

**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
November 5, 2007
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, November 5, 2007. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Mike Serpe, Monica Yuhas, Steve Kumorkiewicz, and Clyde Allen. 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 - OCTOBER 15 AND 22, 2007**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF OCTOBER 15 AND 22, 2007 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- 5. PRESENTATION OF LIFE SAVING AWARD TO OFFICER PETER JUNG.**

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. Mr. President, ladies and gentlemen, good evening. The Pleasant Prairie Police Department's Life Saving Award is presented to those members of the department whose actions clearly and directly save a person's life or prevents bodily harm where such harm likely would have resulted in death or serious injury were it not for the member's action. On August 5, 2007 at 10:51 a.m., Officer Peter Jung was dispatched to a residence along with Pleasant Prairie Fire and Rescue for a 65 year old male diabetic patient who was unconscious. Upon his arrive three minutes later he was met by the victim's wife. She directed him to a narrow hallway in the residence where the victim was located on the floor non breathing and pulse less.

Pursuant to his training, Officer Jung immediately utilized the departmental automatic external defibrillator and delivered multiple counter shocks to this man. He then initiated cardiac pulmonary resuscitation and continued this until paramedics arrived and transported the victim to the hospital. Despite being pulse less and non breathing upon Officer Jung's arrival, the victim was resuscitated and survived several more days in the hospital before finally succumbing to his illness.

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There is no doubt that Officer Jung's quick response and subsequent actions that morning extended this man's life and provided his family and loved ones several more days with him. I am proud to commend and congratulate Officer Peter Jung for his actions of August 5, 2007 and to present to him the Pleasant Prairie Police Department Life Saving Award. He is hereby authorized to wear the life saving commendation bar on his uniform. Our community is indeed fortunate to have a police officer of Pete Jung's ability and dedication in its service, and on behalf of the police department and the community we serve thank you and congratulations. And, if Officer Jung will come up.

Mike Serpe:

Just to add to that, Pete, having served in your capacity for 28 years I can tell you it does a chief's heart and the department a lot of good when people like you step forward. That's why and the firefighters of this country are America's heroes. Congratulations.

John Steinbrink:

On behalf of the entire Board, once again, thank you, Pete, for all you've done. I think we all feel a lot more secure knowing that you and the other officers are on the streets patrolling and protecting us. Thank you again.

6. PUBLIC HEARINGS

A. Consider Applications for Class "B" Fermented Malt Beverage License, "Class B" Intoxicating Liquor License and Cabaret License for Uncle Mike's Top Shelf Tap, 10936 Sheridan Road.

Jane Romanowski:

Mr. President, Dave Schulte, the agent for Uncle Mike's Top Shelf Pub, has applied, as you indicated for a cabaret license, a Class B fermented malt beverage license and a Class B intoxicating liquor license for the existing tavern known as Haunted Hawg at 10936 Sheridan Road. Some of you might remember this was also called Frosty's Tobin Creek before they changed the name. Uncle Mike's Top Shelf Pub, LLC is in the process of purchasing the current business and a tentative closing date has been set for November 15th.

There are some conditions that must be satisfied before the license would be issued if granted by the Board and I've listed those on the memo. They need to show ownership of the premises. They need a seller's permit number and a federal employer identification number. Dave Schulte who is the agent will have to submit documentation showing that he has been an agent or has taken the bartender course in the last two years for his training requirements. He currently is the agent holder for Captain Mike's in Kenosha so that is technically satisfied except I do need the documentation in our file. Obviously he would have to pay the license fees, publication costs. Any delinquent taxes or invoices, there are none on record to date, but will be checked again if the license is granted before it's issued.

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And then also since there's currently a cabaret license and a Class B intoxicating and fermented malt beverage license issued, those would have to be surrendered before I would issue another license or those licenses for the same premise. Obviously Mike Frost who currently holds the license wouldn't do that until we physically issue the license, so they'll be coordinated together and that isn't a problem. I would recommend the cabaret, the Class B liquor and Class B fermented malt beverage be granted subject to the conditions I've just outlined, and the license would be effective when those conditions are satisfied and it would go through June 30th of next year. And Dave Schulte is in the audience if you have any questions.

John Steinbrink:

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

Jane Romanowski:

There's nobody that signed up for this hearing.

John Steinbrink:

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

SERPE MOVED TO APPROVE A CABARET LICENSE, A CLASS "B" FERMENTED MALT BEVERAGE AND "CLASS B" INTOXICATING LIQUOR LICENSE TO DAVE SCHULTE, AGENT FOR UNCLE MIKE'S TOP SHELF TAP, LLC, FOR PREMISES LOCATED AT 10906 SHERIDAN ROAD, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

B. Construction of Municipal Water to the Proposed Courts of Kensington Development on 63rd Avenue from STH 165 (104th Street) north to 100th Street and Final Resolution #07-72 approving said project.

Mike Pollocoff:

Mr. President, this item comes to us tonight as a result of a petition filed by the developer, Mr. Stanich, of Kensington Courts. This project is going to involve the reconstruction of 63rd Avenue as part of the Kensington Courts development. It's going to be very similar to the property on 64th Avenue which was the Meadowlands development where the developer constructed the roadway to urban specifications, and municipal water was constructed along that street so that parcels within that development would have the ability to connect to municipal water since that for at least the last 20 years has been a requirement of the Village of Pleasant Prairie that any new plat or development connect to municipal water.

With this project the existing residents along 63rd Avenue when they developed their properties there was no water available, no chance of water being available in any foreseeable future and

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wells were installed. What this special assessment tonight is for is to provide Mr. Stanich with the opportunity, if the residents choose at some point in the future to connect and use that water, to collect a fair share of the main that's being installed. He's responsibility for in the first instance installing the entire water main, the hydrants, the valves and the water services, and we want that done in a manner that the road won't be dug up again if somebody wants to connect.

The property owners along this project are not required to connect to municipal water, but if they do, if they choose at the point when the project is done or somewhere down the road if they do choose to connect there would be an assessment. The cost per foot for this project is \$44.62 per foot, and it's based on the front foot of the property available. We're also including in that the lateral. As I said, the main runs within the street so it's important that the lateral be installed at the time the main is constructed so the street doesn't have to be dug up in the future.

This special assessment has a right of recovery. Mr. Stanich's opportunity to collect this assessment runs ten years from the time that the water main is made available for service. If at that point the property owners choose to connect beyond ten years then the developer's right of recovery is gone and they could make that connection at no cost. The Public Service Commission requires that the Village establish a ten year period and that's, in fact, what we're doing on this project.

There are a couple lots on this project, most notably one in the middle that could be divided, and we're providing a second lateral to those parcels so that if that division takes place that lateral is there to cover it. The typical assessment is \$4,911.77. The larger parcels are a greater amount. When the connection takes place, if the property owner decides to do that, the entire amount would be activated. It wouldn't be carried as an additional debt that the utility would carry but it would be a payment and the Village in this case would only act as a conduit.

The Village will be inspecting the construction as it's taking place. The Village will be monitoring the materials that are put in the job, the number of tons of stone to make sure that the amount that's put on here is reflected accurately. If the amount is less, then by statute then that assessment needs to be reduced to reflect the actual cost. By adoption of the Final Resolution the Board caps the upper limit on it and after the resolution tonight the amount can't be changed. So if the project increases in cost we're not able to go back and modify that. Notices have been sent out by first class mail to the affected property owners. It's been posted in three public places as well as on the website. With that, Mr. President, if you'd like to open up the public hearing for any comments or questions.

John Steinbrink:

Once again this is a public hearing. I'll open it up to comments and questions from audience members.

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Joyce Fisher:

My name is Joyce Fisher. I live at 10302 63rd Avenue. Most of my question seems to be already talked about. The question that I had was that the main water main that goes down the center of the road, there's going to be a lateral that will come into our property?

Mike Pollocoff:

There will be a lateral that comes from the main to your property line which is about 12 feet in from where the pavement ends. So it won't go all the way to your house, it will just go into your yard. And when the sewer went in, if you think back to that happy experience, we asked the people to put in a copper line at the same time they put their lateral in. So if you guys did that, what you need to do is before that happens we'll come out there and the inspector will ask where your lateral is and then they'll spot it and they'll put that water lateral in where your sewer line is if you have that lateral in that trench.

Joyce Fisher:

We run a line but we didn't run a copper line.

Mike Pollocoff:

That's okay, it doesn't matter.

Joyce Fisher:

We have the black or whatever it is but we do not plan to hook up.

Mike Pollocoff:

When they end it there will be a valve at the end where the property line ends, so at some point in the future your contractor is going to take that black plastic, the tube, is that what you had?

Joyce Fisher:

Yes.

Mike Pollocoff:

Then they'll put on a different type of fitting to fit that into the copper line that we have. That line is acceptable that you have. We just want to make sure we get the two as close together as possible so that when you do connect you don't have to dig up any more of your yard than necessary so you just need to dig up right at that area.

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Joyce Fisher:

We've got one of the lots that you can divide or could divide. Will they put the other lateral in, too, for that lot or do you have to pay for that extra? That's all included?

Mike Pollocoff:

That's all included. What we'd probably do is just put it right in the middle. Or, did you have a sewer lateral put into that lot?

Joyce Fisher:

No, we didn't at that time. We didn't put a sewer in.

Mike Pollocoff:

We'd put it probably in the middle but you may want to visit with public works or engineering and consider having that sewer lateral put in at this time. If you do want to divide it it's going to really increase the expense to whoever would buy that lot because, again, we don't want to dig the street up so that's going to be an expensive excavation to get that sewer connected. You could probably arrange to have the same contractor make that connection for you for the sewer. You'd have to pay for that, that's not the developer's responsibility, and get both those lines to that vacant lot.

Joyce Fisher:

Okay, now if we do not hook up then we do not have to pay what they assessed us at, right?

Mike Pollocoff:

You have to pay what they assessed you at if you hook up within ten years. It's after ten years then—

Joyce Fisher:

Or if we subdivide the lot then we would have to pay?

Mike Pollocoff:

Yes. That subdivision would trigger your assessment, because once you've created that new lot then the Village's ability to assess you exists at that point in time to create that and he'd be entitled to the revenue from that division.

Joyce Fisher:

Now, you said I had to contact the public works?

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Mike Pollocoff:

We can call you. The guy you want to talk to is Dave Goff. If you have any questions you can call me at the Village Hall. My number is 925-6721. Dave is our engineer in the field. He would more than likely be the guy that would be knocking on your door before the project gets going to find out where everything needs to be.

Joyce Fisher:

That is supposed to start November 15th?

Mike Pollocoff:

I don't think it will be that soon. Do you have a start date yet?

Jean Werbie:

No, we don't. Sometime in the next 30 days or so. The situation is we wanted to actually do the work in 63rd Avenue, start that work in the spring so that we're not tearing up that road through the winter construction season. So we really wanted to put off 63rd until the spring if possible.

Mike Pollocoff:

So you have some time. Once they dig up that road we're not going to be able to pave it here in another few weeks so we don't want to go through the whole winter with having it ripped up.

Jane Romanowski:

There are no other sign ups.

John Steinbrink:

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

ALLEN MOVED TO ADOPT RESOLUTION #07-72 – RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR THE CONSTRUCTION OF MUNICIPAL WATER TO THE PROPOSED COURTS OF KENSINGTON DEVELOPMENT ON 63RD AVENUE FROM STH 165 (104TH STREET) NORTH TO 100TH STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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7. CITIZEN COMMENTS

Herbert Driscoll:

My name is Herbert Driscoll. I live at 10733 122nd Street. I'd like to address my comments to John Steinbrink, and they are why aren't you, John Steinbrink, paying your fair share of clean water runoff user fees for your property? I stress user fees and not property tax breaks allowed by State law. According to public information supplied by the Village, you have four parcels of property totaling about 130 acres, and based on that same information should be paying at least \$300 to \$500 or more per month in user fees. However, you only pay about \$26 per month based on data supplied by the Village in May of 2006. Please note I refer only to the four parcels of land that you own on the west side of Highway H and not any other parcels owned by other family members or other investment properties. I am also sure that the residential portions of your parcels are, in fact, paying their fair share. It is only the exempted acreage that I refer to here.

In contrast my neighbor owns 19 acres, mostly wetlands, ponds, conservancy, and subsidizes your property by paying \$83.61 per month. A 96 acre property similar to yours pays \$213.51 per month. You and other Village officials when drafting Clean Water Utility ordinance exempted your farm, ag, cropland, whatever you call it at the moment from paying your fair share of user fees claiming the State law forbids charging farmland water runoff user fees. My own research and information that I have received from Madison indicate that there are no laws exempting farmland from paying user fees. In fact, the Village Administrator frequently states that under State law all property must be created equally. Is this true equality?

You also brag that normally exempt property such as power plants, hospitals, churches, DNR and even cemeteries are now paying their fair share, and then you have the gall to exempt your own property. If such a Wisconsin law exists please state the language of that law and cite the chapter and verse. If, in fact, there is no such law then I have to ask the following question. Is Steinbrink's land exempt because he is Village President or because he is a State Representation in Madison or because he awarded the Village Administrator a \$300,000 golden parachute, or is it because his own son is in charge of the department that mandates who pays what fees? I, for one, demand some honest answers.

Diane Schoen:

Diane Schoen, 6320 109th Street, Pleasant Prairie. In early 2006 when I was trying to convince this Board to establish a more equitable way to charge clean water fees to single family homeowners, I did a lot of homework. I reviewed the clean water user fee system for 50 other Wisconsin municipalities. None of the other munis had the huge disparity in monthly fees for residential properties from as little as one cent per month at that time to as much as \$70. In fact, most charged one rate for all single family homes of about \$5 a month or based it strictly on impervious surfaces which are very similar on single family properties.

Why do some Pleasant Prairie residents pay a huge sum per month up to \$210 after the fees tripled in one year when the majority of Wisconsin residents pay only about \$5 for contributing

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runoff to the same waterways? These hard hit residents are more rural properties that do not benefit from street sweeping nor cause the flooding problems found in denser developments. These two items, street sweeping and flood control are two of the most expensive components of the Clean Water Utility.

