

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"
9915 39th Avenue
Pleasant Prairie, WI
December 17, 2007
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, December 17, 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; and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - NOVEMBER 19 AND DECEMBER 3, 2007**

Steve Kumorkiewicz:

Move approval as written.

Monica Yuhas:

Second.

John Steinbrink:

We have a motion by Steve, second by Monica. Any additions/corrections?

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF NOVEMBER 19 AND DECEMBER 3, 2007 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY YUHAS; MOTION CARRIED 5-0.

5. PUBLIC HEARINGS

- A. Consider the request of Robert Larsen, agent for LNR Enterprises of Pleasant Prairie, LLC, owner of the property located at 7800 128th Street, for a Variance from Section 395-72 G of the Land Division and Development Control Ordinance related to providing basement gravity sanitary sewer service to the homes proposed to be constructed on the property.**

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Jean Werbie:

Mr. President, the petitioner is requesting the approval of a certified survey map this evening, and it's going to be considered later on the agenda. But this request is to subdivide property located at 7800 128th Street into two parcels. Lot 1 is proposed to be 5 acres and Lot 2 is proposed to be 25.9 acres. A shared driveway will be provided through Lot 1 to service Lot 2. In addition, utility easements are being dedicated through Lot 1 to provide sanitary sewer to service the new homes on both Lots 1 and 2.

Section 395-72 G of the Village's Land Division and Development Control Ordinance requires that homes have basement gravity sanitary sewer service. However, due to the depth of the sanitary sewer in 128th Street and the location of where homes could be placed on Lots 1 and 2, and the environmental limitations on this site, there's wetlands, floodplain, shoreland primary corridor, the petitioner is requesting a variance in order to install grinder pumps on Lots 1 and 2, and this will be, again, as a result of doing a further land division this evening and wanting to build homes on both Lots 1 and 2 wherein gravity service is not available to service the lots.

The granting of the variance would not be considered contrary to the public's interest, safety and welfare since the property owners will be responsible for the installation, maintenance and use of the grinder pump and without these pumps they would not be able to get service to these lots. This is a matter for public hearing.

John Steinbrink:

Once again this is a public hearing and we ask that you use the microphone and give us your name and address for the record. Did we have a sign up for this item?

Jane Romanowski:

We had a sign up but nobody signed up.

John Steinbrink:

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

Jean Werbie:

I just want to mention that the petitioner as well as their engineer are in the audience if the Board has any questions.

John Steinbrink:

Board comments or questions?

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Steve Kumorkiewicz:

Are they going to be connecting to municipal sewer?

Jean Werbie:

Yes, in 128th Street.

Steve Kumorkiewicz:

Thank you.

John Steinbrink:

Other Board comments or questions? Monica?

Monica Yuhas:

Jean, how many other lots have sanitary grinder pumps on their lots?

Jean Werbie:

I don't think I know that answer. Mike, do you have any idea how many we might have in the Village?

Mike Pollocoff:

The precedent that the Board has really established in placement of the grinders is, one, if it was impossible to get gravity feed due to the distance and the length of run that's going to be in there, or there just wasn't enough pitch in the existing sanitary sewer line to accommodate it. One of the things about running a grinder pump is, especially in an area that's as environmentally challenged as this, is the profile of that trench is very narrow and can cause a lot of disruptions. But this is in my mind an ideal application for it.

There is a grinder pump that's actually connected to the force main that feeds this line a little bit farther up on the east side of the Canadian Pacific Railway line. So in this area we have allowed it because in part in this case it would be environmental but just the general access to the sewer. These areas were not meant to be sewerred by that sewer line that services that area. It was really a conveyance from the Timber Ridge Subdivision over to the 73-1 plant. Back in the Town days, back in the late '60s and early '70s they really didn't plan this for that type of development.

Mike Serpe:

Mike, what prevents—the grinder pump is used when the depth of the sewer line in the home is going to be deeper than the sewer line in the street. What prevents back flow?

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Mike Pollocoff:

It's got a back flow preventer on it so that there's a check valve on the grinder pump much like your sump pump only it's a lot more substantial. So the only way that anything is coming in—nothing is coming in that thing. All it's doing is discharging. Once the pump isn't pumping anymore the valve shuts, turns off, and nothing can come back in it. In Illinois where they've really allowed a lot of grinder pumps and ejection pumps is there they've made it easier for developers to put in sanitary sewer lines where they buried the lines like only four feet deep so a lot of people are using grinder pumps or ejector pumps to get sewage to the street. It saves the developer money. One of the burdens that the owners will have is these things can be, depending on what's going on in your household, could be a little maintenance intensive, but that would be a private issue.

Mike Serpe:

I'd move approval of the variance.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica. Any other discussion on this item?

Steve Kumorkiewicz:

I have one more question for Jean. Jean, do they need to have a grinding pump and an elevation pump, too, to elevate the sewer up to discharge, or just the grinding pump?

Jean Werbie:

They need two separate pumps?

Steve Kumorkiewicz:

They need two separate pumps?

Jean Werbie:

I don't know. The engineer is in the audience and you can possibly address that question to him, Steve.

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Mark Eberle:

Mark Eberle, Nielsen, Madsen and Barber Engineers, 1339 Washington Avenue, Racine. What was your question again?

Steve Kumorkiewicz:

My question is they're going to have a grinding pump to discharge up to the main. Are they going to have an elevation pump to deliver the sewer to the main or not?

Mark Eberle:

It's actually a single pump that sits below grade in the basement. So a single pump will pump it above grade and to the main.

Steve Kumorkiewicz:

So it's going to go to a certain height and then it's going to go to the main?

Mark Eberle:

Actually, these types of grinder pumps will pump through inch and a half tube they will pump five miles. So it will get it, it will pump it all the way to the main whether it's up or down or sideways.

Steve Kumorkiewicz:

I never heard about that, that's why I'm asking. Thank you.

John Steinbrink:

Any other comments or questions?

SERPE MOVED TO GRANT THE REQUEST OF ROBERT LARSEN, AGENT FOR LNR ENTERPRISES OF PLEASANT PRAIRIE, LLC, OWNER OF THE PROPERTY LOCATED AT 7800 128TH STREET, FOR A VARIANCE FROM SECTION 395-72 G OF THE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE RELATED TO PROVIDING BASEMENT GRAVITY SANITARY SEWER SERVICE TO THE HOMES PROPOSED TO BE CONSTRUCTED ON THE PROPERTY, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY YUHAS; MOTIONCARRIED 5-0.

John Steinbrink:

The next item is Item B and I'm going to turn that over to Trustee Serpe as it affects property owned by my family so I'm going to abstain from this item.

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Mike Serpe:

Thank you, John.

B. Consider Construction of Sanitary Sewer Improvements on Bain Station Road east of CTH C, 1750 feet to the Ashbury Creek Development and Final Resolution #07-92 approving said project.

Mike Pollocoff:

Trustee Serpe, this is a resolution for the final determination of construction expenses related to the extension of sanitary sewer on Bain Station Road serving the Ashbury Creek Development. The developer has requested that he be afforded right of recovery for the expenses associated with providing a sanitary sewer to that subdivision which will benefit other properties along Bain Station as well as providing access in terms of depth and reach to lands to the east. As such, the developer when they request that under a land division ordinance they have the right to do that and the Village Board, pursuant to Public Service Commission order, has the responsibility to conduct an assessment so the affected property owners are aware of what is out there. The Public Service Commission has also placed a ten year limit on the right of recovery; and in this project, based on as all special assessments are based on actual costs, once the project is completed the total project came in at \$468,182.78. The portion that's attributed to the Ashbury Creek Development is 60.9 percent. The remainder is 39 percent, so that would leave a right of recovery that would be due to the developer in the amount of \$183,059.47. This would be a special assessment that would be held for a period of ten years from the time it's been accepted from the Village.

If the property owner from parcel number 1, and in that case that would be John Steinbrink, chooses to connect to that sewer or use it, he would be required to pay the Village of Pleasant Prairie the \$183,059.47, and the Village would be required by the development agreement to in turn give that money to the developer of Ashbury Creek. If the property owners do not develop or have access to that land after ten years then the right of recovery goes away and the developer is not entitled to it. This has been our standard practice since our last Public Service Commission order and we have a substantial number of these assessments out there, both sewer and water, where developers are providing up front capital and having the opportunity to collect if someone else is able to make use of that property or with improvement over a ten year period.

So it would be my recommendation that we adopt Resolution 07-92 for the final determination of levying of special assessments.

Mike Serpe:

Thank you, Mike. This is a matter for public hearing. Is there anybody wishing to speak? Anybody wishing to speak? Anybody wishing to speak? We'll close the public hearing and open it up to comments and questions from the Board.

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Steve Kumorkiewicz:

This property is one of the many that we've reviewed in the past, right of recovery.

Mike Serpe:

Very common practice.

Steve Kumorkiewicz:

So it's a very common practice.

Mike Serpe:

Anybody else?

Monica Yuhas:

I make a motion to adopt Resolution 07-92.

Clyde Allen:

Second.

Mike Serpe:

Motion by Monica, second by Clyde to adopt 07-92.

YUHAS MOVED TO ADOPT RESOLUTION #07-92 – FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTY FOR CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS ON BAIN STATION ROAD EAST OF CTH C, 1750 FEET TO THE ASHBURY CREEK DEVELOPMENT; SECONDED BY ALLEN; MOTION CARRIED 4-0 WITH STEINBRINK ABSTAINING.

Mike Serpe:

Let the record show that President Steinbrink did abstain from the vote. John?

John Steinbrink:

Thank you, Mike. That concludes our public hearings.

6. CITIZEN COMMENTS

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Sherri Chmielecki:

Sherri Chmielecki, 11009 122nd Street. First off, Merry Christmas and Happy New Year. Thanks for the calendar and to John, Jr. for putting the post card with the levels for the new garbage pickup. That's really nice. I had to remind some of the people not to throw the calendar, but besides that, I want to know what is being done to collect the delinquent property taxes of approximately \$449,000 since 2004? What percentage is residence and what percentage is business? Even at one and a half percent that can add up to our taxes going higher to cover them. Some of us already pay more than our fair share. All this expense road equipment and clean water sewage that I've been told we'll not see on our street.

And in October your tax rate was 5 percent in November it went up to 5.5 percent. In October your tax rate was 5 percent. In November it went up to 5.5 percent. My tax bill says 5.6 percent and you're planning on spending 8 percent. Social Security went up 2.3 percent. With 20,000 residents, many non contributing kids, low home sales, foreclosures, job loss, vital stock market will you rethink your spending this year of the 8 percent? Thank you very much for your time.

Dick Ginkowski:

Good evening. Dick Ginkowski, 7022 51st Avenue. I had the distinct pleasure and bittersweet experience this weekend to spend quite a bit of time at a nursing home in Iowa. It's a very interesting part of the season there because it is the caucus season, and in addition to the Christmas program there the residents, to the extent that some were able, got into the heat of the debate over the upcoming Presidential caucuses. One of them made a very interest comment. She stood up and she said Thank God we live in a country where we can express our opinions and vote for who we want to and say what we want. And it was very interesting because sometimes I think we forget that. We say the Pledge of Allegiance and we do a lot of things and it almost becomes a routine. But we forget the sacrifices that people made to do that.

So nothing on any of the issues tonight. I feel bad that some of our regulars aren't here tonight. They certainly add to the mix of discussion here sometimes to the annoyance factors, sometimes there's gems of wisdom. But more importantly I just wanted to echo a best wishes for the holidays and for everyone to be safe over this. This is the last regular meeting of the Board this year and I'm sure we'll all be back to our regularly scheduled debates and discussions coming the first I believe—I don't know if it's actually going to be the first weekend or the third Monday in January, however that's going to work with the next Board meeting but we'll see you then. Thank you.

Jane Romanowski:

There are no more signups, Mr. President.

John Steinbrink:

Anybody else wishing to speak under citizens' comments? Hearing none I'll close citizens' comments. Are there any Board members wishing to respond?

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President just one response to Ms. Chmielecki's comment on delinquent property taxes in Wisconsin. The County is charged with collection of delinquent property taxes so we don't deal with that. It's done at the County and I'm sure they could provide you with the data stratified in the manner that you're looking for.

One of the issues that was brought up recently in the *Kenosha News* is the issue of the Clean Water Utility. I know we've had ongoing discussions of it. The utility and the document reflect nearly two years worth of work, more than that even, probably three years, by the staff and the Village Board to come up with an equitable way to establish a charge for enforcing and managing the mandate for storm water discharges that the Village is now required to clean up and have under control by the federal government.

