I'd like to mention that there is a significant amount of effort that has gone into the development of the cost estimate because we did include a certain number of hours and survey work. We did hydraulic modeling of the system and other additional fieldwork to try to identify the boundaries of the drainage. The final engineering, as Mike indicated, will not take place until or if the project is approved. I might add that we've had a number of meetings and conversations with the DNR staff to keep them in the loop on this particular project. So they're aware of pretty much what everyone is seeing tonight.

The system itself is designed for a five year recurrence interval which means that you've got one chance in five per year of seeing a rainfall of that magnitude, and that's just a little over three inches over a 24 hours period. To give you some relevance, a two year reoccurrence is 2.57 inches over a 24 hours period; a ten year event is 3.62 inches; 25 is 4.41 inches over a 24 hour period; and 100 is 5.88 inches over a 24 hours period. A little later in the presentation I'm going to go over some of the other issues that go along with this project. Although they're outside the boundary they certainly could have an impact on what's done here.

The majority of the storm sewer is 24 inch in diameter and the material is a reinforced concrete pipe. The slope of the pipe is .002 feet per foot, and that's pretty significant in that it's essentially very flat. It's 3/16 of an inch for a drop of every foot you have of horizontal distance. And to try to build ditches to that precision is where the problem with the ditches lies when you try to go over the entire length as we have done with the pipe. The pipe comes into play as far as maintenance because those lines can be jetted; they can be cleaned, where the ditches are very much more problematic. In keeping them to that particular grade is next to impossible.

The other thing I'll point out in the presentation is that Tobin Creek is on the north boundary of the area, and that can have significant impact on what happens with the drainage within Unit 2 and particularly that portion of Unit 2. You can see on the slide that the red circle shows the project area, and the Tobin Creek is over 1300 acres that goes just to the north of this project. So it is possible and probably probable that during very major rain events that that could spill back over into the subdivision, and this storm sewer system while it can help relieve, it's certainly not meant to address that type of or that magnitude of storm. I just want to make that clear. It's important that's a factor in everyone's decision here also because it's not meant to take care of those major types of storms.

There were 61 properties that were notified of the hearing tonight, and certainly it's very important to hear what everyone has to say about it. I've had a number of conversations with

property owners down there and I think they have some--they shared their views and we looked at their views when we looked at incorporating this storm sewer system as it developed.

That shows the area of Tobin Creek and you can see where it's fairly large. That's that area which would be the very tip, the eastern and southern portion where Tobin Creek goes through Unit 2, so it can have significant impact. This again shows you the relevance of Tobin Creek to the northern portion of the project area. You can see that there's not a lot of relief which is the difference in elevation between the bottom of the creek and the project area. It gets very flat down there, and that's part of the difficulties of designing a storm sewer system down there because there's been a number of situations that have occurred over the years. There were houses built with Army Corp of Engineer permits and that isn't permitted anymore. While that was allowable it pushed the water in different places and in some probably situations created some problems or pushed a problem off to another area. So that's one of the conditions that occurred down there.

This is the actual project area with the project improvements. You can see the heavy black line is the boundary of the assessment area which is essentially the drainage area for that particular portion of Unit 2. The red areas are certified wetlands and there are a number of wetlands that are not certified down there. They are shown on SEWRPC maps, but the ones that are certified were the only ones that were counted in here because we've seen significant difference between what's been certified and what SEWRPC has shown. So where they've covered a large area, for example, when they were delineated they may show up as only a very small portion of that. So that was the rationale and how the portion of the assessment was based on that information.

The bolder red lines are where the storm sewer pipe is and the green is ditches. So we're using ditches where they work to get to the storm sewer and then the pipe to convey that. One of the issues that DNR had was we cannot go by a wetland with an open ditch because it would drain it. So in those cases where we go by it that had to be in storm sewer. It had to be a pipe. So the route was based partially on that. I would say that we're trying to convey a fairly large area and our outlet is just under 300 feet north of Lakeshore Drive on 113th Street so that's the outlet for the project. And we're trying to go from 4th Avenue. You can see where the outer most red line is. That happens to be an 18 inch line, and from 4th Avenue going southeast along the easement area is a 24 inch, and a majority of the line is 24 inch. That portion of the line that goes from 113th from the easement area to Lakeshore Drive is 24, and also to the outlet along Lakeshore Drive. There's some smaller pipe, 15 inch, but that only drains a smaller portion that's along Lakeshore Drive in particular.

The cost estimate is just under \$300,000, and it turned out to be just a little under 40 cent per square foot of the assessable area. As Mike had indicated earlier that's based on how much property was draining within that black perimeter into the project area. The estimate for the construction was possibly \$225,000, and there's just under \$34,000 in contingencies and another \$39,000 in engineering. Typically how we come up with that number is take the construction cost, we add 15 percent to that for the contingencies or whatever we feel is appropriate. There's been enough preliminary engineering done on this project that 15 is probably a reasonable number. We did see some inflated prices with the pipe so that was ratcheted up a little bit. And the \$39,000 is essentially 15 percent over and above the \$225,000.

With the engineering that's gone into there it's probably high. Contingencies you like to see a project go without that, but you always have to have it in there for unforeseen things. Since this project isn't fully engineered, there are probably a few things that may be added or may not be, but certainly we wanted to keep that in there so when it's all said and done the actual cost that would be assessed is only what's incurred. So if the project were bid for under \$225,000 with no contingencies and half the engineering that's what it would be. There's no additional cost added to that.

The currently policy of the Village is to pay 50 percent of the project when money is available. In recent meetings the storm water utility that was created would be able to financially assist this and several projects when there is money available. This was a spreadsheet that showed a number of the projects, and this is kind of a focus on this particular project. It was projected that with a dollar per ERU that was established for budget purposes, it would be around 2010 before money would be available for the Carol Beach Unit 2 storm water project.

As far as assessments, assessments must be certified to the County by September of each year and that's . . . assessed project. If people would pay the project off in October no interest is added to their project cost. So that means that the work must be completed and the cost must be certified by September of whatever year that is. If construction would go into October it would be the following year that they would be certified as an assessment. If a resident wishes to have the assessment go on the tax rolls, the Village currently charged 9 percent interest. The Village doesn't necessarily encourage financing since at least at this point in time there's a number of less expensive alternatives. Some people may wish to take out a home equity loan with lower interest and do it that way for example. So those are a number of facts about the project and I'd be happy to entertain any questions if there are any.

Mike Pollocoff:

One more thing I'd like to emphasize or make clear as far as the financing on this project. The Village has had a long-standing, and in fact it's a resolution, that all projects have to be shared 50/50 by the residents and the Village. If the Village paid 100 percent for all storm water projects then anyplace in the Village that didn't have storm sewers would petition for it because it wouldn't cost them anything although it would be on the tax roll. So that's been a long-standing policy. At one point we paid 25 percent and that got to be unaffordable for the Village.

As Bob indicated in the Clean Water Utility the budget as adopted would allow the project to take place at 2010 if it's authorized. The Board that's sitting over the Clean Water Utility authorized the rate of one dollar per ERU in order to do that. The spreadsheet that Bob shows anticipates there would be a 50 cent increase per ERU that would get you to 2010. The next year the Board could adjust that number higher, it could keep it at a dollar, it could keep it on the same track that's laid out there. But given our last budget meeting that's where we're at.

Under the State imposed tax freeze that the Village is under, we wouldn't be able to bond for this without having a full Village referendum to carry this off with capital funds. So we're not able to initiate a special assessment project through our existing methods other than waiting that specific amount of time to go to 2010, having a referendum to be able to have that be through a general

expenditure, or the other option would be to treat this as a brand new subdivision as we have in the Village now. Currently when someone moves to the Village and they pay whatever they pay for their lots to build a house on they're paying for 100 percent of their storm sewers because the Village will not for new development pay for any improvements. So people who are in a new subdivision pay 100 percent of the cost for those improvements. If the Board receives feedback from the residents that that's what they do that would be one option that would kind of work you outside of the existing financing methods that are available. With that, Mr. President, if you'd like to open it up for the hearing.

John Steinbrink:

Once again this is a public hearing. We need you to use the microphone and give us your name and address for the record. Did we have a sign up sheet?

Jane Romanowski:

Yes we did, and due to the number of speakers there will be a three limit time limit and I'll call your name when it's time. Alan Zahn is the first speaker.

Alan Zahn:

My name is Alan Zahn. My address is 11262 3rd Avenue, Pleasant Prairie, Carol Beach. I would like to address the issue of the newest proposal for storm water system improvements in Carol Beach Unit 2 Subdivision.

The newest plan shows a series of green and red arrows signifying drainage ditches and storm sewer pipe. After looking at this plan I compare it to the plan done in 1997 by then Village Engineer Crispell Snyder and I have the report right here and it shows the plan. I'm sure you're all familiar with it. On Page 2 of the Crispell Snyder report it states, The Carol Beach Unit 2 study area consists of approximately 110 developable lots completely surrounded by land identified for State acquisition. Of these 100 lots slightly more than half contain houses. Many of the undeveloped lots suffer from year 'round high water table and months of ponded water due to lack of drainage. The interior of the study area lacks a natural overland outlet for surface water drainage. Only through evapotranspiration and infiltration followed by ground water flow into Lake Michigan does this ponded water dissipate. The lack of drainage inhibits development and creates problems for existing residence.

In accordance with the recommended Chiwaukee Prairie Plan, the Village has the responsibility to provide public improvements as proposed in the Recommended Community Assistance Planning Report Number 88 and I have that right here. On page 134, it is recommended that the Town Board of the Town of Pleasant Prairie, and it goes through several things that should have been done but never were done which is why we have the problem we have today. One of the things was to acquire a total of 20 lots having a combined area of about six acres. As part of the proposed drainage ways along the unnamed creek along 116th Street, this would allow drainage in this lowland area and it would significant alleviate much of the storm water stress that we experience today.

Village Board Meeting
December 5, 2005

Public improvements include sanitary sewer, water supply and storm drainage improvements as proposed in the recommended plan. As of today we all have wells. We pay for holding tank pumping. We pay for garbage pickup. We were assessed for road construction and it took us ten years to pay that off. If a house gets on fire in this area it burns to the ground because we don't have any hydrants.

Another issue in that plan, in conjunction with the property owners concerned study Lake Michigan shoreline erosion problems and determine whether structural shore protection is a financially feasible and cost effective solution. This matter should be studied before any further major public improvements or private development are undertaken within erosion threatened areas. Well, development has been significant in that area and still no improvements.

Now this was the plan in 1985. Information that I received from Peggy Herrick shows that in 1985 Unit 2 was divided into 330 lots, 213 lots were for preservation and 117 lots for urban development. Prior to 1987 18 percent of this area was developed. From 1987 to 1997 25.8 percent of this area was developed, and presently over 35 percent of that area is development. From 1985 to 2005 development went from 18 percent to over 35 percent with absolutely no storm water management development.

Jane Romanowski:

Mr. Zahn, please complete your comments. Your time is up if you want to finish up.

John Steinbrink:

If you could wrap it up real briefly.

Alan Zahn:

I'm only half way through. I need another three minutes.

John Steinbrink:

Does the Board so desire?

Alex Tiahnybok:

I'd like him to.

Alan Zahn:

Thank you. The Crispell Snyder report identifies 16 lots in low elevation areas to be used as natural storm water storage areas. These areas provide natural relief from storm water as water generally flows downhill and takes the shape of its container. The way the drainage works is water from existing ditches would be cleaned out and new ditches would help redirect storm

Village Board Meeting
December 5, 2005

water directly into the low elevation areas where would sit until it can be removed through evapotranspiration and percolation or infiltration into the ground water supply and then out to Lake Michigan.

This new proposal takes the same plan, eliminates the 16 lots identified as low elevation areas, and runs pipe or ditches straight through north and south. And what I don't understand is how the water is going to be transported uphill north and south of the low elevation areas. Worse, this storm water management system presently proposed will quicken water discharge to the low elevation areas causing flooding conditions to worsen. A bad system is worse than no system at all, and I am asking this Board to step back and take a better look at the ground elevation chart before making any decisions.

I did speak with Heidi Hopkins today, and she said she has been working with the Village on this but as of yet has not seen any plans. She stated that until she sees the plans she cannot make a determination as to if it will pass DNR standards. I also object to any voting today on levy of special assessments. As I understand it, if this goes through, the project will be done in 2010. If the Village does not have their half of the money, then individual lot owners will be responsible for the total cost. Am I right on that?

John Steinbrink:

Generally you make your comments and then we respond.

Alan Zahn:

I'm sorry. As of now it will cost on average 40 cents per square foot or about \$5,000 per lot, half for the Village and half for the lot owner. If the Village does not have their half, each lot owner will have to pay the whole \$5,000. That's a lot of money to spend on a project that I don't think will work.

In 1985 Plan Number 88 stated that a skeletal sewer system should be developed along with increased construction over a 20 year period. For 20 years the Village allowed construction causing the problems we have today increasing our taxes for a few services. Why must we pay for the storm water problem? The Village created this problem and the Village should correct their problem. The Village can start correcting this problem by placing a moratorium on all construction until a comprehensive plan that will work as conceived and implemented. I urge the Board to deny this present proposal for a storm sewer system and I ask that this be tabled until we get more information. Thank you.