While doing all this homework I did not find the mention of ag properties being exempt from user fees. I also searched the Wisconsin statutes and received a legal opinion and still did not find that statute. Though questioned about this previously, Pleasant Prairie officials never cited the exact law either. All of this homework, backed up by facts, figures and a file drawer of paperwork, did not produce one iota of relief for the hard hit property owners, but a vague reference to some uncited State law produced a land exemption for ag zoned properties. I would like to hear the chapter and verse of this law. Thank you.

Doug Snow:

Good evening. I'm Doug Snow, 10320 32nd Avenue. First of all, I'd be happy to pay double the clean water fee. Put it on my bill, Mike, reasonable fee. For those of you that were there and you all were, this past Saturday night I'd just like to mention that there was a fundraiser for the fire and rescue department. It was very successful. We sold over 400 steak dinners plus one hot dog. Very successful fundraiser. It was also a sterling example of responsible beer and wine sales. We want to thank the folks over at St. Therese Parish for their help.

We'd also like to really take a moment to say thank you to the fire and rescue personnel who volunteered their time. We had a lot of people there, and as a number of you have mentioned this whole thing really went like clockwork. Everybody got their meal, plenty of seats. Deb was doing dishes, but we just really wanted to say thank you for your support and thanks to all the members of the community that came out and supported the fire and rescue department. Thank you.

Richard Ginkowski:

Good evening. Dick Ginkowski, 7022 51st Avenue. And to start out I'd like to echo something that Doug said and that is a thanks to Doug and the people who put thing together. My understanding is it was so successful that many of the firefighters who work in the back doing what they had to do there wasn't enough food left over for them. They had to order out afterwards, so it was a good success and certainly a tribute to the work that they do.

They say good things come in threes and there was really three pieces of good news in the last week or so. We saw one of them just a few moments ago when Peter Jung from the Pleasant Prairie Police Department was honored with the Life Saving Award. Late last week Lieutenant Mark Hunter was awarded the Lee and Lynn Copen Family Justice Award by Women's and Children's Horizons. Both of these officers, and I know both of them very well, are well known for doing more than the minimum. They don't just come in and show up. These are people that actually come in and do more than they have to do. They're interested in their job, they get down and they do a lot. And it's nice to see their dedication and hard work was recognized and appreciated.

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One other thing in that, and I thought it was very interesting to hear the resolution read by Chief Wagner, the commendation, which mentions the AED in the squad car. I'm going to talk about that a little later. And also the Village itself was ranked one of the best places to retire by *U.S. News and World Report* although I think most people think of a warmer climate than here for that. Hopefully, though, our local media will take some time in the midst of all the other things to recognize some people doing good things for the community and who often don't get the recognition that they deserve.

That said, over the past almost 40 years I've easily been to hundreds if not thousands, I lost count a long time ago, meetings of government bodies, and for the most part one of the most gut wrenching things is the budget process. You don't make everyone happy. People come in and say I need this and it gets cut. Or, they're not listening to me or my tax bill goes up. And the almost unanimous complaint that I've heard from public officials over the years is where are all these people in the budget hearings? We come in and it's empty. Nobody spoke. Where are they? They all get their tax bills and they complain but where were they when we were going through this? I've given up trying to understand that and I rationalized it this way. The public is fickle. They don't have to be fair.

One of the things that they tend to do is if things are running well you don't hear from them. It's only when there's a problem and maybe that's good. But people look at the bottom line. When they get their tax bill is it up, is it down? They don't necessarily look at who did or why did. They don't look at the fact that the Legislature may have cut aids to municipalities and so, therefore, the municipality has to raise taxes to maintain services. All they look at is the bottom line. And when you're in this business one of the things that is very readily apparent is the need to have a thick skin because there will be these criticisms.

So it was sort of interesting when I saw the newspaper reports about the proposed Village budget. Quite frankly, I think there are a lot of people who are going to be very concerned when this process rolls around. It's a significant increase. It may not seem significant but when the County is talking almost 4 percent, the Village is talking 5 percent, it may not sit too well politically with people in the Village. The public may legitimately question why there's any tax increase necessary given that we have more development in the Village, and consistently we said the Village is in good financial shape just seven or eight months ago when we were going through elections. We looked at the finances and we're told the finances are in good shape and now we're saying to people a tax increase. Village officials must be prepared to fully, honestly and clearly answer those questions.

I know one of the first things I did was I looked on the website. Now, maybe I'm wrong but I couldn't find anything about our budget on the website. That is something, again, maybe it's my mistake but I looked and I looked and I looked and I couldn't find it. That's the first place I wanted to go. I wanted to find out something and it wasn't there. Voters may or may not accept your explanations, they don't have to, they don't have to be fair, but they have to hear them anyway.

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Now, a good portion of the increase is likely the result of actions in Madison and, Mike, you and I have been down this road for year and we've hammered on this point, you can't keep running the budget so lean that you don't provide for the future. As such, sometimes you take the hit for doing the right thing. Last year when the voters defeated referendums for a new ambulance, rescue equipment, a snow plow, people were saying why didn't you budget for these things? Good question. Again, maybe we ran too lean.

So regardless of the merits of increased spending and tax increases it might be a hard sell with voters. People right now are frustrated with the Legislature, frustrated with government in general. They may stage their own tea party. You can very well bet that people who are less friendly than myself will be asking even harder questions and making more demands for answers. As for me I haven't taken a final position. I want to hear more, I want to see more. I looked again on the website today. I hope everything will be there at some point so we can look at these things.

Good communication is one of the things we need to work on. Even if we have to spend a few dollars to do it, that's something that is real important in this Village is to improve communication because obviously the word isn't getting out. Some people say it's not getting through the newspapers. Then we need to get that word out and people need to have that information. When they read that story they should have been able to look at it and say what is it that we're talking about.

Jane Romanowski:

Mr. Ginkowski, you need to wrap it up please.

Robert Ginkowski:

Thank you. And I'll wrap up with one point. There are hard decisions. What about that AED? What if, people look at the bottom line, what if the AED was one of those things that had been cut? Sometimes the bottom line isn't just dollars and cents; it's about doing the right thing and taking the hit sometimes when you have to do it. Thank you.

Jane Romanowski:

And the last speaker that signed up tonight is Bob Babcock.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. I read in the paper last week that citizen comments discussion was going to be going on tonight. I verified that this morning on the Village website where they publish the agenda. I think that the disclaimer that the Village has printed on the agenda under citizens' comments does an excellent job of informing the commenting citizens that no action will be taken on any of their comments. In order to get a prompt response to citizens' comments I would like to see the Village comments moved back to where they used to be directly after the citizens' comments. At the very least immediately following the citizens' comments you

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could add an item called Board response to citizen comments. That way you could leave the Board comments at the end of the agenda with a disclaimer that no additional discussion to citizens' comments will be made. That will let all the citizens know that any and all responses to their comments have already been given.

Previously you stated that Village attorneys had suggested you drop responses to citizens' comments completely. It's not too smart to disagree with attorneys but in this case I feel that you as a Board are professional enough that you can be able to conduct your comments without conducting business. Thank you.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Jonah Hetland:

Jonah Hetland, 4011 80th Street. I'm here tonight along with Steve Mills on Item F, Springbrook Place Condominiums. We've just got a couple comments we'd like to discuss with you tonight. We're just asking that you can call upon us when we get to that item instead of going into it now.

John Steinbrink:

Sure. Anyone else?

Alex Tiahnybok:

Last time I was gentleman, today I'm mister. I'm getting downgraded. Alex Tiahnybok, 8757 Lakeshore Drive. I have a broad range of topics. I'll try to keep it under the time limit. One of the things I haven't heard about much lately is the Abbott project. I think the citizens of Pleasant Prairie would really like to hear an update on what's happening out there and what the plans are.

A lot of the comments I was going to make have been covered but I'm going to touch on some of the aspects that I think really need to be addressed. Mr. Babcock has obviously commented about the open meetings laws and in previous meetings has commented on the rather slow pace of meeting minutes being published. I'm sure you recall that I have commented in the past on why we can watch County Board meetings on the Village's public governmental access Channel 25. You can't see these meetings. Channel 25 is good. I'm not opposed to it, but I think there should be more Village business on it and less fluff. We manage to videotape garbage getting picked up, snowplows doing the streets, and I have to imagine we own some video cameras and my question is where are they tonight, and why aren't you making the contents of these meetings more accessible to the citizens of this community?

You can't use the it's boring excuse anymore which was kicked around quite a lot about a year ago because you've decided to put County Board meetings on. So if those meetings are really exciting then these meetings must be equally exciting otherwise they should be taken off also which I'd be opposed to. What I have recommended in the past one of the objections is it would

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take too much technical capability. There should be a camera or two cameras in here videotaping everything from gavel to gavel and that tape should be placed on Channel 25 two or three times a week at regular times the citizens can watch especially if they have to wait three hours to hear answers to their citizens' comments. It's not beyond our technical capabilities. I really want to see you do this. And if it's not done I have several people that are going to come here and start videotaping your meetings and they'll put them on You Tube so you can watch them there. Maybe edited.

I haven't heard a follow up on the districting idea. The results of the past elections I think showed all of us very clearly that there's quite a broad range of needs in this community. For a while there a bunch of you jumped on the districting concept and then backed off. I wonder why. I'd like to see some action on that.

A little score card, from May 7th through October 1st, since this new Board has been in place unanimous vote 98.7 percent of the time. 47 percent of the citizens in April I think made it pretty clear that they don't like that practice and you're going right back to it. During the spring elections attendance was a hot topic. Since May 7th when you took your seats Mr. Serpe has been absent twice. Mr. Allen has been absent twice. Mr. Steinbrink couldn't make it to the meeting on time once. It took me 20 months of my term to miss one meeting and yet I was attacked repeatedly for not showing up to everything. This is the Board you're elected to. And, Steve, you should be having a fit about this and I haven't heard any complaints about attendance. If you want to be on peoples' side you have to be here, right?

But, I want to compliment Monica Yuhas for having the courage and resolve to take a contrary position on the Village Board comments. You all need to be smart enough to know what you can and what you can't say, and if you can't figure it out you shouldn't be here. The Assistant Attorney General's letter that was cited and is going to be addressed later says, and I quote: "To separate comment and response with several hours of unrelated intervening business is not only inconvenient to citizens, but can create an appearance that the governmental body is not trying to communicate effectively with it's constituents." The opinion also says that it's permissible to discuss and gather information as a result of citizens comments but no formal action can be taken. I think that's pretty black and white. Again, Monica, my compliments for your position some weeks ago. I hope the rest of the Board doesn't want to make it inconvenient for the citizens.

The budget, the paper reported that there's going to be a 5.5 percent levy increase, that's the mill rate that we all love so much and an 8 percent spending increase. You have to ask yourself, the constituents that pay those bills have they had 5 percent increases in their incomes during the course of this year? Are they able to spend 8 percent more in their family budgets to run their households? Those are the people whose money you're taking out of their pockets. Growth was supposed to be the solution to all these problems. We're going to grow and so much money is going to be coming in for growing, then the money should be there and you shouldn't have to take more money out of people that have been here all along. Some of the thunder has been taken but election time is coming and people are not going to forget what you do in the coming weeks.

Again, kudos to the *Kenosha News* for showing the true cost of residency in Pleasant Prairie. It's not just the mill rate. It includes garbage protection, fire protection and clean water which have

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been discussed. The simplistic approach of comparing mill rates would you do that if you're buying a car? Would you go to a dealership and ask him how miles per gallon a vehicle gets?

Jane Romanowski:

Mr. Tiahnybok, it's time to wrap it up please.

Alex Tiahnybok:

Fair enough. You look at the cost of tires, maintenance, and depreciation. Just talking about one factor is insulting to your audience. I'll skip through some of the other comments I was going to make, but I just want to thank Mr. Steinbrink for the attention that I got in the paper. Some of the comments have been made. The \$30 or so for 131 acres works out to be about 23 cents per acre for Clean Water Utility. Mrs. Chmielecki pays \$84 a month, \$4.29 per acre. She doesn't make any money with that land and she's not exempt from anything so think about that when you think about your Clean Water Utility.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Hearing none, I'll close citizens' comments and move onto—does anybody want to respond I guess. We have that option here.

Mike Pollocoff:

I've got a couple things.

John Steinbrink:

I just want to commend the Board members here for the work we do and you work pretty hard. And when the hard votes have come one thing we've noticed here is the Board members that take a vote and don't just abstain when it's hard to take a vote and I give you credit for that and doing your job.

Clyde Allen:

I do have one comment I'd really like to make. One issue I really think that needs a clarification because, again, it's a very misleading bit of information that's stated and stated over again and was used in the past. We had budget hearings, working sessions, Saturday mornings, other times, many hours we were here. Anybody that was here could hear everything that went on. We had numerous packets passed out to us of all the changes that were made from those working sessions. So when something comes before the Board when you hold up a scorecard and play a game you don't realize and you have no clue of all the changes and effort that was put into those hours of meetings. There were many disagreements on issues, items, topics, whatever you want to call them, many changes that were brought to us by either the Administrator, the Treasurer. We hashed them over. A couple I know were even changed a second time. So when it finally comes through and a consensus is made and when you come to vote on something if you've

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already put in hours worth of work to come to a consensus what is the outcome going to be?
Thank you.

8. ADMINISTRATOR'S REPORT

Mike Pollocoff:

There were a couple of comments made about the Clean Water Utility and why we charged what we did. Again, that was a long almost two year process as we evaluated how we can fairly and equitably assess the cost of a storm water utility that had to achieve some certain goals which was elimination of pollutant loading, managing storm water, providing the funds that Mr. Ginkowski talked about as why don't you set money aside for future storm water improvements, have a fund to do that and make it equitable.

Ms. Schoen said that she indicated she'd done some research across a number of communities and not all communities are alike. In the case of Pleasant Prairie where we have a very diverse residential base, manufacturing base and agricultural base, we have 33 square miles. The types of soils that exist across the Village go from hard clay to sandy dunes. All these soils operate differently in rain events. The State of Wisconsin has a formula called TR55 which is the formula that we use when we evaluate development proposals to see what kind of impact it's going to have on downstream drainage. That's their formula that it's not our formula. We didn't make it up. It's the Army Corps formula that the State and SEWRPC uses.