I think that in my review of the article by the *Kenosha News* I think they in as much as it appeared to be editorialized in the body of the article I think there's a divergence, and maybe people are just going to have to agree to disagree, but I think it's something that's important for the people in the Village to understand, to understand the logic of why we're doing what we're doing. It's that the Village has been tasked with complying with the Clean Water Act and we've been given a permit by the State that exempts certain uses. We've developed a comprehensive system to evaluate all the parcels, and in as much as the Clean Water Utility is just that, a utility, and the services we provide are based on use, that to charge a classification of property owner for a service that they're not permitted to be monitored over, we can't regulate them, is contrary to what we feel the statutes require.

Our attorney who reviewed the work also felt that way. I guess if you want to make a decision such as the newspaper did to read that contrary to what the attorney's interpretation is, they could read that, but it casts it all in a different light. I think anybody that would look at their charges, some people aren't going to like the charges because given the nature of their property they're going to be large and sometimes they're going to be small. But the Village did not design the exemptions. The Village did not propose the exemptions. The Village took the exemptions that were provided in the permit to us and we exempted those from our consideration. And we followed the existing federal statutes and what they provided.

The Clean Water Act only applies to point sources and that's specific places where pollution is coming into the water system. Agricultural runoff specifically was not described by the Clean Water Act. It was only those agricultural uses that related to the large animal—the great big milking operations where they have more than 1,000 animals. In that case if we had one of those in the Village we would monitor that. We would permit that. We would bill that and we'd make sure that the runoff from that type of operation wasn't causing us any problems.

So while storm water from ag fields is generally exempt some storm water runoff is regulated under that specific Act. So there is an intentional look at agricultural runoff by the Clean Water

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Act which is the overriding regulation that governs this, and they made that definition and that separation between large animal operations and general farm operations and they exempted general farm operations from the regulations and they included the large animal operations in there.

It would seem to me, and our attorney agrees with us, if in fact the federal government had included everything in there, or at the worst—if everything is in there then everything is in there. Or, at the worst if they didn't include large animal operations at that point you'd be stuck with, well, do they mean agricultural or not? They've looked at it and they've excluded it.

In Wisconsin the law does not have an exemption that is as clear as the federal provision even though we're subject to the federal provision but the result is the same. In Wisconsin the definition of point source solution in the statutes, it's in 283.01(12) includes concentrated animal feeding operations as point sources but excludes storm water except as regulated under another statute which is 283.33(1). That statute applies to storm water from industrial sites and municipalities, not agricultural.

So, again, the *Kenosha News* took it upon itself to say since it wasn't in the permit you can still charge for it. Again, if you're not going to regulate somebody, if you're not going to monitor them, if you're not going to permit them by and large because they're under federal exemption, what we would be doing and I think what their surveys showed is you go ahead and bill them regardless for a service they don't use. And nobody within the storm water utility that is outside the exemptions is treated that way. Either you're billed or you're exempt by our permit.

I guess I take issue with some of the survey work that the *Kenosha News* did. My experience is they'll find a group of communities that meet the purpose that they were looking for. We do know that, at least from our legal attorney's position, no one has as comprehensive of a storm water billing basis as Pleasant Prairie, but there are some that are fairly close to what Pleasant Prairie is and that would be the City of Fitchburg with a similar size community and Bellevue by Green Bay, another similar sized community, where they exclude agriculture and they go into not as much detail as we do in billing but close to it.

One of the things, and it wasn't described in the *Kenosha News* article and I don't know why, but there is a source of relief for people that we've identified and as well as the State has identified in that people who feel that the Village has inequitably charged them for services that they're not receiving or the charge is inequitable or they're being treated differently is to file for an opinion from the Public Service Commission on whether or not the Village has inappropriately applied the formula or if the rates are a question. This is a utility. The Public Service Commission for the State of Wisconsin does have the authority, the ability and the mandate to do that as people submit those requests. And I would encourage, as does the ordinance encourage, people to do that if they feel that the Village has not acted fairly in doing this.

The statute that provides for PSC review also finds the basic criteria that utilities use in settling storm water fees and those criteria are related to the generation of storm water. But specifically even in the Public Service Commission the fees have to be related to how the storm water is generated and that's what the Village does through our storm water utility.

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I think that when we began this process the Village Board undertook to take a look at a diverse mix of land uses, single family residential, large lot residential, farmettes, big farms, all sorts of different type uses, and it was out of that evaluation of what type of properties were in Pleasant Prairie that led us to the conclusion to do a per parcel charge, although convenient and simple, was not fair. Someone--the majority of the property owners in the Village are in that \$3, between \$2.50 and \$3.50 a month in their charges. To do a one size fits all means that the amount comes up to \$10.74 a month. The person who lives on a quarter acre lot is going to pay the same as someone who is at Super Valu. I think they give short shrift to that. That concept shows that, one, I don't think the interest and fairness doesn't match up against the statutory requirement that if we're going to do this as a utility we can only bill for the services that we provide.

We've used the abilities that we have to take and manage the differences and for anybody that's called us to say I have a question, I think it's different, I think it's wrong, there's some other things you need to see. We've gone out there and did a physical inspection on it, and when the opportunity is there to make a change we make a change. It's not the end of the world for us if it changes. It should reflect what it is. That's the basic premise that we adopted.

We've had that ordinance and that premise for funding the storm water utility; it was acted on initially by the Town Board to start the process. When we adopted the storm water ordinance, along with the model ordinance, along with the storm water management plan, all those documents were supported by this Board unanimously, 5-0. Everybody that sat at this dais in 2006 and 2005 unanimously voted for all that work that was done. That's the underpinnings of everything that we're doing.

When we undertook the exempt agricultural as required by the permit we also exempted wetlands, ponds, lakes from the clean water utility. We've exempted a significant amount of wetlands that the DNR holds. We've exempted a significant amount of wetlands that's owned by The Nature Conservancy. We've exempted a significant amount of wetlands that's owned by the University of Wisconsin. We've worked with those entities to identify specifically from their standpoint how much in terms of area that they own is wetlands.

The *Kenosha News* reported that there was some dust up over the fact of what the Village of Pleasant Prairie and DNR were working on. There wasn't. It was just a matter of a lot of lots to look at and determine just exactly what was upland, non wetland, what was lowland wetland and what was upland wetland. So all wetlands, regardless of upland or lowland, were exempted. And to the extent that wetlands migrate, they get bigger, they get smaller, as time goes on and bring in new concerns or maps to us, we'll adjust those because wetlands do migrate and they do change.

I think the other thing to consider with exemptions with agriculture, and again I think it's spoken to by the statute and the federal law, is that agriculture--this ordinance is driven towards the imperviousness of improvements on land. Agriculture is an impervious activity. Water, when it rains it soaks into the soil. That's how farms survive. Now, there's times when it doesn't soak into the soil but by and large it soaks into the soil. Farms are also repository for urban runoff. If you look at many of the farms in this area that, in fact, is the case where the farmland offers the point of least resistance for storage of storm water. Drive around Pleasant Prairie after any good

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rainstorm and you'll see many farm fields, and I don't think it's Pleasant Prairie, you can go to the Town of Somers, Town of Bristol, farm fields end up being the repository of a lot of rainwater because that's where it all ends up. Those farm fields store that rainwater.

The State rules are also driven at, and I think this is what they're really trying to—when you read the statutes they're trying to protect the waterways from metals and those types of contaminants that come off impervious streets, parking lots, driveways, places where people are doing things with their cars or driving their cars, that kind of contamination is getting into the waterway. That is the focus of the rules. That's not to say that the State isn't going to come back and say agriculture is now no longer exempt and we're going to charge them. If that happens my responsibility to the Board is to say we have to comply with the statutes and we'll come up with what the number is to do that. That's not the case.

I think the implication from the *Kenosha News* is there's some conspiracy or some attempt to exempt land for someone's personal gain. We have over 200 parcels in the Village of Pleasant Prairie that are agriculture that are exempt. It's not just one, it's not just two, it's not five. Wherever we find agricultural land that we know is there from aerial photography or if someone brings it to our attention that becomes an exempt charge so it's not just one.

This is a difficult subject. It's something that a lot of people here to now before the federal rules came into effect didn't have to deal with, and I'm not sure that article really did the people any justice. It's something we have to take care of. If anybody really believes that the water quality that comes off our land isn't important just take a look at where it has been managed, and we have places in the Village where you can look at that it has been managed and it's been a problem. I frankly depend on them to do a better job than what I saw.

They shared with the community the stories of three individuals who were particular aggrieved over the process, and I took a look at their charges. I think it's important to describe the extent to which when we were confronted with these individual complaints as well as any other ones what we attempted to do. I think the other thing I'd add is the article also issued the Town of Caledonia where they charge a farm \$19 for a farmland. Well, if a farm has very much land that's not cultivated we'll charge more than that. We'll charge a farmer for actually what he's not cropping. If they've got five acres that's not being cropped they're going to get charged for five acres. Three acres, two acres, six acres, whatever it is that's not part of the farming operation is going to be charged rather than this magical average.

I think at some point, I know from the staff's standpoint and at least it was the Board's opinion previously is if we're going to tell somebody that we're going to charge you for a service we're going to at least be able to say what it is if your land is contributing to that need for service, rather than, well, it as easy to figure it out or if it was an average. This really isn't a user charge this is a tax because we're going to do it based on your ability to pay or your station in life or whatever and that's really not what this about. This is about the reality of having water come down and having to manage it.

In the case of Mrs. Chmielecki, she has 20.1 acres, and we've exempted already, let's take a look here, we've identified wetlands, we have 145,000 square feet, ponds almost 3,000 square feet,

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another one 950 square feet, another one 568 square feet. We've identified meadows and woods which have a lower value for runoff so that those amounts are corrected in there, so we really have residential that we're charging at 27,952 square feet of residential and then another one at 43,902. So in that case we have given—we've identified where there's—we've gone out and looked at the site and yes, in fact, there's areas in there that need to be credited and we credited them. In the intervening time she's constructed a pole barn, a 6,000 square foot pole barn which is going to add to her impervious area because that's—when the water hits the pole barn it runs right off and it goes to where it's going to go and that's going to add to the impervious area that she has to manage.

The other individual identified, Mr. Driscoll, and Mr. Driscoll owns 7 acres. Nearly half of it is in agriculture and we put that into a—that was exempted right out at the beginning, and then a wetland portion of 28,480, about a half acre that was exempted. And if there was something else going on in those properties again after a revisit and needs a change or . . . it would be, in fact, exempted.

Ms. Schoen we visited her property and her property is residential. It's almost two acres and she's paying for the two acres. There's no agriculture, there's no wetlands, there's no ponds. The water coming on that parcel is going someplace else.

So for the people that were identified they us as charging them but they didn't identify, and I know we provided the information, the Village did in earnest make an attempt and work with them to apply the exemptions that they were entitled to by ordinance and they were not charged 100 percent for their improvements.

We've had this discussion numerous times. And I think for the people that disagree with it we're going to have to agree to disagree, and I think that the forum if people believe that this is an inequitable of charging it is to apply to the Public Service Commission for them to make a determination whether or not the Village is, in fact, being arbitrary and inequitable in our placement of it. Of course, our obligation, and I'm more than willing to provide any and all information that they request to make their petition as well as provide a response to the Commission if they want to hear it. We're not going to shy away from that.

But the implication that there's something going on is erroneous and it's not helpful and I don't think it was journalistically responsible on their part to make that accusation. With that, Mr. President, that's the one report I think we needed to make again on the record. If you have any questions I'd be glad to answer them.

John Steinbrink:

Any questions for Mike?

Mike Serpe:

Just one statement. Mike, very good report. The only thing I feel bad about is the picture that they painted about President Steinbrink and that he was receiving something special from this

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Village because of the Clean Water Utility and nothing is further from the truth. It's unfortunate that you get up in the morning and you have to read something like that and when you hear the truth that's the portion that we'll probably never hear throughout the entire Village unless everybody watches You Tube or listens to the replay of the Board meeting.

I agree, Mike, the recourse for anybody who feels that they're being misdealt with through this Village is to follow the ordinance and go to the Public Service Commission and fight it that way. If we have to make the correction we make the correction. But personally I think we've heard enough of this. I think it's about three years now we've been listening to the Clean Water Utility and nothing has changed. Nobody has challenged us on it. Nobody has taken us to court on this. Nobody has told us we're doing something wrong. I think we've protected the Village as far as our handling of the utility and how we're administering it and I suggest we continue in that way.