John Steinbrink:

Thank you.

Don Van Besien:

My name is Don Van Besien, homeowner on 11107 4th Avenue in Carol Beach, one of the

properties that probably is most hit by this phenomena. As Mr. Alan Zahn stated, the problem has been there for quite a while. The problem is not going to go away, but the studies that have been exhausted to have this accomplished this seems to be the best way to go. I feel great that the Village is offering a 50 percent to the property owner. I didn't prepare any speech or anything like that, but basically you could come down to my property next spring. Anybody out there that has never been there, a couple of you here are there, and I can guarantee you it's not fun for three or four nights watching our public works pump out the ditches with gas pumps when we have no electricity because of a power failure and your basement floods out.

I honestly think this project will give a resale value to the homes that we might not have because I would think that anybody that was affected by this last rainfall would have to disclose this in the sale of their home which would bring down the property values. No further comments.

John Steinbrink:

Thank you.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. I'll try to keep my comments a little short here. A while back I had a problem on my elbow. It was hurting me. Went to the doctor and I felt he was going to give me some pain pills. I'm not hoping he gives me Vioxx, but maybe at the worst I would probably have to get a cortisone shot or anything else. But that doctor looked it over and said I've got the solution that's going to take care of it, amputation. And that's exactly what the Village does on some of these projects, complete overkill.

Something has to be done, but I would like to see it done in stages. The gentleman from 4th Avenue there I really feel sorry for those people. That's where most of this stuff originates. There could be some ditching done up there. I've discussed it with Bob and discussed it with the other engineer from the other firm, and that would eliminate a lot of the problem from the 4th Avenue people. And then down on 3rd Avenue we could do some ditching from 3rd Avenue over to the 20 foot easement that the Village owns or the strip of land the Village owns. That particular ditching I had brought to the DNR, they looked at it, they said it's not the best plan in the word but it would work. So my thought is if we can do some stages on this I think maybe we can eliminate doing the whole, whole problem.

Now, this all started well over ten years ago. The Village at that time said it was a health and safety issue. They've done nothing. We still have a health and safety issue. I think if we did this in some stages that we could have it done, 90 percent of what is necessary done for less than the Village has paid in consulting fees for the various plans that they've had. I'd like to see the Village pay the entire cost. I don't know exactly the word I want to use, but they've messed around with this for ten years, they've subjected us all to ten years of health and safety hazard, and I would like to see them pay for the whole thing.

One quick thing here, I understand that the charges are going to be assessed against Joe Chlebek who lives next door to me. Joe would get not one ounce of assistance from this water project. He has no water on his property now, and there's no way that he's going to benefit at all from this

water project. I think it's really terrible that he would be assessed for this also. Thank you.

Bob Babcock:

Bob Babcock, 11253 3rd Avenue. Not including college this is the fifth town I've lived in. Living here really feels no different than when I lived in an unincorporated area and when I lived in the County. We are supposed to pay taxes to support and enhance our community. Why does it seem that our taxes are going to enhance the rest of the community while the Village acts like they don't want us or at the very least they have referred to us as a headache.

This latest proposal shows incompetence I've only witnessed when I've lived in the City of Chicago. The difference I hope and assume is Chicago's incompetence comes from corruption. How many thousands of dollars did the Village spend to bring us this plan which wasn't acceptable in '97? Do you all think the reasonable people moved out and a bunch of village idiots moved in? I'm no engineering but this plan defies the laws of physics. To the best of my knowledge tributaries flow toward Lake Michigan which is east. Many of our rivers flow towards the Mississippi which is west. The rest and ultimately all of our water flows south towards the ocean.

When my neighbor called to inquire about your plan, he was told they weren't sure where the water was going to go. After I looked at the map and the arrows showing the flow direction I can give you some advice that despite my feeling of neglect by the Village I will give for free. Generally water does not flow north. If you go ahead with this plan don't ask me for one red cent when the engineers tell you they guess they need to put pumps in to get the water flowing uphill.

Since we're on the subject of money, could you please tell me what our property tax proceeds have been used for since they haven't been used for any infrastructure improvements to date. The agreement that more homes were built more improvements would be made, that hasn't happened and now everyone seems to be in a pickle because you've allowed too many homes to be built down here already. It seems you are very quick to allow homes to be built and collect higher property taxes but essentially inept when it comes to community planning in our area.

Dave Buchanan:

I'm Dave Buchanan. I live at 11010 Lakeshore Drive. I just want to comment on the assessment. I was told earlier, and I notice that it's in the proposal it uses the term benefited. Those who will benefit from the project will be assessed. I would like someone come out to my house and show me how my property will be benefited, because I never have any standing water. I've lived there 11 years, and I don't feel that I should be assessed, and I feel the same way about a number of my neighbors going south who don't have any standing water and also would not benefit from the project. Thank you.

Cindy Iwen:

Cindy Iwen, 11031 3rd Avenue. I appreciate the Village's time and effort in researching this project. Last year we lost almost half of our living space to the flood. And I'm told that the assessment will be added to the already significant repair costs that we have. However, our

Village Board Meeting
December 5, 2005

property will not receive any improvements according to the Village Engineer. So I'd happily vote yes tonight if we would receive some improvements. So I'd like to ask the Village to consider draining all of 3rd Avenue or giving those of us who aren't getting any improvements a smaller assessment fee to help our neighbors. Thank you.

Pauline Chlebek:

Pauline Chlebek, 11360 Lakeshore Drive. We have lived in our home for 14 years. We've never had a water problem. We don't have standing water. We are two properties away from no name creek. All our water goes that way. Joe called Mr. Pollocoff Friday but he wasn't in. This gentleman called in his stead and told us that we contribute to the flooding problem. Tell me how water could go up north up hill when I am only two properties away from no name ditch. It's unfeasible that water goes uphill to flood those houses down the road. Two springs ago when we had that awful rain for days and days and days I felt for those people. I went and I looked and I saw what was happening.

They came out with a petition asking for help from the Village. My husband and I signed it. Is this what we get back that we have to pay for their improvements. We do not get water and I will not pay \$3,200 to improve somebody else's land when our land is not involved in this situation. We talked to our attorney and he asked us, do you flood? No. Will this improve your property? No. You don't have to pay this and he'll see it that we won't. \$3,200 for us is a lot of money. Thank you.

Gus Hauser:

My name is Gus Hauser, 143 113th Street. I would like to add to the storm water issue in Carol Beach Unit 2. I know I'm allowed to speak only three minutes and the hopefully shut up and go away. But I would like to ask you to allow me more time. Will you?

John Steinbrink:

Let's see how far you get in three minutes.

Gus Hauser:

First of all, I want to make clear I like this area. This is where I've lived for almost 30 years and learned to live with its advantages and its drawbacks. For me a house is a home, not just an investment. I also would like to apologize up front if I get carried away and get bad. I saw the situation develop and get worse from year to year and there is no end in sight. This issue will not go away, not even if some sort of storm water system is approved. The issue of the high ground water table cannot be resolved, not with protective wetlands all around us and subdivisions from the area west of us dumping more and more water into our area.

The Wisconsin DNR, SEWRPC, TNC, U.S. Fish and Wildlife Service, Army Corps of Engineers

and numerous other agencies told you that from day. Let's face it, we're on the bottom of the hill. State and federal agencies will not and cannot allow this area to be drained to everybody's satisfaction. Draining wetland is still illegal in the federal and State laws. Just about everybody will agree this wetland area should never have been allowed to be included in the fillable area. Some official back in the mid '80s . . . otherwise smart thinking to be clouded by overriding concerns for property rights and tax base. Now we have to live with their decisions.

But this proposed storm water project the Village came up with this time will not be the solution. I was the one who initiated and circulated the petition for the relief this time because I felt sorry for my fellow neighbors after the spring flooding in 2004 and asked the Village for help. I should have known better from past experience. Instead of a cost effective workable solution we asked for, a proposal similar to the one denied by the DNR in 1999 was presented with no alternatives. Alternative approaches do exist. Some of them are roadside sloped ditches where needed. Pleasant Prairie applied for and got a Chapter 30 permit in 1998 for roadside ditching but to my knowledge never did anything with it.

At this time it was apparently okay for the Village to install ditches which they now say do not work. In all previous proposals ditches have been a part of them. Roadside ditches should be automatically a part of . . . obstacles to the natural flow of water on the topo map like the back swales on the east side of 4th Avenue between the end of the project boundary and the unnamed tributary, and the back swale on the north side of the unnamed tributary between 3rd Avenue. This may require cooperation with the DNR.

If Pleasant Prairie would have upheld its minimal obligations under the Land Use Plan 88 and purchased those 20 lots along the unnamed tributary for maintenance as envisioned this would not be necessary. Only if this . . . then another round of facts should be explored. In the meantime I'm totally opposed to the storm water project as proposed for the following reasons: Is this administration afraid that the above-mentioned sensible solution if carried out in good faith will work? Second, why was the last project which was entirely fine as proposed to be entirely fine by the Village never finished? Third, was the DNR informed of the proposal and does the project meet their approval? Fourth, the public was not properly notified and informed contrary to the Village Engineer's comment. Fifth, the way the project boundaries are delineated and the assessments set is totally arbitrary and discriminatory. I poured over the topo maps and they do not support the Village Engineer's explanation. Further study is needed.

Sixth, to install ditches in front of my property is totally unnecessary and uncalled for. This is an unneeded expenditure and will flood my property and not drain it and I should be awarded compensation and not charged for it. Seventh, are ditches proposed on both sides of the road and if not why not? If this project is meant to remove standing storm water this is absolutely necessary. The preliminary map shows them, the latest one not, and the project areas is smaller than it used to be. Here again the topo map does not support the Village Engineer's explanation.

Eight, what happens if this project is approved and the Village decides not to match our funding? I know there is a small disclaimer on the bottom of the assessment list. Nine, how are sump pumps proposed to be connected? Will there be an assessment for each pump hookup? Ten, was the Engineer's study funded with grant money? Eleven, I would like to point out this is a LUSA District and that's why we propose ditches and not the full blown storm water system. Contrary

to what the Village Administrator says storm water systems were never to be built in this area.

It states clearly in the final summary in SEWRPC's newsletter Volume 25 Number 2 dated March/April 1985 only in the areas west of the railroad and east of the railroad north of Barnes Creek were supposed to be included in any skeletal storm sewers and not our area. This proposal is clearly against the plan. The . . . sized for the last drainage proposal for 3rd Avenue only. Thirteen, for what storm even is this proposal designed for? I just heard the explanation from the Village Engineer. Fourteen, a lift in this area in the '80s and remember the storms that we had. This system will fail us when these conditions return. I have a few pictures to show how the lake and 1st Avenue looked like. I think they got circulated already. You can see 1st Avenue was impassable. You couldn't even get through. The Village had to send bulldozers to clean it out.

State building codes should be enforced. If Comm. 82.36.2 would be enforced by the Village as it should we would not have this problem today or the storm water ordinance that this Board approved I believe it was 1999 but was never published should have been enacted. Sixteen, the flooding of 2004 was caused by the Village's failure to maintain its infrastructure. The culvert for the unnamed tributary on that first court was caved in and the road crews filled it in with gravel and blocked the creek totally. Then we know what happened. The whole area backfilled and then the power faded and that's why we had that mess.

There are many more reasons for not approving this proposal, but I did not have the time to compile all of them. The time frame that the Village said they would notify us was not what they actually did. I urge this Board to either reject it or postpone the proposal for further study. Our . . . timing of it being brought up just before the holidays. Merry Christmas and hopefully a new year anyway.

John Steinbrink:

Anyone else wishing to speak on this item?

Renate Hauser:

Renate Hauser, 143 113th Street, Carol Beach, Unit 2, Pleasant Prairie, Wisconsin. Good evening. I might repeat some of the stuff that my husband said, but I would like to put my two cents in, too. I would like to start out that I am very much opposed to the storm water drainage proposal presented by the Village. I have said it and I repeat myself again I'm not an engineer, but why propose such an elaborate project? To me it doesn't seem possible that all that excess water from 4th and 3rd Avenue will run through those pipes such a long way and still make it to Lake Michigan. What will be the force behind that water?

Countless times we have asked for ditches and every time we were told ditches won't work in our area because of sandy soil, etc. Yet, when I look at the drawings numerous ditches are proposed. Why would it work now with expensive pipes included? What will happen should those pipes fill up with sand? Last time we asked this question we were told they will be periodically cleaned out.

What I'm saying next might offend some of the public works people. Maybe our road is the last

one to get plowed, but after observing that the duct outlet into Lake Michigan was being covered in sand for almost a year and the manhole across from the outlet still being filled with gravel, and to my knowledge never got cleaned out, frankly I have lost the confidence that those pipes will ever stay clean. What will happen to the above-mentioned outlet and pipes should the lake decide to rise again? And, believe me, it will rise again. We have experienced the water coming across 1st Avenue. At that time it was called 1st Avenue.

My other big question is the proposed assessment. Unit 2 consists of more properties than what are on this proposal. Some properties which clearly benefit should this go through and be accepted from a project like this but they did not get assessed. Also, some homes which have one or two sump pumps and will be connected to the same pipes those properties got cut in half with the assessment. Why? I oppose this proposal. Thank you.

