

**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
June 20, 2005
7:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, June 20, 2005. Meeting called to order at 7:30 p.m. Present were Village Board members John Steinbrink, Alex Tiahnybok, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Kathy Goessl, Finance Director/Treasurer and Jane Romanowski, Village Clerk.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC HEARINGS

A. Consider Ordinance No. 05-25 - Ordinance to Create Chapter 181 of the Municipal Code Relating to Impact Fees.

Mike Pollocoff:

Mr. President, tonight we have with us Vicki Hellenbrand from our consulting firm, Virchow Krause, to go over the presentation and have discussion prior to the hearing on impact fees. After her presentation I'd recommend we open up the hearing and go from there.

Vicki Hellenbrand:

Good evening. Basically tonight we're here to talk about impact fees. We were directed by the Village to take a look at impact fees which are allowable under Wisconsin Statutes. In order for the community to keep up with some of the pace that they have with the development, trying to keep up with the cost of that development for off site improvements, impact fees is one of the methods you can use for that.

The impact fee statute has been effective for about ten years. It's enabling legislation which allows for recovering capital costs from development. It can be used in addition to Chapter 236 exactions which are part of the developer agreement process. It can be used for off site facilities. Whereas development often pays for roadways and storm, water and sewer within their site, they don't necessarily fund things like parks which are off sites or regional parks, meaning parks in nature, and often don't often fund for police and fire additional facilities and public works facilities which are off site.

The statute generally says that a political subdivision may enact an ordinance under this section that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development. This is not charged to existing taxpayers. This is charged only to new development that comes into the community typically at building permit time, which is I believe the way the draft ordinance is before you tonight. Land development, as I said, this is not charged to existing homes but only land development which is the creation of new dwelling units or construction or modification to property that results in nonresidential uses that create the need for new or expanded public facilities.

Communities like the concept of impact fees because it provides a funding source to keep up with development. As you grow, you need to expand your facilities in order to serve the additional facilities and protect the additional property that's in your community such as police and fire and public safety. You also need to provide additional recreation facilities for the additional persons that move into your community. Impact fees oftentimes in communities that are growing fairly quickly or have a lot of growth that you've been seeing recently the cost of that development has to be paid for in one way or another, so it's oftentimes just shifted onto the existing taxpayer, so there's people in the community that have to kind of foot the bill for additional police facilities, recreational facilities, when it's actually development that's causing the need for those upgrades and improvements.

It helps ease the burden to the taxpayer, this would be the existing taxpayers who are here today, and it also is the future taxpayer. So if a family moves in and pays the impact fee now, over the next 20 years they're also going to benefit from the fact that the Village can have a lower mill rate because you are collecting impact fees as new people move in. So basically all taxpayers, whether they're here today or future taxpayers, will benefit from the impact fees because the taxes will be lower.

It's also a dedicated funding source, so if you collect these fees for a police facility you can't use those fees for anything else. You can't use them to plug a hole in your budget. They are dedicated fees to make sure that you put in the facilities that you say you're going to put in.

The facilities that qualify include transportation, roads, signals, public works, storm water, water and sewer, solid waste and recycling. The ones that we looked at for the Village include fire protection, law enforcement, emergency medical facilities, parks and playgrounds and other recreational facilities. You're also allowed to look at libraries which are not one that we investigated for the Village.

Basically what you're trying to do is make sure that as new people move in you're maintaining your standard that you set for the Village as it relates to square footage of facilities of police, basically how much facility do you need to house the current and future officers that you need to have in place in order to serve the future development, additional new park acreage as people move, etc.

The cost that you can recover, you can only recover capital costs. So it's restricted to bricks and mortar, land improvements, those types of things. You can recover costs for additional officers, for example, or additional operational and maintenance costs of those additional facilities. It's really just the bricks and mortar and the equipment and facilities to get it up and running. You

can include the cost of land and engineering and architectural to a certain extent as long as you have some basis for those costs.

Non eligible costs I already touched on a little bit. It's the non capital related expenditures which would be your ongoing expenses, administrative costs, legal and accounting costs in order to develop the impact fees, the cost of increasing your service standard. That means going from a current service standard of maybe eight or nine acres of improved parkland up to 15 acres of improved parkland per thousand population, so you can't charge that increasing your standard to the development. And school districts are also excluded based on Wisconsin Statute.

There are certain standards for the impact fees. Again, developers were the focus of the passage of the impact fee statute in the beginning. Some developers felt that the 236 in the developer agreement option just left the door open to too many misuses or potential misuses of funds so they wanted to have this impact fee in place so there were certain standards, and also that requirement that you use the money for what you say you're going to use it for, the capital improvements that you're charging it for.

The standards for impact fees are there then to protect the developers, and it's based on actual or estimated cost. There needs to be a rational relationship between the fees and the need for the new facilities. It needs to be proportionate meaning you can't shift costs needed to serve the current residents onto developers. It needs to be a prorated share. You need to reduce it to compensate for other fees imposed on development for those same public facilities, and you need to reduce for grants or outside funding. You may not include amounts necessary to adjust existing deficiency in your current facilities. That, again, is that proportionality between current residents and future.

The procedure for developing impact fees is developing a needs assessment and report on impact fees which follows the standards including the impact fee calculations and coming up with basically a proposal for the Village Board to consider and drafting an ordinance which I believe has been done, and then having a public hearing which we're doing this evening.

The fire and EMS fees that are included in the study are based on standards using cost per square foot of a proposed station. It's also used based on the current standards that we have right now existing in the Village, basically how many square feet of facilities do we have to serve the current residents because we're just at the point where we need to begin looking at another satellite station or another station in order to serve the future development. The fees also include additional equipment which includes fire truck and ambulances, and this is for fire and EMS. And the proposed fees for residential are \$445 and \$1.87 per thousand valuation for nonresidential.

For police this is based on a proposed new facility and proposed cost estimates for that facility. Construction costs are estimated at \$198 per square foot. The space needs analysis has a design of 65,000 square feet, and it's designed to serve a population of 40,000. The draft fees for this, the proposed fee is a residential at \$575 per single family home and nonresidential is \$1.14 per thousand valuation.

Public works is based on current facilities. Basically again we're taking the standards that you have in place right now because we know it's deficient and you need to begin looking at constructing a facility soon. Capital costs are estimated at \$45 per square foot, and the fee includes a component for additional snowplows as roadway miles are added. The proposed fees for a single family home are \$286, nonresidential fee is 15 cents per thousand valuation.

Parks and recreation include two components, one of which is park improvement for parkland improvement. The parks include based on the current standards of improved acres per thousand, which is under the State guidelines by the way. Capital costs are estimated at \$25,000 per acre, and the fee includes a component for a swimming pool expansion. The total fee for parks and recreation is \$1,075. That's only charged to residential development and not to nonresidential.

So, as you can see up on the screen, we have the summary of the fees as they are right now in the study. As a governing body you can choose to implement all of these fees. You can choose to prorate them in. You can choose to pick and choose fire and EMS or public works. You can choose a category versus the whole thing so you have some options as far as your ability to approve the fees. You could institute a fee which is lower than what is shown in the study at your discretion, therefore offering a discount if you wish, or you can charge the full amount.

Basically your decision tonight is to decide based on your public hearing input whether or not you'd like to move ahead with impact fees and then decide the level at which you'd like to do that and also your implementation period. I believe with ordinance passage tonight it could be effective tomorrow as building permits are pulled tomorrow, or you could choose to have the fee be kind of settled in over a period of time where you could offer exceptions for people based on need or based on how you see fit.

Mike Pollocoff:

Thank you, Vicki. With that, Mr. President, I request that we open up the hearing.

Kathy Goessl:

I have some more information on the ordinance itself. The impact fee ordinance is in your packets. This summarizes the key points of that ordinance. The ordinance is meant to impose impact fees in order to finance new facilities the demand for which is generated by new development. Also the authority is given to it by Wisconsin Statute 66.0617. This ordinance is meant to be uniform application meaning any development having the same impact should be assessed the same impact fees. The ordinance also has the ability of the Village Board to waive or reduce the impact fee required, example for affordable housing.

The impact fee ordinance also has the chart of the fees that Vicki talked about earlier with the total for residential now being proposed at \$2,381, and non residential at \$3.16. Impact fees in the ordinance are due prior to issuance of a building permit. In the ordinance there's a time frame of when we need to spend the money that we're collecting, and the reasonable periods of time are listed here. For our fire and police we're looking at the building being built within 15 years, facilities or equipment within 10. For public works the building 15 years, facilities and the equipment portion, the snowplows, 10 years. And for the parks and recs we have a 10 year

period. If we don't spend the money within this reasonable period of time we're required to refund the money to the property owner that paid the impact fee.

This chart compares the impact fees that we're proposing to impact fees throughout the area. You can see Pleasant Prairie is in the middle of the batch. The communities we picked were from Southeastern Wisconsin. Virchow Krause called a number of communities and got the different impact fees and there's a schedule in your packet showing the different communities and the individual fees that each of them have. This is the residential impact fee compared to other communities. This one is the nonresidential impact fee compared with other communities. There's only five other communities within the group that charge a rate per thousand of valuation. You can see we're in the middle of the pack at \$3.16.

And the other communities for them in the study also charge a nonresidential impact fee based on a flat rate or a rate per residential equivalent unit, and these are the four communities that have impact fees charged in that fashion for nonresidential. That's all I have on the ordinance. That summarizes what's currently in the ordinance.

John Steinbrink:

This being a public hearing I'll open it up to public comment or question. We ask that you use the microphone and that you give us your name and address for the record.

Doug Wheaton:

Good evening. I'm Doug Wheaton here on behalf of the Kenosha Realtors Association, 7347 57th Avenue. I'd like to thank you for the opportunity to testify in this matter tonight. The Kenosha Realtors Association we've got over 600 members, and we do not oppose fees. I want to make that very clear tonight. And, in fact, we strongly support fees that need to pay for infrastructure and capital costs that are fair and legal and reasonable.

I've had an opportunity to review the needs assessment, and I really only have two concerns. The first has to do with the swimming pool which is a pretty small chunk. If the total fee increase being sought is almost \$2,400, the part that relates to the swimming pool is \$443. All of the other fees so far as I can tell appear to be legitimate. The needs assessment appears to be well done. But with regards to the swimming pool, we believe that the legitimacy of this part, which is part of the park and rec, \$1,075 is the total rec fee and \$443 is the portion of that \$1,075 which relates to the swimming pool. We believe that the legitimacy is questionable for this one because there doesn't appear to be a rational nexus. Rather it just looks like someone wants a new pool and would like for someone else to pay for it. It seems to be sort of a gray area, but this may be a violation of the impact fee law.

In addition to that, citizens have been told on many occasions that the RecPlex is supposed to be self-sustaining, and this would change that fundamentally. Instead, it would create a situation where it would essentially create a tax on a home where a majority of people moving into the home probably would never use the pool, and this tax on a new home would go to fund a new swimming pool for a quasi-private membership club which appears to be inappropriate. So, again, I would stress that's a pretty small part of the overall proposal for impact fees. That would still leave \$1,938 per home plus all of the commercial impact fees for a total of just a rough

estimate, I called the Village before and there weren't clear numbers, but that would still be in the neighborhood of about half a million dollars a year in new fee revenue even if the pool part of it is taken out.

The second request I have is also I believe a pretty small one. That is we ask that you please grandfather the projects that are already very far down the pipeline but aren't quite to the building permit stage yet. We agree and we believe that the building permit stage is the appropriate place to charge the impact fees. I believe that's where most other communities do it. However, for the Village here my understanding is there are a number of projects that already have a concept plan that has been approved by the Village Board, has received the Village's stamp of approval. People have spent a large amount of money and a lot of time doing all of the things that the Village has asked it to do. They've paid a lot of fees already. At the time of having their concept plan approved these fees were not on the books, so it seems to be sort of a fairness issue of whether it's appropriate to sort of come along at the 11th hour after they have been working on these in some cases over a year, and then say, ah ha, in addition to all the fees you've paid already we want you to pay another \$2,400 or \$2,000 per home. So with that I'll be quiet and I thank you for the opportunity to speak tonight. Thank you.

Gary Rosecrans:

Gary Rosecrans and I'm with WisPark. Our address is 10411 Corporate Drive, Pleasant Prairie. There are just a couple issues that I'd like to discuss with the Board or present to the Board on impact fees. I'm going to read some prepared remarks just so I make sure I stay in the allotted time and I have a couple questions.

The first issue, according to the impact fee ordinance the data used to derive the valuations provided by Marshall and Swift, and we are concerned that the data could be derived from an inappropriate sample of buildings and include costs that are not relevant or inappropriate for the intended use. We feel that cost information contained in third party general contractor contracts for a new building is the most appropriate information available upon which to base an impact fee. Therefore, we suggest that contractor cost information be weighed heavily when deriving valuation under the ordinance. For example, the Marshall and Swift cost data includes the cost of financing improvements. Now, the cost to finance a real estate project cannot be gleaned from a manual of regional or national averages since it depends on specific developer philosophy about using debt, financial strength, banking relationships, debt employed, project construction period, and actual project costs and so on and so forth. For example, the developer of LakeView does not employ debt and, therefore, does not incur project financing charges as the Marshall and Swift data would suggest.

I would also mention that I have exchanged correspondence with Marshall and Swift on this subject, and they have indicated that actual costs are better than what they can provide. There's a gentleman there named Gary Miler who stated to me in an e-mail, and this is a quote, "If you are looking at a specific building and have the actual costs then you should use those costs. Our costs are designed to be a general guide to assist a user in determining the replacement cost for a building. As a result, our costs are averages of averages and focus on typical construction projects."

The second point I want to address with the Village Board is that the ordinance, at least as I interpret it, states that the impact fee rate of \$3.16 per thousand dollars of valuation may be adjusted for inflation. Cost estimating services such as Marshall and Swift adjust their numbers for inflation monthly or quarterly. General contractor costs, which we suggest to calculate impact fees, are based on today's costs. Therefore, adjusting the impact fee rate for inflation appears, at least to me, that the Village would be adjusting numbers for inflation that are already adjusted for inflation which I don't think is the intention of any of the interested parties.

What we would like to achieve here is an impact fee methodology that is, one, sound and clear; two, less likely to cause financial surprises; and, three, designed to avoid the appeal process which consumes valuable resources including the time of the Village Board. We feel that the current version of the ordinance could be refined further to accomplish these goals which are in everybody's best interest.

In addition to those remarks I guess I have just two questions that I'd just like to present, and perhaps the staff can comment on them. The first one is, and I guess it's consistent with the comments from this gentleman over here, I think it's Doug, made about exactly at what point are you going to enact these impact fees. I would just mention that we have a building which we started construction on which is LakeView X. We have our application complete with the Village for all our building permits, but as of the moment they have not all been issued. So, of course, we're very interested in understanding how you're going to address LakeView X. I can tell you that we have not budgeted for an impact fee on that building.

Then my second question relates to the properties that would be developed within TID 2. Would those properties be treated differently than other commercial properties since TID 2 promotes economic development policies to the Village, much like I think Kathy's reference to affordable housing. I deem that to be very similar. So I certainly welcome your comments on that. Thank you.

John Steinbrink:

Thank you.

Sanjay Kuttemperoor:

Thank you. My name is Sanjay Kuttemperoor, 19275 West Capitol Drive, Brookfield. I'm representing V.K Arbor and V.K. Development Corporation with respect to the Prairie Ridge Senior Campus in our Prairie Ridge development. Ajay Kuttemperoor has submitted a letter to Ms. Werbie. Is it necessary that I read the letter into the record? If I may, I'll just go through and read the letter, then I have some additional comments beyond that.

"Dear Ms. Werbie: I am writing this letter in response to the proposed implementation of impact fees on new developments in the Village of Pleasant Prairie in particular with respect to the Prairie Ridge Senior Campus. V.K. Arbor, LLC, was granted under Ordinance No. 05-06 an R-11 multifamily zoning classification for lots 2, 3, 4 of CSM 2458 known as tax parcels," and it goes on to recite those tax parcels, "to allow for the development of Phases 2 through 7 of the Prairie Ridge Senior Campus development."

“In January 2005, Phase 2 of this development was submitted in the Wisconsin Housing and Economic Authority’s 2005 Affordable Housing Tax Credit Application Process and was subsequently awarded tax credits in order to proceed with development. Phase 2 of the Prairie Ridge Senior Campus shall be located on lot 4 of CSM 2458, and contains a total of 71 units, of which 56 units are defined as affordable units whereby the rents for such units cannot exceed 40, 50 and 60 percent of the County median income for Kenosha County. In particular the rent structure for Phase 2 is as follows.” And then it goes on in a table to list the various rents for the affordable units in the project.

“As part of the application process, the applicant is required to submit a detailed budget, together with financing commitment showing that the project is financially viable. Such financing has been arranged for this project based on our budget which was prepared and submitted with the application in January of ‘05. Based upon the foregoing rent structure, our construction budget is extremely tight. In fact, in order to build the highest quality retirement community for our seniors, we have in our application to WEDA agreed to defer our development fee in order to make this high quality project financially viable. As the proposed impact fees were not known at the time of this application, we did not incorporate such fees into our budget. Furthermore, being an affordable housing project there is no room in the budget for such impact fees. Such fees would have a substantial negative impact on the financial viability of the project and our ability to continue to provide high quality housing to the community’s senior citizens at the affordable rental rate stated above.”

“Many municipalities employ a range of financing tools and/or incentives to promote the continued development of high quality affordable housing. We realize that the Village is not in a position to provide such financial assistance, nor are we asking the Village to do so. What we are asking for is that the Village promote our effort to bring more high quality affordable housing for the community’s senior citizens rather than hindering our efforts through the implementation of such impact fees. If not, the end result may be a lack of high quality affordable senior housing developments in the Village.”

“Consequently, I am hereby requesting that the Village Plan Commission and the Village Board waive any impact fees for Phase 2 of the Prairie Ridge Senior Campus development, as well as future Phases 3 through 7 of the Prairie Ridge Senior Campus development to the extent such future phases also provide such affordable housing units. Please forward a copy of this letter to the Village Plan Commission and Village Board.”

I just want to add that we are extremely fortunate to have received the allocation this year. As many of you may or may not know we’ve tried to receive an allocation for Phase 2 of this development for a couple years now, and the WEDA process is very competitive and it’s very much over subscribed. In general, for every tax credit there are probably three developers fighting for that same tax credit. So, once again, we consider ourselves very fortunate. As part of the process as articulated in the letter, we have to show WEDA that the project is, in fact, financially viable, that it makes sense without deferring every particular fee or every particular cost because that’s part of the process with WEDA and part of the requirements of the Internal Revenue Service.

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So I understand the ordinance and the study done by Virchow Krause provide for a waiver and/or a reduction of impact fees for affordable housing, but in our case we are requesting a complete waiver because even a reduction would not suffice. Quite honestly there is no room in the budget for any more impact fees. Thank you.

John Steinbrink:

Thank you.

Jane Romanowski:

There are no more sign ups.

John Steinbrink:

Anyone else wishing to speak on this item? Hearing none, I will close the public hearing and open it up to Board comment or question.

Mike Serpe:

I would defer, Mike. I was going to ask you, Mike, to explain Mr. Wheaton's concern on the pool, and I think we have to talk about Mr. Kuttemperoor's request on the Senior Campus.