John Steinbrink:

Mike, Mr. Driscoll in the article had posed a question to Rick Olan, the legislative in Madison.

Mike Pollocoff:

That was another thing that I think the *Kenosha News* really didn't do a good job of taking what they were getting and following up on it. The question posted by Mr. Driscoll to Olan was is the Village required to have a storm water utility? No, we're not. That's never been an issue. I mean the Village has always had the option to say, well, let's do this by property tax. Let's just do it a flat fee and we don't need a utility, it will just be part of the tax roll. Or, you could still have a utility and then pretend that everybody is the same and charge the same rate. Mr. Olan's response is no, we're not required to have a utility, but the question is—there's two questions. One is do we have to be compliance with the Clean Water Act? Yes. And the second is do we have the authority to have a Clean Water Utility? I agree, but we didn't have to do it.

And for the people that say we didn't have to do it, I mean unless you're prepared to answer the equity problem of saying, okay, everybody is going to share in the cost of the people who have big lots so that the people with the bigger lots don't have assessments, then that's really the policy question that the Board three years ago that says, no, we're only going to charge people for what they're using. It would be like saying let's make everybody's property tax assessment the same so that the guy who lives in the big house doesn't have to pay any more than the guy who lives in the small house so it will be equal.

At some point the law of the State is the law of the State. And if something is going to be a utility it's going to be based on your use. If it's a tax it's going to be based on your value. We don't do income taxes so we don't care, but we don't have any control over what people make, but we do control the determination of value. So I think they took advantage of a statement made by Mr. Olan to a completely separate issue and applied it to the utility in general. Again, I don't think that's helpful or responsible but we don't buy the ink either.

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John Steinbrink:

Other comments or questions from Mike?

8. NEW BUSINESS

A. Consider Weights and Measures Assessments from 7/1/06 - 6/30/07.

Mike Pollocoff:

Mr. President, weights and measures is something again another item that the State requires the Village of Pleasant Prairie to monitor and we don't have the staff to do that. So we, in turn, contract that back to the State and they charge the Village based on what they come out and measure and the level of effort that they have to undertake to engage in that measurement. We have an annual assessment for weights and measures services that we receive from them from July 1, 2006 to June 30, 2007. We've identified those people that have those that the schedule is going to be adopted tonight. And if the schedule of assessments is approved by the Board the invoices will be mailed and due within 30 days mailed.

So, again, some of these users and if you look at the spreadsheet, I apologize for the big spreadsheet with a lot of smaller numbers on it, but those users that have more intensive checks on them are going to pay a higher rate. Again, this is a fee the State passes on to us and charges that we pass on to the users rather than have the taxpayers pay for it out of the property tax. It would be my recommendation that the Village Board adopt the schedule presented by the Superintendent of Building Inspection.

Clyde Allen:

Motion to approve.

Mike Serpe:

Second.

John Steinbrink:

A motion by Clyde, second by Mike. Further discussion on this item?

ALLEN MOVED TO APPROVE THE WEIGHTS AND MEASURES ASSESSMENTS FROM JULY 1, 2007 THROUGH JUNE 30, 2007 AS PRESENTED; SECONDED BY SERPE; MOTION CARRIED 5-0.

B. Consider Ordinance No. 07-52 to Amend Chapter 370 of the Municipal Code relating to building permit fees.

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Mike Pollocoff:

Before you we have an amendment to amend the Village code for building permit fees. These fees were adopted by the—in consideration of the Village by the Board, increases in fees for dwelling units going from 30 cents per square foot to 35 cents per square foot. Sewer and water lateral connections is increasing by \$35 and storm sewer. The same for two family permit fees. And then commercial the electrical for a new principal or accessory structure is \$35 plus 3 cents per square foot addition with a minimum fee of \$55. Multifamily permit fees also a minimum electric from \$50 to \$55 and electrical license from \$35 up to \$50. I recommend the Board adopt the fees as presented.

Mike Serpe:

The Board approved this during the budget process and I move approval of Ordinance 07-52.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica. Any further questions or discussions?

Monica Yuhas:

Just one quick question. These fees are comparable with other communities our size as far as permits.

Mike Pollocoff:

I think we're close. To be honest with you we took a look at it as to what our costs were for doing the fees. We have a part-time electrical inspector that does the work, so for him to get the work and get that done that's where we are. For the sewer and water lateral inspections those are really a lot more intensive than just going out there and doing it. Before it was really based on a site visit and take a look. But if they're there taking a look at the plugs, seeing whether or not the sewer line's holding air or checking for leaks they end up spending more time out there. So really they're more related to our effort in the field than they are kind of coming up with an average. But if the Board wants we can survey and do a comparison of similar communities.

Monica Yuhas:

So it's basically based on time, man hours, being out there to inspect the property?

Mike Pollocoff:

Yeah, what it's costing us to do it.

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Monica Yuhas:

Okay.

Mike Pollocoff:

And it's, again, guided by the principle that the people that are obtaining that service should pay for it rather than having it be borne on the tax roll.

Monica Yuhas:

Thank you.

John Steinbrink:

I think it's a known fact that a good inspection is going to save the homeowner money in the long run. It's going to determine that the job is done right and they're not going to have problems down the road. It's kind of an invaluable service we provide. Some people aren't always the happiest with it, but in the end it's going to benefit that homeowner and that property owner. We had a motion and a second.

SERPE MOVED TO ADOPT ORDINANCE NO. 07-52 TO AMEND CHAPTER 370 OF THE MUNICIPAL CODE RELATING TO BUILDING PERMIT FEES; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- C. Receive Plan Commission Recommendation and Consider Resolution #07-94 to approve a Final Condominium Plat for the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC, owner of the property generally located north of 90th Street at 62nd Avenue within the Creekside Crossing Development for the proposed 7-2 unit condominium development to be known as 2nd Addendum to the Creekside Crossing Condominium.**

Jean Werbie:

Mr. President, I would ask that the next item, Item D, be taken up at the same time, however separate action would be necessary.

John Steinbrink:

With the Board concurrence we take up Item D.

- D. Receive Plan Commission Recommendation and Consider Ordinances #07-54 and #07-55 for a Zoning Map and Zoning Text Amendment for the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC, owner of the property generally located north of 90th Street at 62nd Avenue within the Creekside Crossing**

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Development for approval of a Zoning Map Amendment to rezone the area to be developed with 7-2-unit condominium buildings from R-8 (UHO) Two-Family Residential District with an Urban Landholding Overlay to R-8 (PUD) Two Family Residential District with a Planned Unit Development and a Zoning Text Amendment to create the specific PUD requirements for the 2nd Addendum to the Creekside Crossing Condominium.

Jean Werbie:

Mr. President, the petitioner is requesting approval of a final condominium plat for the second stage of the Creekside Crossing Condominium Development. The second part of this request this evening is the zoning text and map amendment as well. This stage includes seven 2-unit condominium buildings to be located north of 90th Street at 62nd Avenue within the Creekside Crossing development. The remaining 158 condo buildings will likely be developed, excuse me, 158 condominium units, will likely be developed in stages based upon the market conditions and the demand for the particular units.

The Creekside Crossing development, as you can see on the slide, has been a project that we have been working on for a number of years. It involves various stages of single family, 15 single family lots and 9 single family lots in two different stages, and then with respect to the condominiums 116 condo units in Stage 1, 16 condo units in Stage 2, and 172 condo units in Stage 3. Again, those subsequent stages could be broken up a little bit more.

The estimated population projection at full build out for this particular entire project is 312 dwelling units or 852 persons. The estimated population projection for the second addendum for the Creekside Crossing development is 14 dwelling units and approximately 38 persons.

With respect to open space in this development, approximately 23 percent of the entire development will remain in open space, and this includes two neighborhood parks, 4.6 acres of wetlands, 17.7 acres of 100-year floodplain, 1.9 acres of other open space, and several retention facilities to handle storm water management throughout the site.

With respect to site access, as you know there are two access points into this development from 93rd Street. There is one proposed to Old Green Bay Road at 91st. Stage 1 single family and Stage 1 condo both have developed with the two access points on 93rd. A third access site after this subsequent addendum will be to extend Creekside Circle around the northern portion of the site and then 91st will be extended out to Old Green Bay Road for multiple access points. As you can see on the slide there's an opportunity for additional access, two to the east, one to the north and then one to the northwest.

On April 16, 2007, the Board conditionally approved two variances for this development. The first was a variance from Section 395-60 C of the Land Division Ordinance, and this related to allowing temporary dead ended streets that terminate in a cul-de-sac that is greater than 800 feet in length. Again, this is intended to be temporary until Creekside Circle is completed later next year. And then a second variance was from Section 395-32 J of the Land Division Ordinance, and that was related to deferring the installation of the required public improvements in both

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Creekside Circle as well as 91st Street. And, again, that will be completed as part of this next phase of the development or stage of the development.

Creekside Crossing Addition #1 includes 9 single family lots and the grading for 7 duplex lots. Basically all of the public improvements were secured by a previous letter of credit, and all of the public improvements are being installed or have been completed for this particular area of the site.

As I mentioned previously, there were some deferrals that were granted, but in 2008 the developers intend to submit the request for final approval to complete the mass grading and the floodplain boundary adjustments for the remainder of the development to construct a bridge over Jerome Creek at the north side of Creekside Circle and to complete the required public improvements in Creekside Circle in 91st Street. The total number of remaining condo units to be constructed with these improvements will be determined, again, by the developer as market conditions demand.

The second part of the request this evening is the zoning map and text amendments. The condominium development is being developed as part of a PUD or a planned unit development. The PUD ordinance for this stage is for two 7-unit buildings with very specific building materials, colors and specific setbacks as presented in previous PUD's for this particular project. The buildings are all two building ranch-style units with full basements and two car attached garages. The units range in size from 1,357 square feet to 1,776 square feet and that is excluding the basements in these units.

The final condominium plat for the second stage of the Creekside Crossing Condominium Development has been provided to the Village, and the Village Plan Commission and the staff recommend approval of both items on the agenda, the first which is Item C which is actually the condominium plat itself, and then Item D which is Ordinance #07-54 and Ordinance #07-55. Again, this is for the map and text amendments.

John Steinbrink:

Jean, an interesting discussion took place at the Planning Commission with the school age children coming out of the condominium project. I wonder if you could just highlight that.

Jean Werbie:

We had a pretty lengthy conversation with Pat Finnemore from the School District this past week, and I believe that there has been some misunderstanding as to how we've been communicating the percentages of the total number of children in Pleasant Prairie with these new developments. Basically how Pat explained it to us was that the .42 per household is based on the new children that are generated, not the total children that are in the Village of Pleasant Prairie. And primarily that is based on new single family home development, not condominium development. He specifically said if we would like to look at a condo development versus a single family home development he could put percentages together for us. But we have been overestimating the total

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number of children because we've been using that number Village-wide and he said we don't get nearly that number of children from any of our condominium developments.

So we're going to be meeting with him probably in January and going through all of the specifics with respect to the projections and such. But he felt that we really—if we're trying to get a more accurate account, they do track school age children that are in the Unified School System and where they move throughout the district, but the number and the percentage is really based on brand new children that are coming to the Village of Pleasant Prairie, not simply moving around within the district.

John Steinbrink:

Okay, thank you. Mike had brought this up and he doesn't have much voice tonight so I thought I'd make sure—

Jean Werbie:

Pat was able to provide us as he does every October the percentage of the total number of children that reside in Pleasant Prairie, public school age children. In Pleasant Prairie the total number of children that come from Pleasant Prairie is about 15 percent for the Unified School System.

John Steinbrink:

And I think the point was that a lot of these developments nobody thought there were any children coming out of them because of the makeup of the population of the people living in condominium projects.

Jean Werbie:

And we can actually get that information from Pat if you'd like to get some idea. I don't want to single out specifically where any of the students live, but we'd just get total numbers from the new condominium development so that we can get a better handle on how many children are being generated by those new condo developments.

Mike Serpe:

So for the purposes of this report then, Jean, 196 is not an accurate number.

Jean Werbie:

Correct. I just don't have the corrected number from Pat yet and I can provide that to you.

Mike Serpe:

I appreciate that effort. Thank you.

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John Steinbrink:

Thank you, Jean. Steve?

Steve Kumorkiewicz:

Yeah, one more comment. If you go around and check the amount of kids that get out from the apartments and condominiums related to the residential areas like in the past, not long ago, you can tell right there there is a big difference in percentage between residential and condominiums and apartment buildings. Just see how many kids are waiting for the bus. That gives you an idea how many kids come from each area. So, I know the numbers are wrong definitely.