So we came up with a method whereby we would charge for storm water not based on someone's ability to pay. It's not a tax. The formula is not based on whether you live in a house or not. It's based on how much land you have and that land functions differently from place to place. So there were parcels that were bigger that have charges associated with them that are larger than a single family home. This isn't Kenosha where there's very little differentiation between residential lots. It's a mixed bag. You have small lots in Carol Beach with sandy soils. You have small lots in Green Tree Estates, hard soils and impervious areas. Behind the Village Hall you have acre lots and half acre lots of mixed soils and we have a lot of tax exempt property that under any situation other than a fee would not be charged.

We've had plenty of information and we've had plenty of people talk to us about why don't you charge agricultural land. It was implied even that I was directed to do that by Mr. Tiahnybok, not to exempt farm property. That wasn't the case. No one has ever told me what to exempt or not exempt. The way we charge land out is dictated by the State of Wisconsin. If you go to our wastewater permit which anybody can get a copy of that's issued by the State of Wisconsin, Mr. Russell Rasmussen, the Director of Watershed Management, and that permit is issued under the purview of Chapter 283 of the Wisconsin Statutes, NR151, NR216, NR216.08. This is not the Village's language. It's language that's given to us and how we have to manage our utility. It lists exclusions from the utility.

The following are excluded from coverage under this permit: 1.14.2, agricultural facilities and practices. Discharges from agricultural facilities and agricultural practices. Agricultural facility means a structure associated with an agricultural practice. Agricultural practice means bee

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keeping, commercial feed lots, dairying, egg production, floraculture, fish or herb farming, grazing, livestock raising, orchards, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming, placing land in federal programs in return for payments in kind, owning land at least 35 acres of which is enrolled in the conservation reserve program under Section 16 of United States Code 3831 to 3836 and vegetable raising.

The Village of Pleasant Prairie did not establish this exemption and in large part the State didn't establish this exemption. This is part of the Federal Clean Water Act. No farmer came to the Village and said give me a break on my farmland. Some communities have read this exemption to mean any land that's in an agricultural use. Pleasant Prairie has not taken that stance. We've said if you have a parcel of land that's zoned agricultural and it's not doing any of these things then you're going to get charged for storm water drainage. We don't care what it could do, we care what it's doing right now. So if somebody has land that's meadow or trees or not being used or it's part of the farmstead where the homes and those lots are then it's going to get a charge for storm water drainage. That's the exemption. The Village didn't make this up. The Village didn't make up this rule for storm water management. That's the rule we have to work under.

Mr. Tiahnybok or Mr. Driscoll or Diane or anybody else this was not a vast conspiracy to come up with something to get somebody's goat and it wasn't a vast conspiracy to provide financial gain to anybody else. We're implementing the law the way the law was given to us and we're doing it in the fairest manner. The fairest manner when you have a lot of parcels that are different to base it on how that land performs during a storm and what you have to accomplish and we have to accomplish a lot of things. We've got to find a way to get the total suspended solids down by 20 percent. That's going to be no small amount of work. We have to make sure that there's no metals in there. We have to provide funds to implement improvements in the Des Plaines Watershed. We have to provide funds to implement storm water improvements. We have to find funds to set aside to make those capital improvements that everybody says you should have been setting aside. That's, in fact, what we're doing. That's what we're trying to accomplish. And we're not trying to accomplish at anybody's expense. We're accomplishing this mandate based under the rules that were given to us and that's what we have to work with.

Anybody can have a copy of this. Anybody is welcome to give Mr. Russell Rasmussen a jingle and ask him why is it that every community in Wisconsin is under this rule. Again, the Village of Pleasant Prairie didn't make up this permit. John Steinbrink and the Legislature didn't make this permit up. These are guidelines that are established by the Federal Clean Water Act. And this is not new stuff. This started back in the '80s. And as the rule has grown and the promulgation of those mandates has gotten greater and greater this is what's happened. Are they worried about agricultural lands because you get siltation off of agricultural land and you've got some pesticides? They are to some extent. But you know what they're really worried about? They're really worried about the metal that's coming into the storm drains off of brakes of cars. They're worried about the rubber coming off of cars and building up and being in the storm sewers. That's what's contaminating the rivers. They're worried about antifreeze and anything that anybody pops into the water system. But ag land typically has been taking as much water as it's been given.

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My sense is if the Village President wasn't a farmer this wouldn't be a big issue. I don't know how else to say it, but these are the rules that we have to work with and we didn't make them up and that's where they come from. This is how the Village adopted the storm water rules and that's where we're coming from with this. As time goes on, and I've been to a number of sessions, the rules are not getting smaller, they're getting greater in number and the things we have to account for are not getting smaller, they're getting greater in number.

(Inaudible)

Mike Pollocoff:

I'll publish the permit but the law itself is fairly—pardon me?

(Inaudible)

Mike Pollocoff:

We'll publish the permit. That's not an issue. We'll do that. I'm not going to talk about Abbott. I think we've brought a lot of businesses into this community. We've done that in an orderly manner where between the Village once we have everything worked out and when the corporation is ready to go we do it. And it's not to harm anybody and it's not to—I think to bring in where we are with that to satisfy somebody prurient needs to know what's going on with something before it's ready isn't productive.

With redistricting we've had that discussion numerous times. There is an option to pay for a census to be done of the Village two years before the census is going to be done in the Village in order to establish this district. I'll bring that to the Board as a future item and if we want to pay \$200,000 to get that done we can do it. That law that is the rule of law one man, one vote and say we don't believe in that and we'll just make up some districts and see how that works.

And, finally, I think it's a little disingenuous to say that that in the article that was presented by the *Kenosha News* which I guess I have my issues with, but the Village hasn't presented a mill rate comparison. Recently the Village newsletter compared communities that were identified by the League of Wisconsin Municipalities. We compared ourselves not based on mill rate but based on levies. Maybe Alex has forgotten but a levy is the budget that comes from tax rolls. Your budget is made of tax roll, it comes from user charges, it comes from intergovernmental revenues and it comes from a number of things. But the levy is only that part of your budget that comes from the tax roll. We compared ourselves to other communities that are of the same size, typical geography which are former unincorporated townships. We compared ourselves based on comparable equalized values. Does Pleasant Prairie and Middleton or Pleasant Prairie and Fitchburg have the same amount of tax base to draw revenues from and we use that as a basis and we use population. Not every community is 20,000, but we've got a range in there from about 17,000 to 22,000. And in that comparison we did okay.

Now, the *Kenosha News* chose to say let's take it one step further and let's compare Pleasant Prairie's fees to other fees. I don't mind comparing our fees to other fees but they've got to be

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comparable. I've indicated this before, to show you how disparate it is, they compared our water and sewer rates to Mt. Pleasant in Racine. They're part of a metropolitan district. They spread the cost of their water and sewer over nearly 40,000 to 50,000 homes. In Pleasant Prairie we spread it across about 4,000 homes. The City of Kenosha pays that wholesale fee, charges that wholesale fee and we pay that. So if you're going to compare us you need to compare us to another wholesale community that doesn't have that retail look. The *Kenosha News* decided it wasn't important to their objective in the story which was to identify what all our fees were.

Not to say we like all our fees and we definitely don't like our utility fees but they are what they are because we don't own the means of production. The significance of that is if you were to look at residents in Pleasant Prairie that buy their water retail from the City of Kenosha they pay half of what people who buy their water wholesale from the City of Kenosha. That's the impact. So we're in a situation where the Village cannot spread the cost of our utility across a big rate base. It's the only base we have and that's how water is delivered in Pleasant Prairie and that's the long and short of it.

They compare us for garbage. Some communities don't have unlimited pickup. We have unlimited pickup. Some communities don't have leaf vacs. We have leaf vacs. So they're all different. We advise the *Kenosha News* of that but they had a means to achieve with that story. If I listen to Mr. Tiahnybok they achieved it. And I think if people really want to know what the comparisons are I'd be willing to sit down with anybody and find comparable municipalities that have comparable services and take a look at those.

I think with the 5 percent growth and the 8 percent total levy we have a fairly TIF district, and that TIF district when you compare what Prime Outlet pays in property taxes versus even Mr. Tiahnybok it is a big difference or Mr. Steinbrink or myself. A lot of that money that's collected goes into the TIF fund to pay off that. It doesn't come to the Village residents. So when we set a budget the amount of money that we collect is based on what the residents are paying for the services. The TIF district is paying off the bonds that build the corporate park. For anybody that's been paying attention to Village government that's what we built out there. That's why the Village contributes 25 percent of the Unified budget but only 12 percent of the kids. That's why we send as much money to Kenosha County as we did because the Village created a significant tax base out there that's being used by everybody.

The 5 percent increase in levy that's within the limits. It has to be within the limits as set by the State. When you have more people here that come here, the choices that are made by the Board is don't set aside for future expenditures which is a goal that everybody thinks is honorable, and are you going to forget or not acknowledge that there's more people here paying taxes and those taxes are going to be used to provide services to them. You're going to have more lane miles to plow. You're going to have more lane miles to patrol in the police department. All of that is going to happen and if you say we're going to collect that money but we're going to reduce services, we're going to use that money to lower the levy and reduce services, you haven't done the existing residents any good.

So when you're growing beyond 2 percent, and 2 percent is the cap, if you're growing beyond that level if you want to take and squeeze the mill rate down and say we're going to take that new

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money and we're going to pretend we're not servicing anybody with it and we're going to use it to lower the levy then how to accomplish those things like setting money aside for future capital needs? How do you accomplish those things like saying we're going to still provide snowplowing in four hours? How do you accomplish keeping a clearance rate as high as we do in the Police Department? How do you accomplish having the response times out of the fire department when you start growing and then not allowing the departments to grow in that budget. That's what gets you that 5 percent.

The budget at some point here soon will be posted up on line and we got the notice out to the *Kenosha News* and we're going to have it posted at the Village Hall. If anybody has any comments or questions about it I'm more than happy to sit down, as is Kathy Goessl, our Finance Director, and explain the ins and outs of the budget to anybody that's willing to listen.

9. CORRESPONDENCE

A. Receive Letter from Attorney General regarding Village Board Comments.

Mike Pollocoff:

Mr. President, we received a letter from the Assistant Attorney General with his response to request for information from Mr. Babcock. We weren't provided with that letter so I don't know exactly what he asked, but this is his response—

Bob Babcock:

(Inaudible)

John Steinbrink:

Mr. Babcock, you're out of order.

Mike Pollocoff:

This is the letter we received. So I'd recommend we receive and file it.

SERPE MOVED TO RECEIVE AND FILE A LETTER RECEIVED FROM THE ATTORNEY GENERAL'S OFFICE REGARDING VILLAGE BOARD COMMENTS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

10. NEW BUSINESS

A. Presentation of 2008 Sewer and Water Utility Budget.

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Ron Kammerzelt:

Ron Kammerzelt, Utility Superintendent, 8600 Green Bay Road. I'd like to present to you, Mr. President, ladies and gentlemen of the Board of Trustees and Mr. Administrator the 2008 Sewer and Water Utility budget.

The first new program is sewer which is cleaning the Lake Michigan interceptor line, \$95,578. And water it's I-94 water tower exterior painting \$50,000. Water tower interior painting and sandblasting \$3,000. Again in water Lakeview water tower interior painting and sandblasting \$7,500. Timber Ridge water tower interior painting \$7,800. Water, tank diving inspection and sediment removal \$11,253. Meter labor salary increase and Cooper Road area inflow and infiltration reduction which was not recommended.

Our water loss reduction program is \$48,813. Our capital equipment, Sheridan booster station intrusion alarm at \$4,000. Replacement for dewatering pump and three inch grinder was not recommended. Rebuilt pumps at our 192 lift station for \$12,000. Gas detector was not recommended. Software for video truck was \$32,200. A used van to be used split for sewer and water \$15,000. . . . server to monitor waste stations was \$5,200. . . . software update \$23,000. Hand held meter readers for reading water meters was \$7,900. And replacement of Travis City hydrant replacement which we are no longer able to get parts for is \$20,567.

Sewer and water utility construction crew equipment there are none. Capital projects and sewer, 80th Street sanitary sewer main which is west of Cooper Road about two blocks is \$146,610. Carol Beach water system improvements which is between 11th and 8th Avenues 111th Street and 115th Avenue is \$123,967. Again, 80th Street water main, that area west of Cooper is \$115,370. Then a new forced main in the Chateau Eau Plaines area is \$861,615 for total capital projects of \$1,247,562.

In our TID 2 capital projects for sewer and water we have the replacement and demolition of the treatment plant which we have to put in some lift stations and force main to eliminate that and that if \$4,459,000, then Highway T water main which is west of I-94, an extension, is \$309,000 for a total TID #2 utility project total of \$4,768,000.

Kathy Goessl:

Now I'd like to go over the actual financial overview. The financial overview includes the new programs and the reductions that Ron has just talked about. We'll start with the water utility. For the water utility and for the sewer utility I will be going over a summary of the operating revenues and expenses for the utility, and then I'll look at some non operating expenses of the utility including interest income, debt expense and some transfers, and then look at our cash balance to see how that is doing within each of our utilities.

This is our water operating. The first line on here is operating revenue. What I'm doing is comparing last year's budget to what we're proposing for 2008 and the change in those numbers. Our operating revenue is the fees we collect from our water utility customers, and these rates are determined by the Public Service Commission. Our last rate increase was January 2004, and that

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rate increase was based on a 2.5 percent rate of return which is the lowest in the State in terms of—we had to actually fight the Public Service Commission to get that rate down there. They wanted to give us a larger rate increase in terms of percent of return. So those rates are based on that. It's been a couple years and we're not recommending any rate increases for either utility in this budget.

I'll switch now to the operating expenses summary. Our biggest expense is purchased water. We purchase water from the City of Kenosha Water Utility. We're going up slightly in that category mainly due to growth in the number of water utility customers.

Wages and benefits we're going up very slightly. The sewer utility and the water utility actually shares employees. They have eight full-time employees and two part-time employees that are involved in the operation of the utilities. And the allocation of these employees switch from year to year based on the demand of each of these utilities. This year it swung a little bit toward the sewer utility based on the demand. So here it's showing a very slight increase here even though we do have increases in health insurance of 15 percent and salary increases around 3 percent. This is still showing a smaller increase than that.

