

**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
September 6, 2005
7:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Tuesday, September 6, 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. MINUTES OF MEETINGS - AUGUST 1 AND 15, 2005**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF AUGUST 1 AND AUGUST 15, 2005 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY LAUER; MOTION CARRIED 5-0.

5. CITIZEN COMMENTS

Jane Romanowski:

The first speaker will be Richard Schwuchow. And because of the number of speakers you'll have a three minute time period tonight.

Richard Schwuchow:

Richard Schwuchow, 7021 52nd Avenue. Thank you. I was here a year ago in October about a flooding situation over in the French Drive neighborhood. I'd like to present a few pictures and a map to the Clerk that she could pass around to the Board. A year ago October I was here and presented my case. In the meantime I'd like to thank the old Board. They were all unanimous about this flooding condition. Twenty one homes on French Drive had inadequate storm sewers. I'd like to report today that was finished in June and it's 100 percent. There is no more storm sewer drainage. It's all into the sewers. Brand new sewers. Four and a half blocks of brand new sewers.

I'd like to thank Mr. Pollocoff. He was out there numerous, numerous times early in the morning, late in the evening. He's a hands on Administrator. His people that work out in public works, I was out there numerous times, all kinds of communication. Answered all our questions. One more person, that's John Steinbrink, Jr. He runs a nice shop out there. Also, the Village

Engineer, Bob Martin. Two weeks after this project started he called me at home, turned around and told me he's in contact with the City because we're right on the border of the City and Pleasant Prairie. The City put two new slabs of roadway in there where it was undermined. The City done their job, Pleasant Prairie did their job. I can thank Mr. Pollocoff. He's a hands on Administrator. And, like I say, John Steinbrink Jr. from public works and Bob Martin the Village Engineer.

I would like you to look at these pictures here. This project went off with no hitches and had cooperation from all of Pleasant Prairie as far as that storm sewer went. That run four and a half blocks and it was done in approximately two weeks. I want to thank the Village Board. All the old members that voted for this I thank you. Mr. Pollocoff I thank you. John Steinbrink, Jr. I thank, and Bob Martin the Village Engineer. Thank you.

John Steinbrink:

Thank you.

Dick Ginkowski:

Dick Ginkowski, 7022 51st Avenue. I'm here tonight as a Village resident in my capacity as such and as a law enforcement professional. I want to say a couple of things because there are some issues that the Village will be facing and is facing. I've submitted a detailed report to the Board concerning them.

Some highlights. First, there is a significant communication and cooperation gap between the Sheriff and the Village Police Department that will not get better unless something is done about it. Regardless of what's done with regard to Village police services, the Board needs to meet with the Sheriff in closed session and listen to his issues. Then the Board needs to exercise its authority over the Chief of Police to meet with him and discuss those issues and direct that solutions be worked on. Now, that is critical, because there's no place in professional law enforcement for turf battles, political issues, personality conflicts. Whatever it is get over it. It's time to serve the citizens of the community, and the public safety and welfare of the citizens is of the utmost importance. Period.

That opens up another issue and that is the provision of police services. I'm opposed to what the Sheriff will be presenting to you tonight. I realize that the 11th Commandment according to Ronald Regan is not to speak ill of a fellow Republican, but the bottom line is, Dave, I love you but I disagree with this wholeheartedly. And one reason alone puts the nail in the coffin of that proposal, and that is accountability. This Board can direct the Chief of Police to what to do. Under a contract arrangement there is no such accountability. The only thing that the Board can do is walk away from the contract at an enormous cost. Because what they took 25 years to build up will go away. It will have to be re-built from the ground back up, renewed, reinstated, whatever you want to call it. It's an expensive cost. That alone makes this a bad proposal.

Right now the Village is understaffed in terms of police, 1.45 officers per 1,000 population. Statewide average, 2.12. It's the lowest of any comparable community but it's a bargain. \$112.53 per capita. The Statewide average about \$198, \$185 in the City of Kenosha. Those are

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impressive statistics. The police department does a good job with minimal staffing. That's not saying they shouldn't be cooperating with other agencies. That's not saying other agencies shouldn't cooperate with them. But it does show that the taxpayers are getting their money's worth, and the police department as it exists right now is accountable to every one of you. Under a contract situation the only remedy you have you can ask, but the only remedy is to walk away. The cost of doing that is enormous.

Again, I prepared a detailed summary that goes into many, many other points that I cannot bring up tonight due to the time limitations. But nonetheless I do want to point out those things out to you. I encourage you to refer to the report that I've prepared that addresses these issues in greater detail. Thank you very much.

John Steinbrink:

Thank you.

Larry Matson:

Larry Matson, 8550 122nd Street. I have two subjects I'd like to comment on tonight. First, since the April election I've tried to keep a low profile, but your latest mistake has forced me to speak tonight. On Saturday, September 2nd, I received this letter dated August 29th. Dear Mr. Matson: I am writing you concerning your utility account at the Village of Pleasant Prairie. It has come to our attention that you have been incorrectly billed for sewer service. Wisconsin State Statute 196.635 allows the Village to back bill for a period not to exceed two years. Therefore, the total amount due for this service for the period August 2003 through July 2005 totals \$550.46. An adjustment will be made to your utility account. We regret any inconvenience this may cause you. Sincerely, signed by the utility billing analyst.

The corrected utility bill was also received on September 2nd, and it shows that I will be penalized come September 20th if the total of \$602.87 is not paid. Your inability to correctly bill me for sewer service took you over two years to discover. How could you even consider sending out something so thoughtless as this letter? Your mistake was two years in the making and I have 18 days to comply with your demand. I am curious how many other residents received similar letters?

Second, it is my opinion that a mistake was made when the Village called an emergency Board meeting on August 29th in reference to the Kenosha County Sheriff. I view this as nothing more than a political opportunity to build negative public opinion and used as an attempt to sabotage Sheriff Beth's upcoming presentation. For years I've heard about the inequity of our taxpayers having to pay for both the Sheriff's Department and our own local law enforcement. This is a very complex issue and one that should be studied carefully. This will certainly not be an easy decision to make. Our residents are entitled to hear all new ideas without bias. There are many questions that need to be answered before this issue is put to a vote.

I urge you to consider the following points when discussing this important issue. What will the level of service be provided by the Sheriff? What will the annual cost be for this service? Will there be any capital expenses to us? How many hours of patrol will be exclusive for our Village?

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How would this affect our liability? What will happen to the current sworn officers and the police support staff that are currently employed by the Village? What is the estimated response time for 911 calls? And what is the Sheriff's long-range plans as it relates to our Village? What happens if a new Sheriff is elected?

I was unaware of the August 29th meeting, the emergency meeting, so I can only respond to what I read in the *Kenosha News*.

Jane Romanowski:

Mr. Matson, if you could finish up please.

Larry Matson:

Thank you. It seems that a major concern voiced by the Village leadership was keeping our self-identity. Our current Village image is horrible. Will we keep our own police department simply to keep our self-identity and, if so, at what cost? Thank you.

Dawn Colford:

Hi, Dawn Colford, 10513 39th Avenue. I'm just an everyday citizen. I'm not as eloquently prepared as the previous speakers. I do have a special needs son who has a mental health issue. And for the last six and a half years I've had great contact with the Pleasant Prairie Police and Kenosha Police. The Pleasant Prairie Police has made an effort to know our family, to understand our concerns, and on numerous occasions when we've been out in town and intervene on our behalf when Kenosha Police were called for incidences at a grocery store and saved us a lot of headache and heartache.

I would really hate to see Pleasant Prairie disband our police department. To me going to a contract with the Sheriff Department is penny wise and pound foolish. We are a growing community. Look at 165 and the development down there. You've got this back here in Tobin Creek, the new stuff going in behind Prairie Lane Elementary School. All over the place you look we're growing. Why would we take two steps backwards? It's ridiculous.

If Sheriff Beth wants to give Pleasant Prairie residents the services that he feels that we're already paying for, I'd like to see him patrol our County roads. I live on 39th Avenue. I've been here for ten years, and those ten years it takes me 25 minutes to get out of my driveway sometimes. I have called Chief Wagner and he has always sent squads out. Unfortunately he cannot have a squad there every single day patrolling. My challenge would be for the Sheriff's Department to patrol the county roads and give us our share of what we're paying that way instead of trying to muscle his way in here and take over our police department. Thank you.

Howard Cooley:

Howard Cooley, 8731 Lakeshore Drive, Pleasant Prairie. I want to speak to the issue of closing the Pleasant Prairie Police Department. A contract with the Sheriff for police protection and the

destruction of the Village Police Department might make a big claim to save money in the short time, but give no measure of local control and no guarantees of the contract costs and the service level after our Village Police Department has been destroyed and even when a new Sheriff is elected.

A number of Pleasant Prairie residents see this as the latest part of a continuing effort to make our Village look bad in order to further political agendas. The goal seems to be to replace professional Village management and police department management with Kenosha County party politics. If any Trustee speaks out against the takeover, he will later be accused of being against saving money. If you speak in favor of the takeover, you must hope to be seen as a taxpayer's hero trying to save money. Let's have a referendum. Let's not vote on this. Let's have a vote of the citizens to see if they prefer Kenosha County management over Pleasant Prairie management.

We must all consider what talk of a takeover does to the moral and attitude of our fine Village Police Officers. If this becomes a political football and goes on and on, we will lose good, experienced officers, and I wouldn't blame them, and we will have a terrible time recruiting good officers which we've been very fortunate to be able to do. We are asking why is there unending criticism of the safest, most successful, best managed community in Wisconsin where so many people can't wait to live and own homes and raise their children? Why all this constant criticism?

We should all beg Sheriff Beth to give the Village our share of patrolling that we are now paying for and to join with Pleasant Prairie Police Department for coordination and communication so that we all get the best police protection possible. If he wants to serve the citizens, he should get this done right now. Let's not have a long, drawn out contract deal. You want to find out if we want the County to run things, maybe they want to run our parks department. Maybe they want to take over our planning and zoning next. Let's have a referendum. Let's see if the people who live here want to be managed by Village management or by County politicians. I could say more and I will when the time comes.

Jack Yule:

Good evening. Jack Yule, 10105 29th Avenue. I was kind of hoping to hear the comments from the Sheriff about his proposal before speaking against it, however I can't see how it will work in the Village. With the Village growing as fast as it is, I can't see going backwards and getting rid of our police department. As it grows, you'd think we need more police.

I had personal experience with the police several months ago. I came home to find my house was broken into. Within ten minutes two squads and one detective were at my house. Within two hours the three kids who broke into the house and, more importantly, the guns that were stolen were in custody. I'd say that's a pretty good track record for the police. I question if the Sheriff could do the same. Like everybody else comments, lately I have seen in the Village the presence of the Sheriff, over on HH doing radar, on Sheridan Road. I wonder where those Sheriff are coming from and what other areas aren't being covered because they're now here.

I could keep going on but I think everybody else has pretty much said the same thing. As far as the referendum I'm for it. But just what has happened so far at tonight's meeting I think it pretty

much speaks for itself how the Village feels about this, and I hope the Board does the right thing. Thank you.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. I also have some pretty pictures to distribute. On August 23rd the Village sent out a notification to a number of the people that there was going to be a public hearing scheduled for 9/12 to rezone wetlands on a lot on 3rd Avenue. And the whole front of the lot is wetlands and they want to rezone 20 percent of it. But this past Friday, September 2nd, the Village came out and constructed a culvert and a driveway on the lot already. That's about ten days prior to a public hearing, and I wonder if this is just a subtle notice by the Village that they're going to okay filling all these wetlands regardless of what happens at the public hearing. This lot is right in the middle of the Unit 2 water drainage mess that Bob Martin is working hard to solve.

The Village recent aggravated the flood area by issuing three other building permits on 3rd Avenue, and it's time to solve this health and safety drainage issue instead of adding to it. There was a song by Elvis Presley that's somewhat appropriate. I would sing it but with all the police presence here I'd end up in jail as a public nuisance. But the start of the song is: A little less conversation, a little more action please. Thank you.

Don Orrick:

My name is Don Orrick. I live at 10502 82nd Street. I'm here to speak tonight about the issue with the County and the Village Police Departments. I've lived here for 15 years and I've seen a lot. Fifteen years for some people that's probably not very long, but for me it's quite a while.

The day I moved in here to the Village unfortunately I had a motorcycle that was stolen the night I moved in. We got off to a bad start there. But at any rate we called the Police Department. It was a Sunday, August 1st and kind of hot. It was a summer about like this, very hot. So an officer shows up at my door, and of course their uniforms are dark blue and this guy is melting on my front porch just about. And, anyway, he gets the lay of the land and sees where the thing was and so on and so forth. We follow some tracks and things, and he's going around beating and banging on all the neighbors down in the next subdivision asking them if they'd seen anything. No one had seen anything, so finally we go back to the house to write out the report. He said don't worry, it's probably just neighbor kids and so on.

So we get back there and fill the thing out and I get the man's name that showed up that Sunday, and lo and behold it's the Chief of Police for Pleasant Prairie. Chief Horvath, who has now since retired. Coming from where I had lived at in Illinois, where unfortunately I had the same experience of a motorcycle being stolen, it's a tale of two different things. In Zion the officers never left the squad car. Now I've got the Chief of Police out here banging around on a hot, hot summer day. So it was amazing to me the day and night, the way the situations worked out. That let me know there that I as in the right place, and I've had a very good experience with the local police department and I think they do a great job. The motorcycle was later recovered thankfully and we got down the road with that.

Years later I also had an experience where I met Chief Wagner when we had the issue with the motorcycles and things that were at where Bohat's used to be. Bohat's was a nice little corner bar in the neighborhood that was never any trouble, but when Mr. Hussey took it over he was just in the wrong location for what he was trying to do there and he was just driving everyone nuts. So at any rate I took the time to go down to the Village Hall and I wanted to speak to him personally. I wanted him to know I was concerned enough to come down in person to want to let him know that this is an issue and I wanted to get some input from him and let him know that we were sort of under siege out here at times. So I went down there unannounced. I didn't have an appointment. The man came out, sat down, we talked for ten minutes, and that's the kind of communication I want out of my police department.

I seriously doubt that I would be able to get an appointment or get in to see Sheriff Beth. I don't know him. I've never met the man or anything like that, but I seriously doubt I would have the same type of relationship and be able to go in and just sit down and talk with him about these issues. If so, I would be shocked.

Jane Romanowski:

Mr. Orrick, if you could finish up please.

Don Orrick:

Alright. But at any rate I think we're talking apples and oranges here. We've got our identity. I think our identity is, to disagree with what Mr. Matson said, I think our image is fantastic and I'm proud of our Board members. But at any rate I do think that we need to stick with what we've got. It's a known entity instead of trading it off for brand X. After the hurricane I think it becomes more apparent that the infrastructure that we have built in we take it for granted until it's needed, and I think we need to stick with the infrastructure we have. Thank you.

John Braig:

John Braig, 4707 84th Street. I wish to address Item 9C on tonight's agenda. The Sheriff is going to make a presentation to you which is going to without a doubt include numbers and that's what I really want to talk about. Years ago in my working days I was in charge of several operating centers and reached a conclusion that we could combine them and reach some new efficiency so I prepared a study. We turned the study over to the bean counters who determined that the savings I had projected were not enough to amortize the cost of the new building which would be required. One of our senior executives got wind of it, contacted me, and he says that's got to go. We've got to do it. Check your numbers. Yes, sir. I redid the numbers and the bean counters were happy.

My point is unless you've had a hand in generating the numbers and understand where they come from and how they were established, they aren't necessarily worth anything. So when the Sheriff makes his presentation tonight, those are his numbers, not yours and you've got to keep that in mind. He's got an agenda. I don't know what it is, but it probably is not the same as yours. If you've participated or worked side by side with the Sheriff in generating the numbers, I have no doubt that you'd come up with a different answer.