John Steinbrink:

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

Mike Pollocoff:

I'll go with what I have Bob and you can pick up any I missed. I'd like to thank Mr. Zahn for his questions. He made some good points. One of the things about Unit 2, and identified that there were numerous lots and the lot count that currently exists, in two cases, one less than the number of lots that's in Unit 2, and this is a question Mrs. Hauser brought up as well, and it's less than what was identified in the previously proposal is what the Village did in order to bring down the scope of the project as far as the cost, as well a take a more specific look, and you may have seen engineers out there on a lot by lot basis evaluating where we saw the break lines and the drainage basin. That's why there's less lots involved in this than there was in previous studies.

As far as driving water uphill rather than east or west it's really the topography of the land, that as well as working within the existing right of ways rather than acquiring east/west or other right

of ways. We work with the public right of way we have. With a pipe, a storm sewer, you're able to effectuate a grade by the construction of that pipe and how it's put in the ground rather than working with the topography.

We've had discussions with DNR. We've showed them what we're doing and we've talked about the project. Heidi from DNR is accurate that she hasn't reviewed the plans for this project and she won't until the project is allowed to proceed and we're able to put it together so she can review a set of plans. There isn't any plans that are developed in the Village, whether it's sewer, water or storm sewers, if DNR is the reviewing agency, that we don't take the time and contact DNR and visit with them about the project to make sure that it's going to be submitted in a manner that's approvable, so our time is efficient as we put it together and not developing something that can't be approved as we put it together. But we have had discussions with them, and Bob indicated everything we've heard from Ms. Hopkins and Pete Wood from DNR indicate that we're on the right track on this thing.

Your other comments as far as you don't have water and you don't have sewer, you're right you don't, and under the Chiwaukee Prairie Plan you're prohibited from having sanitary sewer or water. We're not permitted to include any of the Carol Beach area west of the tracks south of 90th within a sanitary sewer service area. The State will not allow us to bring sanitary sewer into that area nor water. The reasons were as part of the Chiwaukee Prairie Plan that would do two things. One it would encourage development. As people had sewer and water assessments on their property they would want to sell vacant property to develop it to pay those assessments off. That would put undue development pressure in the area. And the other thing is, too, just by the nature of sanitary sewer construction or water construction you bed those types in a trench filled with stone in order to maintain the grade of that pipe and that serves to drain the water table in the wetland areas. So we can't put sewer in that area and we can't put water in that area.

You in your property taxes don't pay for sewer or water either for yourself or anybody else. So when you pay your taxes that's something you don't pay for someone else to have. You do pay a garbage bill as does every other resident in the Village. Again, that doesn't pay for drainage problems. And the Village Board adopted a Clean Water Utility that is going to set that forward and create a fund that at some point, if it proceeds tonight or at some future point, that fund would be available to help pay for that work.

As to whether or not the Village should pay for the improvements in that area, that's of course up to the Board at any time, if they decide to modify existing resolutions that say we'll pay for-- we'll improve property with public improvement without charging the people that are there. But throughout the Village when someone has wanted an improvement that the Village would own and maintain in perpetuity, they or the people who originally created that lot put those improvements in and the Village pays for those improvements in perpetuity whether it's a paved road, sewer, water, storm sewer, curb and gutter or what have you. It's different in all areas. That won't happen.

As much as I myself wish you have a fire hydrant by your house and the guy behind you with the shield on his jacket wishes you had a hydrant in front of your house, we can't put one there. But we can with the property taxes you pay make sure that there's equipment, tankers in the barn here at the station at the Village Hall and at the other station that could haul water to your property and a method to convey water to your property through shuttle systems to make sure that we can take care of it the best we can without a hydrant. That doesn't solve your storm sewer problem, but I don't want you to think the taxes you're paying are giving you no fire protection or police protection or public works.

One of the questions that a number of people addressed I'm going to give you the best answer I can. It's the right answer but you might not like it. When we determine a storm water basin that's established for the purpose of assessment, you really look at a basin almost like it's a bowl or a saucer in this case. If you put water in the saucer the water would go in at some points and roll to the lowest spot. The basis of the assessment is whether you're receiving the water or sending the water you're part of the problem. If your property is high in relation to the bottom of the project, water when it rains in a good storm or any storm eventually is going to find its way off your property to the next property that's lower and to the next property that's lower. That water might not be on your property for very long, but the water from your property is going

someplace and somebody has to deal with it.

The logic in the assessment is that everybody shares in that cost. You don't penalize the person at the bottom of the hill because they happen to be at the bottom of the hill, and you don't penalize the person at the top of the hill because they're sending all the water. It's a fairly well established principle in Wisconsin law for assessments that everybody shares in that equally, that you don't create an unequal assessment where someone gains by the luck of the draw that their topography is a little bit higher. That happens also in water assessments. When we put a water main in and the water main is on one side of the street and somebody needs a short lateral and somebody needs a long lateral, it's the luck of the draw that the guy who has the short lateral you don't charge him the smaller cost until the guy across the street to pound salt. The same things happens with a storm water assessment.

So Mrs. Chlebek and the other gentleman here in front, you are in, and I use this word relatively in Carol Beach, you're in a higher area so I have no doubt that you don't have standing water on your property at very many times of the year because the water is landing on your property, it's pitched enough that as that water pools and doesn't pond it drains off and it's going to someone else's property and that's the basis of the assessment. If the saucer fills up with water completely then everybody has water but then everybody would be flooded. So water will find its way someway.

In the case of Mrs. Chlebek's property, and it depicts it pretty well on that map up there. I don't know if anybody has a pointer and they could point to her property. The black line which is the assessment area shows the basin line so you are correct. The water in your front yard, the ditch, drains to the south, to no name ditch. I don't disagree with that at all. But towards the back of your property and just to the north the topography tends to fall away.

Pauline Chlebek:

Can I say one thing?

John Steinbrink:

The hearing is closed, ma'am. Let the gentleman finish his comments?

Pauline Chlebek:

He's talking about my property.

John Steinbrink:

We heard your comments now please hear his, okay? Thank you.

Mike Pollocoff:

Along Lakeshore Drive, the property and that black line there shows that there's no question that along the east side of your property that water falls into Lake Michigan. Along the other side

there's drainage on the front, and again that finds its way to someone else's property. That's the logic in the special assessment basin. If it wasn't done that way you would find the lowest parcel on the property and you would put the entire cost on them because they would receive the most benefit and we can't do that. The Board is required on this assessment and any other assessment they levy to do it equitably among all properties affected in the basin and not penalize anybody more than anybody else if the project is worth proceeding with.

With response to why don't we ditch, and I think Mr. Hauser raised that as well as Mr. Babcock, Sr., as an interim step I think at the end of the day we have a fundamental disagreement, and I don't think the Village Board is going to have any of the existing engineers or our engineer put their seal on a set of plans that is, one, going to divert water and cause flooding someplace else, or secondly ditch or do something that is not going to fundamentally solve the problem. I wish more than, given the amount of effort spent on this, more than some of the people who live there that we could have done that because it would have been the easiest way out for everybody. We haven't done it because it will not work. I don't want to be argumentative about it, but we've spent a lot of time and effort on that and it doesn't work there. The grades do not permit ditching to get the water out. I think Bob can probably address that more succinctly and in greater detail.

Again, as far as the Village paying for everything, that would take a significant change in Village Board policy if they choose to adopt a new resolution that says we'll pay for or we'll make public improvements to properties that haven't made that initial expense for those improvements. That would be up to the Board to do that. Bob, just go over the issue about ditching again. Specifically one of the things that is the slope, and I think you talked about it before, but the percent grade of slope and the depth of ditches and what that does to the profile.

Bob Martin:

The ditches will work in certain locations but certainly not to cover the area that you've seen in the assessment district. We've proposed that because you can see that the green lines all end up going to the red line for destination. That's because you don't have to have the depth which does encroach back into the property. During one of the public information meetings that was discussed. You try to have a slope that maintainable on the ditches. You like to have a width that's maintainable even though it may be more than what you need for capacity. It's one of maintenance.

The storm sewer pipe itself can be cleaned by jetting it and that's one of the advantages. Obviously there's a cost to that, a capital cost, but it is easier to clean with a jet than to go back into a ditch that has failed either by someone running off into the ditch or someone throwing wood into a ditch. There's a number of reasons. I've seen that actually in the Carol Beach Unit 2 area. So there are certain advantages. You can save money if you can make them work. As Mike indicated, it's a problem that has been there for a number of years and it's gotten tougher and tougher to resolve because of some of the encumbrances on the property not only by the wetlands but by some of the construction. Trying to put storm sewer between houses now is more problematic than it might have been ten years ago. So all these are cumulative and have a cumulative effect on what the design has turned out in this particular case.

The ditches there can be swales over the storm sewer that you can create artificial grades in a

sense that you can create high points and low points and go into an inlet along the line of the storm sewer so you do have some advantages, again, with that. If there's some rear yard drainage issues, you have a much better opportunity of getting to the storm sewer because it's deeper with some kind of pipe than trying to get into a ditch that has a relatively shallow grade compared to what the storm sewer would be. So those address some of the issues that came up with the comments tonight.

I think the people I talked to that I encouraged to come to the meeting tonight to give their point of view and perspective to the Board I think that's important. There's a lot of big issues for the people making either the commitment or not to the project. So I think it was all positive information we gained tonight. If there's anything else I can address or answer I'd be happy to.

Mike Pollocoff:

One more thing, and I don't want to feel like I'm picking on Mr. Zahn, but Mr. Zahn raised a lot of good questions, was the Chiwaukee Prairie Plan did identify that the Village of Pleasant Prairie should evaluate shoreline erosion as part of the development and we did that. Back in 1987 and '86 the Village spent close to \$750,000 in, one, getting a plan approved for shoreline erosion control, and Mr. Hauser's pictures did a pretty good job of depicting what the damage was along Lakeshore Drive. Even if you look at the aerial that's up above, all of the jetties that are placed at the Village park area as well as the rock revetement was constructed by the Village. All the Village taxpayers paid for that work to be done in order to protect 1st Avenue, provide openings for Tobin Creek, Barnes Creek and another south outlet of Barnes Creek to help provide a channel where we could control how the water was discharged, and we did that with no help from anybody.

The Town Board at that time also undertook to secure in a really difficult market broken concrete from the Illinois Tollway. We set a plan forth where the Village acquired the property, had a contractor and had that contractor available, and for those private properties along Lake Michigan and Lakeshore Drive we were able to secure that concrete, have the concrete delivered to their homes and placed by a crane and treat that as a special assessment. They were able to have that paid for in the first instance by the Village and financed through the Village over time. That was a significant project that went on well over two years. A lot of properties were protected that were starting to succumb to Lake Michigan. The Town Board's view at that time was if the homes along the way fail and they're not able to fight off Lake Michigan, we'll end up with that problem when it eats into the road eventually and a lot of homes were protected through that project and a lot of frontage along Lake Michigan was. The good side was that solved our problem at the time. Then a lot of people had the opportunity to build some really nice homes across the street and they had a lakefront view that the Village protected.

Interestingly enough the Village at that time also offered all the residents in Carol Beach the opportunity to make that a Carol Beach project at which point the beaches and everything would be private to Carol Beach and it would be their beaches to use and they declined at that time to do that. I hope I got most of it. There's some overlap in what was talked about. If the Board has any questions Bob and I would like to respond to those as well.

John Steinbrink:

Bob, any further comments?

Bob Martin:

I think the one that was important that Mike touched on is that with storm sewers it's very difficult to--the concept about everybody being on a hill you'll never see anybody on the hill that has a storm sewer, but that doesn't mean they don't contribute to what's happening. I think that was expressed.

John Steinbrink:

I'll open it up to Board comment or question.

Alex Tiahnybok:

First off thanks to the citizens that took the time to come here today and comment. By my count and I don't think I missed anybody, but I think about eight or nine people spoke on behalf of what appears to be 61 affected properties. I can only see three options, either the other 52 or so weren't aware of this meeting tonight or their absence is a silent approval of the proposal or they're just tired and willing to accept whatever happens. I have a hard time believing that's the case.

The environmental conditions currently are dry. The lake is low, and the need for this proposal at this point maybe seems not as urgent, but I think everyone agrees that the wet period will come back and the lake is likely to rise. I guess we're something like three feet off of the average or something like that so there will be tough times ahead again. And I don't think we can afford not to do anything.

I'm a chemical engineer by training, and as a professional courtesy to the engineering staff of the Village I'm not going to dispute anything that has been presented. I have to believe it's accurate, and the solid black line delineates that saucer concept that Mr. Pollocoff referred to and makes sense to me. There are a lot of issues that were brought up this evening. Information meetings have been held. I frankly don't know how many people attended those meetings, but what I see is, again, 61 properties being affected and a small vocal group obviously being here tonight, but I'm not sure that the other 52 or 53 affected properties really are being represented.

Again, a lot of issues were brought up. I started writing a list but I think it's beyond the scope of today's meeting, frankly, if every issue was addressed. As a result I think the only appropriate move would be to table this and have another information meeting and really truly implore the people that are affected by this to participate in that meeting. I'm kind of in a personal conflict of interest. I sit here as a member of the Village Board, but I'm also President of the Carol Beach Property Owners Association and it's difficult for me to remain unbiased. But it's the entire Village's interests that I have to protect sitting here.