Operational and maintenance wise I'm looking at a 5 percent increase due to inflation rate increases including mainly fuel and electric cost. Everybody has experienced the whole fuel increase, the fuel prices. That's one of our big increases in this budget as well is our sewer budget. So we have total operating expenses proposed of a little less than \$2.7 million for this utility.

New program requests including the water utility which Ron talked about earlier is tower interior painting and sand blasting for LakeView, I-94 and also Timber Ridge which total a little over \$18 million. Also, I-94 water tower exterior painting for around \$50,000. Then we also have another new program, tank diving inspection and sediment removal for \$11,000.

Our program reduction which relates to the water utility is the reduction in water loss. That program has to do with hiring a contractor to detect water leaks. Currently we hire the contractor once a year to monitor our system and detect leaks. This new program we're asking for this contractor to come out twice a year to monitor our system and we're hoping to save a net savings of almost \$50,000.

Mike Pollocoff:

One thing I want to mention about this and I think it ties back to one of my early rants, is that we're a wholesale utility. In the City of Kenosha if they have a water main break it flows, it runs, the whole utility pays for it. When we have a water main break, all we get goes through a water meter first so if you were to bring this down to the simplest level, if you had a leak in your house beyond the water meter you'd be paying a big bill. If you had a leaky toilet or if you had whatever going on you'd notice it in your bill. And not all leaks stand out. We had a water main leak that was by a storm sewer line, the leak went into the storm sewer, the storm sewer went into the retention basin, that's where the water went. There's always water there so we didn't know that there was drinking water going there.

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So for us that's an important program reduction for us and we need to have somebody come out who does a sounding of the whole system because if we find a leak that's money we save. Unlike the other utilities that *Kenosha News* compared us to, we are a wholesale community. We have to pay for every drop of the water that comes through the meter unlike other communities that don't have to do that. This is one of the things on the water side that drives our programs. We've got to account for every single drop of water because it's gone through a meter. That's why doubling what we do I think is going to pay dividends.

Kathy Goessl:

So operating wise the utility is looking very well in terms of that operating. We're looking at pretty much the same gain as we did last year of about \$840,000. We're putting money away for the future for emergencies as well as future main replacements.

On the non operating side of the water utility, we have interest income on the money that we have in this fund. The going interest rate is around 5 percent right now. We have our debt service cost which currently is around \$123,000 or \$124,000. Our debt each year is reducing and we haven't borrowed in this fund for a number of years.

Transfer wise we do transfer some money out of this utility to the therapeutic rec program at the RecPlex. The tower revenues have increased on our water towers, therefore we're sending a little bit more money that direction to help.

Then the tax equivalent is the money that the water utility actually transfers to the general government to pay their fair share of what other commercial people pay. The water utility also pays the general government to help contribute to the tax revenue. So the actual net gain and loss in this utility, again, is very similar to last year's budget at \$185,000, almost \$186,000.

Cash wise for this utility our current ending balance of cash in this utility as of the end of 2006 was almost \$1.3 million. This utility has loaned the sewer utility \$600,000 and you'll see that as we go into the sewer utility that the sewer utility has a low cash balance. Originally this loan was from the actual general government and it was transferred to the water utility so they're holding the loan now to the sewer utility. Then other cash flow activities are very small. We're estimating a cash balance right now of \$667,000 to end this year.

According to the budget that I presented we'll be ending a couple hundred thousand dollars more at \$865,000 with this budget. That's with no rate increase and controlling expenses. Just like we did in the general government we did line item reductions in this utility as well as the sewer utility to look at trending and tightening up both these budgets as well.

Now I'll switch to the sewer utility. This is their operating. I'll go over the same type of things, operating, non operating and then also I'm going to do a comparison to our cost of service study. That cost of service study was used to set our rates that we just increased in May of this year and how this budget that we're proposing for 2008 compares to that cost of service study, then also the cash balance of the sewer utility.

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This is the operating statement of the sewer utility. I am also comparing 2008 proposed to 2007 budget and showing the change just like I did in the water utility. Operating revenue wise, our operating revenues are up in this utility. The increase is mainly due to a full year of the rate increase that was approved in May 2007. So this year's budget only had like seven months of increase and the 2008 proposed had the full 12 months of increase in there. Then it's also due to growth, too. There are some growth factors in the revenue operating increase.

The same types of lines as in the water utility. We have operating expenses, but this side of the equation had treatment expense instead of purchased water. We pay treatment expense to, again, the Kenosha Water Utility to treat the majority of our sewage. They determine the rates for which we send our sewage through there and they count every 1,000 gallons. There's a slight increase here due to growth and some uncertainties.

Wages and benefits are going up in this utility. Part of this is due to the shift between the sewer and water utility that I mentioned earlier. You remember the water utility had very little increase, less than \$1,000 in wages and benefits. There's a little bit of shift towards sewer to do some more work in that area. It's also due to increases in inflationary costs, a 15 percent health insurance increase and also a new standard that we've implemented for 2008, Gatsby 45. Other post employment benefits has an impact of \$36,000 on this budget. It actually had about a \$20,000 increase on the water budget.

Operation and maintenance, again, there's inflationary increases here especially the fuel and electric again in this budget.

New program requests, we had program savings due to cleaning the Lake Michigan interceptor line. The offset of that is the cost to have a contractor come in here to do that project, but there will be a savings on the end in terms of treatment expense. For this utility we do as much as we can to eliminate . . . in the system. That's one of the major things that we do in the utility because we're charged for every 1,000 gallons that we send through to Kenosha.

In this utility we were able with the rate increase to actually get a net operating gain proposed for 2008 of \$112,000 for this utility. Last year you can see before the rate increase we were actually still suffering a loss of almost \$700,000.

Non operating wise this utility has the same types of non operating as the water utility. We have interest income on the money we do have in the utility. We also have debt expenses which are going down for next year by almost \$51,000. Net loss in this utility a lot less than we had in 2007. It was \$1 million last year and now we're looking at less than \$200,000.

This compares us to the rate study to make sure we stay within the rate study's parameters and make sure we're still in line. The rates they looked at, we look at cash flow for this utility. The Public Service Commission for the water utility actually doesn't look at cash flow, they look at rate of return. Initially we just want to break even in the sewer utility. So what they do is look at the costs we have to cover in terms of fees we have to charge the sewer utility customers and see if those costs minus miscellaneous revenues are covered. This is what was done in this

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comparison here. On the one side you see the rate study that we did just earlier this year and the proposed 2008 budget. And towards the end of the column, the proposed 2008 budget, you can see that we're a little ahead in terms of amount of money we're charging versus our costs to accumulate some cash for the future. Not as much as we would like but at least we're going in the right direction.

Operating wise we went up 1 percent compared to what the rate study this year has said. Basically we anticipated that because it's a year later inflationary wise. Replacement fund is a fund that the DNR requires us to have to maintain our plant as well as our lift stations. We're required to put so much money away each year. That went up slightly this year to \$55,700. Debt service wise we borrowed in this utility about two and a half years ago and currently we have a reduction here of our debt service. Contingency was built into the rate study. We didn't budget for contingency.

Capital additions, this is an area that we exceeded in terms of the rate study. As I said, two and a half years ago we did borrow. At the end of 2007 we are estimating about \$450,000 left in those proceeds that we borrowed. We do have the capital project called the Chateau Eau Plaines force main lift station for \$861,000. We wanted to be able to do that without borrowing, so we did keep that in there along with 80th Street extension of sewer and some equipment purchases, and we were still able to break ahead without borrowing. In 2009 we should not have that large of capital addition so we should be able to gain more as we get in 2009 for the future. Those are total costs of operating the utility that we needed to cover with the rates.

Some of the offsets are connection fees. Whenever a new single family home or commercial building connects to sewer they pay a connection fee of about \$1,600 per equivalent unit. We're projecting connection fees in single family homes of \$142,000, multi family homes of \$107,000 for 2008, and commercial is being budgeted at \$78,400. To be conservative though, we only recognize 75 percent of that revenue in this comparison and also my cash flow statement which were in the binders that you guys received. So you see here the revenue of \$357,600 for 2008 proposed.

Assessment collection that went up also, and that's due to our anticipated first year collections for the 80th Street extension. We'll be extending sewer there and I'm charging special assessments, and we predicted there's a number of lots that will pay their fee for special assessments right up front. Other revenues stayed pretty much what the study has indicated. You can see that we need to generate rate of a little over \$4 million. We were able to do that with the proposed budget.

Cash wise, though, we still have a little over \$1 million but a chunk of that is reserved by the DNR in terms of their funds. At the end of 2007, as I mentioned before, we had \$450,000 worth of bond proceeds. By the end of 2008 we'll spend that in the first quarter. We're actually required to spend that in the first quarter of 2008 per our bond agreement. What's available is going up slightly, that \$12,000-ish or almost \$20,000 here is going up. So we're ending the year in the utility with a little over \$1 million but available a little over \$200,000.

As I said before, we did go through this utility as well as the water utility and actually line item reduced different areas. There was a working session on this budget a couple weeks ago and

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changes were made from when we first presented the budget to you. If there's any questions or comments?

I just want to make one comment concerning what's on the website in terms of the general fund. There should be the presentation we made last week on the website under the financial area, the finance department area. Also, out on the financial website section is also our financial statements for the last couple years. It's a 40 or 50 page report that's very detailed in terms of our financial picture. How we ended the year for 2005 and 2006 I believe is out there right now. There's also a 10 page management discussion and analysis report that actually goes through each section and explains in plain English, or as close to plain English as financials can get, where we stand as a Village. So that is on the website if anybody has any questions of where it exactly is. It's not easy to find. It's under department, finance, and there are the different reports there. So if anybody has any questions where that is or need help finding that I can help them.

John Steinbrink:

Questions for Kathy or Ron?

Clyde Allen:

Not so much a question as comments. You did put it very nicely, all that good information is out there, 40 pages of good reading. There's nothing like government accounting. One thing that really popped up that I really do want to comment on is you showed a cash balance out there of a little over \$800,000 in the water utility. And so people understand this and so we know what's happening, because the criticism in the past was, gee, you needed something and now you've got to go out and purchase it and you don't have anything set aside. The utility, and correct me if there's any changes to this, but I want to make sure it's stated right.

When you have a large repair down the road, let's say your main is going to last you 50 years on a particular subdivision. 50 years from now you're going to have major, major reconstruction on replacing this. You're not going to have money, to be able to go out and say I need to now borrow this money or levy for all this major project money. So this money should all be accumulated to continue this as an ongoing concern as you would any enterprise fund. So that's why you're going to have a cash buildup and you're going to continue that and that's what's going to draw down rather than increase taxes, increase levy for that reason so that this is based on that premise.

Mike Pollocoff:

Correct.

Clyde Allen:

The other point is being in County government for all those years and State government it's really a nice concept to see on there that they share employees. I'm not too familiar with the County doing it. The State certainly doesn't do it that I've seen, so I really commend that is a good thing.

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It's really nice to share because all it is is a cost savings, utilizing talents and saving money. So I applaud that part. Thank you.

John Steinbrink:

Other comments or questions?

Mike Pollocoff:

There's one thing that Kathy talked about or Ron talked was the 73-1 there was an item of \$4 million within that budget for 73-1. This is something we started back in 1990 and here we are in 2007 and why are we abandoning a treatment plant and we're going to get ready to abandon another one. But through the '70s and '80s the water that's in the aquifer supplying Pleasant prairie is contaminated with radium. In the municipal wells behind Station 2 and one at the Timber Ridge Golf Course, one at River Oaks and at Carol Beach, they were all contaminated with radium and the Village was under orders from the DNR to abandon those wells and get them disconnected because we were delivering a known carcinogen to peoples' homes.

We went through a process to do two things, one was to get that done and then come up with a plan that would be sellable to eight states around the Great Lakes to give us permission to connect to Kenosha water. We had two choices. One was to keep pumping that water and then construct water treatment plants that would create a radioactive byproduct that we'd have to do something with or we could connect to Kenosha water. We did that. The proviso on that was that the two treatment plants had to be abandoned by 2010. So we're coming to the end of the line.

TIF District #2 is actually going to be abandoning 73-1 so that southern part of the Corporate Park can develop and that's where the money is going to come for that, then Sewer D is going to come, again, out of rates to pay for that. We're starting to see the first expenditures that are going to occur with that treatment plant abandonment. And the reason we're abandoning those is so we can maintain clean, albeit expensive, drinking water, to abandon the radium wells. Those are things that started early in the process but now they're coming to fruition.

John Steinbrink:

You mentioned the radium. That is an issue that a lot of communities are dealing with now. Unfortunately they don't have solutions. So it's something they're going to have to look into a process that's probably very expensive to take that out, especially in the disposal part. We have the wherewithal to take it out but we don't know what to do with it when we get it out. It's an issue for a lot of communities throughout the State. Other comments or questions?

Mike Serpe:

We're going to send this on to the 19th, is that right?

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Mike Pollocoff:

Right, I recommend we receive this and put it for final consideration on November 19th.

Mike Serpe:

The only down side I can see on this thing is, Ron, you're getting a lot of gray hair and that's usually an indication that you're getting close to retirement and I really don't want to see that happen anytime soon. You guys do a fantastic job. Last year's major water main break on Cooper Road area those guys responded and my hat goes off to them. As far as understanding what accountants say I don't know that I'll ever understand that. I'll move approval of this and send it out to the 19th.

Clyde Allen:

Second.

John Steinbrink:

Motion and a second for moving it forward, not adoption. Any comments or questions

SERPE MOVED TO FORWARD THE 2008 SEWER AND WATER UTILITY PROPOSED BUDGET FOR FINAL CONSIDERATION ON NOVEMBER 19, 2007; SECONDED BY ALLEN; MOTION CARRIED 5-0.

John Steinbrink:

Unfortunately another unanimous vote. When you do something right it's okay to do that maybe.

B. Receive Plan Commission Recommendation to Consider and Approve Ordinance #07-45 to correct the zoning map for the property generally located south of 116th Street east of 22nd Avenue related to the proposed Lighthouse Pointe Subdivision.