Mike Pollocoff:

Sure. With respect to Mr. Wheaton's comments on the pool, I believe if you look at the, and I don't want to put words in your mouth, he indicated that the people who were going to be building new homes aren't going to get any use from the pool so why, in fact, should they be paying for it. In evaluation of our demographics at RecPlex, our most intensive users are the single family homes that are being constructed, and the families are coming in for various programs. When this fee is implemented, it's going to change the nature of at least the pool portion of how RecPlex operates. Right now we have a waiting list of people who are waiting to get into the learn-to-swim programs, therapeutic programs, and therapeutic recreation programs. We're not talking about water aerobics or water exercise, and almost with any pool you're not able to, and I don't care where the pool is, you're not able to fully program that pool every day that it's open. You're always going to have down time at the pool because there's not going to be times where mothers with kids can come there. There's not going to be times where kids that are in school are going to be able to come there. So every pool pushes to the limits the availability of prime time, whether that's before school, at lunch hour, and at any time school is over until the pool closes. So at RecPlex we're at a point where we're maxed out, and we're at a point now where people are getting on waiting lists to try to sign up for the essential public health programs which are learn to swim, swimming lessons and therapeutic programming.

The purpose of the impact fee for pools is to expand that pool out, provide not a water park, not a playground, a traditional lap lane pool that's deeper than the one we have now for lap lanes. What would be the nature of the changes is right now a RecPlex member gets first pick on swimming when you sign up. If you're paying your membership you get your first pick at the

programs. If an impact fee is adopted for Village residents, then at that point Village residents have first pick on any programs so that a Village resident would never be put to the back of the list if they weren't a member of the RecPlex. In fact, they wouldn't have to be a member to participate in the learn-to-swim program or a therapeutic program. They'd have to pay their fee, but there would be the opportunity for the pool to be able to accommodate those people. So that would be a change.

If done right, we don't use property taxes to operate the pool. But the pool, of everything we have a RecPlex, if that was just a stand alone item at LakeView RecPlex, we don't make enough money from the pool to cover the operation. So what happens at RecPlex from the family membership, the people that join for fitness purposes, the people that join for the programming for adult fitness or youth fitness or youth programming, those are the things in the monthly fee that pay for the operational costs of the pool. The pool at LakeView RecPlex, the pool at the KYF, the pool at also any YMCA is a losing operation, but it's one of those necessary operations because it's been deemed over time that people should learn how to swim, should be able to take care of themselves in water. Plus for those people that are handicapped or have arthritis or anything like that the therapeutic value of the pool is significant. So those are public causes or public purposes for the pool to exist.

Under the impact fee those are the things that we're looking to address with the pool. We didn't pop this in there as a way to make money at RecPlex because it won't make money at RecPlex. It would go straight into the pool fund, and it would change how things are done out there in that we wouldn't register anybody for any programs there until all the Village residents have had the opportunity to sign up first and get in the classes because the Village residents, and most important, the residents paying the impact fee would be contributing that so they would have first kick at it.

On Sanjay's comments, I believe there's a basis for modifying the ordinance to the extent that a senior housing development is not going to take advantage nearly to the extent as anybody else, parks, recreation, public works, and I guess I'd say that for his development because they've agreed to put in private streets throughout their development so the Village is not going to be maintaining those streets, police to a minor extent and fire to a minor extent. But the one thing that we do visit upon Prairie Ridge as we do the other senior facilities is rescue service. They have a significant impact on our rescue services. As the fire rescue department grows, our gap right now that's coming about is the fact that our services are pushing to the south and the west which push away from Station 2. As it relates to Prairie Ridge specifically, that's taking the ambulance out of the station closest to where that call load is.

I think it's reasonable to set up a rescue only fee in that area and possibly adjust the number or take a look at the number of adults in the unit. Take a look at what their average is, people per unit, and crank the calculation that way. That being said, for those units that aren't subsidized in the senior housing, I think the argument for providing a quality home, affordable housing for senior citizens' needs goes away. If it doesn't meet the test for just providing the rent credits I don't know why it should be exempt of some of the other impact fees as well. Again, that would be a policy question for the Board. Do you want me to keep going with the comments?

John Steinbrink:

Yes.

Mike Pollocoff:

Gary Rosecrans comments concerning the inappropriate sampling that occurs with the Marshall and Swift program and evaluating the contract or cost info, that's one that we went back and forth with extensively as we evaluated the impact fees. We felt that we were getting a more standardized approach with Marshall and Swift. I can have Rocco explain the values of it. Really from the State standpoint that's one of the systems we use that's in our software that is consistent rather than adjusting for every specific contract. Plus we're not a party to the contract so I guess the question is we need something to measure up against to know if there are any different deals between the contractor, the owner and the developer versus what the Village is going to receive a copy of. So, Rocco, why don't you explain the logic on Marshall and Swift?

Rocco Vita:

Rocco Vita, Village Assessor, 9915 39th Avenue. We came down on the side of using Marshall and Swift Cost Estimator because it's a systemic piece of software. It's a program that provides an objective result with objective information entered into it. It has a number of uses. For instance, in the industrial park you can estimate the cost of a distribution warehouse. You can estimate the cost of a restaurant, of a retail center, of a hotel, and Marshall and Swift provides segregated cost information based upon the type of the property, the size of the property, the quality of the construction, the different construction types of the property that you enter into it. We've been using Marshall and Swift Cost Estimator since we began our office in 1996, and found it to be relatively accurate and pretty successful in what we do. We use Marshall and Swift for valuing commercial and industrial and agricultural building. The Department of Revenue uses Marshall and Swift in their manufacturing division to value industrial buildings, and the Division of Equalization uses Marshall and Swift for their commercial valuation as well. It's the nation's leading software for estimating construction, and by far it has the most occupancy, the most information available to us.

Mike Pollocoff:

Thank you, Rocco. With respect to a couple of questions that Mr. Rosecrans addressed is when the impact fees will be initiated. I think this kind of ties into another issue that Mr. Wheaton had concerning grandfathering the dates of these projects. I do know the Village Board initially adopted a resolution to begin this process to develop impact fees, and the project was forwarded to our consultant and the staff began the work to provide the information to the consultant to do the work. The Community Development Department, through Jean's office, had placed every developer that was considering a plat, conceptual plan, certified survey map, as developments went through the preliminary platting process, the final platting process, that the Village was evaluating impact fees. That they were under consideration for implementation. At the time we didn't have a number. We kind of pencil whipped out a formula that indicated the fees would be \$6,000 per residential unit. That's a conservative an estimate as we could come up with without having done the needs analysis because we wanted to make sure that no one was surprised.

So if a developer, and I'm totally speaking about residential right now, if a developer is surprised over the fact that these were under consideration I don't think they've read the staff reports either at the rezoning, at the conceptual plan, at the preliminary plat, at the final plat, at certified survey or any of the meetings because that has been out there for well over a year that we're proposing these things. The fact that it's for the residential users is \$2,381 which I think is significantly far less than our estimate. We still have two other fees that we're evaluating and that are transportation and storm water. Both of those fees address areas that the Village has serious capital expenses that we're address for those and those will be coming.

So my recommendation for grandfathering for residential that we not, because I think had we been silent on it, had we not said anything, had we not brought it out into a public forum, and had we not at every step of the way advised every developer that we were doing this, I think grandfathering would be a reasonable request but it hasn't been the case.

With respect to Mr. Rosecrans' comments within the TIF development and outside the TIF development, first of all, in the TIF development we've had some preliminary opinions from counsel that those fees that you see up there as nonresidential fees for fire and rescue, police, public works were fees that could be included as an expensive of the Tax Increment District, and that the District would pick those up. The reason for that is if you go back to the logic of the Tax Increment District, the Village creates a district where we're seeking to create an economic explosion where land is set up by a private developer, the Village makes the infrastructure improvements first, storm water, sewer, water storm water management, streets, curb and gutter, off site improvements like bringing enough water out to the corporate park to take care of any type of development that occurs, taking sanitary waste away from the corporate park to make sure we can handle all that waste, elevating water in towers, doing all those things that create an environment where the developer, in this case WisPark, can market the land competitively when compared to other business parks in order to secure economic development in this area. The thought being that the impact fees would be something that would not increase the cost of the TIF District but manipulate and work with some savings we've had in that District so that the District wouldn't get bigger financially so that it would be drawn out farther, but so that within the existing parameters we could charge that fee.

As late as today we've discovered that we're not going to be able to do that. Previous Legislatures have held all along that the concern was that municipalities would use TIF Districts to . . . out there that are driving there, workers are there, the fire department is out there on an ongoing basis doing inspections. The police department is out there protecting the public. The rescue squad is out there taking care of people that are hurt at factories or become sick at the plants, those are costs that to pay for those services that the general taxpayers of the Village pay for because the taxes that those businesses pay go to retire the debt. And until that debt is retired those services are subsidized by the residential community to take care of that cost. That will always be that way even with the impact fee ordinance. The operational expenses will always be carried on by the residential users until that comes on the tax roll.

The Board could waive that fee and say inside the TIF District we're not going to charge a facility fee that we're going to ignore the capital cost in there against my caution on this. I might have Vicki get in on the discussion on this. We kind of start walking towards the line where a treatment with businesses that aren't in the TIF District that would have paid that fee. Look at the

Prairie Ridge development, another commercial area that's going to develop, they would have to pay for it, and WisPark couldn't be. But as a community we've made an investment in the TIF District to make that happen. I don't know if an adjustment is needed in that or if the \$3.16 based on a per thousand value is a fair cost. I really think that's a policy decision as the Board evaluates our need to take and make sure that area develops as fast and in a quality manner as possible, versus having to load up those improvements on the general tax fund.

I think some people here, and I'm not saying anything to the new Board members about not being here, I don't want that misconstrued or see my comments on a graph, but the impact that we felt in Tax Increment District #1, if you think back to 1998, the Village mill rate was climbing. It was climbing at a pretty healthy rate because there's no way you can walk away from the impact of a municipality of our size. At that time we were about 15,000 people, servicing 15,000 residents plus 8,000 people in the Corporate Park and not getting paid in taxes by those people in the Corporate Park. What happens is as the district gets more and more successful and starts climbing in value and climbing in square footages under roof, climbing in people that are working out there, but as that gets bigger the gap between what we have to take care of services and what we're getting gets bigger. And so on one hand success is great and on the other hand it really hurts. So as we get towards the end of the cycle in the TIF District the pain is great. So what the Board did I believe in '97 we had a 25 percent increase in levy. We're not talking about mill rate, but in levy. We were sorely hurting because we couldn't deliver services to the residents and to the Corporate Park. You're not facing that yet but you'll be facing that again as we start growing, and to the extent the capital portion that can be carved out it's going to be easier for you deal with the impact on the operational portion within the existing levy. So those are a couple things you need to kind of weigh as you look at the nonresidential portion of the impact fee.

Doug said he was supportive of the other fees other than the pool. I'm making sure I'm catching all the comments here. As far as when would the fee be enacted for nonresidential. Unlike residential, we had been thinking all along that the TIF District was not going to be levied, so that's more of a surprise for them. They haven't had that out there since we thought we were going to be able to make that a district expense. So they haven't had the almost two years of lead time knowing that this is coming like the residential developers have. So I think that we may want to look at some kind of sunset provision on the nonresidential so they can become informed and include that in their budgets, assuming that the Board adopts the nonresidential fees. If you have any questions of me or of Vicki or Kathy.

Mike Serpe:

With reference to the comparison under nonresidential in Pleasant Prairie, on the graph it says \$3.16. This Oregon, is that the State of?

Vicki Hellenbrand:

Village of Oregon.

Mike Serpe:

Where is that at?

Vicki Hellenbrand:

That's above Madison. I don't know what their industrial base is like in Germantown, Cedarburg, Bristol or Oregon or Somers, Lake Geneva or Burlington, but I don't think it's anything near what Pleasant Prairie has to offer. I think what I'm getting to is that if we can look at this \$3.16 a little bit closer. I don't want to forgive anything to the TIF Districts, but I don't want to scare anybody away at the same time, because the benefit in the long term to this Village and to this County and to this State is monumental if everything comes into play.

That's one. I'm definitely going to support the forgiveness on the senior care for the VK Development. I think that's essential that we continue what's going on there. It's a benefit to the Village. It's a need that we need. And as far as the residential impact fees, it sounds like Mr. Wheaton is somewhat in favor of everything we're proposing with the exception of a couple items. I think, Mike, you answered those. So I don't know how much discussion we have to go into on the impact fees for the nonresidential, but I would like to look at the TIF Districts a little bit closer to see if this can be made a little bit more palatable than what it is.

Steve Kumorkiewicz:

Mike, I agree that we need to have the impact fees in new residential areas which is not going to affect the old residents. I look at myself as a senior citizen on Social Security right now with a fixed income and the taxes I'm paying here which are, in my opinion, reasonable. I'm talking about the Village. I'm not talking about the rest of it. And I see the services we have to provide to the newer residents to the Village, and actually I'm subsidizing new construction. That's why I agree in having this impact fee in residential. No residential in the case of the industrial park, WisPark, I agree with Mike that maybe we have to take a second look at that . . . but those impact fees remind me actually what we did with the fire protection that we took out from the tax rolls and put it in the water bill . . . 33 percent plus in the Village that are tax exempt. And the only way to recoup those costs for services to the extent is to put it separate from the tax rolls.

So impact fees in the residential areas - we have a lot of subdivisions going on. We have a lot of complaints from the people saying, hey, we have too much residential. We can stop that. We have a problem with the schools because of the position they took to remove the school impact fees. I would not be surprised if there's going to be something coming from the State to change the format of this impact fee ordinance to benefit not the residents but the developers. Consequently, the residential part I'm for that. Looking at the no residential . . . people are coming to Pleasant Prairie and there's got to be a reason for it. They're immigrating and coming from Illinois or wherever so we're doing something right here. I have an idea that the out of State impact fees are much larger than what we propose here in Pleasant Prairie. And I think at a certain point those new buildings coming in are going to have to pay their share. We're talking about a tax freeze but something has got to compensate for that. Services have to be provided. Like you say before, we're up to 15,000. I remember when Pleasant Prairie was 5,500 or 6,000 people back in 1963 and 1964. We have 18,500 residents now. So I think, Mike, I'm thinking the same way you are concerning the residential. I can understand the position of Sanjay over

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here because of the senior citizens. Mike, for those properties that they have over there for the senior citizens what do they receive?

Mike Pollocoff:

They have a tax deduction. I don't know if the seniors receive the tax deduction. It works through the formula for the developer because they carry the load of that for quite a period of time before they're able to pull their money out. So it's really not for the tenants there. It's for the developer that's assuming the risk and the expense going in. They hold that note, and Sanjay would have to tell you how long that is, and then I won't say once the place is going to be depreciated, but when it's gone through a full cycle then they're able to get their money out.

Sanjay Kuttemperoor:

Would you like me to explain it?

Steve Kumorkiewicz:

Yes.

John Steinbrink:

Just give us your name and address for the record again.

Sanjay Kuttemperoor:

Sanjay Kuttemperoor, V.K. Arbor, 19275 West Capital Drive. The allocation of tax credits that are provided to us by WEDA are actually, for lack of a better expression, sold to a tax credit syndicator that buys the tax credits, and the equity that is obtained through the purchase of the credits goes into help finance the construction of the building. Because of the affordable rent structure, a building that might cost \$100 to build, might only be able to obtain a loan for \$3 or \$4 because of the affordable rent structure. The sale of the tax credits allows us to bridge the gap between that \$3 or \$4 loan that you're able to get because of the rent and the actual cost of the building. The alternative without the tax credits is to actually build a structure that only costs \$3 or \$4 as opposed to the \$100 structure which would obviously mean a structure that's not as high in quality as the structures as we like to build out in Prairie Ridge.

And if I may, if I could comment or ask a question on one of Mr. Pollocoff's comments regarding the distinction between the affordable component of the project versus the market rate component, I would ask that there be no distinction made in terms of the imposition of impact fees because the market rate component of the facility is actually a requirement, not a requirement, but an incentive that WEDA would like to provide nor to achieve projects that don't have all 100 percent affordable housing. They, in their scoring application process, create a mixed income incentive scoring category such that if you provide a project that has apartments that are rented to a variety of people in different income categories they actually award points on it. From our perspective, it actually is detrimental to our pro forma so it affects our ability to obtain funds to build a facility. So if it were up to us we would build 100 percent affordable. So

I just wanted to make sure that there would be no imposition of impact fees on that market rate component of the building as well. I hope I explained that clearly. It gets a little convoluted.

Alex Tiahnybok:

Before commenting on any of the items specifically on the chart up there, from a philosophy perspective, I think any additional dollars obtained extracted from the public, whether it's residential or commercial, I think is a tax. It's just a matter of what you call it, whether it's a levy or a special assessment or an impact fee. It's just a matter of who pay sit. The filter I'm going to apply from today until April 2007 is that any time we decide we're going to spend an additional dollar on anything I have to be convinced that it's absolutely necessary. And after deciding if it's absolutely necessary, then I think the source of where those funds will come from will emerge.

I think impact fees specifically, based on the research that I did, first off initially I was absolutely for the idea. I thought if new development incurs costs to a community, new development should pay for it. It made logical sense initially. But after looking into the topic a little bit further, I think there's words such as intrinsically connected or linked which basically require that any impact fee be directly linked to a necessary expense. Beyond that, any other spending that a community does has to be done in the form of a general levy where everyone pays for it.

Regarding the items specifically, I almost feel like Doug got hold of my notes before he commented on behalf of the KRA, but I'm in total agreement with what Doug said. I'm glad to hear that the KRA officially supports the idea of impact fees for things that are justified. And I do agree with Doug, though I'm on the Parks Commission, I think that new development paying for a swimming pool, or for that matter parks, I live in Carol Beach, the area is pretty well developed, and I'm a strong advocate for developing a public park in Carol Beach. My contention is that a new development on the western part of Pleasant Prairie shouldn't be penalized in the form of a fee or a tax or whatever for developing that park. So from a philosophy perspective I can't include myself the concept of parks or a swimming pool at all in an impact fee. If it's deemed necessary then in the form of a general levy or a special assessment if a community wants something specifically I can support that.

Regarding the point of application of impact fees, I don't know if it's stated elsewhere, but that says it for me, that if a building permit has already been issued, then it's too late to apply an impact fee. If any new building permits from the point where this ordinance gets passed are issued then the impact fee applies, whatever that impact fee is going to be.

Regarding exceptions, I think the very concept of an impact fee suggests that it's necessary. Regardless of the circumstances, whether it's a residential development or if it's a commercial development, I think Mike said it accurately. If there's fire and rescue or police services required in a commercial area, then I don't see why on earth a commercial area would be exempt from impact fees when a residential area is going to get them, so I believe that fits.

Regarding affordable housing, likewise. If the nature of the needs of that affordable housing is going to require the same sort of fire and rescue enhancements to our overall infrastructure, then I can't see an exemption being suitable there either.

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Jeff Lauer:

I have a few comments. They may be short at this time. I'm not sure. But given I understand what Mike was talking about about the businesses and Steve more or less agreed maybe to look into that further so there might be some adjustment on the nonresidential rate per thousand valuation, and some of the other issues that come up we may have to make exceptions or just go by the waiver for like the senior area. Given those items so far, when I got this packet--I want to make a motion to table this maybe to the next meeting until we get some of these issues looked at. To add to the reasons why, the Board didn't get our packets on the agenda for tonight. And included in this agenda was this great book I didn't get a chance to read yet, needs assessment for the Police Department which is 156 pages long. And to do my homework diligently for the citizens of Pleasant Prairie I think we need more time to do it correctly rather than just get the material on a Friday and a holiday over the weekend, and even if there was no holiday it's still quite a task to go through the police assessment, to go through everything that Virchow Krause has worked up and try to decipher what is what and where the numbers came from. I think it would just be good to do that at this time just so we can go back and make sure it's done right, and if there has to be an adjustment made to the nonresidential part we can do that as well.

So I'd like to make a motion to do that at this time to table Ordinance 05-25.

Alex Tiahnybok:

I second.

John Steinbrink:

We have a motion and a second. Further discussion on the motion?