So I would recommend that we table this, set up another meeting with the intention of that meeting to lead to an understanding. I think there's many opinions that are absolutely divergent

at the moment, things like drainage rates from ditches versus pipe; 3/16 of an inch of slope per foot seems like an awfully small amount to count on gravity to do the job. So I see the merits of some kind of hybrid system as the engineering staff has put together. But simultaneously I see a lot of skepticism from the citizens that are going to be paying for this. As a result I would like to motion that we table this, have a meeting where literally everyone is told this is going to cost you. First off, the notification although it says it's an opportunity comment, it does not indicate dollar amounts which I'm troubled by. I think that if certain people saw that they had \$3,000 or \$4,000 or \$5,000 hits coming their way they might have been a little more motivated, but that was not in the notification as far as I can tell. So unless somebody else has further comments I motion that we table this for another meeting with the goal of having a firm neighborhood understanding and commitment to moving forward.

Jeff Lauer:

I guess I need a little explanation. By the word tabling, if this was tabled does this mean necessarily we start from scratch, or Alex are you looking for just one final gathering of 61 or whoever shows up out of the 61 property owners and go from there? The issue I see has been happening for years. The Village has spend I think over \$200,000 already on studies. Given the cost of this \$297,000 and we're almost talking a half million dollars. I'm certainly not an engineer but I'm trying to understand the ditch concept but down in that area is sand and water and sand don't mix or it might not be a long hold on it. I feel for Don over there on 4th Avenue. It would be nice if we could just take him and solve the problem but obviously that's one of these difficult situations here to deal with

John Steinbrink:

You made a motion. Did you make a second?

Jeff Lauer:

I more or less commented and tried to get an understanding of what happens if it's tabled.

Alex Tiahnybok:

Again, just to restate it clearly, I think it needs to be, again, more clearly stated to the effect to 61 properties, the ramifications of what is happening. I really don't think it was property broadcast. With the financial impact of silence I'm tempted as a Board member and as an engineer to support the Village's proposal. But simultaneously I hear what the affected citizens are saying, and I would prefer to see this process move forward whether it's with the engineer's proposal or some modification of it, I would prefer to see it move forward with the residents' approval and support rather than a forced decision that looks like a lot of people aren't going to like. So my goal is to have this put to bed once and for all. I agree with you Jeff it's gone on way too long. Too much money has been spent. I think everyone on the Board has pretty much bought into the 50/50 split in terms of financing this project. I'm not sure that's going to continue on indefinitely so I think that should be a motivation to move forward on this also.

My goal would be to have one meeting and hopefully be able to resolve issues like where are the

edges of the saucer, what is the impact on areas outside of the boundary as it's shown in this current proposal. I think they have flooding issues that may or may not . . . happen. And rather than taking a heavy handed approach I'd like to at least have one more chance to convince those people, whether it's a formal Village Board meeting, but some kind of informational meeting or a function of the Carol Beach Property Owners Association. We could invite Bob Martin and have a group together for that. So anything but just a heavy handed mandate.

Mike Pollocoff:

I know the motion hasn't been seconded yet, but before it's seconded or acted on, Wisconsin Statutes proscribe the methods by which we have to do this. If you look at the back page of the letter to the residents we send, and in that it says the Village Board has adopted a preliminary resolution declaring its intent to exercise police power to levy special assessments pursuant to the statutes upon property within the proposed assessment district for the benefit conferred upon for construction, what we're doing. The statutes proscribe, and the statute of the State law we operate under, the report and estimated cost of improvement and schedule of proposed assessments are on file at the Village and are inspected and encourage people to look at it.

I understand what you're saying. I hope you don't think anybody at the Village Hall is being heavy handed with it. We're really trying to follow the State statutes, and it's a little counterintuitive that the statutes which on one hand proscribe open government and everything being out there, but they discourage you from sending out your neighbor's expenses although you'll see them if you come to the Village Hall because the schedule is the schedule. We can do that. We have to send this notice out by law. We can't vary from it. That's the one--we have no choice in this. That's what the law proscribes.

If you want to have another meeting, I think in order to protect the rights of those people we need to renotice--we need to go through the process again. To continue the public hearing and especially if there's any changes that end up happening, if the Board considers this at that subsequent meeting and we haven't given the property owners in the district, again, their due process notice that the Board could be considering some kind of assessment on them, I think we'd have ourselves a problem. If you guys want to table this, we need to give them another notice. We have no choice. We have to send the notice that's here. If you want to send out the schedule I have no problem with that. In a letter that describes anything else we can do that, but this part of the notice has to go out.

So just by tabling it we just can't table it because the statutes consider a special assessment or a lien on someone's property as an important and significant item for someone's property so you've really got to walk through the steps to make sure everybody is on the same page as far as knowing what could happen to their property if they don't come. Assessments are not a vote by the residents. The Board, the State under their police power delegates all that authority to the Village Board and you make your decision based on input that you get before the hearing, during the hearing, as you ponder and as you think about it. That's really what your job ends up being. I encourage you if you table it we need to table it such that we can go through the notification process again which basically takes us four weeks to get the notice in the paper and it proscribes how much time they get to get this and look at it.

Village Board Meeting
December 5, 2005

John Steinbrink:

Mike, could I ask a question. How many hearings have we had on this and how many special meetings have we had on this? How much notice have we had on this for all the different things over the last two years?

Mike Pollocoff:

Over the last two years this is our first hearing on it. We've talked about it. Bob has had two neighborhood meetings on this to get some input. We've met with numerous neighbors over time. Over ten years we've had probably this would be our third special assessment hearing. We've probably had at least, without benefit of the minutes, six to seven public information meetings or discussions about this. We've had open houses where people can just come and talk to us about it. Without a doubt, in the Village of Pleasant Prairie it's the most thoroughly studied storm water area in the entire Village.

John Steinbrink:

There's disagreement with the engineer's findings, but the engineer has to put his name on this. Any engineer has to put his name on this and Alex can appreciate that. You're saying what you're saying is right. We have a lot of opinions of people who want to be engineers, but I don't think they're going to put their name or their money on the project. Through the years most of the engineers that have studied this and have been willing to put their name on it have all come to the same conclusion. So either all the engineers are wrong and we need to study this some more, or we take action on it and move on.

Alex Tiahnybok:

John, I agree with you. This is an engineering matter. The effectiveness of the proposal is something that a certified professional civil engineer is absolutely in a position to support. In terms of timing I agree with you it's gone on long enough. But simultaneously in this case if it's another four weeks and if in that four week period we can manage to have that meeting of the affected people one more time with the understanding that something is going to happen, and if you want to have a voice in it show up. I don't know if any of those previous meetings--frankly some of them were held without notification as far as I can tell to Board members. I don't know if any of those meetings included a specific dollar cost amount for the affected residents. And now that we've defined it to dollars and cents, literally \$2,797.20, once you define it down to that kind of accuracy I don't see the drawback to allowing another four week period, a notice period, etc., and having this before the Board let's say the first meeting in January if that allows the four week period. I don't think that's a big price to pay to accomplish a consensus hopefully from the affected residents.

Mike Pollocoff:

If the Board follows through on that motion, we'll send out another notice.

John Steinbrink:

What is the cost every time we go through this procedure?

Mike Pollocoff:

The biggest cost now is we're going to have postage and a couple hundred bucks to the *Kenosha News* and whatever staff time to answer questions. We're glad to answer them. That isn't a cost.

John Steinbrink:

We've had daytime meetings, nighttime meetings. The Village Hall is open and tonight we're holding the hearing at 6:30 we started so it would be convenient for people to make it. We saw the people that took the time and the effort to be here. I don't know if they expect a decision tonight. They voiced their opinion. Otherwise we just keep delaying it until I'm not sure whose satisfaction is going to be served here. You still have a motion on the table?

Alex Tiahnybok:

Motion is there, yes.

John Steinbrink:

Is there a second?

Jeff Lauer:

A question if I may. Mike, what you said earlier about the State statute, the way you worded it, does that mean we have to vote on this resolution or just follow the procedures again in sending out another notice.

Mike Pollocoff:

You can table the resolution before you tonight which is the item after, following the hearing, so you'd vote to table that. What I'm saying is that we would really need to renote this and give people their due process so they would know it's out there. Trustee Tiahnybok indicated maybe having a meeting in Carol Beach, and if he decides to do that the staff will come, but that cannot be the assessment hearing. The assessment hearing has to happen before the Board. I just believe that tonight you heard a number of speakers and I only heard one in favor. And if one of the speakers that was against decided to litigate with the Village over the fact that you had a hearing without having notice, I think it would invalidate the process and you'd be doing it all over again anyway. So if you decide to table it, and I'm not saying that's bad or good, but I'm just saying if you decide to table it we need to--just to table it without the renotices we need to do that. Don't table it for two weeks. Table it for a month and allow the renotification process to go. We have to send out the same thing we had before. If the Board wants us to send out the schedule of special assessments we'll send that out and have another hearing.

Alex Tiahnybok:

Village Board Meeting
December 5, 2005

Do we have a meeting on January 2nd?

Jane Romanowski:

No.

Alex Tiahnybok:

So it will be the following day or the following week?

Jane Romanowski:

The third Monday of the month, the 16th.

Alex Tiahnybok:

But not the first in January?

Jane Romanowski:

No.

Alex Tiahnybok:

So the 16th would be the next opportunity. To define my tabling request further to January 16th.

Jane Romanowski:

And that would be a motion to postpone and not table, just for the record.

Alex Tiahnybok:

Whatever follows the guidelines.

Jane Romanowski:

Tabling would make it to the next meeting, so postpone with a definite time.

Alex Tiahnybok:

With the proper notification.

Steve Kumorkiewicz:

What are we going to do? We're going to notify . . . we have a figure so everybody has a chance to go through the figures on how much it's going to cost them which they didn't have before . . .

so it's clear. We listened to what Alex had to say about it. I hate to keep this issue going and going and going because it's been so many years. That we should give him one last try. The only thing we're going to gain is I hope more people but if we decide to table this no matter what next meeting a decision is going to have to be made. Otherwise we'll keep going around and around and around and go no place. I'll second that, but that's going to be the last time to do something with the problems because we cannot keep postponing and postponing again. That's a compromising point for everybody. Now everybody has the figures. They'll have a month to look at it - during the holidays and they can come and take a look here - we have to save money. I think that's the only solution that we've got right now. We can postpone it for four weeks and that's the last move. Then we make a final decision no matter what. But nobody is going to accuse the Village that they never saw the notice. Now all the cards are going to be on the table. They have four weeks to think what they want us to do. That's all I have to say.

TIAHNYBOK MOVED TO POSTPONE THE PUBLIC HEARING FOR THE CAROL BEACH UNIT 2 STORMWATER PROJECT UNTIL JANUARY 16, 2006 AND SENDING OUT NOTICES AGAIN WHICH INCLUDES MORE INFORMATION INCLUDING THE ASSESSMENT SCHEDULE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 3-1 WITH STEINBRINK DISSENTING.

- B. Consider a Request for a Variance from Chapter 395-81 of the Land Division and Development Control Ordinance to begin construction of Building 21, a 4 unit condominium building, prior to completion of Phase I of the required public improvements for the Creekside Crossing Condominiums generally located north of 93rd Street at 63rd Avenue.**

Jean Werbie:

Mr. President the request from the petitioner has been withdrawn. The reason being that the reason for the variance no longer exists as substantial completion for the first phase of public improvements have been completed and the letter has been provided this past week. So there is no need any longer for the variance, so it has been withdrawn.

John Steinbrink:

So we will not be acting or having a public hearing on Item B.

Jean Werbie:

Correct.

John Steinbrink:

Before we move onto Item 6, citizen comments, I want to state that we are going to be tabling Item G that is on the 9-1-1 dispatch services. So if you wish to speak on this item under citizen

comments now would be your time when we do that. Before we move to citizen comments I am going to ask for a five minute recess.

(Recess)

6. CITIZEN COMMENTS

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. First of all I want to say that Bob Martin put a lot of work into this whole plan and I kind of feel sorry for him. He walked into a pretty good sized can of worms. A couple of the new gentlemen on the Board they haven't been through all of this. And the rest of the people on the Board, Mr. Steinbrink, Mr. Kumorkiewicz and naturally Mr. Pollocoff have been involved in this for a number of years and I can see they're getting exasperated, be we the people down there are getting a little bit exasperated down there also.

Now that we've got that out of the way, the Village Board agreed to pave 1st Court from Lakeshore Drive west a couple years ago and that was tabled or postponed until this thing got taken care of. And I want to know what the Village intentions are as far as that paving is going to go. They said that they were going to hold it up because there may have to be a culvert put across 1st Court. I know the Village has paved other roads in the area and a few days later cut them up to put culverts in them. So I think most of us there would like to get this paving project done. Thank you.

John Steinbrink:

Thank you.

Augie Schepker:

Augie Schepker, 4201 104th Street. My comment tonight I want to comment a little commitment from the Board relative to the expansion of 104th Street. Yes, it's a State project. We know that. The plan is excessive, extremely excessive. What I'm looking for tonight is some support from the Board of Directors of Pleasant Prairie that they will support the 80 some people that are affected by this road. I wrote a letter to the State citing the plan, the cost, the safety factor and gave my solutions. I did receive a letter back just a couple days ago from Vita Schaeffer I think it is, and reading between the lines I guess things are status quo.

