

**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
February 19, 2007
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, February 19, 2007. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Alexander Tiahnybok, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe. Also present were Mike Pollocoff, Village Administrator and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING – JANUARY 15, 2007**

TIAHNYBOK MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETING OF JANUARY 15, 2007 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

5. CITIZEN COMMENTS

Sherri Chmieliecki:

Sherri Chmieliecki, 11009 122nd Street. (presented handouts) They are quite self-explanatory. On February 14, 2007, I received the enclosed letter, map and calculations used to measure my property for the Clean Water Utility fee. This time it dropped from \$84.12 to \$82.98 per month. This map is not accurate for the ponds and wetlands and how they compare with the calculations and measurements of the Clean Water formula results of 2006, which does not show that it has tripled. The yearly revenue for 2006 was \$106,782 now triple for 2007 and guess what it will be for 2008. The pictures were taken in November 2006 after the rains and shows and explains where they are – 5/10 of a mile from ML. The engineer say they are not ponds. There is a picture of my neighbor's culvert that runs into pond no. 2, not natural runoff. The next map is from the Conservation Department showing my acreage as part of the DesPlaines River wetlands corridor along with the 30 acres north of me. That property pays \$133 a month Clean Water Utility fees. The last picture is a 45.5 acre parcel, residential, with outbuildings

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and pond and trees and they pay \$.03 per month Clean Water Utility fees. Without dragging you all kicking and screaming to my place, I prove my point this Clean Water Utility fee is a scam to make money for Pleasant Prairie at some residents' expense so you can say you didn't raise our taxes. Thank you very much.

John Braig:

John Braig, 4707 84th Street. I have got a suggestion and you might not appreciate it but you let citizens make comments at this time. I would like to suggest that before you close the meeting, you open it up again to citizen comments. Two thoughts – last fall you had the problem with the budget, tax levy and of course you went to referendum. The citizen might have suggested that you could have rather than the referendum that you did propose, you could have suggested we are going to buy this equipment can we raise the levy to pay for it or do we have to go to reserves. I think you would have looked a lot better presenting the facts that way to the public and let them make a decision.

Another point, at your last meeting you approved the appointment of Larry Nelson to the Police and Fire Commission. There were some concerns about how people are appointed to committees and commissions. In this case, I would have loved to stand up and tell you guys that your approach was asinine. I do mean asinine and if you look in the dictionary and look up the meaning of asinine, it is an unexcused failure to exercise judgment or intelligence. My history, not only with this Village, but my whole life has been one of service. My Dad taught me that when I go to bed at night I should ask myself did I contribute to society or was I a leech on society. But the inference made in this last meeting, was that somehow many of the good volunteers that we have working for this Village are somehow engage with the quid pro quo with the elected officials. I want you to understand that that does not happen and I take it as a real insult. Thank you.

Dick Ginkowski:

Good evening. Dick Ginkowski, 7022 51st Avenue. I note that two weeks ago when we visited the police services ordinance, Chapter 260, there was some unfinished business with regards to that and that was one of the key provisions of that section, of that proposal, at least when I suggested that we ensure that language is placed therein to safeguard the careers of the people who safeguard us and to provide continuity with the Police Department and its ability to recruit and retain officers. I note that we are losing another officer. We need to end that uncertainty. The language to do that certainly is available, it is not particularly high-tech, but there was some discussion and question surprising with Village legal counsel who unfortunately did not have a statute book to refer to because the answer is in the black and white Wisconsin Statutes to the questions that were raised. The major question that was raised is if that language had been inserted, what implication if any, would it have on collective bargaining agreements. Well, in statutory construction, the primary resort to answer questions is the black letter of the statutes themselves. When that is spelled out in the black letter of the statutes, the case law says the inquiry stops right there. Under 61.65(1)(a)(4) of the Wisconsin Statutes, it

says if a Village wishes to abolish its police department under this subdivision, it shall act under Section 62.13(2)(s) and Section 62.13(2)(s) at applies to cities applied to Villages. That section 62.13(2)(s)(d)(3), the Legislative Reference Bureau gets creative with some of their numbering here, says that no contract that is entered into under this subdivision may take effect until all of the following occur.

The expiration of any collective bargaining agreement between the City and its Police Department employees. So therefore, there is no implication whatsoever with regard to the collective bargaining agreement. Further, in 2005 AB 79, which also later became 2005 Wis. Act 40, there is a provision, Section 59,26(10)(a) which indicates that if the sheriff appoints additional deputies to provide the services, the sheriff shall, to the greatest extent possible, fill the additional deputy positions from the ranks of former police officers who lost their positions when the department was abolished under Section 62.13(2)(s). So once again, the language that was suggested is consistent and complimentary and not contradictory with state law. Further, that particular section indicates that that paragraph applies only to the extent it is not inconsistent with the sheriff's department's collective bargaining agreement with the deputies. It certainly makes sense for our police officers to abolish this ambiguity and to enact appropriate amendment to the Chapter 260 to put the language back in that should have been there.

I will be submitting to you in the next week or so suggested language to move in that direction. It is very simple, it is one paragraph but I believe the statutes speak for themselves. There is no conflict and no implication with regard to collective bargaining agreements, it does not contradict state law, it is complimentary with the legislative intent as expressed in Act 40 and noting the analysis by the Legislative Reference Bureau of AB 79, it also indicates there that, in fact, the bill also provided that if a city or village and a county enter into a contract for the county provide law enforcement services, a sheriff is required to the greatest extent possible to hire any additional deputies from the ranks of the officers who lost their jobs. I think that is appropriate. The questions have been answered. Legal counsel should have been able to answer them by the black letter of the law themselves unfortunately, the statutes are not here. It would seem appropriate, actually, that perhaps a set of the state statutes be in the room here so that when there is a need to refer to them they would be available. It is a very cheap thing to do and certainly I would recommend that as an attorney to you very highly. Thank you.

6. VILLAGE BOARD COMMENTS

Mike Serpe:

John Braig, you made reference to the commission appointment that at the time two weeks ago was discussed there was no media coverage during the board meeting at that time of the night. Unfortunately, it made the paper and you became a little upset I can tell. If you read the minutes from that night, you will become infuriated. It wasn't fun.

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Alexander Tiahnybok:

To follow up on Mr. Ginkowski's comments, two weeks ago I was very much in favor of what Mr. Ginkowski was talking about and originally proposed. I still am. I certainly welcome his amendment language and I think this brings up another matter that I think is quite common in the operations of other Villages and that is having legal counsel present and not hired to represent a particular perspective or further the efforts of a particular goal but to have entire Village long range vision in mind when they advise us on legalities of things. I know a lot of other municipalities smaller than Pleasant Prairie have such service and we don't and that would have been a perfect time for an attorney that is very familiar with the operations of Village government, specifically this Village, to chime in and bring aspects of the situation we were facing two weeks ago to light and it was obviously missed and Mr. Ginkowski commented on it.