Mike Pollocoff:

A point of information and I want to make sure it doesn't get lost before you guys take a vote. In regard to Alex's comment on parks, I think it would be in this application of funds, in fact I don't think but I know it would be, if we were to collect X dollars in park impact fees and then turn around and use those park impact fees to improve the park in Carol Beach, those park funds are meant to service the people who are in the new subdivisions to provide connectivity between those subdivisions through a trail system, that's what that's for. The park in Carol Beach, the Pleasant Prairie ball park, Midwest Highlands, any of those parks that exist, even if they're a park over in Rolling Meadows or Hill 'n Dale it's just a vacant chunk of land. There's one in Carol Beach. If the Park Commission decides that they want to improve those, they'll have to as part of their park plan figure out what it's going to take to finance those and bring it to the Board, and the Board is going to go through the budgetary process and decide whether or not they want to put that on the levy. That's how that's going to get approved. If you take that impact fee money and use it to improve existing parks then we've run afoul of the statute. We can't do that.

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I also want to add that the Park Commission and the Recreation Commission have both heard their part of those impact fees and have recommended approval to the Village Board on those. That's just an analysis. I don't want anybody leaving here thinking that the staff or anybody else is looking that this is a windfall to go back and fix and improve some parks that already exist. We can't do that. We can't put a new coat on Station 1 with the fire impact fee. This all has to go into those new additional added facilities and not the ones we have.

And one more thing before you go any farther, as long as we've got Vicki here tonight, the question I've got to ask you is I guess your counsel on parsing the residential inside TIF and outside TIF. If you could give the Board some thoughts on that.

Vicki Hellenbrand:

In general the statute requires us to be proportionate in no matter what we do. So if you want to lower the \$3.16 you need to do it for all nonresidential property. You can't pick and choose certain areas to do it in unless it qualifies for affordable housing. That's the only exception within the statute. You have the ability to give timed exchanges or other sorts of items of value to kind of replace that cost. For example, last year you had \$6 million of improvements and they would have paid about \$19,000 in fees. So if that improvement came in the TIF District and you wanted to give them something of similar value that's a possibility, but the impact fees need to be charged across the Board. Likewise, if you decrease the \$3.16 for the nonresidential, you also have to decrease the residential component in the same manner, meaning you have to give the same sort of discount to the residential folks as well for those specific components.

Mike Serpe:

Do we have to vote on the tabling first?

John Steinbrink:

That's the motion.

Mike Serpe:

Maybe we should vote on that first. I don't think we can continue discussion until we have the vote, is that correct?

Mike Pollocoff:

If you want to keep talking about it, you need to either get this off the table or table it.

John Steinbrink:

We have a motion and a second for tabling of Ordinance No. 05-25. Those in favor?

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Jeff Lauer:

Aye.

Alex Tiahnybok:

Aye.

Mike Serpe:

No.

John Steinbrink:

No.

Steve Kumorkiewicz:

No.

John Steinbrink:

Motion fails three to two with Steinbrink, Serpe and Kumorkiewicz voting against.

Mike Serpe:

Until Vicki just said that everything has got to be adjusted accordingly and equally, I was going to recommend that we look at the non industrial fees just a little bit closer, but obviously that can't be done. Let me ask you this, Vicki. As far as the senior complex is concerned, are we able to forgive some fees there?

Vicki Hellenbrand:

Yes, I believe that falls under the guidelines of that exemption ability for the senior affordable housing. Again, that's maybe more of a legal question regarding the component of that facility that doesn't qualify as affordable housing.

Mike Serpe:

I would go as far as to say that I think Alex brought up a good point that they're still going to get their services with reference to fire and police. Mostly in the senior complex it's going to be rescue services, and I would recommend that the rescue services at least be left in the senior complex. Unfortunately those are used quite often in that area.

Vicki, a \$10 million building what are we talking in impact fees on nonresidential?

Vicki Hellenbrand:

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About \$31,600.

Mike Serpe:

\$31,000 on a \$10 million building.

Vicki Hellenbrand:

And, again, you need to remember that as these facilities move in, they also benefit by the fact that the taxes can be lower because of the impact fees in the future.

Mike Serpe:

Vicki, do you know what the industrial portion of Germantown, Burlington, Lake Geneva or Somers is, do you have any idea?

Vicki Hellenbrand:

The nonresidential I'll have to--I can't tell you percentage wise the valuation of them. But they are all, with the exception of Oregon, growing in that type of development rather quickly and encouraging it in their community. They haven't seen a decrease from that type of development because of the impact fees. Germantown was one of the first to have it in place. And, by the way, they were also litigated a couple times over their impact fees. One of the statements of litigation was regarding their pool which was approved as a recreational facility. I believe Doug made a comment about potentially a pool not being a recreational facility, but that has been litigated. Cedarburg has quite a big base growing as well. Oregon is a bedroom community that wants to have commercial development, but so far it has just been having million dollar homes coming in and big large residential development at this point. Those were just a sampling of some of them that were most recent within the State. As far as going through and having the nonresidential there are other communities around the State that also have nonresidential fees.

Mike Serpe:

For years I've been--not for years, but ever since we lost the ability to levy impact fees that we once had in place, I was a very, very strong advocate of bringing them back. I still feel that way today. If this vote does pass I hope it doesn't deter any future development that may come into the Prairie. I'll say my comments or my recommendation.

Alex Tiahnybok:

Question, Vicki. You stated that if we reduce any of the items it has to be done proportionately for residential and nonresidential.

Vicki Hellenbrand:

Right.

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Alex Tiahnybok:

Since nonresidential part of parks and recreation is zero, if I heard that statement correctly, that sounds to me like we could reduce the parks and recreation part for residential to zero today and still be within the guidelines of what you said?

Vicki Hellenbrand:

You could.

Alex Tiahnybok:

Is it possible from a format perspective to motion for approval of this minus the parks and recreation component? It sounds like we're going to be looking at this for the library, for storm water, etc., as separate items in the future, and I have to have confidence that the numbers generated for fire and police and public works are all justified and reasonable and necessary. The only part that I have a problem with is charging new development for parks and recreation. So if I can motion to modify the proposal to remove parks and recreation I'm ready to go for it.

John Steinbrink:

You would need to make that into a motion.

Alex Tiahnybok:

I motion for approval with the parks and recreation component taken out.

John Steinbrink:

Do we have a second?

Jeff Lauer:

Is that for residential that you're talking about?

Alex Tiahnybok:

Correct. Well, there's no nonresidential currently anyway.

Jeff Lauer:

Sure, I'll second.

John Steinbrink:

We have a motion and a second. Further discussion?

Mike Serpe:

I have a question. Jean, how will that affect what you're proposing from a community development standpoint if that were eliminated as far as park trails and park development in new developments?

Alex Tiahnybok:

I'm not saying it needs to be permanently. It's just at this point in time consistent with what Jeff was recommending I think that's the point of contention now. Everything else seems reasonable and I'm ready to go for it. So I'm not saying I would never support anything of that nature in the future, but right now I have a problem with it.

Mike Serpe:

I understand that, but I think Jean has been working on this trail system with the Village for years, and now there's a possibility that this could move it along a lot faster than what it's been going. If you know the answer to that, Jean, if there is an answer?

Jean Werbie:

We are working with several developments, the largest of which is the Village Green subdivision, where we intended and proposed to have a very large community park that would benefit a very large area of the Village with an interconnecting trail system. And we've laid out trail systems throughout many new developments, and we wanted to start to be able to interconnect these systems. So I'm not sure if there's a concern with respect to the pool portion or just the park and the trail system portion. But this is an opportunity that we have right now. We will have it in the future, but as new developments come in the Village, it would seem to be that those that are benefiting directly from the park and trail systems within these new subdivisions should be the ones that are helping to pay for these new park and trail systems.

Alex Tiahnybok:

That sounds like a total violation of what we just talked about. That's taking money from those new developments for their enhancements, parks, trails, whatever, and taking that money and putting it somewhere else in the Village if I just heard what Mike said.

Mike Pollocoff:

No, Jean didn't say that.

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Jean Werbie:

No.

Mike Pollocoff:

In the case of the Village Green, and we'll use that because it's so close, right now you have one development that has 220 lots that are platted. The development is completely sold out. Building permits are being requested faster than we can process them. Right now if the Village decides not to put the park impact fee in in that area, it's going to be the Village taxpayers who are going to pay for the park improvements that are going to be in that subdivision or, conversely, the Village is going to decide we're not going to provide that level of service in there. So what the park impact fee is going to do in Village Green, Meadowdale Farms, second edition, Devonshire, and I forget the other ones over there, as those developments roll along, this park impact fee is going to be used to provide the parks for that area. Does that mean that other people are going to use them? Yeah, they can come in and use them just like people come into the little park at the Village Hall and use it. Just like they go to Lake Michigan along the beach and use those. That happens no matter what.

The trail system that Jean has been working on is to provide connectivity between existing Village parks, schools and new Village parks so that people can--it's another mode of transportation for kids, for bikers or hikers to be able to go from park to park to park, park to school to park, subdivision to park to subdivision. And in the new areas this is how we're going to do it. So if we don't do it this way, if we don't collect the impact fee, then the policy that the Board is in essence adopting is that the levy will pay for it, or we'll have this kind of benign neglect that you experience in Carol Beach where we have dedicated parkland and nothing there. And then sooner or later the people that are there are going to want that thing to show up on the levy so they can get their park. There's only one place to get it. Once these things start processing through and the building permits come by that's that many more people that the Village isn't going to secure the funds from.

No, we can't take that money and use it for other parks, but we've got to expect, and I know the statutes anticipate the fact that other people that already live here are going to use especially a park. You can't exclude them or close them off, but you can't use it to improve somebody else's subdivision that doesn't have a park.

Alex Tiahnybok:

So with the trail aspect of this interconnecting parks, etc., there's a part of that trail fund that comes from the impact fee, and there's a part of that trail fund that's derived from general levy? Because it's not just an exclusive benefit of new development.

Mike Pollocoff:

That's right. The Park Commission as their park plan is adopted, the Village is going to have to step up to the plate, and for the existing subdivisions that have no trail or have no parks are going to have to--that's going to be something that those homeowners didn't pay for when they bought

their lot. They didn't have an impact fee and everybody is going to pay for it. Is the levy going to be a little higher because you're doing that? Yeah, but if you didn't have any of the impact fees the whole levy is going to be high. What it does is it brings down the cost of debt and capital for everybody. That's what that's for.

Jeff Lauer:

If I may, I don't want to belay the point of the resolution here, but I have a number of questions and Vicki might have one or two or Mike might get most of them. But I just want to leave my position for the impact fees for the record so it's recorded properly. Regarding impact fees, I can agree to a point by having impact fees when it costs the Village money that is not already paid for by developers, homeowners building a home or building a new business in Pleasant Prairie. Impact fees need to be reasonable, fair and based on needs and not wants. For example, an additional fire station might be needed based on the size of the community and growth, whereas a pool is not a need but a want. We need to make sure that if the Village has impact fees it is for needed service not already paid for by developers, new residents, new businesses being built or currently being paid through property tax bills.

I just want to give one example here of a community that passed an impact fee, and I'm sure most of the Board probably read this in the magazine that we all get once a month, the League of Municipalities. It deals with the Village of Germantown which is on our listing here. The Village of Germantown passed an impact fee for an aquatic youth center. When I read the article on that I was very concerned. It was very concerned to me, because here you're using new residents moving into your community and you want them to pay a fee or some may call it a tax in order to build a youth center . . . because their elected officials are using their money.

Impact fees are sold to local governments as an idea that new development brings new costs for such infrastructure as roads, sewer, water, etc. And in Pleasant Prairie, when a developer is doing a subdivision, they pay for the roads, they pay for their water, sewer, obviously those costs that the developers are doing are passing it down to the homeowner who is having that house built. So in the end it is the resident who is actually paying the additional fees/taxes. I just want to remind everybody that when we have impact fees it's going to add to the total cost of the resident. The Village already has literally a lot of fees for building permits, you name it, it's on the record that they have to pay a fee. It can be as small as \$2,500 up to \$5,000 or possibly more depending on the square footage.

Another item I want to discuss is on impact fees. In the *Milwaukee Journal-Sentinel* on April 14, 2005, there was an article that stated moderately priced homes pay their own way, study says \$180,000 is break even point. I think another thing that we need to keep in mind is, and again I'm not against impact fees for needs, but we also need to keep in mind those folks who are paying impact fees they're also paying, again, on their property taxes when they get the bill. So we have to keep that in mind as we go through this as well.

There was a study also commissioned by Waukesha County that was in the article that shows a break even point for the \$180,000. The town of Mukwonago did a study on it because they weren't sure if they wanted to have impact fees or charge special assessments because Mukwonago has quite a big of farmland, and they did a study that showed the construction of

moderately priced homes on farmland would bring in enough property tax revenue to cover the cost of providing additional services.

And some of the concerns I have at this point in time regarding impact fees is Rocco may be able to address this if you want to. The way I understand it impact fees would artificially increase the assessed value of the property and would most likely increase the assessed value of homes within the area that have been there for a while. For example, let's say somebody buys a lot for \$70,000, and Pleasant Prairie's current impact fee is \$2,381. They're actually paying \$72,381 for that lot at that point in time. Another concern I have is fees or tax once they're established will grow and, again, I just want to make sure everybody understands, I understand that these are needed for some things and not for others which I'm going to get to very shortly.

Some of the questions I have, and I don't know if Vicki or Mike this could be addressed to you probably. For the impact fees, for the proposed Ordinance 05-25, what cost is the Village trying to recapture that the developer or homeowner has not already paid for and will not be captured under property taxes?

Mike Pollocoff:

What the ordinance is attempting to do is for those property owners who are constructing a new home, in the case of a residence or a new commercial business, what we're attempting to recapture or capture is the capital expense for either infrastructure or facilities to provide for that incremental increase in what's going on. Those people are going to pay a property tax just like you or I pay a property tax, and that property tax is going to pay for the operations. Putting a cop in the squad car, putting a snowplow driver in the snowplow, those type things. But I think that from a fiscal policy standpoint I'm trying to achieve that we've been in a limited budget increase, quotes, frozen levy. We'll be in some type of frozen levy in the next few years. If this community doesn't adopt impact fees, if the community continues to grow the way it has been, we're going to crowd out, we're going to issue debt, or we're going to do something to either accommodate the new growth we have to do so we can do business, or we're going to reduce services because we're not going to have the funds to pay for this.

The levy that the Village has at \$3.50 essentially covers operations. It covers debt, too, but in the last two years we've issued no general fund debt to pay for fire stations, additions to public works, parks, none of that stuff. We're covering operations. So if the fiscal policy that the board wants to adopt is to maintain that zero frozen levy or that levy within inflation or that levy within growth, what that means is we're going to be able to fund operations. And if we don't have an impact fee to take care of the capital that's needed to support operations, then we're going to not have as many snowplows. We're not going to have as many rescue squads, the facilities we need to have. And then when we do want to come and get those things and pay for them and as the financial abilities of the Village increase that's going to be through a levy. So it almost really comes down to when do you want the fee paid? Do you want it paid when the people who are moving here to take advantage of coming to this community are paying it, or do you want it to come to the levy?

Probably the easiest example is John Steinbrink, Jr. is out there--in the Village Green Heights Subdivision, right now the Village during the wintertime, we endeavor and we accomplish it, to

have every road plowed within four hours of a snowstorm. We don't do the arterials and then come back and get the residential areas the next day. We believe it's important for public safety to get every road plowed within four hours. Village Green Heights Subdivision is one plow. It will take one snowplow to do that. Now, we've been really lucky with our public works department. We're going to take a guy out of utilities, we're going to take a guy out of parks, because he's not going to be doing that during a snowstorm and he's going to plow that road but we don't have a plow to give him. So the policy question if we don't do this is do we want to spread out the amount of time, do we want to do every street within five hours or six hours so that we can accommodate the new development so they don't pay an impact fee and just provide the driver?

That's really where we're coming down to on this is that if we don't collect this money at this time we're going to pay for it somewhere down the road, or we're going to reduce the level of services that we provide. That's the push and pull in this thing. Staying in a budget environment like we are now, and I don't have a problem with that, that's been a policy that the Board's had. I'll deliver budgets that do that, but if we're going to keep growing, and Jean's got a thousand lots in some phase of platting, we're going to say we're going to take on a thousand more homes with 2.68 people per house and then pretend that they're not going to demand any more capital resources and additional operation I think we're kidding ourselves. You're talking trucks, you're talking streets, you're talking places to hold that equipment. You're talking as nice as people are they still need police and police need space to do the things they've got to do with people and that's part of our business.

Jeff Lauer:

I agree with what you're saying. I'm going to get to that probably in a minute or two. It's how I word it and my thinking is what's priority and what's not and I'll get to that very shortly. Some other questions I'll skip over because they've already been answered. But I have to make a comment regarding generally towards the Board now because I know there's going to be a vote on this. Regarding the grandfather issue, and that was part of my things I worked up, because I think there comes a time in life when people, not only individuals, but government leaders and elected people have got to do what is right, not what is maybe politically correct, not what is going to bring in more money at that particular time. I think it would be very unjust if the Board did not grandfather those folks who've already went through the process, got approval from the Planning Commission, the Board approved it, they're building the house. And I think it would just be a disservice to those individuals to have to say, well, your house is almost done but, guess what, you're going to pay over \$2,300 now to move in. I just think it would be good to grandfather those who have already gone through the process at that time.

Another question I have, I know for the police station is about \$12,449,000. I guess the question I have is when the Village starts to build that facility and if the funds are not obviously all there, I would think it would take a while for the impact fees to get there, what would the Village do? Would they go in debt to get it or is there another source to get that money?

Mike Pollocoff:

No, if the police station is built, the facility study that you have shows what we would need to accommodate a population of 40,000, so a number of things have to happen. We're pretty well close to being out of space now. We could probably do some modifications to carry us. Looking at that station if we do it in phases, how much that station would have to be to get us to 30,000, what's the cost of that. The Board would have to evaluate that need through the budgetary process. We need to spend that money, I believe by Vicki's analysis, within ten years in order to get that going. And as you read through the study, and I apologize and we were moving as fast as we could on this to get it out, but one of the things we're looking at we plan like nobody plans, and we know where our next four fire stations need to be. And the Village has already allocated out the space. We have the land. When this Village fully develops out we know where those stations are going to be and that there's going to be a place for them.

In the case of the fire station, the fire station actually ends up going into the police station where the police station is now and that ends up being station 4 if demographically we keep growing the way we're growing. So part of that police station cost would be a general tax levy because we'd be moving people from one building in the space they had into another one. It would be less expense on the fire department side because they would have a building already. If that's 10 years out, 12 years out, we're not there. Right now we budget on a five year capital improvement basis, and just to have it out there on the horizon the police department is going to have some type of improvement five years from now. But anything that's over and above the impact of growth would have to be borne by the levy.

Jeff Lauer:

I have a few more. But feel free. I don't want to take up too much wind time. If somebody else wants to speak go ahead.

John Steinbrink:

I just have a question. You had said that developers are already paying for the roads and the infrastructure and passing those costs onto the new homeowners in the subdivision and that way the current residents aren't paying for new construction. What would the alternative to that be if the developer didn't pay for that infrastructure?

Jeff Lauer:

I didn't have a problem with that. I was just giving it so that the public knows that their tax dollars aren't being used to pave a road.

John Steinbrink:

And that's a policy the Village took.

Jeff Lauer:

Right, and I agree with that.

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John Steinbrink:

For many years the City paid for a lot of that and they passed it onto their taxpayers, but they had a larger base of taxpayers to collect from. But the City no longer does that either.

Jeff Lauer:

Right. I agree with that policy. Real quick here and I don't know if there's a general answer for this. But Vicki you might know this or Mike. Is there every a sunset date for impact fees, or is it a continual things once it's in place and it goes on forever and ever?

Vicki Hellenbrand:

It would generally be a continuous thing unless you decided as a governing body that you no longer wanted to charge them.

Jeff Lauer:

For example, if we already had our police new building up and running for 40,000, would there be any need to continually charge an impact fee?