On October 19th we had a meeting right in this room. Where were you John? Where were you Mike? I saw two representatives here from the Board. There were people here frustrated, angry, disillusioned. There were people crying. Why weren't the rest of you here to hear that? This is really something important. It's a big thing happening. What I'm asking tonight, very simple, I want a yes or no from each one of you are you going to support the Pleasant Prairie people in trying to soften this and tone this down? I'm not against improving that road, but let's just tone it down a little bit. It's just excessive. I don't want any political talk. How about a yes or no from each one of you. Are you going to help the people of Pleasant Prairie. Let's keep it Pleasant Prairie. It's a residential area. It's going to be all residential. We don't need a high speed road.

Village Board Meeting
December 5, 2005

Thank you.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Mark Andrea:

Mark Andrea, 8944 26th Avenue. Just a quick question. I just want to know if anybody found out anything in regards to the meeting of November when I made a comment on having the meetings videotaped and put on the Time Warner system. Just curious if there's any follow up on that. Thank you.

John Steinbrink:

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

7. VILLAGE BOARD COMMENTS

John Steinbrink:

Mr. Schepker, we were there. We were probably not there at the same time you were there.

Augie Schepker:

I was there for two and a half hours.

John Steinbrink:

It was a two and a half hour meeting. We spoke with many people. Item F if you stay here this evening will be the Board's response, the Village's response to this highway. We have discussed this at the previous meeting, Mike. He must have left before we got to that item. We discussed the 104th. There's been a lot of speculation on this project. The State has put forth their idea. We are now getting out chance to respond. The Village has ideas. We've listened to the citizens. We're including those in our ideas also. So if you stick around for Item F we'll address that issue at that time. Anyone else wishing to speak under Board comments?

Alex Tiahnybok:

Commenting on Mark Andrea's comments, Mark whether it was between the lines I don't recall, but I did indicate that I had been in contact with Kenosha Public Television. There's another development here in the Village and that's expanding our IT capabilities, having our own I think channel 25, so those efforts need to be integrated. But I actually have an invitation from somebody at Kenosha Community Access to come and meet with them and discuss it further. So hopefully one way or another we'll get the job done.

Jeff Lauer:

Mr. Schepker, you asked a yes or no question. I do support the people, and from the letter that the Village has worked up it's quite lengthy which as the President said we're going to go over tonight. I know I didn't support the curve plan that the DOT had as well.

8. NEW BUSINESS

A. Consider Resolution No. 05-72 - Resolution of Appreciation to Tom Terwall for 33 years of Service to the Fire and Rescue Department for the Town and Village of Pleasant Prairie.

Mike Pollocoff:

Mr. President, this resolution 05-72 is Tom Terwall's 33 years. He's retired from the service in the Fire and Rescue Department from the Village. Whereas Thomas Terwall has served the Village of Pleasant Prairie with the Fire and Rescue Department for over 33 years; whereas Tom Terwall joined the Fire Department in 1977; whereas Thomas Terwall became a charter members of the Rescue Squad and an Emergency Medical Technician in 1977; whereas Thomas Terwall became an Emergency Medical Technician - Defibrillation and an Emergency Medical Technician - Intermediate in 1987; where as Thomas Terwall was a member of the Village's first paramedic graduating class in 1991; and whereas Thomas Terwall served multiple terms as Chairman and Secretary of the Fire and Rescue Association and on the Fire and Rescue Purchasing Committee in addition to serving on many other committees within the Fire and Rescue Department including the committee to purchase the first ambulance and the first Jaws of life.

Now, therefore be it resolved by the Board of Trustees of the Village of Pleasant Prairie, Wisconsin, that Thomas W. Terwall be recognized for his significant contributions to the Village of Pleasant Prairie Fire and Rescue Department and that he receive the sincere thanks and appreciation of this Board and the citizens of Pleasant Prairie.

When you think of the service of a paid on call or a volunteer firefighter, you're talking about somebody who week in and week out at a minimum gives us 12 hours of free time to be on call, not to mention other times, not to mention going to training, and to do that for that long and to be on the cutting edge of emergency medical services to the Village of Pleasant Prairie, again at no cost, it's rare to see that level of citizenship from anybody to do that for little or nothing. The amount that we pay the volunteer firefighters and paramedic they're doing it for other things than money. And to think that somebody would do that for so long for us and do so well at it, to excel at it, not just be there to drive the truck, but year after year after year do the additional training, do the additional contribution and help develop the department it's not found in very many places.

So I'd encourage the Village Board to adopt this resolution. Tom is the most recent retiree we've had. We had one with 20 years that looked like a pup compared to tom. I don't know if the Chief has any other comments he'd like to make before the Board votes.

Chief Guilbert:

Good evening. I'm Paul Guilbert, Jr. I'm at 8044 88th Avenue. I'm the Chief of Fire and Rescue. The State of Wisconsin defines a firefighter and a police officer's career in terms of years as 32, 32 years of full-time service. You can work less and you can work longer, but they recognize 32 as a common denominator. Tom Terwall gave the Fire and Rescue Department from 1972 to 2005, 33 years of service in addition to holding a full-time job.

We had an interesting time together, Tom and I did, from 1987 to 1995, and that's best illustrated in looking at the Fire Department organizational chart. You'll see his name two times on that chart, one above mine and one below mine. The interesting thing is on a day-to-day basis I worked for him, but I reminded him that when the pager went off he worked for me. We were paramedic partners together. We were EMT intermediate partners together. We like to say we got each other through those schools. From 1990 to 1991 we went to school together for 15 hours a week as did many other people here in the Village of Pleasant Prairie.

But as an example Tom had a managerial position at a company in Waukegan. He served here at the Village President. He went to paramedic school 15 hours a week. He continued to serve his 12 hours of volunteer time and answer additional calls. He had a son that went through a near fatal car accident at the same time. Yet when young high school interns and college interns come to us and say they have a very difficult time with time management we use Tom Terwall as an example. Thirty three years is an awful long time. Tom is a firefighter, an EMT and a paramedic in his mind and in his heart and he certainly is deserving of the resolution you're about to adopt.

John Steinbrink:

Thank you Chief. I think I've known Tom as long as I've known Mike. We all kind of started together here. Tom's involvement went probably deeper than anybody's in this Village. I don't think he ever once asked for applause, recognition. We did recognize him several times and that's because of his achievement and his outstanding dedication and volunteerism to this Village and this Town. He was a busy man. He had a pretty good position in a major corporation, but yet he always found the time to work in the Village, to serve on many commissions, to head many commissions, to be a mentor through KABA. He even did the most recent the CERT training. That's what being a part of this Village is, and it's guys like Tom that made this Village as great as it is today and a place where everybody wants to live.

Tom made a lot of commitment but he never asked for applause. He never asked for recognition. But we feel it's fitting to give him that applause and that recognition tonight. We had a celebration for him, kind of a surprise. I don't know how we pulled it off on him. Usually not much got by him, but you can tell he's going into retirement mode. A lot of his friends were there and we wished him well, but I don't think it's the last we're going to see of Tom so I don't want to wish him too much well.

Steve Kumorkiewicz:

I'd like to make actually two comments about Tom. There was a time many years ago way

Village Board Meeting
December 5, 2005

before many of the people were living here that back in the '70s there was a drive in the Township to purchase an ambulance. Do you recall that, Tom? There was a big thermometer in the front and it was a check on how much money we were collecting. Tom was involved with that. I recall somebody . . . for a small engine they used to have at home . . . he said I'll fix it for you and I'm going to charge you but I want that money to go for the ambulance. I'll never forget that. That was part of the drive almost 30 years ago or better.

My second part is although he retired there's no mention here in the resolution that Tom is I believe a promotional . . . in the Village of Pleasant Prairie. Community Emergency Response Team. So although he's not in the Fire Department anymore he's still a CERT. We stood side by side and although it's not here in the resolution I think the people should know that Tom is going to be there as a first responder as the situation comes up. Thank you. With that I'll make a motion to adopt Resolution 05-72 as our appreciation to Tom for the service to the community and the Fire and Rescue squad.

Jeff Lauer:

Second.

John Steinbrink:

Motion by Steve and second by Jeff. Further discussion.

Jeff Lauer:

Congratulations.

Alex Tiahnybok:

We don't have too many opportunities at least lately to be nice and be positive, so I have to take this opportunity to on behalf of my portion of the Board to congratulate Tom Terwall in his years of service also. Mr. Steinbrink brought up a very valid point, and that is he's a fine example of the ability to juggle career, family and commitment to public service. Although we may not always agree on everything and a year ago things were quite different, but I'd like to view your commitment to the Village as an example to follow in terms of, again, juggling all those parts of your life and obviously doing a great job of it.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION NO. 05-72 - RESOLUTION OF APPRECIATION TO TOM TERWALL FOR 33 YEARS OF SERVICE TO THE FIRE AND RESCUE DEPARTMENT FOR THE TOWN AND VILLAGE OF PLEASANT PRAIRIE; SECONDED BY LAUER; MOTION CARRIED 4-0.

John Steinbrink:

Tom if you could come forward. Tom, on behalf of the Village this resolution is in appreciation.

Tom Terwall:

Thank you. I want to thank the Board for this recognition. It certainly wasn't why I did it. I don't think that's why anybody does public service. And I want to thank the Chief for his words as well. The Chief and I were partners for much of this time together so I want to thank you. Thank you as well, Alex. And one last political comment I hope all of you guys took Sunday's editorial to heart. I think there were some good words for everybody there. I think all of you guys have got the best interest of the Village at heart, and there's no reason why we can't all work together as a team because that's what we're here for. Thank you very much.

John Steinbrink:

Thank you, Tom.

B. Receive Plan Commission Recommendation and Consider a Certified Survey Map, Development Agreement and related documents to subdivide the property generally located east of 47th Avenue at approximately 114th Street into three (3) single family lots and extend municipal sewer and water to service said lots.

Jean Werbie:

Mr. President, the petitioner is requesting to subdivide a 3.6 acre property which is generally located east of 47th Avenue at approximately 114th Street. They're proposing to create three single family lots and proposing to extend municipal sewer as well as water to service the individual lots. This is a parcel of land that's located just south of the extension of Mission Hills Subdivision #3 and just north of 116th Street.

The three lots that are being created by the proposed certified survey map all meet and exceed the minimum requirements of the zoning district that they're in. Lot 1 is 40,525 square feet with a frontage of 281.87 feet on 47th Avenue; lot 2 is 47,653 square feet with a frontage of 100 feet on 47th Avenue; and lot 3 is 67,578 square feet with a frontage of 183.38 feet on 47th Avenue.

In this particular three lot subdivision or three lot development there are wetlands and ordinary high water mark determinations that were required to be made. The wetlands were field delineated on May 31, 2001 and June 7, 2001 by SEWRPC. All new homes, all three, will need to be a minimum of 25 feet from the field delineated wetlands. Lots 2 and 3 will share a driveway that crosses a very small segment of wetlands. On August 27, 2002, a permit was issued by the DNR to fill this portion of the wetlands for a driveway, and this portion was filled in 2002.

The location of the ordinary high water mark of Tobin Creek was identified, and all new homes that are constructed need to be a minimum of 75 feet from the ordinary high water mark. A stipulated shoreland permit was applied for and is intended to be granted by the Village. The grading activities within 75 feet of the ordinary high water mark of Tobin Creek include the installation of public water main and related restoration of the trenches at the north end of lot 1 of the proposed CSM, and foundation excavations and subsequent drainage grading for the homes to be constructed on lots 1 and 2. The grading specifically is limited to the area between the

Village Board Meeting
December 5, 2005

foundation and the delineated wetland boundaries and shall be done in accordance with the approved grading plan. There will be no grading that involves any further disturbance of any of the wetlands. Permits have already been obtained from the Wisconsin DNR and the Army Corps of Engineers for this work.

In order to develop the three lots they need to be serviced by municipal sewer and water. Municipal sanitary sewer is proposed to be extended from 114th Street to the east through lot 2 of Mayberry Pond subdivision, continued in an easement between lots 2 and 3, and then eventually connect to 47th Avenue. The service would be extended to service all three of the lots. Municipal water is proposed to be extended in 47th Avenue adjacent to the front of the lots to service all three of them. Municipal sewer and water will be installed through the wetlands per their permits from the DNR issued on July 25, 2005. Any disturbance at all that happens to the wetlands does need to be restored so no wetlands are destroyed in the process.

Again, this is a petition for a proposed certified survey map. The Village staff does have a development agreement, letter of credit and all the related documents in our possession for a closing set for tomorrow. There was a previous right of recovery public assessment hearing that was held by the Village Board, the preliminary I believe was held in June of this year and the final hearing was held in October for the sanitary sewer that runs through the Stummer property which is Mayberry Pond. The developer in this case would be entitled to a right of recovery for the sanitary sewer when and if that property owner further subdivides or does any additional connections to that sanitary sewer. If they choose to subdivide or connect after the ten year period of time, then the developer would not be entitled to the right of recovery.