Mr. Braig, I understand your frustration. My entire motivation, just for sake of accuracy, is you have five elected board members, and what I have been asking for consistently has been an opportunity to have input in the process of selecting commission members and the Kenosha News did accurately report that I have not personal animosity towards Larry Nelson or anyone else for that matter that sits on commissions. If this is a unanimous board on every issue regardless of how controversial and how important it is, then I imagine appointments coming from one person is o.k. But two years ago the Village of Pleasant Prairie voters I think sent a message that I think they feel otherwise and maybe uniformity is not the best thing. I think the commissions, just like any other aspect of the government, should reflect the perspectives of everyone on this board and not just one person and that was my entire motivation. I stated I think very clearly multiple times that all I ask since we are doing the official appointment, not just the nomination, but since we are doing the appointment, that the person come here and tell us about themselves and I just followed up on my promise even though I didn't want to do it in that case, I did it. So, again no disparaging intent against commission members. I just think there are too small number of people serving on too many commissions in multiple roles and again consistent with everything else I said, that stifles creativity and I think there is a big portion of the citizens of Pleasant Prairie that are not heard and they should be at every level and that is it, there was nothing personal.

Steve Kumorkiewicz:

I disagree with you Alex. What are you talking about when elected officials don't always get elected what happens – commissions, committees, departments get eliminated, and political people get appointed. That is not what we have here in Pleasant Prairie – we have people that come in and they work for years and they know their jobs. Like the people on the Planning Commission. The reason to attend, even if you don't get paid as you stated last July 17, you did not get paid to attend the Planning Commission meeting we should be here as we are because there are public hearings that are going to be considered the following week by the Village Board, so we don't have to go over and over the material again. So when you attend the Plan Commission meetings, you listen to the people at the meeting and what the public has to say. You remember that so you

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don't have to ask the same question that was already answered in the Planning Commission. We have all attended the Plan Commission meetings through the years. I don't recall missing any lately and have had to leave early a few times throughout the years but it doesn't happen often. My job, my regular job, 40, 50, 60 hours a week job, never stopped me from coming to the Planning Commission meeting and once in awhile attended the Park Commission or some of the other commission meetings. What for? As a trustee, I have to know what is going on in the Village because in my opinion, a trustee is not somebody who sits here every two weeks and look at the people and smile and look cute. The person who is here sitting on the Village Board has to know what happened in the other commissions. Also, they have to know the function – what kind of job those people are doing in the different commissions. Experience will give the people the knowledge to answer any question presented at the meeting. Coming a week later to the Village Board and now the question is too late because that person who wants the question was not there and that is not going to be reflected in the packet that you get. That is why we are here. Sitting right here and attending every meeting. We don't leave early, we stay here for the whole meeting. Continuity will give you the kind of community that we have here in Pleasant Prairie – you stated you did not get paid enough. Well, evidently the people in the commissions are not concerned about what they are getting paid. I never did and I regularly attended meetings. So, it is more than just getting paid as a trustee. When you are a trustee you have to know what is going on in the other commissions, attending other meetings, otherwise, you can be a trustee but not one who knows what is going on.

Same as the CDA – what happens in the CDA. Most of the CDA meetings are set up by the statutes, controlled by the statutes. Most of them are not in the open meeting session – they are closed meetings. So, they are not complaining and they are doing their job. They are qualified people, not political people. Look at the variety of the people on the commissions. I hope I'm not keeping you awake. Look at the quality of the people that are going those jobs. All ranges of life and that is what we need – that is the diversity that gives the quality to our Village. This Village did not grow with political appointees. This Village grew from the Board and the commissions working together. The Village Board that worked with the community that worked with the Administration, not through newspaper articles. I am interested in what goes on in the Village and that is why I attend the commission meetings. That is not in my job description. I do not have a union contract in the Village. That when you say, it is not in my job description, I do not look at this with a job description. I am elected to do the job that has to be done in the entire Village, what has to be accomplished in the Village, when it has to be accomplished. That what I am looking at, not what I get paid. I look at what I can do, when I have to do it – I don't have excuses. Thank you Mr. President.

John Steinbrink:

Any other comments? A couple of clarifications I guess. John (Braig) you had called me several times on this article way back months ago the first time after Mr. Tiahnybok raised questions about our commission members and the way we do our business and appoint people here. I think with a check you found out basically all

communities seem to follow the same pattern or procedure the Village follows as far as interviewing people, putting them on commissions. I don't think we put them up for public display or ridicule or beat them over the brow with questions or that. It is not common anywhere else. I think you found one community up in Milwaukee that does it.

Unfortunately, this kind of discussion and these kinds of articles cast dispersions upon members, innuendos – I don't know what the purpose of it is but I think the biggest question that wasn't asked here is what do these commissioners get for serving their community. What kind of special treatment do they get. What kind of perks? What kind of extraordinary pay or privilege do they get and I think we will not find that anywhere except the fact that they want to serve the community, they want to use their expertise to benefit their community and they volunteer to do so. Hopefully this can be put to bed here pretty soon, I'm not sure where everybody wants to go with it but I've heard suggestions from Mr. Tiahnybok unfortunately the only person he has offered up so far for these commissions is himself and that is not all bad either, I mean everyone has qualifications and I'm sure he would like to serve on a lot of these but unfortunately we have other people in line ahead of him. I just hope this can end with commission members and this kind of stuff because these people do not deserve it, they do not deserve this kind of spotlight being put on them for what I can see for no reason at all other than other than wanting to serve their communities. If somebody can come up with what they are getting special, how they are being treated special or how they are benefiting from this, I wish they would please step forward and bring that to our attention because we don't know if it.

Mike Pollocoff:

I guess I was troubled about a couple of things that were said and one that you talked about but secondly, when staff brings an ordinance to the Village Board and it is an ordinance that we have outside legal counsel preparing for us, I have never, and I don't believe any board member that I know of, has ever gone to counsel and said "we want an ordinance prepared that will reflect only our view of what we want and no one else."

We use a number of different firms. We use firms based upon what we believe their level of expertise to be in certain areas. We use Quarles & Brady for land use and litigation, we'll use Davis & Kuelthau for personnel and human resources, we'll use Anderson & Kent for environmental issues; we have two local firms that we use and the innuendo that keeps coming out and that I guess it is the political season and it is the time for innuendos, but it is not fair and I think it puts a cloud over the professional judgment that I exercise, that you as trustees exercise is to have an attorney give us their best opinion and the results of their drafting based on what we have asked someone to draft. I do not tell the attorney what the law is or what we want and ask him/her to find a law that will make it work. To say that that is the case, isn't the case.

Trustee Tiahnybok, you might not have agreed with the ordinance, which is fine. But to say that we had an attorney draft an ordinance that would reflect a certain political view,

is inaccurate. The mission that I was charged with was to come up with an ordinance that would define the activities of the Police Department and set standards forth. Attorney Ginkowski has some concepts that he forwarded to us and we evaluated those. I evaluated those with the Police Department and the Police Union and counsel and the Village President. If this is something that we are going to say later on “Oh, I didn’t mean that” you put it out there. You put the innuendo out there that somebody is doing something less than professional. So, if you are saying it, you are saying it.

Second thing is, if the Board wants counsel at all meetings that can be arranged - if the Board wants counsel at Plan Commission meetings, if the Board wants counsel at CDA meetings. I am not shy about bringing on legal expertise when we think it is needed. I will be the first one to admit that I am not an attorney and I am not in a position to make decisions or legal recommendations. I’ll have outside counsel do that and we have done that and when we need to have an attorney at a meeting, we have done that. But if you wish to have an attorney here and have a set of statute books and have the attorney flip through the statute books to render some decisions, that can be done, it will be done at a price, but that can be done.