Mike Pollocoff:

When we turn into Whitefish Bay and there isn't a lot left, there are no more impact fees and there's no need for additional facilities. I don't know when that will happen. But that's the logical conclusion of it.

Jeff Lauer:

Okay, thank you. I just have an item I'd like to read before I make my other comment here. On the ordinance as proposed, 05-25, under page 2, item 2, I'll read part of it. It's stated purpose and it's consistent with Wisconsin Statute 66.0617 the purpose of this ordinance is to establish the mechanism for the imposition of impact fees upon new development to finance the capital cost of acquiring, establishing, upgrading, expanding and constructing public facilities which are necessary to accommodate new development. I guess one very high concern I have is that statement constructing public facilities which are necessary to accommodate the new development. I have a major problem how that is worded if we're going to put up a subdivision and we're going to ask to have an impact fee for a \$6.4 million pool, how that is a necessity for anybody. I just have a problem with that. The pool according to the data I have costs \$6,492,065. I just don't see how a new subdivisions or if this were to pass as is, like in my neighborhood they're building two houses right now on what land is left there, how it's justified that, you know what, you have to pay for a \$6.4 million pool. Again, that comes back to my belief there's got to be a need and a want and is this really, quote a need-need, or is it a want? I think it's a huge--I can't support an impact fee for something like this, because just reading the

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ordinance itself, public facilities which are necessary to accommodate, and I don't see logically how that could work. If maybe someone could enlighten me on it.

Mike Pollocoff:

Are you asking?

Jeff Lauer:

Yes, anybody. I don't know if that's Vicki.

Mike Pollocoff:

I think the logic for the impact fee pool is that we have a pool at RecPlex that is paid for by the members and paid for in part by a donation from WisPark. The Village issued general obligation bonds for that facility to pay for whatever wasn't paid for by the donor or by carrying the note on that in the interim while the membership fees pay for it. That's the full faith and credit of the Village.

Is a pool as important as a police station or a fire station? I think there's a rank level. But I think that if you were to take a look at Pleasant Prairie in a composite manner and say what is it that makes Pleasant Prairie a good place to live? What are the things that lend the quality of life in our community, its quality services, its quality environment, and those things that provide opportunities for families to recreate and enjoy life here. I think that if Mr. Wheaton was to poll his realtors and ask them how many people moved to Pleasant Prairie because it's a nice place to live, we have a nice RecPlex, nice parks that are good for the family, those are things that are as important to a community as the asphalt you put on the roads. That's what differentiates us from other communities.

So I think you have to look at the quality of life that this Board has been committed to creating this community. The pool is one of the things. Right now there is no more space at the pool, so it does justify in my mind that incremental increase. Again, you're faced with the decision do you crowd out people that are at the pool now and have less program offerings, or do you grow that facility by the people who are there that would use it? That's the answer. I know that a lot of people think that we're living in tax hell, but there's a ton of people that are banging at the door to get into tax hell to move here. This is one of the things that we're saying if you want to--I really believe that's not the case. I think it's because this is a good place to live and there's a high quality of life. RecPlex and Lake Andrea are one of the things that provide it.

I know that when businesses come to the Corporate Park one of the first places they take them is over to LakeView RecPlex to show that this is a quality community, a nice quality of life, and amenities that are important to people who live here and the pool is part of that. Right now we're out of room. If we want to say that the pool is as it is and it's closed and if we need more pool space that we'll issue more general debt to do it that's a policy decision that the Board can make.

Jeff Lauer:

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In the end if there was a pool there at the RecPlex, when it's all said and done, if there was one, who would pay the ongoing maintenance cost and operational cost in the end?

Mike Pollocoff:

The members or program fees. You don't have to be a member to sign your kids up to learn how to swim.

Jeff Lauer:

So the new pool would not be part of the property tax bill at all?

Mike Pollocoff:

No. What we're trying to do with this is to isolate the general property tax bill from anything other than operations. And in the case of the recreation enterprise isolate it from the recreation enterprises. But if you had to collect the debt service or the capital cost for a pool and learn to swim programs, it would cost the kid \$400 a session to learn how to swim. It's not physically possible. I guess I wouldn't be coming to the Board with an impact fee for a pool if we had space and time at the pool. Right now you have a pool that will be five years old in October and people are waiting. They can't get into programs there. They can't learn how to swim. And, believe me, pools aren't being built in this community at a rapid pace. So if Pleasant Prairie wants to continue to provide that amenity and that service so kids can learn how to swim, parents can get their kids in there swimming, people with arthritis can go in and get therapeutic aid, then we need to add onto that pool.

In that community those people are coming from new homes. At RecPlex that's the biggest single source of new members are people that are moving to the community for the first time. That's where our members are coming from. That demographic match is perfect, and it also applies to people who are moving to Kenosha for the first time but I can't get an impact fee from them. We can exact a higher program fee from them but not an impact fee.

Jeff Lauer:

I agree. I know this is a topic that started a while ago, but the residents of Pleasant Prairie never, and that's a long term to say, but are not going to be billed for this under property taxes and it's only members and those who want to use the pool, then to do the right thing, the Board should not force somebody else to pay for something that they're not a member of. That's not a right thing. Maybe the members of the current RecPlex should be asked—

Mike Pollocoff:

How do you know who lives in the house or who is going to buy that house and sell that house. Just like you don't know if someone is going to buy a house and has kids in it or not and goes to school. That's a tough thing to know.

Jeff Lauer:

Right. I know all government bodies, local all the way up to the feds say they don't have enough money. Obviously impact fees are coming to a head right now and we don't have enough money. But if we don't have enough money, why do we want to go out on a limb and spend \$6.4 million on a pool that's not on a necessity. I had more people during the campaign tell me they wanted the roads fixed, nobody said they wanted a pool. I mean I wouldn't mind swimming in a \$6.4 million pool and I'm sure the kids would like it. However, like our household there's priorities. I think it was mentioned earlier by someone the pool doesn't make money. So if the pool doesn't make money why build it if you're going to lose money. I just don't think it's right. It's not a need. To me I think it's a want. I want my mortgage to be paid off, but it's not going to happen tomorrow. But I think it's important for a community like Pleasant Prairie that's growing, yes, no plows on the street I think is a good example you gave earlier. My streets have always been plowed. Make sure we have enough police force and fire departments. That to me is common sense and that is a need. But to me a pool is a want that shouldn't be appropriated at this time. Thank you.

Mike Serpe:

I'll call the question I think Alex had a motion on.

John Steinbrink:

We had a motion and a second on the floor.

Alex Tiahnybok:

To approve with only the one deletion.

John Steinbrink:

With the deletion of the park.

Alex Tiahnybok:

Otherwise approve as is.

Mike Pollocoff:

Park and recreation.

Alex Tiahnybok:

Right, that \$1,075 component.

John Steinbrink:

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The motion is without the park component, park and rec. We had a motion and a second. Those in favor?

Jeff Lauer:

Aye.

Alex Tiahnybok:

Aye.

John Steinbrink:

Opposed?

Mike Serpe:

Aye.

Steve Kumorkiewicz:

Aye.

John Steinbrink:

Aye. Motion fails 3-2, Steinbrink, Serpe, Kumorkiewicz voting against.

Mike Serpe:

Mr. Chairman, if you were to ask the Village residents who would you like to see pay for all the added expenses associated with new development, you or the new people coming, I think it would be a monumental, massive in favor of the new people coming. There's no question about it. If it wasn't and if this wasn't such a bad idea, this auditorium would be packed tonight and it's not. Therefore, I would move approval of the ordinance 05-25 with the senior housing forgiveness, not including the rescue squad service to the senior housing. That has to stay. And I wish we could do something with the nonresidential but that we can't touch.

Steve Kumorkiewicz:

I second the motion.

Mike Pollocoff:

Point of information on the motion. One thing I would like to recommend, given the fact that we have gone through significant due process with the residential development advisement of impact

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fees is to provide a 90-day window for the nonresidential since they've had no warning or no notice of this other than the last couple weeks. If someone wants to consider that in the motion.

Mike Serpe:

To let the nonresidential have input on this?

Mike Pollocoff:

No. If the Board decides to enact the fee, I'm just saying that there be a 90-day time frame for the nonresidential users because they have not had time to build that in their pro forma or their budgets. Residential has had almost two years to get ready for this.

Mike Serpe:

I understand. Alright, I'll include that in my motion.

Kathy Goessl:

Also, we have a handful of residential that have filed permits or already applications for their permits. They're in review stages right now. We need to decide what to do with that handful.

Mike Pollocoff:

My recommendation would be that a permit that's in house, whether we've issued or not, is a permit issued, so this would become effective for any permit that we haven't seen. Jeff had mentioned that someone who is half way through their process on their house and we send them a bill, I don't see that as a process at all. You get your first permit you know that the impact fee is out there. So anybody who hasn't brought a permit in house would be subject to it. Anybody who is in active process of having a permit considered I think we'd have to exempt them.

Mike Serpe:

I would have to agree.

Steve Kumorkiewicz:

I have a question. They would be paying impact fees now or in general levy later in everybody . . . paying the fee now

Alex Tiahnybok:

On behalf of all the people that aren't here that don't know they're going to live here someday and don't know they're going to be charged extra for living here, I guess this is a perfect example of a learning curve, three to two.

John Steinbrink:

Shouldn't bring up the word learning curve again.

Alex Tiahnybok:

That's right, I said I shouldn't bring that up.

John Steinbrink:

But, the disadvantage for the new members, unfortunately, is that you haven't been through the budget process. You haven't seen what the costs in the Village is mostly of manpower costs to do the jobs. And when we have to do the capital costs for expansion for the new development that's a part of it. We don't have that wiggle room in the budgets anymore.

Alex Tiahnybok:

As I stated, I was totally in favor of everything as is minus the parks and recreation component. I believe we'll be talking about these items one of these days, libraries, solid waste, storm water and sewer and transportation. I don't see why it couldn't get included with those items down the line, but it's the power of a majority.

John Steinbrink:

And I think a lot of other communities will be talking about those items also because we're all in about the same boat. If we want to keep our taxes down, if we want to provide the services people expect from us and the quality of the services, this is the direction we have to take. As Mike said, if you were to go out and poll the residents on this I think it would be an overwhelming majority.

Jeff Lauer:

Just a final point. Mike, you gave a great example if you go poll the residents. If somebody walks up to me tomorrow and says, Jeff, I want to pay off your mortgage, am I going to say no? Absolutely not. If somebody else is paying for it yet I'm going to have the benefit of it, it's very easy to say go poll the people, you want them to pay for it or you want to pay for it? In the end, when the new fire stations come and the police stations come, all residents are going to be paying for that. We pay for it on our property taxes already. So to say the majority of the people would agree with that, well, sure I would. Why? Because I'm not paying for it. If somebody wants to pay for my grocery bill, I'm not going to say no. So we've got to keep that in mind at this time. Thank you.

Mike Serpe:

You know, Jeff, when you campaign on the thing that the taxes are too high and we have to hold them down I want you to keep that thought in mind when we get into the budgetary process,

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because you're going to see just how much the tax levy will go up if we don't start collecting fees on the people causing the increases to our services. Call the question.

John Steinbrink:

If we didn't have new residents, if we didn't have new businesses, budget time would be a lot easier. But we do and we have to address it. Further discussion?

Jeff Lauer:

Just in closing, I would be in favor of this 05-25, but let the record show I don't agree for someone who has to pay for a pool that costs \$6.4 million. It's not a need. It's a definite want. So that's where the distinction comes. If you take the pool off the table, guess what, you have my support. But if the pool is on the table it's not logical. It's like I said earlier, all government bodies complain they don't have enough money so they try to find ways to get more money, and this is one way of getting it to get a pool because somebody wants it and not because the Village needs it.

Vicki Hellenbrand:

Mike, I have one question about the 90-day window for the nonresidential. I believe, not being an attorney, I think it's okay, but because you're providing that sort of 90-day time frame for nonresidential but not to residential, it gives me a little bit of concern.

John Steinbrink:

Does that fall under the State's Uniformity Clause much as we do for taxes where we can't tax non residents differently than residents?

Vicki Hellenbrand:

Well, because the Statute requires proportionality, and if you're going to charge a resident moving in tomorrow or pulling a building permit tomorrow but not a commercial business pulling a permit at the same time I'd be a little bit concerned about that proportionality. So I would just treat both of them the same just to be safe even though I understand the concept of giving the residents a lot of notice on this.

Mike Serpe:

If that's going to be a legal concern that's going to hold up the process, then I would ask that be removed, that portion of the motion. We don't know that that would be a legal concern would we, Vicki, for sure? It's just your opinion it might?

Vicki Hellenbrand:

Right, I guess I feel safer just bringing it up rather than having it be a concern after the fact. I don't know if you're able to approve something contingent on attorney discussion or not.

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John Steinbrink:

That, as all portions of it, would be subject to legal challenge, correct?

Vicki Hellenbrand:

Pardon me?

John Steinbrink:

That portion, as well as all portions, would be subject to legal challenge, correct?

Vicki Hellenbrand:

Could be.

John Steinbrink:

Could be if it was challenged.

Vicki Hellenbrand:

And, again, not being an attorney I felt it was appropriate to discuss it but I don't know for sure.

Mike Pollocoff:

I think it's a fair comment. I mean there's no question that if a residential homebuilding or developer has some heartburn over the fact that the Board would be doing that, then that would be a lever to file a claim on. So you could shorten them both to 30 days. You could just adopt them immediately. Thirty days would keep the gate open a little bit for people to get their permits in, and at least for the buildings we know that are under consideration that are commercial that had no knowledge they'd have a chance to do it so everybody would benefit from it. I think 90 days for residential, given the state of construction, is longer than what we need.

Mike Serpe:

What's 30 days from now, July 20th? What day is that, does anybody know, does anybody have a calendar? July 20th is a Wednesday? July 1st is just two weeks.

Mike Pollocoff:

We could do that.

Mike Serpe:

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Or August 1st. August 1st is what day? Monday?

Mike Pollocoff:

August 1st is Monday.

Mike Serpe:

That's good. I amend my motion to be effective August 1st.

Steve Kumorkiewicz:

I second that. We have a window.

John Steinbrink:

We had a motion and a second. We have an amendment to the motion and a second.

Jane Romanowski:

We have a motion and a second that the senior housing fees will include rescue only, fire and rescue is what I understand?

Mike Pollocoff:

Rescue, not fire.

Jane Romanowski:

This wouldn't pertain now because the permit is in house, and the ordinance would go into effect August 1st for both residential and nonresidential as it's presented.

John Steinbrink:

And the change to August 1st is agreeable to the author.

SERPE MOVED TO ADOPT ORDINANCE #05-25 RELATING TO IMPACT FEES WITH THE CHANGE TO THE SENIOR HOUSING PORTION TO COLLECT AN IMPACT FOR RESCUE SERVICES ONLY AND THE EFFECTIVE DATE FOR ALL IIMPACT FEES TO BE AUGUST 1, 2005; SECONDED BY KUMORKIEWICZ;

John Steinbrink:

Motion and a second. Further discussion? Hearing none, those in favor?

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Voices:

Aye.

John Steinbrink:

Opposed?

Alex Tiahnybok:

No.

Jeff Lauer:

No.

John Steinbrink:

Motion carries 3-2. Lauer and Tiahnybok against.

B. Consider Construction of Municipal Sanitary Sewer Improvements in Conjunction with Undeveloped Lands in the Bentz Road (85th street) sanitary sewer lift station service area and adopt Final Resolution No. 05-36 Levying Special Assessments

Mike Pollocoff:

Mr. President, this is an improvement that involves the construction of a new forced main and modifications to an existing lift station that diverts sanitary sewage from the Bentz basin that current there's a lift station that's just north of the Prange Center up there, and originally the sanitary sewer went up to where the KD tracks is and then followed it into the City sewer system. We had had designed and constructed that in 1989. In subsequent negotiations with the City on finalizing sewer and water, they determined that they had no more capacity in that system in the fact they had over allocated it. So they required that we take this area here and have all that sanitary sewer go south into the Pleasant Prairie interceptor which is on State Highway 165, goes to 7th Avenue and goes to the City that way.

The residents in that area, and that would primarily be the SuperValu development and WisPark and some of these lands along Sheridan Road, and a little bit here and on the other side of Old Green Bay Road, when they were assessed for the sanitary sewer in '89, they, of course, paid for the sanitary sewer that was the gravity sewer in front of their property. The District paid for the lift station and the forced main. That was the policy in effect at that time. Those bonds have been retired and those assessments have been paid.

Now with this project what we're proposing is taking the neighborhood plan that's been adopted by the Village for this area and levying a special assessment on the parcels that are on this map that are light blue down in here north of 93rd Street. There's a little piece over by Whittier

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Heights. There's another piece that kind of comes over by 60th Avenue. And as those developments come in, and that might be over a while, they would pay a fee for the new lift station modifications and the forced main that would bring it down there. In the intervening time the District would hold that note. There's an improvement over here that's part of the Mastercraft development, that's the rust color, and that sewer drains into an existing sanitary sewer, but anything beyond that would have to go into the new project.

The unit cost based on the neighborhood plan is \$1,227.49 per unit. The total project is \$524,139. This hasn't been awarded. We will be doing the forced main project with Village crews and then we'd be contracting out the lift station modifications. This assessment would become due and payable upon platting. We've already had one development--Jean, what's the name of that one off of 60th?

Jean Werbie:

Hideaway Homes.

Mike Pollocoff:

Hideaway Homes. As part of their development, as an example, they paid that fee up front. We identified that at that time that we were considering that and they've already paid for it. So all these developments as a plat they would be paying that fee as they go. Or, if there's an existing lot that isn't built on, then they would pay that at that time. So it would be deferred until such time as someone is using it because all this land is virtually undeveloped at this time.

This is a public hearing. We've notified everybody on the assessment schedule. We've had the assessment and the engineer's report available for inspection for two weeks. I recommend that the hearing be opened for this project.

John Steinbrink:

Once again this being a public hearing I'll open it up to public comment or question.

Jane Romanowski:

We did not have any signups.

John Steinbrink:

Anybody wishing to speak on this item? Hearing none, I will close the public hearing and open it up to Board comment or question.

Steve Kumorkiewicz:

Mike, where is the sewer going to go here . . . proposed south?

Mike Pollocoff:

The proposed main would go south from the existing lift station down to 95th Street where it would empty into LakeView Corporate Park, the sanitary sewer line there. It would go to the LakeView lift, be pumped up to 165 at 64th Avenue.

Mike Serpe:

I honestly thought we'd have more people in attendance to talk one way or another on this. But seeing none here, it kind of tells me maybe there's not that much of an objection. I move approval of 05-36.

Steve Kumorkiewicz:

Second.

SERPE MOVED TO ADOPT RESOLUTION #05-36; SECONDED BY KUMORKIEWICZ; MOTION CARRIES 5-0/

C. Consider Construction of Roadway Improvements on 43rd Avenue South of 107th Street and Final Resolution No. 05-37 Levying Special Assessments.

Mike Pollocoff:

Mr. President, this resolution is brought to us by a petition and really a long process where we've been working with people on 43rd Avenue as the development to the west has taken place. In this development the developer has agreed to take his unit prices for what he's doing for road construction within his development and provide that unit cost to the Village to improve 43rd Avenue. 43rd Avenue has sanitary sewer in it. There is no municipal water. It's been a gravel road. It's attached to the Prairie Lane Heights Subdivision which was paved probably in the '60s, and it was paved again in 1981. Since that time we've had some sewer construction in there. But the road was gravel, and from that start point that's the project where the start arrow is to here is going to be developer expense that the developer is bearing 100 percent of the cost for because that abuts his development.

Beyond this point it doesn't abut the developer's property, and this would put in a rural profile road, not 32 feet or 37 feet like we have in the development, but it would be existing 20 foot wide profile. It would build the base up to hold the asphalt. We'd be constructing a very small turnaround where 43rd intersects with 107th, and 107th doesn't exist at this point there.