Another point that I want to make is if the Sheriff is now patrolling in Pleasant Prairie, it means that he has now got a shortage in his staff or he had an excess of staff before he started patrolling in the Village, neither of which is a good recommendation of a competent administrator.

Or, another point, if the Sheriff really has something well worthwhile, any executive leader would call in this case Chief Wagner and say, hey Chief, I've got some ideas. Let's get together with a cup of coffee and kind of thrash this out and see whether it's possible or not. But to take the approach he did does not at all suggest executive leadership. I think earlier tonight we heard commendations and appreciation of the leadership of the Village, and I'd like to make the comment that I don't think the Village should denigrate its position or its image by associating with someone who does not have the qualifications that our Village staff and Board does.

Jane Romanowski:

There are no more signups, Mr. President.

John Steinbrink:

Anyone else wishing to speak? Yes, sir? Once again, we'll need your name and address for the record.

Donald Monson:

I'm sorry I'm not on the list, but I came in a little late and didn't get the paper on this first meeting. Name, Don Monson, 9136 11th Avenue. In 1985 I left Pleasant Prairie because I was transferred to Washington State, Seattle, Washington, and put in charge of a statewide agency which had a budget of anywhere from \$8 to \$12 million a year. And I have participated in what I call--what do I call it? Anyway, it's power building or building your agency and taking over other agencies. I have found during this period of time the main reason why this is done, and one was mentioned before, is that an agency may have too much staff to justify its current existence. Or, second, the agency needs more resources and is looking to reach out and expand and, of course, justify its own resources.

The thing that I have found in participating in this activity, never have I found the statement that we are going to save money, actually save the money indicated. Nor, have I found that the services indicated, in other words being the same as they were before, ever reaches that level. I am very concerned. We have a very dynamic community. We have a big industrial base that is growing. We have a big community of new homes and new people coming into the community. We are not a stagnant community. We need representation of an agency, a police force, that is intimately knowledgeable of what is happening in Pleasant Prairie. I am not interested in a squad car being on Highway 31 and KR, when I need somebody on 128th and 2nd Avenue. Or, Twin Lakes and I need somebody here on Sheridan Road.

I would be very, very disappointed if such a proposal, as one person indicated, once you have accepted a contract of this sort, and I know very well how this is done, to undo that contract you

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as Pleasant Prairie will have to invest a tremendous amount of money to rebuild what you have taken away from the community if it doesn't work out.

Even though we have two wonderful agencies, a Sheriff's Department, I have no criticism with them, I have no criticism with Pleasant Prairie, but I assure you I would be very upset if the Pleasant Prairie Police Department were turned over to Sheriff activity. Thank you.

William Jewel:

William Jewel, 11370 Lakeshore Drive, Pleasant Prairie. I'm really proud of this Village Board and the police department that they have now. You've done a great job with them and I cannot see the idea of destroying it. The Sheriff should be supporting our police department here, not trying to destroy it. Our police department is a great, wonderful bunch of staff that respond when you call them and they give you the help you need, or they pat you on the back of the hand and say, hey, you're wrong. But you guys have done a good job with them. Let the Sheriff come in here and support our police department, not destroy it.

I'm from Illinois and I know how the Sheriff offices up there has done MEG. I've been in law enforcement myself. The communities there work together, and I don't know what the Sheriff here is trying to do. I haven't heard anything other than what's in the paper. But there's groups that can function when you have major crimes. Waukegan has got an officer on their department that leads that but it's County supported. MEG, which is the drug enforcement, that's under the County but each department there sends somebody in and they work together. Why is this Sheriff trying to destroy what you people have created? I don't agree with all your decisions on zoning or anything else but this is one you've done right. Don't go backwards. Thank you.

Howard Cooley:

Howard Cooley, 8731 Lakeshore Drive. I didn't use my time. I hope that before this evening ends someone will ask the Sheriff, since he's here, is it true or is it not, Sheriff, that your officers, all of them, have been on maximum overtime all summer long? Thank you.

Jay Johnson:

My name is Jay Johnson, 11588 39th Avenue. I'm confused. Around tax time when you break down the taxes we pay for the Sheriff's time to be in our County and in our Village. Now, I could be mistaken, but every year I break down my taxes, where it goes for, and I've also read in the paper how come they're not in here helping us out.

Two, the way I understand it you've got the County Sheriff, you've got the Village Police Department. The way I understand it from Beth's article in the paper just the other morning he's not trying to take over, he's trying to help us. We're paying our tax dollars for County services. I could be wrong. Why do we need a referendum? Why do we need a vote? Why don't we just get along and have their services, because there's many a times I can sit on that corner, I can get a video camera going, and I can count at least 100 cars a day that run through that stop sign. And, yes, Pleasant Prairie does sit there. I've invited them to sit in my driveway so they're hid more so

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they can see it. I just don't understand. Our tax dollars are going to pay for the County and the Village and the schools. What's this all about? That's all I've got to say. Thank you.

John Steinbrink:

Thank you. Anyone else? Hearing none I'll close citizens' comments.

6. VILLAGE BOARD COMMENTS

Jeff Lauer:

Regarding a couple issue here, Mike, I'll turn to you to see if you know. Regarding Larry Matson when he was talking about incorrectly billed for sewer for the past two years for the \$550.46 that he owes, are you familiar with that, or was it one letter that went out? Were there a lot of letters that went out on this?

Mike Pollocoff:

I don't know how many letters went out. Every know and then, and Kathy can probably describe in better detail, what typically happens with a new home it doesn't get caught up in the sanitary sewer billing and we'll send out a bill. If Mr. Matson would like he can arrange a payment plan to pay that over a period of time with a simple phone call or we'll call him to do that. As far as with his particular item, what caused him particularly to have a late bill, I'm sure if Kathy knows what that was.

Kathy Goessl:

With the sewer rate increase we were going through the accounts and we noticed that with the Matson new house it wasn't switched from being a partial billing to a full billing at that point. So there was a handful, maybe five others that also received that letter concerning not being charged. I think Matson's was probably the oldest in terms of being about two years old. But we found it during our process of doing detail analysis when we changed this to a rate increase.

Jeff Lauer:

I'm sorry, Kathy, how many letters went out?

Kathy Goessl:

About five. And we have over 6,000 customers that we bill on a monthly basis. I have a staff of five employees that do the billings and the accounting for the Village as well as the Sewer Utility, our Water Utility, our Rec Center and IcePlex. I have a limited staff. We found it during this evaluation during the sewer rate increase.

Jeff Lauer:

Do you know if this is the first time it's happened/

Kathy Goessl:

It's happened in the past also. I mean in terms of us missing--out of 6,000 accounts it's hard sometimes to find a couple of them that get switched over. We do offer a payment plan interest free. We will work with the customers. That was mistakenly left out of this last group of letters that went out, but we do offer a payment plan. The customer just needs to call in and we'll work with them.

7. CORRESPONDENCE

A. Receive Request for the Extension of Municipal Water in the vicinity of 59th Avenue South of STH 165.

Mike Pollocoff:

Mr. President, the Village received a petition from residents on 59th Avenue south of State Highway 165 requesting that the Village extend municipal water into their area. Attached on the back of your staff report is a map indicating those parcels in that affected area that executed the petition. We have had a petition in this area before and it failed. The residents cited the reasons as high sulphur even after flowing through a water conditioner and bleach treatment. Water pressure is affected at times and that's probably true this summer. They need to bring bottled water into drink. They have stained appliances. Their pets have reactions to the water, and the road will not be repaired until municipal water is put in.

59th Avenue the paving on that road is probably a 1983 vintage paving. Sanitary sewer was put in in the early '90s. So I guess my recommendation would be that we authorize the Clerk and Village Engineer to prepare information and docket this for a hearing probably within about a month and to notify all the affected owners. You can see on the map there the affected property owners.

Just as a matter of information, and I'll call the resident who is affected there, but you see one X that is just right above where it says residence. That is going to be a problematic piece of property to reach. My recommendation is that we not extend water on 107th Avenue for a couple of reasons. One is we don't have a complete right of way on that road. We have a half right of way. At some point that land directly to the west is going to develop, and that 107th will connect to Old Green Bay Road. So prior to doing that I think the project would require us to go out and acquire easements, people would have to give up easements or we'd have to negotiate that. I think it's a lot more work. And if the water problem is as significant as indicated, the majority of people would be better served by having that water extended on 59th Avenue and 105th Street if that's the goals of the people after the hearing.

Steve Kumorkiewicz:

Mike, it would be more convenient to go to 107th and serve everybody in 59th Avenue, because you say not to go to 107th.

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Mike Pollocoff:

Go to 107th but don't go west. So all the way down 107th

Steve Kumorkiewicz:

We had a problem before in previous years I recall, so that's fine.

SERPE MOVED TO RECEIVE AND FILE THE REQUEST FOR THE EXTENSION OF MUNICIPAL WATER IN THE VICINITY OF 59TH AVENUE SOUTH OF STH 165 AND SET THE MATTER FOR PUBLIC HEARING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

8. UNFINISHED BUSINESS

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

Mike Serpe:

John, this is a tabled item.

SERPE MOVED TO REMOVE UNFINISHED ITEM 8A FROM THE TABLE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Jean Werbie:

Mr. President, at the last Village Board meeting the petitioner has requested this item be tabled. They are present in the audience this evening.

Back in 1999, John Hardek, the then owner and Vice President of Westwood Estates Manufactured Housing Development entered into a development agreement with the Village of Pleasant Prairie in order to expand and to develop several expansions to the Westwood Mobile Home Park. This park is located east of 88th Avenue, and it's approximately just to the east of the Village's Fire Department Station Number 2.

This project has been moving along over the last several years, however John has reached a point where he can no longer keep up with the development, and he is interested in selling the property as well as the balance of the development yet to happen. A developer by the name of Riverside Communities has requested an amendment to the original development agreement in order to assume and take over all the responsibilities, to post a letter of credit, and to complete all the public and private improvements in order to complete the build out of the development. Approximately 13 home sites are yet to be developed in the existing phase, then they would have two expansion phases, one of 19 sites and another of 20 sites.

The agreement you have before you outlines the remaining items that do need to be completed from both a public and a private perspective. They would need to deposit a letter of credit or cash payment with the Village in order to secure the remaining public improvements that need to be completed within the development. As the agreement states, the addendum is subject to all the conditions and the previous approvals that were set forth with the original site and operational conditional approvals for the development back in 1999.

The developer has received a copy of this agreement, and my understanding is they are in agreement with all the terms and conditions as set forth in the agreement. They are looking to close with Mr. Hardek sometime this week, and at this point with the Village Board's approval they would move forward with that closing and they would enter into these agreements and set forth the financial securities with the Village to complete the development. We would have it inspected and all the terms of the original development agreement would remain in place.

. . . they just recently purchased another mobile home park in the Town of Bristol. They are here in the audience if you'd like to ask any direct questions to them. They'd be happy to make a presentation to you as well. In their pack of information they did submit a letter that outlines some of their additional qualifications as well as addresses any concerns I thought you might have with respect to their background.

On page 2 of the letter from Riverside Communities they state that they are based in Chicago. They were formed to acquire and manage high quality manufactured home communities. The management team has more than 35 years of experience in the mobile home industry, and they have acquired and managed over 50 different communities throughout the United States. Again, I'm aware of their most recent acquisition and operation of the Rainbow Lake Manor in the Town of Bristol. Rainbow Lake Manor is a high quality senior community comprised of 259 development sites and 43 approved expansion sites on 99 acres. So there was some additional information. Again, they are available if you have any additional questions.

Mike Serpe:

Ever since I've been on the Board which is almost 17 years, all of us have been dealing with John Hardek. And to his credit he has developed a model manufactured home park. All we can hope is that model continues with reference to its maintenance, its appearance and its success. I'd move approval.

Steve Kumorkiewicz:

I'm going to second that.

John Steinbrink:

We have a motion and a second. And maybe the prospective owner would care to comment on that comment as to following the tradition of John Hardek:

Patrick Waite:

We're looking forward to that. Patrick Waite, partner and co-founder of Riverside Communities. As Jean mentioned, we have purchased Rainbow Lake Manor in Bristol last year. It's a high quality senior manufactured home community. At the time that we purchased it there were approximately 70 expansion sites. We've developed approximately half of those over the course of the last year, and I'd encourage any of you who would like to see what we've done historically to drive on over to Bristol and take a look.

We plan to continue in John's very high standard. We consider that an asset not only to the community of Westwood but also to the Village of Pleasant Prairie, and we're looking forward to being a good neighbor.

Steve Kumorkiewicz:

Will you keep the name as it is?

Patrick Waite:

Yes we will, Westwood Estates, that's correct.

John Steinbrink:

Thank you, sir.

SERPE MOVED TO APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN WESTWOOD ESTATES AND THE VILLAGE OF PLEASANT PRAIRIE REGARDING THE ASSIGNMENT OF THE AGREEMENT AND RELATED DOCUMENTS AND APPROVAL FOR THE WESTWOOD MANUFACTURED HOUSING DEVELOPMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

9. NEW BUSINESS

A. Discussion of the Impacts of *Kelo v. City of New London* and Existing Eminent Domain Law in the State of Wisconsin.

John Steinbrink:

This is on the agenda this evening because there's been a lot of discussion and letters in the paper, and unfortunately I think they missed the point, and I think we're going to try and clarify that so those people interested can get a real feeling of what we do in the Village and what we do in the State of Wisconsin compared to the case that's in question.

Mike Pollocoff:

Mr. President, at the August 15, 2005 meeting of the Pleasant Prairie Village Board the subject of eminent domain was discussed pursuant to Trustee Lauer's proposed amendment to require a two thirds of majority to either initiate the eminent domain process or to make a determination of blight for a property, for the purpose of acquiring the property. During the meeting, Mr. Lauer indicated that residents had stated their desire for Mr. Lauer to protect them from the Village and the impacts of the recent court case. At that time I surmised that the court case that Mr. Lauer was referring to was the case of *Kelo v City of New London* out of the United States Supreme Court. It appeared from Mr. Lauer's comments that he wanted the subject brought up at the next Village Board meeting.

Any discussion concerning eminent domain at this time should begin with a review of the facts and significance of the *Kelo* decision and in particular its effect in Wisconsin under state and local law. This last June the Supreme Court of the United States ruled in *Kelo v City of New London* that a local government's condemnation of private property for a private economic development plan satisfies the public use requirement of the eminent domain law under the U. S. Constitution. The Court's ruling continues its previous positions that public use can be interpreted broadly to include more general public benefits rather than specific actual use by the public.

I guess the thrust of this is when a lot of people think of condemnation they think of a municipality acquiring a piece of land for a road to go in, or a municipality acquiring a piece of land to put a public building on, the traditional interpretation of the public use. The Constitution provides that you can't acquire land unless you compensate somebody and it has to be for a public use. Over time the public use doctrine has morphed and it's become general public benefit. Sometimes the public benefits by something rather than having something that everybody can use there and there's reasons to change that. That's been an ongoing evolution of Supreme Court law.

The *Kelo* case involved a 90-acre waterfront economic redevelopment project in the City of New London, Connecticut which is the City. The City's redevelopment project included the construction of a \$300 million global research and development facility for Pfizer, Inc., a waterfront conference hotel, restaurants, marinas, new residential uses, a U. S. Coast Guard Museum, 90,000 square feet of research and development office space, and parking. The City of New London projected that 1,000 new jobs would be created as a result of the redevelopment project, new sources for taxes and other revenues for the City, revitalization of an economically distressed urban area that included the downtown area and the waterfront. The plan was designed to make the City more attractive and to create leisure and recreational opportunities on the waterfront and in the park.

