

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

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, March 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; Peggy Herrick, Assistant Planner and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING - FEBRUARY 19, 2007**

Steve Kumorkiewicz:

Move to approve.

Mike Serpe:

Second.

John Steinbrink:

Motion and a second. Those in favor? Mr. Tiahnybok?

Alex Tiahnybok:

It's been seconded. I guess we're going to vote on it. But I found many flaws in the minutes from February 19th. As you know, I do record our meetings. And I don't know if we want to address this now, but I have a CD for the Village Clerk and I'd like the minutes to be revised, specifically the section when Mr. Kumorkiewicz spoke for six uninterrupted minutes. There was a lot of flaws in those minutes. There were sentences edited out. There were comments edited out. I don't know if it was by the minutes company or not but they were definitely flawed and you will see on that audio disk that the facts are there.

Steve Kumorkiewicz:

You want me to repeat it again I can do it.

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Mike Pollocoff:

I guess as a point of order to accept the minutes or amend them. Trustee Tiahnybok you need to make a motion for the items that you want the Board to consider amending the minutes item by item.

Alex Tiahnybok:

I motion that we amend the six minute speech that Mr. Kumorkiewicz made because it's not accurate.

Mike Pollocoff:

Do you have a page?

Alex Tiahnybok:

Sure.

John Steinbrink:

Would that be under Village Board comments then?

Alex Tiahnybok:

It begins on page four and ends almost at the bottom of page five. If the audio was reviewed you'll see there were references to—and I thought they were somewhat negative references to the political process in the State of Illinois multiple times all edited out. There were also, I mean there were a variety of misstatements or misinterpretations of what was said, so that's my amendment.

Mike Pollocoff:

The amendment needs to be specific as to what you want included in the minutes that were not there or what you want deleted that shouldn't be there. That's the only thing. The Board has to act on a specific—

Alex Tiahnybok:

Gentlemen, I think we claim that the minutes are the record and that this is the final opportunity for citizens to rely on what was said in meetings and it's not accurate.

Mike Pollocoff:

I'm not questioning that. I'm just saying to amend the minutes you have to say what it is you want.

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Alex Tiahnybok:

There are comments edited out about politicians, basically firing commissions and departments and appointing people politically. There was references to–

Mike Pollocoff:

Trustee Tiahnybok just to help us–

Alex Tiahnybok:

Like I said there's various points. It's a six minute speech. And if you want to compare it to the audio go ahead. If you don't want to, if you don't care to make sure that this is accurate then let's just move on. It's been seconded.

Mike Serpe:

Could I ask a question? Is the portion that you listened to, Alex, and I'm not saying anything against Steve, but he does speak with a little foreign accent and he sometimes is a little bit difficult to understand. Is that the portion that could have been–

Alex Tiahnybok:

I think it's absolutely hearable and understandable. It's just not there.

Mike Pollocoff:

Robert's Rules, we have to have–if the minutes, if you have an amendment to the minutes that has to be a specific amendment as to what you want or you felt the minutes should read. Nobody is trying to say that we shouldn't do it. I'm just telling you from a procedural standpoint if you object to a portion of the minutes you need to tell us where that is, tell the Board where that is and what you want inserted that you felt was in there so that the Board is acting on–so everybody is working on the same piece of information what they want.

Alex Tiahnybok:

I would recommend that it go back for review and we don't vote on it today. That's what I would recommend because there's too much. There's too many misinterpretations of what was said.

John Steinbrink:

Is there another portion besides this portion of the minutes?

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Alex Tiahnybok:

In the minutes?

John Steinbrink:

Yes.

Alex Tiahnybok:

No, I'm fine with the rest.

Steve Kumorkiewicz:

I'll be happy to clarify any point that you want because basically what I said is—

John Steinbrink:

It's a little difficult to do at this time. Did you want to go back on this, Mike, or do you want to just do it subject to clarification of Mr. Kumorkiewicz' comments in that portion of the minutes where he speaks under Board comments? Are we allowed to do that?

Mike Pollocoff:

Before we approve the minutes we need to know what it is they say. Trustee Tiahnybok says there's six minutes that he disagrees with. We don't know what that says. But you really can't act on them or you have to vote for the minutes as is. So then the option would be to table them.

Alex Tiahnybok:

Yes, table.

Mike Pollocoff:

And then reconsider them at the next meeting. I guess we're still going to be looking at finding six minutes someplace and then have those re-transcribed by the next meeting. But we can't amend something without seeing something in front of us of what it is we're amending.

John Steinbrink:

If Mr. Tiahnybok could clarify his comments and make note of what he needs inserted in or what he feels was left out.

Alex Tiahnybok:

I'm willing to do that just to correct the record.

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Mike Serpe:

I'll withdraw my second.

John Steinbrink:

The second is withdrawn.

Steve Kumorkiewicz:

I withdraw my motion.

John Steinbrink:

Did you make a motion to table then?

Mike Serpe:

I will. Did Steve withdraw his motion then?

John Steinbrink:

Yes, he did.

Mike Serpe:

I move to table to the next meeting.

Steve Kumorkiewicz:

Second. I have a question for Mike. Mike, who does it?

Mike Pollocoff:

These minutes here we have a service that transcribes the minutes for us. We provide a digital copy of the recording that you see Jane set up every meeting, and then it's sent to Clerical Services Corporation I believe it is and they do the transcription of the minutes. Jane and I look at them, Jane looks at them and she puts them up and then I take a look at them if there's anything I see. I usually correct them for content as much as I do for spelling or anything like that and that's it. So the person who transcribes these has had surgery this last week so we had to transcribe that in house.

SERPE MOVED TO TABLE CONSIDERATION OF THE MINUTES OF FEBRUARY 19, 2007; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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5. CITIZEN COMMENTS

Clyde Allen:

Good evening. Clyde Allen, 8059 57th Avenue. I'll speak slow and clear. I don't want anything to be misinterpreted. Tonight I have a very simple question to ask. There appears to be a great deal of miscommunication, misunderstanding, misinterpretations going on. I would like to clear it up with one simple solution. Mr. Lauer, I would like to challenge you to a debate. We'll talk about issues and only issues that have occurred in the past two years, our current issues and the future of Pleasant Prairie and what we can do to face those issues. Mr. Hegewald from WLIP has offered to air it live or tape it and replay it. Mr. Krowicz and Mr. Goldsmith could also moderate it with each person asking two to three questions apiece. It's up to you. We could ask each other a question or two. We could have an opening and closing statement. We can get this done within a week. You can answer during Trustee comments. I know you have two years experience on me but that's what an incumbent is all about. You have the advantage. Thank you.

Victor Battiato:

Hi, I'm Victor J. Battiato. I live at 11200 Lakeshore Drive. I built my house on 1st Avenue. In the fall I noticed there were these little orange flags on the beach in front of my house. I was wondering what they were. They were surveyor flags. What appears to be beach, what has always been beach with residents, I've lived here 12 years, there's been people who have lived here 20 or 30 years or longer, not one single person thought that the area just north of 113th Street was a beach. There's jetties there. There's road protection. There's even a sign that says park. So I felt really dumb when I saw the surveyor flags and I thought it was private property. My goodness. But in contrast to the fact that nobody else knew it either I was amazed. And that's what I wanted to tell you is that suddenly on the website when I looked at the picture I swear to God it's a beach in front of my house. So I just wanted to call that to your attention and I want it on the agenda next time what is beach and what is not. What is buildable and what isn't. Period. It's real simple. I was just surprised.

I worked very hard to build my house. I've played by the rules and got a building permit and I never knew it was to have a view. I grew up in the city with millions of people and nobody was very nice. I came up here and a lot of pleasant very nice people. I've really enjoyed all the friends and neighbors I have. Wow, go figure. That's it.

Paula Battiato:

My sentiments are pretty much the same as my husband's. When we decided to build here we went to the Village of Pleasant Prairie and asked if that was park and we were told it was and we've always assumed it was because it's been maintained as a park. There is fencing there. There's park signs. And we're just concerned that we hope it will stay that way. Thank you.

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Diane Schoen:

Diane Schoen, 6320 109th Street. I was just wondering if you are planning to enforce the rules tonight for citizens' comments as stated on your website which you seem to have deviated from in the last few months, such as sign up in advance, three minute time limit, limit comments to Village issues, no personal attacks. It is difficult enough to get citizens to attend the meetings without expecting them to sit through an hour and a half of rambling comments when the point could be made much sooner if the rules are stated in advance and enforced. Thank you.

Sherri Chmielecki:

Sherri Chmielecki, 11009 122nd Street. On February 19, 2007 I gave you all packet with a letter and a readout on the Clean Water Utility from my property. It was also enclosed a formula and photos of the ponds that I was told aren't ponds, and it does not coordinate with the aerial views. I am so confused now because John Steinbrink, Jr. and Dave Goff say my ponds aren't ponds and this isn't this and I can build on here if I sell property. And when I talk to the conservation department they said, no, I can't sell my property and my ponds are ponds and I'm a wildlife refuge.

So I want to get this taken care of. I want to know where I live, what I have, and President Steinbrink and the Board and Mr. Steinbrink as my State Representative I'm asking you to look into my concerns in this matter. I'd be more than happy to take you through the property that's in question. Better wear boots. My neighbor's water through that culvert is running day and night. That area is a mess. I've talked to him about it before and I don't seem to get anywhere with it but he's ruined my property and I think that should be taken care of. That is not the right thing. Anybody else has property, their neighbors running water through a culvert onto it they'd be screaming, too. I want to take care of this. Thank you very much. I would like some comments.

Janice Nelson:

Hi, my name is Janice Nelson. I live at 11223 38th Street, and you know that's not Pleasant Prairie. That's Somers. The reason I'm here is I'm the parent of a developmentally and physically disabled daughter. For the past 20 years it's been a nightmare trying to get her in a stable environment. The last two and a half years have even been worse because in her day program she was further injured and she's an aspirator. She has heart problems. She is further brain damaged. And because of all this her behaviors have worsened, and in any environment she's been in they've had to hospitalize her.

Well, in the past two years I've had to hospitalize here at St. Luke's which is the only place we have for mentally ill people which is not conducive to developmentally disabled. In this past May of '06 she was put there, and the only way they know how to handle these people, which these people are their daughters and fathers and sons and brothers and sisters, is to put them in four point restraints and put side rails up on their beds. Now, as a parent to go and visit your child and see them screaming and yelling in four point restraints—a four point restraint is leather belts on their legs and hands outstretched like you're crucified on a cross with rails on the bed. Every hour they're allowed some relief, ten minutes out of the hour.

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This went on for days. Days went into weeks, and I followed my chain of command. I talked to my case manager. I talked to her supervisor. I called Chris I called even my Congressman, a private attorney and I don't even know if you can imagine how distraught I was. All I did was cry. Everybody felt sorry, of course, everybody but nobody could help me. I even called your office, Mr. Steinbrink, for help, some advice. What can be done? Where can I put my daughter that she's safe?

And then all of a sudden it popped into my mind Mr. Lauer he's a provider for the developmentally disabled. I called him and I told him my plight. This is on a Thursday. I don't even know if he understood everything because at this point all I was doing was crying. This was on a Thursday about noon. I got a phone call from a legislative person about four o'clock in the afternoon. This is like four hours later after I have called everybody except the President of the United States. I got a call at four o'clock in the afternoon and was assured by the next day my daughter would be out of St. Luke's Psychiatric Hospital. She would either be placed at one of the centers, there's three of them left in the State of Wisconsin, or she would go to Illinois where she would not be in four point restraints and she would not be medicated to the point where she could not even sit up. Eight o'clock the next morning I got a phone call and told me to go to St. Luke's, she was going to Central Center. And this was all due to Mr. Lauer.

Now, the reason that I'm here is because all I see is negativity about Mr. Lauer. He was the only one that came to my aid, the only one, and I'll tell you I called everybody but George Bush. Now, this man he cared. I know he does a good job here and I'm just baffled by the rest of you Board members why you aren't thankful that you've got a man like this. You don't come across a man like this. You just don't. I know. I've been in this system a long time.

Jane Romanowski:

Mr. Steinbrink, do you wish for her to continue?

John Steinbrink:

If you could summarize, ma'am.

Janice Nelson:

I just want to tell you, you guys ought to be ashamed of yourselves. Consider yourself lucky you've got Jeff Lauer.

Dick Ginkowski:

Dick Ginkowski, 7022 51st Avenue. I must admit to both a sense of disappointment and frustration. One of the things I'd hoped to do over a period of a few months is to try to raise the level of awareness of issues and debates and what's going on in the community. Unfortunately, it's election time and because it's election time the claws are out, the brick bats are flying, the accusations and counter accusations, and quite frankly this taxpayer and this resident has had

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enough. I've had enough of such things, and by the way everybody is going to get a little bit of a brush tonight with this, I see signs and ads for three candidates like they're running in tandem when there are separate races for two Village Trustees and the Village President. Don't insult my intelligence. When you complain about block voting as the premise for being candidates two years ago and then come together as a block that's just asking us to exchange one set of perceived ills for who knows what. Run on your own merits and in your own race.

As far as issues go, I could care less about the Village Administrator making \$111,000 or whatever it is. There are many Village managers with less than 20 years experience in metropolitan areas making a heck of a lot more. I could care less whether one candidate for Village Board had to be asked to leave a meeting one night because his temper got the best of him, or that his opponent at one point in time exercised her constitutional right to participate in advocacy on behalf of a significant issue in the Village. Stop it. Talk about the real issues, not trivial things. Talk about the future. Talk about things such as, I'm even looking here, my \$40 sewer and water bill is of some interest to me. When we talk about what the tax rate is, this garbage collection fee the City of Kenosha that's included in your tax bill, so that's actually an extra tax that we're paying that I can't deduct.

Now, when we talk about the tax rate, let's be honest about the tax rate. I think at this point we need more light and less heat. It is far better, the old Chinese proverb, it is better to light one candle than curse the darkness. I could go on and on but I think you get the general picture. The ads, the signs. The newspaper has done a terrible job and the radio station of doing fact checks. Maybe they ought to take and start checking out the ads, comparing them, and now we have a truth squad coming up on one side to counter the other side. Let's knock it off. Let's get down to what the real issues are.

And, I want to do one better I guess than what Mr. Allen had said, and I was unaware that he was going to make the comment that he did tonight until a few minutes ago, but independently what I was going to suggest was this. As long as we have channel 25, and there's some debate in terms of voting record who voted for what or against what, but as long as we have it why don't we air them, one on one discussion, not three versus three, one on one. I don't care what your opponent did or some other opponent said two years ago. I'm concerned as a voter, as a taxpayer about now and the future. If you've been on the Board I'm concerned about your individual, individual accomplishments.

It's time that the taxpayers, the voters and the citizens stop being insulted and start getting accurate information from all of the candidates. And it's time for others in the community to start doing their job. Let's have the issues discussed, open forum, one on one, broadcast to the community, and let's hear it. And when you do forget the small stuff. What's past is past. Let's look at where the future is and what your vision for that future is. I have seen precious little of that discussion and that's probably the most important one on the docket. Thank you.