In the engineer's report he looked at taking the cost for the project, and probably if you look at this parcel here there's a question of benefit. Under the Statutes, special assessment, benefit is how much benefit does someone derive from an assessment. All these lots are different sizes. One lot is owned by the Village. There's a pond there. And the question really became how

much more benefit does one person have from a project from an assessment than the other one. As an example, take a look at this kind of triangular piece of property. A lot of frontage on that parcel, but a good chunk of that parcel isn't usable, but it's a place where people could park cars for a party or what have you. They have access to the roadway along there. This parcel here has very little frontage, but the road serves to benefit them as much as anybody else.

The Village has had a longstanding practice of public lands, whether they be Village, County, school not assessing those properties as a part of street improvements. So in this schedule that's provided to you that isn't assessed. That part is out of the equation. In your packet there's some questions also raised by Mr. and Mrs. Haun concerning the assessment. There are answered provided to them. If the President wants I could read those into the record.

Again, we're looking at a 20 foot wide asphalt path or travel pattern for the project. In Schedule B, which is before you, we're looking at a unit . . . that you can look at. On the assessment alternative the first one identifies inside your packet is the unit cost. Again, that's the \$10,452. The other way of looking at this is taking the front footage, which is this distance between the side lot lines, taking that measurement and multiplying it by the unit cost. So under the first scenario the unit cost for this project is \$59.25 a foot. So Robert and Lisa Sharpe have 206.5 assessable feet of frontage and their net benefits would be \$12,208, larger than the unit cost basis. Daniel and Suzanne Bozarth have 115 feet under the front foot method so their assessment would be \$6,813 versus, again, \$10,452.

The other way the other alternative is to include and assess the Village, we would assess ourselves for this, again, which has not been a past practice. The Village has the largest frontage at 213 feet. This brings the frontage rate from \$59.25 down to \$47.71. What was noticed was the unit cost where everybody pays the same thing. If the Board was to decide to modify that, those property owners that would have their assessment increased would be entitled to have the hearing continued so they could see that alternative or to keep it the way it is. As with any assessment that goes on a front foot basis there's winners and losers, and there's winners and losers when you do it on a unit basis. So either alternative is acceptable. The Village has not included in our budget \$10,000 to participate in paving on this project so we would have to delete that from some other fund in the budget if we choose to go away from our existing policy of not assessing ourselves.

If the project proceeds and the resolution is adopted, either tonight or at a subsequent meeting, the project would begin. The road bed would be graded, brought up to spec. We'd let that sit for the year and then next year bring in the first phase of asphalt, three inches of asphalt, and then subsequent one year after the settling occurs to make sure that the trenches are compacted and everything is tight.

If the project is completed by October 1st, the assessment would come due this year. If it's not completed by October 1st it would be due in the following year. We only can assess based on work that's completed by October 1st. If the individuals choose to finance the improvements with the Village, they could finance the improvement cost with 9 percent interest on the unpaid balance over a ten year period. That would be on their property taxes and we'd notify them in October which way they want to do it. If they choose to finance with the Village it would show up on their property tax bills as a separate item. Or, if they choose to pay it off by the first of

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November then there would be no interest charges at all. With that, Mr. President, if you'd like to open up the hearing.

John Steinbrink:

Just a question, Mike. The pond in the photo that is the Village's parcel?

Mike Pollocoff:

That's a parcel that was given to us by Kenosha County because the developer had abandoned. It was originally a sewage lagoon for that subdivision in here. And he walked away from it and the property taxes and it ended up being ours.

John Steinbrink:

Is it now storm water detention?

Mike Pollocoff:

It's functioning as a storm water detention basin. With the work that's taken place in this subdivision we're treating that as one. Because if this pond wasn't there and there's a little dam right there at 107th, it would be washing out that area north. And by the time it got down to 39th Avenue we'd probably lose the road.

John Steinbrink:

And the properties that benefit on this belong to this subdivision or the homeowners around there?

Mike Pollocoff:

That benefit from the detention basin?

John Steinbrink:

Right.

Mike Pollocoff:

It's primarily Prairie Lane Heights and to a smaller extent--it was to a larger extent this whole farm, but they've constructed a detention basin here that's taking pressure off this pond. This area here as a farm field was really hard clay and it had a lot of slope on it. So flooding in this area by construction of the new basin is really eliminating a lot of the drainage problems we're going to have. But this pond needs to exist. We can't take it out. It's a navigable waterway.

Alex Tiahnybok:

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Mike, I think you previously indicated that all of the owners, I think that's evidenced by the last page, with the exception of one basically asked for this project, correct?

Mike Pollocoff:

Correct.

Alex Tiahnybok:

And it's the property 0117 then?

Mike Pollocoff:

Well, 0117, as you can see from the schedule, lives outside of the area.

Alex Tiahnybok:

That's probably why they're not here.

Mike Pollocoff:

Right. I did receive an e-mail from them, and in that e-mail they indicated they approved of the project but under this schedule here at \$10,452. Under one of the other schedules their number would increase and the other would decrease. If we were to change it, out of fairness we would hold an abeyance of this hearing, continue it to the next meeting, so that everybody could have input if the Board decides to change it.

Alex Tiahnybok:

They agreed with the cost of Schedule C?

Mike Pollocoff:

That's correct.

Alex Tiahnybok:

I motion for approval.

John Steinbrink:

We have a public hearing.

Alex Tiahnybok:

Sorry, okay.

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John Steinbrink:

This being a public hearing I'll open it up to public comment or question.

Jane Romanowski:

I did not have any signups. Again, for the record, Jeff Hunter of that property indicated he and his wife are in approval of the project as proposed with the unit cost per parcel.

John Steinbrink:

Anyone else wishing to speak on this item? Once again, we will need your name and address for the record.

Daniel Bozarth:

Daniel Bozarth, 10736 43rd Avenue. Originally we did want the road. We filled out the petition. The problem I have is assessing all the property owners the same amount. Every assessment I've every paid it always goes by your front footage. It's ridiculous to expect me to pay for somebody else's improvement that's going to improve their property. That's just not fair doing it that way. I used to own the property at 10800 when you guys came through with the sewer, and I had to pay for the whole footage even though, like Michael said, a lot of that property wasn't even usable. That was about approximately 12 years ago. So that's my major problem. I don't have a problem paying for my portion of the road, but the way you guys have it everybody is paying the same amount and we're not receiving the same benefit. Thank you.

John Steinbrink:

And Mike has the new schedule where we addressed that.

Jason Gilliam:

My name is Jason Gilliam. I live at 10797 43rd Avenue. I'm the lot that is basically on the right side of the approximate start of the road, and I just want to say it on record that this is the first I've even heard of the assessment that would assess us all equally instead of paying for your footage. And I want to bring up for the record, too, that I believe that the Village should pay for the pond frontage that has no benefit to us. And from what I understand, and I could be wrong, but the retention pond that the Whispering Knoll is putting in won't that flow through to that back pond?

Mike Pollocoff:

It will but at a reduced rate.

Jason Gilliam:

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Well, it still will, so there's benefit to them and the Village. There's no benefit to us to have that, for us to pay for your space there. Whispering Knoll should have to pay for that. I think that's it. Thank you.

John Steinbrink:

Anyone else wishing to speak?

Robert Sharp:

My name is Robert Sharp. I'm at 10706 43rd. We're fairly new residents here, and to be honest with you I'm not for the paving of the road in front of our property at all. It's just not in the budget. We weren't prepared for this when we moved here and this was kind of a surprise for us. Just for the record I'm against it.

Jason Gilliam:

I thought of one other thing. Jason Gilliam again. As far as the Hunters who have a lot of the frontage, those people don't live in town here. As far as I know there's probably five people renting that house out right now. They have cars come and go like crazy. They're good neighbors and they don't cause any problems, but they have a basic little parking lot and they should have to pay for their entire amount of frontage.

Daniel Bozarth:

Dan Bozarth, 10736 43rd Avenue. I do have another suggestion. If the new neighbors don't want the road, I have no problem stopping it at the end of my property then we don't have to do the pond or pay for the pond. So that would be an alternative. I would not have a problem with that. I can't speak for my other neighbors, but I don't think they'd have a problem with it either if we have to.

John Steinbrink:

Thank you. So with the new schedule, Mike, would we be coming back with this? I'm sorry, is anybody else wishing to speak? If not, I'll close the public hearing and open it for Board comment or question. Mike?

Mike Pollocoff:

The Board has a couple of options. If they want to accept the assessment alternatives, we would continue the hearing. We'd give everybody a notice of the new rate and give them an opportunity to comment on it and then reopen the hearing at our next meeting. Or, the Board could adopt the existing schedule at the unit price basis.

John Steinbrink:

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Mike, by shortening the road and ending it at that house if those people at 0110 do not want it, what would that drop the cost of the project to? Do we have a footage assessment on that? It would be by that many feet, right?

Mike Pollocoff:

I guess what I caution is the developer's unit costs are not going to drop that much because he still has mobilization--there's less footage to spread that cost across. So I think if you're going to do that we would need to give him an opportunity to give us another price.

John Steinbrink:

But in the one proposal the Village picks up a chunk of this which, of course, is cost to us to service the pond which I don't think we need to do much service on or need to travel to visit that much. Our people have no trouble driving on a gravel road to get there.

Mike Pollocoff:

The only thing I would offer on that is that road once you get to Mr. Sharp's property it's not much of a road at all. There's no gravel there. So, you're right, nobody needs to visit it. But if people go down that road, they've got to get back out. So if there would be an opportunity for savings I think it would be to leave the asphalt off and put the stone down.

John Steinbrink:

The difference would be in the wintertime we would plow--it would be blacktopped to that point and we would put salt on that portion and the gravel portion we would not salt but plow only?

Mike Pollocoff:

Right. It would be good for the Village to have a turnaround there. If we did gravel it--

John Steinbrink:

We would do that portion.

Mike Pollocoff:

--we'd leave the asphalt off and then that would reduce that.

Mike Serpe:

One way or another I think this whole road should be paved depending on whatever schedule we wish to follow, that would be the concern here. I think we should hold another hearing and decide which way we want to go and let everybody speak again if they wish and then make a decision. That would be a continued hearing? What would that mean? We'd just have to send notices out to everybody?

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Mike Pollocoff:

Continuation of the hearing, send notices out. I guess what I'd be looking for is which schedule you'd recommend.

Mike Serpe:

I would go the frontage—

Mike Pollocoff:

Which one?

Mike Serpe:

The top one. Not the Village. I don't want to start a precedent that we've never had before and I'm not going to start that now.

Steve Kumorkiewicz:

The top one.

Mike Pollocoff:

The top one minus the first property?

Steve Kumorkiewicz:

Yes.

Mike Serpe:

No, I'm not saying that.

John Steinbrink:

I think that would be part of the hearing.

Mike Serpe:

That's part of the hearing. We can make that decision at the next hearing. But right now I think we should do the whole road, but we can decide that later.

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SERPE MOVED TO TABLE CONSIDERATION OF RESOLUTION #05-37 AND CONTINUE THE PUBLIC HEARING ON JULY 5, 2005 WITH FRONT FOOT ASSESSMENTS SET FORTH IN A SCHEDULE; SECONDED BY KUMORKIEWICZ; MOTION CARRIES 5-0.

Jane Romanowski:

July 5th at 7:30 then and we'll send out notices.

D. Consider Construction of Sanitary Sewer to Lot 2 Mayberry Pond in the Vicinity of 114th Street West to 47th Avenue and Final Resolution No. 05-38 Levying Special Assessment.

Mike Pollocoff:

Mr. President, this is a special assessment that's being conducted as part of a right of recovery agreement with the developer that is making improvements on 47th Avenue. As part of those improvements they're going to be extending a sanitary sewer line 231 feet across property that they don't own, and they're seeking to be compensated for that property or that improvement if that property ever develops. So this would be on the Keith and Laura Stummer property. Stanich is the developer. The price as reviewed by the Village Engineer for that 231 feet is \$21,686. This special assessment would place the lien on the property. The developer will have ten years to recoup that. If there's no development within ten years then the developer loses the opportunity to recover the investment. With that, Mr. President, I'd request that we open up the hearing.

John Steinbrink:

Once again this is a public hearing. I'll open it up to public comment or question.

Jane Romanowski:

No signups.

John Steinbrink:

Anybody wishing to speak on this item? Hearing none, I'll close the public hearing and open it up to Board comment or question.

Steve Kumorkiewicz:

It's clear. I'll make a motion to adopt Resolution 05-38 because there's nothing much to discuss.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #05-38; SECONDED BY LAUER; MOTION CARRIES 5-0.

- E. Consider Resolution #05-34 to change the address of two properties with the current address of 10619 Green Bay Road to 6612 107th Street and 10639 Old Green Bay Road to 6716 107th Street.**

Jean Werbie:

Mr. President, on March 31, 2005, the Pleasant Prairie Police Department and Fire and Rescue Department had difficulty locating a property located at 10739 Old Green Bay Road. It's identified as Tax Parcel Number 92-4-122-272-0145. As a result, with some discussion with those departments, it was discussed that possibly an address change would be in order in order to more clearly identify that particular residents.

On May 16, 2005, the Board initiated an official change of address to two properties with the current addresses of 10619 and 10639 Old Green Bay Road through Resolution #05-26. And on June 13, 2005, the Plan Commission voted unanimously to send a favorable recommendation to the Village Board regarding this matter.

I did, however, receive an e-mail from the Fire Chief this weekend, and it relates to a meeting and conversation that the Assistant Fire Chief, Doug McElmury had with the property owner of one of these properties. I'll read the e-mail into the record. Per request from Linda Hayes, who lives at 10639 Old Green Bay Road, I went and looked at all the addresses in question, and I recommend the following. There are recommendations for three addresses. The 10619 Old Green Bay Road. This property has a second drive off of 107th Street that is the only functioning drive to the property. The drive on Old Green Bay Road has a mailbox with an address but it's completely blocked by an extremely large pile of brush, rubbish and garbage. They should either clear the drive on Old Green Bay Road or change the address to a 107th Street address.

The second property, which is actually not of discussion this evening, but the second address that they talked to the property owners about at 10627 Old Green Bay Road, the only access to this property is off of Old Green Bay Road. There's a mailbox at the end of the driveway. There's not an address posted on it anywhere that's visible. This house is owned by Linda Hayes and she assured me that she would get an address on the property ASAP. The address on this house should stay on Old Green Bay Road.

And then the third address which is a matter for the hearing tonight is 10639 Old Green Bay Road. The only access to this property is off of Old Green Bay Road. The mailbox is on 107th Street but has no address listed on it. The house is physically closer to 107th Street, but there's no access from 107th Street. There is a cleared out area from 107th Street where the sewer was run into the property that has settled and could be used for a secondary access. There is no address posted anywhere that's visible. This house is owned by Linda Hayes and she assured me they would get an address up ASAP. She showed me an address sign that she purchased that she is returning because it didn't meet the requirements of the Village ordinance. The address on this house should stay on Old Green Bay Road.

So the Fire Department is recommending at 10639 Old Green Bay Road remain as is, and the address of 10619 Old Green Bay Road be changed to 107th Street. I don't know if the Fire Chief has any additional comments with respect to this, and this is a matter for hearing.

Chief Guilbert:

I'm Paul Guilbert, Jr. I'm the Chief of Fire and Rescue. I'm at 8044 88th Avenue. I believe if you look, this call occurred on Good Friday, March 31. I just happened to be working in the office that day and I could tell by the radio traffic that people had difficulty finding this address. So because that happened I knew citizens would call and we looked into it.

As you can see tonight there's quite a dilemma in this area. The true test of any posting of an address is when we get a call and we need to locate that. The only thing for the record, Jean, I would say is your comments on 10639 Old Green Bay Road where they ran the sewer in that could not be used. But the Assistant Chief went out there. He gave an excellent report and I think we should follow those recommendations.

John Steinbrink:

And for the record it would pay for all residents to clearly post their addresses for the sake of rescue and distant relatives even wanting to find it.

Chief Guilbert:

Absolutely. I don't want to delay the meeting, but the commercial is we're out the door in a minute or less. The Police Department is patrolling. They respond immediately. And then when we get caught up in trying to find an address then the people get upset with us. And when it comes to something like this you can see they didn't help themselves.

John Steinbrink:

Thank you, Chief. Once again, this being a public hearing I'll open it up to public comment or question.

Jane Romanowski:

We did not have any signups.

John Steinbrink:

Anybody wishing to speak on this item? Hearing none, I'll close the public hearing and open it up to Board comment or question.

Jeff Lauer:

I move to approve Resolution 05-34.

Alexander Tiahnybok:

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Second.

Jane Romanowski:

With the change?

Jean Werbie:

You need to modify the resolution for just the one address.

John Steinbrink:

Per recommendation, correct?

Jeff Lauer:

Yes.

Jane Romanowski:

Jean, can you give me the recommendation again? Change the first one but not the second?

Jean Werbie:

That's correct.

LAUER MOVED TO ADOPT RESOLUTION #05-34 CHANGING THE ADDRESS OF 10619 OLD GREEN BAY ROAD TO 6612 107TH STREET; SECONDED BY TIAHYNBOK; MOTION CARRIES 5-0.

5. CITIZEN COMMENTS

John Steinbrink:

Just to make people aware, we'll do citizen comments and we'll take a five minute break, an exactly five minute break and be back. But for people who are here to speak on citizens' comments not to delay them.

Jane Romanowski:

Howard Cooley is the first speaker.

Howard Cooley:

I arrive with good news.

John Steinbrink:

We need your name and address for the record.

Howard Cooley:

Howard Cooley, 8731 Lakeshore Drive. I'm here primarily to thank the Village of Pleasant Prairie and its employees for supporting the Wish Dive event which is a fundraiser for the Make A Wish Foundation and for our all volunteer rescue and recovery squad. The good news is that the May 14th article published on the front page of the *Kenosha News* during a training session has called attention to our effort from both the Early Show on CBS News Network and the Today Show. And we are talking to producers from both networks.

We have already received a little over \$8,000 in contributions and we haven't even begun to ask yet. What this is for is so that young people with life threatening, often terminal, diseases we all pray for them, and through Make A Wish we give them an opportunity to have some enjoyable time by making a trip. And we will have as a guest, as far as we know, we hope we will have as a guest a young teenagers whose wish is to learn to be a scuba diver. She will be trained during weeks before this by Rich Henry who is doing the seven day dive for charity. He will be her trainer. And during the event, I'm not sure whether it will be Saturday or Sunday of the event, she will go into Lake Andrea and receive her scuba certification card from Rich during his last day or days under water for benefit of them. In addition to this, this will also benefit the 16 divers, including myself, who will be supporting this diver. Somebody will be with him all the time, 24 hours a day.

This is our dive rescue team that provides rescue, recovering bodies, search for evidence, gets the cars out of the lake, cleans up the debris on the beaches, and we will clean Lake Andrea on Saturday. We will have scuba divers around the area. We'll scour the bottom of Lake Andrea for debris, bicycles and so forth and that will be part of the week. At any rate, these people supplant paid rescue divers which you will find in every county around us, Milwaukee County, Lake County, Waukegan, Waukesha, they pay people to do this and they pay them dearly and they provide them with wonderful equipment, so part of the money raised will go to properly equip these 16 guys who mostly buy their own equipment, drive their own vehicles, put the red light and siren on top, carry radios and beepers, net with our firefighters. They will be getting some new equipment from this.

Steve, thanking Steve because Steve has volunteered to be the monitor for the Guinness Book of records. He will be verifying the record following the format which we will be receiving from Guinness. Thank you, Steve. We need other volunteers. We need people just to sit down there and take money for seven days. We will be not only covered by newspaper to draw a crowd, and Milwaukee television will give us a boost as far as drawing a crowd. And on our own we are sending out 30,000 copies of our souvenir program telling the story of Wish Dive, telling the story of the Make A Wish Foundation and inviting people to come to this event. We are also selling advertising in this document which 740 some odd solicitations for advertising go out tomorrow morning throughout Kenosha County to try to develop advertising in this little magazine proposal.