Not a single thing that happens here is done with an angle towards getting ahead of one side or the other. The issue was the issue. Trustee Tiahnybok, you made a motion to include something that wasn’t there, and that is appropriate and that is what you should do. If the motion passes, it passes; if it doesn’t, it doesn’t. It doesn’t automatically be the subject of well it was left out of there or there was some direction that was given the attorney to go against you or against someone else. The attorney presented an ordinance that met legal standards in his opinion and provided it to us - we had a chance to read through it. Attorney Ginkowski commented on it – he had some differences of opinion, but I didn’t hear him say that his findings were bad - there are a lot of things you can add to something but it is not an opinion based ordinance, it is an ordinance that is based on law and what is legal and the statutes are going to govern what we can and cannot put into an ordinance.

7. **ADMINISTRATOR’S REPORT** – None.

8. **NEW BUSINESS**

A. Receive Plan Commission Recommendation and Consider Ord #07-05 to correct the Zoning Map and rezone the field delineated wetlands on the vacant property located on the east side of 1st Court in the 11300 block known as Lot 30 Block 14, Carol Beach Estates Subdivision, Unit #2 into the C-1, Lowland Resource Conservancy District and the non-wetland portions of the property would remain in the R-5, Urban Single Family Residential District

Jean Werbie:

Mr. President and members of the Board. Ordinance No. 07-05 is an ordinance to correct the zoning map and to rezone the field delineated wetlands on some vacant property located on the east side of 1st Court at the 11300 block known as Lot 30, Block 14 of the Carol Beach Estates Subdivision Unit 2. On July 27, 2006, the Village received an application from Mary Wade, Trustee for Sanetra Family Trust, for a wetland staking to be completed on the property. The Village received a letter dated November 7, 2006 from SEWRPC stating that the plat of survey correctly surveyed and identified the wetlands on the property as field staked on September 7, 2006 with a correction made to the plat of survey that correctly identifies the wetlands that were staked. On November 15, 2006, the Village received the revised survey with the corrected note, and on November 27, 2006, the Plan Commission approved Resolution #06-24 to initiate the zoning map amendment process.

Therefore, the request you have this evening is to rezone the field delineated wetlands on the property and to place them into the C-1, Lowland Resource Conservancy District. The non-wetlands on the property would remain in the R-5, Urban Single Family Residential District. In addition, the entire property would be remaining in the LUSA, the Limited Urban Service Area Overlay District. On February 12, 2007, the Plan Commission held a public hearing and they recommended approval of the request. The staff also recommends approval.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD #07-05 TO CORRECT THE ZONING MAP AND REZONE THE FIELD DELINEATED WETLANDS ON THE VACANT PROPERTY LOCATED ON THE EAST SIDE OF 1ST COURT IN THE 11300 BLOCK KNOWN AS LOT 30 BLOCK 14, CAROL BEACH ESTATES SUBDIVISION, UNIT #2 INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT AND THE NON-WETLAND PORTIONS OF THE PROPERTY WOULD REMAIN IN THE R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

B. Receive Plan Commission Recommendation and Consider the draft Chapter IV of the Comprehensive Plan related to the Inventory of Existing Land Uses and Transportation Facilities and Services.

Jean Werbie:

Mr. President and members of the Board, as you know, the Village staff in working with a multi-jurisdictional planning group of Kenosha County, in preparing a Master Comprehensive Land Use Plan for the entire community in Kenosha County. We have in the past presented three chapters of this document to you for your approval and

tonight we have the fourth chapter. It is a little long, but I will try to move through it quickly. If you have any questions, I'd be happy to answer them as we go through the slides.

This Chapter IV is the inventory of existing land uses and transportation facilities and services. Again, these early chapters are inventory chapters, they are not the plan chapters so this is a gathering of information from the respective agencies based on existing information. This chapter is an inventory of the built environment and is divided into two parts: historical and existing land uses and an inventory of existing transportation facilities and services.

PART 1: LAND USE. The Commission utilizes an urban growth ring analysis and a land use inventory to monitor urban growth and development in the Region. The urban growth analysis delineates the outer limits of the concentrations of urban development and depicts the urbanization of the Region over the past 150 years. The use land use inventory in a more detailed inventory that places land and water areas in the region into one of 66 land use categories. It provides a basis for urban and non-urban land uses. This information has been updated on a regional basis up to the year 2000. Between 2000 and 2006 each individual community has provided updated information to SEWRPC to have them include this information for their study and for projections into the future. This is a slide that identifies the urban growth ring analysis and the historical urban growth. Within your packets you might be able to read the numbers a little bit better but it does identify certain decades and the growth patterns that have occurred. As you can see primarily in Kenosha County, most of the urban growth grew outward from the City of Kenosha, from the area down by the water and then has been growing outward. There are a number of smaller communities in western Kenosha County that also experience these types of growth patterns although to a much lesser extent.

The City of Kenosha was originally incorporated as the Village of Southport in 1841 and incorporated as a city in 1850. The City continues to grow and grew a great deal between 1900 and 1950. Many of you may or may not know but the Town of Pleasant Prairie became a township in 1848, the same year as we became a state and we became a Village, obviously, in 1989 and we have been experiencing considerable growth in that last decade between 1990 and 2000. As you can see by some of the narrative, it just identifies some of the more urban areas in the western part of Kenosha County including Benedict Lake, Camp Lake, Center Lake, Cross Lake, George Lake. What we found and what SEWRPC found in doing the analysis is a lot of the lake communities were the centers of growth in the western part of the County and these areas have continued to grow from just seasonal home areas to year round housing.

Land use trends between 1975 and 2000 – land use for urban uses increased by over 10,000 acres or about 36% and most of these urban uses were converted from agricultural land uses. The percentage of land classified as non-urban decreased by about 7%.

Urban services areas are identified in the Regional Land Use Plan based on sanitary sewer service areas which are delineated in the regional water quality management plan

as prepared by the Regional Planning Commission. Urban service areas are currently served or have capacity or eventually planned to be served by public sanitary sewer and public sewerage treatment plants. These services allow for more dense residential, commercial and industrial uses and they characterize our urban areas. Urban service areas are typically served by parks, schools and shopping areas. The City of Kenosha, Pleasant Prairie and portions of the Towns of Bristol service areas are served by public water supply systems. Remaining areas in the county rely on private supply systems or private wells.

Existing Land Uses in 2000 - the existing land use map again is based on SEWRPC's inventory that was completed in the year 2000. The various colors that are represented on this land use map are the same delineations and colors as shown on the Village's Comprehensive Plan, the one we currently have and the one that we are preparing so that there is some consistency. The yellow areas, for example, are the two-family areas present within Kenosha County and then it goes into an orange and a peach color, red is typically commercial, gray is industrial; purple is usually utility railway or some type of airport. So these color representations are consistent from land use planning at a regional level down to the local level.

Urban land uses encompassed about 38,000 acres or about 21%. Residential land comprised the largest urban land use category in the county encompassing over 18,000 acres or 49% of the urban land and 10% of the total county in 2000. As you can see, the break up between single family, two family and multi-family, the largest percentage by far, 93%, is comprised of singly family.

Commercial land encompasses about 1,400 acres or 4% of the urban lands, less than 1% of the total county in the year 2000. Typically the commercial development is concentrated in the urban areas such as in the City of Kenosha and the Villages of Silver Lake and Twin Lakes. We do have some areas that are concentrated in commercial in Pleasant Prairie. The older areas are along STH 50 out at the Interstate at STH 50 and at STH 165. We have a number of areas in our land use plan that we plan for commercial development but again this is a 2000 inventory.