To proceed with the redevelopment project, the City needed to acquire a group of private homes by purchase, or if necessary, by exercising its power of eminent domain. The properties within the project area were not blighted or otherwise in poor condition. Rather, they were condemned only because they happened to be located in the development area.

This is a significant departure between case law that's been established by the Federal Court and the Statutes of Wisconsin in what we're permitted to do and I'll go into that. But when the New London decision came out, the *Kelo* decision came out, it was a reaffirmation of some of the

existing decisions that said you could have a public benefit. To say that you could acquire land not being blighted, because that's been a traditional lynchpin of urban redevelopment plans where you've gone into older areas and redeveloped them, the properties were blighted and they've been a blight determination made. In this case there hadn't been.

An evaluation of the impact of the *Kelo* case in Wisconsin for local government requires a review of Wisconsin governing case law and the enabling State Statutes governing redevelopment efforts. Attorney Alan H. Marcuvitz, who has represented us and represents people who are litigating with us, of the firm Michael Best & Friedrich, draws a correlation with the case of *Grunwald v. Community Development Authority of West Allis* (Ct. App. 1996.) Mr. Grunwald challenged the city of West Allis' right to take his property under the Blight Elimination and Slum Clearance Act as part of a redevelopment project by alleging that the taking did not serve a public use. The subject property was located within a designated blighted area, but the property itself was not blighted. In ruling in favor of the City of West Allis, the Wisconsin Court of Appeals granted deference to the legislative determination that the acquisition, clearance, and redevelopment of the blighted area are a public use. The Court ruled that the statute is directed towards geographic areas and not individual structures or properties and, therefore, a municipality may focus on the general character of the overall area.

In our most recent brush with this, the Village's Community Development Authority made a blight determination along the I-94 corridor of specific properties from Highway C down to almost 116th Street, what would actually be probably about 110th Street if it went through. The Community Development Authority went through and made a specific review of each individual parcel and made a blight determination. There were some properties that were not blighted. Those properties were not included in the redevelopment plan. The properties that were blighted, the ones that specifically I culled out are two adult bookstores, a camper RV yard, five single family homes that were in kind of a unique cluster development, an old CSM, a van storage shop, again some single family residences with business in the background, a military salvage yard. And then across I-94 there was a broken down boarding stable that had fallen into disrepair and wasn't being used, and a farmette for lack of a better description, kind of a farm and single family home.

The bulk of the properties that the Village acquired were for sale. The only properties that were not for sale were the two bookstores, the camper business and two of the homes. The military salvage yard was for sale, the van business was for sale, the homes by and large for sale. Most of the properties there wanted to be acquired and some didn't. But in each case those properties were determined to be blighted and that blight determination was made by the Community Development Authority. That vote, under Statutes, occurs with a two thirds vote. The plan was also approved by the Village Plan Commission and the Village Board. In each case every single governing body made an ultimate unanimous vote of the approval of the project.

I think it's critical and what's different in Wisconsin, and I think that there are cases where the statutes requires two thirds vote, and then there's cases where they don't. But what Wisconsin does that's different than other cases is they have a very stringent test that has to be satisfied before you can begin the process to go through eminent domain. The *Kelo* decision, in essence, really refers to a lot of the standards that Wisconsin had developed and has placed in various governing bodies to review so that there's a checks and balance between either an Urban

Redevelopment Authority, a Housing Authority, a Community Development Authority or the Plan Commission and the Village Board.

In a review of *Kelo* case, James H. Baxter of Quarles & Brady described the implications of the Court's decision for eminent domain proceedings and economic redevelopment. The attorneys from Quarles contend the effect of the *Kelo* decision on municipalities, or other condemning governmental agencies that I've described, and property owners is yet to be determined. Each State's condemnation law is different. Indeed, some have laws stricter than the federal baseline presented in *Kelo*. It is thus difficult to predict how each state court system will use the *Kelo* decision, if at all.

That being said, the *Kelo* decision does offer some important things for municipalities, or the agencies that do the work, to consider before seeking to condemn private property.

Before condemning a property, municipalities, or the agencies, should carefully develop a comprehensive redevelopment plan and engage in a deliberative process, as the City did in *Kelo*. In the case of Pleasant Prairie, the Community Development Authority and the Plan Commission both went through a very deliberative process to evaluate the master plan for the Village, and in this case included in that was the Tax Incremental Plan as well as the redevelopment plan.

Additionally, municipalities and the other agencies should be ready to show direct public benefits flowing from the redevelopment project, both within the neighborhood where the condemnation occurs and within the community as a whole. As in *Kelo*, this showing could take the form of economic impact reports that forecast increased tax revenue and the creation of more jobs. The Village did this with the redevelopment plan in two respects. One was this was within the Tax Incremental District, and we needed to be able to verify that as this area was acquired, taken off the tax roll, redevelopment, put back on the tax roll, that the Village financially as a whole could withstand the change in the tax base that would occur. Plus, the District that would incur the incremental development revenues until the bonds were paid off would be able to pay those bills without having to come back to the property taxpayers on their residential tax bills and that work was done.

If possible, municipalities or other agencies should be prepared to show that a condemned area is blighted or in economic distress. We did that on the redevelopment area. It was a unanimous vote. It requires a two thirds vote of the CDA to make a blight determination. That was done and it was a unanimous vote. The blight determination was very specific, and there's specific standards culled out of those State Statutes for making a blight determination. It can't be a subjective determination. It has to be objective and meet the criteria set forth in statutes.

Municipalities or other condemning governmental agencies should also be able to articulate the purpose of and motivation behind any condemnation, as *Kelo* invites lower courts across the country to scrutinize the use of eminent domain for economic development. In many ways, the *Kelo* decision gives municipalities and other agencies the green light to continue to do careful and responsible planning. Until the *Kelo* decision is further analyzed by state courts, legislatures, municipalities, other condemning governmental agencies, and land developers should proceed cautiously when using eminent domain as part of a redevelopment project, and should continue to follow the precise procedures outlined in their states' statutes and case law for condemning properties.

Again, I think the Community Development Authority, as well as the Village Board and Plan Commission, did move deliberately and cautiously. Going through the process to acquire someone's property, even if they want to sell it to you, is a rigorous thing to go through. And it's a stressful thing. It's stressful for the people who are involved and you don't want to take that lightly. People have made investments in their businesses if it's a business. They have their home. Even if they want to sell it, they want to make sure they can get the maximum dollars for it, and the process that we use to ensure that occurs is, again, specified by statute and not something to be taken lightly.

The question could the Wisconsin courts have issued a decision similar to *Kelo*? The answer is perhaps they could, but the Wisconsin courts have never addressed the precise question at issue in the *Kelo* case. The closest would be the West Allis case. However, in a long string of cases, Wisconsin courts have ratified the use of eminent domain to achieve a public use benefit. Wisconsin has also determined that the acquisition, clearance, and redevelopment of blighted areas is a public use. For the Village's Community Development Authority on I-94 that was where the tire hit the road. If we acquired that property, removed the bookstores, the dilapidated use, made it possible for that to be development, at the end of the day if we were able to develop an area of over 500 acres between two major interchanges with complete urban services, sewer, water, storm sewer, police and fire and all the amenities we provide, that would enable the Village to provide an amenity to create economic development. Economic development for us in this community is jobs, jobs for people that live here, jobs for people who want to come here. It spreads the cost of government across a greater tax base just as we did in LakeView Corporate Park, rather than living with the uses we had.

One alternative is to beat the drum for property owners' rights, and allow those property owners that don't want to have their property acquired to stay there and have the Village acquire the property in a willing buyer willing seller basis. Sometimes that works. In fact, if we're ever in a project I'd rather do it that way if both sides are willing. But the use of eminent domain does two things. From a fiduciary standpoint it protects the Village to make sure that the taxpayers are not paying anything more than what they should have to pay based on fair market evaluations for property, whether it's an appraisal that we do or an appraisal that another appraiser does. Secondly, it protects the property owner. Even though they may be willing to sell, by going through the process of eminent domain it protects their rights and enables them to have a good portion of that work done at the municipality's expense, and it guarantees that if it's their business or their home that they're relocated in a way that's comparable to what they have. That they can continue to live as they live or do business as they have, rather than willing seller willing buyer, you make the transaction, they're gone.

Wisconsin municipalities will want to keep in mind the lessons learned from the *Kelo* decision. I think the *Kelo* decision, short of that blip saying you could condemn property that's not blighted, really did a good job of laying out some of the issues that need to be considered. Municipalities will also want to make sure that they follow each and every requirement set forth in Wisconsin Statutes for condemning property. Generally the steps that a municipality would take in Wisconsin under Wisconsin Statutes Section 32.06 to accomplish a *Kelo*-type condemnation for the purpose of economic redevelopment not involving blight elimination, if it were willing to accept the risks involved. I have these listed up here.

The first is to pass a resolution of necessity. The Board has to make a decision that this is a necessary action to engage in incorporating any scale drawings of the contemplated project and a legal description. So it's not something that just comes up to the Board and you pass it. There's got to be some details that take place.

Before commencing any activities that may involve the displacement of persons, business concerns, or farm operations, we need to obtain the written approval of the Department of Commerce. We did that in the redevelopment area.

We need to obtain a full narrative appraisal of the targeted properties. The statutes require that the appraiser confer with the owner or owners of the property, if reasonably possible. Each full narrative appraisal must be given to the owners of each pertinent property, and the owners must be informed of the right to obtain an independent appraisal, at the municipality's expense, within sixty days after receiving the municipality's appraisal, and we did that in each and every case. In fact if we didn't we'd get thrown out on our tail when we went to court.

Complete a preliminary title search on all targeted properties to determine who holds recorded interests in such properties, including any fee, leasehold, mortgage, or easement interest. That was critical for us on the Interstate because there were all sorts of cross leases, quiet leases, some of them recorded. A few of them weren't recorded and most of them were recorded. Without doing a good records check you don't know who's got some interest in that property, and the tenants need to be protected as much as the property owner.

We need to provide each owner of targeted properties with a copy of the pertinent appraisal performed under step 4, together with the appropriate version of the Department of Commerce pamphlet entitled *The Rights of Landowners Under Wisconsin Eminent Domain Law*. This is a cookbook that lays out for property owners what their rights are and how the process is going to work so everybody is dealing off of the same set of numbers and the same rules.

If the project will affect a farm operation, the municipality must notify the Wisconsin Department of Agriculture, Trade and Consumer Protection, to get an agricultural impact statement to affect the farm operations. Again, we did that on I-94.

Pursuant to the exception provided in State Statutes, we need to convene an executive session of the municipality's governing body, or in this case the Community Development Authority, for the purpose of setting strategy for negotiations with owners of targeted properties. Some people with condemn or I should say criticize the fact that negotiations occur in closed sessions. But it's fair to the property owner that you're dealing with so that he's not disclosing what he's doing in open session, and it's fair for the municipality that their bargaining position isn't disclosed to everybody else, too. At the end of the day it's tax dollars or public dollars that are being spent, and we have a responsibility to spend those as frugally as possible but being as fair as we need to be within the process.

When negotiations with the owner are successful and a written agreement is reached, the municipality must record, along with the deed from the owner, a Certificate of Compensation. We serve that on all persons having any interest in the property if that's recorded, along with a

notice that they can appeal the amount of compensation to the Circuit Court within six months after that date.

If we're not able to achieve a successful negotiation, we need to serve a jurisdictional offer to the owner of record and on each mortgagee on the property, and the owner has 20 days to accept or reject the offer.

Any property owner may contest the municipality's right to condemn the owner's property by commencing an action in the Circuit Court. The Village has three specific actions that were commenced against the Community Development Authority along the I-94 corridor area, two by bookstores and one by an independent residential property, and the Village has prepared a thorough plan, we had done a good redevelopment plan, we had involved everybody involved, we had a good record to show why we were doing it, and the Village prevailed in Court when those cases came about.

If the municipality's jurisdictional offer is accepted by the property owner, the closing of the transaction must be accomplished within 60 days after acceptance.

If the jurisdictional offer is not accepted by the property owner within the 20 days, the municipality may serve a Petition for Condemnation Proceedings upon all persons or entities having an interest of record in the property.

We need to file the Notice of Petition for Condemnation Proceedings with the Clerk of Circuit Court in which the property is located. At this time, the title evidence noted in Step 4, above, should be updated, and a *lis pendens* should be recorded with the Register of Deeds for the county in which the property is located and we've acquired the property.

The Circuit Court may grant the Petition for Condemnation Proceedings by assigning the case to the County Condemnation Commission, an independent commission.

Conduct a hearing before the County Condemnation Commission would be the next step.

Upon receipt of the Condemnation Commission's written award, the municipality may either abandon the acquisition by petitioning the Circuit Court for the county in which the property is located or we may pay the award.

Within 60 days after the date of filing of the Commission's award, either the municipality or the property owner may appeal the award to the Circuit Court for the county in which the property is located. Before initiating negotiations to acquire property, the municipality must also file a Relocation Plan with the Department of Commerce and they must approve that plan. We can't just say go find someplace and we'll give you some cash to do it. We need to prepare a relocation plan for each and every individual that's going to be displaced if it's a residential use or if it's a business use. And that relocation plan can't be approved by us. It can't be approved by the Village Board. It can't be approved by the Plan Commission. It has to be approved by the State. It has to be a valid and sustainable and implementable relocation plan. They're the ones that review that.

We have to provide relocation payments to compensate displaced persons. We have to replace housing, business, farm payments. Again, that's fair and that's what has to happen. We need to pay for any incidental expenses associated with the acquisition.

With respect to condemned property occupied by a displaced person, the condemnor will often have to make available to the displaced person a comparable replacement property before having the right to take possession of the condemned property. You need to find a place for them to go before you take their property away from them. You can't go raze their house until you found a place for them to go. You can't raze their business until you've found a place for them to go.

There are specific statutes that govern how acquisition takes place. We have the promotion of industry, urban redevelopment, blighted area law, blight elimination and slum clearance and Urban Renewal Act. In the case of the Village's Redevelopment Authority, 66.1335(1) and 1333 were the methods that we used.

Finally, I think based on our meeting on the 15th, there was a question as to the authority of the Community Development Authority. The authorization for that is also found in Wisconsin State Statutes. The city, and under Chapter 66 Village's are the same as City, made by a two thirds vote of the members of the city council present at the meeting, adopt an ordinance or resolution creating a housing and community development authority which shall be known as the Community Development Authority of the city. It is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. The ordinance or resolution creating a housing and community development authority may also authorize the authority to act as the agent of the city in planning and carrying out community development programs and activities approved by the mayor and common council under the federal housing and community development act and act as an agent to perform all acts, except the development of the general plan.

What the authorization says in layman's terms is that the Community Development Authority implements the Village plan in areas that are blighted or have slums or need to be redeveloped. They cannot get involved in planning the Village. They have no input and they need to stay separate from that. The Plan Commission and the Village Board are the only bodies that are authorized to develop and approve and set the policy that's going to create the master comprehensive plan. The Community Implement can implement specific sections of it.

The community development authority has all powers and duties set out in the statutes for housing and redevelopment authorities as to all projects. These, again, are the ones that we used in establishing ours.

With respect to the appointment of members to the community development authority, the Wisconsin State Statutes prescribe the number and desired make-up of the authority.

Appointment of members. Upon receipt of a certified copy of the ordinance or resolution, the mayor, or in this case the Village President, with the confirmation of the council or the Board, appoint seven resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the community development authority.

Two of the commissioners shall be members of the council and shall serve during their term of office as council members.

The first appointments of the 5 non-council members shall be for the following terms: 2 for one term each, one each for terms of 2, 3 and 4 years. Thereafter members are for four years until their successors are appointed and qualified.