Jim Parks:

Jim Parks, 3199 106th Place. Interesting that things that matter was just brought up. I think the whole idea of Abbott Labs Pleasant Prairie is something that matters for the future. A lot of these

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questions will be directed at Mr. Steinbrink. Mr. Steinbrink I saw on an ad concerning your re-election an inference of 12,000 jobs relocating to Pleasant Prairie. Now, full disclosure is I'm a network security architect at Abbott Labs so I have a lot of skin in this game. Actually wouldn't mind if Abbott Labs relocated to Pleasant Prairie, but that is the question in interest. 17,000 people currently at Abbott Park. If you had been paying attention to Abbott press releases they recently sold the diagnostic division which eliminates about 5,000 jobs that go to GE leaving about 12,000 at the park. So a lot of us at Abbott did some mental gymnastics, 12,000 jobs in Pleasant Prairie, 12,000 jobs at Abbott Park, are you saying that Abbott Park is moving to Pleasant Prairie?

The question got brought up at several meetings at Abbott Park and it was categorically denied. So my question is since it seems that Abbott employees don't know, where are these 12,000 jobs coming from - from Abbott that will be possibly relocated at the site in Pleasant Prairie? Or, will any jobs be relocated there? Curious.

The second question I had is being a strong advocate for Abbott Labs and an employee, when you held your press conference out at the RecPlex you stood alongside Governor Doyle who believes that it's okay for consumers in Wisconsin to buy their drugs from Canada. If that is true, what is your stance on consumers buying drugs, let's say drugs from Abbott Labs that end up in Canada? Also, I'd like to note it would be interesting to know the candidates running against the incumbents view on this, again, Abbott Labs is a pharmaceutical company.

Third question, Governor Doyle recently left the door open to tax what he calls excess profits on the pharmaceutical companies. I would like to know, Mr. Steinbrink, what is your stance on increases taxes on pharmaceutical companies that do business in Wisconsin? Does this perhaps contradict the claim you've made in ads that you support low taxes but you want to perhaps accelerate taxes on farmlands within Wisconsin?

In conclusion, I think that one can cite all day long that the tax base in Pleasant Prairie is the fifth largest, but the real facts about business in Wisconsin in total is that businesses are leaving in droves from this State, and the reason they're doing it is because of the tax consequences of doing business here and the legal ramifications and the regulations. The only way you can really move Wisconsin forward is if we have business friendly tax policy within the State and Wisconsin does not have it. Thank you very much.

Jane Romanowski:

There are no more signups, John.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

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David Belsheim:

My name is David Belsheim at 11226 Lakeshore Drive. I'm also speaking regarding the park issue that my friends and neighbors had mentioned. When I heard about that this property was potentially coming up for sale I was surprised also. One of the things I did is I discovered your Master Plan for Parks on the Village website. And one of the things it stated is that Pleasant Prairie's Lake Michigan frontage is one of its greatest assets, and we would certainly agree with that for the beauty of the views that's there.

Lake Michigan Park the plan says is located between 102nd and 113th Streets. That's almost accurate, but it adds to our confusion because the properties on 113th Street north that we were talking about are private property not owned by the Village. But the goal stated in the Master Plan is to expand the use and improve access to Lake Michigan. Well, certainly with the Village expecting a 46 percent population growth over the next ten years, additional access to Lake Michigan for picnics and outings and so forth would be great. So, does the Village want to increase its access to Lake Michigan, or perhaps more critically put, because these lands, while private owned, allow public access and always have. In fact, the Village has made major improvements including posting cars from driving out onto the beach area and the . . . that are cement that are preserved that beach area. So the Village has invested quite a bit already in that property.

So, more critically put will the Village want to prevent a decrease in the amount of public access to Lake Michigan? Because 240 feet of current beach property that people have public access to is about to be closed off, and that's the same property that we're talking about that relates to our view. So I wanted to alert the Village to this that you have invested, that we've invested, too. My taxes went up 21 percent in one year and it's largely because of the view of Lake Michigan that we're about to lose.

So I guess I would encourage the Village to take a look at this to ensure that the rules and the guidelines for the purchase are important. Because one would ask what's the cost of this property? Should the Village purchase this property? Well, the cost is potentially between a half a million dollars and zero donated to the Village. Someone should perhaps ask the owner, as she's about to lose her rights to make those decisions to a guardian who will most likely be most concerned about the maximum money. This person, the lady who owns these has always been cooperative with the Village in allowing access and allowing these improvements and so forth that she's paid her taxes on this property for all of this time. This is, of course, what we've asked and found out. So who knows. If it's not buildable property by meeting all the guidelines there may be a donation in line. You'd have to ask. Or, put together a committee to ask and we'd be glad to help.

So the warning is this land that has been a beach may disappear from public access after 20 and some years or more of being there. And the Village has an opportunity to expand Lake Michigan Park to include that property. So we encourage the Board to think long term in terms of this population growth and think beyond this year's budget. The Wisconsin DNR said they could help. They would help find grant money for a purpose like this. Now, that's not official. That's just me exploring over the phone call, but there might be some possibilities. And I think in

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following the rules for the building permits on the distance from the water shore and the street and so forth will be important. Informing the people who are considering the sale of the property of these regulations would be important, too, so I thank you very much for allowing me to bring this issue before the Village Board.

Carl Carlson:

Good evening. My name is Carl Carlson, 12300 39th Avenue. I'm here really about the RV issue that's supposed to be coming up in this meeting, and most of the people I talk to wasn't aware it was even going to be an issue. They weren't aware it was up. Now, I know you have this website. A lot of people don't have the website, believe it or not, and I'm one of them and I don't want one. I only get the Sunday *New Sun*. I think that you need to make people more aware of what is going to be discussed at these meetings so that you would get more attendance. And, actually, I have a solution believe it or not.

See this, *The Sun*, as far as I know everybody in Pleasant Prairie gets this newspaper. Why don't you put an article in the paper every week saying what these meetings are going to be about so that they know to show up because then they know it's not going to be just some contractor who wants to build new houses somewhere. When an issue comes up on something like an RV issue we want to know about it so we can attend these things. Thank you.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Gus Hauser:

Gus Hauser, 143 113th Street. I guess like every spring the mud in our roads are going to be here again. This goes on now for 20 years. 20 years ago . . . you guys decided to tear our roads up. We used to have paved roads in Carol Beach. '86 I think it was you were sick and tired of repairing our roads so you decided to tear them up and make gravel roads out of it. We are stuck. 15 years ago some people did not like the mud, did not like the gravel, did not like the dust. They asked for their roads to be repaved some of them. They got repaved and, guess what, they are in the same shape like the ones you tore up once about 20 years ago. If you don't believe it come down there but I'm quite sure you are down there.

The rest of the mud holes that we have down there, we have ruts. I measured one of them and it was about 8 to 10 inches deep. It's not gravel roads that we have down there. It's mud roads. Every time the grader comes through it just distributes the gravel, what's left, over but, guess what, two days later it's the same mess again. I like the take walks in the morning. I like to take walks in the evening. You cannot do it. I am sick and tired of having our roads and hearing you guys are too cheap to pay for the roads. The roads are the Village's property. The Village is supposed to take care of the roads. You tore them up, you fix them. That's simple for me. Not like you did on my back property that I have to pay for it again. That was wrong. You never should have done that. I paid once for it and I'm quite sure in 15 years those roads are going to look the same like the other roads.

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I don't know, Mr. Steinbrink, if we live in two different Pleasant Prairies, Pleasant Prairie and Carol Beach and the one you . . . in the *Sun Times* last month on the back page, there must be two different Pleasant Prairies around. What we've got so far down there is grief, high taxes, mud roads but nothing else. I don't know if you're ever going to fix our roads down there or not. I think I'm going to be dead before that's ever going to happen. Thank you.

John Steinbrink:

Yes, ma'am?

Margaret Cote:

Hi, Margaret Cote, 4211 122nd Street, Pleasant Prairie. I wasn't going to say anything tonight but I thought maybe I'll sleep better if I say what I feel. Two years ago Alex and Jeff joined this Board. The old saying the apple cart got tipped over and things changed. For two years, just by reading the papers, and I do read the papers, and I don't understand a lot of this stuff but I do know that for two years you have dug, you have lifted up rocks, you've looked everywhere to find some dirt on Alex and mainly Jeff Lauer. You've looked. You've done your best and you really haven't found any dirt because if you had we'd be seeing it on the front page of the paper. I just wish, and I know what I say tonight isn't going to resonate, but I don't know why men, not just you in general, but all across this country, I don't know why people fear someone that is honest, has integrity and tries to do what's right and then try to manipulate someone that does something that is what their job is, what they're supposed to do and they haven't really had any good mentors for two years, so they did just what they thought they were going to do. And because you guys are kind of running scared let's use this, let's tip the scale this way, that way.

Be honest. Some day you all are going to have an end just like me and this is all going to come back to haunt all of you. They say bickering is when people don't agree. If everybody up there raises their hand you're a bunch of puppets. But people have views in the community. They elected Jeff, they elected Alex to represent them. That's not a crime. You should be happy that they did because you represent them also. It's just not John, it's just not Steve, it's just not Mr. Pollocoff, it's just not Mr. Serpe. It's also Lauer and Alex. It can't be helped. It happens. But your character is what counts. I've never heard the word character and integrity so much since Mr. Lauer got on this Board by the people of Pleasant Prairie. I knew those words, but these words is a man that I know lives them. Nobody knows better than I do. I just wish you guys could work together. I know it isn't going to happen. I agree with the other gentleman. Do the issues and do it clean. Surprise us all. Do it clean. Thank you.

John Steinbrink:

Anyone else wishing to speak? Yes, Mr. Matson.

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Larry Matson:

Larry Matson, 8550 122nd Street. I guess I'd like to respond to Mr. Ginkowski's remarks. It is true that Jeff Lauer, Alex Tiahnybok and myself have decided to run as a block. I think Trustee Tiahnybok has some numbers if he's willing to share them about block voting that may be enlightening. We did this because we thought it was financially to our benefit. The campaign last year the most ever spent on a local election. I didn't see it getting any better this year than last year. So, yes, we did decide to pool our resources. And that's why we did it, we're pooling our resources. You better not think I plan on voting the same as him on every item, just as I don't believe they have voted for each other.

He also said something about the pay scale for Mr. Pollocoff. Mr. Pollocoff deserves his money. He earns his money. The issue is not how much Mr. Pollocoff earns. The issue is the severance package. It's irresponsible. That's my opinion. Now, if you share it or not that's fine but that's my opinion.

Mr. Ginkowski also said about the small stuff from the campaigns for the last two years. Well, it wasn't too small to me last year when the Political Action Committee wages a campaign of personal destruction. That's what it was, plain and simple. Not one of those people from that committee ever bothered to ask me are you going to fire the police? What a ridiculous concept. But enough money was spent on it, just as I referenced, the most ever spent for a local office. It was a sad day for Pleasant Prairie and for politics, not just Pleasant Prairie.

So, nobody ever bothered to find the truth which bring me to the truth. This year's PAC dejure, the truth. So what is the truth doing? Well, they got their figures wrong. Their numbers are wrong. Their statements are inaccurate. They didn't bother to research. They just throw enough mud at the barn something's going to stick. And I am really angry because this year they decided this is going to be a family matter. This year they decided to include my wife. These things are off limits. Mr. Steinbrink, when I ran against you two years ago I never talked about your family. I never talked about your wife. I'm not accusing you, Mr. Steinbrink, of doing that to me. You did not. Mr. Kumorkiewicz, last year you did not do this. But this PAC anything goes mentality this has got to stop. It's disgusting. Thank you very much.

John Steinbrink:

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

6. VILLAGE BOARD COMMENTS

Jeff Lauer:

I just have a few short comments. People spoke about Carol Beach Park and I'm not really up to speed on this so if someone up here, I'd appreciate any insight I can be given on that. Second, this is the second night I've not said nothing at the last Board meeting, but Mr. Clyde Allen seems to want to use the podium for his agenda. If you'd like to have a debate with me you can call me rather than make a public spectacle in front of people. If I have time I'll be more than

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happy to. But in my personal opinion I've been walking miles, knocked on over 1,300 doors and I will continue to do that. The people are my first priority. So feel free to call me if you want to set up a debate.

Mrs. Nelson, I didn't know you were coming here and I appreciate your kind words you said. Just so people know we are all an accident away from her daughter's situation. I hope the State of Wisconsin will start taking the lead in cases like this, because I've heard so many war stories and it's a fair fact when you have parents and relatives like that situation, but as a side note thank you for coming and for your kind words.

I know this is election season. Everybody out there knows me and I don't think there's anyone that can arbitrarily stand up and say that I'm not a straight forward individual. I do believe in character. To me that is the strongest thing in the world, and some people don't like it but it is what it is. You've heard things the past few months trying to discredit me. As I mentioned last Board meeting I'm not going to talk much longer because it's not a political issue—excuse me? But two years ago when I ran, gosh I didn't have my name in the phone book. A few months ago I want all the developmentally disabled not to have a pool at the RecPlex. Then recently the RV issue. But since I've talked to most of those folks they obviously do know the truth.

It is election time and as I said before I know I can do other things with my life, but the amount of people that have contacted me to run, because you know why, they don't believe they've had true representation. They believe they've been ruled with an iron fist. You will never, never get that with me, period. And as Mr. Matson said, yes, we running as a team. It's conservation. Dick Ginkowski you brought up before in the past saving money. Lo and behold we are.

One final comment, when you say this is the second time Mr. Ginkowski you said about let there be light. I agree with you 100 percent. Let's remember if we all are talking about the same light, those in darkness cannot like it.

Steve Kumorkiewicz:

Yes, I'd like to answer to Margaret Cote. Margaret Cote is Jeff's mother, I've known her for 30 years. Margaret you know me. You should have been here and listened how many times I offer Jeff and Alex all the help they may need. They could call me anytime as you used to call me. Jeff used to call me when he . . . in two years Jeff called me once and I took care of it. And the second time when he came to my house looking for any . . . police reports right after the elections. That was the last time I had any contact with Jeff on an official level. He never called me. He never asked any questions. How much more can we do here? We offer the help to Jeff and we offer the help to Alex. I said many times you can take a horse to the water but you cannot make him drink it. 30 years ago . . . right before the election, and you know what . . . thank you.

Mike Serpe:

I'm not running so I have nothing to say. I would like us to move onto the agenda. I think we have more important things to talk about than political posturing.

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John Steinbrink:

Other Board comments? Alex?

Alex Tiahnybok:

Mike, I'll take your advice. I'll take some political posturing off my list of things in the interest of time. There is one thing, though, many things that need some attention. Last year when certain residents of a certain subdivision in Pleasant Prairie were concerned about bike path crossings, there was an attempt to undermine their reputation in the Abbott organization. First off, I want to go on record saying I absolutely welcome Abbott to Pleasant Prairie. I think they'd be a great addition. I think Mr. Parks made some interesting comments about where this 12,000 people are going to come from. I know Abbott has divisions and sort of sub-headquarters around the country. They have the division in Columbus, Ohio, etc., so I know there's divisions that could come here. I think it would probably be a good idea for the people of Pleasant Prairie to know that I can speak for myself and probably quite confidently for Jeff Lauer we are two elected officials of this Village, too. We have been absolutely cut out of the information stream on what Abbott is doing. If that's what Abbott requested I suppose I understand that. We have to honor that request. But that's the environment we're dealing with. So if it appears we don't know anything about Abbott that's because it's intended to be that way.

Anyway, getting back to my point about the efforts to hurt peoples' characters, and then when those investigations were challenged and I got in touch with the Vice President of Human Resources at Abbott and I said what's going on here? Are you really—is this a problem for you? What the genesis of these complaints? Are you really bothered or somebody else bothered? There was a reluctance to share information. The administration here ran away from the issue. Nobody wanted to take responsibility for blowing whistles, etc., trying to create problems for people for using company resources, Abbott e-mail, and the situation ended. I was kind of hoping it would always end and it would stay ended.