Industrial land comprised about 1,400 acres or about 4% of the urban land, again, less than 1% of the County in 2000. The larger industrial parks in the county include the Bristol Industrial Park, the Business Park of Kenosha, Kenosha Industrial Park and two parks in the Village of Pleasant Prairie – the LakeView Corporate Park and the Prairiewood Corporate Park west of the Interstate.

Under transportation, communication and utilities – these facilities comprised of the second largest urban land use category in the year 2000. Over 11,000 acres or about 30% of all urban land and about 6% of the County. These areas were comprised of streets, highways, railroads and communication facilities and utilities.

Three of the largest land uses that comprise this particular category include the Pleasant Prairie Power Plant, the Paris Generating Station and the Pheasant Run Recycling and Disposal Facility.

Under governmental and institutional land uses – they encompassed just under 1,700 acres or about 4% of the urban land uses. They accommodate county buildings, county offices, municipal buildings, municipal halls, post offices, schools, libraries, colleges and hospitals within the county.

Under recreational land use – about 3,400 acres or about 9% of the urban land or 2% in the county in the year 2000 have been identified for intensive recreational land uses. A complete inventory of the park and recreational land uses was identified in the last chapter that I presented to you and there were a number that were located in the Village of Pleasant Prairie, the largest park of which is the Prairie Springs Park in the central portion of the Village of Pleasant Prairie.

Non-urban land uses in the year 2000 consisted of ag lands, natural resource areas, waters, wetlands, woodlands, land fills and unused land. Non-urban land uses encompassed about 79% of the county in the year 2000.

Some recent developments between 2000 and 2006 – to ensure that our planning efforts reflect some recent changes that have occurred in the last 6-7 years, SEWRPC had asked each of the communities to put together an inventory of their most recent and largest land use changes. We actually had a number of larger land use changes which I have somewhat reflected in the chapter but I have updated that list and provided it to SEWRPC. There have been a number of industrial buildings that have developed in the LakeView Corporate Park. The RecPlex and IcePlex as a governmental institutional uses have come in since the year 2000. There have been some churches and a hospital, some assisted living. There have been a number of other types of uses which we are adding to the inventory and will be included in the chapter.

In addition, there have been a number of subdivisions and condominium developments throughout the Village of Pleasant Prairie. We update that information with current developments every six months and everything that occurred during that time period we provided to SEWRPC as well and we also updated their map to show everyone exactly where the new single family developments occurred, where the multi-family and where the condominium developments have occurred and all of the blue, green and red dots go along with the chart or the table that identifies where those developments are. Again, some of these non-residential developments, a few are listed here, I've added to that list.

PART 3: TRANSPORTATION, FACILITIES AND SERVICES. This section represents inventories of our transportation system. Much of this information comes from the SEWRPC Regional Transportation Plan that was recently updated and has a design year of 2035. The 2035 regional plan includes four elements: 1) Public Transportation 2) Systems Management 3) Bicycle and Pedestrian Facilities 4) Arterials Streets and Highways.

There is also some information on rail, harbor and airport services in that chapter. The street and highway system serves several important functions including the movement of vehicular traffic to and through the Village and to land uses providing pedestrian and bicycle circulation and serving as locations for utilities and storm water management or drainage facilities.

The three functional classifications of streets and highways in our plan will be arterial streets, collector streets and land access streets and in Pleasant Prairie, our land access streets we identify those as local or minor streets.

Arterial streets and highways are intended to provide a high degree of travel and mobility to and through the community. I believe this is the SEWRPC adopted plan since that time there have been a couple of changes we recommended which have been changed, one of which is the extension of 122nd Street or ML through to STH 31 and I can see our recommended change has already made it to the regional plan. Other arterial streets and highways include the County highways, local arterials, those that will convey more traffic at higher speeds and the importance of evaluating these highways identifying where they should be, restricting access, obtaining the right of way, all helps for the improvements of these arterials streets through the community. Pleasant Prairie is fortunate that we have worked with the DOT to update and put together some corridor plans for both STH 165 as well as STH 50.

Under collector and land access streets – these streets provide access to abutting properties and service connections between the arterials street systems and the community. Again, the same issues are just as important for these streets to identify right of ways widths, cross sections, so that it can convey the amount of traffic that we need it to convey, identifying where roads should line up so that they don't jog, all of those things are very important to a good arterial and local collector street system in this Village and by having these plans put forth as new developments come we can identify exactly what type of profile and right of way and what we can do to plan for the future so that the road systems are up to date and improved prior to the developments coming in.

County and local street inventory – this is some information which talks about the Wisconsin Information Systems for local roads, talks about all the details and categorizes as all the roads as well as puts together pavement service evaluation and rating. John Steinbrink Jr. has been working with this type of system in evaluating all the road systems in the Village of Pleasant Prairie and identifying the condition of these road systems and when they are in need of improvement and how to categorize them as being the least in need of improvement to the those that need improvement sooner.

System Management – the existing freeway traffic management system in southeast Wisconsin consists of many elements referred to as an intelligent transportation system. As you can see on the slide, there are a number of elements of the freeway traffic management system that have been put into the process already – traffic detectors, ramp metering, high occupancy vehicle bypass ramps, variable message signs, close circuit

televisions, service patrols, crash investigation sites, enhanced reference markers – these elements will only be enhanced when the main line of I-94 is under construction in 2009 so they will continue to implement new ways to make it safer and to get more information out to the public sooner when traveling on our interstate system. These next slides just go through and define each of the terms we were just talking about.

Under public transportation – transportation of people by publicly operated vehicles. This includes inter-city and inter regional public transportation, urban public transportation, such as public transit, and rural and small urban community public transportation.

Rail, bus, ferry and airline carriers provide Kenosha County residents with public transportation services in southeast Wisconsin. This slide identifies the rail services, the bus services, ferry and commercial airline services that are available to our community as well as Kenosha County.

Urban Public Transportation – there are two – the express transit and the local transit. The local transit are the fixed routes within the City of Kenosha and as they feed or extend out into certain areas of the Village of Pleasant Prairie. As you can see on the slide, the public transit in the Village of Pleasant Prairie is somewhat limited but it does go to the more populated commercial or industrial areas where the need to get employees out to those areas becomes critical. There is also a loop that extends west on STH 50 and then services the senior center, St. Catherine's Hospital and the uses out in the Prairie Ridge development.

Specialized Transportation Services include the Kenosha Care-A-Van Program, volunteer escort service and private for profit providers.

Under Bicycle facilities - about 21 miles of bikeways are located within Kenosha County. The Village of Pleasant Prairie has an additional 2.3 miles of paved multi-use trail which circles around Lake Andrea. The Village Park and Open Space Plan that was adopted last summer for 2006-2011 identifies proposed locations for future recreational trails including both on street and off street bikeways.

Under Pedestrian Facilities – Comprehensive inventory of pedestrian facilities such as sidewalks has been completed for Kenosha County. It recommends that various units of government responsible for construction and maintenance of these facilities adopt and follow certain recommended policies and guidelines. What I can say in the Village of Pleasant Prairie is that we do not have a lot of sidewalks but in those areas that are more densely urbanized with respect to commercial development, such as the Prairie Ridge development, the future Village Center and Village Green areas, those areas will have the opportunity for sidewalks and interconnection of pedestrian activities.

Under other Transportation Facilities and Services – Rail Freight – we have the Union Pacific, the Canadian Pacific and the Canadian National Railway that traverse through

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the Village of Pleasant Prairie. There are over 50 miles of active mainline railway in Kenosha County in 2006.