Jean Werbie:

Mr. President, there are two items on the agenda. The next two items, both B and C, and I'm not sure if I heard you correctly if you took both items at the same time. I would like to take action on both items.

C. Receive Plan Commission Recommendation to Consider and Approve Resolution #07-69 regarding the Final Plat, Engineering Plans, Development Agreement and related Documents for the proposed Lighthouse Pointe Subdivision generally located south of 116th Street east of 22nd Avenue.

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Jean Werbie:

The first item relates to the zoning map amendment request for the Lighthouse Pointe Subdivision, and the second item was the recommend to consider and approve Resolution 07-69 regarding the final plat, engineering plans, as well as the development agreement and related documents for the Lighthouse Pointe Subdivision. Again, this is a subdivision that we're working on in the Village for quite some time now. It's proposed to be located south of 116th Street at about 22nd Avenue.

The first item is the zoning map amendment. This particular subdivision you will recall is proposed at 100 single family lots, 15 two-family lots along 116th Street. Outlots 1 and 3 were to be added to the adjacent property owners to the west to those properties. Outlots 2 and 6 were to remain as open space and Outlot 7 was to be dedicated to the Village for public park purposes and that was approximately in the center of the development site. Then Outlot 4 was intended to be developed and that's in the northeast corner of the site for future condominium development purposes.

The zoning map amendment that you have before you this evening was to rezone Outlots 4, 5 and 6 and those were storm water or wetland areas into the C-1 District; Outlots 1 and 3, which is the single family development and the single family lots into the R-4 District; Outlot 2 and 5 and 6 into the PR-1 District; and the 15 two-family lots would be at R-8; and Outlot 4 was intended to go into a condominium related district, R-9, with a UHO overlay.

The request you have this evening is a little concerning from the staff's perspective. We had this request before the Village for quite some time now. Unfortunately the legal descriptions are not accurate with respect to the wetlands that had been field delineated. We now are extending our time period from which the field delineated wetlands are current and active for the DNR, and there is a concern that we approve a zoning map amendment since the next item on the agenda is Resolution 07-69 which is Item C, and the staff is recommending denial of the final plat.

In your staff comments it sets forth a time frame that was put together. The original subdivision was brought forth as a neighborhood plan for the Sheridan Woods Neighborhood and it was approved by the Plan Commission on August 13, 2001. On October 20, 2003, the Village Board conditionally approved a conceptual plan for the proposed development subject to comments and conditions being satisfied. On March 15, 2004, the Village Board conditionally approved an amendment to the conceptual plan. On December 20, 2004, the Village Board approved Resolution 04-56. This related to the preliminary plat for this subdivision. Again, that preliminary plat is subject to a number of conditions that have to be satisfied and plans that have to be prepared and approvals from not only the Village, water utility, DNR and other agencies. On November 7, 2005, there was a revised preliminary plat that was considered. On March 27, 2006 a public hearing was held related to the final plat for the Lighthouse Pointe Subdivision.

On April 21, 2006 the petitioner requested a 60 day extension to comply with all of those conditions set forth by the final plat. An extension was granted to July 1, 2006. On June 7, 2006 they requested another 60 day extension to satisfy the conditions. It was granted to September 1, 2006. Then on August 16, 2006 they requested a six month extension to comply with the

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conditions to March 1, 2007. And on January 18, 2007, they requested a one year extension, again, to try to satisfy the conditions.

On February 19, 2007 the Board said I believe enough. We need to have you decide whether or not you're going to move forward with the subdivision and satisfy the conditions. So the extension was granted to November 7, 2007, the date at which the preliminary plat will automatically expire if they don't, in fact, move forward with respect to the final plat. The staff has not received any required documents to satisfy the March 27, 2006 conditional approval of the final plat and, therefore, we recommend that Ordinance 07-45 be denied and that the final plat and related documents for the Lighthouse Pointe Subdivision also be denied through Resolution #07-69.

The developer is aware and should be aware that the preliminary plat will expire on November 7, 2007 prior to the development of the site. They will need to begin that preliminary process over from the beginning. So with those comments, the staff recommends that Ordinance 07-45 be denied and that Resolution #07-69 be denied. And when they're in a position to move forward with the subdivision they will commence again with the preliminary plat process.

John Steinbrink:

Jean, so any of their wetland delineations would then have to be redelineated when they come forward again?

Jean Werbie:

They're valid for five years, so when that five year time period expires they will have to have them redelineated. The situation is we needed to have some corrected legal descriptions and such and we did not receive those, so we can't legally even rezone the wetlands and the balance of the property until we have corrected legal descriptions. I'm sure of the status of the subdivision, but apparently there are some issues that they had decided not to move forward at this time.

Mike Serpe:

Jean, if you mentioned it I didn't hear it. What is the process now for Lighthouse Pointe if they wish to come back at some time in the future?

Jean Werbie:

If the conceptual plan is substantially intact as it was, I'm going to recommend that the Board grant an approval, a miscellaneous discretionary exemption to say that they've satisfied that step, and then they would go to the next step which is preliminary plat. Now, if they choose to do something completely different or modify the road layout, the lot layout, the outlots, if the wetlands change substantially, then they would have to come back to the conceptual and possibly the neighborhood plan step. So it really depends on how much changes. But at a minimum they'll have to go through the full preliminary plat and final plat process as well as the rezoning.

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ALLEN MOVED TO DENY ADOPTION OF ORDINANCE #07-45 TO CORRECT THE ZONING MAP FOR THE PROPERTY GENERALLY LOCATED SOUTH OF 116TH STREET EAST OF 22ND AVENUE RELATED TO THE PROPOSED LIGHTHOUSE POINTE SUBDIVISION; SECONDED BY YUHAS; MOTION CARRIED 5-0.

Mike Serpe:

Can I ask a question here. For 07-45 it's to correct the zoning map. Are we denying that?

Jean Werbie:

Yes.

Mike Pollocoff:

We don't have it legal to base it on.

Mike Serpe:

Okay.

Steve Kumorkiewicz:

So moved to deny the final plat.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Questions or comment on this item?

Steve Kumorkiewicz:

Pretty clear.

John Steinbrink:

I think Jean has given a very good explanation of it. It's gone on quite a while. Unfortunately time has run its course.

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Clyde Allen:

I just want to make sure the resolution is proper. The resolution is to deny. I thought you said to deny the resolution which means you're really approving it. So you want to approve the resolution if I understood you correctly.

Steve Kumorkiewicz:

I moved to approve the resolution to deny.

KUMORKIEWICZ MOVED TO APPROVE RESOLUTION #07-69 TO DENY APPROVAL OF THE FINAL PLAT, ENGINEERING PLANS, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS FOR THE PROPOSED LIGHTHOUSE POINTE SUBDIVISION GENERALLY LOCATED SOUTH OF 116TH STREET EAST OF 22ND AVENUE; SECONDED BY

- D. Receive Plan Commission Recommendation and Consider Ordinance #07-46 to rezone the field delineated wetlands in Outlot 2 into the C-1, Lowland Resources Conservancy District, to rezone the Outlot 1 and the non-wetland areas in Outlot 2 into the PR-1, Park and Recreational District, and to amend the shoreland boundary as a result of the Wisconsin Department Natural Resources finding of no navigable waterway on the property for the properties generally located east of 63rd Avenue and north of STH 165.**
- E. Receive Plan Commission Recommendation and Consider Resolution #07-70 to approve the Final Plat, Engineering Plans, Development Agreement and relation Documents for the first stage of The Courts of Kensington development for the properties generally located east of 63rd Avenue and north of STH 165.**

Jean Werbie:

Mr. President and members of the Board, the first item is the request by the petitioner for the approval of a zoning map amendment and the approval of the final plat for stage 1 of the Courts of Kensington Subdivision that also includes a second item on the agenda. This project is generally located north of Highway 165 or 104th Street and just east of 63rd Avenue. The slide identifies for you the two different stages for this particular project. Again, stage 1 is the southern and western portion of this developable area and then stage 2 is the central and northern portion of the site.

In accordance with the Village's Comprehensive Plan, this project is located within the Highpoint neighborhood. It's within the lower medium density residential land use category. All of the lots within this particular area are required to be between 12,000 and just under 19,000 square feet or more per dwelling unit. All of the lots within this particular single family development fall within that range.

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On January 27, 2007, the Plan Commission held a public hearing and they did recommend approval of the Highpoint Neighborhood Plan with the modification for the future Courts of Kensington Subdivision. There was also a second alternative. It didn't really specifically do anything to change the Courts of Kensington. There were some other modifications at the north/north central portion of the neighborhood plan area. However, the Courts of Kensington project was in compliance with both alternative 1 and alternative 2 of this neighborhood plan.

The Courts of Kensington development was approved by the Village Board through Resolution 07-45 for its preliminary plat. This was to develop an 83 acre property into 119 single family lots and 7 outlots. These lots all meet the minimum requirements of the R-4 District. Approximately 14.6 acres or about 18 percent of the entire site is proposed to remain as open space. This includes 1.16 acres of public park, .31 acre of wetland, 2.98 acres of 100 year floodplain and 10.5 acres of other open space in the development.

On the agenda this evening is the final plat for stage 1 and this includes 83 acres, 36 single family lots and 3 outlots. The lots range in size from must over a third of an acre or 15,150 square feet to the largest lot at 45,383 square feet. The average lot size is just under 21,000 square feet. They meet or exceed the R-4 minimum district requirements. The net density for this project is 2.0 units per net acre. The projection for stage 1 at its full build out would be 98 persons, 23 school age children or 15 public school age children.

The zoning map amendment this evening is to rezone the field delineated wetlands in Outlot 2 into the C-1, Lowland Resource Conservancy District; to rezone Outlot 1 and the non wetland areas of Outlot 2 into the PR-1, Park and Recreational District; and to amend the shoreland boundary as a result of the Wisconsin DNR findings that there's no navigable waterway on this project site.

The 100 year reoccurrence interval floodplain is proposed to be amended and we're working through that process but that is all included within the stage 2 development area of this project. Open space in stage 1 contains wetlands as well as storm water retention facilities which have been identified in the engineering plans and plat documents. The 100 year floodplain is proposed to be amended through a cut and fill analysis. It is working its way through the process at this time. Approximately 9.8 acres of this site within Outlot 3 is located within the 100 year floodplain. Outlot 3 is retained by the developer at this time and portions will be developed for single family lots and other areas will be part of the floodplain.

Prior to the approval of the final plat for stage 2, the developer will be required to obtain Village approvals as well as DNR approvals as well as receive a CLOMR which is that conditional letter of map revision from FEMA.

Public improvements within stage 1 include some improvements to Highway 165, a new connection of a public road at 62nd Avenue to Highway 165. A third improvement is to remove the connection of 63rd Avenue and terminate 63rd Avenue in a cul-de-sac, and 102nd Street will have a connection to 63rd Avenue as well. Future connections within stage 2 as you can see on the slide include 100th Street connection to 63rd Avenue, Main Street connection east and west to the property boundaries, 100th Place connection between 60th Court and the property boundary,

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and 62nd Avenue connection to the north property boundary. The entire site is going to be serviced by public sewer, water, storm sewer, curb and gutter and full urban cross-section roadways.

Some off site improvements and these were discussed earlier this evening as part of the public hearing process, and that will be that the developer is responsible for installing municipal water within 100th Street and 63rd Avenue, and based on the action this evening he's afforded a ten year right of recovery or pay back, assuming that any of the adjacent property owners connect to or access that public water system. The water connection as you know is not mandatory but only if it's utilized or land division occurs, and whichever occurs first will trigger that payment to that special assessment.

Other off site improvements to 63rd Avenue and 100th Street, the developer will be responsible for completing 63rd Avenue as an urban cross-section roadway like the other roads in the subdivision, so he'll be responsible for widening, paving and installing curb and gutter so it's a typical Village roadway that can be accessed both on the east side and west side of 63rd Avenues.

Construction access for stage 1, construction access for the installation of public improvements and home construction will be at 62nd Avenue at Highway 165. The permit was granted by the Wisconsin DOT and he will be subject to any and all conditions as proposed by the Wisconsin DOT for that work. As I had mentioned earlier because we are getting very late in the year the work on 165 and 63rd Avenue will not commence until the spring because any work that starts the State and the Village would like to see that work completed and paving so that it does not cause a disruption during the winter season for any of the adjacent property owners or those traveling on Highway 165.

So the project you have before you this evening there's two portions of this project, two action items this evening, one of which is the zoning map and text amendment as well as the final plat and related documents that you have before you. One thing I did want to mention also is that the developer with this project is going to be granting some temporary off site or in stage 2 easements to the Village, and he will be using this area as a staging area for topsoil piles and for storm water management. So he'll be using just this entire site for those types of activities. And at this time I think the developer still anticipates that the first phase of public improvements is proposed to be completed by late spring or early summer of 2008.

With that the staff and the Plan Commission recommend approval of this development. The first item is the zoning map amendment which is Ordinance #07-46 as presented. And the second item is Resolution #07-70 and that is for the approval of the final plat, engineering plans and the development agreement for this project. The Plan Commission held a public hearing on both of these items and recommended approval subject to the comments and conditions as outlined in the staff memorandum and the resolution before you.

Mike Serpe:

Doug, when do you plan on starting grading?

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Doug Stanich:

Probably within a month if its permittable. It depends on the weather.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #07-46 TO REZONE THE FIELD DELINEATED WETLANDS IN OUTLOT 2 INTO THE C-1, LOWLAND RESOURCES CONSERVANCY DISTRICT, TO REZONE THE OUTLOT 1 AND THE NON-WETLAND AREAS IN OUTLOT 2 INTO THE PR-1, PARK AND RECREATIONAL DISTRICT, AND TO AMEND THE SHORELAND BOUNDARY AS A RESULT OF THE WISCONSIN DEPARTMENT NATURAL RESOURCES FINDING OF NO NAVIGABLE WATERWAY ON THE PROPERTY FOR THE PROPERTIES GENERALLY LOCATED EAST OF 63RD AVENUE AND NORTH OF STH 165; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND CONSIDER RESOLUTION #07-70 TO APPROVE THE FINAL PLAT, ENGINEERING PLANS, DEVELOPMENT AGREEMENT AND RELATION DOCUMENTS FOR THE FIRST STAGE OF THE COURTS OF KENSINGTON DEVELOPMENT FOR THE PROPERTIES GENERALLY LOCATED EAST OF 63RD AVENUE AND NORTH OF STH 165; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

These items did come before the Planning Commission and did have public hearings then and it was discussed quite thoroughly. And I think we had a lot of citizen input on here, too, which was good. So at the end of the day we had a product that everybody seemed to agree upon.