Mike Serpe:

Jean, just for the benefit of the Plan Commission members I think what you just told us tonight would be appreciated by the Plan Commission as well.

Jean Werbie:

I will do that.

Mike Serpe:

Okay, thanks. With that, Mr. Chairman, I'd move approval of 07-94.

Steve Kumorkiewicz:

I second.

John Steinbrink:

A motion by Mike, second by Steve for adoption of Resolution 07-94. Comments or questions on this item?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #07-94 TO APPROVE A FINAL CONDOMINIUM PLAT FOR THE REQUEST OF KARI KITTERMASTER OF REGENCY HILLS-CREEKSIDE CROSSING LLC, OWNER OF THE PROPERTY GENERALLY LOCATED NORTH OF 90TH STREET AT 62ND AVENUE WITHIN THE CREEKSIDE CROSSING DEVELOPMENT FOR THE PROPOSED 7-2 UNIT CONDOMINIUM DEVELOPMENT TO BE KNOWN AS 2ND ADDENDUM TO THE CREEKSIDE CROSSING CONDOMINIUM, SUBJECT TO STAFF COMMENTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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Monica Yuhas:

Move to approve Ordinance 07-54 and Ordinance 07-55.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve for adoption of Ordinance 07-54 and Ordinance 07-55. Any additions, corrections or discussion?

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCES #07-54 AND #07-55 FOR A ZONING MAP AND ZONING TEXT AMENDMENT FOR THE REQUEST OF KARI KITTERMASTER OF REGENCY HILLS-CREEKSIDE CROSSING LLC, OWNER OF THE PROPERTY GENERALLY LOCATED NORTH OF 90TH STREET AT 62ND AVENUE WITHIN THE CREEKSIDE CROSSING DEVELOPMENT FOR APPROVAL OF A ZONING MAP AMENDMENT TO REZONE THE AREA TO BE DEVELOPED WITH 7-2-UNIT CONDOMINIUM BUILDINGS FROM R-8 (UHO) TWO-FAMILY RESIDENTIAL DISTRICT WITH AN URBAN LANDHOLDING OVERLAY TO R-8 (PUD) TWO FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT AND A ZONING TEXT AMENDMENT TO CREATE THE SPECIFIC PUD REQUIREMENTS FOR THE 2ND ADDENDUM TO THE CREEKSIDE CROSSING CONDOMINIUM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- E. Receive Plan Commission Recommendation and Consider Resolution #07-95 to approve a Preliminary Condominium Plat for the request of Mike Dilworth, agent for Paramount Ventures LLC, owners of the property generally located on the north side of 80th Street and east of 60th Avenue to convert the Courtyard Junction Apartments to Condominiums.**

Jean Werbie:

Mr. President, the petitioner is requesting approval of a preliminary plat to convert the Courtyard Junction Apartments to condominiums. The property is located on the north side of 80th Street east of 60th Avenue in the Village.

The Courtyard Junction apartments and related infrastructure was installed in 1996 pursuant to a development agreement that was entered into between Paramount Ventures and the Village of Pleasant Prairie. The Courtyard Junction project consists of seven 12-unit buildings, two 6-unit buildings for a total of 96 units on just over 11 acres of land. The development has a net density of 8.71 units per net acre. All of the units have individual entrances and two bedrooms and one car attached garages.

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The sewer that was installed throughout the development will remain private as well as the municipal water system and the storm sewer facilities on the project site. The number of indoor parking spaces for this specific project is a little less than what is required by the ordinance today but it's an existing nonconforming situation so we intend to write some planned unit development regulations in order to grandfather this project into today's requirements. They do have adequate parking on site. It's just most of it is on site rather than in a garage covered parking space.

The Village Board rezoned the property in April of 1996. The property was rezoned at that time from an R-8 designation to an R-11 designation, and as part of their eventual request it will be a rezoning then also to a PUD designation.

You have a resolution before you this evening, Resolution 07-95, and this resolution is to approve the preliminary plat. Again, this is for an apartment/condominium conversion project. The developer and his engineer have been working on getting detailed plans to us to present us with detailed as built engineering and condominium information, and they intend to move forward quickly and present a final condominium plat to us for some time after the first of the year for consideration.

Again, this is the developer that completed a condominium conversion for another apartment project and that was the Lexington Apartment project which is now a condo project on 88th Avenue. He's been very successful in selling those particular units and making that conversion. A number of the documents that are attached in your packets include the condominium declarations, bylaws and articles of incorporation and other related documents that are needed to convert this apartment project to a condominium development. With that, the staff and the Plan Commission recommend approval subject to the comments and conditions as outlined in the staff memorandum and Resolution 07-95.

Monica Yuhas:

Move to approve Resolution 07-95.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Further discussion on this item?

Steve Kumorkiewicz:

It was well discussed in the Planning Commission last week.

John Steinbrink:

Other comments or questions? Clyde?

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Clyde Allen:

Just a comment. Jean, is this the one I believe the owner already has commitments for 15 percent of the units being sold?

Jean Werbie:

That's my understanding. The owner's rep is in the audience and if you have any specific questions I'm sure he'd be happy to answer them for you. Is that correct? Anything you'd like to add, Mike?

Mike Serpe:

One other comment - and the 66 school age children is not an accurate figure as well.

Jean Werbie:

I don't know what the actual number is but I can certainly find out.

John Steinbrink:

Seeing no further comments or questions.

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #07-95 TO APPROVE A PRELIMINARY CONDOMINIUM PLAT FOR THE REQUEST OF MIKE DILWORTH, AGENT FOR PARAMOUNT VENTURES LLC, OWNERS OF THE PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF 80TH STREET AND EAST OF 60TH AVENUE TO CONVERT THE COURTYARD JUNCTION APARTMENTS TO CONDOMINIUMS, SUBJECT TO STAFF COMMENTS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

F. Receive Plan Commission Recommendation and Consider Resolution #07-96 to approve a Preliminary Condominium Plat for the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for The Landing at Bain Station LLC, owners of the property generally located at the northeast corner of Bain Station Road and 85th Avenue for a proposed development which includes 108 condominium units (4-8 unit buildings, 10-4 unit buildings and 6-6 unit buildings) to be known as The Landing at Bain Station Crossing Condominium.

Jean Werbie:

Mr. President and members of the Board, the petitioner is requesting approval of a preliminary condominium plat to develop Lot 45 of the Bain Station Crossing Subdivision. They are requesting to develop 108 condominium units in a development to be known as The Landing at Bain Station Crossing Condominium. This development will include four 8-unit building, ten 4-

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unit buildings and six 6-unit buildings. This project is located just north of Bain Station Road and just to the east of 88th Avenue.

The project you have before you is in compliance with the Village's Comprehensive Plan. As you know, this is part of a larger project. There was a previous approval of The Settlement at Bain Station Crossing which is a single family development to the west. The Landing is the second stage or portion of this development, and then the third portion will be the future senior condominiums which will be approximately right in the middle between the two developments. The conceptual plan and the neighborhood plan were both approved by the Village Board on December 18, 2006.

The Landing at Bain Station Crossing Condominium Development will be built on 26.25 acres. The development provides for a net density of 4.89 units per net acre. This is one of the photographs of one of the buildings. The basements in these particular units range from 654 to 761 square feet. Units range in size from 1,445 to just over 2,074 square feet. Each unit has two bedrooms and two car attached garage. Again, all of the condominium units now that are being built all have the two car attached garages in addition to the required outdoor parking.

With respect to the ten 4-unit buildings, basements will range in size from 1,480 to 1,175 square feet. The ranch-style units have two bedrooms and they're 1,560 square feet. Two story units have three bedrooms and are 2,075 square feet so they're the largest of the units. Each unit has an attached garage that ranges in size from 490 to 780 square feet.

Then finally the six 6-unit buildings, basements range in size from 1,200 to 1,460 square feet. Ranch-style units are two bedrooms and are 1,460 square feet. The two story units have three bedrooms and are 2,075 square feet. Again, each unit has an attached garage. This time they range in size from 510 to 760 square feet. This is one project in particular in the Village that has really been focusing on more of a ranch-style condominium living, one level. So this is more unique. We haven't seen too much of this in the Village yet.

Population projections for The Landing at Gain Station Crossing Development, 108 proposed units or at full build out could reach 295 persons.

Open space within the development, approximately 19 percent of the development site is proposed to remain in open space and that includes wetlands and floodplains on the site. This does not include any other open space that's associated with the retention facilities within the development.

Under public and private improvements, the three streets that come off of 85th Avenue, 83rd Street, 83rd Place and 84th Street will all be private roads but constructed to public standards. Public sewer and water are being installed in all of the private roadways. Private storm sewers will be constructed in the private roadways and they will be discharging to the two retention basins as you can see on the slide.

This then is a resolution to consider the approval of a preliminary condominium plat. Resolution 07-96 is for The Landing at Bain Station Crossing Condominium. Both the Plan Commission

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and the staff recommend approval of the resolution subject to the comments and conditions as outlined in the resolution you have before you.

Steve Kumorkiewicz:

So moved to adopt Resolution 07-96.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion on this item?

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #07-96 TO APPROVE A PRELIMINARY CONDOMINIUM PLAT FOR THE REQUEST OF MARK EBERLE P.E. OF NIELSEN, MADSEN & BARBER, S.C. AGENT FOR THE LANDING AT BAIN STATION LLC, OWNERS OF THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF BAIN STATION ROAD AND 85TH AVENUE FOR A PROPOSED DEVELOPMENT WHICH INCLUDES 108 CONDOMINIUM UNITS (4-8 UNIT BUILDINGS, 10-4 UNIT BUILDINGS AND 6-6 UNIT BUILDINGS) TO BE KNOWN AS THE LANDING AT BAIN STATION CROSSING CONDOMINIUM, SUBJECT TO STAFF COMMENTS; SECONDED BY YUHAS; MOTION CARRIED 5-0.

John Steinbrink:

Jean, do you want to take G and H together in the next one?

Jean Werbie:

Yes, please.

G. Receive Plan Commission Recommendation and Consider Ordinances #07-56 and #07-57 for a Zoning Map and Zoning Text Amendment for the request of Robert Larsen, agent for LNR Enterprises of Pleasant Prairie, LLC, owner of the property located at 7800 128th Street to subdivide the property into two lots and create a Planned Unit Development (PUD) Ordinance that is specific to these two properties. The field delineated wetlands on Lot 1 are proposed to be rezoned into the C-1, Lowland Resource Conservancy District, the non-wetland areas on Lot 1 will remain in the A-3, Agricultural-Related Manufacturing Warehouse and Marketing District.

H. Receive Plan Commission Recommendation and Consider the request of Robert Larsen, agent for LNR Enterprises of Pleasant Prairie, LLC, owner of the property located at 7800 128th Street for approval of a Certified Survey Map to subdivide the property into two (2) parcels.

Jean Werbie:

Mr. President and members of the Board, the petitioner is requesting approval of a certified survey map to subdivide the property located at 7800 128th Street into two parcels and to create a planned unit development or PUD ordinance that is specific to these properties. The zoning map and text amendment this evening is actually quite simple in that because of all the environmental features on this particular property and the property being encumbered in many areas it very much limits where homes could be placed on this particular property.

The field delineated wetlands on Lot 1 are proposed to be rezoned into the C-1 District. The non wetland areas will remain in the A-3 District. The existing C-1 and A-3 designation on Lot 2 will remain as they are. The floodplain overlay and shoreland overlay designations on Lots 1 and 2 will remain, and both properties will also be placed into the PUD overlay designation.

A zoning text amendment is proposed to create the specific requirements for the PUD. In the PUD there are very specific requirements with respect to the size of the lot as well as the number of structures and setbacks and so on and so forth. Lot 1 is proposed to be five acres with 291.91 feet of frontage on 128th Street. Lot 2 is proposed to be 25.9 acres with 90.02 feet of frontage on 128th Street. A shared driveway will be provided through Lot 1 to service Lot 2. A utility easement is being dedicated through Lot 1 to provide sanitary sewer to service new homes on Lots 1 and 2. And earlier this evening we did grant a variance to allow for a grinder pump to be located for these two lots to have sanitary sewer service because gravity service would not be available as to where the homes could be placed on the lot.