I'm here to invite all of the employees of Pleasant Prairie and specifically the Trustees. Hopefully the Trustees and Administrator will join us in welcoming Rich Henry after he does this feat. I'm sure he will want to shake somebody's hand on dry land. I hope you will all be there. And we are also inviting the Governor and our State Representative, and also we will be inviting our Senator from this area, and also Allan Kehl will be invited from the County. This group serves the entire County and they serve them voluntarily.

These are the guys that go under the ice. You don't hear much about them. But they go under the ice for somebody every year and they get people out of cars, a couple of them every winter. Make a Wish is one of the great low cost God loving groups in this country as far as charities are concerned. 86 percent of all the money they raise goes to make wishes come true. So thank you again, Pleasant Prairie. I have here invitations to each of you with copies of our letter to the Governor, and I certainly hope that you will all do what you can to get the Governor down here and welcome a new Wisconsin hero, a world champion.

When you think about swimming pools, you think about a bunch of children having a great time going down the slide and everything. That pays the bills. But go out there when the sliding board is closed and when you see them rolling the wheelchairs into that pool. Water is a wonderful thing for those who have pain when they're standing on dry land. It's a wonderful thing. You will see arthritic people in our RecPlex pool exercising who cannot exercise otherwise. The addition that we're talking about here to the pool, correct me if I'm wrong, is to make more room for water therapy and not for another sliding board. So this about that when you think about swimming pools. Think that it's not just a bunch of kids yelling and screaming. Think about what it does for those who are not as fortunate as we are and have our bodies whole. Thank you.

John Steinbrink:

Thank you.

Steve Kumorkiewicz:

Thank you, Howard.

Howard Cooley:

We could use some additional volunteers.

John Steinbrink:

As with all Village events. I will personally deliver that invitation to the Governor, Howard. And also it's not just the terminally ill child that benefits but his whole family from these things. It gives them one chance to do something together they may not have gotten otherwise.

Howard Cooley:

Money is being raised for them in their own community. I can't give names or places, and the wish is that their family could go to Hawaii to Maui and have a scuba driving trip. So we're going to see the whole family gets trained and certified before they go. I think it will be a real thrill for her and hopefully for the Village of Pleasant Prairie to see her go into Lake Andrea, go down 15 feet, meet this hero, and her instructor, I might add, he's the one who will be teaching her, hand her her certification.

John Steinbrink:

Your efforts and his efforts are what make this a great thing.

Howard Cooley:

And we're going to make a contribution to get the family to Hawaii. By the way, the money is rolling in. We're doing very well. Encourage your friends who have businesses to advertise with us and come down and drop a dollar in the slot. Thank you.

Anthony Bisciglia:

Anthony F. Bisciglia. I live at 8411 66th Court in the wonderful Village of Pleasant Prairie. Just when I thought I was going to be done with Boards I find myself here after retirement ten years later, and it's been an enjoyable evening believe it or not. I want to say one thing in preliminary. I agree with everybody here tonight. That's something all of you up there haven't done, but I'm in agreement with everyone. I believe we should have lower taxes and nice facilities. And I believe you can do that if you plan ahead and you're prepared, because if you do things the right way the first time you don't have to spend money to do them over the second time. So do them right the first time and you'll save the taxpayers a lot of money. And to do that you have to have some communication.

I'll give a little sort of credential by saying to you in the early '90s I had the honor of being the Chairman of the only area wide Planning Commission in the history of our area. Of course, Mike and Jean participated in that. But think about that. That included Pleasant Prairie, the entire City of Kenosha at that time, and Somers all the way to the I system. And every single plot was mapped out in that project. So I guess I know a little bit about development.

I want to be here tonight, though, to ask you to reconsider and possibly move up the improvements of the roads in Tuckaway Trails, the community in which I live. The problem in that community and the reason I'm here tonight is because of the children in that community. Those children can't speak for themselves so they sort of need somebody else to talk for them, and I guess I've spoken for children for a long time. A lot of little kids like to ride their bikes, and like to ride their scooters, and like to ride their little boards and roller blades, and as you know there's no sidewalks in Pleasant Prairie and that's okay as long as the road is navigable. As long as they can ride those vehicles on the road.

Since that road has been resurfaced a couple of years ago, whatever the conditions, whatever the situation that's not important. What's important is that the condition of the road has now made it

hazardous for those children to ride those vehicles fall and not get hurt. So what I'm saying here is that the roads are naturally hazardous without sidewalks, and we understand that, but when something is done to improve the road that makes it more hazardous that's a matter that needs to be corrected.

I'm thankful that you placed us at least in the second year of this project, which I think, by the way, is a great idea. Again, what I said before if you have a plan you're better off and you've got a plan now. You've got a five year plan for those improvements. But if you think about the hazards that can happen to those kids in that period of time and especially in our area where there's a lot of kids I think you've got to protect those children. So I would ask the Board of Trustees, President Steinbrink and members of the Board of Trustees and certainly Mike, if you'd consider the possibility of moving Tuckaway Trails up so that they have a resurfacing this year so we're not faced with injury to our children this year. It's a small request. Perhaps a lot of money but not really not a lot of money in the whole scheme of the budget. If you want me to look at the budget I bet I could find the amount of money needed and take care of that for you if you want me to help you. But I don't think you do because I think you're more than capable of doing it without me. So I would ask that you'd reconsider and move Tuckaway Trails for resurfacing and protection of the children this year instead of next. Thank you very much.

John Steinbrink:

Thank you. Anyone else wishing to speak? Hearing none, I'll close citizens' comments. We will take a five minute break and return with Village Board comments.

6. VILLAGE BOARD COMMENTS

Jeff Lauer:

Just real quick I'd like to say to Mr. Bisciglia again. I remember when I went to Lance you were the principal there. I think you held me after, what, about 30 times? No, not once. But glad you're able to come and speak about your situation. Nice seeing you again.

John Steinbrink:

Any further Board comment?

7. NEW BUSINESS

A. Consider Award of Contract for LakeView RecPlex and Pleasant Prairie IcePlex Software Update.

Mike Pollocoff:

Mr. President, we have staff here from three departments, finance, recreation and IT who have been working diligently over a period of time to evaluate new facilities operation software for the recreation enterprise. If you guys want to take it off and go.

Ruth Otto:

I am Ruth Otto, the Director of Information Technology. The Department of Recreation manages the facilities, programs, special events and activities within Prairie Springs Park. These facilities include the LakeView RecPlex, a state of the art recreation facility which houses a large aquatics area, field house, fitness center, racquetball courts, pre-school childcare and therapeutic recreation services. Another facility is IcePlex which houses two professional size ice rinks for hockey and figure skating. The Prairie Springs where both facilities reside in offers to the community baseball fields, soccer fields and Lake Andrea with a sandy beach and picnic sites.

The Department of Recreation has over 200 employees who handle the responsibilities ranging from guest services to outdoor facilities. These employees work within four facilities at the Prairie Springs Park, RecPlex, IcePlex, the beach pavilion and the ball park pavilion.

Just to comment on the infrastructure there, the facilities at Prairie Springs Park uses an up to date technology infrastructure which we've already put in as far as capital. Windows XP at the desktop, Windows 2003 at the server, 100/1000 gigabit backbone and an 80211.G wireless in the facility. Currently the operations use Vermont Systems RecTrac to manage their day-to-day operations along with various Microsoft Word, Excel and Outlook documents to fulfill the areas of deficiency in the database. This operation uses IP based barcode swipes with turnstiles and maglocks for access control, and assorted accessory to facilitate day-to-day operations.

In the fall of 2004, the department had given rise to the need for a more sophisticated solution that can handle the additional requirements of a new ice facility, as well as provide a more effective and efficient manner to facilitate transactions in a very busy environment. The current system, while adequate when acquired four years ago, has become increasingly less capable to support the evolving processes of the Recreation Department.

In late January of 2005, through a combined effort of the IT, Recreation and Finance Departments, an intense analysis was performed of the current software. The team went through the exercise of documenting the current business process to ensure a detail examination was performed on how business transactions occur and identifying all the tools used to handle day-to-day business. This workflow management specification is laid out in a document called The Business Process Documentation of the Recreation Department.

This process identified current software deficits and the opportunities for improvements using technology. This workflow model produced the software requirements, hardware adjustments and technology introductions which will streamline the operations of the Recreation Department to serve its customers at the highest level of service in the most effective and efficient means possible. The team that was responsible for gathering of this data to determine the software requirements were Cathi Klaver, the Director of Recreation; Kathy Goessl, the Director of Finance; Lynn Boehm, the Assistant Director of Recreation; and myself, Ruth Otto, Director of IT.

Cathi Klaver:

Hi, good evening, Mr. President, and the Board of Trustees. I'm Cathi Klaver, Director of Recreation for the Village of Pleasant Prairie. My portion of this presentation entails sort of outlining the history of the recreation department and outlining the immense growth that the department and the facilities have undertaken in four and a half short years.

I think one major component of the software is the fact that we generate millions of dollars every year that operate this facility. So I think it's very important to note that collectively both facilities, RecPlex and IcePlex, have combined annual operating budgets of approximately \$7.1 million, and the majority of those funds are managed day-to-day financially using this software. We host over 4,500 annual memberships and over 30,000 program participants each year. That equates to thousands and thousands of financial transactions every month. Managing the day-to-day financial activity for an operation of this size requires a sophisticated software and hardware that can support the complex needs of such a large multi use facility.

Our current software, a Vermont System product, is currently not meeting those needs which we collectively as a group will outline going forward in our presentation. A little bit of a background on the initial capital purchase of the Vermont Systems product RecTrac. When it was purchased, actually it would have been prior to our facility opening, it would have been sometime in October of 2000, it was a product that was widely used in the parks and recreation industry at the time. However, the immense growth of this operation, through this immense growth process, we've experienced painfully a lot of times many issues with its instability and reliability in question. Our primary concerns surrounding the software relate primarily to inadequate financial and statistically record keeping, unstable database platform that is proprietary in nature. The system itself from a front end user standpoint and a customer service aspect is really not very friendly as it takes multiple steps to complete just one single transaction.

To further outline and sort of exemplify the growth that we've undertaken and RecTrac has had to withstand, it just continues to struggle to keep up with our membership growth. As the slide points out, our household membership or units have grown from approximately 2,300, which was at about 15 months into our operation, up to right now we manage 4,500 memberships monthly. Again, that's just a lot of financial transactions and a lot of records to keep straight, as well as we're managing other people's money and their investment into our facility. They want to know that it's accurate. And we want to know with confidence that we're managing these transactions accurately.

Again, our program growth since the beginning of RecPlex has been immense. We started out our first year handling approximately 12,500 program registrations. Through last year, in 2004, we managed approximately 30,000 program registrations.

Our customer database, which is all the people that do business with this enterprise operation, after our first year of operation we had a database of about 5,000. That's households that we communicate with regularly. That database has grown to 18,000 household records to date that have done business with us, and we want to know that we can communicate with them and accurately keep track of those people whether it be through a database or through the financial

management of their household and transactions with we hope to be 100 percent accuracy, and this software right now is not doing that for us.

The current software is not providing for the needs of our newest facility which is the Pleasant Prairie IcePlex, so we're acknowledging the fact that we need to find a software that it's compatible with an ice arena. While RecTrac software does have some loyal users, I believe and through our research as a group, when we were a smaller user group and we only had licensed users of 16 it may have been a compatible software. But we've grown to having 13 licensed users, meaning 13 various points within the organization that utilizes software. And this puts us into a category of a superuser. That means we're probably one of the largest users in the country of our size for a community recreation facility or any type of recreation component, and we really need a more robust software that can manage the fact that we've kind of elevated ourselves into that category. As I'm alluding to, the RecTrac software currently does not perform at the level needed for the operation of our size. I'm going to pass the presentation over to Kathy Goessl to address the financial issues that I touched on briefly.

Kathy Goessl:

The Finance Department here at Village Hall are responsible for the financial operations of the RecPlex also. The database transactions are done at the RecPlex at the guest services area and some of the programming areas, but we are ultimately responsible for the financial numbers at the RecPlex. With the current software we have some current issues with the software. Membership is our biggest revenue source at the RecPlex, and we have tried for a number of years to try to balance our membership numbers doing a tracking. We start with so many members at the beginning of the month, say 1,000, and you end at 1,200 at the end of the month. How did it get there? How did we get from the beginning of the month to the end of the month? How many new people came? How many renewed their memberships? How many expired? Those type of numbers. They never tracked on the report so we never could figure it out. We worked with RecTrac every month trying to try these numbers out. We got within the ballpark but we never got tied out to each individual membership. At this point we just take the general information and try to work with that.

Membership retention percents, currently we're estimating them. RecTrac doesn't give expired memberships on a report, so we have to estimate how many of our members are returning. We have 4,500 members, and it's very hard to try to figure out each month how many are renewing and expiring. It's not user friendly, and it causes the users at the front desk to cause many errors. They make errors and mistakes are hard to correct in the system. Actually, when they tried to correct them in the beginning, and they're getting better at it now, but in the beginning it used to cause bigger problems. It just escalated. Mistakes sometimes cause household balances that are not legit. We're trying on a quarterly basis to go through. We have to go manually through all of the credit balances or what people owe us and what we have in accounts for people and verify these balances, making sure that they're legit balances that are not created just because there was an error made.

Legit balances are not identified across modules. There are a number of modules within RecTrac. We have a programming module, facility module, personal training module. But credit balance or balance due is created in one of the modules. When the front desk staff brings up and registers

a person for a program they won't know that they owe money on another module, or that they have a credit somewhere else that they can use in this module. So it creates balances out there that people owe us money as well as us owing them money. It doesn't combine them all together to give a true picture of one member's balances on our accounts.

Customer histories are very hard to understand. If you don't look at them too often it's very hard to figure out or even if you use them on a regular basis. It's hard to figure out what is creating a balance. What caused this person to have a credit balance or a balance due? There's no aging on the receivables. It's all a manual process with this software to collect our outstanding or overdue bills. If people bounce their electronic transfer on a checking account it's all manual in terms of tracking that and sending out letters and that kind of stuff.

Another issue we have is with software upgrades. With RecTrac, RecTrac offers numerous software upgrades. We're not even on the current upgrade. I think they're on letter J for the year. They just keep on issuing upgrades as they find problems. Last year in June they upgraded and it was a major impact. We didn't know about this major impact until after it happened. What happened is they change the way they accounted for programs and memberships, mainly programs at that point, so they dumped this upgrade on us, and after the fact they told us, oh, by the way, we changed the way you're accounting for programs. It took us almost a year to figure out some of the stuff that was going on with this program. We would call them and be transferred from support person to support person trying to figure out what was happening and how to fix this problem. They would come up with a small solution and fix that little problem. Go on and try to finish balancing our accrual balances and come up with another problem. It took a number of months to do that.

Just recently, we're not in the most recent upgrade, we called on a problem we had with leads. Our lead revenues weren't recognizing. It took them a couple months to figure it out and it was on the upgrade that came out a couple months ago, so they're not communicating between each other in support to be able to better serve us as a user.

So financially this package does not meet my needs in terms of accurately tracking the financial information out at the rec center and giving us the information we need to properly analyze what's happening out there to make the best decisions we need to make. I'll turn this back over to Ruth.

Ruth Otto:

We went through the RFP process. We took all the information that we gathered, the identification of all our issues and put together a need requirement, and then we basically scored that. There are a lot of things that come out of this process. The must haves and absolutely can't live without, the nice to have, can have it if it doesn't cost you a whole lot more, and then only if it doesn't cost you anything extra. You can very easily fall into the pit as you're looking at software of being persuaded by the bells and whistles of the software package and beginning to forget the fact of what your real purpose was for going out for that software. So we really did set ourselves up so that we were looking at software solutions without any bias. We had our plan together and then looked at whether or not the people who responded could actually respond to all our absolute needs.

We put together a 60 page RFP. You guys have a copy of that. We identified the absolute must haves and whether or not these responders could respond to these specific ones which were the absolutes, and then anything beyond that we would basically determine whether or not they could fit our criteria. It must be in a Microsoft sequel platform. We made that decision because most of our other databases are already a sequel. The current RecTrac system is in a proprietary database called Progress. You can't find anybody to support that. You can't find anybody to support a Microsoft sequel platform. It must meet the designated implementation time line of a goal live week of August 28th. That's when the RecPlex is shut down. It would allow us to be able to move over to a new software solution without impacting the business giving the staff time to train.

It must provide the online capabilities with proper security. Many software packages offer online capabilities but that doesn't necessarily mean it's secure. You're talking people with credit card information and that was one of the issues with Vermont Systems. We didn't have that security in that system and that's why we don't have online registration with them. It must provide the ability to move our existing data. Very important we're moving in the middle of the year and we couldn't afford to lose our data and expect the RecPlex to function without having the data prior to moving over to the new software system.

Since recreation software is a very unique package, we sought out appropriate vendors that were identified who handle specifically recreation software. Those companies were Active Community Solutions, Affilion Software, Aspen Information Systems, Inc., CSI Software, Maximum Solutions, Inc., and Venue One and we forwarded the RFP to them.

If you look at this chart, out of the six vendors that were sent this RFP three responded. And we basically identified how did their response fall in play with the requirements that we stated we absolutely needed to meet. As you can see, the one company that can meet all our requirements is CSI. As far as the other vendors, they did meet most of them. Some of the important things that were issues especially was moving that data, so that certainly brought one of the responses to another level.

Then if we move over to the financial side, again, we're trying not to necessarily make the decision based on the cost but it certainly worked out very well that CSI's response did come lowest as well. So we are proposing or asking you to award the contract for the recreation software RFP to CSI Software for the amount of \$100,908. Can we answer any of your questions?

Jeff Lauer:

I have a few. This is kind of up my alley so I grieve when you guys grieve. Usually you rule it to the bad guys if the software don't work even though we don't put it in. So I work in that field. A couple of questions I have. Is there any sort of hardware costs involved? Do you have to have a specific server to run all this?

Ruth Otto:

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Because this system would also be handling Internet activity, we would have a separate server for this so, yes, there is a hardware cost of \$3,000 for the server.

Jeff Lauer:

Just as a side note, not to be technical with anybody, but would the server have hard drive slots in case one is going bad you can throw another one in without losing data?

Ruth Otto:

Yes, we would use rate five, absolutely.

Jeff Lauer:

Does the cost include license? I don't know how many licenses we need, but do you have enough for the future?

Ruth Otto:

This cost basically lays out what we would need for--this is a concurrent license. So it doesn't necessarily mean we have to license every user. For those that don't know what a concurrent license is, we have 34 users who could use it, anybody could use it, but that's what the dollars stand for, 34 licenses.

Jeff Lauer:

Just two quick ones. I'm sure there's going to be training done. Do you know what the upgrade status is? Is it once a year they give you upgrades to the software?

Ruth Otto:

Actually that was one of the other things that was attractive of CSI. Unlike one of the other vendors that responded, they have a very specific upgrade plan. They put out one update a year. It's every January, and along with that comes the support with them to roll out that upgrade unlike 15 or 20 upgrades a year with patches.

Jeff Lauer:

I guess just a final question for you, Kathy, as far as the cost of it. I'm assuming the funds are there for this?

Kathy Goessl:

We have bond proceeds left over from the expansion of the RecPlex and the IcePlex expansion and that money is what we would be using for this if it gets approved this evening.

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Jeff Lauer:

Thanks.

John Steinbrink:

Other questions?