But I have many friends that work at Abbott. This is what was forwarded to me. This is an ad from the John Steinbrink re-election committee directed at Abbott e-mail addresses. How is it possible that people were criticized for using Abbott resources when they were complaining about concerns that were really genuine, having the nature of their neighborhood altered? Then the response from an elected official in this Village is to broadcast a political advertisement to Abbott personnel. I think that speaks for itself.

Anyway, Mr. Ginkowski made some interesting comments and Larry alluded to them. And I think we owe our citizens a response for their comments. The question about working together came up, whether or not our signs were a sign of some kind of concerted effort. It is and Larry touched on it. We're bare bones. Every dollar you see spent is from either our own pockets or from contributors giving us \$25 here, \$50 there. That's our budget. We don't have deep pockets.

I counted the votes from the beginning of my term through the end of January. And by my count 549 votes. I assure this was not pre-planned. The issue came up. No, it wasn't. Hard to believe, isn't it. 549 votes. This is how many votes the Village Board took between the beginning of our

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terms and the last meeting in January. 548, that's the number of times these three gentlemen voted together. I've used the word rubber stamp. I don't think any more information or any more justification is required. One time, 99.8 percent lock step.

Larry also brought up that he is aware that Jeff and I have disagreed with the majority. We have. The number of times we agreed with the majority was something in the range, I have to recount the numbers, but about 510 times we agreed with the majority. That's 90 percent in agreement. So for two guys that are out to destroy everything good that's happened, 90 percent. It's kind of hard to be a 90 percent destroyer. But, of those times that we disagreed with the majority Jeff and I disagreed with each other 17 times. Doesn't sound a lot, but it's 17 times as many times as these three gentlemen disagreed with each other. The track record is there. We disagreed with each other on some real tough issues. So this notion that we're going to be a new block, as Larry suggested, is garbage. We may be working together because we know the tidal wave that's coming at us. We saw it last year and that's the only way we can counter it so so much for block.

Regarding the Lake Michigan Park, I live in Carol Beach and I'm not aware of surveyor flags. It is true and I think our planning department would support that that the Lake Michigan Park is not continuous. There are private properties. Mr. Pollocoff can maybe comment on that afterwards. Everyone has the right to sell their land. Whether or not that land is buildable. I don't know. I'd have to check with the building department. But, everyone has the right to sell that land. And I applaud the research that's been done in terms of seeing if there's DNR potential for grants to acquire that land before it's sold especially if it is buildable because people are getting a so-called view tax. That's a nice common term in Carol Beach. For having a nice view you get taxed extra in the form of your evaluation. But it is a concern.

I just want the folks that commented here today regarding Carol Beach Park, last year and the year before that it was a free for all. There were times where there were jet skis and all sorts of things being launched from the beach. I brought those concerns to the Board. We did implement no parking regulations for trailers. We did ban the launching of water craft from the beach. I was in favor of actually putting buoys out in the lake so that there would be a safe swim zone. The law provides for that. Obviously, the jurisdiction of Pleasant Prairie ends at the water, but I think with cooperation with the County we could probably get permission to get buoys out there and at least have a protected swim zone so some child or some adult swimming in the water is not going to get their head cut off by a 50 mile an hour Wave Runner or something like that. That wasn't allowed in the budget by the way.

Mrs. Nelson, very glad to meet you. You know the truth now, the real truth. Jeff and I are on the same signs together. You may have seen them driving into town. I am grateful for having a gentleman like that to work with and I think he proved it to you and I'm very proud of him for that also.

Mr. Ginkowski brought up the Pleasant Prairie Utilities bill. I think that is worthy of conversation. We constantly talk about our mill rate. If you take all the charges that we get on our mill rate a typical household in Pleasant Prairie, my guess, is at something in the area of a \$70 to \$100 a month Pleasant Prairie Utility bill. You multiply that times 12 that's \$1,200 a year. You add that to a \$600 Pleasant Prairie portion of your tax bill, let's say you have a \$200,000

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house and the mill rate is 3.11 that's \$622. You add \$1,200 to that all of a sudden that mill rate starts looking like a 9 or a 7, a lot more, yes, a lot more like other municipalities. Yes, we're doing a good job. I've never said the Village is a disaster, but I think we've played that card too much.

I absolutely welcome the idea of having our meetings broadcast on cable TV. The whole issue about who voted for what and whether or not the cable tax was supported or not supported and for what it was supported I am 100 percent behind the cable tax if it included broadcasting our meetings. But we've got a cable tax and we still don't broadcast our meetings. That's what we voted against.

Putting our agendas in the *Pleasant Prairie Sun* unfortunately the sequence of events that would be required to get it into the *Pleasant Prairie Sun* and actually to get it published in time to be useful for people for this meeting doesn't. I think the *Pleasant Prairie Sun* issue date should be changed to Friday and that way Monday meetings could actually be covered the same week rather than a week and a half later.

Mr. Hauser I feel sorry for you. You've dealt with this roads issue now for I guess two decades. You're right, pay your taxes but go looking for your hub cabs. I have more to say but in honor of Mr. Serpe's request—hey, I know what it felt like not to be a candidate last year, too. It feels good, doesn't it, yeah.

John Steinbrink:

I'll just conclude with this episode of as the Village turns. I have to give people credit if you can vote and be right 90 percent of the time you're doing pretty good. So, congratulations. Diane, you had a concern about people being able to speak and not signing up for Village Board comments. It has always been the practice of this Board to allow people to speak if they have something to say even if they didn't get the opportunity to sign up. As you watched some people walked in a little bit late. Others may have not known that there was a sign up sheet, but every citizen should be given the right to speak and we've always allowed that.

Mr. Parks, I don't know if Mr. Parks is here yet. He's been here before. He says his peace and then he leaves but that's unfortunate. I guess he has more insight into Abbott than any of us do. I don't know if that's good or bad, but his comment about businesses leaving Wisconsin in droves is a little bit erroneous. If you look at the State and the number of companies which have relocated here and the number of new jobs that have come to this State or been formed in this State even by existing companies you'll see a pretty good increase here in this State. I think everybody shares in that from the local community to the County to the State, KABA. It's part of everybody's efforts to get companies to come here.

I keep hearing the word tax hell for companies. I guess it's how you look at it. Everybody likes one tax but they don't like another. So I guess you better put them all out on the table and compare them, tax for tax for tax in every state and see exactly what the taxes are in your state. You may save a dollar in one place but then you may have a higher sales tax and that sure eats that up in a hurry. Unfortunately there's a lot of misinformation out there.

A lot of concerns over the elections. I share that. I've seen a lot of that for the last couple years. We're into the age of websites so encourage everybody to go to the candidates websites and see what's written on them and see where they stand and how they work and how they do their electioneering. It's pretty telling. It's unfortunate to see a lot of people here saying things, but boy I'll tell you to me it's the direct opposite when I visit the websites. Once again, that's freedom of speech and something we see a lot of here. I think the Board here has spent the last two years trying to correct some of the misinformation out there and it's been a chore. That's kind of sad because this is a good Village. It has a lot of good qualities. I think we'd be pretty proud of what we have here as far as parks, schools, everything else. It's a shame some people just don't see it that way and I guess they never will. But I think we'll continue to do our best to make sure it is the best Village we can provide through our services as a municipality.

I think I'll let Mike talk about the other issues. There's a lot of issues brought up here that probably need clarification, and I think he can do that and we'll save you some of that political rhetoric by having the Administrator do that and do it in a factual way. Mike, if you could address some of the issues brought forward.

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Thank you, Mr. President. With respect to Battiato and Mr. Belsheim's comments, on 1st Avenue, that along 1st Avenue it's adjacent to what was a dedicated park back I believe in the '20s when that was platted. The entire area wasn't platted as a park. In 1986 or 1987 there was significant shoreline erosion along Lake Michigan. In fact, I was out there a couple nights where the only thing that was left along 1st Avenue was the trees, those kind of poplar trees or birch trees that are alongside the road. And we were putting in in some places stone, clay, just about anything we could scarp up our hands on because it was in November to stabilize that shoreline. There really wasn't any houses to speak of across the street. Good parts of that road the lake had eroded into the roadway, and there was probably about under normal water conditions a six inch difference between the edge of the asphalt and the water level. The lake was at its highest point. The Village, the Town at that time, undertook to protect the roadway by a number of means. Where we could we secured easements to go out into land that was part of a lot. A lot of those lots go out 200 feet into the water. We put in limestone in some areas, and then we constructed jetties out of concrete forms in other areas.

The parcels in question that are identified by Mr. Belsheim and Battiato is that we came to an agreement with the property owners, Mrs. Joanne Ciepola is a very nice lady. In fact, I was out there one night in the lights of the headlights with a truck, a semi, that was delivering limestone. She did not want to sell that property. Her son thought it was very valuable property. At the time I questioned what value it is but it's not my business, it's her property. But we came to an agreement that she would allow the Village to protect that property there, and in exchange we could use it for parkland. She said at some point she wanted to be able to sell it.

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The choice that the Town was confronted with at that time is that we didn't protect that property along with anything going north until you come up to the next house that's north on 1st Avenue. There wasn't going to be a for sale. That's a sandy area. It's the shallowest area along Lake Michigan, and it was going to be gone. We protected a handful of properties where we didn't have easements but it was the land was within the high water mark. DNR and SEWRPC reviewed the proposal we made to say that we could go out just into the water and protect that right of way and we did that.

In the case of these two parcels the erosion—Mrs. Ciepola's property almost acts like a jetty because she's had it protected and the northeast storms come in and build the sand up in that area. But as that lake got really high it was chewing that sand out of there. So we agreed to that exchange where we would treat it as parkland, it would be her land, she'd let us use it for as long as we wanted and that's existed for 20 years. Her property, for all practical purposes, is gone. If you were to scour away the sand that sits over that area what you would find is about six feet thick of Illinois toll way. That's one of the things that the Town at that time did is we constructed in those areas there where there was concrete we were taking load after load after load of sections of concrete that came out of the Illinois toll way and we placed them. When you go on the lake side of the wall it's like stair steps coming back and it's worked reasonably well. We've had not as high water but we've had some good storms and the shoreline has held up.

The posts that we have out there they look okay. Their real purpose is to keep the cars off the shore protection because people like to go down there. They like to pull up and look at the lake. I don't know what they're doing out there but they would do it on our shore protection and it was pushing the wall out. So we put those bollards up to keep the people off the wall because that was expensive to replace that. It's not a big deal to anybody now, but back then the Town also secured enough concrete for any of the private homeowners, and I think we did about 40 of them up and down Lakeshore Drive where we secured the material, we did it as a special assessment, got it placed, and at a time when you could not buy concrete, you couldn't buy limestone and you couldn't buy the blocks, we were able to get a lot of properties protected and we facilitated that happening along with our own.

The reason I say that, it's a long way to get to the point, but I doubt seriously those lots are buildable because you're going to have to take the shoreline protection out, and when you take the shoreline protection out you're right up against the right of way line and there's no virgin soil. There's nothing there but concrete fill. Mrs. Ciepola's paid taxes on those lots as you've indicated. I guess she has the opportunity to try and make it a buildable lot or have it determined, but she's going to have that surveyed. She's going to have to have the high water mark established, come to Community Development, we'd review plans, but we know what's on those lots. It's concrete and it's shore protection. And from that wall to the right of way line is not enough room to build a house.

The Village at the time offered to buy them. I had a standing offer with Joanne for 20 years. If you want \$5,000 we've got \$5,000 which is basically what we pay for those lots. We'll give it to you and we'll call it a day, or if you want to donate it and say it's worth a quarter million dollars that's your call and we'll work with you on it. But she was always a woman of good spirit for the community. She just didn't want to sell it because her son didn't want her to sell it and God bless

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her it's her land and she can say that. On the other hand she worked with us and said it's part of the park.

Our Park Plan identifies that as park. Can it be used for anything else? I doubt seriously it can be, but we can't deny her the right to take a run at it and see if she can do something with it. It's not going to be her but it's going to be somebody that's in charge of her estate or someone who thinks they want to buy it and go from there. But I guess that's her opportunity. If someone buys it from the Village's standpoint we'd lose a little park space but someone else is going to carry the burden for the shore protection the next time the lake comes up.

My inclination is that, and my advise to the Board was, is we'd follow our standard policy. It might even be a unanimous vote to say let's buy it for \$5,000 or take a donation if she wants to sell it, but it's really got to be her decision or her guardian's decision. It's not ours. It's their decision whether or not they want to sell. We're not going to condemn it. We don't have the money to condemn it. I think it might be best protected if it was left as it is which is a beach with a nice shore protection and it is what it is. There isn't a lot of land there.

If you want to put on the docket for the next meeting, I'm not sure what kind of action you'd be looking for. Purchasing it would be a budgetary decision.

(Inaudible)

John Steinbrink:

I can't allow comments from the audience.

Mike Pollocoff:

Purchasing it is a budgetary decision. That's during the budget season. We have had, as Trustee Tiahnybok said, there's park uses that people are happy with certain levels of intensity in the use and not. But the Village spent a considerable amount of money to create that atmosphere. People have been able to build across the street with the lake view and that's worth a lot of money to the people who built there. You almost can't put a price on it. And from a budgetary standpoint we've limited buoys going in the water and swimming because it was a budgetary standpoint. And to be honest with you the County has jurisdiction on it. They love having jurisdiction of stuff. If they want to put the buoys on it and take care of it let them have it. Our jurisdiction ends at the water line. They can do it if they want to do it.

All things being said and done that park can only handle so many people and it can only handle so many cars. Little by little if we end up buying, maybe not right there but we have bought some there, we typically buy a lot a year from somebody who says I'm tired of this and I don't want to pay taxes on it and I'll sell it to you for \$5,000 which is what Rocco has a lot of them assessed at and we give them the \$5,000 and we pick up another lot. And hopefully this will end up being this way. Someone will come to their senses on Joanne's property and I hope it works out for Joanne. Like I say she did a good thing for the Village and the people in that area got a lot in return for it.

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I want to as much as I can talk about the Abbott project. A lot of people are saying a lot of things and doing a lot of things. I think the question has been answered in the press a number of times as to what's happening with that, but you'll be seeing it. If you're interested in coming it's going to be at the next Plan Commission meeting. We as a community started this process almost five years ago in discussions with Abbott about them acquiring land and not relocating anything up here. But it's a growing company and getting bigger and they're short on space. Pleasant Prairie is a site not for the relocation. I'm not saying they couldn't do it, but they've made it perfectly clear that that's a site for expansion. Will there be 12,000 jobs there tomorrow? No, there won't be.

When we created the LakeView Corporate Park we planned 11,000 jobs there. Those 11,000 jobs weren't there day one and they still aren't there but there's about 8,000 jobs there. This stuff happens slowly. You have to create the environment for it to happen and that's what will happen. We don't have any knowledge if a division is coming here, if an acquisition is coming here. That's a business decision that Abbott makes. When a company relocates to Pleasant Prairie in the corporate park we don't involve ourselves in the private market decision as to who is going to buy land and who is going to sell land. But when people buy the land here they have to comply with the ordinances as they exist. They have to operate under the rules that are here. Mr. Parks said that they're burdensome. I disagree. If they were we wouldn't have a corporate park out there that's worth \$600 million. You wouldn't have a company that's willing to spend \$50 million on acquiring land and looking at expanding their company here if it was burdensome.