Under Ports and Harbors – there are two main harbor areas. One is in the City of Kenosha, which includes Simmons Island Marina, the U.S. Coast Guard Station in Kenosha and Southport Marina, and in the Village of Pleasant Prairie there is a private marina known as the Prairie Harbor Yacht Club.

Under Airports and Heliports – it identifies one larger airport, a non-commercial, and that is the Kenosha Regional Airport, Westosha and Vincent Airports in the Town of Randall and Camp Lake Airport in the Town of Salem. In addition, there are eight privately owned airports and six private heliports. There is one private heliport in Pleasant Prairie and that is at St. Catherine's Hospital.

In summary, this chapter provided an inventory of existing land uses and transportation facilities in Kenosha County. The planning recommendation set forth in the land use and transportation element chapters will relate directly to this inventory information that has been prepared by SEWRPC and reviewed by the Village of Pleasant Prairie in our case and each community has provided additional input to the Regional Planning Commission and every month when we meet with respect to the jurisdictional comprehensive group, we provide additional input and provide information to supplement to the chapters that we have been reviewing.

With that the Plan Commission recommended approval subject to the couple of changes that I had mentioned in the additions of the corrections that I have made and are looking for a favorable recommendation from the Village Board as well.

Mike Serpe:

Mike, has there ever been any thought given to the possibility that Pleasant Prairie would enter into some type of agreement with the City of Kenosha for a little further public transportation involving the bus service into the Village.

Mike Pollocoff:

Yes, we have had discussions with Len Brandrup over the years and he is open to it. It really is kind of defining that right mix. We make it work by St. Catherine's and Prairie Ridge. We are trying to get a better dispersal of times in LakeView Corporate Park. A lot of those businesses start earlier than when the bus starts. They are open to it, it is just that bus service is a losing enterprise so there has to be something to supplement the fare box. WisPark pays for that subsidy and St. Catherine's and Prairie Ridge pay for theirs but it has not been very much. I think we pay the City about \$2,800 a month then in turn bill those entities for that cost. I think we are a ways away from bus service running up and down STH 165 or 39th Avenue until there is more density or a mix of housing where it demands it. In the Village right now, we are primarily an auto based community. The transit director has been really cooperative. We have had some good

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discussions and he is actually assisting us on a few projects we are working on, and we are working on some joint grant applications that will facilitate transporting elderly people and people who are disabled irregardless of what jurisdiction they are in.

Mike Serpe:

That is good. I give anybody who works on this a lot of credit for putting something like this together. It is not easy and I would move approval.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE DRAFT CHAPTER IV OF THE COMPREHENSIVE PLAN RELATED TO THE INVENTORY OF EXISTING LAND USES AND TRANSPORTATION FACILITIES AND SERVICES; SECONDED BY LAUER; MOTION CARRIED 5-0.

C. Consider the requests of Marv Letven, agent for RLSR Enterprises, LLP, owners for a one (1) year extension of the Final Plat for the proposed Lighthouse Pointe Subdivision generally located at the south of 116th Street and east of 22nd Avenue

Jean Werbie:

Mr. President and members of the board. The petitioner is requesting a one-year extension to comply with the Plan Commission conditions related to the Final Plat for the Lighthouse Pointe Subdivision. The subdivision is generally located south of 116th Street and east of 22nd Avenue. The subdivision proposes 100 single family lots, 15 two-family lots, outlots 1 & 3 will be added to the adjacent properties to the west, outlots 2 & 6 would remain as open space, outlot 7 would be dedicated to the Village for a public park and outlot 4 is proposed to be further subdivided for condominium development. You have in your packets a staff memo that I had put together that outlines the timeframe from 2001 for this particular development. A neighborhood plan for the Sheridan Woods neighborhood was approved by the Plan Commission in 2001. In 2003, the Village Board conditionally approved a Conceptual Plan. In March of 2004, the Village Board conditionally approved an amendment to the Conceptual Plan. In December of 2004, the Board approved a resolution relating to the Preliminary Plat. On November 7, 2005, the Village Board approved a resolution related to a revised Preliminary Plat. On March 27, 2006, the Plan Commission held a hearing related to the Final Plat and recommended approval subject to some changes. On June 7, 2006, the petitioner requested a 60-day extension to comply with the conditions of the conditional Preliminary Plat. On August 16, 2006, the petitioner requested another six-month extension to comply with the conditions and the extension was then granted to March 1, 2007. On January 11, 2007, the petitioner requested a one-year extension to comply with the Final Plat conditions and the staff report of March 27, 2006.

It is the staff's recommendation that if a developer would like to proceed with a particular project, that they do need to be diligent and they do need to proceed forward with that

particular development. We have been working with this one under this particular owner for about seven years and there have been some issues that we have been trying to get resolved. But a Preliminary Plat when approved by the Village Board is valid for two years per state statute. The staff agrees that two years should be adequate time in order to address any conditions or comments and move the plat forward if they chose to do that. If they chose not to move forward, the staff recommends that possibly what we should do is deny the plat and have them come back when it is realistic for them to come forward. Since the preliminary plat for this particular subdivision is valid until November 7, 2007, the staff is recommending that the Final Plat as approved by the Plan Commission subject to conditions be valid until that date by which time they have to submit all the final documents for it to be placed on the Village Board's agenda. If it is not completed by that date, the staff recommends that it be denied and they start the process over. There are things that are changing in this community and the Village staff feels that there should be an opportunity for both the Plan Commission and the Board to reevaluate a subdivision rather than keep it hanging out there for months and months and years before it gets its approval. The unfortunate thing is Kenosha Unified and many others use the information that we provide to them based on the projections given to us by the developers and if these projects never make it to fruition or they keep asking for extensions, we never really know when they are going to come back to us or when they are going to approved and when we can anticipate the impact on the school system, the road system or Village services. From the staff's perspective, I would like to let the developer know that they need to move forward by November 7, 2007 or they will have to start the process over again back at the Preliminary Plat stage.

Mike Serpe:

Do the developers know your intent here and your timeframe?

Jean Werbie:

I don't know.

Mike Serpe:

They will tomorrow.

Jean Werbie:

They asked for a year and I'm suggesting to November, just short of a year. We will certainly make them aware of it. We indicated to them that we were concerned and brought it back to their attention that their time is expiring.

Mike Serpe:

You are correct in your assessment that there is big changes taking place and this does have to move along or be redone. I move approval.

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Steve Kumorkiewicz:

Second

Jeff Lauer:

I agree with your recommendation Jean because it looks like this a third extension. I just want to make sure I understand it right. When you have in here if it is not approved is it the Village Board or the Plan Commission just so I make sure we are on the same page.

Jean Werbie:

The Village Board has to approve the Final Plat by that date. The Final Plat has already been approved by the Plan Commission but it was subject to the conditions. Well, they have not chosen to satisfy those conditions yet so we are giving them another nine months to satisfy those conditions so I can bring it to the Board and if it doesn't get to the Board by that date, then I am recommending that we deny the Final Plat and they would have to go back to the Preliminary Plat step.

Jeff Lauer:

O.K., thanks. I agree with that.

Steve Kumorkiewicz:

I agree with your recommendation and I'd like to make a comment on this. We have to put a stop to this issue with developers coming forward and asking for an extension, and another and another extension. We have to put our foot down and tell them this is it. My opinion right now is to say no. I will concur with the recommendation from your office but let them know this will be the last one. We have laws, ordinances and mandates being changed all the time and they have to update.