Mike Pollocoff:

It would be my recommendation also that we award a contract to CSI. It's imperative, as Cathi Klaver indicated; this is a \$7.1 million business we're operating. A lot of people are depending on us to deliver a quality product. People get really frustrated when they think they're signed up for a program or they have a link set up or their daughter is in a class, and we need to be able to track that stuff in order to make this thing work seamlessly. Not to mention just this last year was awful with some of the upgrades, but the goal is RecPlex, the recreation enterprise, pays for Kathy Goessl's time or her staff's or whatever, but the goal is not to be dragging all those Village Hall expenses over there to operate that. We want to keep that system fast and seamless so that Kathy Goessl's time isn't chewed up, Ruth Otto's time isn't chewed up or neither is mine and RecPlex does their own thing. So I think just from saving our operational efficiencies here we need to get that cleaned up.

Jeff Lauer:

Again, I don't have a problem approving this. You said we have bond money left over, so I feel all your pain, and just so the Board knows, with the new software I'm sure it will make the employees a lot happier and probably more efficient at that. So I would move to approve this.

LAUER MOVED TO AWARD A CONTRACT TO CSI SOLUTIONS FOR RECREATION OPERATION SOFTWARE AS OUTLINED BY STAFF; SECONDED BY SERPE; MOTION CARRIES 5-0.

John Steinbrink:

I think we went through a lot of growing pains out there with the new facilities and new programs, and I think this was the biggest part of those growing pains was an inadequate program for them.

B. Consider Agreement between the Village of Pleasant Prairie and the Village of Pleasant Prairie Public Safety Dispatchers' Local 528 of the Labor Association of Wisconsin, Inc.

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Mike Pollocoff:

Mr. President, this is an agreement that's been negotiated between the Village and the Village of Pleasant Prairie Public Safety Dispatcher's Local 528. The highlights of the agreement are this is a two year contract with a reopen clause on salary after one year. As we negotiated the contract, both the dispatchers and I weren't willing to commit to any salary adjustments in the second year, so we isolated that year from consideration so we could get to closure on everything else.

Major changes were we provided that no time off without pay would be granted if there was unused compensatory time that remains. Dispatch is made up of seven part-time people that cover seven days a week, 24 hours, so when we have people taking off it impacts operations. So this helps us close some loops down. The employees must call in an absence three hours prior to their shift instead of one hour. That's a change in the contract.

We've also, based on some recent court cases, where dispatchers have been under severe stress that has either gone undiagnosed or has not been addressed because of existing labor agreements, we inserted language in this contract that employees may be removed from shift if the Chief determines the person is emotionally unable to work. If that occurs, the person will be removed. They'd still be under pay. They'd go a doctor. If they're fit for duty they can come back, but we give the Chief authority to pull somebody off. They might not be violating any work rules and they might not be violating anything else, but if the Chief or his officers determine someone is having a difficult time then we need to remove them and get somebody in there who can handle the workload.

We're providing the employees with four uniform shirts at the Village's expense. I've done everything in this agreement as well as my other union agreements to stay away from a uniform allowance where the employees get \$100 or \$200 or whatever it is and then they go buy their uniforms and then we chase after them because they start looking a little ratty or whatever and they've used that uniform money for something else. In the case of the dispatchers, at certain times of the day those are our representatives to the public. They're the people who come to the window after hours, so what we're looking at doing is putting them in a polo similar to what Ken Knight is wearing there in the front row. It's probably a \$12 shirt. We buy thousands of shirt every year and we get a great price on them. So we would have those done up in silkscreen.

The dispatch employees, as I said, are all part-time employees. We've maintained this portion of the contract where their health insurance contribution of the monthly premium remains at 15 percent of the monthly premium. I felt that was a success hanging onto that. That's one of the steepest contributions we have.

Salary increase for this year is as we negotiated within the limits established by the Board. Private negotiation was 3 percent. This is a two/two split, a 3 percent with a 4 percent lift. With that, the local has voted on this and signed the agreement, and I'd recommend that myself and the Village President be authorized to execute the document.

Mike Serpe:

Mr. Chairman, I'd move approval of the agreement, and I'd just like to comment that on occasion and more often than not that job can be extremely stressful. I've worked in that field for 28 years. I know what it can involved, and I know the toll that it takes on a human mind and a human body. If we have seven part-time dedicated employees, Chief Guilbert, send them for me at least a thanks and job well done. I move approval.

SERPE MOVED TO APPROVE AN AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND THE VILLAGE OF PLEASANT PRAIRIE PUBLIC SAFETY DISPATCHERS' LOCAL 528 OF THE LABOR ASSOCIATION OF WISCONSIN, INC. AS SET FORTH; SECONDED BY KUMORKIEWICZ; MOTION CARRIES 5-0.

C. Consider Resolution No 05-41 - Initial Resolution Authorizing the borrowing of not to Exceed \$19,341,425.00; providing for the Issuance and Sale of General Obligation Securities Therefore; and Levying a Tax In Connection Therewith.

Mike Pollocoff:

Mr. President, we've adopted a resolution similar to this in 2003. This is not typically how we like to do business, but we've been advised by bond counsel that legislation has moved through Joint Finance which established a tax freeze. And bond counsel has also advised us that that freeze would not prevent the Village from issuing general obligation debt most importantly for the Tax Increment District as well as our Sewer Utility which is funded by user charges and future refinancings that we have planned.

Do we know if the tax freeze is going to take effect? No. I don't think anybody knows. Do we know if the Governor's plans is going to have the same impact? I don't know if anybody knows that either. But what we do know is that if the Joint Finance Committee's recommendation comes to fruition and we don't authorize ourselves to issue debt in these areas, we will not be able to issue debt for the TIF District, Sewer or any refinancing unless we have a referendum.

TID District #2 was approved by a project plan that went to a hearing before the Plan Commission, the Village Board and the TIF Review Board to authorize that project to proceed. We're spending money over an eleven year period, and WisPark is also doing their share in reliance on the fact that that project plan is going to be completed. It was in the last budget freeze, and with this one this is the weakest and probably the poorest public portion of this, because what it does is it directly negatively impacts economic development. We still have roads to build and sewer lines to build, and if we're talking with a developer or a user who is wanting to locate in the park and we need to make an improvement there, without adopting this we first have to go to a public referendum, have the public decide whether or not they're going to support a general obligation bond to pay for that. Even though all of our general obligation bonds to date haven't required one penny of public tax dollars to pay the debt off, it still is a bond that's issued with the Village's full faith and credit, and that would take a referendum under the Joint Finance Committee's review.

Jean Werbie or myself, or if the representatives of WisPark were here to tell you, we're competing with Illinois or somebody else for a factory or an office development or whatever, if

we tell them wait until we can schedule a referendum, and wait until we see whether or not the voters will approve that risk, and then we'll start the project after that, that development will be long gone. So the concept on this is previous Boards and Plan Commissions and the TIF Advisory Board has already signed onto the concept that we're trying to create an economic development environment and we've committed money to do this.

For the general fund, that portion of the budget has direct impact on the property tax levy. That's the only place we get our money outside of some sundry fees and intergovernmental transfers. I put no money into that. So if the Board decides to do anything in the general fund, they will have to have a referendum. Any capital expenditures that require debt under this scenario you'll have to go to the voters whether it's a dump truck, or there's not enough money for police cars or whatever capital we need, there's going to be no debt issued under this projected debt plan because there won't be any capital. That will fulfill the desires of the Joint Finance Committee, the Assembly and the Senate to have zero tax impact unless there's a referendum. This would accomplish that so there would be no spending on anything unless there's a referendum that was over and above our base.

I think to preclude ourselves from being able to refinance debt and have a better rate, to preclude where we know we have sewer obligations we have to meet with the DNR, and where we have commitments with the LakeView Corporate Park, I think it would not be good economic policy to engage in any grandstanding on tax freezes and take a risk that we'd lose that. It could be that nobody in Madison, and John would be a better judge on this, nobody in Madison agrees on anything and this won't mean a darn thing. But if we don't do it by July 1st we're at risk for not being able to do anything. That's the reason this is coming before us. Again, I don't think it's the way anybody likes to do business, but that's the environment we're being pushed into.

John Steinbrink:

The drafters have finished the budget about Sunday night. We have Joint Finance's version, we have the Governor's version, all of which we don't know what direction anything is going, and that will be determined a lot of it this week. Unfortunately Madison continues to put the mandates on local government, Smart Growth being one of the latest ones with no funding. They pulled the funding out of it and mandated us to do it, promised us money to do it, and what hour would it be somewhere in the middle to pull the funding. All these communities throughout the State are sitting here with bills to pay on mandated stuff, stuff we already did, plans we already had a lot of them but we worked together with other communities, continually raising more money for the State of Wisconsin while putting that cost on local government. That's basically unconscionable but it goes on and on and on. And then they say to us take care of it local government, whether it be schools or anything else. Once again, it's just the trickle down effect and it goes to the taxpayers.

I know Mr. Bisciglia offered to come in and help us find that money for his road. I think it would be very interesting at budget time to have a lot of the citizens maybe come in and fight over who is going to cut whose for their neighbor. As long as it's for a road in a subdivision they're willing to cut something else from somebody else's area but not theirs. This is pretty much affected the State government, too. We're lobbied by hundreds of groups and organizations that say don't cut mine but cut somebody else's. This just keeps going on and on. We have obligations to meet.

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We have projects in mid work, and this is going to add a great deal to the tax base in the long run of this community and lower taxes hopefully or at least sustained taxes for the citizens of this community.

We know it's a wise investment. We know we've had great success with it in the past and hopefully will continue into the future. This area of the country was able to sustain itself quite well when other areas of the country were in a great downturn as far as manufacturing and other things and economic development. We stayed the course because of the planning we did and what we had to offer. So I think this is, as you said, not the way we like to do business but the way we have to do business in order to continue to move ahead. As you said, we underwrite but the TIF pays for it with return on it.

Jeff Lauer:

Just so I understand this, and you explained this good to me, Mike, last Friday when I asked you about it. So if there was no such thing as a property tax freeze this probably wouldn't-

Mike Pollocoff:

You would see it as the expenses come about.

Jeff Lauer:

As they come about. Okay.

Mike Pollocoff:

In 2006, for example, when the project plan is going to anticipate \$4.1 million, one, we would have a better idea because we'd probably have some design work done, and then we'd come back to the Board and say we need \$4.1, \$3.9, whatever it is, then we'd adopt an initial resolution authorizing incurring that debt. What's on here, as I said, we thought you were going to be able to fund impact fees through the TID. You can it's not big dollars, \$141,000, so that drops out of the equation. And refinancing as those come up we bring those up as they come. But now what we're doing is this is all getting compressed three years in one fell swoop.

The Village's bond rating that affects our cost of money really dependent on our ability to meet the commitments we have to the TIF District which is driving economic development if we're able to refinance notes that need to be refinanced. We can't do that. If we go down from an A+ we go down below an A. What we've done then is identified to the public that the Village can't meet its obligations and decided not to. I don't think that's the message I want to send but, again, that's the direction we're getting pushed.

Jeff Lauer:

I understand it. I don't like this either, but however I do know, and I probably don't know as much as you do as far as possible businesses that we could get out there in the second half which could obviously bring great jobs there and everything else, but I know it's a battle especially by I-

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94 there. We're right in the center of the whole issue. So as much as I don't care for it I understand looking down the road, obviously, as you mentioned earlier planning for the future and not just the here and now.

Mike Pollocoff:

The other caveat I want you guys to be aware of you're committing to no general fund borrowing. You got your tax freeze. So the operational part of the budget hinges on the capital. Anything we need for capital we have to wait until we have a referendum.

Mike Serpe:

The last thing I want to do is trust Madison with anything that's going to affect the future of this Village. And I certainly don't want to jeopardize what may be coming out across the I in the future which looks very good for us. I'd move approval.

**SERPE MOVED TO ADOPT RESOLUTION NO 05-41 - INITIAL RESOLUTION
AUTHORIZING THE BORROWING OF NOT TO EXCEED \$19,341,425.00; PROVIDING FOR
THE ISSUANCE AND SALE OF GENERAL OBLIGATION SECURITIES THEREFORE; AND
LEVYING A TAX IN CONNECTION THEREWITH; SECONDED BY KUMORKIEWICZ;
MOTION CARRIES 5-0.**

D. Receive Plan Commission Recommendation and Consider Ord. #05-24 for a Zoning Map Amendment for the request of Michael and Lisa Bain, property owners, to rezone 4411 85th Street and a portion of 4333 85th Street to R-4.5, Urban Single-Family Residential District and a portion of 4333 85th Street to R-5, Urban Single Family Residential District.

Jean Werbie:

Mr. President, Ordinance #05-24 is for a zoning map amendment. It's a request for Michael and Lisa Bain who are the property owners to rezone 4411 85th Street and a portion of 4333 85th Street. They are requesting this this evening in order to further subdivide their properties. They actually have three properties located on 85th Street, and they'd like to subdivide them into four separate properties.

So the next item on the agenda that goes along with this zoning request is a certified survey map to create lots 1, 2 and 3. They're requesting to put lots 1, 2 and 3 into the R-4.5, which is an Urban Single Family Residential District. And then the balance of that small sliver or portion of that parcel that's attached to the corner lot that would be put into the R-5, which is the same zoning as their current property.

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With respect to the adjacent land uses, residential surrounds all of these properties, and adjacent residential zoning is located to the north, southeast and west. The R-5 zoning requires that minimum lot sizes be 10,000 square feet and 75 feet in lot width. The R-4.5 requires 12,500 square feet in lot area and 80 feet in lot width.

This is a matter that was before the Village Plan Commission at their last meeting. Notices were sent to all abutting and adjacent property owners and a public hearing was held. The Plan Commission recommended approval of the zoning map amendment for the referenced properties. The only condition or the follow up to this is that the certified survey map would match the requested rezoning.

Steve Kumorkiewicz:

This was discussed last week, so I'll make a motion to adopt Ordinance 05-24.

Alex Tiahnybok:

Second.

John Steinbrink:

Motion and a second. We'll have Jeff vote when he returns. (Lauer voted in favor upon his return)

KUMORKIEWICZ MOVED TO ADOPT ORD. #05-24 FOR A ZONING MAP AMENDMENT FOR THE REQUEST OF MICHAEL AND LISA BAIN, PROPERTY OWNERS, TO REZONE 4411 85TH STREET AND A PORTION OF 4333 85TH STREET TO R-4.5, URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT AND A PORTION OF 4333 85TH STREET TO R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT; SECONDED BY TIAHNYBOK; MOTION CARRIES 5-0.

- E. Receive Plan Commission Recommendation and Consider the Request of Michael and Lisa Bain property owners, for a Certified Survey Map to subdivide the three properties identified as 4411 85th Street, 4333 85th Street and 8500 43rd Avenue into four lots.**

Jean Werbie:

Mr. President, Michael and Lisa Bain are requesting to subdivide three properties located at 4411 85th Street, 4333 85th Street and 8500 43rd Avenue, three properties into four lots. The existing homes that were located at 4411 and 4333 85th Street have been razed and all inspections have been completed and those sites are currently vacant.

Lot 1 is proposed to be 21,047 square feet with 81 feet of frontage; lots 2 is proposed to be 21,047 square feet with 81 feet of frontage; and lot 3 is proposed to be 23,023 square feet with 81 feet of frontage on 85th Street. As you can see, the three lots that are being created greatly exceed

the minimum requirements of the R-4.5 which is 12,500. The existing lot which is the corner lot on 43rd and 85th Street is proposed to be 19,645 square feet with over 150 feet of frontage on 85th Street and 124 feet of frontage on 43rd Avenue.

Additional right of way is being dedicated to 85th Street as part of this certified survey map. No additional utility easements are needed pursuant to Rich Hooper from WE Energies, and there are no outstanding taxes or special assessments due on said property. The Plan Commission and the staff recommend approval of the certified survey map subject to the comments and conditions as outlined in the staff memorandum.

SERPE MOVD TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF MICHAEL AND LISA BAIN PROPERTY OWNERS, FOR A CERTIFIED SURVEY MAP TO SUBDIVIDE THE THREE PROPERTIES IDENTIFIED AS 4411 85TH STREET, 4333 85TH STREET AND 8500 43RD AVENUE INTO FOUR LOTS, SUBJECT TO STAFF COMMENTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIES 5-0.

- F. Receive Plan Commission Recommendation and Consider the Request of Norma and Jean Brown and Daniel and Barb Brown owners for a Lot Line Adjustment between the properties located at 2629 and 2631 89th Street.**

Jean Werbie:

Mr. President, the petitioners are requesting to adjust the lot lines between two adjacent properties located at 2629 and 2631 89th Street. On June 13th the Plan Commission voted unanimously to send a favorable recommendation to the Village Board to adjust a lot line.

Specifically the petitioners are requesting to adjust the lot line so that the existing driveway located at 2631 89th Street can be located entirely on one property. The eastern lot line of 2631 89th Street is proposed to be moved east 19 feet. If the lot line adjustment is approved, the existing driveway will be 9.4 feet from the new lot line. Minimum requirement for the driveway setback for this particular location is 5 feet, so they will be well within the new requirements of the zoning ordinance for a driveway setback.

The staff and the Plan Commission recommended approval of the lot line adjustment as presented.

TIAHNYBOK MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF NORMA AND JEAN BROWN AND DANIEL AND BARB BROWN OWNERS FOR A LOT LINE ADJUSTMENT BETWEEN THE PROPERTIES LOCATED AT 2629 AND 2631 89TH STREET, SUBJECT TO STAFF COMMENTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIES 5-0.

- G. Consider an Affidavit of Correction to the Village Green Heights Subdivision Plat to amend an access restriction for Lot 36.**

Jean Werbie:

Mr. President, on February 3, 2004, the final plat for the Village Green Heights Subdivision was recorded at the Register of Deeds office in Kenosha County. Martin Hanley of Village Green Development, LLC, the developer for the subdivision, is requesting along with actually the landowner who is in the audience this evening, an affidavit of correction to the Village Green Heights Subdivision plat to amend the access restriction for Lot 36 to allow a Cooper Road driveway access from this particular lot. Lot 36, which is a corner lot, is owned by Jeff and Dana Wilson. It's identified as Tax Parcel Number 92-4-122-233-0136.

According to the plat, the driveway access to Lot 36 is restricted only from the cul-de-sac bulb which is a portion of 50th Court. The result would be for them that the driveway would have approximately a 15 percent slope which is much steeper than the optimum 6 percent maximum driveway slope. According to the development note on the plat, Lot 36 is excluded from the exception of allowing a driveway with access to Cooper Road. This affidavit of correction adds 36 to that development note three, so both the developer as well as Mr. Wilson are requesting that that correction be made so that the access restriction can be removed so that their direct access can be coming off Cooper Road so that they don't have the steep slope grading for their driveway.

The staff recommends approval of the affidavit of correction for the Village Green Heights Subdivision pursuant to this particular lot.

KUMORKIEWICZ MOVED TO APPROVE AN AFFIDAVIT OF CORRECTION TO THE VILLAGE GREEN HEIGHTS SUBDIVISION PLAT TO AMEND AN ACCESS RESTRICTION FOR LOT 36 AS OUTLINED; SECONDED BY TIAHNYBOK; MOTION CARRIES 5-0.

H. Consider Resolution #05-35 to re-initiate the Street Vacation of a portion of 110th Street west of 116th Avenue.

Jean Werbie:

Mr. President, Resolution #05-35 is a resolution relating to the discontinuance of a portion of 110th Street west of 116th Avenue. On April 26, 2005, the Village of Pleasant Prairie had received a request to initiate the discontinuance of a portion of 110th Street west of 116th Avenue. It's an area that had been designated as a public right of way but not constructed as a public right of way. This is an area that is on the very far eastern end of the proposed Pleasant Prairie Prime Outlets development, specifically where their Phase V expansion is proposed to be located.