One of the concerning things that grew out of the last meeting was the view of the responsibility and accountability of the Community Development Authority. At the last meeting of the Village Board there was significant discussion concerning the accountability of members of the Community Development Authority. Several letters in the Voice of the People column echoed Trustee Lauer's concern and support for his contention that there is a lack of accountability of the Authority members. Trustee Tiahnybok, stated in a letter to the editor of the *Pleasant Prairie Sun*, "...the Village Board had relegated the eminent domain and blighting property rights to the Community Development Authority. It was explained to us that this shift of responsibility takes the politics out of such decisions. Oh really, these two key commissions are made apolitical by being filled by appointments by President John Steinbrink? And up until now, they have been essentially rubber stamped by the Village Board."

As reflected in the Wisconsin State Statutes, appointments of two members from the governing body are required by State law. The other positions, again specified by Statute, are crafted from citizens that have knowledge and expertise in community development and urban renewal. The members of Authority are as follows: John Steinbrink as Village President; Mike Serpe as Village Trustee. The citizen members, Gary Hutchins a Banker from the Bank of Kenosha; Kate Jerome a Columnist and a Horticulturalist in the community; Mr. Phil Godin, an Attorney; Tom Reiherzer, Business Agent Cement Finishers Union; Larry Nelson, Vice President and Engineer from Bane Nelson. All these people are people who have expertise in what's going to make our redevelopment project a success. I feel that they've been very accountable. They haven't acted irrationally. They've done a good job. It's a distinguished group of individuals all very accomplished in their respective areas. They have been thoughtful in their deliberations, very giving of their time to the Village of Pleasant Prairie, the Authority, and are not deserving of any innuendo that has been bestowed upon them.

One of the things that separates the Village from a lot of local governments is the Board's practice, in this case it's required by Statute because the Statute requires this to make it so it's apolitical, but if you look at our Plan Commission it's a commission composed of citizen members, not just minor Board representation. The Board of Review to review tax assessments, a lot of communities that a political commission where elected people, the Board members, serve on it. Pleasant Prairie has opted to have citizens be involved on that Commission. The Park Commission, the Recreation Commission, those are also citizen commissions.

And I think behooves the members of the Board that, one, these citizens we don't disparage their efforts or contend that there's a lack of accountability or responsibility because they don't stand for election. This is a representative democracy. Five Board members are elected, but as you well know you have numerous commissions that if you were to sit on every single commission, one, that really wouldn't bring any diversity of opinion or views to the community and, secondly,

you wouldn't be able to do it. So the people that are placed on that commission they weren't a rubber stamp and I trusted at the time they were appointed and I trusted the night that the reappointments were made that the Board had not rubber stamped it and had given some thought to who's being appointed and what they were going to do.

I think if there's any lessons from *Kelo*, the redevelopment process the Village has gone through, the statutes that we have to work with is that to only say that we're going to put a two thirds vote on any specific item that already exists in parts of the ordinances and the statutes.

What we really need to think about if we're in fact concerned, and I think everybody is concerned that it's everybody's right to be protected, is looking at how this law evolves, how the blight determination evolves, how eminent domain evolves, and what more protection, information, evaluation or consideration needs to happen as that process moves forward. Because even as sterile as it is, if the process isn't founded well and you have a two thirds vote, you still put forth a bad condemnation or you still put forth a bad eminent domain. I think the real effort and focus needs to be on the fact of how you put these things together.

Kelo came right out and said we can acquire property that's not blighted. I think there's a good case to be made for public policy that says do you really want to acquire property that's not blighted? If it's surrounded by blighted property maybe, but do you want to acquire a strip of homes or businesses that aren't blighted? And your only reason to acquire them is because you could do better from a tax standpoint. That is a far more meaningful process to evaluate in determining eminent domain law and how you treat blight rather than saying let's just put a two thirds vote on it and call it a day. The process really needs to be evaluated not just on the end. It needs to be evaluated all the way through. That takes some work and it takes some time. The staff is ready to assist both the Board, the Plan Commission and the Community Development authority to do that. Everybody's efforts are going to be far better served than putting two thirds vote requirements on what already has, in many cases, a two thirds vote requirement as it is. With that if there are any questions I'd be glad to answer them.

John Steinbrink:

Thank you, Mike. I think that adds factual clarity to the issue and should hopefully clear up any misconceptions that have been out there.

Jeff Lauer:

Mike, for the record first of all, on the first page of the document it says it appeared from Mr. Lauer's comments that he wanted this subject brought up at the Village Board meeting. I never requested it. I never mentioned it. I never sent anything in writing to have it on the agenda. If I want something on the agenda, for the record, I will put it in writing.

Secondly, did you say that the current CDA has two thirds vote if they're going to use blight in eminent domain?

Mike Pollocoff:

Village Board Meeting
September 6, 2005

If they're going to make a determination of blight under 66.1331 or 1333 they will, and then the Board will have to approve that plan. The Board doesn't make a determination of blight. The Board approves the plan. The only entity in Wisconsin that's allowed to make that blight determination is either the CDA, the Housing Authority or Redevelopment Authority which don't have. We just have a CDA.

Jeff Lauer:

So the CDA by simple majority can then forward that--

Mike Pollocoff:

No. The CDA makes a blight determination by a two thirds vote. The Board approves the plan under a simple vote. But the determination of blight has to be made by an authority that's performing its responsibilities per statute and then making that vote a two thirds vote. Now, the CDA isn't required to make a two thirds vote if there's going to be an acquisition of property by the Community Development Authority for straight public use. If the Authority was to purchase a piece of land to build a detention basin for storm water, that would constitute a simple majority vote.

Jeff Lauer:

I'm somewhat confused. So in some instances it's two thirds and some isn't?

Mike Pollocoff:

And I think, again, the test and I think what makes that run is is it a public benefit use which is what a blight use, or is it a definite public use where the public owns and has access to that property forever as long as they own it. If a blight determination is made, such as we did with the Redevelopment Authority, some of that property is going to actually be floodplain, detention basins, roads. Some of it is going to be assembled and then the CDA is going to sell that property off, sell the blighted property off, so there's going to be a public benefit derived by that, and in that case there's a two thirds vote, because the public won't have ownership of that anymore. They'll assemble that land, eliminate the blight, and then will have redeveloped it and sold it off for another use.

Mike Serpe:

August 15th Board meeting - Jeff Lauer, that being said, then I would like to just recommend if I could, and I know Mike and John you serve on that Board, I would think it would be in the good best interest maybe to bring this up at the next meeting to see if it can pass an active blighted properties through the CDA that would take a two thirds thing. Obviously I don't believe the Board has any authority to do that, but I know you gentlemen serve on it. That might be something to endeavor.

So if the request was made August 15th that we're doing what we're doing exactly right.

Jeff Lauer:

I see what you guys are trying to do with this particular topic so let's go. If you also remember I withdrew the motion at the end. The bottom line here it deals with power. The Village can make a two thirds vote needed under any circumstances. They can do it. The question is why don't you want to do it? It comes to one word that starts with a P, power. It's not that complicated. Now, I did not request this to be on here like this says. We can debate that as well. However, I know what you guys are trying to do. You've seen this . . . now is there a problem with putting it in the bylaws, Mr. Administrator, anything dealing with two thirds voting for the CDA Committee?

Mike Pollocoff:

Well, I guess short of you hearing anything I just said, it really depends on what you want to do. If you want to make sure that the public's protected through making sure that the process protects the people so that there can't be an unwarranted blight determination or acquisition, or do you want to leave the process as is where a determination can be made to acquire land when it's not blighted but say let's just have a two thirds vote and we can take your property, even though it's not blighted, but if we can swing a two thirds vote we got it.

I don't think you're listening to what I'm saying. I'm saying there are some issues with that law where it could be overused, and I think you're farther ahead to fix the process rather than slap a two thirds vote on it and say look what we did and we haven't accomplished anything. You made it a little bit harder to enact bad policy. And my recommendation to the Village Board and the CDA is enact good policy so that the public's protected and then go from there. If you feel that you want to get good policy and you want to put a two thirds vote on it, that's fine. But I think that the public's interest hasn't been served if you allow bad policy to exist and just put a super majority on it.

It's going to take some work and people are going to have to wade through these statutes and make sure we get what we want but that's what I'm recommending. But if the Board and the Authority want to just put a two thirds vote on what I think is a questionable public policy, I can only make a recommendation. I can't write the ordinance and say you have to do it or write the change in statute.

Jeff Lauer:

I agree and I don't think there's a motion on the floor for that. But let's also for the record state we've heard hired staff at the Village, some elected officials, and some of the citizens' comments tonight that the Sheriff's Department does not communicate with the Village of Pleasant Prairie. And tonight I learned, good education, that in part some votes for the CDA is two thirds. Now, if the communication is supposed to go ways, there should be a reason and explanation why I'm an elected official, a legislator, was not informed about this as well. And yet we're complaining about the Sheriff's Department which I don't know if there's any proof as far as that

communication goes, but there is proof here that I was not informed about this. And anybody can take that. I'm willing to listen where the communication gap was dropped.

Mike Pollocoff:

Respectfully, Mr. Lauer, I think your last item was put on the agenda. You wanted it put on the agenda and I did that. You know not too long ago there was an editorial by the *Kenosha News* that indicated that Village Board meetings were kind of mundane, there wasn't anything going on, and that some discussion and deliberations would be beneficial, and I think that was a good comment. I took your comment to put it on the agenda and there's going to be discussion about it. I really wasn't sure what you were aiming at. Like I said, I thought you were aiming at the *Kelo* decision, but I didn't know, but I think it was an issue that warranted discussion. I think we're having that discussion now.

Getting past your problem with what I didn't anticipate you would need, I think there's nothing wrong with having the discussion we're having tonight, because I think it's something that the Board has to walk through is just what do they want to establish public policy in condemnation. It's not a matter of power and it's not a matter of what you knew or didn't know. I think what the public expects us to do is determine some ground rules in addition to the State Statutes of what we want to do or not do when we're going to acquire public property, or require property for public use or for public benefit.

I tried to make it, and I know it was a long presentation, to make it as simple as I can, but it's a difficult subject. I had really hoped at the last meeting we would have talked about it in greater detail but it digressed into the problems with the CDA and their accountability or whatever, and that is an issue. These are all good people. You're good people. We need to arrive at a solution as to what we think that is. If the Board wants to say let's just make it two thirds and go I'll do that. I'm just saying that you have some other policy ramifications that I believe you should think about before you make that decision. I can only recommend.

Jeff Lauer:

I agree.

John Steinbrink:

I'm going to ask that we wrap this up, Jeff.

Jeff Lauer:

I'm sorry this communication--I'm an elected official and Mike is the Administrator so, therefore, I can do answers to questions. Mr. President, if you'd like to answer--the question hasn't been answered why wasn't this communicated to me?

John Steinbrink:

Because you chose not to communicate with us I guess . . .

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Jeff Lauer:

Via e-mail, Mr. Steinbrink, in the paper you said if Mr. Lauer is going to e-mail us—

John Steinbrink:

This is an issue you've hashed out over and over and over.

Jeff Lauer:

If Mr. Lauer is going to e-mail us then we can't help him.

John Steinbrink:

And I think it's time we move on from your issue.

Jeff Lauer:

But, therefore, on Sunday at 4:58 p.m. I receive an e-mail sent to us regarding an emergency meeting the following day. But yet in the paper it was just communicated if he's going to communicate with us that way we can't help him.

John Steinbrink:

Jeff, that last meeting was an emergency meeting because of public safety. The Sheriff had unfortunately changed a 911 policy which put officers at risk, put citizens at risk, and it's our job to make sure that the citizens of this community are served and served properly. That's why that meeting was called, for no other reason.

Jeff Lauer:

Right, and that's why--well, why did you e-mail? If we're not supposed to communicate, Mr. President, via e-mail why did you e-mail it and not call me?

John Steinbrink:

Alex?

Alex Tiahnybok:

Mike, thanks for the detailed explanation of the process. As we move along obviously we learn more about the structure and why things happen in certain ways. The process obviously is guided by State Statutes, and it seems like there's a reasonable set of checks and balances, and I think

that's good for the blighting process. And your comment about checks and balances I think it's a good thing for a Board like this to have checks and balances and debate.

Regarding my comments, I have confidence in the members of the CDA. Or, maybe a better way of saying it, I have no reason to have a lack of confidence in the members. My comments regarding the relegation of our authority I still stick by that, although it was done previously and perhaps digging through these Statutes more we'll find out that it's, in fact, a requirement. But because that authority, to a certain extent, has been shifted down to the CDA, my comment about understanding the members and their motivations, their philosophy on things, and in the future their appointments rather than being approved unanimously, I think anybody that believes they should be on a Board like the CDA or the Plan Commission should come before the Village Board and at least we should have a chance to understand what they're talking about.

Regarding Jeff's perspective, again, if we understand things correctly now it seems like a two thirds majority is required by the CDA, and assuming that's the case, Jeff's concept of instead of just looking for a simple majority from the Village Board a two thirds majority I think just adds another level, a layer of checks and balances to the process in effect raising the bar for when we move ahead on these things.

I'm relieved to hear that regardless of what the CDA thinks it does go before the Board which was also unclear to us prior to today. So, again, I think this is a learning process and speaking for myself we want to make sure that the citizens get treated properly, and with the checks and balances in place. I believe as long as the right people are sitting on the right Boards that should happen.

John Steinbrink:

I think that concludes this item.

B. Discussion of Wisconsin Act 40.

John Steinbrink:

This is going to be a brief discussion. It was referred to several times in the newspaper articles and at the last meetings. Act 40 was a bill passed by the State also known as AB 79. The Bill passed unanimously in both houses because it provides an option for the citizens of municipalities not a mandate. The bill simply provides an option if a community believes it would be in their best interest and it applies only if that community and their Sheriff enter into a contract and this is agreed to by both sides.

The bill does not provide for a Sheriff to impose changes without taking into account the priorities of the citizens of the municipality, and it does not allow a municipality to drop its law enforcement responsibilities without regard for a Sheriff's ability to provide that service. Amendments were added to the bill to ensure that cooperation and public safety, including the requirement that 911 services within the area must be discussed before any contract can take effect.

In times of budget restraints it is important that communities have the option to weigh their priorities. This bill provides an opportunity for the citizens of a municipality to weigh the benefits and the cost of having a police force dedicated to public safety in their community. There are communities in this State, unlike Pleasant Prairie, which has the means to support a police department and do not have police departments to the highest standards that the Village force is. They petitioned the State, through their legislators, for a change to State law which would allow them, and a lot of these are in northern communities where communities are hard strapped for financial dollars, as we see the tax freezes go into effect, we see more and more draining of local governments, and it allows them to contract with the Sheriff which in those communities up in that area are the main law enforcement police officers in that area. Unfortunately a lot of people read stuff into this law. The date of enactment was August 17, 2005. This no sooner hit the press then already people were playing games with it.

These are things put forward for the benefit of the citizens in the communities, and they should be treated with such respect. Hopefully we're going to hear a presentation from the Sheriff. We're going to have the ability to weigh that presentation. We're going to hear a presentation from our Police Department at a later time. We're going to weigh that one. A lot of people have expressed a view in their confidence in our Police Department. I also have that confidence in our Police Department having worked with them for many years. The Sheriff's Department has a lot of good officers.

Several years ago there was a great controversy about the lack of police protection in the rural communities because the Sheriff's Department was stressed too thin. At the time that the officers left Pleasant Prairie's area or jurisdiction, they worked more in the outside areas, and it gave them the added services to the outside areas. The western communities were very happy for this and it solved a great problem they had out there. I believe I'm going to hear from the Sheriff as to what the current situation is I guess. The ability to cover that area is probably in a better means now than it was those years ago. But people should not read into these laws something that isn't there and should follow it and use it as a guideline and a tool to help communities rather than jeopardize them. If there are any questions or other discussion of Act 40 I would open it up now.