Alex Tiahnybok:

Jean is there any – the reduction from the one year to the nine months – is there any aspect of what they need to do between now and then besides just get moving that makes that the material difference 9 months or 12 months.

Jean Werbie:

Just that I wanted to tie the timeframe to the expiration of the Preliminary Plat.

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Alexander Tiahnybok:

They could get it done if they wanted to.

Jean Werbie:

Oh, sure. I'm not sure what the reasons are that they haven't pursued it.

Alexander Tiahnybok:

I think the Plan Commission's recommendations are very sound and yours too and I support this also.

SERPE MOVED TO GRANT AN EXTENSION TO NOVEMBER 7, 2007 FOR THE FINAL PLAT OF THE PROPOSED LIGHTHOUSE POINTE SUBDIVISION GENERALLY LOCATED AT THE SOUTH OF 116TH STREET AND EAST OF 22ND AVENUE TO BE COMPLETED AND APPROVED BY THE VILLAGE BOARD; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

D. Consider Resolution #07-03 - Resolution Approving a Stormwater Management Plan.

Mike Pollocoff:

In your packet is a considerable document - a Stormwater Management Plan. The resolution will come with the second reading of this and in essence the resolution will just be the adoption of this unless the Board has some modifications they want to include in the resolution that would modify the Stormwater Management Plan. This is a part of a grant the Village received in order to come into compliance with state rules on water and we used it to accomplish a lot of things - identifying some project areas, we have some ongoing flooding problems and it really takes the rules that we have been following from SEWRPC and DNR and it gets it down to a neighborhood level rather than an aerial level. With that, I'd like to have Bob kind of walk us through this and then if there are any comments or questions before we break tonight, I'd like the Board to use this two weeks to read through the document and if you have any questions by all means give me a call and we'll walk you through it. Some of it is a little technical but I think the consultant has done a pretty good job of getting it to a readable and understandable level for most people.

Bob Martin:

Mr. President and board members. You should have received the report and a set of atlas sheets for the storm water management report and just from a historical perspective, the clean water has been under way for a number of years and most states are now implementing essentially the second phase of that called Stormwater Phase II. It is

very much like what had started with wastewater many, many years ago where that has evolved into very stringent restrictions and limitations that requires permits and storm water is starting off very similar in that direction in that part of the requirements of what are referred to as NR216 rules require monitoring sampling at major outfalls at least annually. There are no numeric standards as there were no numeric standards with wastewater at the time that evolved. You can see it is kind of a prelude of things to come. As Mike had mentioned, we were probably fortunate in that we were able to get a grant from the DNR for the preparation of the document and it was pretty timely because our submittal took place last year and I'll kind of go over this as I go over the report but what has to take place are several things to be in compliance with that permit and we have a number of months as all communities that are involved in this same stormwater phase II have a number of months and it is 18 months for certain things to do, 24 months for certain things to do and so on. A lot of that work as been done in this report so it did save a lot of staff time and money in the long haul to have this prepared because it does satisfy a great portion of those permit requirements that are due within the next two years.

So with that, I'll give you a very brief overview and try to point out some of the highlights. On Page 5 of the report, it kind of gives the summary of what is required – NR151, NR152 and NR216 are really the core requirements, and what the DNR is getting for their money are for municipalities to come in compliance with those rules and in particular performance standards and I mentioned earlier they come in different phases. We have to do a number of things – one of the major things required, and this is nationally, is that there has to be a public education outreach program developed. So a portion of that has been developed to this point. Public involvement participation is another component of what has to be achieved within a permit. Illicit discharge detection and elimination - while that sounds somewhat easy that is not always that simple to back track and track down but it is really in essence a way to get the public involved when you put all the components together. If there are some illegal discharges of pollutants those get reported and that has to be reported annually and it is a way to track it down and really kind of cut down on the pollution. It has some very good elements.

Another component is construction site pollution control, post construction storm water management and pollution prevention planning. So these are all critical elements of the permit itself.

The effort that went into the storm water management plan was to essentially do an inventory Village wide of our storm sewer system, it looked at storm basins and a break down of those so we could get better, quicker information as readily available and now most of that information is on the GIS. We had to identify all the storm sewer system outfalls and those, if you look on page 63 for example, are listed where the outfalls are and the size of the outfall and if it is major or not. Those are again components of the program specifically but it did help us to go back and look at all the storm sewer system within the Village.

If you just turn to page 75 for example, you notice that there is a lot of technical information that is particularly helpful from an engineering perspective because if you

look at a catchment it is just a smaller portion of a watershed and it gives the area and it gives the existing CN values which is a run off value given in TR55 and it goes and it calculates 2-year events, 10-year and so on. That kind of information is essentially very helpful for engineering things that we get involved with daily.

The next portion of the report deals with areas that were identified by Village staff as problematic areas and talks about the existing conditions and recommended improvements and there are a number of those. On page 99, it talks about the source loading management model that was prepared specifically for the Village and it is the source loading management called SLAMM and it identifies pollutants, where they are coming from and the loading and part of the permit, and all future permits, suspended solids is one of the key parameters that has to be reduced and there are some target values and dates given in the permit. So we keep track of that and that is one of the bigger things that the DNR again kind of gets out of this as well as us keeping track of those types of pollutants and to significantly reduce them over the long haul.

On page 103, it kind of outlines some things I mentioned earlier – the 216 permit compliance program and it talks about each one of those elements that I indicated earlier and what has to be done to achieve those. I think the report kind of pulls together all those elements of storm water that are kind of leading in the same direction towards the compliance of the permit that we have applied for and we have the next 24 months to present portions and our entire program back to the DNR for us to come into compliance with. The atlas sheets you will notice on the front cover, we have A-1, A-2 , A-3 and it goes down to E-5, if you were to look at C-3, for example, you will notice that there are a number of different colors on that particular page and what they refer to are the particular water sheds that are involved with each one of those different colors. So on the right hand side you will notice the color coded water shed, you will have Barnes Creek, Jerome Creek, Kilbourn Road Ditch, Lake Michigan, lower DesPlaines, Pike Creek and Tobin Creek. C-3 is kind of a culmination of a number of those water sheds and so it is important that when we are looking at subdivisions in those areas that we are kind of looking at where the water does go and this is kind of running down one of the major divides of the water sheds. You can go back into the report and you can look at any one of those sub-catchment areas, for example, LM-P6 is in there, that is on the purple portion of the map and you can go back in and get all the parameters of that sub-catchment with a runoff. So again that kind of helps with engineering aspects and it is kind of a quick thing for other planning agencies and useful tools for giving to consultants when they are looking at subdivisions and developments and so on. It does give a great overview.

If there are any preliminary questions, I'd be happy to answer them.

Mike Serpe:

This really sounds stupid on my part but you know we have to prepare or at least devise something for some major events. Is there anything that is going to be required of us to handle a major event from the lake.

Bob Martin:

What the document is really concerned with is water quality so it does not address that. More specifically, when you look at the rules, they are more concerned about two-year events because a large amount of rain events, and I think it is in the neighborhood of 80-90%, are two-year and below and that is when you try to capture the pollutants with those.

John Steinbrink:

Other comments or questions for Bob?

Steve Kumorkiewicz:

Bob, how does the snowplowing affect the Village compared with the city. We are using magnesium chloride, right, in conjunction with the salt?

Bob Martin:

As far as the program goes, we are all under Phase II rules because of the population density. So they have to comply with our same rules that I just went over with.