When we started discussions, one of the requirements that was placed, and it was not to keep anybody out of the discussions, but as a company Abbott wanted some certainty that there would be some confidentiality in what they're doing because they deal with a lot of people, employees, vendors, competitors, and they wanted assurance that they could deal with the Village staff and a representative from the Village Board which is the Village President. We as a group have been working on that project. At that time the then sitting Board agreed that that was—and that happens on a lot of decisions. People are going to come to this Village and spend \$20 million of their assets to create a building and they don't want it out all over the place and that's what happens.

Not that we've excluded everybody and I think everybody is going to get the information at the same time. But if you want to be in a market or an environment where you're attracting businesses and you're convincing them that this is a good community to locate here and you're going to work with them on how their businesses are going to develop, expand, the uses that they're going to have, a lot of those businesses, even though the details might be perceived to be really nice, are going to happen in a confidential manner by their doings. But when the information comes public it comes public to everybody at the same time so the community and their representatives have the opportunity to evaluate that and judge it before approval is given.

No approvals have been given to Abbott or any other company that looks to locate here behind closed doors. Those decisions are made out in the open in the Plan Commission and the Board meetings and we're just coming to that step right now, and we've got a few more steps to follow through after the Plan Commission meeting. There's some other things that are going to have to happen. My responsibility that's been identified by John is that we're going to work to make sure

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that that can happen here, but it's got to happen in a way that's not going to be detrimental to the taxpayers of the Village. We can't have exposure or risk for having a company here. It's got to work out good for us and it's got to work out good for the community and that's what we work towards.

Far be it from me or anybody else to include in sewer, water, streets, storm sewer decisions how a company sells their pharmaceutical products and how citizens buy them. That happens at a different pay grade than anybody sitting here at the table. It's nice to talk about, it's nice to read about, it's interesting but that is nothing that, one, a local government should be involved in. Those are market decisions that people make. It's policy decisions that the federal government makes. They're going to make them. If we have to start deciding where somebody sells their products or what kind of products they sell where or who's going to buy them and what kind of discount they're going to get this Village Hall is going to be a lot bigger than it is right now because we'll need a lot more people to do that and that's not going to happen.

I don't want anybody to leave here thinking tonight that Abbott Laboratories and Abbott Park is going to pick up stakes and move to Wisconsin. It's an expansion. They may move some people here to make room for somebody down there but those will be business decisions that they make. What gets sent out or what people think, all I can tell you is that it's an expansion of Abbott Labs or some spinoff of Abbott Labs or something like that just like it was in the Corporate Park. There is nobody who can tell you when LakeView Corporate Park was first developed that there would be a candy company, a paint company, a bag company, a pallet company. The responsibility of municipal government is to create the environment, create the atmosphere so these companies can do their business and succeed so that the people here have jobs and there's value. That's the beginning and the end of it and that's what we're doing.

With respect to Mr. Carlson's discussion on the RV issue, I think one of the things that this Board struggles with, and I do from where I sit, is how do you get information out to people so that they can, one, be interested in it because it looks like it's interesting. Not everything we do here is really exciting. But how can you get that information out and have it be fair and balanced and accessible. Not everybody reads the *Kenosha News*. Not everybody reads the *Pleasant Prairie Sun*. Not everybody watched channel 25. Not everybody listens to WLIP. But we do have some requirements that we have to follow.

And before we start the process to change a zoning ordinance we get to do what we're doing tonight. We have to bring it up and talk about it. Say, okay, we're going to pass this ordinance and we're not going to decide what the ordinance is going to look like tonight but we know it needs to be changed and there's things we want to change. The Board is going to give me some input, give Peggy Herrick some input as to some things they'd like to see. We're going to start drafting. In this case I'm looking for people to help draft a bill because all I know about an RV is they're comfortable. As far as where as where you're going to put them and what they need to be I need people to give us input and we're going to do that. That's going to go to the Plan Commission.

Then we're going to do notices to the *Kenosha News*. It's going to be in the legal notices. State law requires we do that. If the news things it's an exciting story they'll write something about it.

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If they don't, they won't. Same thing for *The Sun*. Those are decisions we can't make a newspaper do, but we do have to post it in the paper. It's on the website, it's on channel 25 and it's in the hall. Being involved and active in your local government sometimes takes a little work on your part. We plant this stuff all over the place, but if you really want to know what's going on you've got to either look at TV or the website or the paper or come down to the Village Hall. You've got four choices. Short of hiring a plane to fly it around the Village towing it behind it there's not a lot of other opportunities and it's not very exciting stuff.

But we will follow certain steps. We'll talk about it and go to the Plan Commission. The Plan Commission will have a hearing. People can talk about what they like about the ordinance and what they don't like about the ordinance. The Board will be there to hear what the people say. When the Board comes to the meeting they'll take that input that they heard at the Plan Commission. People will probably be saying things at citizens' comments, sending them letters and then they'll make their decision. Then the ordinance then gets published in that same not so exciting manner in the legals, on the website, here at the Village Hall and on channel 25. That's kind of how it works.

Some of the ordinances, like I say, are a little more exciting and generate a little more interest and some aren't. That's the step we're at. This is step C. There have been a few things that have happened that got us to this step but we're at step C and we're going to keep moving. To the extent that Mr. Carlson or anybody else has some knowledge or interest or information they want to hand off to help us create an ordinance for RVs, boats, snowmobiles, jet bikes, whatever it is we're all ears. My pen has got plenty of ink and we'll just sit down and start putting them together and make it work. That's how the ordinance is done.

I guess the rest of it was politics that I don't really want to talk about.

John Steinbrink:

That concludes the Administrator's Report.

8. NEW BUSINESS

A. Receive Plan Commission Recommendation and Consider Resolutions # 07-08 and #07-09 to support an amendment to the Village Comprehensive Plan and the revised Highpoint Neighborhood Plan (Alternatives 1 and 2).

Peggy Herrick:

The Village of Pleasant Prairie, pursuant to the provisions of Section 62.23 of the Wisconsin Statutes, has created a Village Plan Commission and the Commission has the authority to adopt master plans, comprehensive plans and portions thereof. Neighborhood plans are a component of the Village's master plan or the Village's Comprehensive Land Use Plan. At tonight's meeting we are considering support of two resolutions. One is to support the Highpoint Neighborhood Plans Alternative 1 and Alternative 2, and amendments to the Comprehensive Plan to match the changes that were made in the Comprehensive Plan. The Highpoint Neighborhood is bounded by

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State Trunk Highway 31 on the west, State Trunk Highway 165 on the south, and approximately 57th Avenue on the east and 93rd Street on the north.

First of all, the neighborhood plans are based on geographical areas or neighborhoods as delineated by the Village's Comprehensive Plan. Neighborhood plans take into account the compatibility of land uses, identify how future land divisions could occur, plans how access roadways to land divisions could be provided, and examines the practicability of providing certain lot layouts, road layouts, parkways, open space areas, park areas, preservation areas, public community facilities, infrastructure improvements and municipal services to serve the area. Neighborhood planning is essential to the orderly growth of a community and establishes a framework as to how the development should occur when and if it does occur.

On June 13, 1997, the Plan Commission adopted a neighborhood plan for the Highpoint neighborhood, and on July 7, 1997, the Village Board adopted Resolution 97-40 to concur with and support the neighborhood plan as approved by the Plan Commission. On the slide shows the plan that was adopted in 1997.

The Village Comprehensive Plan indicates that this neighborhood should have a middle school site, a community park, which would be centrally located within this neighborhood, a community commercial development which would be located at State Trunk Highway 165 and State Trunk Highway 31, and at 95th Street and State Trunk Highway 31. The remainder of the land within the neighborhood would be developed as residential uses with the preservation of secondary environmental corridors and isolated natural areas.

On January 22, 2007, the Village Plan Commission held a public hearing and approved a neighborhood plan which is Alternative 1 which is on the overhead and is also the first Board over here. This was approved by Plan Commission Resolution #07-02. In addition, the Plan Commission requested staff to prepare an alternative plan for the development of the area generally located south of 95th Street and east of Dabbs Farms Drive which is right here to further look at that to see if a higher density could be provided in that area.

On March 12, 2007, the Plan Commission held a second public hearing related to the second alternative plan. This alternative plan number 2, which is the second board over here and also on the overhead, is identical with the exception of this area here. The previous plan had single family there. This plan shows 18 four-unit condominiums for a total of 72 condominium units.

Both neighborhood plans show community commercial areas. Approximately 21 acres of land on the triangular piece at the northeast corner of State Trunk Highway 165 and State Trunk Highway 31. In addition, both plans show government and institutional areas including approximately 33 acres of land. These include the existing water tower at 57th Avenue and State Trunk Highway 165, the existing Village water storage tank at 93rd and 66th Avenue, and the surrounding of approximately 11 acres of land for future institutional uses.

Transportation and utilities, the eastern approximately 8.9 acres of this neighborhood is a utility easement with electrical transmission towers that run along that area.

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Access to arterial roads, the neighborhood plans also lay out roadway patterns and show where potential road connections should be. On the south at State Trunk Highway 165 there is one additional entrance proposed, and on 93rd Street there are two proposed entrances adjacent to existing roads and a third access over here which would align with a potential road and the future to the north which is in the Whittier Creek Neighborhood Plan which is on the agenda tonight as well as an update and revised plan.

Open space within the neighborhood, there's approximately 102 acres of open space which is 28 percent of the land in this neighborhood. The open space includes approximately 18 acres of floodplain, 7 acres of wetlands, 35 acres for a community park and 123.5 acres of other open space throughout the neighborhood. That other open space includes areas for retention basins, the wooded areas shown on the site and the open space areas within some of the multifamily areas.

Again, the residential area there's two different alternatives that adjust the density slightly and the uses slightly. Alternative 1 is approximately 394 acres of land to be developed as residential uses. This includes about 80 acres of the other open space and approximately 42 acres of woodlands to be preserved. Alternative 2, again, same numbers. The only thing that's changed is this went from single family to multifamily condominiums. This is a comparison of dwelling units between Alternative 1 and Alternative 2. Basically dwelling units in Alternative 1 is 1,033 and a slight increase in Alternative 2 of 1,065 due to the increase from single family to multifamily in that section south of 93rd Street.

According to the Comprehensive Plan, the density for this neighborhood is a lower medium density land use category which means that lots should range in size between 12,000 square feet and 18,999 square feet per dwelling unit. The net density shown within Alternative 1 is 16,635 square feet per dwelling unit, and in Alternative 2 it's 16,135 square feet per dwelling unit. Both alternatives fall within the middle of the lower medium residential land use category so they are in compliance with the Comprehensive Plan.

Population projections, very slight difference between the two alternatives. The current population within the neighborhood is 286 dwelling units or 781 persons. Projected population with Alternative 1 is 1,033 dwelling units or 2,820 persons which includes 649 school age children or 434 public school age children. With Alternative 2 the dwelling units increase slightly to 1,065 which means 2,908 persons, 669 school age children and 447 public school age children of those 669.

In addition to the neighborhood plan amendment, there is a Comprehensive Plan amendment to comply with some minor changes made in the neighborhood plan. In particular, the community commercial area shown on the Comprehensive Plan at Dabbs Farm Drive and State Trunk Highway 31 was changed. That area was changed to lower medium residential land use category on the south side of Dabbs Farm Drive, and right at this corner right here this portion that is red was changed to institutional uses. The other changes included changes in the center area of the park where the middle school site was further defined based on the neighborhood plan. Same with the community park. This portion which was identified for the middle school site was changed to lower medium residential.

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Again, the Plan Commission approved both Alternatives 1 and 2 and the amendments to the Comprehensive Plan. And the resolutions tonight are for the Village Board to support those findings as well.

Mike Serpe:

The one comment that I hear a lot from people coming into Pleasant Prairie whether they just moved here or just passing through or visiting is how nicely the Village is laid out. I'm only saying this to give staff and the residents who are affected by this project and putting this together a compliment in coming together with very little negative input. That says a great deal about the planning efforts and the involvement by the neighbors.

There was one little minor concern that came up at the Plan Commission on the Dabbs Farm property that was quickly resolved. Right now I don't hear any negative parts about it. Again, good job by the staff and the residents. I move approval of 07-08 and 07-09.

Steve Kumorkiewicz:

Second.

John Steinbrink;

Let the record show that I abstain on this vote. My family owns farmland within this area so no one can misconstrue my actions here. I probably should have done this at the beginning.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTIONS # 07-08 AND #07-09 TO SUPPORT AN AMENDMENT TO THE VILLAGE COMPREHENSIVE PLAN AND THE REVISED HIGHPOINT NEIGHBORHOOD PLAN (ALTERNATIVES 1 AND 2); SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0 WITH STEINBRINK ABSTAINING FROM THE VOTE AS HIS FAMILY OWNS FARMLAND IN THE AREA.

John Steinbrink:

How many folks are here for the RV ordinance? There's quite a few of you. I'm going to ask the Board's indulgence that we move onto Item C because Item B is going to have more of this detail and I know it's already ten after eight and you've sat through a lot already. I think you'd rather get on with the issue that you have an interest in.

SERPE MOVED TO CONSIDER NEW BUSINESS ITEM C AT THIS TIME; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

C. Consider Resolution #07-07 to initiate a zoning text amendment related to recreational vehicles.

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Peggy Herrick:

This is a resolution to initiate the process for which this ordinance can be properly re-evaluated and looked at. This resolution, if adopted by the Board, initiates and petitions to amend the zoning ordinance as it relates to recreational vehicles. Multiple sections of the zoning ordinance may need to be evaluated and amended such as but not limited to specific parking and storage requirements and definitions for a recreational vehicle.

The proposed changes of the zoning text are hereby referred to the Village staff for further study and recommendation. The Village Board is not by this resolution making any determination regarding the merits of any proposed changes in the zoning text but rather is only initiating the process by which the proposed changes in the zoning text can be promptly evaluated. And, as Mike indicated, prior we will be soliciting any comments from existing residents out there. We've received some e-mails and some information from existing residents. We'll be putting together some regulations. And, as Mike indicated, the Plan Commission will hold a public hearing and we'll take public comments on those before a recommendation is made to the Village Board.'

Mike Pollocoff:

I might add this zoning text language came to us originally from Kenosha County when we were a Town. So it's fairly old. I think RVs looked different than they did back in the late '60s or early '70s. A number of people have them. I think it's probably grown. There are parts of our zoning ordinance, and as you know we're constantly amending that ordinance and updating certain parts of it, but the zoning ordinance document itself is a good 800 pages. So we're constantly working on it. This one does need some help. It's one of the ones that from the staff perspective we tread lightly on it because there's contradictions in it. But on the other hand it's the law we have to work with.

I know there's some people want to speak on it and this is a good time to get some input from them, what people think about the ordinance and things maybe that we want to put in it and how the ordinance is going to be enforced. We want something that's clearly enforceable where everybody understands what an RV is, what a parking situation is, what a setback is. An RV is everything from a bus to a boat to a snowmobile trailer or what have you. All of that stuff needs to be reworked. I have gotten some information already and Peggy's staff is assembling other information and we'll work to get this thing put together and we'll get it to the Plan Commission.

Mike Serpe:

I agree with you, Mike, this is an area of society that is growing enormously. RVs are popping up all over. It's the way things area. The last Board meeting I made mention or Jeff made mention that we should withdraw or eliminate the ordinance that's in place. I wasn't in agreement with that for one simple reason, that I don't think we should give up any ordinance that takes away any enforcement power in the event there is an extreme situation that may exist out there. And if you take it right around the Village there are a couple of extreme situations. I could never see in

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closing an RV that's 10 or 12 feet high with a six foot high fence. I think that is a little suspect there.