The wetlands on Lot 1 were field delineated on May 2, 2007 and approved by the DNR on June 26, 2007. The 100-year floodplain on Lot 1 was identified on February 4, 2003 by Bleck Engineering pursuant to a SEWRPC Planning Report No. 44. The ordinary high water mark was field identified by the DNR on August 14, 2003. Since the wetlands, 100-year floodplain and ordinary high water mark have not been delineated yet on Lot 2, this lot will be considered unbuildable until all those environmental features can be delineated on this particular property.

The PUD ordinance specifically has some unique requirements for these particular lots. First of all, Lot 1 will be allowed to have a minimum frontage of 290 feet and Lot 2 will have a minimum frontage of 90 feet on 128th Street. The PUD ordinance sets forth some minimum design standards that go beyond the Village Zoning Ordinance. Specifically the minimum house size of 2,500 square feet will be required. Also, it sets forth specific building setbacks due to environmental limitations in the property. It also limits the number and the size of out buildings on each of the properties to three provided that the total area of the three buildings does not exceed 30,000 square feet. Again, these areas on these two lots are primarily agricultural. It could be a very rural, residential area but it will be connected to municipal sewer.

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The petitioner is requesting, as a second item, approval of the certified survey map to subdivide the property into two. And this was a matter that we discussed earlier on the agenda this evening as part of the variance. Again, what they were trying to do is initially they were trying to create four lots out of this large parcel of land which is located down on 128th Street to the east of the Village's treatment facility.

The staff and the Plan Commission recommend approval of the amendments as well as the certified survey map that we have before us.

Clyde Allen:

Move ordinance 07-56 and 57.

Mike Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike for approval of Ordinance 07-56 and 07-57. Any further discussion on these two items?

Steve Kumorkiewicz:

It looks to me like the biggest nightmare I ever saw in a property in the Village in which we've got floodplain, wetlands, ponds and everything else. I don't remember seeing another plot like that before.

John Steinbrink:

Other comments or questions?

ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCES #07-56 AND #07-57 FOR A ZONING MAP AND ZONING TEXT AMENDMENT FOR THE REQUEST OF ROBERT LARSEN, AGENT FOR LNR ENTERPRISES OF PLEASANT PRAIRIE, LLC, OWNER OF THE PROPERTY LOCATED AT 7800 128TH STREET TO SUBDIVIDE THE PROPERTY INTO TWO LOTS AND CREATE A PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE THAT IS SPECIFIC TO THESE TWO PROPERTIES. THE FIELD DELINEATED WETLANDS ON LOT 1 ARE PROPOSED TO BE REZONED INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT, THE NON-WETLAND AREAS ON LOT 1 WILL REMAIN IN THE A-3, AGRICULTURAL-RELATED MANUFACTURING WAREHOUSE AND MARKETING DISTRICT; SECONDED BY SERPE; MOTION CARRIED 5-0.

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John Steinbrink:

Do we have a motion on the survey map?

Steve Kumorkiewicz:

So moved.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde. Comment or questions on this item?

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF ROBERT LARSEN, AGENT FOR LNR ENTERPRISES OF PLEASANT PRAIRIE, LLC, OWNER OF THE PROPERTY LOCATED AT 7800 128TH STREET FOR APPROVAL OF A CERTIFIED SURVEY MAP TO SUBDIVIDE THE PROPERTY INTO TWO (2) PARCELS, SUBJECT TO STAFF COMMENTS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- I. Receive Plan Commission Recommendation and Consider Ordinance #07-58 for the following Zoning Text Amendments: to create Section 420-119 D 2 (cc) to permit a Veterinarian Emergency Services Office as a Conditional Use in the B-2 District; to amend Section 420-119 K (1) to allow for Veterinarian Emergency Services with an approved conditional use permit to be open 24 hours; to create Section 420-148 B (120.1) to provide specific conditions for a Veterinarian Emergency Services Office in the B-2 District; and to create definitions in Section 420-152 for a Veterinarian Office and for Veterinarian Emergency Services.**

Jean Werbie:

Mr. President and members of the Board, the B-2, Community Business District, which is Section 420-119 of the Village Zoning Ordinance, allows for veterinarian offices if a conditional use permit is approved by the Plan Commission. Since there currently is not a definition for a veterinarian office in the ordinance, a veterinarian office is considered by the staff as being similar to clinics and offices that may provide emergency services when their facilities are not generally open. In addition, the Village Zoning Ordinance does not allow for office hours for veterinarian emergency services.

On November 12, 2007, the Plan Commission adopted Resolution 07-29 to request the staff to evaluate regulations related to the veterinarian offices and emergency veterinarian services in the B-2 District. The ordinance amendments include creating the following definitions for veterinarian offices and veterinarian emergency service offices in Section 420-152. The first

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definition, veterinarian office, to be an office or clinic that provides examinations, diagnosis and treatment including surgical care for animals. A veterinarian office excludes facilities for boarding animals or facilities for the cremating of animals.

The second definition is a veterinarian emergency services office which we define as an office or clinic that provides examinations, diagnosis and treatments including surgical care for animals available 24 hours per day. A veterinarian emergency service office excludes facilities for the boarding of animals or facilities for the cremating of animals.

The ordinance amendments propose to allow the emergency service office with the approval of a conditional use permit in the B-2 District, therefore Section 420-119 D 2 (cc) is proposed to be created. Also, Section 420-119 K (1) is proposed to be amended to allow a veterinarian emergency service office to be open 24 hours a day with the approval of a valid conditional use permit. Finally, Section 420-148 B (120.1) related to specific standards for conditional use permits for veterinarian emergency service office is proposed to be created to allow the Village to allow additional security requirements for such use.

The Village Plan Commission held a public hearing to consider all of these amendments to the zoning text and recommended approval as does the staff to all of these amendments.

Mike Serpe:

Jean, do we have veterinarian emergency services now in the Village? We have two veterinarian offices.

Jean Werbie:

You mean after hours?

Mike Serpe:

After hours.

Jean Werbie:

Only on an on-call basis and then basically what will happen is the veterinarian if you have an emergency with a pet will meet you specifically at their office if they need to administer some type of medicine or procedure. But there are no standard hours of operation for emergency services.

Mike Serpe:

Do either of the veterinarian offices that we have now offer cremation services for the animals?

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Jean Werbie:

No.

Mike Serpe:

Would we allow it?

Jean Werbie:

It's not my recommendation.

John Steinbrink:

I think when this first came up they said that service is provided by somebody else so it's not something that would be done here. Steve?

Steve Kumorkiewicz:

Jean, I've got a little problem with a question about that they provide the surgery in emergency. Many times the animal, when they perform surgery, they have to remain on the premises. So if it's an emergency service I cannot be taking home . . . what do they do? I had a case happened to me and I went to Silver Spring in Milwaukee sent by one of the emergency services right here in Kenosha.

Jean Werbie:

I'm not aware that either of our vets will provide emergency surgeries on animals in the middle of the evening or the middle of the night. I'm not sure if they will do that or not.

Steve Kumorkiewicz:

Well, I've got a problem with that.

Mike Serpe:

Just a correction here. Steve, I think you're asking the question as to whether or not they can keep the animal overnight. That's provided for after the surgery.

Jean Werbie:

Yes. Under this ordinance they will be able to have hours and they'll be able to provide them. The difference is they are not going to be boarding the animals when people go on vacation or for extended periods of time. It is acceptable for them to have an animal overnight or for a short period of time after surgery.

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Steve Kumorkiewicz:

Okay, that's what I was concerned about.

Jean Werbie:

They're kept in kennels at the facility.

John Steinbrink:

It's not only surgery but if you give them such a drug as a heart worm medication, they're full of heart worms, then they have to be monitored so they're kept there and somebody keeps checking on the animal to make sure it's not a reaction. So it's just a common practice among the veterinarian offices.

Monica Yuhas:

I move for approval of Ordinance 07-58.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Any further discussion on this item?

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #07-58 TO CREATE SECTION 420-119 D 2 (CC) TO PERMIT A VETERINARIAN EMERGENCY SERVICES OFFICE AS A CONDITIONAL USE IN THE B-2 DISTRICT; TO AMEND SECTION 420-119 K (1) TO ALLOW FOR VETERINARIAN EMERGENCY SERVICES WITH AN APPROVED CONDITIONAL USE PERMIT TO BE OPEN 24 HOURS; TO CREATE SECTION 420-148 B (120.1) TO PROVIDE SPECIFIC CONDITIONS FOR A VETERINARIAN EMERGENCY SERVICES OFFICE IN THE B-2 DISTRICT; AND TO CREATE DEFINITIONS IN SECTION 420-152 FOR A VETERINARIAN OFFICE AND FOR VETERINARIAN EMERGENCY SERVICES; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- J. Receive Plan Commission Recommendation and Consider Ordinance #07-59 to amend Sections 420-123 B and 420-124 D of the Village Zoning Ordinance to allow plastic materials, synthetic resins, synthetic rubber, and synthetic and other man-made fibers and products as permitted uses in the M-1 and M-2 Districts.**

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Jean Werbie:

Mr. President and members of the Board, on November 19, 2007, the Board approved a Resolution 07-79 to initiate a zoning text amendment for the Village to re-evaluate the provisions related to plastic materials and synthetic resins, synthetic rubber and synthetic and other manmade fibers and products and to examine if such uses may be considered as permitted uses in the M-1 and M-2 Zoning Districts.

Currently the storage or manufacturing of plastic materials or synthetic resins, synthetic rubber and synthetic and other manmade fibers and products are allowed currently only with a conditional use permit in the M-2, Heavy Manufacturing District. The Village has over the last several years, 15 or 20 years, has approved several such conditional uses for such companies such as Pepsi America, PPC Industries, Rehrig Pacific, CPI Plastics, Parker Plastics, IRIS USA and SonoPress and many others because they all store these types of materials or they manufacture these types of materials on site.

All of these uses are protected by an ESFR system, an early suppression fast response fire protection system as required by NFPA regulations and the Wisconsin Enrolled Commercial Building Code. These fire suppression requirements as set forth in NFPA regulations will provide for the proper protection, health, safety and welfare of the citizens. In addition, any use in the Village does need to go through the Village's site and operational plan provisions, whether it's an administrative review by the staff or a full review and approval by the Village Plan Commission. So any use that does come into the Village still has the requirement to go through a thorough review by each of the department heads including the fire department to make sure that all health, safety and welfare action items are being taken prior to any occupancy.

The staff and the Plan Commission recommend approval that these uses can be considered as permitted uses within the M-1 and the M-2 District as presented.

Steve Kumorkiewicz:

So moved to approve Ordinance 07-59.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde for approval of Ordinance 07-59. Further comment or question from Board members?

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KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #07-59 TO AMEND SECTIONS 420-123 B AND 420-124 D OF THE VILLAGE ZONING ORDINANCE TO ALLOW PLASTIC MATERIALS, SYNTHETIC RESINS, SYNTHETIC RUBBER, AND SYNTHETIC AND OTHER MAN-MADE FIBERS AND PRODUCTS AS PERMITTED USES IN THE M-1 AND M-2 DISTRICTS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- K. Receive Plan Commission Recommendation and Consider Ordinances #07-60 and #07-61 for an amendment to Section 420-27 A and B of the Village Zoning Ordinance related to zoning application fees and to consider an amendment to Section 395-87 A and B of the Village Land Division and Development Control Ordinance related to application and development review fees.**

Jean Werbie:

Mr. President and members of the Board, on November 12, 2007 the Plan Commission approved a Resolution 07-28 to initiate a zoning text amendment to complete its annual evaluation of zoning fees. As part of that evaluation the staff presented at a public hearing that the initial application fees for planning and zoning applications for a proposed development are recommended to be increased. The initial application fee that is charged for various zoning applications is proposed to be increased from \$150 to \$200, and currently the initial application fee of \$700 for zoning applications related to site and operational plans, conditional use applications, PUD and PD text amendments and a number of other types of appeals, conceptual plans, preliminary plat, condominium plats, final plat, assessor plats and development agreements, that fee is proposed to increase as well from \$700 to \$800 per application.

The staff as well as the Plan Commission recommended approval as presented.