Mike Pollocoff:

I think what Steve is talking about is given the fact that we use magnesium chloride and salt, you cannot just put that out, you have to have that calibrated and certified so that you are not released more than what the standards are going to dictate. In the case of the City, they just make a conscience decision, probably a budgetary decision, not to put salt down all the time or in certain places. When we put salt down, Public Works has to have to calibrate the spreaders so that we do not exceed that standard. You can put down salt and magnesium chloride but you cannot just unload it, it has to be at a controlled rate that is not going to exceed those standards.

Steve Kumorkiewicz:

So, actually, which one is better to use.

Mike Pollocoff:

Well, better is neither, for water quality. You cannot use one or the other. The magnesium chloride makes the salt work better, under colder conditions. If you get the magnesium chloride down early, it helps the road from freezing quick and it makes it easier to take the snow off. So it is not one or the other. Just the magnesium chloride makes us more efficient in the use of our salt, because it makes the salt more efficient.

Bob Martin:

I have been to seminars in the past, years ago, where there has been discussions about treating storm water even similar to a wastewater treatment plant and I don't know if we will ever see that day but there have been similar discussions and that goes along with a water quality issue.

John Steinbrink:

I think the bottom line is with the proper training and the proper mixture and usage, we can achieve a pretty good level of clean streets by not using over excessive amounts and I think that is the most important thing is that we have the proper equipment and the proper training for the personnel and we can eliminate a lot of the run off by using basically what we need to achieve our goals.

Bob Martin:

The aim is to really make people more cognizant of those types of issues and help the municipalities try to clean up some of the real bad actors in particular and ones that just dump things and so on. I think it is a good program overall and it is going to take time to evolve and there are some things that are going to take some time, and public education is very much a major component of the program and the permit so it is going to be a working effort.

John Steinbrink:

You said education and outreach are the key to this and I think you are right because the homeowners and property owners play a big part in this especially with their application of pesticides, their application of salt on their driveways or sidewalks. Many time they think if a little is good, a lot is better whether it is pesticides or salt it can have a detrimental effect. Other comments or questions?

Alexander Tiahnybok:

Bob, I do not know if this is related or not but I just had a question thrown at me a couple of days ago. Is there an issue with radium – is that somehow related to this. Is that a water supply issue or is it a contaminate in ground run off?

Bob Martin:

Indirectly, ground water is one of the focuses as President Steinbrink mentioned, pesticides. Those can be ground water contaminating sources. No, radium is a naturally occurring thing but ground water is impacted by the issues that are being addressed that the DNR is trying to focus on also.

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Alexander Tiahnybok:

But is radium a current issue anywhere or is it not related to this?

Mike Pollocoff:

Oh yes it is.

Bob Martin:

It is in the ground water sources.

John Steinbrink:

I think that is matter coming up – the radium vs. the spreading of fertilizer and the salt down into it. It is two different directions. Generally if you don't pump the radium out, you don't have to deal with it.

Jeff Lauer:

Bob, just one question. Obviously, in reviewing this I see a lot of work went into it. Will the Village have to do an update on this plan like every year or two years are they requiring that we do something like this every so often and submit back to them.

Bob Martin:

Well the reporting again when the plan was put in place, again, there are certain elements of the plan that have to be in place within certain timeframes as I explained before, there has to be an annual reporting so you have got to go back and do the reporting because of the permit. Not necessarily updating the report but you are keeping track of things and reporting them. For example, if there is a spill, that has to be reported also so it is kind of keeping track of everything. Once you have had a chance to read over this, it is pretty extensive the programs that were established pretty much from the EPA and then they handed it down to the states and then the states said you have adopt these and you have to prove to us that you can provide good public education for example. Once you have done that, then you have to try to measure the effectiveness, that is kind of questionable how you may do that and there are differences of opinion between regulatory people and municipality people in particular because you have to fill out that report. The real chore is going to be putting the pieces together for the permit, making those deadlines and then keeping the reporting done.

John Steinbrink:

Any comments or questions? Hearing none, thank you Bob. This is the first reading, we will be back in two weeks Mike?

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Mike Pollocoff:

Yes.

E. Consider Award of Contract to Purchase one tandem axle chassis and snowplow equipment.

Mike Pollocoff:

Mr. President, we received sealed bids on February 13, 2007 for the purchase of one tandem axle chassis. We received two bids – one for an International from Lakeside International and one for a Peterbilt from Truck Country. The Lakeside bid was low but after going through the bids compared to the spec requirements, the Lakeside International bid made their bid price \$72,450 which was higher. We made a modification to the Truck Country bid not to by manuals that we already had, we upgraded the transmission and we modified a passenger seat to an air ride seat. If anyone has ever ridden in a dump truck that didn't have an air ride seat it is teeth jarring and this truck will have two people on it for dig up activities so we are not moving the backhole all over the place. We take it to the spot and work and then the truck leaves from there. Public Works is recommending that we award a contract to Truck Country in the amount of \$71,026.

We also took sealed bids for snowplow equipment. One bid was received from Monroe Truck Center in the amount of \$78,313. The plow equipment is the body, the front plow, the side wing, hydraulic system, augers, spreader, liquid deicing tank and the cab controls mounted on the tandem axle chassis. So we purchase the chassis, get it delivered and as soon as it is done, we deliver it to the vendor that puts on the box and all this equipment. There are not a lot of bidders that supply the equipment and what we want is we put ourselves in an aspect of uniformity to use the same equipment so that one truck can pull away from a plow and go onto another plow and not have it be off a different connection. We want them all to tie together and we also want the drivers to be able to jump into any truck and have the same controls and methods. So Public Works is recommending that we award a contract to Monroe Truck Center in an amount not to exceed \$78,313.

Steve Kumorkiewicz:

Why does the injector have to have a separate warranty?

John Steinbrink Jr.:

Any time that you deal with any warranties there are many different options or components that you can do and we always make sure that we include the full engine warranty which includes the injectors and everything else and some companies have that as one option and other companies have it in separate groups and it was a part of our bid

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specs that we have the complete engine warranty and they injectors were not in that group so we made them bid up to the original bid spec.

LAUER MOVED TO APPROVE THE PURCHASE OF ONE TANDEM AXLES CHASSIS FROM TRUCK COUNTRY IN AN AMOUNT NOT TO EXCEED \$71,026 AND SNOW PLOW EQUIPMENT FROM MONROE TRUCK CENTER IN AN AMOUNT NOT TO EXCEED \$78,313; SECONDED BY SERPE; MOTION CARRIED 5-0.

F. Consider Award of Contract to Purchase an Ambulance.

Mike Pollocoff:

Mr. President, the Village Fire Department opened sealed bids on February 9, 2007 for the purchase of a new ambulance. We received a letter from Five Alarm Fire out of Fort Atkinson, representing Horton, which is a large ambulance manufacturer, and they advised the Village our specifications were obviously written with the intent not to exclude vendors or manufacturers of similar vehicles, however, our document, did not contain elements of a design and manufacturing practices that would have made Horton prices competitive and they declined to bid. Consequently, we ended up with two chassis bids – one for an International Chassis through Foster Coach and one through Lakeside International and one box from Med-Tec. Our two other existing ambulances are Med Tec's. Based on the prices that were submitted and then cleaning through the bids to delete things that we felt were in their spec that were not necessary but adds that we needed to do, we shaved almost \$7,000 off the cost of the chassis. After the post meeting, the price came down to \$62,999. The Fire Department is recommending that the module itself be awarded to Med Tec in the amount of \$91,354 that the International chassis be purchased from Lakeside at \$62,999.62 for a total expense of \$154,353.62. The lead time on this is about eight months?