C. Presentation of a Proposal from the Kenosha County Sheriff to eliminate the Pleasant Prairie Police Department and award a contract for police services with the Kenosha County Sheriff's Department.

Sheriff Beth:

Thank you, Mr. Steinbrink. David Beth, Kenosha Sheriff's Department. I would like to address a few different issues that I've heard so far here tonight. First of all, just so everyone here knows, my intentions were two weeks ago to come in during citizens' comments tonight and make a presentation. This has grown because of media and different things that have occurred in the last few weeks to the point of I called Mr. Pollocoff and asked to be placed on the agenda. If you look at the agenda, it talks about the elimination of a Pleasant Prairie Police Department that, Mr. Steinbrink as you just said, I can't do that. And my purpose here tonight is an option that I'm presenting to this Village Board.

To address a few of the comments I heard, I heard Mr. Pollocoff say that it's mundane. I'm kind of glad that I'm able to add a little bit of excitement to this Village Board here for tonight. A few of the comments that I heard tonight were, one, Mr. Ginkowski had stated that law enforcement agencies, and I wasn't going to bring this up until he pointed it out, that law enforcement agencies throughout the State of Wisconsin have one officer per thousand by population. The part that he made a mistake on it was actually just backwards. Pleasant Prairie, and I'm not condemning this because this is a good thing that you've got yourself into this position, but Pleasant Prairie has double the officers per population. If you take 18,000 and divide 26 officers, you'll see that you have more officers than the average department does in the State of Wisconsin.

Mr. Orrick I think it is, I hope I heard your name right, my administrative secretary is right here and I look forward to meeting you someday in my office. There were more but I forgot to write them down. I thought I'd be able to remember more.

This is an option. This is nothing more than that. Mr. Steinbrink, as you said, this is an option for Act 40 brought together which was voted on unanimously. You bring up that this is northern states that do this. That's not true. We contract with Paddock Lake. Racine contracts with agencies or jurisdictions within Racine. Dane County has 22 jurisdictions in it. Nine of those are patrolled in contract services by the Sheriff's Department.

I'm here to make a proposal of what you can do. Every place I go people complain about taxes, and Pleasant Prairie is no different. You have a very fine Police Department. The officers that you have there are some of the finest in this County. That isn't what this is about. The people that came up here and praised the department for Pleasant Prairie that is exactly what they need. Our department gets the same thing. I'm very glad that the citizens came here in support of their department. That is a very positive thing and I commend them for doing that.

Each of you received a booklet and, truthfully, if anyone in here would like to see that booklet I'd like to give it to you as I think about this right now, but I think that this is for the Board for you to decide. So rather than making that offer which I just was going to do, I'm going to leave it for this Board.

I'd like to touch on just some of the highlights inside this proposal. Again, this is a proposal of what you could do. I can't take over the department. I can't abolish it. I can't eliminate it. I have no desire to do that. I am offering this Village the opportunity to save dollars. And I'm going to in this presentation let you know what the Sheriff's Department can do.

First of all, this is the opening letter. I'd like to touch on this very quickly. I'd like to thank all of you for allowing me to do this. The citizens of Pleasant Prairie will benefit from the open discussion and insight you will gain from this rather thorough proposal. Even with as detailed as you will find this booklet, there will still be several details that will need to be addressed prior to reaching any contract between the County and the Village. And I want you to realize this is just a draft. Like one gentleman brought up, you need to sit down with the Sheriff's Department, the Police Department and the Village Board to see if the numbers are accurate and what the savings would be.

The packet you have in front of you is a representation of the services the Sheriff's Department can provide for the citizens within your Village. The resources this Department has at its disposal are also listed for you to weigh the benefits contract policing can provide the Village. The Village of Pleasant Prairie has a fine Police Department and they serve this community well. This packet is to show how contract policing also has many benefits with the greatest being huge tax savings. This proposal will eliminate the need for the future building of a new police department. This will open up space at the Prange building for what needs may currently exist or lie down the road for the Village.

With the current tax freeze atmosphere we face, this proposal will actually do far better than what taxpayers are asking. For 2006, as the proposal currently stands, the Village will save more than a million dollars the first year alone. If you incorporate a \$12.5 million building project and 2005 costs on top of that, the savings offered would be nearly \$14 million. If you took this over the next decade, these savings will have grown to over \$15 million in services and buildings costs that would have escalated to \$20 million for combined savings in excess of \$30 million. These funds could go toward other Village improvements or go back to the taxpayers. A contract that involves a phase in process could assure that all Village officers currently employed stay in their chosen careers within Kenosha County. This would be a huge benefit to all the citizens that require law enforcement services within our community.

In the next tab you'll see Wisconsin Act 40. Mr. Steinbrink, thank you for covering that.

Tab three, actually the second tab I guess, is the pros and cons. Of course, this comes from our perspective, and you would have to address it from the Village's or the Village Police Department's. The pros from our perspective. Professionally highly trained and experienced deputy sheriffs. No training costs for newly hired personnel. Of course, in that package if this would ever come to be you'd have several of your own Village's officers on the department. You'd have a fixed budget. For cumulative squads, related equipment and maintenance issues are handled by the host agency, the Sheriff's Department. Liability issues rest with the host agency. Bargaining labor and grievances and Worker's Compensation issues are handled by the host agency. Replacement personnel provided for sick time, work related injuries and family leave again provided by the host agency.

Coordination of all law enforcement resources and efforts. Employees not job hunting for larger departments. Eliminate the need for a new police department costing millions of tax dollars. Tax savings in the millions after the first year for contract policing. Saved tax dollars can go to the Village needs or go back to the taxpayers. Village officers hired to fill contract needs. Captain of operations accountable as your Chief of Police is on a monthly or on an as needed basis to the Village Board. The depth in responding patrol squads available for emergency situations will more than double. The investigative unit will be five times larger. Grants available only to County agencies will greater benefit the Village.

The cons of what I heard here tonight is loss of identity or loss of some control. The Village of Paddock Lake is contracted by the Sheriff's Department, and I'm sure if you contracted the Village President they would tell you that they're extremely pleased with their contact with Captain Apker who is with me tonight here. One thing that I've also heard is identity. Some agencies in Dane County they actually list the jurisdiction they're from. Like here you'd list

Pleasant Prairie Police Department on the side of the squad cars but it would still be one agency working together.

A little bit about the Sheriff's Department under the Sheriff's Department overview. The Sheriff's Department has a staff of 310 personnel, 105 sworn and 205 civilians. Patrol services is a 24 hour basis from the public safety building located in downtown Kenosha. A current total of 56 sworn officers assigned to three patrol shifts that have a command lieutenant and subordinates to the Captain of field operations. The Captain of field operations works directly within the contract with municipal officials to ensure that the needs and desires of the contract officials are addressed and that an adequate level of service is provided. The Captain of operations has direct contact with the Chief Deputy and the Sheriff.

Inside there's also a detective bureau. Under the detective bureau there's general assignment, juvenile crimes, sensitive crimes, consumer fraud and a special investigative unit. We have special teams, the tactical response team, the Marine unit, hazardous device which is also the bomb unit. We have the dive team, the all trained vehicle unit and the snowmobile enforcement units. We also have a bicycle patrol. The organizational structure of the Sheriff's Department. I think that's kind of mundane but it's there anyhow.

The statistics for the Sheriff's Department. In January, from January 1, 2004 to December 31, 2004 the Sheriff's Department, with its six district cars, handled 73,000 calls. They broke it down to officer initiated, traffic stops, 911, alarms, phone ins, walk ins, cell phones and other. I heard Mr. Pollocoff on the radio say the other day that your department had a very good response time between three and four minutes. And that is. I didn't truthfully know what our response time would be until it came out of the computer. I think ours is equally as well and that's two minutes and 19 seconds per call. It gives you some of the statistics that our department has. It lists other agencies in that category. Under the Paddock Lake contract it lists a contract we deal with with Paddock Lake.

In the proposal for the Village of Pleasant Prairie, what we would do is deploy, and again you have four marked cars here, we would deploy four marked cars. They would be in the Village of Pleasant Prairie. They don't come from Green Bay Road and KR. They would be just as your squad cars are here. Three squads would be contracted. The additional one, the fourth one, it's already an existing district. It's the Interstate car that runs the south end and goes to 104th Avenue to the west Frontage Road. Actually it goes just a hair further than that right now. But that would be covering Pleasant Prairie. You wouldn't pay for the fourth car.

If you needed any additional cars, if a catastrophe happened in Pleasant Prairie like last week you had a serious accident, you had a domestic violence that was going on at the exact same time, and a PD accident that also occurred at the same time we were having this meeting or approximately that time. They were calling for overtime, calling people in on overtime to take care of it. You would have at least five extra cars coming from other parts to take care of it. That's what police agencies do.

In order to meet the high quality of service currently enjoyed by the residents of Pleasant Prairie, the Sheriff proposes to add 15 additional deputies to supplement the 56 sworn supervisors already assigned to patrol districts. The officers would allow the Sheriff to provide additional squads

needed to patrol the Village on three shifts 24/7. Working in conjunction with the Deputy Sheriff's Association, the Civil Service Commission and the County Board, the Sheriff would assimilate the 15 officers required from the current ranks of the Pleasant Prairie Police Department if they so chose.

What you have to remember is this doesn't happen overnight. What I believe this Board is going to do or should do is to take this back, and I think that's what I heard Mr. Steinbrink say, and look at it. And that's exactly all you should do. I'm not telling you that you have to do this, you should do this, but this is an option that you have. This is to address the complaints of taxes. If you so choose to keep the great Police Department that you have, I'm all for that. This is an option that exists.

Communications. With this proposal, which comes to shortly after, with this proposal communication services would be picked up also, and the 16,000 calls for service would go directly to the Joint Services Dispatch. This would include brining a few more dispatchers on to address those extra 16,000 calls.

Currently all police agencies participating in the grant with the concept of interoperability, or the ability to communicate with each other, except the Pleasant Prairie Police Department. As a result they do not have the ability to communicate with other departments on their MDCs or their computers in the squad cars to share the records. The Sheriff's proposal would also re-establish County wide MDC communications that's been missing for ten years.

You will see arrests, court liaison services, special support services, equipment. If this was to happen, and I'm not asking you to vote on this tonight, as detailed as this is there are things that are still missing. There are still things that would need to be discussed. There are issues that a committee would have to probably discuss. Again, if you so decide that your department is what you want, you have a great department. The people here have come forward and expressed that. I'm doing the same thing. You do have a good department here.

If you look at the very end you will see we took the best calculations we could. And as one gentleman brought up, numbers can be deceiving. We did the best we could with the numbers that we had, and this would have to be worked out. I remember one more thing. The deputies and their overtime it's the lowest it's ever been in at least four years.

So but as far as this buildup, 2005 numbers, what we have to do if you look at this, what we'd have is a one-time startup cost. We had four squad cars. I'm picturing them marked with Pleasant Prairie on it fully equipping them with all the equipment that you would need inside. Uniforms for 15 officers, and you'd see a one-time buildup cost, a 2005 cost, of \$175,000. The personnel to cover the Village with the exact same manpower that you have now would be \$1,290,000. Telecommunications cost \$285,000, and fuel cost \$40,000 for a subtotal of \$1.6 million. You add that up, that's \$1.79 million. This year's operating cost, and we couldn't find where vehicles were located in that and maybe you didn't get any vehicles this year, the total cost for this year's 2005 Pleasant Prairie Police Department were \$3,045,000. So a savings this year, if it would have been enacted in this year's numbers would have been \$1.2 million.

In 2006, again we have the buildup costs on there. If at any point this actually were to come to fruition, you would find that those buildup costs would disappear, or what you'd have is maybe one new car a year and the fuel. But you'd have a personnel cost of \$1.6 million. And you would also have a department cost of \$3.2 million, current in 2006 by our best calculations, a savings to the Village of \$1.5 million. Same patrol cars on the road.

2007 numbers become even greater. If you throw into that the new police building, which every department grows, you have a saving as I stated earlier in the millions of dollars for the taxpayers.

This is just merely a proposal that I'm making tonight for you to review at your leisure. There is no time table for this. I'm not demanding, I'm not ordering. I came in here to make an offer to you as elected officials or appointees that this is an option that exists. I'm very proud of my department. I'm proud of what they do. The same positive comments that your officers receive and your department receives I get several every week, too. So I didn't come in here to say you don't have a good department or I'm going to take it over. I came in here to give this Board an option, an option that could save money. You have to weigh it yourselves.

Myself, Chief Deputy, Captain Apker, we're all at your disposal to answer any questions you or anyone else from the Village of Pleasant Prairie has toward what this proposal is. This was never intended on my part to become as big as it is as far as so many people here and the controversy that it's created. My intentions were to come here and let you know that this is an option. That's what I've done. Can I answer any questions for you right now?

Mike Serpe:

Sheriff, there's a whole lot of information here to digest obviously. Just one question of you. Was there any member of this administration or the Board that made the request for you to bring this proposal forward?

Sheriff Beth:

No, and there wasn't at Twin Lakes when I did it for them either.

Mike Serpe:

Same detailed report for Twin Lakes?

Sheriff Beth:

No, it wasn't this detailed. It wasn't going to be detailed two weeks ago.

Mike Serpe:

We can talk on this a long time, and I don't think tonight is the night to do that. I would recommend that we accept this report, mull it over. I think my recommendation would be, at least my recommendation would be that we turn this over to the Chief of Police, to Mike Pollocoff and his staff to evaluate what the Sheriff has offered us. I think we should schedule a

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meeting, whether it be in two weeks, three weeks, whenever everybody is comfortable with this, and the meeting that we schedule I think should stand on its own. The only agenda on that night, call for a special meeting on a special night just to discuss this because this is big. This is important. This is going to affect a lot of peoples' lives, and it's important enough to have its own agenda. I would like to see that meeting start early enough, a six o'clock meeting, to where if it did last three or four hours we can discuss it and still get out of here at a reasonable time. And there may be subsequent meetings after that and that's fine.

I'm just looking at what Dave has offered us. I think there is some room for discussion on some of these figures that he's proposing. I'd like to see how he's going to do this. And just seeing this for the first time a few minutes ago I think we have to look this over. My recommendation is accept his report as given, turn it over to the Chief of Police, Village Administrator and his staff, and let's set a special meeting in two or three weeks, whatever is convenient.

Sheriff Beth:

This is completely your call. There is no time table.

John Steinbrink:

Is that a motion?

Mike Serpe:

That is a motion.

Steve Kumorkiewicz:

I second.

Mike Pollocoff:

If you want to pick a night. I think the Chief and myself could evaluate the proposal here in a couple weeks. If you want to have a Wednesday meeting or a Tuesday meeting?

Mike Serpe:

I'm good on any night. We have a CD on Wednesday but that's at 4:30 and we'll be done by 6:00.

John Steinbrink:

I'd prefer we keep it to a Monday night, Mike. If we want to start earlier on a Monday night we can deal with this at that time if that would be okay with other Board members.

Mike Serpe:

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You want to keep this with the regular Board?

John Steinbrink:

It would be beforehand. Our regular Board would then start at 7:30 or thereafter.

Mike Pollocoff:

Start at five?

Mike Serpe:

I just wonder if we can cover this information in an hour and a half. Maybe we can and maybe we can't. I would like to give us enough opportunity to take whatever time we need to discuss this.

Mike Pollocoff:

One option we might have is do we have five Mondays in September?

Steve Kumorkiewicz:

No, not in September.

Mike Pollocoff:

We could load up the first meeting in October if we have a light agenda.

Steve Kumorkiewicz:

October 3rd.

Mike Pollocoff:

Have a light agenda on the next meeting and make this the primary thing, and then have a heavier agenda on the 1st of October. I agree it probably would be better to start earlier. I guess my thoughts for the Board to be able to understand what's going to happen is we're going to need to evaluate Mr. Beth's proposal, and then we're going to need to look at the Village proposal which is in essence their budget. That's their proposal every year. They need to be able to go with both of them.