With that the Plan Commission and the staff recommended approval of the certified survey map and all the related documents subject to the resolution that you have before you.

Mike Pollocoff:

Mr. President, I have a question for Jean. Did we conduct a public hearing for their right of recovery for the water on 47th?

Jean Werbie:

No.

Mike Pollocoff:

So that would be a developer expense?

Jean Werbie:

Correct.

Jeff Lauer:

Based on staff recommendation I move approval of the certified survey map.

Alex Tiahnybok:

I second.

TIAHNYBOK MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CERTIFIED SURVEY MAP, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS TO SUBDIVIDE THE PROPERTY GENERALLY LOCATED EAST OF 47TH AVENUE AT APPROXIMATELY 114TH STREET INTO THREE (3) SINGLE FAMILY LOTS AND EXTEND MUNICIPAL SEWER AND WATER TO SERVICE SAID LOTS; SECONDED BY TIAHNYBOK; MOTION CARRIED 4-0.

- C. Receive Plan Commission Recommendation and Consider a Zoning Text Amendment (Ord.# 05-55) to amend Chapters 420-105 F. (8), 420-106 F. (8), 420-107 F. (8), 420-108 F. (8), 420-109 F. (8), 420-110 F. (8) and 420-111 F. (8) of the Village Zoning Ordinance related to permitted roofing materials for single-family dwellings (including accessory garages and carports) in the R-1, R-2, R-3, R-4, R-4.5, R-5 and R-6 residential zoning districts.

Jean Werbie:

Members of the Board, on November 28, 2005, the Plan Commission held a public hearing concerning the zoning text amendment as referenced by President Steinbrink. Alexander Tiahnybok and Emery Patterson of Stonehedge Builders and Ragnar Korthase of 12705 Lakeshore Drive all spoke in favor of the proposed zoning text amendment. The Plan Commission recommended that the proposed zoning text amendment be denied for the reasons noted in the November 28, 2005 staff report. It recommended that Mr. Patterson and Mr. Korthase schedule an appointment with the Zoning Administrator to further discuss the roofing material issue for their dwelling under construction at 12705 Lakeshore Drive.

Again, the amendment that you have before you would requirement amendments to several sections of the current single family residential zoning districts as it relates to single family dwelling standards. The ordinance language pertaining to roof materials is currently as follows: "Permitted roof surface materials (including accessory garages and carports) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village zoning Administrator." Note that metal roofs, including standing seam metal roofs, are not included as a permitted roof surface material.

At the Plan Commission meeting as part of the slide presentation the staff had presented a number of metal shake roof samples that would be acceptable as part of my evaluation when someone submits something that's different than allowed by the ordinance. As you can see, a lot of the various roofing materials, since it's the bulk of a traditional roof, looks pretty much like a standard roof type except these are all metal. We actually had quite a few examples that were presented, and there are a lot of good examples out there. I have approved some in the past, and you probably wouldn't know it unless I told you they are metal roofs.

Property owners' reasons for putting on a metal roof vary from one property owner to the next. These are some examples now of standing seam metal roofs on pretty much traditional homes and subdivisions. This is an unusual one in this particular one. And for many reasons which I'm going to outline, I don't feel nor does the Plan Commission feel that it would be appropriate to allow for standing seam on vertical panel roof systems on new single family homes in new subdivisions in the Village.

Our information that we had gathered in our recommendations are that standing seam metal roofs, one, do not portray the necessary or desired residential esthetic appearance for which single family dwellings are zoned. Instead, standing seam metal roofs portray a commercial, institutional, park building appearance which is neither appropriate nor characteristic of a typical single family residential subdivision.

Number 2, without proper care and maintenance metal roofs have a potential to rust or corrode over time depending on what type you put up which leads to a rather unsightly appearance. Three, they're not even a permitted type of roof surface material for commercial, industrial, institutional structures as the main roofing material, much less single family residential dwellings. Four, they have a great noise potential upon rain, hail and tree debris hitting the metal panels.

Another comment that I had is that most if not every single one of the new subdivisions and developments such as the one that was just approved this evening do the developers themselves feel that metal roofs as the principal roofing material is a good type of material or an acceptable type of material for a new single family home.

What I did want to mention to the Board this evening, though, is I did take the opportunity to call the builder several times and we did connect. I was invited out to the property owner's home and I took that advantage today to go and take a tour of his property and the home that's under construction on Lakeshore Drive and went through the home. Went all the way up to the tower at the top, the turret, and took a look at the various areas where the roofing material that he was requesting was going to be placed, a standing seam area. His home is very unusual. It's an exciting, very architecturally significant home that he has built on Lakeshore Drive.

Based on the information he provided and what I have looked at and seen out on the property, I did recommend to him and the builder this afternoon that I would recommend that they be allowed to use standing seam as a roofing material on the home in the sections that we have discussed is where he requested him. I'm not sure how this plays into the ordinance this evening, however I just wanted to let you know that I think that that issue or matter is resolved, and he is building a very exciting home on the lake. I think the type of material will not very well be seen from the road or from the adjacent properties. It may be able to be seen from Lake Michigan, but it's a very unique style home and the roofing material will not detract from any adjacent properties and will not cause any concerns I believe from any properties that can see the referenced dwelling.

Steve Kumorkiewicz:

Jean, if I understood correctly, you've got the authority to make these kind of changes in the basis at your discretion, correct, according to the ordinance?

Village Board Meeting
December 5, 2005

Jean Werbie:

Correct.

Steve Kumorkiewicz:

So we don't need to change the ordinance for a couple of cases that could come up. You are the one who can make the decision without coming to the Board or making a variance, correct?

Jean Werbie:

That's correct.

Steve Kumorkiewicz:

So based on that and listening to the Plan Commission meeting I don't believe that an ordinance amendment is necessary.

Alex Tiahnybok:

Steve, you're correct. First off before moving any motion, I think what happened at the Plan Commission meeting last week and the events since then are proof that collaboration as I talked about on November 7th during my little PowerPoint presentation is something that can be alive and well in Pleasant Prairie. The process included both sides expressing their interests. One of the key elements I think you'll agree, Jean, is even one of your slides showed a construction with a curved roof. Classic roofing materials just do not lend themselves toward being bent, and that's what you have to do if you want to cover a curved roof. Sustaining seam metal roofs was the best choice in this case.

I appreciate the Plan Commission's flexibility. That was a word thrown out by Larry Zarletti in terms of perhaps the enforcement of our zoning and your authority to approve things on a case-by-case basis. I appreciate that you followed up with the builder and the owner. As a result of today's action I think everyone is satisfied. I'll follow that up with a motion to deny the amendment that I proposed. I still think we need to review this perhaps in the future in regards to commercial applications. I'm hoping that the results of the materials that you looked at perhaps shows evidence that the technology has advanced dramatically, and the metal roofs of years ago that were typically agricultural in nature are quite different today. There are coating systems that go on metal roofs that are guaranteed for 70 years now to retain their gloss, color, etc. So something that at least on a case-by-case basis for residential applications and I believe for commercial applications maybe we should consider that in the future. But I motion to deny the amendment.

Steve Kumorkiewicz:

Second.

Village Board Meeting
December 5, 2005

John Steinbrink:

Motion and a second. Further discussion?

Jeff Lauer:

Jean after what you said and going down there today and talking to the homeowner and builder I'm glad it all worked out well. I mean nothing better than word of mouth spreading how everybody is happy. So that was good that everybody became happy at the end so thank you.

Steve Kumorkiewicz:

I'd like to make one last comment . . . not all the time but once in a while . . . overhaul of the ordinance in the Village. It doesn't happen every month. Making this type of change here was going to be a major overhaul of the ordinance. I think it's a good idea to leave it for the next major revision in the ordinance. I think that's a good move. So far with the authority you've got I think it's plenty to apply on a case-by-case basis and work it out. To deny now is a good move. And then in the future when the ordinances change we can look at that in the long range. Thank you. That's all I have to say.

John Steinbrink:

I don't know if it was the PowerPoint presentation that persuaded us. I think it was the fact that the clowns at the Village Hall can sometimes make good decisions. But we did do a good job on this. We looked at it thoroughly.

**TIAHNYBOK MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND DENY ADOPTION OF A ZONING TEXT AMENDMENT (ORD.#
05-55) TO AMEND CHAPTERS 420-105 F. (8), 420-106 F. (8), 420-107 F. (8), 420-108 F. (8), 420-
109 F. (8), 420-110 F. (8) AND 420-111 F. (8) OF THE VILLAGE ZONING ORDINANCE
RELATED TO PERMITTED ROOFING MATERIALS FOR SINGLE-FAMILY DWELLINGS
(INCLUDING ACCESSORY GARAGES AND CARPORTS) IN THE R-1, R-2, R-3, R-4, R-4.5,
R-5 AND R-6 RESIDENTIAL ZONING DISTRICTS; SECONDED BY KUMORKIEWICZ;
MOTION CARRIED 4-0.**

- D. Receive Plan Commission Recommendation and Consider Resolution #05-71 approving the Final Condominium Plat for the proposed first stage of the Creekside Crossing Condominiums generally located north of 93rd Street at 63rd Avenue.**
- E. Receive Plan Commission Recommendation and Consider a Zoning Map and Zoning Text Amendments (Ord. #05-56 and #05-57) for the first stage of the Creekside Crossing Condominiums, generally located north of 93rd Street at 63rd Avenue.**

Jean Werbie:

I would ask that you bring up Item E as well. I'll make the presentation on both items as the project is related and separate actions would be needed then by the Village Board. General location of the project. This is a project that is being presented by Regency Hills-Creekside Crossing LLC. It's the owner for the property generally located north of 93rd Street at 63rd Avenue. They are requesting two items this evening. First, a final condominium plat approval, and second zoning map and zoning text amendments through Ordinance #05-56 and 05-57.

General location, the project is proposing to develop 120 total acres of land. It's located within the southwest quadrant of the Whittier Creek neighborhood. A branch of the Jerome Creek traverses the property from the northwest corner to the southeast corner of the property. On May 25, 2002, an amendment to the Whittier Creek Neighborhood Plan was approved by the Plan Commission to initiate this project and to move it forward. On March 3, 2003 a conditional conceptual plan was approved by the Village Board.

Preliminary plats for Creekside Crossing development were approved on October 20, 2003. There were 12 acres that were approved for 24 single family lots that average just under one-half acre. There was 64 acres that had identified 288 condominium units including 34 two unit buildings, 17 four unit buildings, 19 eight unit buildings. In this development there are 28 acres of open space that have been identified including wetlands, floodplains, dedicated park space and other open space. This is an extra slide that I put into the PowerPoint presentation. There was some question at the Plan Commission meeting as to where the two park areas are within this development and where the easement area adjacent to the creek was going to be located. The park areas are located at the south and north end of the development site in green, and the Jerome Creek traverses through the property. There's an easement with a dedicated pedestrian path that will be constructed on the west side of the creek.

There were floodplain boundary adjustments that were approved on October 20, 2003. This slide just covers all the various steps that I have talked about in the past with respect to getting conditional letters of map revision or CLOMRs from FEMA. The floodplain boundary adjustment is being completed in phases. Upon completion of the boundary adjustment for the entire site the developer will be required to submit as built topographic maps that identify exactly how the site volumes were cut and filled and how it matches with the requested that they had made. Then they'll need to submit a letter and receive a final letter of map revision from FEMA. And upon receiving that LOMR from FEMA the developer shall then request a final text and map amendment to be processed through the Village of Pleasant Prairie.

Finally, a certificate of compliance with the floodplain boundary adjustment will need to be issued and then the map and text amendments will be finally approved for the project.

The zoning map amendment that was approved on October 20th it's a staged or stepped approval. Initially they had received the proper zoning, the R-8 for two family, R-10 for multifamily, R-4 for single family, and the wetland areas were put into the C-1, Lowland Resource Conservancy District. But at that time we left a UHO which is an Urban Landholding Overlay District on the referenced parcels until such time as they submitted the detailed condominium plat and all the details of what buildings were being built where and all the various details of the colors and the materials as you have seen since the Plan Commission meeting on the boards just to Mike's right.

Those items are all included in the final draft of the PUD text amendment, and at this rezoning it was still more of a draft because it was still labeled as a UHO.

Mass grading commenced on this development in May. They have progressed very nicely with respect to this development. They received their development approvals back in June and

stipulated shoreland permits which allowed actually this past week for them to receive their letter of substantial completion for phase 1 improvements which is the reason why they did not need a variance before you this evening.

The final plat for Creekside Crossing Development had already been approved on August 15, 2005. This was presented and approved before the Plan Commission and the Board at a series of public hearings. The Creekside Crossing Development single family is being constructed in two stages. The condominiums are being completed in three stages, the first of which is being presented to you this evening as part of a final plat.

Population projections, this is the same information we've had from the very beginning, 312 dwelling units at full build out, approximately 852 persons, approximately 131 public school age children at full build out that could come from this development. This is a development that we've been working on since 1994/1995 so it has been out there for quite a while in its process.

As I mentioned previously, there's a great deal of open space that's being protected and identified through this development. 28 acres of open space, two neighborhood parks, 4.6 acres of wetlands, 17.7 acres of 100 year floodplain, and then 1.8 acres of other open space being protected.