The purpose of this resolution is to initiate the process for which a public hearing can be held before the Village Board to consider this continuance. The reason why it's been identified to re-initiate the discontinuance is because this is a matter that had been before this Village Board once or twice before in the 1990s when previous landowners to Prime Retail were going to do an expansion in Phase V. The new owners have requested, again, Phase V approval, and as part of this would be the vacation of 110th Street. Any access to the Verizon utility substation would be

provided through internal easements, and the vacant street if it is vacated would attach to the adjacent land that they own on either side.

Again, the purpose of this resolution is to set the public hearing for which to consider this matter. Village staff recommends approval as presented.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #05-35 TO RE-INITIATE THE STREET VACATION OF A PORTION OF 110TH STREET WEST OF 116TH AVENUE; SECONDED BY TIAHNYBOK; MOTION CARRIES 5-0.

I. Consider Resolution No. 05-39 – Resolution Certifying the Creation, Review and Adoption of the Compliance Maintenance Annual Reports for the Wastewater Treatment Plant in Sewer Utility District 73-1.

Mike Pollocoff:

Mr. President, these are reports that the utility is required to make every year where we evaluate the performance of our treatment plant operations. On the slide there you can see treatment plant number 73-1. It's a 400,000 gallon tertiary treatment plant that's 33 years old. This plant is scheduled for decommissioning prior to 2010. Actually as part of the budget process it will be coming in this year and begin the process for identifying easement acquisitions for a forced main to be constructed that will abandon this plant and will bring it north of Highway 165 where the waste will be discharged.

If you go to the sheet we get straight A's except for financial management where we received an F. That was because at the time this was prepared we hadn't adopted our sewer rate increase yet. So we'll be back in the good graces of the DNR. But we're not putting a lot of money into this facility since it's got a couple of years. We're running it into the ground. If we're not able to maintain our loadings and the quality on the facility I'd be more concerned.

2010 is the deadline, and we'll probably be out of service at this one by 2008, only because this one is an expensive plant for us to operate. Operationally it chews up a lot of electricity. The best thing that could happen to this plant is we get a little rain and get some flow. It was planned for 2,000 homes and we have 143.

John Steinbrink:

This was back when Timber Ridge was developed.

Mike Pollocoff:

Yes, the Timber Ridge treatment plant. But our operators do a good job of keeping it going and operating, and they'll be the first ones to tell you we're shoe stringing this one now. But I don't want to put any money into this that we don't have to. I'd recommend this report be approved and forwarded to the Department of Natural Resources.

SERPE MOVED TO ADOPT RESOLUTION NO. 05-39 – RESOLUTION CERTIFYING THE CREATION, REVIEW AND ADOPTION OF THE COMPLIANCE MAINTENANCE ANNUAL REPORTS FOR THE WASTEWATER TREATMENT PLANT IN SEWER UTILITY DISTRICT 73-1; SECONDED BY TIAHNYBOK; MOTION CARRIES 5-0.

- J. Consider Resolution #05-40 - Resolution Certifying the Creation, Review and Adoption of the Compliance Maintenance Annual Reports for the Wastewater Treatment Plant in Sewer Utility District D.**

Mike Pollocoff:

Up on the screen is the picture for the Sewer D Treatment Plant. Sewer D is a 400,000 MGD plant. It's an oxidation ditch plant that has very high effluent quality coming out of that. In fact, we definitely clean up the stream that goes to the Des Plaines with the water qualities coming out of here. This plant is also scheduled to be decommissioned in 2010. This plant is one of the things that helps us keep our rates low. It's a very efficient cost effective plant to operate, so we're going to hang onto this one until the very last second.

On this one here we had A's on everything. Again, we had F on financial management. We had a C in collection systems. We're under orders from the DNR based on the May floods of 2004 to make modifications in the collection system for this plant which includes River Oaks Subdivision, Chateau Eau Plaines, the Zirbel area, and those are items that the Board saw at the meeting where we talked about the rates for the district. That's what's bringing that grade down. Again, we're not making any more at the plant financial investments in that than we have to. But the operators are doing a good job operating that plant. So I'd recommend that this resolution be adopted and forwarded to the DNR.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #05-40 - RESOLUTION CERTIFYING THE CREATION, REVIEW AND ADOPTION OF THE COMPLIANCE MAINTENANCE ANNUAL REPORTS FOR THE WASTEWATER TREATMENT PLANT IN SEWER UTILITY DISTRICT D; SECONDED BY LAUER; MOTION CARRIES 5-0.

- K. Consider Ordinance No. 05-26 to increase the monthly processing fee for bank draft options for LakeView RecPlex Memberships from \$3 to \$4.**

Cathi Klaver:

Good evening, Cathi Klaver again, Village of Pleasant Prairie Director of Recreation out at the RecPlex. You have in front of you a recommendation from the staff to increase our monthly processing fee for our automatic bank draft or EFT service that we provide to a majority of our members from \$3 to \$4. Since RecPlex opened, we have not raised this fee. We've chose to keep it steady up to this point. We're seeking to increase it by just \$1.

This fee covers the administrative expenses for performing this transaction, as well as the loss of interest revenue because an annual payment was not made. This is not a revenue making service we provide. We're just looking to cover our direct costs for providing a service. The operational costs that are associated with providing this service include personnel, forms, the software that helps us to manage this service as well as banking requirements. We've included a chart in here to show the growth of this particular payment option and how it has become a very popular payment option for our members as our membership has increased.

Within the first three months of operation we only drafted about 325 households per month. As our membership has grown as you've seen throughout the evening, we've shown that we are up to approximately 4,500 households that we manage annually, and of those households 47 percent or exactly 2,095 households actually utilize this service. We have one full-time staff member that manages just this particular aspect of the operation. It's very labor intensive but it's a nice service and people enjoy being able to pay their monthly membership fee on a monthly basis, but there's also a cost to doing that and we have not raised that fee up to this point.

So we're seeking to raise that fee so we can continue to cover our direct costs. We are looking to do that at this time. You may be asking why are we doing it mid year. We are going to be entertaining this for a couple different reasons this year. Number one, we knew we were going to be looking at a software conversion and we weren't sure if it should happen prior to that or if we should wait until after we do that. As we went through the software analysis and what it was really going to take, we worried about being able to pull over all this data Ruth had mentioned before. So it looks as if it's very, very important to us to actually instead of having to maybe enact this fee say in September or October when the majority of our membership renewals come up, it's actually better for us to manage it now because it will be quite labor intensive just to raise that one fee for those 2,000 households. Better for us to do it now during our sort of lull in our activity at the facility and let us get those bills set and secured so when we do transfer that information over under the new software package we actually have a couple months billing under our belt.

So we are looking to ask the Village Board for approval to amend Section 242-9A of the Pleasant Prairie Municipal Code that pertains to the LakeView RecPlex user fees to reflect a fee increase from \$3 to \$4 for the monthly processing or EFT fee. Any questions?

SERPE MOVED TO ADOPT ORDINANCE NO. 05-26 TO INCREASE THE MONTHLY PROCESSING FEE FOR BANK DRAFT OPTIONS FOR LAKEVIEW RECPLEX MEMBERSHIPS FROM \$3 TO \$4; SECONDED BY TIAHNYBOK; MOTION CARRIES 5-0.

- L. Consider Ordinance No. 05-27 approving a LakeView RecPlex Trial Membership Fee.**

Cathi Klaver:

You have in front of you and you have in your Board packet an outline of a new program we're looking to initiate which is a trial membership program. As the slides show, a short-term membership option has never been offered but frequently requested. The reason we hesitated at the beginning of this operation to offer a one month membership only was to really protect the

annual membership revenue and the monthly cash flow of the operation. We also offer them an opportunity to use the facility from a day pass option, but really in club management the best way is really to get people to commit on at least a minimum of a 12 month basis and then they can convert to a monthly from that point on.

However, throughout the last four years of operation, we've continued to get this request to have a short-term membership option, and we've kept tabs on these requests and we feel like the demand is high at this point. If it's priced correctly, the trial membership or the short-term option can be both a revenue source as well as a means to drive annual membership if it's priced correctly.

You'll see from the slide that we're proposing somewhat of a premium rate. We do have people, visitors and corporate visitors, who maybe are only in town for a month and would like to utilize the facility. If they tried to utilize the facility from a day pass option and they came in four times a week at \$10 apiece it's still quite a savings for them to purchase this premium membership for 30 days. However, if it is a person who just really wants to try the facility out, doesn't want to pay for a day pass if they are a frequent exerciser or a frequent user, it gives them the option of a small outlay of cash. They are able to utilize the facility and come and go seven days a week if they'd like for at least 30 days. But it gives us an opportunity to give them a nice experience. We offer them an incentive that if they do convert this trial membership into an annual membership, we will reduce the facility fee to \$50 or 50 percent discount.

You might note there is no residency requirement for this which is similar to our other rate structures for membership. We felt to keep it simple, not to really get confused based on Village residency or whatever, if a resident really wants the benefit of living here and receiving a reduced rate then they'll come right on board with us with an annual pass.

So we're seeking Village Board approval to amend Section 242-9A of the Pleasant Prairie Municipal Code pertaining to the LakeView RecPlex user fees to reflect a trial membership option and its respective fees as outlined in the previous slide.

Mike Serpe:

Cathi, would a down side to this be the administrative part of just monitoring this every day?

Cathi Klaver:

That will be a little bit. We hope that we will eventually convert them to an annual membership. It may take a little bit of administrative legwork. We're going to be sending out a thank you letter which is additional labor for our guest services staff, but hopefully they'll actually convert and we'll be receiving more membership revenue in the long run.

Mike Serpe:

That sounds like a good idea. I move approval.

Kumorkiewicz:

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Second

John Steinbrink:

Motion and a second. Does the new software simplify this program for you?

Cathi Klaver:

Yes, it does. It handles pass management very well.

Mike Pollocoff:

Have you guys thought about a limit on how many times you're going to let somebody buy it?

Cathi Klaver:

Yes. We talked about this and we initially said we're just going to let them utilize this once. That will actually be written in the policy that it is a one time. I toyed with this with our Guest Services Director, Danny, and it's like are we really going to send somebody away if they're a corporate person and they tell us I'm in town for six weeks and I want to buy a second month? Are we going to turn away their money? Probably not. So we're going to agree that we will extend it on Guest Services Director approval for an additional one month on a case by case basis. But we'd really like to set the policy that it is a one-time purchase.

Mike Pollocoff:

Then I'd recommend to the maker of the motion that it be included in the ordinance that the pass is only good for 30 days or only one pass per year may be purchased for 30 days, and then additional language that would allow the Director or Recreation or their designee to make minor modifications.

Mike Serpe:

I'll include that in my motion.

Steve Kumorkiewicz:

Yes.

SERPE MOVED TO ADOPT ORDINANCE NO. 05-27 APPROVING A LAKEVIEW RECPLEX TRIAL MEMBERSHIP FEE WITH THE ADDITION ONLY ONE 30 DAY TRAIL MEMBERSHIP MAY BE PURCHASED PER YEAR; SECONDED BY KUMORKIEWICZ; MOTION CARRIES 5-0.

M. Consider Ordinance No. 05-28 approving an Annual Skate Pass at the Pleasant Prairie IcePlex.

Cathi Klaver:

I have with me tonight and I'll take the opportunity to make the presentation on the annual skate pass, but I also have with me tonight Ken Knight. He's the new Ice Arena Director for the Village, so he's going to help me here if you do have some questions. He's up to speed with the fact that we are proposing this annual skate pass. He began employment with the Village seven days ago. He knows a little bit of the background, but I'll start the presentation and if we have some questions Ken and I both can entertain those.

Customers and RecPlex members both have inquired about the ability to purchase an annual skate pass in lieu of purchasing a skate rental pass every single time they visit the facility. I know a lot of our members are accustomed to paying one lump sum to utilize our facilities and then not really having to worry about carrying that cash with them. So based on that request from our RecPlex members as well as sort of being an industry standard that that is a way that customers can utilize open skate sessions, we've proposed a new program, and we do have the fees that we are proposing.

You'll see from this chart the first column is a cost per visit which are fees that have already been approved in the ordinance for open skate fees based on age. In doing some research on frequency, it was really hard for us to really estimate how often would people be utilizing this pass. We felt we wanted to start conservative to really promote this program, so we felt just an average of two visits per month based on the cost per visit that has already been approved would get us to a RecPlex membership fee which you see in column three, and then we essentially doubled that for the general public.

In doing the other research at other facilities, we feel as if we're fairly competitive with fees that are being offered from an annual standpoint primarily in the public sector, the public line, the public column. For a RecPlex member it really gives them a benefit of being a member, but then it also allows the ice arena to generate some revenue from an open skate pass commitment.

One other question you may have, and I don't know if I'll beat anybody to the punch here, but we've been asked at the Rec Commission meeting, and they fully endorsed this program, however they asked why don't you have a family pass. For a couple of reasons. It's a fairly substantial fee. The pricing at IcePlex is a lot different than the pricing at RecPlex. A family would almost pay the exact same amount for an open skate pass annually over at IcePlex for just the public sessions that they do over at RecPlex. So when you kind of throw that out there, is it really feasible? Are people really going to purchase that pass for a family of four or a family of five? Not that there's been a lot of demand for a family annual skate pass. There hasn't, it's more of an individual basis. So we opted not to include that for that reason. You can imagine if we doubled that public number there to include a family of four or a family of five to be a fairly substantial number. If the demand does arise, we will revisit adding that as part of the program.

So, again, we're looking for approval from the Village Board to amend the Pleasant Prairie Municipal Code Section 242-10B that pertain to IcePlex user fees to reflect the addition of an

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annual skate pass program and the respective fees in the chart. Do you have any questions that Ken and I could answer?

John Steinbrink:

Ken, welcome. Good to see you here this evening.

Alex Tiahnybok:

Motion for approval.

Ken Knight:

Thank you very much. I'm very glad to be here. It's a beautiful facility and community. Just my comments if you will. Obviously the RecPlex has a tremendous database. It would be a great opportunity for the RecPlex members to be introduced, some of them have not used the IcePlex yet. And by the same token I think some of the IcePlex members might see a savings if they joined the RecPlex, so it's just a wonderful cross market opportunity.

John Steinbrink:

Motion by Alex. Do we have a second.

Steve Kumorkiewicz:

Second.

TIAHNYBOK MOVED TO ADOPT ORDINANCE NO. 05-28 APPROVING AN ANNUAL SKATE PASS AT THE PLEASANT PRAIRIE ICEPLEX; SECONDED BY KUMORKIEWICZ; MOTION CARRIES 5-0.

N. Consider Authorizing the Fire & Rescue Department to Pursue a Federal SAFER (Staffing for Adequate Fire and Emergency Response) Grant to assist with the recruitment and retention of paid-on-call firefighters.

Chief Guilbert:

Mr. Steinbrink, I'm Paul Guilbert, Jr. I'm the Chief of Fire and Rescue. I work at 8044 88th Avenue. And you're correct, SAFER stands for Staffing for Adequate Fire and Emergency Response. That's a program of the United States Department of Homeland Security. The purpose is to help fire departments increase their number of firefighters. Prior to becoming part of the Homeland Security, the United States Fire Administration offered programs beginning in 2001 to fire departments to help them meet specific needs.

In 2002 our department, our Village, received a grant of \$172,000, one of the larger ones in Wisconsin, to purchase self-contained breathing apparatus. That was a ten percent match on

behalf of the Village, and the federal government gave us the balance of 90 percent. Last December we received an award where we're going to put vehicle exhaust systems in both fire stations. That's a 20/80 matching grant and we're working on that as we speak.

A new program that is just starting is SAFER. We've chosen to apply for that. It will allow us to do a staffing study to see where we are with both our full-time and paid on-call personnel. And it's a program to help us market our staffing needs. And what we're looking for on a very routine basis are paid on call personnel, live-in students, those are college age typically men who are pursuing an Associate Degree at Gateway in Fire Science. And we've also worked with high schools and allowed high school seniors to come in and work a daily routine as a firefighter. We've seen that those people have moved on and in one case have become career firefighters.

Basically what our staffing needs are are to supplement the full-time staff, our full-time fire medics. We have a very high demand for paid on-call personnel. We can use them all the time. We expect very active participation from our paid on-call personnel. We work them very hard somewhat like the Pony Express. You jump on them, run them for 20 miles, and then get a new horse, and I say that with all due respect to our people. But without that active participation on their part we have a very high turnover, and our demographics and our statistics prove that out.

What we do currently for recruitment of paid on-call personnel is routinely in the Village Times that hits every doorstep in the Village. However, we will accept people in an identified area that extends beyond the Village. All of those areas are based on response times. Although we go beyond the Village we can't go very far. We use newspaper articles. We send that information to high schools as well to Gateway Technical College and word of mouth.

Where the volunteer part comes in with our paid on-call personnel, basic training is approximately 300 hours. They do that on volunteer time. They're then on call 12 hours a week every week of the year. That's volunteer time. We also want those people to work part time in the station. Their pay rates are equal to their training levels. When they're hurt we have Worker's Comp. There's a Wisconsin retirement system, but unfortunately many of these people that come to work for us are young and they can't see or understand what it means to have a retirement. We also offer a free family RecPlex membership.

What the SAFER grant process application is it's a very competitive program and it's a unique system where our peers, firefighters, fire officers, fire chiefs will travel to Emmitsburg, Maryland and give a week of their time and review our grants. It's a peer review process and it's done as volunteers.

There is no matching part to the Village. This is a no cost grant, but the reason I've been asked to give this presentation tonight is that as a condition of our application they want to make sure that the Fire Chief is communicating with the elected officials and makes you aware of all these programs. So the minutes will reflect that I spoke to you this evening. So, with that said, we formally request your approval to pursue this grant.

Mike Serpe:

In the grant application is there any dollar amount mentioned that's available to you?

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Chief Guilbert:

No, they want you to put a program together and there is no maximum. There's \$65 million to be shared across the country.

Mike Serpe:

I move approval for the Chief to pursue this with the blessings of the Board, the elected officials.

Jeff Lauer:

I'll second.

John Steinbrink:

Motion and a second. Further discussion? Thank you, Chief.

Chief Guilbert:

You're welcome, sir.

SERPE MOVED TO AUTHORIZE THE FIRE & RESCUE DEPARTMENT TO PURSUE A FEDERAL SAFER (STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE) GRANT TO ASSIST WITH THE RECRUITMENT AND RETENTION OF PAID-ON-CALL FIREFIGHTERS; SECONDED BY LAUER; MOTION CARRIES 5-0.

O. Consider Request of Kenosha/Racine Land Trust to camp one night at Prairie Springs Park for Bird Blitz event.

Mike Pollocoff:

We have Danskin, we have Pleasant Prairie Triathlon and now we have the Bird Blitz and the Wish Dive. So the Village code requires that any camping that occurs at Prairie Springs Park must be done only with the approval of the Village Board. Back when we built Prairie Springs Park the Board at that time felt very strongly that they wanted to be able to control the camping activities at the park so here you go, the Bird Blitz and they want to camp. I think if we get one a year I'd be surprised. One every couple years.

John Steinbrink:

I think for Prairie Family Days we get the different groups that camp out there with their boats. Back when the park opened we have Governor Thompson and the prairie wagons camp out there.

LAUER MOVED TO APPROVE ONE NIGHT CAMPING AT PRAIRIE SPRINGS PARK FOR THE BIRD BLITZ EVENT; SECONDED BY TIAHNYBOK; MOTION CARRIES 5-0.

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P. Consent Agenda

- 1) Approve Bartender License on File.**
- 2) Approve Renewal of Outdoor Theater License for the Keno Outdoor.**
- 3) Approve Letter of Credit Reduction for Hideaway Homes Subdivision.**

**SERPE MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3 AS PRESENTED AND
SUBJECT TO STAFF COMMENTS; SECONDED BY TIAHNYBOK; MOTION CARRIES 5-0.**

8. ADJOURNMENT

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ;
MOTION CARRIES 5-0 AND MEETING ADJOURNED AT 11:50 P.M.**