Mike Serpe:

If we have this on an earlier time on a Monday on a Board meeting night, is that going to be listed and noticed as a special meeting of the Board? Because we may have some notices going out already for public hearings. I don't know how that's going to fit in here. That's why I suggested an off night.

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Mike Pollocoff:

You could notice it as five o'clock with a special meeting of the Board and the regular Board meeting would follow the special meeting.

John Steinbrink:

Dave, do you know what the population of Paddock Lake is?

Sheriff Beth:

It's under 5,000. They do not have to do contracted services.

John Steinbrink:

This bill, Act 79, was for communities over 5,000.

Sheriff Beth:

Correct:

John Steinbrink:

So you're talking apples and oranges when you're referring to Paddock Lake. I just wanted to make that point.

Sheriff Beth:

I just brought up the contract that currently exists so you can see how the wording is done.

Sheriff Beth:

Are you going to just notify me of a meeting time? I'm sure I can make just about anything you'd set.

John Steinbrink:

You probably should be aware that there's a bill out there which would exempt cities over 40,000 from paying monies towards the Sheriff's Departments in those counties.

Sheriff Beth:

So far the City of Kenosha is the only one that fits that bill.

John Steinbrink:

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Right. There are other communities throughout the State.

Mike Serpe:

Let me change my motion here a little bit as far as the meeting time goes. Mike, between you and Brian I think, and John I hate to disagree with you on this, but I'd feel much more comfortable in giving us as much time as we need to discuss this on its own because I don't know how long it's going to take, and I don't know what kind of public comment we're going to get. I don't know where this is going to go. And it may not be done in one meeting, but I would leave it up to Mike and the Chief of Police and the Sheriff to come up with a date when you're ready to make a proposal to the Board and just notify us of that within a few days of it happening. Whatever day you pick and whatever time you pick.

If the information that you guys determine can be satisfied and dealt with in an hour's time, then have it at an earlier meeting on a Monday, that's fine. If it looks as if it's going to be a lengthy presentation, then I would ask that we give ourselves enough time to go through this thing and give it a fair look.

Mike Pollocoff:

We can do that, too.

Steve Kumorkiewicz:

Whatever works.

John Steinbrink:

So we will determine a date and a time and we will keep you informed as to that.

Sheriff Beth:

Mr. Steinbrink, Mr. Serpe and the rest of the Board thank you very much.

John Steinbrink:

Thank you.

Steve Kumorkiewicz:

We have a motion and a second.

John Steinbrink:

Motion and a second. Any further discussion?

Jeff Lauer:

Just one quick question, Mike. Is this voting up and down or is it just a discussion at this meeting, or will we know when we get there?

Mike Pollocoff:

I'm sorry?

Jeff Lauer:

As far as the meeting goes, is it an up and down vote or is it more or less just discussing the numbers and things of that nature?

Mike Pollocoff:

I guess for the sake of the open meeting law my recommendation would be to notice it that a decision could be made, but that's really up to you guys if you want more information or you think you need more.

Jeff Lauer:

We'll play it by ear then.

SERPE MOVED TO RECEIVE THE SHERIFF'S REPORT AND TURN IT OVER TO THE CHIEF OF POLICE, THE VILLAGE ADMINISTRATOR AND HIS STAFF AND SET A SPECIAL MEETING AT A FUTURE DATE TO DISCUSS THIS ITEM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

We'll give a two minute break here to let things settle down.

(Break)

D. Receive Plan Commission Recommendation and Consider Resolution #05-51 in support an amendment to a portion of the Prairie Ridge Neighborhood Plan for the property generally located south of CTH C (Wilmot Road), north of Bain Station Road at 94th Avenue.

Jean Werbie:

Mr. President, Resolution #05-51 is a resolution in support of an amendment to the Prairie Ridge Neighborhood Plan. That is a plan that came before us originally about a year ago before the Plan Commission, and at that time we had a pretty detailed neighborhood plan that identified the lot layouts, the road layouts and the different type of land uses within the Prairie Ridge neighborhood.

Specifically, the property that we are referring to this evening is the Alfa Land LLC, and there's actually two items on the agenda this evening. This one which is an amendment to the neighborhood plan, and then the next item which is actually the conceptual plan. But I will begin by talking about both specific items.

Alfa Land LLC is proposing to develop the entire property with single family lots rather than a combination of condominiums and single family lots as shown on the original Prairie Ridge Neighborhood Plan. Again, the Ashbury Creek Subdivision within the Prairie Ridge neighborhood is an area that is generally located south of Wilmot Road or County Trunk Highway C, and it's approximately at about 94th Avenue north of Bain Station Road.

The developer, Alfa Land LLC, has been working with the staff over the last several months to modify the neighborhood plan, again, to reduce the density and to modify the land use from single family and condos just to single family land uses.

In accordance with the Village's Comprehensive Plan, the Prairie Ridge neighborhood is classified as an upper medium residential land use category which requires that the average lot size fall within a range of 6,200 to just under 12,000 square feet per dwelling unit. The revised or amended neighborhood plan as presented this evening allows for that density to fall within that same classification. And, in fact, the current population is the same. The projected population is slightly less, again, with single family versus multiple family.

The Ashbury Creek development as proposed, is a 51.2 acre property that's proposed to be developed into 81 single family lots. The lot sizes would range from 28,231 square feet to 12,611 square feet. The average lot size would be 16,256 square feet, just over a third of an acre in size. Each lot meets the minimum requirements of an R-4.5, Urban Single Family Residential District.

Under the population projection information as previously indicated, it's projected that approximately 221 persons would be added to the population upon completion or full build out of this project. 34 public school age children could also be added or likely would come from this development at full build out.

The property is currently zoned manufacturing as it's adjacent to and was a part of the Alfa Laval property just to the north of the Tri Clover property to the north. It also has an area that was recently field delineated as wetland Lowland Resource Conservancy. As part of the petition as it moves through the process, this land would need to be rezoned into the residential classification R-4.5 as recommended, and the wetlands would be delineated into the C-1, Lowland Resource Conservancy area.

Under this plan, approximately 23 percent of the site within the Ashbury Creek development, or almost 12 acres, would remain as open space. The wetlands as identified would be protected. With respect to other open space, 8.2 acres of other open space would be located within outlots 1 and 2. This particular development abuts Bain Station Road which is a local arterial, and County Trunk Highway C which is a County arterial, and 94th Avenue which is an arterial. There are some protection measures that the staff has identified with respect to berms and buffering and landscaping along the adjacent arterial. 94th Avenue, which runs north/south through the

development on its eastern side will link and connect into the Prairie Ridge development to the north, and eventually 94th Avenue will connect all the way up to Highway 50, and it does bypass or run adjacent to the Pleasant Prairie Elementary School. It's identified that there will be some type of walkway, bike trail, end connecting point that links this subdivision to the north past the school and then throughout the Prairie Ridge development.

As indicated at the Plan Commission meeting where the staff report was read into the record in detail, the subdivision will be serviced by municipal sewer and municipal water. The developer will be responsible for extending these services to service the entire development at his cost. In addition, urban cross-section roadways will be installed, 94th Avenue being a wider profile, again, to accommodate that collector traffic moving through the development from Bain Station Road north towards Prairie Ridge.

The staff recommended approval of the Neighborhood Plan as presented subject to the comments and conditions as outlined and are made a part of the resolution that you have before you which is 05-51.

A couple other things that I just wanted to point out. There was a glitch with respect to the GIS mapping. All of the roads when we develop one subdivision to another do connect and they do link. We do not job driveways. We don't job any types of public roads in order to provide a smooth connection from one development to another for provision of traffic movement, provision of municipal services, emergency services.

This particular development as originally shown in the Neighborhood Plan and in the Conceptual Plan here will have one connection point down to Bain Station Road, and a second connection point to the north to Wilmot. At some point when this land is developed, which is at the northwest corner of Highway H and Bain Station, there will be a third connection point which extends to the east and eventually will link out to Bain Station and Highway H or 88th Avenue. So all the other roads are internal to the development. There will be no direction connection to the Tri Clover property or Ladish property to the north. Again, this connection is very important that it will be a connection of a collector street across to Prairie Ridge.

There were no questions I believe at the Plan Commission meeting when the Neighborhood Plan was presented. Again, the next item will be specific just to this property. But the whole purpose of the Neighborhood Plan was to correct this portion of the Neighborhood Plan to accommodate the Ashbury Creek development.

SERPE MOVED TO APPROVE RESOLUTION #05-51 IN SUPPORT AN AMENDMENT TO A PORTION OF THE PRAIRIE RIDGE NEIGHBORHOOD PLAN FOR THE PROPERTY GENERALLY LOCATED SOUTH OF CTH C (WILMOT ROAD), NORTH OF BAIN STATION ROAD AT 94TH AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- E. Receive Plan Commission Recommendation and Consider the request of request of Mark Bourque, agent, Alfa Land LLC owner of the property generally located south of CTH C (Wilmot Road), north of Bain Station Road at 94th Avenue for a**

Conceptual Plan for the proposed 81 lot single family development to be known as Ashbury Creek.

Jean Werbie:

Mr. President, this is a request by Alfa Land LLC for approval of the Ashbury Creek conceptual plan. The Ashbury Creek development is a 51.2 acre land development. They are proposing to develop the property into 81 single family lots. Again, those lots will range in size from 28,231 square feet to 12,611 square feet per lot. The average lot size is a little bit greater than one third of an area at just over 16,000 square feet per lot.

The overall net density within the development is proposed at 2.1 units per net acre. Population projections at full build out 221 persons, 51 school age children, 34 public school age children.

Current zoning as I previously discussed are M-2 and C-1. Proposed zoning for the property would be C-1 and R-4.5. The current adjacent zoning for this particular development is R-4 and R-5. Those are both Urban Single Family Residential Districts, and those would be to the west as well as to the northwest and to the southwest. There's an R-8, UHO zoning which is just to the north, and that area is part of the Arbor Ridge two family condominium development. And then we have heavy manufacturing to the north/northeast where Tri Clover is located. And there's some general agricultural and agricultural preservation which is A-2 and A-1, respectively, and that is to the south and southeast. I believe the Jolly Jay property is directly to the south.

Wetlands on the property 3.4 acres have been field delineated as wetlands. There's a very small fraction of those wetlands, 0.1 acre of wetlands that's proposed to be filled for the construction of 94th Avenue. Again, it's the staff's recommendation that 94th Avenue will serve as a minor collector for this development, be adjacent, and then linking up to Prairie Ridge and up to Highway 50. So it was very critical that this collector road be constructed. Again it's a very minor area of wetlands that need to be filled to accommodate that.

With respect to the buffering and berming around this perimeter, 35 foot wide landscape easements will be recommended and installed along Wilmot Road as well as Bain Station Road. A number of trees are proposed to be preserved primarily within that wetland corridor that extends from the eastern corner through the development and then links through to its southwestern corner.

With that, the Village Plan Commission and the staff recommended approval of the conceptual plan subject to all the comments and conditions that were outlined in the staff memorandum that you have before you. Again, this approval was subject to the previous item which was the neighborhood plan approval.

Mike Serpe:

Mark, the exterior materials, do I understand correctly that cedar is not allowed?

Mark Bourque:

Mark Bourque, Prudential Premier Properties, 6040 39th Avenue. Mike, I was wondering when this was going to come up. This is the first subdivision that we're doing this in, and it's through our experience that we've chosen to prohibit the use of cedar as a primary exterior siding material. The reason being is that from years gone by when we were developing subdivisions that we called all natural exterior materials, which was primarily the use of cedar, those are before the days of fiber cement board, otherwise known as hardy plank, where, number one, commonly known and more importantly tested. So we've now been using this fiber cement board in the field for 15 years. We find superior results on that material compared to cedar which when not protected, not restrained, not repainted, that's the reason. So we have elected if somebody wants the illusion or appearance of cedar siding, the hardy plank does it spectacularly, and the finish is 15 years compare to 6 or 7 in the real word of cedar in this part of the country.

Mike Serpe:

That's good news. One other rumor I heard and I don't know if it's true, but is it true that for every lot that's sold you're giving a membership to the RecPlex?

Mark Bourque:

I'll have to see where that was written, Mr. Serpe. I'm not quite sure. I'll have to investigate that further.

Mike Pollocoff:

I have a question that in a way relates to this. Early on in the disaster in New Orleans, any feedback how that's going to ripple through the construction industry?

Mark Bourque:

As you mentioned, Mr. Pollocoff, it is quite early. However, we get alerted frequently through e-mail broadcasts and e-mail newsletters coming through from the various large companies like Hanley and Georgia Pacific. I could probably best state that right now they're in a big of a panic and they're not real forthcoming with information. However, I think it's realistic that we can expect supply shortages as well as volatility in prices with the commodity products.

John Steinbrink:

Other questions for Mr. Bourque?

Mike Serpe:

I know Mark's developments are quality. I'm looking forward to this one as well.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF REQUEST OF MARK BOURQUE, AGENT, ALFA LAND LLC OWNER OF THE PROPERTY GENERALLY LOCATED SOUTH OF CTH C (WILMOT ROAD), NORTH OF BAIN STATION ROAD AT 94TH AVENUE FOR A CONCEPTUAL PLAN FOR THE PROPOSED 81 LOT SINGLE FAMILY DEVELOPMENT TO BE KNOWN AS ASHBURY CREEK; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- F. Receive Plan Commission Recommendation and Consider a Zoning Map Amendment (Ord. #05-36) to correct the zoning map and rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District for the property located at 327 100th Street at the southeast corner of the intersection of 100th Street and 4th Avenue.**

Jean Werbie:

Mr. President, Ordinance #05-36 is to correct the zoning map and rezone some field delineated wetlands into the C-1, Lowland Resource Conservancy District. It's for a property that's located at 327 100th Street. This property is located at the southeast corner of the intersection of 100th Street and 4th Avenue. Specifically, this property is identified as Tax Parcel Number 93-4-123-194-0436.

On October 15, 2004, the Village had received an application from Peter and Kathleen Renwick, property owners, for a wetland staking to be completed on their property. As information, the property is currently improved with a 2,518 square foot ranch dwelling that was constructed in 1981.

The Village received a letter dated July 7, 2005 from the Regional Planning Commission that indicated that the plat of survey correctly surveyed and correctly identified the field staking by SEWRPC on April 21, 2005.

The field delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District. The non-wetland areas will remain in the R-5, Urban Single Family Residential District, and currently there is a LUSA District or Limited Urban Service Area Overlay on the property and that would remain. The property owners had requested this as they wanted to do some additional work on their property, and so this wetland determination and delineation that is valid for five years will allow them to do that.

In accordance with the Village Ordinance we have initiated the process to amend the zoning map to reflect the field delineated wetlands. The Plan Commission held the appropriate public hearing for this matter and now it's before the Village Board for approval. The staff recommends approval of Ordinance #05-36 to correct the zoning map.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING MAP AMENDMENT (ORD. #05-36) TO CORRECT THE ZONING MAP AND REZONE THE FIELD DELINEATED WETLANDS INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT FOR THE PROPERTY LOCATED AT 327 100TH STREET AT THE SOUTHEAST CORNER OF THE INTERSECTION OF 100TH STREET AND 4TH AVENUE; SECONDED BY LAUER; MOTION CARRIED 5-0.

- G. Consider Resolution #05-50 for authorization to participate in the development of a multi-jurisdictional comprehensive plan and to support Kenosha County's Application for a comprehensive planning grant.**

Jean Werbie:

Mr. President, we are back again. Last year at this time the Village of Pleasant Prairie had adopted a resolution for authorization for the Village to participate in the development of a multi-jurisdictional comprehensive plan and to support Kenosha County's application for a grant to the State of Wisconsin for a comprehensive planning grant. Last year there were numerous counties in southeast Wisconsin and elsewhere in the State that applied for these grants, and unfortunately Kenosha County's grant was not funded.