I have a question, and I just want to put peoples' minds at ease, unless there's an extreme situation out there with junk and RVs and boats and broken down cars sitting in the yard that would constitute a definite zoning violation, we're not going to enforce this ordinance, at least the ones that came forward right now? These people don't have to worry about getting a \$600 and some ticket at this point, is that correct?

Mike Pollocoff:

No, I'm going to take and—we have to enforce the ordinance, but we don't have to prosecute. So there's been letters sent out and I'm withholding sending anything to the prosecuting attorney for the Village until we feel we've got an ordinance that we're going to enforce. That's not earth shaking. We do that on a regular basis because not all ordinance—again if it's a property ordinance, if it's not a health and safety and welfare ordinance, if it's a property ordinance we'll enforce it with reason giving somebody the opportunity to make modifications, whatever the fix is, especially if it's an ordinance violation that occurs in the dead of winter. We have seven or eight outstanding violations.

Peggy Herrick:

There's six current and another one has come in. So we're going to hold onto those and not send those to Attorney Mayew until we get this thing squared away and get the ordinance run through and then either dismiss them because they would be compliant with the new ordinance. I know that might be worrisome for people who might have those, but to be honest with you we wouldn't be doing anything with them anyway right now because these people that have these violations aren't able to make some of the changes they want to make because it's pretty nice today but it's still winter. We've got to give on a property ordinance violation, my view is you've got to work with them and let them understand what the violation is. Find a way that works to be in compliance with everybody involved and have it happen the way it works where it's not a burden. We do that with all our property ordinance violations. Again, if somebody is going to create a public health problem or a safety problem we're going to go right to the wall with it. But parking RVs doesn't rise to that level.

I look out at an RV out my window every day behind the Village Hall. As I'm typing I can look up and see the RV sitting in the parking lot. It's on a corner lot. The guy has been in violation for 20 years. If you want to blame me for rewriting the ordinance you can but, again, given the things we have going on in the Village it just doesn't rise to the level of an urgent matter.

Alex Tiahnybok:

Is there some particular aspect of 420-49 that has caused all these violations to happen? Is it one particular aspect or element of this that I guess maybe we should all be aware of so everyone is viewing this the same way when the recommended changes occur? Is there uniformity in terms of what's being violated?

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Mike Pollocoff:

The recent set of violations were parking on hard surfaces and out of vision, setbacks. But when you read through this, Trustee Tiahnybok, they have semis intermingled, semi tractor trailers in with RVs. Like I said, this is a dated ordinance. Really it needs to be cleaned up from start to finish and redefined what an RV is and what isn't. Then my thought would be to, again, with the information from that industry, the users of the RVs plus the American Planning Association which we rely on, people who might not have those but have those in their neighborhoods come up with a fair balance of an ordinance that protects everybody's rights and doesn't step on anybody's rights either.

John Steinbrink:

We have a number of folks in the audience, but I think we're looking for input here on this ordinance so I'm going to allow people to speak on this issue. We just ask that you give us your name and address for the record. I think any input we get here is going to be very valuable to this issue. Is there anybody in the audience that wishes to speak?

Carl Carlson:

Carl Carlson, 12300 39th Avenue. I have to remind you that this is a rural area and your population is getting older. We worked many years, and the American dream is to work your life and then buy a motor home and most of us are doing that. My suggestion to you would be you're building all these new subdivisions, you can make some rules for them because they're aware when they move in that RVs are restricted in certain ways. But the rural areas, we moved here because it's a rural area. If we wanted a city we would have voted Pleasant Prairie into Kenosha many years ago. We don't want a city. We like our RVs. We like living our American dream. And when you consider your ordinance changes please keep that in mind. Thank you.

John Steinbrink:

Thank you. Anyone else wishing to speak?

Al Toenjes:

My name is Al Toenjes. I live at 10718 47th Avenue. I live directly across the street from Prairie Lane School, and anybody that's driven by my house would observe that there is a big blue boat in the backyard. Your six foot fence ordinance would not pertain to me because the thing is 13 feet high so you're going to see 7 feet of it anyway.

My question here would be that if there is an ordinance we can comply with that would be fine, but the alternative would be to build an outbuilding that would house that thing. I've been a resident here for three years now, and I made a personal trip to the building inspector's office before I purchased the property and asked him about what my options were for building an outbuilding or something of that nature. He said that the only way I could do it was to attach that

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building to my house. It's a log home. I can't recut my windows. Once the hole is there it's there.

I can understand, though, that if you have a problem with this I guess for an aesthetic value as far as any particular property is concerned I imagine you'd have a difficult time trying to regulate the number of vehicles or type of vehicles that you would be looking at as far as your storage would be on property. The previous gentleman made the comment that we moved here for the opportunity because it is rural. A block away from my house in either direction I've got agricultural land which is Mr. Steinbrink's. So we're going to have machinery from farming sitting out as well as everything else.

You can go to the extremes with this and say everybody has to keep their car in the garage but we don't live in a golf course community. This isn't Tampa, Florida. And I do have a problem in that I am retired and it would be financially difficult for me to store those things off site. And for my own peace of mind it would be a difficult thing as far as security is concerned as well. That's something I wish you would take into consideration when you consider amending your law.

Mike Pollocoff:

Could I get that again? Security, what was that again?

Al Toenjes:

I'm concerned more about security of my possessions.

Mike Pollocoff:

Oh, when you store it, okay.

Al Toenjes:

Security in most storage areas is not a guaranteed thing. If you're down at Captain Jim's you can jump over the fence. I have two snowmobiles and anybody can get into a barn out there that's unattended during the wintertime. So those are possessions that I have. They say the guy with the most toys wins in the end, and that's not my goal really, but I would hope you consider that security, as far as onsite security is concerned for each person that owns that type of thing. But, again, like you said most of these motor homes will stand 10, 11, 12 feet tall anyhow. So a six foot fence ordinance wouldn't work. If you want to put up a 10 foot fence that won't work. Fences make bad neighbors. That's the end of my comments. Thank you.

John Steinbrink:

Thank you. Anyone else?

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Jeff Knutter:

Jeff Knutter, 4320 122nd Street. I've been talking to Mike a lot about this ordinance. My motor home stands 12 foot 2. A six foot is really out of the question. What's it going to do? As far as Mr. Serpe's question about regulating junk, any towable trailer, motor home or camper if it's over 3,000 pounds has to have current license plates. That should be part of the ordinance that you have a current license plate. It should be in well working condition. It should be aesthetically pleasing. I know myself and the gentleman with the big blue boat have corner lots. We're limited to only backyards. I cannot get my motor home there because my yard is kind of a weird shape because 122nd takes a curve right there. My driveway comes through on the small side of the yard. Can't get it through the fence in the backyard in any way, shape or form.

I think we should be allowed to park them in the driveways, in street side yards. If it's on a driveway a lot of current ordinances limit you to the length of your motor home. Most of them I've seen lately have been right around 30 or 32 feet. Over the years motor homes are getting bigger and bigger and bigger. Most of them are over 35 feet. Mine is 35 foot. That limit really shouldn't be set I don't think for the size of the unit but more by the length of your driveway. Obviously, if you've got a 38 foot driveway you can't park a 40 foot motor home on it.

I understand you have to provide vision for anybody driving in the neighborhood to protect kids and other drivers and whatnot. I appreciate the Board opening this to look in our case and help you out with the resolution.

Mike Serpe:

Don't runaway, Jeff. When Jeff bought his motor home originally, I saw the letter, and he called and found out what he had to do to make this thing legal he brought in tons of stone and parked his motor home. What became, and I should know this because we passed the ordinance but I don't remember all our ordinances, what became so objectionable with his motor home that was approved in 2004 as opposed to 2005?

Mike Pollocoff:

Peggy, why don't you take that.

Peggy Herrick:

Nothing has really changed. I don't know who Mr. Knutter talked to in 2004. The ordinance never allowed RVs to be parked inside street yards. Whether when he talked to the staff we understood that he was on a corner lot I don't know, but the ordinance was parking on his situation on the side street yard back to '83 was never allowed so I'm not sure what conversations were had and if whoever he talked to realized that he was on a corner lot. A lot of people don't know if you're on a corner lot they think their side yard is everything on the side of their homes. Even though if you have a corner lot anything between your house and either street is considered a street yard. I don't know what all took place and what all the conversations were.

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Jeff Knutter:

I had come down here and I don't remember who I spoke to but I just told it all to him. He said the only rules at the time were it couldn't be parked in the front yard and had to be parked on some sort of sub street. Then I asked him if I put it on gravel did I need a permit for the travel and he said no, just concrete. So I did haul in 35 tons of gravel and put this huge spot in. I talked to my neighbor and my motor home is between my house and her house and she actually likes it there because it blocks the headlights from going through the bedroom windows. At that time I was told verbally, and because I didn't get a permit I really have no approval.

Peggy Herrick:

And we don't require permits for what he's explaining.

Mike Pollocoff:

Again, it speaks back to the problem with the County ordinance. You have to remember the County ordinance it kind of addresses a diverse type of residential use, but it's also addressing a rural use like Mr. Carlson talked about. It doesn't anticipate a subdivision, corner lots, smaller lots than you'd have as opposed to what the County regulations. Pleasant Prairie over the last 30 years has become more urban in some areas. We still have rural areas, but areas that are urban are definitely urban. So that's the tension or that's where the mismatch becomes in administering that part of the ordinance. The corner lot is classic. In an urban plat a corner lot is almost impossible to work with. So it has to be culled out and we do on some other things that we've done since we've modernized the ordinance is address a corner lot. But, again, in this older part of the zoning ordinance that doesn't happen. Again, in the 1960s I'm sure there were some big RVs but there were a whole lot more smaller RVs that hid behind a six foot fence and it wasn't a big issue.

Jeff Knutter:

The smallest pull behind trailer is 8 foot high. The only thing that a 6 foot fence would work would be utility trailers or pop up type. Other than that you're going to see it.

Steve Kumorkiewicz:

Actually . . . as high as your trailer, your motor home . . . right on the side of my house, between my house and the fence. No complaints

Mike Serpe:

When this comes forward, and we don't know exactly when this is going to come forward, it's probably going to take some time to write this thing so we'll have the public hearing and further input from the RVs owners as well.

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Mike Pollocoff:

Right. I'd like to have it done before summer.

Mike Serpe:

That would be nice.

Jeff Knutter:

A question. You said everything is kind of on hold right now. I was one of the eight people that received a citation. If the new ordinance comes through and you're found in violation again for anything would we be reissued new letters, or is it just an officer coming to my house?

Mike Pollocoff:

My look at it is you're cited under the existing ordinance. That ordinance gets modified and I guess my outlook on it when I describe most of this stuff if it gets modernized is going to go away, then the citation doesn't mean anything anymore because it would be in compliance. And if it isn't for some reason, the Board would adopt an ordinance that would still have provisions that would be in violation, it would still probably be substantially different where another order would have to be issued . . . previous ones go forward.

You can really raise some havoc in this Village with finding RVs out of compliance. I could probably spend a day going and doing it and that's why we don't typically do that because we know it's problematical and there's certain times of the year you just don't want to do it. But I think that there's going to be some significant changes in it that I think hopefully everybody is going to be comfortable with. There are people that don't want to see an RV in their subdivision.

Like Mr. Carlson said, most of the subdivisions that are brand new they include that in their covenants that they don't want any RVs parked in the driveway, in the backyard, in the side lot. If you can't fit them in the garage them you go find someplace else to put them. But people are buying those lots consciously knowing that. It's in their covenants. If they bought it and sell again it's still in the covenants. In the older subdivisions that doesn't exist or in the rural residential areas of the Village it's just not a requirement. Again, our ordinance anticipates it. The accessory building size on a lot is 1,000 square feet?

Peggy Herrick:

Depending on your lot size.

Mike Pollocoff:

Yes, depending on your lot size. So if you have one of the larger lots in the Village, if you're at an acre or something like that, back then the RVs of that time could have fit in that building. You could probably get a bigger one up right now. This gentleman here didn't have a big enough lot

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to make the setbacks on that lot and that building so that's where you get that tension and then you've got to come up with a fix that works in the backyard or side yard.

Mike Serpe:

One other thing. Ordinances, you could run around this Village all day long and find ordinance violations constantly. I equated it last time to we have an ordinance against speeding. The speed limit is 30. I don't know of a cop that's going to write a ticket for 31 miles an hour or 32 or 33 so there's tolerances that are put in here. What I said about the extreme, I'm talking about somebody turning their yard into a junk yard. That we're going to enforce. Somebody who has what you have and obviously the others, it might be a violation but who is complaining about it? Is it hurting anybody? And until we get this thing straightened out, unless your yard turns into a Jantz junkyard I wouldn't worry about any enforcement.

Jeff Knutter:

You have to look at the cost of some of these things. A lot of people keep them up. Not many people let them deteriorate. I've got a lot of money invested in mine.

Mike Serpe:

I understand and I agree.

John Steinbrink:

I think most people would rather be on the road driving them than parking them in their driveway.

Jeff Knutter:

Unfortunately I still have to work. Thank you.

Steve Kumorkiewicz:

Mr. Knutter . . . 122nd Street where you live . . . in alignment with the houses in 44th Avenue on the west side he's about at least 10 or 15 feet inside his property. So even if we say the front lot as a line he's in his property. I go by many time and saw that and it was never an issue.

(Inaudible)

John Steinbrink:

I've got to ask you to come to the microphone.

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John Ward:

My name is John Ward and I live at 4344 123rd Street. With the way that is set up, you're basically getting people—you're setting them up as targets. So if this guy has got some kind of a goofy beef for whatever reason or he happens to want a motor home and can't afford one but he sees you've got one so he's going to make a complaint. So now this guy's got a problem just because this person's got a problem with him. But, yet, at the same time the Village is saying, well, as long as nobody says anything we don't care if it's there or not. So it's like that whole thing to begin with to me was pretty shady. Come on. It's either a rule or it's not a rule. You don't pick and choose.

John Steinbrink:

That's an issue we deal with with fences, dogs, cats, limbs hanging over, kids in the neighborhood somebody doesn't like.

John Ward:

And you hope when they do that ordinance the issue came up with it being in a driveway, it's like as long as you've got sufficient driveway for the vehicle and you do not block the access way or the roadway or anything, you know, I don't see the problem with it. I've got a motor home and mine was found as legal. But to get mine back where it's at it's like putting it in with a shoehorn it's so tight and I almost tear my fence out every time I put it back there. So during the summer when I'm using it and I'm going to be using it within two or three weeks I like to leave it in my driveway instead of trying to funnel it in back there. And I always sit and wait for the knock at the door or the phone to ring that somebody is complaining because it's sitting in my driveway. It's not blocking anything. It's not in anybody's way.

John Steinbrink:

So you're suggesting a time limit in here that they're allowed to be on the side of the driveway or something like that?

John Ward:

Yeah, I would tend to think three weeks because you get that range. Whenever you pack one and you're going at the beginning of a month and you've got another date at the end of the month where you're going back out you don't want to stuff it back in the slot when you're going to be taking it back out in three weeks. And during the summer that's pretty much most of the people I know with motor homes that's their average. It's like every three weeks you're gone and it's gone for a week.

Mike Serpe:

I'm not advocating that everybody should go out and break the law. I'm not saying that. All I'm saying is just reasonable enforcement of the laws.