Mike Serpe:

I move approval, Mr. Chairman.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve of approval of Ordinance #07-60 and 07-61. Further comment or questions?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCES #07-60 AND #07-61 FOR AN AMENDMENT TO SECTION 420-27 A AND B OF THE VILLAGE ZONING ORDINANCE RELATED TO ZONING APPLICATION FEES AND TO CONSIDER AN AMENDMENT TO SECTION 395-87 A AND B OF THE VILLAGE LAND DIVISION AND DEVELOPMENT

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CONTROL ORDINANCE RELATED TO APPLICATION AND DEVELOPMENT REVIEW FEES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- L. Consider the Agreement between the Village and Clark Dietz for field staking and construction related services for the Springbrook Place Condominium.**

Mike Pollocoff:

Mr. President, this is an agreement presented to us by Clark Dietz who we'd be contracting with for the engineering services for the Springbrook Place development. That's the TIF #4. They would provide Phase 1 grading, underground and gravel roadway inspection, roadway improvements. They're estimating fees at \$14,000. This estimate is really premised on the ability of the general contractor to get the work done in a timely manner so it could go up or down from there. This project would be paid for by the development. This is in increments, again, on this development are paying for the remediation of the site. These are for the improvements that are going to take place on the developer funded service rather than the TIF.

Steve Kumorkiewicz:

Move to approve.

Mike Serpe:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO APPROVE AN AGREEMENT BETWEEN THE VILLAGE AND CLARK DIETZ FOR FIELD STAKING AND CONSTRUCTION RELATED SERVICES FOR THE SPRINGBROOK PLACE CONDOMINIUM AS PRESENTED; SECONDED BY SERPE; MOTION CARRIED 5-0.

- M. Consider Resolution #07-97 to support the IH-94 South Freeway Corridor Project Plan as prepared by the Wisconsin Department of Transportation.**

Jean Werbie:

Mr. President, over the last about ten years, the Village staff include Mike Pollocoff and John Steinbrink and Bob Martin and I have been attending a series of public hearings, workshops and public informational meetings and serving on various committees for the Wisconsin Department of Transportation. This is all coming to a final conclusion as that the Wisconsin DOT has now completed a series of alternative plans for the I-94 South Freeway Corridor Project. And the Wisconsin DOT held their final public hearing in Kenosha back on December 5th for soliciting public input, and they're accepting comments as well as letters and resolutions from various

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communities through the end of this year. They had requested a resolution of support from the Village of Pleasant Prairie for the I-94 South Corridor project. So I'd like to just read segments of the resolution as presented to you.

WHEREAS, the Wisconsin Department of Transportation is reaching the final phase of the Interstate Highway 94 North-South Corridor Project;

WHEREAS, the 35-mile study area provides design alternative for the Interstate Highway spanning from Wisconsin-Illinois state line through Kenosha and Racine Counties to the Mitchell Interchange in Milwaukee County;

WHEREAS, IH-94 is a primary commerce and tourism route serving growing industrial and residential areas, and this route has been deteriorating over the past several years. Safety issues, design deficiencies and traffic congestion concerns now require full reconstruction and redesign. Much of the I-94 has been resurfaced three times. Additional resurfacing is not cost effective and will not address safety or long term pavement needs;

WHEREAS, the Wisconsin DOT must plan for the future of I-94. Traffic is expected to increase between 12% and 48% during the next 30 years. The Wisconsin DOT study team has developed a preferred alternative that meets the needs of the transportation system and minimizes the impacts to homeowners, business and the environment;

WHEREAS, the Wisconsin DOT project team has held more than 400 meetings with residents, businesses, community leaders, elected officials and concerned citizens regarding the project. Most recently, there was the Public Hearing held on December 5, 2007 at Mahone Middle School in the City of Kenosha wherein the Wisconsin DOT showed its preferred alternative to the community, which included the modernization of I-94 with capacity expansion to eight (8) lanes;

WHEREAS, the modernization option within Kenosha and Racine Counties would provide for the construction of four (4) lanes northbound and four (4) lanes southbound; provide for a consistent width for inside and outside shoulders; provide for a new paved median with concrete barrier; would push out the frontage roads on either side of the freeway in order to create wider ditches-thereby improving the quality of storm water runoff from the freeway and providing a buffer between the freeway and frontage road traffic; and provide for retaining walls, where necessary, because the slopes between the freeway and frontage roads would be steeper;

WHEREAS, the modernization with capacity expansion to eight (8) lanes alternative improves safety more than the modernization option, moves ramp exits to the right side of the freeway; minimizes current and future congestion which results in fewer crashes, less waiting time and safer driving on the freeway; replaces deteriorating pavement and structures with new designs; minimizes impacts to local residents and the environment; and provides aesthetic treatments for those who live adjacent to the freeway;

WHEREAS, the Wisconsin DOT has divided the IH-94 reconstruction work into two parts. The first part updates 11 interchanges along the Interstate in Racine and Kenosha Counties based on

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recommendations from a separate study. The second part addresses the stretch of the I-94 freeway from the Mitchell Interchange in Milwaukee to the Wisconsin-Illinois state line;

WHEREAS, an environmental study has been ongoing for 22 months and the draft Environmental Impact Statement (EIS) has been prepared which addresses the purpose of the project, alternatives considered, environmental impacts and mitigation, impacts on aesthetic resources, public lands, agricultural resources; air quality, including an analysis on ozone, carbon monoxide, particulate matter and mobile source air toxics; local government and public input and preferred alternatives;

WHEREAS, the Village of Pleasant Prairie supports the I-94 South Freeway Corridor Project alternative as presented for the reasons stated herein.

NOW, THEREFORE, BE IT RESOLVED that the Village of Pleasant Prairie on this 17th day of December 2007, hereby supports the I-94 North-South Freeway Corridor Project Plan as prepared by the Wisconsin DOT and presented at the public hearing in Kenosha on December 5, 2007.

I just wanted to mention that at the last staff meeting with the DOT representatives we also did discuss a number of improvements that they are going to be making to the ML bridge as well as Highway 165 bridge. As you know those bridge improvements were made a number of years ago by the DOT, but in order to integrate those two bridge areas into the entire corridor they're looking at doing some modifications by painting the Q bridge or the 165 bridge, and they're going to be doing some painting and installation of some fencing along the top and possibly installing some additional identification markers or logos that identify the name of the street on the bridge embankment as well as some landscaping that they intend to help beautify those interchanges. So we are continuing to work with them on some of those elements as well, but they are looking for local comments as they need to proceed and submit this document to the Federal Highway Commission.

Monica Yuhas:

Move for approval.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Further discussion of this item? Mike?

Mike Serpe:

Just a question. I've heard different figures on the height of the Highway C overpass. What's the ultimate height it can be raised to?

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Jean Werbie:

I believe five to seven feet was the additional height. But it will be extending further north now because they will need to do some additional increases as they get north to Highway 50. One of the changes, again, with this plan from the last time we talked about this project is that the overpass between Bristol and Pleasant Prairie south of Highway 50 will not be constructed any longer. Due to the amount of economic development and commercial projects in the City of Kenosha next to Best Buy and then going over to the Kenosha Town Center they are going to be building a diamond—I think they're now going underneath to be perfectly honest. I think the last set of plans showed that there's going to be a connection but it will be underneath the expressway thereby bringing the expressway up a little higher in that location as well.

Mike Pollocoff:

I think that lift on C is 12 feet at center.

Jean Werbie:

I think that they're bringing it down and going up. So I don't know that it's 12 total—

John Steinbrink:

They have to raise it out of the floodplain where C crosses underneath.

Jean Werbie:

Right. I will find out for sure but I thought I had heard recently it was right around seven because they were going down and up.

Mike Serpe:

That's a lot of dirt.

Jean Werbie:

They are looking for borrow sites.

Steve Kumorkiewicz:

I have a question for Jean. . . . related to this, is the fact that I talked to many people in these meetings and I never get an answer. How come we're building wider interstates and still the traffic of the trucks are now limited to the two right lanes? . . . the interstates, their limit, the right side. I don't know why we don't have that in Wisconsin which is a problem. I see that from the south side of Chicago to the north side of Milwaukee. That to me is a problem.

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Jean Werbie:

They have not discussed those details specifically with the local communities but I can find out. I know there was considerable discussion about having a car pooling lane added, but I'm not really sure about restrictions of trucks to certain lanes. Again, I can ask that at one of our next meetings. I'm not sure that it's not part of the consideration.

John Steinbrink:

You see that on the toll way, but on the interstate highways it becomes more of a discretion of the state DOT's. All states are different in different locales and areas. Wisconsin has looked at that. Now that we're going to more lanes such as six I think we'd want to keep trucks out of the far right lanes because of the merging and existing of traffic. If we can keep trucks more to the center we can keep a better flow of traffic. Your concern has been raised by others who would like to see us adopt something that would keep traffic out of that far left lane.

Steve Kumorkiewicz:

Thank you.

John Steinbrink:

Other comments or questions?

YUHAS MOVED TO ADOPT RESOLUTION #07-97 TO SUPPORT THE IH-94 SOUTH FREEWAY CORRIDOR PROJECT PLAN AS PREPARED BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION; SECONDED BY ALLEN; MOTION CARRIED 5-0.

N. Consider Award of Contract for to Purchase three Heart Monitors/Defibrillators and three Automatic Defibrillators.

Mike Pollocoff:

This is an item that was funded in the 2007 budget that we've been working on, and there's been some ongoing developments in the industry which kind of precluded us really getting after an award as fast as we want. But I'd like to call Chief Guilbert up here and have him explain their selection process and how we came up with the monitors and defibrillators that we're looking for. Chief?

Chief Guilbert:

Good evening. I am Paul Guilbert, Jr. I am the Chief of Fire and Rescue. I work at 8044 88th Avenue here in Pleasant Prairie. Since 1992 the Village has been providing paramedic service which as an integral part of what we do as paramedics is the use of a heart monitor. And since 1999 we've had an advanced program where we can place leads on a patient and take the same type of electrocardiogram as you would have in a hospital emergency room or in a cardiologists

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office. Those units that we've been using are nine years old and have experienced quite a bit of abuse. It's taken in on almost every call and it's a computer. As technology changes so the need arises to purchase a new monitor.

So as part of our preparation for the 2007 budget in 2006 we requested the purchase of these three monitors and we asked for \$76,580. We went out and looked at the three most popular and major manufacturers of heart monitors being used in our area. They are the Medtronic Corporation out of Redman, Washington, and they also are the manufacturers of the units we've used for over 20 years. We did use their equipment prior to becoming paramedics. Phillips Medical Systems from Seattle, Washington and Zoll Medical products from Chelmsford, Massachusetts.

We produced a request for a proposal, sent the bids to all three manufacturers and we met with each one of their respective representatives. And we did that so we wanted to guarantee that they understood what we were looking for and we needed them to interpret their bids back to us. On page 3 of my report I list the three manufacturers, what their initial bids were, what equipment could be deleted and what equipment needed to be added so that we were assuring that all three companies were being compared equally.

During our deliberations one of the manufacturers suggested that there was some value in the trade-in of our units, so we returned and we asked all three of the companies if they would provide us with the amount of money they would offer us in a trade-in.

It was our intent when we bought three new heart monitors that we would replace the three automatic external defibrillators that we carry on fire apparatus. And those are units that a lay person can use and we provide those in our fire equipment for our EMTs to use. For example, today we had two rescue calls back to back, both fire stations were out. We were staffing the reserve ambulance here at Station 1, but over at Station 2 there was no ambulance. So in the event they were called the fire engine could leave, we have the basic medical equipment plus a defibrillator. So this request was for the three sophisticated heart monitors and the three automatic defibrillators that, again, are very simple to use.

The three heart monitors external defibrillators that we have been using since the '90s are 13 years old. They went out of production seven years ago and we can no longer get parts for them. So as part of this request is your authorization that we can dispose of that equipment, and as found there's no value to that equipment. We just need to no longer maintain it.

In summary, the equipment we're using and the company we're working with we have an excellent relationship and we have a very high regard for their equipment. However, they have chosen not to change their equipment. There's talk of maybe doing that in 2008 or 2009, but at this point in time that equipment is not available. We worked with Phillips. We found Phillips was a hard company to get hold of. That's what some of the other fire departments that have purchased their equipment and they've needed some assistance after they've bought them have found. We did find that they were responsive to our RFP. Their equipment appears good. But our concern is once the sale and the purchase has been made and the equipment comes to us how are we going to maintain it and work with that company.

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The third product is Zoll. Again, Zoll has met our RFP. In evaluating the two units, Phillips to Zoll, people felt that the Zoll was a better piece of equipment in their mind. Certainly the case was more rugged, and there were some other things that made it more appealing to our personnel. When we asked both manufacturers who was using their units Phillips gave us a list of four departments and Zoll gave us a much larger list, fire departments and rescue squads in Northern Illinois and Southern Wisconsin.

So it is our recommendation—and I would like to point out that I don't if it's currently being done, but for many, many years, not that this has any bearing, but the parts to Zoll were being made by Manutronics and now Sanmina right here in Pleasant Prairie, so the more important circuit boards were being made right here.