So with the assistance of SEWRPC, Kenosha County and the local jurisdictions that are participating, are once again requesting each community to come along with them and adopt a resolution in support of this opportunity to obtain funds again for a comprehensive grant.

Kenosha County will apply for the comprehensive planning grant from the Wisconsin Department of Administration on behalf of the County, and all Towns, Villages, and the City that are participating with the County in the preparation of the multi-jurisdictional comprehensive plan will work with them over the next three years, subject to the grant being funded, to put together this comprehensive plan for all of Kenosha County.

We will still be able to put together something very unique for Pleasant Prairie. We intend to use the existing comprehensive plan that we have and use that as a basis to work forward. Each community will still be responsible for providing input and in kind services in order to put together a comprehensive plan for the entire County. Those jurisdictions who chose not to participate, the County will move forward and put together some land use plans for that particular community with their assistance if they offer it. If not, they will provide some type of land use plan for those communities.

This is in our best interest to work with Kenosha County and SEWRPC and to obtain these grant funds alone. This would be a very expensive proposition for the Village if for some reason it is not funded, then the bottom line is we will have to go it alone or we'll have to come up with our own funding to work with SEWRPC and the County at some future date. Under the current Smart Growth law we are bound based on our population to come up with an amendment or an update to our comprehensive plan by 2010. Since this is a three year planning program, we would like to start moving on this in either 2006 or 2007 to make sure we have enough time in

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order to complete the entire planning process, go through the entire public participation process, and then address the zoning map as it needs to be addressed in response to the comprehensive plan changes.

Mike Serpe:

Jean, a few questions for you. What kind of money are we talking about if any is granted to Kenosha County? Is Kenosha County going to be the administrator of the grant or SEWRPC?

Jean Werbie:

Actually it will be SEWRPC working with Kenosha County, and then designated representatives from each of the communities will be working with them.

Mike Serpe:

And this could require a lot of time from your staff, is that correct?

Jean Werbie:

Yes, it could.

Mike Serpe:

And all of that is in kind?

Jean Werbie:

That's correct.

Mike Pollocoff:

There's no could, it will. It will.

Mike Serpe:

And don't get me wrong, I agree. I think we have to work in conjunction. I'm just a little concerned if the dollars don't show up what's going to happen here and how much could the Village be looking at funding if a grant is not obtained.

Jean Werbie:

Let me just go over the grant. They are proposing a grant of \$640,000, and that will cover all of Kenosha County plus the communities that are listed in Table 1 on page 2 of the handout that is attached to the next item that's on the agenda, the agreement. The grant funding would be \$364,000, and then a required match would be \$276,000. And the match funding will be fully satisfied by the County through in kind services and through the County's tax levy funds to

SEWRPC. So in addition, again, local staff will need to cooperate in providing information, in reviewing the draft chapters and providing input, and helping to shape the plan and going through that planning process with their own Plan Commission and our Village Board and any other commissions or boards that do need to review the planning effort.

Mike Serpe:

Every County in the State, all 72 Counties, have to comply with Smart Growth by 2010, is that correct?

Jean Werbie:

No. The municipalities that are over 10,000 in population need to comply with Smart Growth. With the County as the lead agency and having as many municipalities involved, we get additional credits or points or we score higher by getting cooperation amongst the local jurisdiction to work together to put together a comprehensive plan for the entire County as opposed to everybody going on their own. The likelihood of an individual community obtaining grant funds to go it by themselves is very slim. Kenosha City was denied twice, and they said you should try to work with adjacent municipalities. So not every County. Waukesha County is working on one, Racine County is working on one, Walworth County is working on one right now. I think those were the three that were funded. There were three in southeast Wisconsin that were funded last year. I think Washington and Ozaukee are also working on them. I don't think Milwaukee County is because it's a different situation.

Mike Serpe:

One last question, and it's obviously not related to the funding process here, but when the meetings take place and you and your staff is going to represent Pleasant Prairie, how much input is any other municipality in Kenosha County that's working on Smart Growth going to have with Pleasant Prairie's land use?

Jean Werbie:

I've been told that it's going to be up to Pleasant Prairie, its planners, its Plan Commission, Board to shape the direction of its community. I can't say that a local community that's adjacent to ours might not have some input as to what should go where. I can tell you the Town of Bristol has already asked for input from us. So it's not a bad situation to share information, but when it comes down to it as part of Pleasant Prairie it's going to be the Pleasant Prairie plan. We are not implementing anything else in the rest of Kenosha County. We will be implementing our plan. And just as we completed the comprehensive plan for the Town of Somers, Pleasant Prairie and the City back in 1995 and then adopted in 1996, that was our plan, and when it was adopted, we adopted it even with some amendments from SEWRPC recommendations, we adopted our plan. And I would assume that it would be the same thing. In fact, I also intend to request that we have a pull out version so that Pleasant Prairie's plan can be pulled out of the County's so it can be just one document that can be on the website or be available here for the Village residents.

Mike Serpe:

Just one last question on this same subject. A lot of work is going to be going into this, I realize that, and a lot of hours. In the event that 2010 comes along and everything except two municipalities are in place with reference to a Smart Growth plan that are participating in this, what happens then?

Jean Werbie:

There's two ways I could answer that question. I'm not sure if you mean two communities of our participating decide not to adopt it? First of all, they have to repay back all the grant money that would have been part of their community if they choose not to adopt the plan. So in this case under this scenario Pleasant Prairie's is \$120,000. We would have to repay back the money to the State for the grant monies, and we might have to pay back either SEWRPC or Kenosha County.

With respect to other communities across the State that do not have a plan in place by 2010, then they'll have to deal with the ramifications if new development comes into their community, they do not have a plan to guide them or give directions to them, and then their zoning map doesn't match that, then they could be facing some serious legal challenges from developers or other interested parties that want to develop in their community. There needs to be a basis or a framework as to how they make development decisions. And if there's no implementation tools or ordinances in place, then there will be no basis for those decisions and they'll be subject to potential challenge or land use litigation, and I wouldn't want Pleasant Prairie to be in that kind of situation.

Mike Pollocoff:

One of the important things that Jean brought up is if this grant doesn't come through this year, the Board's going to have to pull the trigger and do our own because we won't have time. We can't go through another grant cycle. We're not Randall or Brighton where we can bang something out pretty quick. There's a lot of things going on. If it doesn't make it this cycle, we're going to need to come up with a quarter million and do the grant, or otherwise Jean won't make the deadline. So if this grant cycle doesn't go, what we're saying is SEWRPC--Jean and I have been through a SEWRPC plan before. They're not going to get this done in a couple years.

Jean Werbie:

We have to get it done.

Mike Pollocoff:

If we don't get it this year, the Board needs to find a quarter million bucks and we've got to get that plan done. The penalty for not having it done is you throw your zoning ordinance away. That's in essence what you're doing. If you don't get this thing done, you lose your ability to do that. So if we don't get this grant we've got to fund a planning study and get the thing going.

Mike Serpe:

John, do we have any insight on how it's going up there as far as this money? Is it going to happen, not happen, maybe, we don't know?

John Steinbrink:

The State took 9 percent more of your money this year and it gave you 1 percent back, so they should have a little.

Jean Werbie:

The money was reinstated right now. There is grant money available right now.

Mike Pollocoff:

But not enough for everybody that needs it.

Jean Werbie:

Not enough for everybody. So the staff is recommending approval of Resolution 05-50 for authorization to participate in the application to the State.

Mike Serpe:

I don't see how we cannot do it so I move approval.

SERPE MOVED TO ADOPT RESOLUTION #05-50 FOR AUTHORIZATION TO PARTICIPATE IN THE DEVELOPMENT OF A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN AND TO SUPPORT KENOSHA COUNTY'S APPLICATION FOR A COMPREHENSIVE PLANNING GRANT; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

H. Consider approval of a Cooperative Agreement between the Village of Pleasant Prairie and the Southeastern Wisconsin Regional Planning Commission for the preparation of county and local comprehensive plans.

Jean Werbie:

Mr. President, this is the cooperative agreement that would be entered into between the Village of Pleasant Prairie, Kenosha County and the Regional Planning Commission for the preparation of the County and the local comprehensive plan. The agreement sets forth specifically the elements of the County plan, what would be contained within the Village's plan, the scope of services, the deliverables, as well as the detailed responsibilities and relationship of the plan. I would be the main contact for the Village of Pleasant Prairie. For Kenosha County it would be John Roth, and SEWRPC they've switched people and it's going to be Bill Stauber who is the chief land use planner, someone I've had the pleasure to work with for the last 20 years. So he is very familiar

with Kenosha County. He worked with us the first time around at least for the area east of I-94 in our comprehensive plan, so I have confidence with respect to Bill Stauber and SEWRPC's ability.

It does refer to in Section IX the cost to the Village of Pleasant Prairie. Again, this is the same as it was last year, but just to reiterate, staff or consultant costs associated with reviewing the plan materials and providing limited inventory and data. Costs for attending multi-jurisdictional comprehensive planning meetings, these are all our costs. The cost of providing public notices of comprehensive planning meetings sponsored by the Village. The cost of producing, printing or distributing the draft or the final comprehensive plan report in Pleasant Prairie. The cost of producing supplemental information specific to Pleasant Prairie. Costs associated with convening Plan Commission and Village Board meetings to review consideration and approval of materials or plans.

Again, there is a section that they put into each of these agreements that talks about the reimbursement if the local community fails to adopt the Village of Pleasant Prairie comprehensive plan. Again, we're not bound to adopt any other communities portion of this comprehensive plan, on the Village's portion. Otherwise, most of the scope and the work program and I believe just about everything else is the same. Again, the only clarification that was put in the resolution and is in the agreement is that matching grant funds, which will be fully satisfied by the County through in kind services and through the County's tax levy to SEWRPC.

Steve Kumorkiewicz:

Jean, you used to work for SEWRPC years ago.

Jean Werbie:

I did.

Steve Kumorkiewicz:

So I believe you are the best person to be working on this issue. I make a motion to approve the cooperative agreement with SEWRPC.

KUMORKIEWICZ MOVED TO APPROVE A COOPERATIVE AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION FOR THE PREPARATION OF COUNTY AND LOCAL COMPREHENSIVE PLANS; SECONDED BY LAUER; MOTION CARRIED 5-0.

I. Consider Adoption of 2003 Manual on Uniform Traffic Control Devices regulating signage.

Mike Pollocoff:

Mr. President, this is coming from public works. We're recommending that the Village formally adopt the manual on Uniform Traffic Control Devices. And what this specifically is is stop signs as a guide to the placement of them in existing areas as well as new developments. We've had a proliferation over the years of some over signage, especially in new subdivisions. I didn't include the whole study because we would have had to knock a few trees down to do it. It's very voluminous, but you can see it on line. But it's a good engineering standard. Most communities have adopted this as their standard to direct the placement of stop signs. If the Board so chooses they can vary from that standard, but I think it gives a good basis from a traffic engineering standpoint as to where put stop signs up. It's my recommendation we adopt this and incorporate it as part of our ordinance.

LAUER MOVED TO ADOPT THE 2003 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES REGULATING SIGNAGE AND INCORPORATE IT INTO THE VILLAGE'S MUNICIPAL CODE; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

J. Consider Demolition of a Dilapidated Bus Shelter in the Village Right-of-Way at 107th Street and 39th Avenue.

Mike Pollocoff:

Mr. President, the Public Works Department has received numerous requests concerning conditions of an old school bus shelter. There's a good picture of it for you. It's an old corrugated metal building, and it serves the Rambling Trails Subdivision. I don't know, maybe John knows, if it was built by the Town. This is Town vintage. But they were put up for the kids to stand outside in the weather, and kids being kids they do some other things in there, too. It's in poor condition.

One of the things is that as the Village has grown my recommendation would be we tell Unified that the school bus shouldn't stop on 39th Avenue. The reason they did was because they couldn't get out from the subdivision. But now they can drive through these subdivisions. So we should take these things down. They're in the right of way, they're a liability for us, and they're a maintenance problem. Again, I think if we really wanted to do these things we want to make them see through glass so the kids couldn't be creative in them, and that's going to be a chunk of money. I'm sure the School District is not anxious to pay for these either.

But I think just to say no we're going to take it down and you're done, we need to get the School District to have their buses run through the subdivisions rather than having them stop on 39th and pick them up.

Steve Kumorkiewicz:

I'd like to make a comment about that. A few years ago, quite a few years ago, the buses became an issue in the District because I do recall sitting right here . . . we used to have one pretty much of that type on 125th. You've got to remember this. And the kids put a couch inside the shelter. At that time, I do believe that they used to belong to the Unified School District. And due to the problems they've got, they decided to do away with all the shelters. They wanted somebody to build it.

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Mike Serpe:

How many shelters do we have in the Village?

Mike Pollocoff:

John do you know?

John Steinbrink, Jr.:

I think around three.

Steve Kumorkiewicz:

There's one on County C.

Mike Serpe:

I think it's a good idea to get rid of something like this, and I don't think it's a good idea that we should be putting these shelters up, because we're going to get into a liability issue with this. The school buses pick these kids up and they'll block traffic for 15 minutes until the kid's ready to finish his cereal. Then when they bring them home they give them milk and cookies until the mother and father gets home. And all those times the red lights are flashing and traffic is backed up. So these things are not needed.

Alex Tiahnybok:

This is located in the right of way?

Steve Kumorkiewicz:

Yes, it's a liability.

Jeff Lauer:

It's right over on 39th not too far from here. In fact, it was there when I was growing up, and Chief Wagner, this is where I got my first ticket I believe because . . . I was going six miles over. I would approve to take it down.

Mike Serpe:

Second. Was that a motion?

Jeff Lauer:

Motion to remove it, yes.

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Mike Serpe:

Second.

LAUER MOVED TO AUTHORIZE THE VILLAGE TO REMOVE THE DILAPIDATED BUS SHELTER IN THE VILLAGE RIGHT-OF-WAY AT 107TH STREET AND 39TH AVENUE; SECONDED BY SERPE; MOTION CARRIED 5-0.

K. Consider Ordinance No. 05-37 to Amend Section 348 of the Municipal Code relating to parking regulations to the entrances of Prairie Springs Park.

Mike Pollocoff:

Mr. President, Public Works is requesting that we post Prairie Springs Park across from Lakeview Tech Academy with no parking. Right now there's enough parking spaces at Lakeview for the kids that go there. But they're parking across the street, running across 88th Avenue and back and forth, and they park on the north drive there. If they had a parking problem I guess I could understand it, but right now it's an unsafe condition. Plus, for the people that launch boats this time of year it crowds their space out. So we want the space to be available for park patrons, but I think more importantly we don't want the kids running across 88th Avenue. That's a fast road. So I request that we concur with the request from Public Works and post signs no parking during school hours per Village ordinance. They can park at other times.

Steve Kumorkiewicz:

I went by today as a matter of fact and checked that, and definitely there's a lot of empty parking places in the school, so there's no need for them to park there.

Mike Pollocoff:

It also gives them the opportunity to do some creative things that they can't do on school property.

Steve Kumorkiewicz:

I'm going to make a motion to adopt Ordinance 05-37.

Jeff Lauer:

I'll second.

John Steinbrink:

Motion and a second.

Alex Tiahnybok:

Is the motivation for the students to park across the street because there's parking permits or something that are restricted?

Mike Pollocoff:

Parking permits, they can have a few smokes. They're kids. The parking permit is probably it.

KUMORKIEWICZ MOVED TO ADOPT ORDINANCE NO. 05-37 TO AMEND SECTION 348 OF THE MUNICIPAL CODE RELATING TO PARKING REGULATIONS TO THE ENTRANCES OF PRAIRIE SPRINGS PARK; SECONDED BY LAUER; MOTION CARRIED 5-0.