Final plat for the Creekside Crossing Condominium Stage 1, this is a good illustration of exactly what exists out there with the extent of what we're completed to this point. Outlot 1 is future single family. The southeast corner is the single family plat that was approved by the Plan Commission and the Board. The Stage 1 condominiums is at the south central portion of the plat that's being considered this evening, and outlot 2 is really the expansion area as well as future park area and other future developments as part of this Creekside Crossing Development.

This might be a little hard to read, but the boards you have over across the room do list the various types of brick, roofing, door materials, various selections. Actually the units will not be using vinyl siding but actually hardy plank or cement board is going to be used, but the colors are going to be similar as to what is on the boards. So that's the only change since the Plan Commission meeting.

The two unit buildings, four unit buildings and eight, I think in your packets what you have are some slight modifications that the staff was still making with the developer with respect to adding some additional brick on each of the units. We have since received revised drawings that show a great more brick on all the units including the two unit buildings. So this is kind of an older slide that shows where we wanted to have brick added so that they have the same appearance and presence as the larger condominium buildings.

At the Plan Commission and previously I've gone through the square footages of each of the units. This information is also in your packets. If you have any questions we can go through them. I think there was one question raised by one of the Plan Commissioners with respect to the dining area being very small, a dinette. The way these units are set up, you can have a dinette or not have a dinette. You can use your kitchen or not. They just had identified small areas. So these units are not that small, ranging in size from about 1,300 to almost 1,800 square feet. So for condominiums they aren't that small, but they fit a nice market and niche for Pleasant Prairie and the area. So I think if you'd look in detail at any of the floor plans or information we could show you how the match up with most of the units that are being constructed and the price range that they're looking for in this area.

These are just some further illustrations of the four unit buildings. There are 11 of them that are being proposed in this development. Again, color samples and sample boards are located across the room. Just some additional typical floor plans and artist renderings of the eight unit buildings that are being proposed. These buildings can show you the amount of landscaping and additional information with respect to how the area is going to be finalized when the buildings are completed.

Proposed zoning map amendments as part of this presentation. The condos are being rezoned into the R-8 for two family and R-9 and R-10 for Multiple Family Districts. The PUD was written in accordance with the very details of this particular project, and the request is to rezone them into those designations this evening.

These are pages from the landscaping plans that have been presented by the developer. We have larger ones on file if you'd like to review those. It was important for us to note for the Plan Commission they had some question about some trees that were being taken down as a result of the floodplain boundary adjustment and the storm water management improvements and retention basins that needed to be constructed on site, and we wanted to show that a great deal more trees are being planted and bushes and cul-de-sac islands, intersections with respect to the boulevard treatments and other landscaping treatments along the bermed areas along 93rd Street. So in this particular development there will be well over 1,000 new plants that are going to be planted as a result of this development.

Again, this is a matter that was before the Plan Commission for a public hearing, and there are two items before you this evening, Resolution 05-71 for a final condominium plat approval along with the related exhibits and documents. The second item is zoning map and zoning text amendments, Ordinance numbers 05-56 and 05-57 and this is to rezone the properties as identified as presented this evening.

Jeff Lauer:

I was going to make a motion for approval on 05-71.

Alex Tiahnybok:

I second.

Village Board Meeting
December 5, 2005

John Steinbrink:

Motion and a second on 05-71. Any further discussion?

Steve Kumorkiewicz:

Yes, I've got a question for Jean. In the last Plan Commission meeting we discussed . . . (inaudible) . . . rented out . . . some problem that comes up . . . that made it a part of the covenants and the Village conditions in which those garages can't be rented out.

Jean Werbie:

Steve, both the dedications and easement language and description of units under the declaration of condominium were both changed, and provisions were added that garages are a pertinence to the associated units and shall not be sold as separate entities. So those provisions were added to the plat as well as the associated documents.

Steve Kumorkiewicz:

Thank you.

LAUER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #05-71 APPROVING THE FINAL CONDOMINIUM PLAT FOR THE PROPOSED FIRST STAGE OF THE CREEKSIDE CROSSING CONDOMINIUMS GENERALLY LOCATED NORTH OF 93RD STREET AT 63RD AVENUE; SECONDED BY TIAHNYBOK; MOTION CARRIED 4-0.

LAUER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING MAP AND ZONING TEXT AMENDMENTS (ORD. #05-56 AND #05-57) FOR THE FIRST STAGE OF THE CREEKSIDE CROSSING CONDOMINIUMS, GENERALLY LOCATED NORTH OF 93RD STREET AT 63RD AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

F. Receive Plan Commission Recommendation and Consider the Village's written response to the draft STH 165 Corridor Study.

Jean Werbie:

Mr. President, I'll begin the presentation, and if Mike or Bob want to add anything to it we can add some additional comments. The Village staff put together a staff memorandum to set forth the collective Village comments in response to the draft State Trunk Highway 165 Corridor Study. This was presented for its first public informational meeting by the Wisconsin DOT on October 19, 2005 and the Pleasant Prairie Village Hall.

The comments that you have in the staff report, and they number 64 comments, are not in any

specific order. The comments address the communities overall concerns and problems for the widening of Highway 165 and recommends corrections and changes to be made by the Wisconsin DOT to their preferred alternative corridor maps. According to Vida Schaffer who is the project manager for the corridor study, the Wisconsin DOT upon review of the residents and business owner comments and the Village's comments, will evaluate the community's concerns and will begin preparing another alternative corridor plan to be presented at a second PIM, public informational meeting, in the spring of 2006.

Vida contacted me last week and she indicated she is waiting for the Village's comments. She has received between 65 and 75 comments from residents along the corridor, and so they are very much looking forward to the Village's comments as well.

I'm just going to highlight some of the main comments initially and then we can talk about the more specifically if we need to. The primary concern, the right of way width for Highway 165 is excessively wide both east of 39th Avenue and west of 39th Avenue. The Village questions whether the projected traffic counts to 2030 according to the Wisconsin DOT guidelines and standards for road widenings justifies the project as shown with a four lane divided highway with a large boulevard. In fact, it appears that the cross-section would be greater than that of Highway 31 which conveys substantially more vehicular and truck traffic through the Village. While the Village realizes the potential for growth and increased traffic volumes along 165, the proposed roadway widening projected in the next 10 to 15 years must minimize the impact on the adjacent properties and the relocation of any adjacent residential land uses within the corridor. The Village recommends that the Wisconsin DOT consider a narrower, four lane urban profile with storm sewer. An 80 foot or 100 foot right of way should be considered by the State with or without a ten foot bike lane adjacent to the north side of Highway 165.

Consideration shall be given to designing 165 at a lower design speed, possibly 40 or 45 miles per hour, thereby eliminating or significantly decreasing the median width and the right of way that needs to be acquired. In the future, there will be two commercial developments proposed in the middle and at the end of the corridor. There will be one that is proposed at the Village Green or the Village Center and then at Highway 31 intersection with 165.

Future access restrictions and driveway locations and relocations shall also be labeled on the maps unless a separate access plan or functional plan is being provided as an exhibit. The corridor plan and access plan needs to work together to implement any future widening of the highway. Any impacts would need to be known.

Early in the planning process the Village and the DOT staff had agreed that the corridor maps would be superimposed on aerial or ortho photographs in order for the Village officials and residents to more clearly understand the impact of the widening on their properties. And my question is, is the DOT still planning to superimpose the study on the aerial photos? If they are not, we did get some recommendations and support from some residents that live in the corridor that have those capabilities that would be willing to work with our GIS department in order to superimpose the corridor plan on aerial photographs and even make it interactive. I've had some discussions with Rich Robinson of our staff to do that. So there are a number of possibilities that we can go through to make it interactive and actually get it out on the website when we get to a point where there's a plan that's acceptable to the parties.

There are Village concerns regarding the vertical alignment of 165 and its impact on traffic visibility and the need to improve sight distances. Again, the question is when are they going to examine the vertical alignments and when is that going to be red flagged for the residents and the Village to know.

At what point do existing storm water drainage concerns and problems along the corridor get addressed? There are some existing problems along the corridor at various locations, and I heard the people explain those and drop them as part of their comments to the DOT. But the DOT needs to follow up on those and we need to know whether or not this plan is going to address those concerns especially east of 39th Avenue.

According to the draft plan, the Wisconsin DOT is proposing to acquire some homes on the south side of 165 between Old and New Green Bay Roads. Consideration needs to be given to acquiring the right of way to create either a full signalized intersection or a round about at this location. This intersection is under study and there have been several TIA's that have been completed that examine this area.

It was the Village's understanding that the corridor study was to include and needs to include the areas north and south on Highway 31 north to 102nd Street, which is Jelly Belly Lane, and south to 108th Street. The Village staff has had several conversations with the DOT staff regarding a TIA that had been previously submitted which addresses the need for public roadway intersection at 108th Street. Again, my concern is that the corridor study depicts a widening of Highway 31 in response to 165. I'm not sure that the businesses on either side, whether it's Jelly Belly or the daycare or any of those businesses that are being proposed in that area are aware of that impact. I did not see any of those representatives here at this meeting, so we need to make sure they understand what's going to be happening and what the impact is going to be at that major intersection.

There's also a proposed closing of the median at 72nd Avenue across from Jelly Belly and the Renaissance School, and I again did not hear any comments from either of those businesses, Nitto Americas or anybody else with respect to that. So I'm not sure if it was just missed or because it was at the edge of the map that they just didn't look that clearly at it.

The corridor study depicts a full intersection at 165 and Springbrook Road. The intersection warrants further study to see whether or not it should stay at that location or be shifted. The way it's currently shown it looks like it encroaches into the Sagewood Condominium Development which is actually under construction as we speak. So I'd like to have the State look at that further. In fact, there is a meeting that's going to be set up sometime later this month for them to re-examine that intersection and what impact it has on all four corners at that location.

Consideration must be given to a narrower roadway profile and right of way and reduced median between Old Green Bay Road and 65th Avenue. This comment is throughout this document. It needs to be looked at between ML and 39th Avenue, and a number of other locations where it,

again, appears that the right of way is excessively wide.

The rest of the memo goes through some inconsistencies or errors that I found and Bob and Mike found within the maps, whether it's labeling or items in the legend or situations where new homes have been constructed and they weren't reflected on the plans, especially where takings appear to be eminent according to the DOT with that particular plan. There's some labeling inconsistencies where they show closings of roadways and cul-de-sacs that would be reconstructed. We're concerned about where they're reconstructed and they need to be shifted slightly to minimize impact to adjacent property owners.

I think there's about three or four instances where the neighborhood plans have been mislabeled in wrong locations on the map. We want to get those labels all in the correct locations. There's some inconsistencies with respect to vision corners and triangles shown at some of the intersections. Some are excessively wide and some are very small, so we're not sure why that would be the case because they're not justified through turning lanes. We're just not sure why there's an inconsistency.

There's a concern that we have with respect to the Kenosha County Bike Trail and how it intersects the new highway, overpass, underpass, just dead ending into it. It just seems to be silent on the issue and we really need to get that addressed because that is a major trail, and having a widening at that location could really impact that trail. Certainly something that goes overhead similar to at the State Line would be a much safer situation for the bike riders and the pedestrians on that trail.

There are some inconsistencies with respect to wetlands, and they're not appropriately labeled. Wetlands, floodplains, shorelands none of those are labeled on the maps and we feel that that is critical that those be shown.

There is some inconsistency with respect to travel lanes for adjacent or roads that are perpendicular to Highway 165 and we question some of those issues. There's another intersection as you move further to the east at 165 and 39th Avenue that needs to be further examined and studied. I know that they did not want to address it, but that's becoming a very, very busy intersection for the Village, and it doesn't really examine how the widening or the impact of 39th Avenue and 165 is going to affect this project, and it really needs to be examined further. Again, that's similar on the very far west end of the development and at ML.

We question why 34th Avenue needs to be terminated in a cul-de-sac. The separation spacing between 34th Avenue and the future proposed road which is about at 36th or 37th Avenue is almost 600 feet separating between the two public roads and we question why that roadway needs to be dead ended into a cul-de-sac.

Primarily environmental and secondary environmental corridors needs to be labeled and see what impacts they have on the project corridor. When we get all the way to the east end, Sheridan Road it appears that the entire new road right of way is being dedicated off of the east side of Sheridan Road as opposed to the west. That concerns me slightly as the Village's five million gallon storage reservoir is not shown nor is the booster station, and I am very concerned about a

roadway within a few feet of a major State highway, within a few feet of our new improvements that likely cannot be relocated.

I think that pretty much wraps up an overall generalization of the comments. I have indicated to Vida that we really need to see what their second alternative looks like, because the first alternative is not something that's going to gain any support from this Village or I think the residents. I don't know that based on their comments to me and the comments that they have received to this point that the residents in total are opposed to the widening of 165, but the impact of what was presented is just so significant that from a staff's perspective we can't live with it.

Mike Pollocoff:

One of the other things I'd want to add is I was at that PIM. I wasn't there for two and a half hours but I got in when I could. This isn't a new subject for the Village. The Village started a traffic study, a transportation improvement study, probably about almost four years ago to take a look at what the Village's transportation needs were in light of the land use plan that we have. So we didn't come to this without any information or with no facts at all. Bob had done a significant amount of information and working with Jean on the land use plan, and we had a good feel for what was needed along this corridor, and it wasn't the profile that's before us. We feel we could live with something similar to what we have on 85th Street between Cooper Road and 39th.