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John Ward:

The thing that got me going on that whole thing to begin with was because way back in the beginning with the motor home I went through so much grief. I went through so much grief. I had called to the Village to ask them, because when I was building my house I asked can I bring my motor home and park it out in front of my property where we're building the house so I can use it when I'm going to work on the house. And they told me there's absolutely no problem. The only time there would be a problem is in the wintertime when they're going to plow if it's there. My motor home managed to sit there two days when I was working on it and I'll be damned if that particular person didn't turn around to call and say there's somebody living on the street in a motor home. And they knew better. That's what people get set up for that have the motor homes with the way they enforce it. The way it's engineered right at the moment it's like it makes a target out of you for somebody that's got a bug up their butt.

John Steinbrink:

Thank you.

Mike Renner:

Hi, my name is Mike Renner. I live at 3211 122nd Street. I can give you a little bit of a different perspective. I have nothing against RVs, but as President of our Homeowners Association I can tell you it generates the most complaints. Our covenants state that they aren't allowed unless they can be stored in the garage or behind the house. I personally would like you to keep some kind of ordinance. I think it makes our position of enforcement a little easier. Or, you could do something like you do with fences where you have to get a permit and the Village—our bylaws or our covenants state that you must conform to the Village's rules. I know that many homeowners associations have more restrictive covenants, but it's also very difficult to enforce those issues. So I don't know how to balance it out.

I agree with the last gentleman, I think it's clearly a you got it and I want it, damn you, is a better way to say it. I think it's caused by jealousy. And maybe there's some concerns. If you have it shrink wrapped in that big blue stuff maybe that irritates people to look at that or something. I don't know. But as long as it's on a side yard and it's out of the way, it doesn't block the vision of vehicles with children running out in the street or something like that I don't really have any issues with it. But I think if there's more restrictive covenants it just helps us enforce those issues. Thank you.

Clyde Allen:

Clyde Allen, 8059 57th Avenue. This is a tough one. I was going to suggest what you had alluded to a little bit, a small time frame when driveway parking is allowed as long as it's out of right of way. You also need to keep in mind, and this is kind of a bad one, is we've got lots near us that have streets on three sides of the houses. That's a tough one. How do you park an RV when you don't have room on one side?

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Barbara Ward:

Barbara Ward, 4344 123rd Street. We were told after we moved in or when we moved in, because I called the Village twice, we had a place where we could leave our RV. I asked what the rules were, and we were told, because at that point we didn't have a driveway yet. We had big chunky rocks. We had no yard yet. We had clay mud. And we were told it could be parked on the road. I said because I don't want to move it over unless it's okay. Within two days we were tagged, the police were at our door because it was complained on that we were living in it.

I think part of the issue is the problem that when people call here we get different stories. I was told it was okay not once but twice. Because prior to that we had called about our lot before we bought it and we were told it was buildable, there were no problems. When they came to get the building permit there were problems. Then it was this issue. Then we were told, okay, you can leave it on the road but the same neighbor continued to complain. The ordinance has changed over the years. We ended up moving it to storage. Within two weeks it was broken into and it was a very nice storage place. All high fence. It was broken into not for any reason, nothing was stolen, just damaged, just so probably kids could go through it and just damage it.

We ended up once we saw more neighbors directly around us having RVs, and it seemed to be everything was okay, we brought it back to the house and then it started again, the same thing. It was parked in our driveway. Didn't bother anybody. Didn't bother our direct next door neighbor who his driveway is right next door to us but it did bother another neighbor who continued to complain. John talked to I guess someone at planning. They told us now we had to pour concrete but our yard wasn't wide enough to pour beside the garage and it had to go in the back, so therefore it sits on our patio now in the backyard. Yeah, it goes through with about four inch leeway.

So one of the things we run into is the different information we get when we do talk to the Village. It's not the same. When we moved in I don't think any of the Pleasant Prairie stuff was on a website so we couldn't get the information that way. Otherwise we had to be here before five o'clock to access information from the Village. So a phone call was usually the way we dealt with it, and we feel that when we call here we should get the right information.

In the complaint process we have been complained on where people directly across the street theirs sits out next to their house and not a comment made. Nothing. Why? I don't know. Because we have one neighbor that likes to complain. Why I don't know. I've never even talked to her. I don't know. Maybe that's the problem that I haven't talked to her. I don't know.

But in reference that Mr. Ward said where he thinks it should be limited, we camp anywhere from usually April and it's normally just weekend camping, April through October. And to have to move it in and out even only allowed in the driveway for three weeks is a lot because sometimes we only go camping every third weekend or every other weekend, and that's a lot to move that in and out. And then once it's back there we can't access it to load it up, to work on it, to do any of that kind of stuff because it's so tight in the space it's in. So you need to be able to access it also to do this kind of stuff without a neighbor being on your back about it.

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The gentleman that was up before me he's talking about covenants in his subdivision. That's the difference. When we were looking at lots to buy we were filling out a contract on a lot in Bristol in a subdivision that while the real estate agent was filling out the paper work he says, oh, by the way here's the covenants for the subdivision, read them over while I'm finishing up the paperwork. We got to the part that an above ground pool was a nuisance and was not allowed, we got to the part that you had to go through them and go through the I guess Bristol is a Village or the Town to get approval for anything you wanted to do. And you had to go through two layers. We said, no, we don't think this place is for us. So we chose not to live in a subdivision that had covenants, had memberships and somebody else telling us what to do. We felt the Village is strong enough to do that. If he built or bought in a subdivision with that, that's fine. If they've got rules that they overlay the Village rules that's their problem, not ours.

We are considered a subdivision. We are sort of tight in there now. It's getting tighter as all the little empty lots are getting filled up. But we just would like it fair for all. And if one person on the street gets complained on then the other people should, too. We've gotten no help from the Village. Any time we've called about this the people we talk to they agree that it's—and this is going back. We've been there for ten years and they all say, yup, it's wrong. But I'm glad that this subject came up to get it rewritten. I don't like how it came up. I totally disagree with how it happened. But there's more than 6 or 7 violations in the Village. There's many, many as you all know and it's just not fair to some of us who might have a certain neighbor that doesn't like something the way it happened.

We also would like to clarify to everybody who can complain, because we've gotten different stories on that, too. I've been told it had to be a direct neighbor in direct view of the vehicle. Other people have been told it can be anybody in the Village. Other people have been told it can be anybody that drives by and decides they don't like the look of your house. And we take very good care of our yard, very good care of our house. We have pets that are always kept inside or kept in our yard. We put a lot, a lot of work on our yard and we're not going to just park anything out there to take away from the looks of it. Thank you.

John Steinbrink:

Thank you. Anyone else wishing to speak?

Al Toenjes:

Al Toenjes, 10718 47th Avenue. I apologize for breaking your little rule of once up. But I'd be willing to volunteer for any ad hoc committee that you might form to look into this situation as a private citizen. I have some pretty good ideas. My background is I was six years on a Planning Commission and four years as a City Council member in the place I came from anyway so I understand.

One of the ideas would be limit the types of vehicles that you have on your property to those that could be started and moved upon request. Those types of things could stop the junk from

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hanging around those types of things. Like I said, you can contact me and I'd be willing to participate if you want. Thank you very much.

John Steinbrink:

Anyone else wishing to speak? If not, I thank everybody for the input. It gives us insight. Just to be aware when we do have the next public meeting I'm sure there will be somebody with a direct other view, but those views are going to be weighed. As Mr. Pollocoff said we're going to try to get an ordinance and get everybody's input. Every neighborhood is different. Everybody has different neighbors, so it becomes a real difficult task. Thank you very much.

Mike Pollocoff:

I just have a couple of comments on enforcement that Mrs. Ward brought up. I've sent quite a few letters out on this. But we endeavor, and I think some of the Board members that have been at the Village hall know how sometimes the zoning ordinance is used as a weapon between neighbors that are feuding. The staff tries to ferret through and determine who is doing this for other reasons than enforcing public ordinances. And if we think there's things going on like that we'll ask people to go talk to their neighbor and work it out. Sometimes we try to do that first because that will save everybody some time.

One thing I've learned here is anybody can complain about anything. If somebody goes to the effort to look at the Village ordinances and want to go find complaints, if they make us aware of it then we'll go act on it. This Village hasn't had a budget that's funded a code enforcement person to go out and look for complaints. Usually we don't have any problems having the complaints come to us and we haven't had to go look for them.

But the other reason we do that is we require people to come in and sign a complaint so that you can't do a hit and run by just calling up the Village Hall and starting some noise on their neighbor without a little effort where we can ask them some questions when they come in. But we do try to prioritize the complaints. This is a 34 square mile Village. If somebody in Carol Beach wants to pick on somebody in Chateau Eau Plaines which is on 104th and 50, we'll get to that one and work at it as we can, but typically we want to see if, one, the violation is egregious and it really does violate the ordinance, or if it's something that isn't.

If somebody live not in the Village but lives close to the Village, they can see the violation and boundary, we'll take a look at that. Just because they're not in the community and if there's a violation we'll look at it, but we won't expect our citizens to meet the ordinances of a different community that the ordinances are different than ours. We try to deal with those violations that aren't property related that are health and safety related before we deal with property violations that can be handled over time.

It's kind of the dark side of anybody that has been involved in municipal government, zoning ordinances and other things. When neighbors are feuding or somebody is just not a good neighbor they'll use that ordinance to satisfy some need that they have to persecute somebody. To the extent we can we try to minimize the impact of that or see if there's something else we can

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direct their attention to. That's not always easy. And I think with the new ordinance, an ordinance that's clear and concise so everybody understands the terms it makes it easier to enforce. Everybody is talking about apples and apples.

Steve Kumorkiewicz:

I was involved in a situation like that in which a violation was asked to me, call from the neighbors as there was a semi parked in front of a particular place. So I went to see them and informed him that there was a complaint from the neighbors and he was in violation and he should do something about it . . . semi truck parked in front of the property So I talked to the people and these people moved the truck from over there. Then I found out the same people had another violation in October. Now, anybody who calls me for a violation I tell them to file a complaint with the Village . . . how you're going to do the complaint but I'm not going to file the complaint for you. Although I do file complaints when I see empty lots with high weeds, the person live in . . . or they live in Minnesota or whatever, an absentee owner that doesn't cut the grass. I want to make sure that I filed the complaint. I do that myself. But if it's a case of neighbors between neighbors I always advise them to come and file the complaint here. Why? Because I don't want to get involved in the issue. They remain anonymous the only way the people that are . . . him or her is a court order. I cannot go and ask who complained because I cannot get that information. So that's where the complaint has to be filed, the normal way, and I've talked to many people about that. I practice what I preach. Thank you.

Jeff Lauer:

Just a couple comments. I think we heard a lot of good comments tonight. I think part of the ordinance if it's going to be rewritten we should probably look at having some sort of statement in there about covenants and how that's going to work. I know sometimes residents have come to Village meetings saying we have covenants here but technically the Village can't enforce the covenants part of it.

I like all the ideas that the folks talked about. My idea, we all agree that some ordinances and laws, no matter if they're local, federal, State, County are necessary. However, for every law that's created that takes away personal rights from the Americans. That's the side I come down on and that's why I mentioned last time before is it necessary really having an RV, and Mr. Ward said you have an ordinance and you're not going to enforce it why have it. Is it really necessary to have an ordinance like this? I don't know. I don't think I could be sold on the idea because this is America, it is your property. We already have ordinances if there's a site that has a car with no tires on it and things of that nature. I'm willing to look at the new ordinance, but I hope everybody understands for every ordinance that's created we all know some are logical and some are needed but it does take away personal rights from Americans.

So I like all the ideas I heard and hopefully we can have some sort of quorum on that where Mike and staff can get together to iron out the key issues here. The key ones obviously is the rural areas, not technically the covenant areas but the rural ones. So hopefully we can get one that all you folks like.

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John Steinbrink:

Okay, we're on Item C, Consider Resolution 07-07 to initiate a zoning text amendment related to recreational vehicles. This motion will then be passed onto the Planning Commission?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

I make a motion to approve Resolution 07-07.

Mike Serpe:

Second.

John Steinbrink:

Motion and a second. Any other comments or questions?

Mike Pollocoff:

Just as the staff prepares this for Trustee Lauer you're recommending that—you're not recommending that we don't have an ordinance on RVs?

Jeff Lauer:

No, I didn't say that. I said for every ordinance that's created by any form of government it takes away power from the people because it is their property. It's not the Village's property, it's not the federal government's property. No, don't twist what I just said. I think everybody out there understood exactly what I said.

Mike Pollocoff:

I'm not twisting what you said. I asked that for clarification.

Jeff Lauer:

No.

Mike Serpe:

Jeff, you asked if we really do need an RV ordinance, you mentioned that.

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Jeff Lauer:

Right, do we really need one? I mean does anybody have a yes or no answer?

Mike Pollocoff:

What was that again?

Jeff Lauer:

Do we really need an ordinance is what I brought up on this issue.

Mike Pollocoff:

And I'm asking you—just so I know what I'm drafting, if you're saying do we really need the ordinance I hear you saying we—I'm not sure what I'm hearing.

Jeff Lauer:

Since we opened it up for discussion out there maybe the citizens can answer it. Do you technically think we need an ordinance?

—:

Can I answer that?

John Steinbrink:

I really don't want to create a debate here.

Jeff Lauer:

The motion was made on 07-07—

John Steinbrink:

I think he's trying to discuss both sides of the issue and not get to the middle. I think we'll leave it at that.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #07-07 TO INITIATE A ZONING TEXT AMENDMENT RELATED TO RECREATIONAL VEHICLES; SECONDED BY SERPE; MOTION CARRIED 5-0.

John Steinbrink:

Thank you for your patience.

B. Receive Plan Commission Recommendation and Consider Resolutions # 07-10 and #07-11 to support an amendment to the Village Comprehensive Plan and the revised Whittier Creek Neighborhood Plan.

Peggy Herrick:

Again, the Village of Pleasant Prairie, pursuant to provisions of Section 62.23 of the Wisconsin Statutes creates a Plan Commission and this Commission has the authority to adopt master plans, comprehensive plans and portions thereof. Neighborhood plans are components of the Village's master plan and the Village's Comprehensive Land Use Plan. The item tonight is to look at amendments to the Whittier Creek Neighborhood Plan and amendments to the Comprehensive Plan to conform with changes made to the revised Whittier Creek Neighborhood Plan.

The Whittier Creek Neighborhood Plan is bounded by State Trunk Highway 31 which is Green Bay Road on the West, 93rd Street on the south, Cooper Road on the east and 85th Street on the north. Again, neighborhood plans are based on geographic areas or neighborhoods as defined by the Village's Comprehensive Plan. Neighborhood plans take into account the compatibility of land uses, identifies how future land divisions could occur, plan how access roads to the land divisions could be provided, examines the practicability of providing certain lot layouts, road layouts, parkways, open space areas, park areas, preservation areas, public community facilities, infrastructure improvements and municipal services to serve the area. Neighborhood planning is essential to orderly growth in the community and establishes a framework as to how development should occur when and if it does occur.

In 1994, a neighborhood plan was put together for a portion of Whittier Creek. This is shown on the slide. The portion of Whittier Creek shown here is Old Green Bay Road on the west, 85th Street on the north, 93rd Street on the south and the high tension wires about 57th Avenue on the east. Again, this was a 1994 plan. The plan was revised in 2002 for that same portion of the neighborhood. This is shown on the slide here. This neighborhood is primarily farmland with a number of home sites adjacent to arterial roadways with the exception of the following subdivisions, the Whittier Heights Development and the Wil-Char Subdivision which is located in the northeast portion of the neighborhood, and the Creekside Crossing which is a mixed residential development located in the southwest portion of the neighborhood.