- F. Receive Plan Commission Recommendation and Consider Resolution #07-71 to approve the Preliminary Condominium Plat for the redevelopment of the properties for 4-7 unit condominium buildings to be known as Springbrook Place generally located at the southeast corner of 91st Street and 22nd Avenue (CTH ML).**

Jean Werbie:

Mr. President and members of the Board, the resolution you have before you is Resolution #07-71 and this is for a preliminary condominium plat for the request of Jonah Hetland of Mills Enterprises, LLC, agent for BFU II, LLC, owners of the properties. Specifically, the developer is going through a quite lengthy process because there's quite a bit of background with respect to this property. This project is located at the southeast corner of 22nd Avenue and 91st Street. As you know, the properties are currently characterized by a rundown neighborhood retail strip center that was originally developed in 1959. It's surrounded by single family residential land uses, a private church and school and institutional land uses.

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A Phase I and Phase II Environmental Site Assessment were done for this property. They were completed by Daniel J. Burns and Jason Herbst with Drake Environmental. These studies were completed on January 6, 2003 and March 14, 2003. The Phase 1 Environmental Assessment provided detailed inventory of the site and its uses and environmental analysis, interviews, aerial photograph interpretations of the site, as well as presenting some findings and conclusions.

What they determined is that their local records had indicated that there was a dry cleaning establishment on this property and at some point in the past solvents were typically used in that process, and the potential existed for the release of these chemicals into the soil and/or ground water of the property.

The Phase II Environmental Assessment was then completed and it did reveal that there was some chemicals that were found within the ground water as well as in the soils, and that these contaminations needed to be removed prior to the development of this property. This slide you've seen before. It just shows the extent of soil contamination on the site, and then a second slide shows the extent of the ground water contamination on this particular site as cross-hatched on the slide.

As you know, on September 5, 2007 the Village's Community Development Authority reviewed the blight determination study that was prepared and approved Resolution 07-01 which determined that the subject properties were blighted per various sections of the Wisconsin State Statutes. The slide before you shows some of the exterior as well as the interior pictures that I took on one of my recent visits to the establishment.

To assist with the required environmental clean up at the site, the developer requested the Village to create a developer funded Tax Increment District #4 to provide for blight elimination, rehabilitation and redevelopment of the existing property in order to create an economically viable future use benefitting the immediate area as well as the Village. Major project areas of the TID include environmental investigation, clean up, monitoring and closure, demolition and brownfield specific infrastructure components. The total cost of the clean up for this site was estimated at \$715,365.

The Village would be issuing a revenue bond payable only from the tax increment revenue generated by the developer's property to finance the project clean up costs. The developer will be the purchaser of the revenue bond and is obligated to secure private financing to obtain the funds necessary to purchase the bond and provide funding for the project costs.

This slide just basically provides the historical approvals over the last three to four months that the Village has gone through with the developer regarding the specific property that have to do with the creation of the TID #4 boundaries and TID project plan. It talks about actions taken by the CDA as well as the Plan Commission and the Village Board and finally the Joint Review Board on October 1, 2007.

The Village Board will be considering a development agreement for the TID 4 project as well as it will explain many of the components of what is going to be built on the site, but we will have to follow up with a second or supplemental development agreement that pertains just specifically

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and details the public improvements that are required on the site as we do typically for any other residential development.

The Springbrook Place condominium development which is the project that's going to be located on these properties then is located in the northern portion of the Barnes Creek neighborhood. This neighborhood is quite large. It's bounded by 89th and 91st Streets on the north, Sheridan Road on the east, 165 on the south and 30th Avenue on the west.

On September 10th the Plan Commission approved a neighborhood plan for the property, and what they did was with that neighborhood plan they approved or recommended the approval in general concept of four 7-unit condominium buildings to be located on these three properties. The Springbrook Place condominium conceptual plan was approved by the Village Board in September, and at this time they are now advancing finally the preliminary plat for the condominium development to the Village Board.

So the developer is requesting to redevelop the 3.35 acre properties with four 7-unit buildings. As you can see, there's two to the north adjacent to 91st Street and then two directly to the south. Each of the four condominium buildings will have 7 units. The units range in size from 1,091 to 1,745 square feet. There's just a copy or a slide of the front elevation of one of the buildings. Approximately 53 percent of the site is proposed to remain in open space, and this will include the two storm water detention facilities at the northern corners of the site adjacent to 91st and 22nd Avenue. There's a great deal of wooded vegetation and trees along the southwest and southeast and southern ends of the site which are proposed to be preserved through a series of easements and tree preservation corridor areas.

The developer will be installing sewer, water, storm water facilities within the site. Basically the sanitary sewer and the water will be public. The storm sewer and storm water detention basins on site will be private. The current zoning of the properties are R-11 UHO. A portion of the property is also located within the shoreland jurisdiction of the Barnes Creek. In order for the properties to be redeveloped the staff is in the process of drafting a PUD for this particular property, and that PUD in its final form will be advanced to the Village Board at the time that the final condominium plat is being considered by the Village.

The development schedule as proposed by the developer is that he anticipates to begin the remediation of the site and the initial infrastructure work over the next several months and to have the site clean and ready for construction of the condo units in May of 2008. In accordance with the developer's schedule construction is planned for the first building in June of 2008, building 2 in November of 2008, building 3 in April of 2009 and building 4 in the fall of 2009.

So with that, the staff and the Plan Commission recommended approval subject to the comments and conditions as outlined in the staff memorandum. There were two outstanding issues or issues that did need to have some further discussion or resolve between the Plan Commission and the Board meeting, the first of which is a discussion with the developer regarding the amount of brick or stonework that he was going to be placing on the building. And the staff believes that we have reached agreement with the developer this afternoon with respect to that matter and he can come

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to the microphone and address that issue. Then the second issue that we do need to get some further resolve to is the condominium ownership percentages for this particular development.

Clyde Allen:

Before you go on one quick question. On there it said that the developer was going to run a lateral to the Mullins' property to the south. It's just to the property line, correct? He's not running it all the way to the—because I thought there was going to be separate funding for the Mullins' property, that he wasn't responsible for anything going onto the Mullins' property.

Mike Pollocoff:

Right. We need to attach that water lateral there but we're not going to make the developer run a lateral to Mullins' house, but we've got to get that lateral connected to the water line. Given the tree line there that lateral needs to be bored. We don't want to bore it and have it stop at the property line because there's still trees there, then dig another hole. We want one continuous bore to achieve what the developer is trying to do and that's to save that tree line to the Mullins property. We talked to the Mullins and they realize they have to pay for their share of it.

Clyde Allen:

Wasn't there grant or fund money available?

Mike Pollocoff:

Neither one of them may have to pay. We've got a grant application to facilitate the abandonment of their well plus getting them onto another water supply. We don't have that in hand yet.

Mike Serpe:

I think the developer indicated they wanted to talk to us about something.

Jonah Hetland:

Jonah Hetland, 4011 80th Street. It's our understanding that we'd only have to extend the water lateral to the south property line if the Mullins' well is contaminated, is that correct? If it's not contaminated there would be no reason to extend it.

Mike Pollocoff:

Yes. I think there are samples being taken now. And if it is clean then it's clean.

Jonah Hetland:

The easement will still be in place so if they ever did want to tie into the water.

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Mike Pollocoff:

I think what we're trying to do is it's not typical that a water lateral transects the property line the way this one would so we need to provide for it. I think Mr. Mills would want that lateral tapped now when the construction is taking place rather than having the Mullins come back and break open the parking lot area and tap the main after the fact if they decide later on they want water. That's a detail that can be worked out. But given the map that was submitted to us by Drake I think there's probably a fairly good likelihood that there's some level of contamination of their well. But if it's clean and they're happy with it then they don't have to connect, but I still think putting that lateral in really depends on how much disruption everybody is willing to live with after the construction is completed, after the curbs are in and everything else.

Jonah Hetland:

And as for what Jean had mentioned earlier with the building elevation, we did come to an agreement, and she's indicated that if we add brick on this elevation here in this location that she will recommend approval of these building so we're willing to do that and considering this to be agreed upon at this time. Then the last issue with the rental provisions I think I'm going to let Steve talk about that.

Steve Mills:

Steve Mills, 4011 80th Street, Kenosha. This is kind of an interesting process for us because of the environmental issues on the property and also the TIF which we've not done in the past. We found ourselves I guess maybe never doing a condominium development specifically in Pleasant Prairie, so we came about a rule that we in other municipalities haven't been affected with or affected us. I sent a paragraph here to Mr. Pollocoff which I think kind of describes our predicament or situation here, and I would ask that maybe there be some consideration for us, because this project isn't quite like any of the others that we've done because there's a situation where we have to continue and we don't really know what the real estate market is going to do. So theoretically we could be in a position whereby we have significant units that haven't sold and basically we'd have to hold them empty for a period of time that we have no control over.

So I'll just read the e-mail that I sent. It says as to the position of the developer being able to lease units if they do not sell, we are asking for us to be able to lease an unlimited number of units until they are sold and then limit the condo association to 20 percent of the units in the future. I would like to remind you that this development doesn't have the same financial hurdles that others in Pleasant Prairie have had. As you know, we don't have the option of not moving forward with building out the units due to our need to fund a developer funded TIF. Therefore, I think that we should not have to be subject to specifically the same rules as others have who came before you in what would be more hot markets than exist today.

It's not our desire or intention to lease any of the units but rather to sell them. But by putting this obstacle in front of us along with the other environmental issues this becomes a venture that maybe just doesn't make dollars and cents for us due to the risk involved. I make a comparison.

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I say if this corner were cleaned up both environmentally and physically and were populated with condominium-style apartments, would that not be better than what is there today? Basically I think it would. I guess I would ask you to maybe give us some dispensation from the rule as it exists just due to the circumstances that we don't have the option not to continue with this development once we start.

It's not our intention to lease these units. We've built a thousand units in the marketplace and they have not turned into apartment communities. They are condominium units. It's just really risk based in that we could sit there with units that were prohibited from being occupied. Thank you.

John Steinbrink:

Thank you. It's not a public hearing, I'm sorry.

Monica Yuhas:

The wording unlimited units is what I have a problem with in going forward with this project as far as how many units we would allow to be rented. The standard is 20 percent. To lift that and make it unlimited I don't feel comfortable with because I don't want to see it turning into a rental unit, rental condominiums. We want ownership. We want the value to stay high because the TIF is going to take a while to be paid off and I'd like to hear other Board comments on that.

Mike Serpe:

I don't totally disagree with you, Monica but I will say this. Number one, Steve, I don't think there's going to be a problem selling these. That's my personal opinion, because of the location, because of the surroundings and the newness of it being brand new. I have to agree with Steve to a point that it is a unique project, that he's the one that's funding this whole thing at \$700,000 and some. If he didn't come forward at some point in time that would fall onto the Village to do at quite an expense. So he's taking the chance. He's taking the risk. I don't know if there's some way that we can work on some type of compromise here that let's see what happens as we go type of thing. If those things are obviously empty and going to remain empty and you're not getting any bites on them, I think we should have the ability or the opportunity to come back and visit it at that time. But just to give the unlimited I have to agree with Monica on that. But at the same time I do want to have the opportunity to work with Steve on this thing and get these things moving and rented so at least he can capture some of his investment back. Really he's doing this whole Village and this neighborhood a big favor.

Clyde Allen:

The developer TID is a good tool. You know my position on that -, that it's going to be a very good thing for Pleasant Prairie. The risk does fall on the developer, and I made myself clear that that needed to happen because I didn't want the Village to be at any risk whatsoever, and he is taking a risk. But in slight difference to the previous comment, he isn't putting \$715,000 into it if they sell. He doesn't have any risk if they do sell right away. My first objective is to make sure

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that what is stated is proper and so far that's been stated. The 20 percent has been unclear. There's been a couple of different thoughts. What does 20 percent mean? Does it mean 20 percent of each of the four buildings which would limit it to four. Or, is it 20 percent of all 28 units which would allow 6 units?

My suggestion and my opinion on this is that I would not want to go away from the 20 percent but allow the developer to rent even the first 6 that were built on the first two units being built. But after that then the risk falls on him. But if they're renting, if he can find renters there is no real risk, and the advantage to the developer is the TID District, but the Village has an investment in this as well, and that is when it's developed we need to get the tax levy dollars when this TID is finally closed, bonding is paid off and it's completed. So we need to look at the Village's interest, and I think it would really make sense to offer that out as somewhat of a compromise and say the 20 percent, and everyone has always heard 20 percent, and I certainly am not in favor at all of backing down from the 20 percent. It's just my opinion, but people do know it. It was stated when this first came before us. But to allow the leeway to say the 20 percent can be over the full concept of 28 units. So if the first 6 are rented he's on his own. And as he sells them he can continue to go up to allowing 6 rentals. I just think that's very important for the Village to protect ourselves.

Steve Kumorkiewicz:

I have a couple of questions. The request from the developer first is setting up precedent otherwise anybody in the future could ask the same as Mr. Mills. That's where I'm going to disagree 100 percent because the association in any neighborhood or subdivision or condominiums should be 100 percent . . . 20 percent. So who is going to be responsible for that? I have a big problem with that statement.

Mike Serpe:

Just a question to the Board. Say all four units are built, all 28 units are up and ready and some are owner occupied and a couple are rented. And Mr. Mills comes back to us in a year and says I have 7 units that I'm trying to sell and I can't do it. What are you going to tell him? All I'm suggesting is if that scenario does happen that we at least work with him, some way, six month lease, month to month until these units do get sold but don't leave them empty. That's all I'm saying. If he comes back to us and says I've got a problem, I've got 7 units here that are empty, they've been empty for 6 or 8 months, you're holding me to 20 percent, what do you want me to do?