Paul Guilbert:

We will get the chassis in May and the ambulance to be completed by the end of the summer.

Mike Pollocoff:

Once we get this, and this is also in the budget that was approved, this isn't all, we still need to equip it. We have to put the medical equipment, the gurney, etc. but that will come once we pick up the vehicle. Again, this is a situation where we pick up our chassis at the low bidder and it is delivered to the vendor to put the box on. I recommend that the Board concur with the Fire Chief's recommendations and award a contract accordingly.

Mike Serpe:

Are we going to retire an ambulance or are we going to keep it as a standby?

Mike Pollocoff:

The plan is to actually modify the old ambulance and make it part of their fleet for loose equipment, tow the boat but it will not be a front line vehicle, it can't be.

SERPE MOVED TO AWARD A CONTRACT TO LAKESIDE INTERNATIONAL OF MILWAUKEE TO PURCHASE A TRUCK CHASSIS IN AN AMOUNT NOT TO EXCEED \$62,999.62 AND A CONTRACT TO FOSTER COACH MEDTEC FOR THE AMBULANCE MODULE IN THE AMOUNT OF \$91,254 FOR A TOTAL AMBULANCE PURCHASE PRICE OF \$154,353.62; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

G. Consider Disallowance of claim of excessive assessment by Walgreen Co.

Rocco Vita:

Walgreen's Corporation has filed a claim of excessive assessment against the Village of Pleasant Prairie as it has in a large number of communities in Wisconsin for the 2006 assessment year. The Village's assessment on our Walgreen's is \$4.1 million and they are essentially appealing that to you asking for you to accept their claim on the property that they lease out on I-94 and STH 50.

I presented the information that we had to the insurance company for the Village of Pleasant Prairie, the information on how we valued the property and the fact that Walgreen's is in litigation with the City of Madison on the value of their Walgreen stores. This is an issue that has been percolating a couple of years and earlier this year, the Circuit Court in Dane County supported the Assessor's Office for the City of Madison and the way assessor's value these types of properties. Walgreen's is appealing that to the appellate court level looking to essentially over turn a 1990 Supreme Court decision that provided assessor's guidelines on how to value properties that are essentially investment properties or leased-type properties. With information I sent to our insurance company and the fact that Walgreen's is working with a number of communities through the Courts, I would recommend that the Board deny their claim at this time.

Mike Pollocoff:

It is also the recommendation of our insurance company.

Jeff Lauer:

I just have a question as this is a first for a business. I know for residents that they come to the Board of Review. Are businesses required to come to the Village Board instead?

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Rocco Vita:

No. All people appealing their property assessments need to go to the Board of Review first. The Board of Review hearing is a prerequisite for filing this claim.

Alexander Tiahnybok:

Rocco, the 2006 evaluation was \$4.1 million. What was it in 2005? Are they objecting to this because I don't think the letter from Walgreen's or their attorney suggested they think it is worth \$2.8 million.

Rocco Vita:

The \$2.8 million was our assessment effective January 2004 so they in their appeal to the Board of Review used our old assessment as the basis for their opinion of value.

Alexander Tiahnybok:

So, in two years it went up 50%.

Rocco Vita:

That is correct. What has occurred more recently throughout Wisconsin and throughout the whole country is that Walgreen's are now selling more frequently giving assessors better sales information to use to value the stores in conjunction with their economic fundamentals. Using that information this year, the assessor's office at the Village and a number of other communities valued Walgreen's based on the sales of Walgreen stores and their underlying fundamentals which is in result of a 1992 Supreme Court decision, Darcel vs. the City of Manitowoc, requiring assessor's to consider the lease arrangements in valuing an investment type property. In talking with the attorneys, what Walgreen's is trying to do is essentially overturn the Supreme Court decision. They feel it is not a right decision and they are working towards that end. They have filed a number of claims, upwards to two dozen claims throughout the State of Wisconsin in various communities and they are going through the court system in Dane County. They lost at the circuit level and if they lose at the appellate level, my sense is that they may not go to the Supreme Court and ask the Supreme Court to overturn their prior decision.

Alexander Tiahnybok:

You mentioned that we use other Walgreen's, the valuations of those properties as a benchmark.

Rocco Vita:

The sale of those properties. Not the value, the sales of those properties.

Alexander Tiahnybok:

Are you taking into account store sizes, locations . . .

Rocco Vita:

Most Walgreen's have the same store size, the same configuration, the same footprint. The exterior treatment is different but it is their business plan to put up the same size store in many localities. And then the lease rate is generally what we go down to – how much per square foot. Walgreen leases this facility – it does not own it.

Alexander Tiahnybok:

Mike, you said our insurance company recommended that we reaffirm the Board of Review's position.

Mike Pollocoff:

No, they recommend that we deny the claim. They are not asking the Board to agree with the assessment. In essence, they are saying we think we paid too much in taxes, Village Board, you make up the spread – we want you to pay us for what we perceive to be a damage. They are not asking Rocco or presenting sales data or that information to us. They are saying their assessment was wrong, we don't think it should be that high, pay us the difference, take it out of the tax roll.

Jeff Lauer:

In final comment, from what information you shared with us tonight Rocco, it sounds like Walgreen's is doing this all over the place.

Rocco Vita:

They filed claims in the areas I know of Beloit, Cudahy, Kenosha, Madison, Milwaukee, Waukesha and West Allis.

Jeff Lauer:

So it looks as if they planned it this way.

Alexander Tiahnybok:

Have the results of those claims been resolved?

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Rocco Vita:

As I said before, no, they are all waiting. All the communities are waiting for the Dane County, the City of Madison case to go through the courts. If the City of Madison loses at the appellate court, then the City will determine whether they will want to go to the Supreme Court or not. If they do lose, then Walgreen's will have to entertain their claim through circuit court or negotiate prior to that.

Alexander Tiahnybok:

So if other locations are waiting for that result, is it prudent for us to move forward on this now? Do we have to?

Rocco Vita:

That is what the insurance company and I suggested that you deny the claim. They now have 90 days to file in circuit court. What they will tell the circuit court is that we are waiting for this to proceed through the appellate courts, the circuit court will postpone it until that decision is made. If that decision goes in favor of the City of Madison, then Walgreen's will have to decide whether they want to go to the Supreme Court. If they decide not to go to the Supreme Court, then all the excessive assessment issues are dropped.

KUMORKIEWICZ MOVED TO DISALLOW THE CLAIM FILED BY WALGREENS COMPANY FOR EXCESSIVE ASSESSMENT; SECONDED BY LAUER; MOTION CARRIED 5-0.

H. Consent Agenda

- (1) Approve a Letter of Credit Reduction for Meadowdale Estates Addition #1 Subdivision.
- (2) Approve a Letter of Credit Reduction for the Creekside Hill Development.
- (3) Approve a Letter of Credit Reduction for the Westfield Development.
- (4) Approve the request of Mary Pagliaroni, Trustee for the Knudsen Family Revocable Trust, property owner, for a Certified Survey Map to subdivide the property located at 8504 Cooper Road.
- (5) Approve the request of Charles & Sharon Bishop and Ward Parmentier, property owners, for a Lot Line Adjustment between 6452 127th Street, 12702 Timber Ridge Drive and an unimproved lot located in between the two properties.

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

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9. ADJOURNMENT

KUMORKIEWICZ MOVED TO ADJOURN THE MEETING, SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 8:10 P.M.