So it's our recommendation that we take advantage of the trade-in. It just so happens as I was writing this staff report the mail came, and I don't mean to be so dramatic but that's exactly what happened, and I was given a brochure that said we could go out and buy a used monitor for \$4,000. The trade-in of our monitors was \$2,500 each, so we could sell it for \$2,500 and the market value is \$4,000. Why I recommend that we trade them in is for us to find a potential customer is very difficult. We typically use free services; the magazine printed by the League of Wisconsin Municipalities offers a free classified area. We use that all the time. Then we buy in a Wisconsin fire paper and a Wisconsin EMS paper, but it just doesn't have that nationwide appeal as some of these other companies do. For us to go with a nationwide magazine then you're paying several hundred to \$1,000.

I've stood before the Board and said we had a grant to buy breathing apparatus, then we would go out and sell it. We worked very hard to sell it and found it was very difficult to find a buyer. The monitor that we're trying to sell is at the end of its life cycle. They're being replaced by newer models. So I feel it's in the best interest of the Village to allow us to trade those three monitors back in for a total of \$7,500.

Secondly, it's that we be authorized to dispose of the three automatic defibrillators that I talked about previously, and it's the recommendation of the fire and rescue department that we buy the three heart monitors and three automatic defibrillators from Zoll Corporation for \$68,140.50. As you look at our tally back on page 3 you'll see that after we met with all the companies Zoll was, in fact, the low bidder.

And then finally after our deliberations we did place within the line item budget for 2007 to purchase two additional automatic defibrillators, one for my car and for the Assistant Chief's car and that would allow us to run as first responders at time when we didn't have to take the fire engine out, and we thought that would be cost effective as well. So, Mr. President, those are my three recommendations.

John Steinbrink:

Chief, I'm assuming you still do that, in the past that information you monitored on the patient was sent to the hospital and they looked at it and worked with you? Would any three of these relay that information to the hospital?

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Chief Guilbert:

In fact, it's even—it will now be a part of another program that we've improved that. When I came up here and talked to you about the program of the 12 leads we could send it to the hospital and the cardiologist could actually receive that at home if it would be in the middle of the night. That was all through faxes. Now this will send it from the computer integral to the heart monitor into the emergency room and then off to the cardiologist in a much better reproduction of that EKG. So yes, sir, we're going to continue to do that.

John Steinbrink:

Do they have the capability to send that right to everybody's little phone now with the black berry or whatever?

Chief Guilbert:

That I don't know but I know he can get it at home. And just for the record within the last two weeks we had a significant save in Pleasant Prairie of an individual who upon the arrival of our team went into cardiac arrest and that person was defibrillated, regained consciousness and then was transported to the hospital. And the two people that were integral to that save were under 25 years old, both of them, so it was an extremely young crew that were faced with a very difficult situation with a significant outcome.

John Steinbrink:

Other questions for the Chief?

Clyde Allen:

I concur with you trading them in with the possibility of not finding a buyer and the time and money it's going to take to recover a couple thousand dollars. Well worth it. My question is about the three year extended service, quite a range between the three companies. Are they all comparable?

Chief Guilbert:

Yes, they are. And, again, I can show you the spreadsheet that was very comparable.

Clyde Allen:

Thank you.

Steve Kumorkiewicz:

I have a question for the Chief. Chief what is our rosetta of the three

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Chief Guilbert:

Rosetta is what Mr. Steinbrink just talked about. It's the way the computer is going to talk through the telephone to the computer in the hospital.

Steve Kumorkiewicz:

Thank you. I think with that I move to accept the proposal for Zoll Medication Corporation to purchase the three units.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Any other comments or questions? Anything for the Chief?

Mike Serpe:

Chief, good presentation, thank you. And to hear your last comment about the save was even more rewarding as to what you guys are doing out there for us. Thanks.

Chief Guilbert:

It was exciting to tell you, sir. Thank you very much.

Mike Pollocoff:

Getting the EED's in the Chief's car and the AC's car or jeep that's almost as good as having it in the police squads. There's no question if they're out and about on the move they can be there faster than a one ton ambulance. So I think that is a real good carrot to have out in the field. I think that's a real advantage. I don't believe all departments have that where they can count on their Chief or the second to provide that service.

Steve Kumorkiewicz:

That proves our fire department is second to none. Thank you, Chief.

John Steinbrink:

Thank you, Chief. Further comment or question?

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KUMORKIEWICZ MOVED TO AWARD A CONTRACT TO ZOLL MEDICAL CORPORATION TO PURCHASE THREE HEART MONITORS/DEFIBRILLATORS AND THREE AUTOMATIC DEFIBRILLATORS AS PRESENTED BY CHIEF PAUL GUILBERT, JR.; SECONDED BY YUHAS; MOTION CARRIED 5-0.

O. Consider Ordinance #07-53 to Amend Section 250-8(B)(4) relating to Loud and Unnecessary Noise.

Mike Pollocoff:

Mr. President, we've had a few complaints where some people are upset when their neighbors are snow blowing early or late. As a staff and whatever the direction of the Board is, our first inclination was to say, well, if there's a snow emergency on then people can go out and snow blow, and the assumption is if it's that bad on the streets then we need to get everything off and the people should be able to snow blow at that time. We've opted and said as an option to say snow blowers can operate between 12 midnight and 5 a.m. to give some people a head start.

Typically, though, these things are neighbor disputes. If one neighbor doesn't like another neighbor then it's just one more arrow in the quiver when they argue about something. But we do hear this complaint from time to time that somebody is starting to snow blow their driveway at three or whatever. And there's people that come off second shift that's their time to blow. Right now the ordinance from 10 p.m. to 7 a.m. I don't think that's realistic with what happens in the real world as far as when people get out. I think a lot of people get up early and if they know it's snowing they get after it and 10 o'clock they might not want to be. The alternative to this would be that just whenever there's a snow emergency there is no restriction on snow blowing hours.

Clyde Allen:

I have a couple problems with this, Mike. First the snow removal equipment at shopping centers how does that affect that? The other part is what about the people that go to work at 6 a.m.? They have to be there at 6, that means they've got to be leaving by 5 and they're snow blowing at 4 a.m. I have a problem with it.

Monica Yuhas:

I agree. Being married to someone like that who is out of the house by quarter to five and he's out at three or three thirty snow blowing, he has to get out to get to work and I know he's not the only one in our area to do that. So I can't support this.

Mike Serpe:

I had the same concerns as Monica and Clyde both. I'm living proof that I had to be to work at 5:30 in the early '70s on the police department. I'd get up and take a shower and I've got five or six inches of snow in the driveway I'm going to get up at 3:30 or 4:00 and I'm going to make my way out. Chances are the plows have already made my exist in my driveway worse and I have to get to work. So I would be violating this ordinance if I wanted to get out to do my job.

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Mike Pollocoff:

We're violating it now.

Jane Romanowski:

It's 10 p.m. to 7 a.m. for not operating.

Mike Serpe:

I didn't know we were getting complaints on this. That's number one. And number two are the people complaining the retired ones that don't have to leave?

Mike Pollocoff:

My impression is the complaints are usually related to something else. They're arguing with the neighbor about the dog or whatever, and when that happens this becomes one more issue to complain on the neighbors. And the ordinance puts us in a position where we have to enforce it and we'd rather not be in that position. If it's a light snow I'm not sure it matters, but I don't think people are going to get overly enthused and snow blow at all hours because it isn't that much fun. And we're looking to find some kind of reason to say—my only other option was to say if it's a snow emergency, and for Pleasant Prairie that's two inches then you can go at it until you get it done.

Mike Serpe:

At any time?

Mike Pollocoff:

Yes.

Mike Serpe:

I think that's a better way to go.

Monica Yuhas:

I do, too.

Steve Kumorkiewicz:

Yeah, I do, too.

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Monica Yuhas:

Is there a time limit for lawnmowers?

Mike Pollocoff:

Same time.

Steve Kumorkiewicz:

But you can wait to mow the lawn for three days.

John Steinbrink:

Determine the decibels . . . on there by noise. most of these things come out with a pretty good noise system which is supposed to make it user friendly, neighbor friendly.

Mike Pollocoff:

Chief, do you know how we set the decibel on this?

John Steinbrink:

It's one of those timely issues.

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. Could you repeat the question?

Mike Pollocoff:

How do you determine the decibels?

Chief Wagner:

We don't have a decibel meter. The test that we use is really a test of reasonableness. If somebody is out mowing their grass at two in the morning that's unreasonable. And up until this point we would receive complaints from citizens whose neighbor they just happen to not be getting along with and here's an opportunity to call the police on them because they're out at five in the morning clearing their driveway because they've got to be at work at seven. That's really what gave rise to this.

We would respond to that complaint and what we've been doing is basically using our discretion and saying, okay, is it reasonable that this person is out at this hour doing this, and in these cases the answer to that question is typically yes in which case we wouldn't enforce the ordinance. We would be much more comfortable if the ordinance spelled out rather than the officer having to use

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some sort of—to make a decision to use discretion and not enforce it. We'd be much more comfortable if the ordinance spelled out what the hours were and what the rules are very clearly so that we don't have to continue to make those kinds of discretionary judgments.

Mike Serpe:

My employer can regulate my hours of when I start and finish but Mother Nature doesn't dictate when she's going to dump the snow on us. I think if we put the limit at once two inches has fallen if you go out there and clear your snow whenever you feel you have to I don't know that we should put the hours on there. People start their jobs at different times of the day around the clock and I don't know that this Village should be telling people that they can't do it because I don't think it's right. I just don't think it's right.

John Steinbrink:

I have a little trouble limiting the snowfall amount. Sometimes a metal shovel makes a lot of noise out there and if you're cleaning your driveway, sidewalk I'm sure you want to do it before you have two inches also.

Mike Serpe:

You can navigate two inches worth of snow in your driveway with your car and it's not a problem. I'm not comfortable throwing the restrictions and the hours on this thing. With the amount of people that are in this Village now that are living in subdivisions and start their hours of work at who knows one, I would move to table this until we come up with a better verbiage on how we want this to read.

Steve Kumorkiewicz:

I second that.

Mike Serpe:

That's just a discussion.

Mike Pollocoff:

We bring this to you because people are complaining about it. I agree with Brian that it's usually unfounded complaints. The Village isn't obligated to regulate the hours of snow blowing at all. You could amend this if you decide to re-send to table to just exclude snow blowers from time considerations.

Mike Serpe:

I wouldn't have a problem with that.

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Monica Yuhas:

I like that.

Chief Wagner:

So the idea would be to put a period after the word snow blowers and leave that whole last line—

Mike Pollocoff:

Right. You would just remove the word snow blowers.

Chief Wagner:

Leave in with the exception of snow blowers, period.

Steve Kumorkiewicz:

I used to go to the plant at two or three o'clock in the morning, I used to go with my snow blower and open two lines just to get out of the driveway. I didn't have no choice.

John Steinbrink:

We had a change, Jane. Could you read that back, please?

Jane Romanowski:

I believe the change is, "The operation or use of any power lawn mower, chain saw, or the like between the hours of 10:00 p.m. to 7:00 a.m.," which is talking about those regulations of not using it between the hours of 10:00 p.m. and 7:00 a.m., "with the exception of snow blowers." Basically putting the period after snow blowers and not operating the hours. But the ordinance still stands when it comes to lawn mowing, chain saws, and anything that should not be operated between the hours of 10:00 p.m. and 7:00 a.m. which is quiet time in the Village.

Mike Serpe:

One other item on what Jane just read here just for consideration. Unless there's an emergency, should we insert that someplace? I mean you could have a heavy windstorm come through or even a tornado that would cause a significant amount of damage. Maybe put a tree on your house at one o'clock in the morning. You're going to get out there and do something to get that tree removed or big branches off the wires or whatever. So could we insert someplace in here unless—

Mike Pollocoff:

Unless an emergency is declared by the Village President or the Administrator. If we do have a big windstorm or something like that where people are clearing lumber.

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(Inaudible)

Mike Serpe:

There's a perfect point. I have a generator at my house. We lost power for 22 hours at one time and that generator was running for 22 hours. That's an annoyance I have to tell you but at least I have power and I was supplying sump pump power to two of my neighbors. Before we tie our hands on something like this—

Monica Yuhas:

I'd like to table it.

Mike Serpe:

Yeah, let's look this over and give this thing some thought.

Steve Kumorkiewicz:

You made a motion?

Monica Yuhas:

I'll make a motion to table.