John Steinbrink:

So you're looking at more of addressing it when the issue comes at that time rather than setting it out forward now. But yet we need that language in there to allow him to come forward at that time. Steve, maybe you could just answer a couple questions. The market throughout the County right now in condominiums how are they selling? How long are they on the market generally now after they're built?

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Steve Mills:

It really depends on the market. I mean I haven't rented any units but I have in various developments probably 40 units that aren't sold. So at some point in time I'm just saying that none of us can predict the future. I don't know what's going to happen in the world or in the real estate market. I'm optimistic. I'm sitting with units now in inventory that I'm not leasing them and it's not been a problem for us. It's not my intention to lease them, it's to sell them. But from a standpoint if you were in my situation and you were sitting with—the \$715,000 is just to clean the site up. You're still going to spend here \$2 or \$3 million to build these units and ultimately that's on top of that number. So it's just part of this comes back to making business sense out of the proposition. I'm not trying to break any rules. If it is a situation, Mr. Serpe, I bring this up just because I've not had to do this elsewhere. They don't have that rule. It's no differently than if you have five houses in your neighborhood or four houses in your neighborhood and you wanted to leave to go somewhere for a year and you couldn't lease your house because one of your other neighbors had already leased their house. You're bumped out because you've reached the quota.

Part of what we sell here is property rights and people do buy these units and have property rights just like you in your single family house or other people all around here in their condominium units. So I just bring it back to these are upscale units. They don't really make economic sense to lease them or rent them, but as an exit scenario or as a safety valve I like to always be able to survive and get to the next day. If somebody ran a plane into the Trade World Center or the subprime market goes crazy and the real estate market collapses, to sit with half of these units—the scenario is different from this is that typically what we do is build and fill. We don't build units until we have units sold and then we go to the next building. So it's not like we're building all of the units at one time. It's build a unit, sell the units and then move to the next one.

We own lots of pads that we haven't started buildings on because of the fact that we don't have the units sold or we have other inventory that isn't sold yet. Here, though, we've got to build all four of these in order to comply with our agreement with you on the TIF, that we will put these buildings up in rapid progression. And so there is a conundrum of sorts where we're causing ourselves a couple different kinds of problems. One requirement then in turn causes a different kind of problem if we're sitting in that situation. I don't know if that answered your question.

Clyde Allen:

The question is we told the neighbors, and there were three neighbors, and I don't have to rehash it, three neighbors who came and spoke against it. Eventually one came, the last one spoke for it and they all came around and they see no problem with the TID District being developed. But they were told 20 percent and that has always been repeated. We have an obligation to keep our word.

Now, as a suggestion what could happen, Mike, nice idea address is somewhere down the line. Should it come to that I would certainly be open to it but I would want to see a public hearing that the neighbors in the area can at least have their say.

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Mike Pollocoff:

As I was sitting here Steve mentioned something that's true. The Board hasn't seen the first draft of the development agreement, but the premise of what we're trying to accomplish with the TIF District is ensure that the life of the TIF isn't any longer than normal. And if we weigh that versus the concerns of having this kind of head down a slippery slope of being multifamily rather than owner occupied, maybe the real way to deal with this is to fix the development agreement so that Mr. Mills is able to build one building and in that building he's going to assume that risk that he's not going to maybe get it all sold but he's going to have what he's entitled to under the current ordinance which is 6 units that could be rental and one unit he has to sell. And then let him build the next unit when the market is ready. Right now the anticipation is he'll build one right after another whether the market is ready or not and then deal with it.

What the community wants out of this, and it's one reason why the condominium development is acceptable, and what Pleasant Prairie should want, is that at the end of the life of the TIF District we want those condominiums to still be up and viable units, that they're going to be able to pay their way for taxes and not evolve into a less desirable land use. That's not to say every apartment building ends up being undesirable, but the value that's going to be placed on the condominiums over the long haul is going to be greater than if it's apartments. The down stroke is that if Mr. Mills puts up a 7 unit building and he pre-markets it or he gets it sold, one of the units ends up being a model center then he proceeds to build building number 2 when the market is ready, then 3, that extends some life on the TIF District, but it ensures that what ends up being placed there is what we said would be in place there.

Some people are concerned about the life of the TIF. In the scheme of life this is roughly I think at the end of the day a \$4 million project or \$3.5. Again, we are dealing with our other TIF that's a half a billion dollars. This is not going to have a significant impact on the Village's tax base or our Village bond or kids in the school. We're talking about 28 units here that's cleaning up blight. I think maybe to change the formula so that he builds to market and he still has to pay the \$715,000, but I don't want to spend Steve's money for him although he thinks contrary, but it's going to pay the \$715,000 and deal with that debt over time than it is dealing with the debt of the entire buildup of the building and not have that done. So he still has to deal with that debt.

But let the buildings happen as the market happens and then we know we're getting condo units which is what everybody wanted because the market is going to build them out. There's a chance that the TIF could go a couple years longer but we've got to take the long view. Some people are going to want to take the short view and say we shouldn't do this at all, but the long view is at the end of life of this TIF we have 28 condo units that have held their value, look good, look as good, 17 years from now they should look better because there's more landscape and we haven't had to deal with the problem.

I think the other issue that maybe hasn't been addressed is that I think it's important to have a level playing field amongst all the condominium developers is that at 20 percent rental doesn't go on forever. In all the other condominium developments, once that initial purchase has been made, the next guy doesn't get that right to rent it. Everybody is signing onto that. That's just the initial favor and that's what the other condominium developers are living with and that's what some

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condominium units in the City have started to do. So I want everybody to understand that going in that 20 percent isn't forever. It's whoever has that initial deed on that. Maybe you can explain that better but that's where we're at.

I can see somebody saying it's a property rights issue, but on the other hand we're giving somebody a density greater than what normal land developments in the Village get. If you're in a higher density development your chances of having a weird rental neighbor is significantly greater, and the Police Chief will tell you that in a second, than it is in a condominium development.

John Steinbrink:

Jean, did you have any comments?

Jean Werbie:

I just wanted to mention that I wrote these provisions for their declaration and they're in the PUD regulations. Specifically it implies and it specifically states actually that the declarant is the one, and that would be Steve and his company, they would have that availability to them to rent the units. At this time, and they have mentioned and asked the question, but at such time as those units are all sold to the next parties, they wanted to know whether or not that 20 percent then carries to the homeowners of these new units. At this point the way it's written it does not transfer to the new unit owners that there could be 20 percent rental.

In my draft I suggest that if their attorney has some language they'd like me to take a look at or our attorneys to look at we will, but at this point it's just written that that right belongs only to the declarant. Also, the way it's currently written is that the 20 percent implies and specifically states it relates to the completed units within the development. There has been some discussion this evening and requested by Steve that it implies that we should change it to 20 percent of the platted approved units, which would be 20 percent of the 28 versus 20 percent of each building. I think you indicated that would be just a unit or two. I guess I need to have some more positive direction and specificity with respect to what the Board is looking for. I wrote it with a very specific thought process when I put this together initially.

Also, I just wanted to mention that the term owner occupied is pretty broad I believe, and in the definitions that I do use it does allow you to allow a family member or a relative, I mean it allows a lot of opportunities for you to have somebody else in there, but it does not allow rental to a stranger just because we wanted to, again, create that owner occupied situation. So if there is some specific direction that you can give me as to what you'd like me to do I can certainly draft that. Again, I was looking for some direction from their attorney but obviously they're looking for maximum flexibility with respect to the owner occupied situation.

Mike Serpe:

Sometimes when we talk about renting these units we're thinking that somebody is going to come in and destroy them. I don't think that's a fair assessment of people that rent apartments or

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houses or condos because there's people that own homes and condos that will destroy them. So the condo association as I understand it, whether the unit is rented or not or owned will still be in effect and maintenance will still be handled by the association. So the outside appearance of those units is going to be kept up to the standards that are written in the agreement. You can't regulate on how somebody lives inside of those four walls. That's their life, that's their business, as long as they're not affecting their neighbors or public health hazards. They can go on and live as they please. When it comes to party time that's what we have a police department for.

If that's the fear about 20 percent rental I just want to say that I don't want to categorize people that rent as being any lesser than anybody else. They're not going to ruin something. If they were they would ruin it if they owned it. So I'm open to making some concessions here as far as 20 percent of the 28 total or whatever. If we can come to a consensus would you rather have time to talk about this with Jean?

Steve Mills:

I think Mr. Pollocoff's idea works for me. As long as I'm not forced into building empty units, I can go from 1, 2, 3 to 4 and be observant of the marketplace. I don't have a problem with that. The only thing I would say, though, I would like to have the opportunity for this community to at least have the ability to have, quote, 20 percent of the units at some point in time in their life span be able to be rented by whoever owns them. Because there's many people who let's say they're in a real estate market where their job transferred and they're going out of town and they have a unit on the market for six months and they can't sell it and they need to put someone in for a window of time until it can be sold. Or, somebody is going to Iraq to serve for a year and he wants to come back to his unit but he can't leave it empty for a year because he's making house payments. Those are all life circumstances that I think you have to take into consideration. If we can rotate from 1, 2, 3, 4, build and fill that's what we do. Just that this was a little different because we were in a real tight time frame to have to put them up all at once in what is kind of a flat market.

So if we can operate under that arrangement we don't have a problem with leaving unlimited rentals. But I would say, and even for you to consider in the future, not just our development but others, these people have a bundle of rights of sorts that they're buying or they think they're buying, and for them to be able to lease their unit or have 20 percent of the units inside of a major development, have the opportunity to be a rental, the association will manage that very closely because once we're gone there's a board and they're very tightly managed. So I would just like to have whoever the users, the buyers of what we think will be a great small niche development on that corner, and we think we will sell them all, but I'd like to not penalize them by not being able to—if their life circumstances change in some way that they couldn't rent it while they're going doing something else or because they couldn't sell if because of some economic slowdown, etc.

That being the case if you say it's 20 percent I would like to at least have it 20 percent during the life of the development because that's kind of how I read Jean's paragraph. At least that's how I interpreted it. And then we don't have to have any kind of unlimited amount as long as we can just build them and sell them as we go if that's acceptable.

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Jean Werbie:

If we modify the language so that the rights would transfer from the declarant to the homeowners, my question would be when do we modify that right, after all the units are built or before that time? Because otherwise if he sells them to four property owners and they choose to rent, that right of that 20 percent could disappear very quickly. So I would just need that clarification on that. While he still owned units, the right stays with him until he's sold 100 percent or rented 100 percent.

Mike Serpe:

I think the question is are we ready to approve this tonight without that being resolved?

Steve Kumorkiewicz:

I don't think so.

Monica Yuhas:

I'm not.

Mike Pollocoff:

I have two questions. One is that, and the second is how do you want to treat the rental, the unlimited rental, or do we want to fix it on the front end by not requiring building the units all at once.

Mike Serpe:

My recommendation is that you continue talking to Steve and bring this back in two weeks.

Steve Kumorkiewicz:

I'd like to make a motion to table.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica to table for two weeks. It's a very unique project we're working on. I guess our goal is to make everybody a winner at the end of the day. It helps the Village out because it's solving a problem that's affecting all of the neighbors and the Village taxpayers by cleaning up the area with the unwanted pollution there. Hopefully that's going to be

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out goal at the end is to do that and come out ahead for everybody. Does the association, Steve, have enough teeth in their language, or will they have enough in their language if they have to do—what do they do when they deal with an unruly renter?

Steve Mills:

(Inaudible)

Mike Serpe:

John, I'll give you an example. My daughter used to own a condo at Provincial Commons for a couple years. Homeowners association had it in their rules that if you had a dog and you didn't clean up after the dog \$25 fine and they did it. It was pretty well controlled. There were a couple younger kids who had parties but it was addressed rather quickly. It depends on the officers, of course, and how strong they wanted to become involved in their homeowners, but if you have a good association and officers it will work quite well.

John Steinbrink:

We have a motion and a second. Any other discussion?

Steve Kumorkiewicz:

Yes, I have a question to be clarified to Jean. The condo association 20 percent of the units in the future . . . association for me is—

John Steinbrink:

They're going to work that out.

KUMORKIEWICZ MOVED TO TABLE CONSIDERATION OF THE PRELIMINARY CONDOMINIUM PLAT FOR THE REDEVELOPMENT OF THE PROPERTIES FOR 4-7 UNIT CONDOMINIUM BUILDINGS TO BE KNOWN AS SPRINGBROOK PLACE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND 22ND AVENUE (CTH ML); SECONDED BY YUHAS; MOTION CARRIED 5-0.

G. Consider the Second Amendment to the Declaration of Restrictions, Covenants and Easements for the Westfield Heights Subdivision.

Jean Werbie:

Mr. President and members of the Board, this is a request of Doug Stanich and Todd Stanich for a second amendment to the declaration of restrictions, covenants and easements for the Westfield Heights Subdivision. Specifically, their request is to modify their restrictive covenants so that each residential lot shall have a private enclosed garage attached to the dwelling for on site storage of not less than two automobiles for each single family dwelling built upon the lot to be

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connected to the street, and this is their change, by a surface concrete or brick driveway, which driveway shall be installed and completed within one year from the date of verbal occupancy. So they wanted to change the material in the time frame to complete. All other provisions will remain as they are. Staff recommends approval of their modification, and I assume they'll be recording this amendment to their declarations.

KUMORKIEWICZ MOVED TO APPROVE A SECOND AMENDMENT TO THE DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS FOR THE WESTFIELD HEIGHTS SUBDIVISION AS PRESENTED; SECONDED BY YUHAS; MOTION CARRIED 5-0.

H. Consider Agreement for Professional Construction and Related Services for the Courts of Kensington Development.

Jean Werbie:

Mr. President, this is an agreement for professional construction and related services for the Courts of Kensington. This is the construction related services, field inspection, contract administration services that the Village is going to be working with Crispell-Snyder, Inc., as the Village's consulting engineer in order to perform these services on the Courts of Kensington development. The compensation for the services provided is outlined within the contractual agreement. The staff recommends that the Board authorize the Village President and Village Clerk and sign this agreement and forward it on to Crispell-Snyder, and this will be included as part of the closing documents for the Courts of Kensington project.