Within this neighborhood there's government and institutional areas which is approximately 7.4 acres. This includes the existing Whittier Elementary School and the Holy Family Catholic Bookstore.

Transportation and utilities, approximately 8.6 acres is located within utility easements within the electric transmission tower lines. This is generally located at 57th Avenue.

Open space within the neighborhood there's approximately 247 acres or 33 percent of the land which is proposed to remain as open space. This includes 190 acres of floodplain, 30 acres of wetlands, 3.5 acres for neighborhood parks and 23 acres of other open space within the neighborhood.

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The residential areas, there's approximately 379 acres of land within the neighborhood that is proposed to be developed as residential. The light brown color is existing residential development. The yellow color is future proposed residential development. And the orange is existing or future condominium or multifamily development. There are 251 existing family lots in this neighborhood. There's a proposed additional 268 lots. There are existing 130 multifamily condominium units. There's an additional 168 condominium units proposed. The neighborhood plan proposes a total of 519 single family lots and 298 multifamily lots and this is a total of 817 dwelling units.

The overall density in this neighborhood pursuant to the Comprehensive Plan is lower medium density residential land use, which means that the average lot area shall be between 12,000 square feet and 18,999 square feet per dwelling unit. The net density of this neighborhood as shown on the proposed neighborhood plan would be 20,218 square feet per dwelling unit. This density is lower than what's required in the Village's Comprehensive Plan.

Agricultural area, the property owner of approximately 29 acres which is located at 6109 85th Street participates in the State's Agricultural Preservation Program and does not intend to develop his land for urban purposes. So this area will remain in the agricultural land use designation. At such time as he no longer participates or would wish to develop his land for urban purposes this portion of the neighborhood would need to be re-evaluated. There are wetlands on this property and floodplain on this property that do limit development purposes, but for right now it's still shown as an agricultural area.

Population projections, current population in the neighborhood is 381 dwelling units of 1,040 persons which includes 239 school age children. Projected population with 817 dwelling units, 2,230 persons which includes 513 school age children. Within the neighborhood upon full development there's an estimate of 343 public school age children that are likely to come from this neighborhood.

The Comprehensive Plan amendments that were approved by the Village Board included changing the land use designation from community commercial to government institutional which is the Holy Family Bookstore at the corner of 93rd Street and Old Green Bay Road, and to move the urban reserve designation in the central portion of the neighborhood. This portion of the neighborhood is proposed to be developed and was the reason why this plan was amended because the property owners wish to develop their land and it has to have a re-look at that area.

Urban reserve areas indicated on the Comprehensive Plan are areas that are not intended to be developed until the year 2010 unless provisions are made for services to be extended and the property owners wish to make those improvements. So that was the amendment to the Whittier Creek Neighborhood Plan that was approved by the Plan Commission and the Comprehensive Plan that was approved by the Plan Commission.

Just one note. The Plan Commission did recommend that the staff look at three other areas and bring back some more alternatives. That will be done by Village staff at a later date probably in the next few months. The three areas that they wanted us to re-look at to see if anything could be

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done is an area right up here south of 85th Street, an area by 91st, and if this road could be rerouted to the south and reconfigure this, so those alternatives will be evaluated by staff and brought back to a public hearing before the Plan Commission in the next few months. But the Plan Commission did approve this Whittier Creek Neighborhood Plan and the Comprehensive Plan amendment. Village staff recommends that the Village Board supports these two amendments and adopt the resolutions as presented.

Steve Kumorkiewicz:

We have to vote on this separate? Okay, I make a motion to adopt Resolution 07-10 and 07-11.

Mike Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike. Other discussion?

Jeff Lauer:

I have a question. Peggy, the one slide that you have up there for the Plan Commission to look at that road up on the left side of the wall there—

Peggy Herrick:

The one here?

Jeff Lauer:

Yes. If I remember correctly is that because the way it's currently set up it would go like through someone's property? Is that the reason why? I don't remember. I thought some resident—

Peggy Herrick:

This person that owns this property does not want to develop their property and they would like us to look at another alternative for the road coming this direction instead of coming through her property and the adjacent property.

Jeff Lauer:

Okay, but if we approve this tonight that doesn't necessarily lock us in for that current spot then right?

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Peggy Herrick:

This would be one alternative and another alternative will be presented to the Plan Commission in a few months.

Jeff Lauer:

Changing the road, okay.

Peggy Herrick:

It will be a second alternative.

John Steinbrink:

This plan does not force anybody to sell their property or develop their property.

Peggy Herrick:

Correct.

John Steinbrink:

This plan is only out for the future so that all roads connect and all infrastructure is in the right place and a guideline for anybody that wishes to develop their property. This, in fact, could take up to 20 years to develop. But without it I think there would be a misuse of planning and funds in the future for future development.

Alex Tiahnybok:

I think that's the exact point that Jeff was driving at. The owner of that property with the S-curve road I think she stated that it would bisect her property and there was some kind of implied expectation that there would be an exchange of property to make her whole. And she was told by the Plan Commission that there would be no taking. It would be purely voluntary market forces. As long as that's okay then I'm fine with it, too.

John Steinbrink:

I think there were some recent sales of properties in that area that changed owners and changed the plan. At one point people did want the road to go through there. That's why it's proposed that way.

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KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTIONS # 07-10 AND #07-11 TO SUPPORT AN AMENDMENT TO THE VILLAGE COMPREHENSIVE PLAN AND THE REVISED WHITTIER CREEK NEIGHBORHOOD PLAN; SECONDED BY SERPE; MOTION CARRIED 5-0.

- D. Consider the request of Kari Kittermaster of Regency Hills-Creekside Crossing LLC, owner a request for a time extension for the Village Board to consider the Final Plat, Development Agreement and related documents for Creekside Crossing Addition #1 and a Certified Survey Map to dedicate and construct the 91st Street required public improvements between Old Green Bay Road and the Creekside Crossing development.**

Peggy Herrick:

Thank you. The petitioner is requesting time extensions for the Village Board to consider the final plat, development agreement and related documents for Creekside Crossing Addition #1 which is generally located north of 93rd Street at 63rd Avenue, and a time extension to consider the certified survey map related to the dedication and construction of 91st Street between Old Green Bay Road and Creekside Crossing development.

Basically, this final plat proposes to create nine single family lots and eight outlots. The single family lots are on the east side in the darker green color on the slide. The outlots are for future multifamily development. The final plat which is known as Creekside Crossing Addition #1 is part of a large mixed use residential development. The development is currently being constructed in a number of phases or stages. Stage 1 includes 15 single family lots which are currently under construction and 116 condominium units which are currently under construction. The remaining nine single family lots and I believe 168 additional condominium units are still proposed but they are looking for a time extension to finalize their documents and potentially down size what they will construct immediately. They are requesting extension to consider this until June 1, 2007.

The Village staff recommends that the Board extend the time frame to consider the final plat for Creekside Crossing Addition #1 CSM, development agreement and the related documents to on or before June 1, 2007.

TIAHNYBOK MOVED TO GRANT THE REQUEST OF KARI KITTERMASTER OF REGENCY HILLS-CREEKSIDE CROSSING LLC, OWNER A REQUEST FOR A TIME EXTENSION TO JUNE 1, 2007 FOR THE VILLAGE BOARD TO CONSIDER THE FINAL PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS FOR CREEKSIDE CROSSING ADDITION #1 AND A CERTIFIED SURVEY MAP TO DEDICATE AND CONSTRUCT THE 91ST STREET REQUIRED PUBLIC IMPROVEMENTS BETWEEN OLD GREEN BAY ROAD AND THE CREEKSIDE CROSSING DEVELOPMENT; SECONDED BY LAUER; MOTION CARRIED 5-0.

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E. Consider Property and Liability Insurance Proposals.

Kathy Goessl:

Mr. President and Village Board, I come to you with Village insurance renewals, liability and property insurance. The chart on the overhead shows the insurance proposals that I received. A couple months ago we went out asking for insurance companies that wanted to bid, and we currently have Community Insurance with the Local Government Property Insurance Fund for our property, and they also came in this year as a renewal. But also Wausau Insurance brought a bid in. Wausau was our carrier prior Community. We've had Community for three years now. Wausau was our carrier for a number of years before that. Their new agent, James Beltman, brought in a proposal for Wausau.

Then we also had Travelers Insurance bring a proposal in. Actually an agent from Robinson, Ryan and Associates in Milwaukee, Joe Weber, actually a Village resident brought in Travelers. In the past Travelers is known as St. Paul. We've gotten a bid from them a number of years ago but not recently. Also, the League of Wisconsin Municipalities represented by Rick Kelsner from R & R Insurance brought a bid in also.

The insurances that we were bidding on is our liability and property insurance. First of all, we looked at our liability coverage. Liability includes our automobile, general liability, law enforcement, public officials and our umbrella policy if necessary. And you can see the quotes are pretty close in terms of that policy coverage. All of them are proposing their own coverage except for Wausau. The public officials is actually separate from Wausau's policy. It's actually under Darwin. Community is proposing Community, Travelers has Travelers and the League has their own plan also.

The next large coverage area is Workman's Comp. Workman's Comp on this line is actually Workman's Comp less an estimated dividend from each of the companies. The only way I consider the dividends if they historically have paid them out in the past. Community has in the past paid out 10 percent of flat dividend, but they also have a program where they offer and they did offer us that this year is actually a flat dividend at 10 percent and a slider based on up to 35 percent. This proposal actually includes about 21.6 percent which would have been our dividend if we would have looked at the last three years.

Wausau actually included the dividend of 25 percent fixed. Travelers did not come in with any Workman's Comp proposal. Wausau actually offered to split Workman's Comp off, therefore I put Wausau's proposal under the Traveler's to give comparison purposes. And the League came in with their own program also in terms of Workman's Comp, but they have never paid out a dividend in their five or six year history so I did not incorporate any dividend in their program.

The third area of coverage is property and auto damage. That is actually most of the companies proposed the Local Property Insurance Fund which we currently have. Community proposed them, also Wausau. Travelers did not propose them. They had their own insurance in terms of property and auto physical damage. But I replaced the pool in their quote because their quote actually notes that vehicles are only insured up to stated value so we can state whatever value we

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want the vehicle to be insured under, but if they are more than ten years old they are insured at actual value. And one of the things we look for in terms of property insurance to cover is our fire trucks and ambulances, especially our fire trucks worth over a half a million dollars apiece. And all of them are basically almost all over ten years old so the insurance wasn't apples to apples at that point.

So to make it apples to apples we actually said that coverage wasn't acceptable and put Local Government in there. Local Government will go with any of the liability coverage or any of the combinations here. The League actually quoted Travelers property insurance and their own League auto physical damage. But their League policy actually probably needs to be increased. We talked on the stated value again on the fire trucks and Travelers was not as high as we would want. So when they re-quoted it, it was closer to instead of their \$47,000 you would add another \$10,000 to \$15,000 onto theirs.

The last coverage we have which is usually gotten from outside agencies or insurance companies is our boiler and machinery and also commercial crime. Those policies are being proposed as additions to our general liability policy. Boiler we have Hartford being quoted under Wausau and Community and we have Travelers covering it under their own blanket. And for the League we had Travelers quoting on that. Commercial crime another mixed bag. We had Wausau, we also had F & D Insurance, Travelers and, again, Hanover quoting those areas.

So in total you can see the total on the bottom of the table. Our current insurance plan for this year, 2006-07 was a little over \$376,000. And then you can see the proposals across. I put them in order of how the premiums were. Wausau was our lowest bidder, Community was next and then Travelers and the League followed Wausau and Community. Under either Wausau or Community we're saving close to \$40,000 and some compared to what our premiums were this year.

Even though Wausau as you saw in previous chart was a lower bidder by about \$4,000 or \$4,500, I am recommending Community Insurance. The first reason why I'm recommending Community is because our potential for the Workman's Comp dividend we can also net an additional over \$26,000. Historical wise is what I put into the comparison chart, but our potentials are a lot higher in terms of what we can get from Community in terms of the dividends that they had offered us.

The second reason I'm recommending Community is that Community which is also CIC has a lower deductible of \$1,000 versus Wausau's, actually Darwin is the separate company for Wausau, \$7,500 for each claim filed under our public officials liability coverage. That's one of the common coverages that we do file claims in the past, so that's a big difference. One claim you have the difference made up even more.

The third reason is Community has been very proactive regarding loss control. A risk management and safety committee has been formed at the RecPlex during 2005. Community's loss control representative facilitated the creation of this committee and attends monthly meetings to offer assistance and guidance to management and staff. Our police department will also begin a training program offered by Community regarding areas of high risk exposure such as using

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physical force during the course of duty. This training is included in our premiums, and Brian is looking forward to that training for his officers.

Controlling loss translates to lower premiums as evident by our Workman's Comp experience mod. The Workman's Comp experience mod factor is set by the Wisconsin Compensation Rating Bureau based on the Village's actual loss history. Our modification factor went from 1.01 in 2004 to .87 in 2007. This is a .14 reduction in our mod factor which has decreased our Workman's Comp premium this year by \$33,800. And our preliminary estimate for 2008-09 looks at our mod going down even further to .84. That means savings to our bottom line for our insurance premiums. And those rates are actually set by the State of Wisconsin. We believe that the actual loss prevention that Community has done for us has helped us experience these lower mod factors with the State.

The fourth reason that I'm recommending Community is that they actually offer a better public officials and employment practices liability insurance coverage. Wausau's proposal includes Wausau as the main liability carrier, but has Darwin as their public officials and employment practice insurer. So with CIC coverage the public officials is under their blanket so it's one carrier for all lines of general liability insurance. CIC's coverage reduces the possibility of coverage gaps or potential disputes between the carriers. CIC also provides coverage on a current basis, insuring coverage for wrongful acts that occur during the policy period regardless of when the claim is filed. Darwin, the carrier proposed by Wausau, provides coverage on a traditional claims made basis requiring a claim to be filed during the policy year. So once the policy year is over if you have not filed a claim you don't have insurance on that claim. So the claim has to occur and be filed in the same policy year.

And the last reason is I took an informal e-mail survey of all our department heads, and the majority of them have worked with Wausau and they also have worked with Community. Most of the department heads prefer Community Insurance over Wausau. As I said before, the Village has been insured by Community for each of the last three years and by Wausau for many years prior. Our department heads have experienced claim handling and loss control services from both carriers and prefer Community because of their claim handling and loss control programs and assistance. Those are the five reasons I recommend Community even though they are \$4,500 more than Wausau at this point in time.

So I recommend renewing with Community Insurance for our liability coverage. The total proposed premium is \$285,943. This includes our liability coverage including public officials and employment practices, our Workman's Comp coverage and it also includes boiler and machinery with Hartford Steam Boiler, and renewing with Fidelity and Deposit Companies for our commercial crime coverage.

I'm also recommending to renew with the Local Government Property Insurance Fund for the Village's property coverage with a \$25,000 deductible. We currently have a \$5,000 deductible with the local government. We can reduce our premium which is included in the comparison chart that reduced premium by \$11,000. We haven't had a property type claim for a number of years. And if we take the \$11,000 and put it away as a separate account to save in case we have a claim in the future we should be able to gain money instead of paying it out to the insurance

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company. So the estimate for the local government is \$51,315 and that's with the increased deductible of \$25,000 for the property insurance. The auto physical damage coverage will stay at our current deductible level of I believe \$1,000. So that's what I'm recommending. Any questions from the Board or Mike might have some additional information.