I think the intersections are going to need to be flared out, and as Jean said that may be through a traditional intersection or through a round about. At the intersections it's going to have to flare out some. The Village has spent a significant amount of staff time and resources and produced some sound engineering and planning that reflects this profile isn't needed. We knew that going into it. But on the other hand it's a State highway and they're going to go through their planning process and we can't stop them from going through that planning process. They've started that. But what we can do, and we're in a position that most communities aren't in is to be able to bring sound municipal engineering and planning information to the table to show why we don't need that.

A lot of times, and I don't want to pick on Somers, but if you think back what Somers went through on Highway 32 where the widening went through there, a lot of people were upset, just like a lot of people were upset in Pleasant Prairie, but it was based solely on the emotions of the people and their feeling that it isn't good. In the case of Pleasant Prairie the residents are rightfully upset by what they see here, but what's behind this is the fact that there's been a lot of professional work done to show why this isn't right. There's some sound engineering and planning principles that show that we don't need a road that is this wide that requires that much taking. Does that mean there won't be some properties that end up having to be acquired? I think that's inevitable. All you have to do is drive down that road and you can see some houses are very, very close to the existing road let alone any widened road, but it's nothing near the scope of what the State proposed.

So I think based on what our planning and the planning that this Board has adopted, Mr. Schepker said he'd like to see what everybody said, yes or no, well this Board repeatedly and in the plans that they have adopted said no to a massive State highway, that the plans that have been adopted reflected a right of way that would be within 80 feet with four lanes and no median. But

the State is going to go through their process.

We're fortunate in that John Steinbrink also sits on the transportation committee, and there's a significant amount of influence that's wielded from that position to help us through that process. So I think we're in a good position on this, but I think we'll get that information off to them and have the process move a little farther. And it's going to be based on the residents' wishes and their impact, but it's also going to be underpinned by some good engineering and planning.

Alex Tiahnybok:

To respond to the question posed during citizen comments, I think the Village staff report, which I believe the Board is going to support, is a clear indication that we're looking out for the interests of those that would be affected by the widening of Highway 165. Progress is inevitable, but I think it needs to be guided by sound judgment, and it sounds like the plan especially for the section east of 39th Avenue is a little bit excessive, and west of 39th Avenue arguably excessive. So I support the staff report. I don't know if this is a motion or not, but let's move forward with it.

Steve Kumorkiewicz:

Do we need a motion?

Mike Pollocoff:

Yes.

Steve Kumorkiewicz:

So moved.

Alex Tiahnybok:

Second.

John Steinbrink:

Motion and a second. Any other input?

Jeff Lauer:

Just a comment on this. The subject came up. I'm glad this is a good start on the project and I'm glad nobody agreed with their first proposal. What I've heard a lot about, and it is a touchy subject, and if something is going to happen some people are going to lose their homes. That's what I have a huge problem with if someone doesn't want to move and they're forced to move out. When I was here at that meeting the couple State reps I talked to to be honest with everybody they're pretty gutless. They say if we have to take a home we'll take a home. There was no compassion. There was nothing. So I think they have to understand before anybody else

but they have to understand that from my point of view that's not going to be acceptable for me. People come to this country to own a home and not to have a road come through and say you've got to move. I think you all know my position on that. It is a difficult situation, this road thing, but I think they also have to understand and the State has to realize to be very compassionate whatever may come if anything comes. Obviously this is the early stage. There's two more meetings I think? One in the spring?

Jean Werbie:

Yes.

Jeff Lauer:

So I know you're still here, but I'm very heartfelt on that position that I do have and I hope we can make that clear somehow to the State people as well. But this is a good start. Obviously when they open it I'd like to see the expression on their face with the 64 things here. It's a good start.

John Steinbrink:

As Mike said we were in a good position thanks to Bob and all the work we've done on this, because we could offer something to the State and more than just emotional feelings. Here are the facts and what we have and what we feel will work. This goes a long way in putting this project on the right track. I think the State is going to listen to a lot of that. Why it's at a scope like this is only speculation. But sometimes other governing bodies were involved in things that they don't include the Village in, and unfortunately this is what comes of that.

Steve Kumorkiewicz:

One of the advantages we've got here is with Jean and Bob Martin and Mike they know how that area east of 39th Avenue is going to be developed in the future. On the basis of that . . . position of the State to foresee what we need in that area. The State doesn't know what's going on here. All they know is it's 165. That's it. But they need to have a firm and responsible group from the community that's affected. I'm very confident that our staff is working the problem and hoping the State is going to listen. I think the staff has done an excellent job on that.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE VILLAGE'S WRITTEN RESPONSE TO THE DRAFT STH 165 CORRIDOR STUDY; SECONDED BY TIAHNYBOK; MOTION CARRIED 4-0.

G. Receive Staff Report on 911 Dispatch Services.

LAUER MOVED TO TABLE ITEM G; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

H. Receive Kenosha Water Utility Sewer Rate Increase Report.

Mike Pollocoff:

Mr. President, in between meetings, our last meeting and this one, the Village received a letter and a copy of a sewer rate study from the Kenosha Water Utility indicating that they would be increasing our rates. We haven't adopted our sanitary sewer rates because our biggest component of our sewer charges is what the City charges us for hotel treatment. I've sent a letter to the Chairman of the Water Commission for the City requesting that they defer action on the rates as proposed for a number of reasons. One is we didn't have any time to evaluate the study, although he had indicated we could call him. We received a letter from him indicating that they would provide the numbers to us and we allowed them to do that.

By their own ordinances they need to have this done by November 15th. We've raised that issue. We didn't say they shouldn't have a rate increase if they wanted to look at it. But we felt the Village really deserved more of an opportunity than two days to be able to question the proposed rate study and evaluate it before they adopted it. That night they choose to table it for two weeks. Tonight they met while we were meeting. I asked Kathy Goessl, our Director of Finance, to go down and attend the meeting and see what's happening. So to see what the latest is from the Kenosha Water Utility I'd ask her to come up and tell us what happened or what's going on right now.

Kathy Goessl:

Kathy Goessl, Finance Director. I went down to the meeting at 6:30 this evening, the same time you guys were meeting, and it was actually a special meeting. On the agenda it said he recommended tabling the item, but they tabled it a week ago. We were trying to call him for the last couple days asking him what they meant by tabled. So the meeting started and they said they tabled it and I brought up the comment, well, how long are you tabling it for? What does this mean? We need to know for our budget purposes. They were very vague. They wouldn't really give us anything. I said, are we tabling it until next year, 2007? And they also stated at that point that, well, we could bring it up in June.

Afterwards the news questioned them and they mentioned that the reason they had to table it was because of their ordinance and they would have to change their ordinance in order to bring it up earlier. But they left us in a vague situation in terms of our sewer rate increase.

We gave them a list of questions and some recommended information we wanted and they did give us that information at this point. We have been working with Virchow Krause, our consultant, to evaluate some of that but we had to stop because we didn't know where they were

going to be. But right now we don't know how long they'll table it for.

Mike Pollocoff:

I will say that they had indicated in the report and in their release to the *Kenosha News* that it was an 11.9 percent increase to the Village. Then they had a separate charge on reading the sewage meters. And when you factored that separate charge in which is what we'd have to do because we'd have to pass that along to our customers, it's a 20 percent rate increase that they'd be looking at.

I guess we're going to evaluate their numbers and see where they're at so we can at least make some recommendation to the Board as to what we feel we should do. Our agreement with them provides that if there's a dispute we take it to the Public Service Commission to determine what that is. But based on what Kathy's saying, again, I'm hoping it's not a quick fire thing where we don't have much time to work through that. That's where we're at.

We can adopt an interim budget based on the fact that there isn't a rate increase, and then come back and if they do change their rates mid year then have a mid year rate adjustment based on whatever rate they end up coming up with.

Kathy Goessl:

Their residential class, according to their report, is getting a 9.1 percent increase compared to ours once you factor it in at 17.8 percent. So it's almost double what our residential will be getting compared to what they will be. For the other wholesale customers, Bristol and Somers, which weren't at the hearing, their rate increase is Bristol going up 93 percent and Somers is going up 26 percent.

John Steinbrink:

Kathy, what is driving the rate increase? What do they say is the reason?

Kathy Goessl:

They haven't had a rate increase for over 11 years.

John Steinbrink:

Is it their cost of operation?

Kathy Goessl:

Yes, basically personnel and gasoline, all the stuff that's driving the rate increase for anyone is driving their rate increase.

John Steinbrink:

That's a substantial amount based over their users or number of customers, isn't it?

Kathy Goessl:

Eleven percent over 11 years is probably not that much of an increase, but when they hide the other 7 percent that they're looking at then that's a pretty substantial increase for us when you compare it to their customers. We always seem to get hit harder with them than their own residential or their own customers. Overall their customer based is gaining 9.1. We're getting 17.8.

Mike Pollocoff:

That's really the case for evaluating the rates, are they equitable in how they appropriate their charges. Again, the Village is their largest customer, and what's significant about that is they do nothing inside the Village limits. Everything they do is they drop it off--we convey the sewage to the City limits and they take it from there. The bulk of our sewage is delivered at 7th Avenue on 80th. And the sewage plant is right there, so we're not using a lot of their conveyance system. That's why I'm particular concerned.

There's no question that our cost of service has gone up, and as much as everybody hopes that nobody's expenses increase they do. Over 11 years I'm sure theirs have increased, but I think what we're concerned with as we consider this and present it to the Board is that we're being treated equitably. That they're not using the Village to subsidize their residential rates. Bristol has a 93 percent increase and I would imagine that they may be a little excited, but they can speak for themselves. We just want to know that the rate study as they're required by the EPA and DNR they have to be equitable in their apportioning of expenses. They can't gouge one class at the expense of another. Is there anything else, Kathy?

Kathy Goessl:

No. I think the rate study as it stands right here is probably something we need to look into further and continue studying with our consultant so we can get all our questions answered, because I don't think it's going to change much unless we push the issue in terms of this report. They've started their study, Virchow Krause has studied, but just at the tip of the issue. So she needs to dig into it a little bit further to give us any recommendations that we can bring to them to maybe make some modification so it's more equitable between their residential class and us. It could come up any time. I don't think it's going to change much from this report that they have right now unless we push the issue.

John Steinbrink:

So we really have nothing from them to receive at this time?

Kathy Goessl:

Village Board Meeting
December 5, 2005

We have the initial report that they gave us in November from their consultants that put it together.

Mike Pollocoff:

This came in between meetings and we only have a day to respond. I'd be looking for the Board to direct the staff to evaluate the proposal. I'd like authority to use our special consultant on this to complete the project and be able to give us a report. One of the reasons I want to use Virchow Krause is because if we are going to contest it we're going to need to file an action before the Public Service Commission and that's best done by somebody who does that a lot.

Steve Kumorkiewicz:

If I recall correctly when we were going to have PG&E coming here three or four years ago, I think that Virchow Krause was the group that made the study on evaluation of the rates with the City and consequently reduced our rates after we looked at their books.

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

I think it's a good idea to go back to them because they know exactly what they're looking for from us. I think that's the way to go. Which brings to mind, too, that if I recall correctly . . . years back they were talking about the water work in the Village . . . consideration with the city . . . refused to do it. That's was many years ago. And my opinion is now they can charge what they want when before they have a chance to charge us the same amount they charge the rest in the City and right now they don't. We've got a separate rate. That's why our rate is higher than the City because they didn't want to consolidate. They didn't want to lose money from Pleasant Prairie.

John Steinbrink:

I'm looking for a motion to refer to staff.

Jeff Lauer:

Just a question or two. Kathy, real quick, how did you get the figure of 17.8 compared to 11.9? What was hidden somewhere?

Kathy Goessl:

There is a charge of \$1,300 per metering station and we have five metering stations. Currently we're paying a very minimal charge, only \$28 a month so it's very small. So I took the \$1,300 per station times five stations times 12 months and then added that onto our proposed rates to get

Village Board Meeting
December 5, 2005

the increase difference.

Jeff Lauer:

I think we need to do whatever we can, even if we need to go to the Public Service Commission, because to me this is like a monopoly where we really don't have a choice and we're the largest customer so we want to get a deal.

Steve Kumorkiewicz:

We did it before and we can do it again.

John Steinbrink:

Whenever you want to talk about combining services from communities to save money this would be the number one. This is their cash cow so they don't want to touch this one. This is what would save citizens quite a bit.

KUMORKIEWICZ MOVED TO REFER THE KENOSHA WATER UTILITY SEWER RATE INCREASE REPORT TO STAFF TO REVIEW; SECONDED BY TIAHNYBOK; MOTION CARRIED 4-0.

I. Consent Agenda

- 1) Approve Bartender License Applications on File.**
- 2) Approve Letter of Credit Reduction for Springbrook Meadows.**
- 3) Approve Letter of Credit Reduction for Hideaway Homes.**

TIAHNYBOK MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3 AS PRESENTED; SECONDED BY LAUER; MOTION CARRIED 4-0.

9. ADJOURNMENT.

LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 9:45 P.M.