SERPE MOVED TO APPROVE AN AGREEMENT WITH CRISPELL-SNYDER, INC. FOR PROFESSIONAL CONSTRUCTION AND RELATED SERVICES FOR THE COURTS OF KENSINGTON DEVELOPMENT; SECONDED BY YUHAS; MOTION CARRIED 5-0; SECONDED BY YUHAS; MOTION CARRIED 5-0.

I. Consider Resolution #07-72 to initiate an address change for the property located at 6131 104th Street that would need to be changed to 6207 104th Street as a result of 62nd Avenue roadway being connected.

Jean Werbie:

Mr. President and members of the Board, as a result of the platting of the Courts of Kensington Subdivision, which is generally located on the north side of 104th Street between 57th and 63rd Avenues, and the required location of 62nd Avenue connection to Highway 165 by the Wisconsin DOT, the address of the existing home that is on the south side of 104th Street at 6131 104th Street will need to be reassigned. That new address would be to 6207 104th Street. Again, it's because the home will now be west of the proposed 62nd Avenue. The need for this change was discussed at the time that the Plan Commission and the Board had adopted the conceptual as well as the preliminary plat and when the Plan Commission considered the final plat.

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The Village Board of Trustees with this resolution is setting a public hearing to consider changing the address at 6131 104th Street to 6207 104th Street, and that hearing would be scheduled for November 19, 2007. This is just an initiation of this resolution and the Board is not making any determination regarding the final merits of these proposed changes but is just scheduling the public hearing to consider the change. The staff recommends approval.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #07-72 TO INITIATE AN ADDRESS CHANGE FOR THE PROPERTY LOCATED AT 6131 104TH STREET THAT WOULD NEED TO BE CHANGED TO 6207 104TH STREET AS A RESULT OF 62ND AVENUE ROADWAY BEING CONNECTED; SECONDED BY SERPE; MOTION CARRIED 5-0.

J. Consider Ord. #07-47 to amend section 410-4 of the Village Municipal Ordinance related to Hardware Standards for required security systems.

Jean Werbie:

Mr. President, Ordinance #07-47 is an ordinance to amend Section 410-4 of the Village of Pleasant Prairie Municipal Ordinance. This relates to the hardware standards for the required security system for onsite private security cameras for new commercial developments. As the Village has been working through the process with Prime Outlets and some other commercial projects that are going to be coming on line in the Village over the next year or two, the IT Department has been working in detail with the various companies involved in security systems, and they find that we need to clear up some of the ambiguity within our existing ordinance and to provide some very specific details and minimum standards for the hardware to be included as part of the security system which relate to the cameras, the digital network video recorder, the software as well as the internet connection.

So the IT Department prepared this amendment to the ordinance. Mr. Pollocoff and I have both reviewed it was well as our Village attorney, and we feel that these modifications do need to be made. I did ask the question to the IT Director as to whether or not these details could be or would be changed at some point in the future, and she feels that every three to five years we should re-examine the standards or there are new industry standards, there's new, more highly technical equipment that becomes available, and we should always be looking at this to verify that it's always going to be compatible with the systems that we have here at the Village. So the staff recommends approval of this Ordinance 07-47 as it relates to security systems.

Mike Serpe:

Quick question. What is the reason for the internet connection? For whose benefit is it?

Mike Pollocoff:

That's for ours. It's an internet connection that can come back to Prange and eventually fed over to a squad car. They'll have a real time look at what's going on.

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ALLEN MOVED TO ADOPT ORD. #07-47 TO AMEND SECTION 410-4 OF THE VILLAGE MUNICIPAL ORDINANCE RELATED TO HARDWARE STANDARDS FOR REQUIRED SECURITY SYSTEMS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

K. Consider Disallowance of Claim filed by Malgorzata Vargas for a claim of injury at the LakeView RecPlex.

Mike Pollocoff:

Mr. President, a user at the LakeView RecPlex in the party rooms slipped and fell. They were hurt. They didn't let anybody know at the time they were hurt. They subsequently went to a doctor a day later and indicated that they were hurt in the fall. As we do with all the claims we forwarded to our insurance company for review and investigation. They're recommending that the Village deny this claim and I concur.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike and second by Steve. Any further discussion?

Clyde Allen:

Just in support, yes, it makes sense, but Mr. Losch was kind enough, and just to support it a little bit he saw what the description of the incident was all about. A person carrying their young son from the aquatic center to the party room, slippery floor. Mr. Losch was kind enough to bring this in. This is the sign that is posted there and it's double sided. Just for the record, say the birthday party rules, swimmers are not to be entering the party room during the party and there's to be no wet swimsuits or swimmers moving to or from the party room and the aquatic center. On the bottom it explains that you're required to strictly adhere to all these policies and guidelines. There's a sign posted so it just supports that.

John Steinbrink:

Other discussion.

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Monica Yuhas:

Question. On the signs are they posted in English and in Spanish? I'm asking because with Kenosha Unified everything that comes home is in English and in Spanish because of the large population. So that's why I'm asking with this sign is it in English and in Spanish?

Mike Pollocoff:

It's in English. They're in English. I guess if the Board wants we can double them up. Our liability carrier hasn't required us to do that.

Monica Yuhas:

Just a question.

Steve Kumorkiewicz:

Leave it the way it is.

John Steinbrink:

Other comments or questions?

Mike Serpe:

So only the English and the Spanish can fall. Nobody else can.

Monica Yuhas:

No, that's not my point. My point is the fact that you do have a large population. You go into Lowes and it's in English and it's in Spanish. So my question was at the RecPlex if we do have signs in dual languages. That was my question.

Mike Pollocoff:

No, we don't.

Steve Kumorkiewicz:

We shouldn't. We shouldn't have a special written up for every language in this Village. As far as I'm concerned I'm not the best speaker—

John Steinbrink:

That's not part of the issue.

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SERPE MOVED TO DISSALLOW A CLAIM FILED BY MALGORZATA VARGAS FOR A CLAIM OF INJURY AT THE LAKEVIEW RECPLEX; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- L. Consider Ordinance #07-48 - Ordinance to Amend Chapter 119 of the Municipal Code relating to Dog Licenses.**

Jane Romanowski:

Mr. President, this is just cleanup of our code. As you can see our current ordinance says any property with more than four dogs is to be licensed as a dog kennel through the State of Wisconsin. The State of Wisconsin doesn't have a kennel license. This is something from how many years ago that we kind of missed. But it's been always processed through the planning department through a conditional use permit. It was just something that came up because of a complaint we received and happened to look at the ordinance. Jean has had these restrictions on the books since '83 so it's just some cleanup on our Municipal Code. We've taken care of it. Just changing the sentence to read that they have to go through the conditional use permit through the Village.

YUHAS MOVED TO ADOPT ORDINANCE #07-48 - ORDINANCE TO AMEND CHAPTER 119 OF THE MUNICIPAL CODE RELATING TO KENNEL LICENSES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- M. Consider Resolution #07-74 - Resolution requesting that train engines not be parked next to the Mobile Homes in the Westwood Estates Mobile Home Park.**

Mike Pollocoff:

Mr. President, this resolution is requesting that the Rail Commissioner take action to require the Canadian Pacific to move their engines on the siding along the tracks away from Westwood Estates Mobile Home Park. Right now the mobile homes are probably within 30 feet from the right of way from the railroad. The right of way from the railroad is maybe 20 feet. They're parking their engines there and running them all night, playing country western music. I don't know what kind of music they're playing but they're playing their radios loud and it's hard for the residents to sleep, not to mention just the sound of the diesels running. So President Steinbrink has requested this last winter to have the Rail Commissioner come down and examine it, look at it, played them a tape and it stopped for a while and it started up again. So this resolution would be asking the Commissioner to take formal action and conduct a hearing and assess costs for moving the engines farther down the siding. There's plenty of places they can park where there isn't any residential structures. They can do all they want there.

Mike Serpe:

You'd think they would do this without a resolution,

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SERPE MOVED TO ADOPT RESOLUTION #07-74 - RESOLUTION REQUESTING THAT TRAIN ENGINES NOT BE PARKED NEXT TO THE MOBILE HOMES IN THE WESTWOOD ESTATES MOBILE HOME PARK AND SERVE IT ON THE RAIL COMMISSIONER; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- N. Consider Resolution #07-75 - Resolution Requiring the Routing of all Geo-Referenced Subdivision Plats and Certified Survey Maps to the County Land Information Office upon approval.**

Mike Pollocoff:

Mr. President, this resolution is for the purpose of the digger's hotline service that all utilities are required to participate in to receive information in the fastest manner possible so that as new developments or subdivisions are being platted that they have full knowledge of it to make sure that they're getting correct information. I think we already comply with this, but part of our obligation as members of the one call network they've asked municipalities to-

Jean Werbie:

In electronic format or just hard copy?

Mike Pollocoff:

Electronic.

Jean Werbie:

Different than how we typically receive it?

Mike Pollocoff:

I think once we get to final plat and we've got an electronic copy that we would provide our own GIS, we would just send that to the County. My recommendation would be to adopt Resolution 07-75.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #07-75 - RESOLUTION REQUIRING THE ROUTING OF ALL GEO-REFERENCED SUBDIVISION PLATS AND CERTIFIED SURVEY MAPS TO THE COUNTY LAND INFORMATION OFFICE UPON APPROVAL; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- O. Consent Agenda**
- 1) Approve a Letter of Credit Reduction for the Ashbury Creek Development.**
 - 2) Approve a Letter of Credit Reduction for the Devonshire Subdivision.**
 - 3) Approve a Letter of Credit Reduction for the Kings Cove Development.**
 - 4) Approve a Letter of Credit Reduction for Meadowdale Estates Addition #1 Subdivision.**

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- 5) **Approve Letter of Credit Reduction for Village Green Heights Development.**
- 6) **Approve Letter of Credit Reduction for the Arbor Ridge Development.**
- 7) **Approve Letter of Credit Reduction for Bain Station Crossing Development.**
- 8) **Approve an Affidavit of Correction to Certified Survey Map #2580 to correct an error in the legal description on Sheets 1 and 2.**
- 9) **Approve Bartender License Applications.**

KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-9 AS OUTLINED; SECONDED BY ALLEN; MOTION CARRIED 5-0.

11. VILLAGE BOARD COMMENTS

Monica Yuhas:

Not to beat a dead horse but it's now 9:30 and citizens are waiting for three hours after citizens' comments, well, roughly two and a half hours. And this is why I firmly believe that Board comments should be moved. I am going to request a copy from Mr. Babcock regarding his letter to the Attorney General. I understand why we moved it but I still don't support it. I just want that clear.

I have been busy going to different departments. As you all know I've been trying to hit every department in the Village so I can meet all the staff, meet the employees, and get a better understanding as to what each department entails. It's been very helpful with the budget meetings learning about all the equipment. On October 19th I spent the morning with Tom Patrizzi out at the RecPlex and the IcePlex, and he gave me a tour of the facilities and how the inner workings work as far as how ice is made. I'm sure many of you don't know that it's painted white. That was something that I did learn. It was interesting to learn how water levels are maintained in the pool. Tom did a great job taking me around and I was also able to drive the Zamboni so thank you, Tom, I appreciate it.

James also took me around the RecPlex and introduced me to more personnel that I had not met because of different times that I've been out there. It was interesting to sit and talk with him about some new ideas that he would like to bring forth in the upcoming year.

Then also on the 19th of October I spent the afternoon in inspections with Jeff Sorenson. It was quite interesting to see the process from beginning to end on a home inspection, what is all entailed, so I do appreciate Jeff taking the time to take me around on that cold, wind, wet day.

Then this past Friday I had the opportunity to ride third shift with Lieutenant Mark Hunter. Nothing happened and it was very uneventful, but it was a great way to meet the third shift personnel. I do appreciate everyone allowing me the opportunity to come into your department and see actually what goes on. Thank you to Chief Wagner and to Lieutenant Mark Hunter for showing me around the Village on a Friday night.

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Mike Serpe:

In answer to your statement, Monica, about Board member comments, the way I read this agenda I don't think there's anything stopping you from responding after a citizen's comment if you wish to take that opportunity. That's entirely up to you. You have the right to say something. Just because Board member comments appears on the agenda doesn't mean you have to respond. But the way this is written if you wish to respond you're perfectly entitled to. I think the compromise has been met. As I said before you have to be careful that you don't get into a situation where there's a little grandstanding going on. Maybe somebody is setting you up for an emotional response. You have to guard against that and I think this kind of does that.

One other thing on Board member comments. One of the homeowners of the Prairie Village condo association approached me and said with the automated garbage service coming on they said it's nice, but the containers are going to be so large and the size of the garages that we allow to be built things are getting a little crowded in there now. Two 95 gallon containers gets a little tight. Maybe in the future we should probably consider what we want to see as far as garage size goes for condominiums. Maybe years ago when the County controlled it you were only limited to a certain size garage that obviously the American love for the automobile has outgrown. I think we're about ready to revisit that again and make them just a little bit bigger than what we're allowing now.

Clyde Allen:

I just want to comment on my favorite subject, numbers. I appreciate people listening to the budget presentation that's going to come before you in a couple weeks. But I urge everybody to come to a working session, whether it be Saturday morning or an evening or whatever it is. You can see what goes on, how many items get changed, what the whole process is and how many changes actually take place and all the revisions. And if it is on a Saturday you probably can witness what happens with several pots of coffee and sugar and what it does to a grown man as he wakes up.

Steve Kumorkiewicz:

I want to make a comment myself. Last Saturday I had an opportunity to visit the landfill in Zion, Winthrop Harbor actually. I've received a lot of complaints about the odor in the area and I had a chance to visit and tour the facility with the manager of the facility. I couldn't believe the process that they have, how they take care of the water runoff, how they cover the landfill to avoid the flow or the escape of the methane gas to the atmosphere which is . . . in the area. Definitely they are trying to locate the areas where the leaks occur . . . to a center where they utilize the methane for converting diesel engines to generate electricity for 1,500 homes using the gas from that. It's amazing. I didn't know that.

Mike Pollocoff:

Did they say when they're going to fix the odor problem?

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Steve Kumorkiewicz:

Yes. Matter of fact today they opened another unit in which they're going to burn the excess of gas they pick up from those spots

12. ADJOURNMENT

YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 9:35 P.M.