L. Consider Claim against We Energies for Damages.

Mike Pollocoff:

Mr. President, this is a little bit complicated, but on December 9th the Village's main-line construction crew struck and damaged a We-Energies natural gas service to the Super Valu truck yard during the installation of a public water main at 8935 Old Green Bay Road. The location of the gas main was not marked by We-Energies. Consequently, when the equipment operator was excavating a trench to install the water main he, in fact, ripped the gas service out of the ground.

A result of the failure of We-Energies to mark the gas service resulted in the construction crew being idled for four hours waiting for the repair to take place. When the crew did begin work, they worked from 12 noon until 4 p.m. The crew started at 6 a.m. and was scheduled to quit at 2 p.m. Consequently, We-Energies were charged for two hours of lost work at straight time and two hours of lost work at time and a half for a total charge of \$644.60.

Through a series of correspondence, both written and verbal, We-Energies has indicated they would only pay for the straight time expenses on the project and not the overtime, contending that the overtime work was a choice that the Village made and was not necessary. From the staff's perspective, it was necessary to get as much main installed as possible since the property owner requesting the extension was out of water, the trench was open and needed to be closed, and the crew was working in December under less than ideal conditions. In fact, if the construction had not been delayed by the unmarked service, all 300 feet of water main could have been laid on December 9 instead of taking two days. Finally, the \$644 is not money that the Village Water Utility will receive and keep. Since this was special assessment project, it will be refunded to the property owner who was required to pay 100 percent of all the construction costs for the project. That's because this was a single loaded assessment. There was nobody on both sides of the street to assess since it was a highway. So the property owner really got spanked pretty good for the assessment since the assessment was particularly difficult.

We-Energies has offered to split the difference and pay \$322.30. My recommendation is that the offer be rejected by the Village and their failure to pay the claim be forwarded to the Wisconsin State Public Service Commission for consideration.

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I hate to tie up a bunch of time. This isn't big money. Again, I guess if it was us and we had a big main line project and it was one percent or a half percent of the total project it would be one thing, but this is money out of this guy's pocket that needed the water. We-Energies' indication was the line broke and go have your guys do something else. Well, you can remobilize two backhoes, a loader, a trailer, all the equipment to go do something else. Those guys are stuck there and they really have to guard the trench because it's alongside the road.

We've seen a certain resistance from We-Energies recently and bellying up to some of the things if they've got a problem and they want to bargain on all of them. Like I say, it's really a matter of magnitude. This isn't big money for us, but it's big money for the guy that's got to pay.

Mike Serpe:

Mike, I have to agree with you on that, and if it wasn't for the fact that this taxpayer is the one that's going to be charged I'd say it's not worth the fight. But in this case I think we have to go on behalf of the taxpayer and I'd move that we forward this on.

Steve Kumorkiewicz:

Second.

Alex Tiahnybok:

What does the State Public Service Commission do?

Mike Pollocoff:

They conduct an investigation and a hearing to see whether or not the Village's claim is justified and get We-Energies to pay it. The nice thing is it's really not expensive. We can present the case ourselves and not have to get an attorney. It's not like we have to go to Circuit Court. And the fact that we're both regulated that's the reason we're able to do that. I haven't done one of these in 18 years. It's been a while, but it's a pretty clean process and it just means a trip up to Madison.

Mike Serpe:

That's \$320 worth of gas right there.

Alex Tiahnybok:

We should offer to pay 50 percent of our bills from now on like We-Energies. I think it's been seconded.

Jeff Lauer:

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I think it's good to do it on behalf of the taxpayer. I may be incorrect, but a side note I don't have last year's calendar but I think the 9th was a Friday. So if that would have been, that would have been quite difficult to have them wait Saturday, Sunday until Monday.

Mike Pollocoff:

The last thing you want to be doing is digging and fooling around in the winter.

SERPE MOVED TO MOVE TO FILE A CLAIM AGAINST WE ENERGIES FOR DAMAGES INCURRED BY THE VILLAGE DUE TO THE MISMARKING OF THE GAS MAIN FOR THE MUNICIPAL WATER PROJECT AT 8935 OLD GREEN BAY ROAD; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

M. Receive Recreation Commission Recommendation and Consider Ordinance No. 05-38 authorizing the sale of beer for the Adult Hockey League participants on weekdays from 10:00 p.m. to 12 midnight in a secured party room.

Mike Pollocoff:

Mr. President, we have our new Ice Director, Ken Knight, here and I think he's been before us before in one of these late night soirees, and Cathi Klaver, our Recreation Director, and I'd like them to present their item.

Ken Knight:

Good evening, Mr. President, members of the Board and Mr. Pollocoff. For quite some time we've tried in the past to get an adult hockey league. They're very strong at Kenosha as well as Gurnee Mills. We have not been successful in having a league, and this past year we asked ourselves why and what makes a good league and what do the players really want? And what we've come up with is they want organized, balanced teams. They want the A, B, C leagues, no ringers, if you will, and they want good referees and coaches. Enough teams in the league to make it interesting. Just playing the same team over and over is not real exciting for them. And then a friendly social atmosphere. And, finally, beverage sales.

We are teaming up with a Mr. Jerry Simonson who has been around quite some time in this area. He has organized leagues both at Kenosha and at Gurnee Mills. He would like to have a 20 team league. He currently has 16 and he's shooting for 20 teams that would rotate and play at all three arenas. We think that would be an ideal situation because of the numbers of teams. It would make it very exciting and it would also lead to tournaments and, of course, revenue for all three facilities and I think that's a great opportunity to share.

The one thing the other facilities have that we do not is the sale of beer. What we're requesting would be only from ten until midnight. It would be in a controlled situation. The staff would be trained and licensed, would have to have a bartender license. Of course, a zero tolerance for any misconduct would be enforced, and the team leaders would help in that enforcement. They're very concerned about any type of misconduct, whether it be on the ice or off the ice of any

nature, because they realize they are tenants and guests of the facilities. And my experience in the past has been that my leaders who organize the league are the ones who usually intercede and take care of any problems we might have.

The beer sales would only be after the first games. We're talking 10 to midnight. The RecPlex will be closed. It will be only adults in the IcePlex. It would be in one of the party rooms, A or B, in a very controlled situation. Of course, everyone would be carded. It would be draft beer, no bottles or cans. We're asking for permission to do that. We got word today that they will have some weekend games, so we would ask that this be during the weekend as well as during the week nights. Again, only late night for a very short time with any adults. Any questions?

Mike Serpe:

Ken, in the hours that the beer is not being sold or dispensed where will it be stored?

Ken Knight:

It's refrigerated like a cart with one of those little half barrels, and it would be secured in a locked area. I would guess probably in maintenance. We have refrigerated area that is totally secure.

Mike Serpe:

I'm willing to give anything a chance. I think this may work, and I also think there could possibly be some problems. Sometimes beer encourages a little bit of aggression in people, and sometimes things can happen and I don't want to see that happen, of course, but that possibility is there with the inception of alcohol. And if we approve this tonight, I think I'd feel a lot better if we approved it on a one year trial basis and let's see what happens. If there's anything that's going to result in the police department getting called because of somebody over indulging and causing a problem or something happens at the RecPlex, somebody finds out where it's hidden, one of the maintenance people may imbibe at two o'clock on the morning when nobody else is around. I don't want to see that happen. But, like I said, if we want to do this I wouldn't object to it and try it for a year and let's revisit it and find out what the problems may or may not have been. If there's no problems, continue it.

Mike Pollocoff:

Mr. President, just to reiterate, the Recreation Commission echoed some of the concerns that Trustee Serpe had and Steve was there. That's why if you look at Ordinance 05-38 for the adult hockey league liquor license, and it's a Class B fermented beverage license to be able to sell beer during adult hockey league programs from 10 to 12 on a one year trial basis. The sale of beer will only be allowed to adult hockey league participants. So you can't come in off the street and buy it. You've got to be in that league and consumed only in the party rooms. The Village Administrator or his designee may at any time cancel the program if a violation occurs. So within that one year period if there's a violation I won't hesitate to pull the hook on them and end it.

It's the damndest thing. When we look at ice arenas it's a whole--on the RecPlex side they want tofu and wrap sandwiches and on the ice side they want burgers and fries and beer. It's a culture thing. It's two different worlds. At the time Cathi and myself and the former ice director said we really got a nice place, this is a good spot and people are going to like it and they will come. This is pretty tight what we're talking about. In some places you can take your 12 pack and put it on the bench with you while you're playing and it's wide open. But this is as far as the Rec Commission wanted to go and it's as far as I really want to recommend to see how it goes. If it works, it works.

I think the bottom line \$14,000 worth of beer sales if that's all we're going to get who cares, we don't need it. But the number side for the revenue, the indirect, for us what we're really looking at is \$62,000 in ice And that's really at a time when nobody else will skate. That's good for the bottom line of the IcePlex.

Alex Tiahnybok:

This league formation they told you this factor alone would bring in that kind of additional traffic and would make it more desirable?

Ken Knight:

We're estimating it conservatively based on the number of games. They're talking four games a week. We'll also have an open hockey night on Sundays. As it stands night we may have both one on one rink and one on the other so we can combine this and have fewer nights that we'd actually be selling beer. It might be only two nights a week. It is a very social type event. It is, I hesitate to say, a guys' night out because there are female hockey players now, too. But it's a social thing. I think these folks are not competitive. They're not going to play in the pros or anything. They're just out there to have a good time.

One of the things we would like to do and we're hoping to be able to do technically is to videotape the games and then play those back in the party rooms so they have something to do. After the game they come up, have a couple of beers, it's only going to be open an hour or so right after the game, watch the game playback, and when the playback is over it's last call and that's it and everybody goes home. So that's our intentions. We understand the concerns. We just wanted to bring it forth.

Alex Tiahnybok:

Is being confined to a specific room like that is that--from a hockey player that is enjoying himself it may be tough to confine them to a room if they have a cup of beer in their hands. How are we going to control them leaving? That's always a possibility.

Cathi Klaver:

I think to answer your question the reason for containing to the party room is the reason that we have television monitors that have the video playback capabilities for games. So part of that

social interaction is videotaping the game and then watching it and yucking it up about who did what and all that kind of stuff. But we really felt like we didn't want beer in throughout the lobby. It does sort of run contrary to our philosophy out there, so we really felt if it was contained and we actually gave them something to do that it would be a conducive environment.

One thing I do want to add, Ken has been with us a couple of months, and I had the experience with the beginning of the facility opening up. As you know, the Hockey Association, the Youth Hockey Association, did opt to come and skate at our facility, and we assumed that the adult hockey programs in the area would pretty much migrate to our facility because it's a nice place to skate, and the other facility in town is a little bit less desirable and the ice isn't as good of quality. Well, the resounding message was you don't allow alcohol in the facility.

Based on the pro forma of the facility that we got from our consultant it includes an adult hockey league. And we have got to find a way, as much as I know that it runs contrary to my philosophies, managing a healthy environment. I do believe it also can be a responsible--drinking can be in a responsible manner if it's controlled and if it's limited. So based on the financial constraints that we have out there and the fact that we need the adult market, we need that adult sector to be able to cover the operational costs. That's what this kind of comes down to. But we would like to make sure that we can manage this in a responsible way.

So I want to echo Mike's sentiments. When we presented this to the Recreation Commission they were very uneasy about this. And we're a little bit cautious as well, but we would like to try it on a one year trial basis and see if we can do it in a respectable and responsible manner to keep the level of reputation that we have out there to the highest regard with respect to family and recreation and quality of life that really drives what we do out there.

Alex Tiahnybok:

One more question. Is the room carpeted?

Cathi Klaver:

No.

Alex Tiahnybok:

It's hard floor?

Cathi Klaver:

Yes.

Alex Tiahnybok:

Good.

Cathi Klaver:

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I believe it tile.

Ken Night:

It's an all purpose rubber floor.

Cathi Klaver:

It's where we do the birthday parties and things like that conducive to skates being on the flooring.

John Steinbrink:

So to keep it healthier are you going to use light beer then?

Cathi Klaver:

Yes, light beer only, O'Doul's.

Steve Kumorkiewicz:

As part of the Recreation Committee we discussed at length this issue. We agree that Ken and Cathi are the ones who can decide no more beer. The issue is that nobody can walk out of the room with beer. That's one of the conditions that we all agreed on. No beer is going to go out of the room. It's going to be confined and plastic cups. No bottles and no cans. They are going to be watching the game replayed, so they want to relax after the game, drink a beer and watch the replay and see what they did right or wrong or whatever. . . . this issue about the alcohol in the building, but I have to agree that that's what the . . . the rest of the communities that have this type of facility are doing to attract the players to the place. We have to do it. At least we have to try. But if Ken or Cathi decides that it's not working that's it. They don't have to wait one year to say forget it. It's up to them.

Mike Serpe:

Just one other suggestion if I may and I'll support this. I highly recommend that wherever we secure this half barrel and the cooler it's in an area that very few people have keys to. Like I said, I don't even want to put that temptation out there at two o'clock in the morning when there's no supervision out there and you have a couple maintenance workers at night and say let's go have a cool one because it's a warm night. I don't want that temptation to even be there.

Mike Pollocoff:

We can put it in the walk-in cooler. That gets locked.

Steve Kumorkiewicz:

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Lock it up and one or two keys.

Mike Serpe:

As long as it's secured and the temptation is removed I'd appreciate it.

Jeff Lauer:

Just one question. I agree 100 percent with everything Mike said. The only question I would have is would there be some sort of a limit on the amount of drafts somebody can have before they get behind the wheel of a vehicle. Is there a set limit?

Ken Knight:

Of course, we'll be going to the bartender school. More than one of us will and there will be two people there. I think they have pretty much guidelines on how much you do limit it. I mean we could limit it. We'd have to come to tickets or something so they only have so many, but that's kind of hard.

Jeff Lauer:

I was just curious. Obviously, the concern I have is pretty much what Mike said, getting behind a wheel of a car that time at night and I-94 and 165 right there.

Mike Serpe:

One other thing. With reference to licensed bartenders, how many do we plan on paying for?

Ken Knight:

I'd like to see at least two, have two staff members there. Three would be better if we can do that. It's not that expensive as I understand it. If that's the case then we should have at least three.

Mike Serpe:

I would recommend that. Because if you're going to get into a night when you don't have a bartender on duty and you have these guys showing up and expecting a beer you can't serve.

Ken Knight:

Right, we understand that.

Steve Kumorkiewicz:

We discussed two.

Mike Serpe:

You're going to need more than two.

Mike Pollocoff:

There's got to be two there. We need more licenses because there's got to be two there.

Mike Serpe:

You need a licensed bartender on duty.

Ken Knight:

We'll be serving food as well and I think that kind of helps.

Mike Serpe:

With that, I think Park and Recreation probably covered a lot of this. We just asked some questions and it's already in the ordinance to give them a year trial basis.

SERPE MOVED TO CONCUR WITH THE RECREATION COMMISSION RECOMMENDATION AND APPROVE THE SALE OF BEER AT THE ICEPLEX TO ADULT HOCKEY PARTICIPANTS IN A SECURED PARTY ROOM FROM 10 P.M. – 12 MIDNIGHT ON A ONE YEAR TRIAL BASIS AND ADOPT ORDINANCE NO. 05-38; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

N. Consent Agenda

- 1) Approve Bartender License on File.**
- 2) Approve a Letter of Credit Reduction for Hideaway Homes.**
- 3) Approve a Letter of Credit Reduction for Tobin Creek.**

KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3 AS PRESENTED; SECONDED BY LAUER; MOTION CARRIED 5-0.

10. ADJOURNMENT.

LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 10:50 P.M.