Steve Kumorkiewicz:

I second it.

Mike Pollocoff:

That motion is on the floor already. We just need a vote on it.

John Steinbrink:

We have a motion to table. Further discussion on this item?

YUHAS MOVED TO TABLE CONSIDERATION OF ORDINANCE #07-53 TO AMEND SECTION 250-8(B)(4) RELATING TO LOUD AND UNNECESSARY NOISE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

P. Consider Resolution #07-98 Authorizing Participation in Wisconsin Class for Investment Purposes.

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Mike Pollocoff:

Kathy, this is yours.

Kathy Goessl:

The resolution in front of you is to approve our participation in the Wisconsin CLASS Investment Pool administered by MBIA Asset Management. Currently MBIA administers plans like this in 12 different states with over 4,800 government units as participants with over \$12 billion in assets. In Wisconsin the pool continues to grow and peaks at \$165 million during tax collection season. Currently there are 26 cities, 4 towns and 9 villages and 9 counties participating in the Wisconsin CLASS program, and also a handful of school districts, technical colleges and special training districts.

Currently the Village has a couple different places where we put our cash reserves. It's the local government investment pool. We also in our local banks, whatever money is in our local bank in the evening gets swept into a repurchase agreement to earn a higher interest rate. Then we also have a bank account currently open with U.S. Bank but we currently don't invest or put too much money in there. Those are all our short-term alternatives right now. And we transfer between them and evaluate on a weekly basis to determine who has the highest interest rate and we transfer. They're very liquid in terms of the next day they might be transferred out.

The CLASS program is similar to that. In the past year the CLASS program has actually earned a higher interest rate on average than the local government pool. Currently the majority of our money is in First Banking Center, but I'd like to add this option so we can transfer. Even if we're a couple basis points above when we have a couple million dollars or more that really adds up over time. So I'm asking for this resolution to be passed so that we can participate in the Wisconsin CLASS Investment Pool.

Clyde Allen:

Motion to approve 07-98 with a couple questions.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Clyde, second by Steve. Clyde?

Clyde Allen:

At the close of business day every day none of our money is in zero interest accounts?
Everything is earning interest at the end of every business day?

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Kathy Goessl:

Yes. If it's in First Banking Center it's swiped into a repurchase agreement at the end of the night.

Clyde Allen:

The other question is what are our procedures for moving money. Can it be done by one person? Are two signatures required just for security measures?

Kathy Goessl:

The initial transfer between the three accounts that I spoke about are authorized up front, all the transfer done either through our internet banking by my assistant finance director, but it's restricted on where the money can move to. She cannot transfer it to her own personal account or overseas. Basically she only can transfer it to LGIP or take out an LGIP so she can only go between those three or four accounts. We also have a long-term investment which she can also transfer to which is Smith Barney. We have about \$3 million in long-term investments and they're all pretty secure like CDs and that type of thing that earns a higher interest rate long term. But it's all restricted on where she can transfer between those four accounts and that's all approved up front through resolutions and signatures up front before she can transfer.

Clyde Allen:

So it's all controlled on where it can possibly go. They're all our account?

Kathy Goessl:

It's all our own accounts. She can't go outside of our accounts.

Clyde Allen:

Alright, thank you.

John Steinbrink:

Other questions?

ALLEN MOVED TO ADOPT RESOLUTION #07-98 AUTHORIZING PARTICIPATION IN WISCONSIN CLASS FOR INVESTMENT PURPOSES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Q. Consider Resolution #07-93 to Write off Uncollectible Fire Billings.

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Kathy Goessl:

This resolution is to write off some uncollectible fire billings. When the fire department goes to a call that involves the fire portion of the department the billings are charged. Mainly these are car accidents and that type of thing. It's not house fires. We send a bill to the parties involved in the accident that require the fire department to respond. We send an invoice out to the party through our own accounts receivable department. If they don't respond to our invoices and statements our procedure is to turn them over to our collection agency, Transworld Systems. Transworld first of all we put them into phase one. Phase one is a soft collection process. It sends a series of letters that get more aggressive as it goes further along. And then after that phase is exhausted, after the number of letters are sent out, then they ask if we want to send them to phase two which is a hard core collection where they actually keep 50 percent of the money in phase two if they do collect the money for us.

So the list that you have in front of you are the ones that have been in collection and has been determined by Transworld, our collection agency, as being uncollectible or they can't locate and they recommend or they say that they cannot help us anymore on these accounts. So I'm recommending that this amount get written off.

As I was reviewing the list I noticed one I'd like to pull to the list to further investigate. It's actually Amoco that we sent to collections and they're still in business in the Village. I'm not sure why they determine them to be not able to locate. So we'll look into that one, but the rest of the list I would like to write off in 2007 due to uncollectibility.

Mike Pollocoff:

I might add we collect approximately \$335,000 a year as our budget, what we bill out, so as a percentage \$17,000 over two years that's nearly \$660,000 in billings. This is not an exorbitant amount compared to how much goes out in bills.

John Steinbrink:

Kathy, the bulk of these are transient or non resident and non property owner?

Kathy Goessl:

I believe the majority of them are non property owners.

John Steinbrink:

If they were a property owner is that assessable through the tax roll or no?

Kathy Goessl:

Right now we are not turning any rescue or fire over to tax roll. That was the procedure set in place and currently we just send them to collection. The same thing happens with rescue. We

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actually have another collection agency or billing agency that works with our rescue portion, and they actually go through a collection phase, too, and determine and adjust billings based on Medicare standards and also the collection agency's recommendations.

John Steinbrink:

Do statutes not allow us to put a resident on the tax roll?

Kathy Goessl:

I'm unsure of that. I think we have decided in the past that we didn't want to do that in terms of putting a rescue or a fire bill on the tax roll. Mike, do you know that?

Mike Pollocoff:

We can't do that. The Board decided a number of years ago when we began the billing process not to place bills that haven't been paid on the tax roll, but the Village does have the ability to do that. We can also have them placed with the State so in the chance they have a tax refund coming up or something like that that would be subtracted from the amount. At the time the ordinance was passed the decision was not to put those as a special charge on the property tax bill.

John Steinbrink:

We're providing a service here and apparently these folks needed the service and I think they were very grateful probably to get the service and then to not totally pay their bill or whatever it is it's a cost to us. Times have changed in the way that we have to pay for things versus the way it was done in the old days, Chief, where your stocks used to be replenished. Now we have to pay for that up front ourselves. That's a cost to us.

Mike Pollocoff:

I misspoke. These are only fire, not rescue. So the amount that we bill is significantly less than \$300,000. That's the rescue bill.

Clyde Allen:

Just one more question. I assume that this needs to be done before year end? It was the intent to get it written off before year end?

Kathy Goessl:

It doesn't have to be done before year end but this is the reason I brought it at this point is to get the books cleaned up before year end.

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Clyde Allen:

We can always make a disclosing adjustment, correct, if we did it January? We can still hit '07? I guess I would like to see--there's one other business, Real Estate Services, of the two business on there, investigate that. But if we can put this off I'd like to table it to research this and then address the issue of putting it on the tax rolls down the road.

Mike Pollocoff:

Would you like to see how many individuals are residents where they could be taxed?

Clyde Allen:

Yes.

John Steinbrink:

Chief, do you have something to add?

Chief Guilbert:

I'm Paul Guilbert, Chief of Fire and Rescue. It's true as Mr. Pollocoff corrected that this is fire bills and not rescue bills, and you were correct in that EMS billing we were able to go to the hospital and be resupplied immediately. As far as the fire bills are concerned, when we were a Town we were able to bill the State of Wisconsin for all uncollectible bills for services rendered on State highways or the Interstate. And both you and I, sir, have worked in Madison to get that to be changed and it's come up against some opposition. When you read the statute there are so many variables that it applies to a town with a volunteer department, a city with an all paid fire department, but we don't fit into any of that criteria. So in the past we didn't have such a large amount to write off because we could go back to the State for calls on State highways or the County on County Roads.

John Steinbrink:

We had an issue with the Interstates also, correct?

Chief Guilbert:

I'm sorry?

John Steinbrink:

The issue with the Interstate highways also.

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Chief Guilbert:

Correct. As a Village and the Administrator told me that the ordinances or the State statutes governing villages is the oldest ordinance and is up for renewal, but again it never kept up with the fact that there are suburban villages such as ours so we've lost that opportunity to bill.

John Steinbrink:

It's inequitable. As you say, we've fought this battle many times. Hopefully we're going to win it here. I think a lot of people just don't realize the difference that's out there or in the inequity. Thank you, Chief. Motion by Clyde and second by Mike? And the motion was?

ALLEN MOVED TO TABLE CONSIDERATION OF RESOLUTION #07-93 TO WRITE OFF UNCOLLECTIBLE FIRE BILLINGS; SECONDED BY SERPE; MOTION CARRIED 5-0.

R. Consent Agenda

- 1) **Approve a Letter of Credit Reduction for the Ashbury Creek Development.**
- 2) **Approve a Letter of Credit Reduction for the Arbor Ridge Development.**
- 3) **Approve Bartender License Applications on File.**

Steve Kumorkiewicz:

Move to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde.

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

9. VILLAGE BOARD COMMENTS

Steve Kumorkiewicz:

As, as I said in the last meeting two weeks ago, I would like to make an informal survey of the situation in Bain Station. Last Thursday, December 13th, 6:30, I parked my car in between the south and the center railroad tracks and watched the traffic for an hour and a half when I was called for an emergency. It saw in an hour and a half there were 83 cars westbound on 88th eastbound, and the traffic westbound was also a snow plow and a school bus. The center track was a freight track closed from 6:51 to 7:06, for 15 minutes moving back and forth. I'm inclined

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to believe it was the switching for the power plant. There were no problems with the west track. The west track was closed for the west train to go through and it was open in a few minutes.

I did notice a lot of cars did not wait the 15 minutes and they turned around I travel that road frequently and there's no question that there is a lot of traffic. I don't see the justification for the Commissioner to say that he's going to close that. I was talking today with John Steinbrink, Jr. to make an official survey on the subject. There was over 1,000 cars a day traveling the road. It's not a little road with no traffic. There's a lot of traffic.

Clyde Allen:

Sure, everybody is going to agree with this one but I want to congratulate John, Jr., and his entire crew that worked so hard out there. We had an awful lot of snow, a lot of ice, and you sure can tell the difference between where the Prairie ends and the City starts. Two houses down from me is where the City starts and right across the street is all City and it was like night and day difference. So I want to say thank you to them and congratulations. They did a great job.

Monica Yuhas:

Mr. President, on December 8th I had the opportunity to work the Breakfast with Santa out at the Wruck Pavilion, and it was very well attended. The pavilion was decorated beautifully. Erin and the volunteers did a great job. The kids were so happy. The volunteers making the pancakes, the sausage, I've never been to one before and it was very nice to see and it put you in the holiday spirit. Santa was there and he did a great job.

John Steinbrink:

So were you working with Chef Pollocoff that day?

Monica Yuhas:

No, actually I was working with Chef Snow, Erin's husband.

John Steinbrink:

The other shift.

Monica Yuhas:

Yes. But it was very well attended, and it's a really nice opportunity. If anyone ever has a chance to get out there for a holiday breakfast it was very well done and Erin did a great job.

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Mike Serpe:

We had a good year on this Board. We have accomplished a lot. It's a pleasure to work with everyone including all the department heads. It's just nice to get along as well as we do, and to everybody here and for the Village people and to the residents Merry Christmas.

Steve Kumorkiewicz:

Thank you, same to you.

Mike Pollocoff:

I'd echo his comments. If anybody has time at noon the therapeutic rec department is going to be receiving a check from the RecPlex. The Pleasant Prairie Triathlon raises money. After we pay the expenses for police and rescue and public works and anything associated with the Pleasant Prairie Triathlon that money goes to the therapeutic rec program for children with special needs and it helps and provides that program. That's one of the sources of funds. So tomorrow they'll be presenting a ceremony check along with the big one, the real one, for \$25,000 for the TR program from the net proceeds from the RecPlex in the lobby. Erin's group of people they staffed the volunteers, they generated the volunteers for all the volunteer events including the Pleasant Prairie Triathlon. So that's a good source of revenues that helps that program so it doesn't come from the Village or from user charges at RecPlex. It's a source of funds that they've earned and they were glad to do it and it's a good cause. Some of those fundraisers where ten percent goes to the end user, whatever is left over is what they get so this is a good year for them.

10. ADJOURNMENT

**YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ;
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 9:05 P.M.**