Mike Pollocoff:

I just want to remind the Board that this amount, the . . . and the \$51,315 is general fund and enterprise wide so this amount gets divided based on the assets and the employees and the payroll for especially Workman's Comp between RecPlex, Sewer Water Utility, Solid Waste Utility and the general fund. So it's still a big number but it doesn't all show up to the tax roll. As Kathy indicated, we have had Wausau in the past and we've had really good support from Community Insurance. I can't emphasize strongly enough even though there's a \$5,000 difference in price what the public officials insurance--well, it's not so much we pay claims because we haven't had to pay claims, but the insurance company will be defending the Village and that's usually where that first \$7,000 is going to disappear is in attorney fees and legal fees based on claims that somebody is going to file against us even if they're not founded. That still happens, and that \$5,000 savings will disappear in no time. I think we average at least two a year. There could be one coming up here shortly. We hope that that kind of thing doesn't happen but nothing forestalls the public's right to litigate with their local government.

Kathy Goessl:

We also have Community's insurance agent here. His name is Kurt Willick and he works for Maritime Insurance if you have any questions for him also.

John Steinbrink:

Questions from the Board?

Kurt Willick:

Hi, my name is Kurt Willick. I'm the agent for Community Insurance. My address is 2040 North 114th Street in Wauwatosa. One option I'd throw up that hadn't been mentioned yet is that with the higher deductible on Community Insurance there's a potential for savings, too. Over the last year period you get analysis and by raising your liability deductible from \$1,000 to \$10,000 you can pocket \$10,000. At least historically over the last three years you would have reduced your premium by a reasonable amount also. That was one alternative that hasn't been thrown on the table yet.

Mike Serpe:

Is there any feel in the future on where these premiums are going to go?

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Kurt Willick:

Yeah, thank you. That's a good question. It gives me a chance to take a minute with Community Insurance being tied to the Wisconsin County Mutual. In the mid '80s there was an insurance crisis for the municipal sector. Coverages were eroding. Premiums were escalating, and I think initially it was 15 counties got together to form the Mutual. They capitalized the company and that was their purpose really. In order to find some stability in a market that seems ever changing. And the insurance if you follow it at all it does go through cycles, hard market, soft markets, and we're at probably as low of a soft market as we've had in 30 years.

But several years ago Community Insurance spawned off as a subsidiary of the Wisconsin County Mutual, whereas over the course of the ten years following 1985 the Mutual grew to include I think 54 of Wisconsin's 72 Counties. They set up community insurance with the purpose of providing the same types of public protection for cities, villages and schools. That's what Community has done. That was exactly the reason why they formed in order to provide some level pricing and quality coverage that didn't see the fluctuations in the general marketplace.

So, yes, I think if the history is any indication of the future the only premium change that you've seen since you opted for Community three years ago has been based on expenditure change by the Village itself. The rates have stayed the same. That's, I think, one nice thing about Community Insurance. You can pretty much count on the rate is the rate. It ties to expenditures. So as a Village if your expenditures are going up you should see a proportional increase in your insurance coverage. Again, that saved for your Worker's Compensation because those rates are set by the State and obviously doesn't come into play.

Mike Serpe:

Regardless of the \$5,000 difference between Community and Wausau I have to agree with staff's and Kathy's recommendation to accept Community. I would move approval.

Steve Kumorkiewicz:

I'll second that.

SERPE MOVED TO AWARD A CONTRACT TO COMMUNITY INSURANCE FOR PROPERTY AND LIABILITY INSURANCE COVERAGE AS RECOMMENDED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Consider Agreement for Professional Construction Related Services for the I-94 West Frontage Road Realignment State Project.

Mike Pollocoff:

Mr. President, this is a contract with Crispell-Snyder for construction related services for the I-94 West Frontage Road Project. The project is part of the Tax Increment District #2 Project Plan. It's a State frontage road that's being turned over to the Village of Pleasant Prairie. The State is

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maintaining that road until this construction is completed when it will be transferred over, part of the original TIF project plan. That project was put out to bid by the State last week. It came in at \$1.2 million which is about \$150,000 under project estimate. Crispell-Snyder was the design engineer. I'm recommending that we continue to retain them for the construction related services which would be staking, engineering inspection and project administration.

This is a difficult road project. We're coming off alignment where if you look at the road we're dodging wetlands and endangered species as far as plant life to get that alignment put out and then also be within alignment at the intersection of Highway C. I'd recommend that the Village President and Clerk be authorized to enter into the agreement with Crispell-Snyder for \$159,200.

John Steinbrink:

I think we need a motion on the floor first. Do we have a motion?

Alex Tiahnybok:

I'll motion.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Now I'll entertain a question. Alex?

Alex Tiahnybok:

Like you said, the funding resources for this are the current TIF? The \$159,000 is going to come out of the TIF?

Mike Pollocoff:

Yes. Tax District #2.

John Steinbrink:

Any other questions or comments?

Steve Kumorkiewicz:

Yes, was the realignment changed?

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Mike Pollocoff:

The original project the alignment coming from the frontage road on the south end was a sag to the east in order to, again, miss some wetlands. Then it's a little bit hard on this map to tell, but we pushed it out and we didn't quite get a 90 degree approach to C, although C is not straight. The reason we can't is, again, there's some threatened plant life species in that area that we need to avoid. So that dictated or trumped the engineering design, the traffic engineering design, and that's why it looks the way it does. To be honest with you it's a little unusual. It's a more difficult construction because it's there but the road will still work.

Steve Kumorkiewicz:

You said there's a proposal to change County C . . . twice as wide as

Mike Pollocoff:

The State is about 60 percent done with the redesign of C interchange. The bridge is going to be lifted 17 feet higher than it is now to enable the filling of the floodplain there. The roadway pattern is for six lanes underneath Highway C to accommodate the turning movements of the traffic coming off of I-94 going into the Abbott site. There will be two left turn lanes coming in at the frontage road. That's not depicted on here. This is going to happen and the other one isn't fully designed. But we've identified an unusually large apron area at C so we have a good idea what the C design is going to look like.

TIAHNYBOK MOVED TO ENTER INTO AN PROFESSIONAL CONSTRUCTION RELATED SERVICES AGREEMENT FOR THE I-94 WEST FRONTAGE ROAD REALIGNMENT STATE PROJECT WITH CRISPELL-SNYDER, INC. AS RECOMMENDED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

G. Consider Construction Services Agreement for the Ashbury Creek Subdivision.

Mike Pollocoff:

Mr. President, Ashbury Creek Subdivision is on its way to final plat approval. We are requiring them to provide construction services and the Village is the one that administers the contract for that. Nielson Madsen & Barber proposes construction related services at \$228,304.55. That's for staking, observation and construction management. Observation and staking can extend . . . and also there are estimates because at the time of the materials the longer the contractor takes the longer the inspection is out there. It is my recommendation to the Village President and Clerk to be authorized to enter into a contract agreement with Nielsen Madsen & Barber for \$228,304.55.

SERPE MOVED TO ENTER INTO A CONSTRUCTION SERVICES AGREEMENT FOR THE ASHBURY CREEK SUBDIVISION WITH NIELSEN, MADSEN & BARBER AS RECOMMENDED; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

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H. Consider Engineering Consultant Services Agreement for the Vintage Parc Condominium project.

Mike Pollocoff:

Mr. President, the Vintage Parc Condominium project has been before the Plan Commission and Board. It's now coming into the final site and operational approval process, and this is another engineering contract between the Village and the engineer to monitor the work of the contractor. The proposal for Clark Dietz is—

Mike Serpe:

Was this always called Vintage Parc with a C?

Alex Tiahnybok:

Was it with a C or a K for the record?

Mike Pollocoff:

It's with a C. The proposal by Clark Dietz is \$113,520 for the improvements for underground grading and the administration of the project with an additional erosion control inspection of \$7,500, although I'll be removing that in as part of the final documents from the developer and requiring that to be . . . so I request that the Village Clerk and President be authorized to enter into the contract agreement with Clark Dietz, Inc. for \$113,520.

TIAHNYBOK MOVED TO ENTER INTO AN ENGINEERING CONSULTANT SERVICES AGREEMENT FOR THE VINTAGE PARC CONDOMINIUM PROJECT WITH CLARK DIETZ AS RECOMMENDED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

I. Consider an Agreement with Kenosha County Humane Society, Inc., d/b/a Safe Harbor Humane Society for Impoundment Services.

Mike Pollocoff:

Mr. President, Safe Harbor provides our animal control services to the Village. Enclosed is the agreement for 2007 which is exactly like the one from 2006 with the exception of a \$300 increase for the month's retainer. The impoundment fee, the boarding fee, the animal recovery fee all remain the same. They're requesting \$300 more based on the size of the Village and the work done. Formerly this was the Kenosha County Humane Society. It's now a nonprofit. There's no one else collecting dogs or securing them and impounding them. I recommend that we approve this agreement with the modification of the monthly retainer at \$1,000.

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Mike Serpe:

Mike, is this a 24 hour service?

Mike Pollocoff:

24 hours, seven days a week. It's one of those things before we looked at it we took a look to see if we could do it. We can't do it for the amount of money they're doing it for. And the only other place that's close is St. Francis but that's not 24/7.

Steve Kumorkiewicz:

Mike, I do remember last year or the year before where we had somebody complaining because we were charging \$100—the Village was charging the person \$100 because the animal was picked up. But the issue at the time was it depends on what time of the day that the animal was picked up the charges changed, is that correct?

Mike Pollocoff:

Correct.

Steve Kumorkiewicz:

After four o'clock they have to pay time and a half and that's what they charged us so sometimes we lose money actually.

Mike Pollocoff:

Well, if we can find out who the owner is, then that person is billed the impoundment fee and the boarding fee and the animal recovery fee. The thought when the contract was originally drafted was if you have an animal it's your responsibility to keep control of it and if you don't keep control of it should the taxpayers pay to go get your animal? So the \$100 plus the \$39 plus the \$12 is the actual cost. It's what we're going to pay. The \$1,000 is what we pay as just the fee to have them available. That \$39 to impound them, \$12 and \$100 is what we're going to pay for each animal that's collected. Some of the animals we don't know where they came from so that's a fee that we end up eating. But if somebody lost their dog and go and get it that's the cost of doing business. I haven't heard a recommendation from the Board unless somebody talked about that. In times of budget that's the charge we set. If you lose your dog then that's what you're going to have. If you don't want to do that then you need to make it a tax roll item so the taxpayers will pay for the dogs.

Mike Serpe:

Move approval.

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Steve Kumorkiewicz:

I'll second that.

John Steinbrink:

We have a motion and a second. Any other question on this item?

Jeff Lauer:

Just one question out of curiosity, Mike. Do we use the service a lot do you know?

Mike Pollocoff:

Sure. We probably in 2005, and I can't remember the 2006 numbers, we impounded an average of 20 dogs a month. Part of the problem is that Illinois dogs they get dropped off from Illinois and we have to get them. I don't know if we have City dogs either but we do have Illinois dogs. They get into the subdivisions along the State Line. We get a lot of calls from Timber Ridge, Pleasant Homes, that part of Carol Beach.

Steve Kumorkiewicz:

We had a golden retriever in my subdivision and I recognized the owner and the owner lives across the State Line . . . that's where he came from, Illinois. But they escape.

John Steinbrink:

I'm going to cut it short. The hour is running late. Dogs may roam where they wish I guess. When it comes to our Village we're responsible for picking them up. The item before us is the agreement.

SERPE MOVED TO ENTER INTO AN AGREEMENT WITH KENOSHA COUNTY HUMANE SOCIETY, INC., D/B/A SAFE HARBOR HUMANE SOCIETY FOR IMPOUNDMENT SERVICES AS RECOMMENDED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

J. Consider Award of Contract for the Purchase of a replacement Hurst Jaws of Life System.

Mike Pollocoff:

Mr. President, The Fire & Rescue Department put out for bids the purchase of a Hurst Tool Jaws of Life equipment. Three bids were received. 5 Alarm Fire & Safety was the lowest, most responsive bid at the price of \$\$35,433.40. Our estimated cost on this equipment was \$40,578. The Chief has done a good job of itemizing all the special equipment that is separate on this that

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makes up that purchase. If there's any questions the Chief is available to answer them. We would take deliver in 30 days, Chief? Okay.

SERPE MOVED TO AWARD A CONTRACT TO 5 ALARM FIRE & SAFETY TO PURCHASE HURST TOOL JAWS OF LIFE EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$35,433.40 AS RECOMMENDED; SECONDED BY LAUER; MOTION CARRIED 5-0.

K. Consider Resolution #07-12 - Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers for the Construction of Sanitary Sewer Improvements on Bain Station Road, East of CTH C, 1750 feet to the Ashbury Creek Development.

Mike Pollocoff:

Mr. President, this Resolution authorizes the levying of special assessments in conjunction with the Ashbury Creek Development. That development is going to be extending sanitary sewer from the core of the development down Bain Station Road to Highway C, and we're requiring that developer to oversize those facilities to serve adjacent lands because those adjacent lands will need to use that sanitary sewer to convey sewage to the treatment plant.

Before we can enter in a right of recovery agreement with the developer agreeing to make that payment, we have to first levy the assessment on the property owners so they have knowledge and notice of it. You'll see on the back sheet the Ashbury Creek Subdivision parcel #1 is the parcel that the assessment is going to be levied against. As with any special assessment this number will be trued up at the time the actual construction takes place and we have an actual cost of what was on there. The right of recovery amount is \$226,956.38 to be paid upon development. And as with our other right of recoveries, if the property doesn't develop or use that sanitary sewer over a ten year period, then that right of recovery goes away. Any questions?

Steve Kumorkiewicz:

. . . they lose recovery rights.

Mike Pollocoff:

Correct.

Alex Tiahnybok:

The total project cost is \$540,451, and Ashbury Creek is paying the \$353,000-

Mike Pollocoff:

They're paying all of it.

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Alex Tiahnybok:

All of it and they have the right of recovery from the owners of parcel #1 should parcel #1 develop within ten years? Standard procedure?

Mike Pollocoff:

Right.

Alex Tiahnybok:

I move approval.

Jeff Lauer:

Second.

John Steinbrink:

Let the record show that I abstain. My family is the owner of parcel #1, the farmland thereof. If we farm it stays the same.

TIAHNYBOK MOVED TO ADOPT RESOLUTION #07-12 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS FOR THE CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS ON BAIN STATION ROAD, EAST OF CTH C, 1750 FEET TO THE ASHBURY CREEK DEVELOPMENT; SECONDED BY LAUER; MOTION CARRIED 4-0 WITH JOHN STEINBRINK ABSTAINING FROM THE VOTE AS HIS FAMILY IS THE OWNER OF PARCEL 1.

L. Consider Resolution #07-13 - Resolution Approving a Stormwater Management Plan.

Mike Pollocoff:

Mr. President, this is a resolution to adopt the Village's Master Storm Water Management Plan which I'm sure you've all read. We've had that up to you for a month. The purpose of the Management Plan is to put the necessary regulations in place to be compliant with Wisconsin DNR Code 216 for water quality. It provides a unified and comprehensive approach to the management of storm water discharges, protection of downstream receiving water bodies and providing solutions to existing discharge issues throughout the Village.

Probably one of the most significant things this does is it provides a procedure for us to be in compliance with that storm water discharge permit through the Clean Water Utility. And it establishes the discharge levels for both the Des Plaines Basin and the Lake Michigan Basin. The Des Plaines Basin is by far the most problematic basin where we're cranking down the release

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rates in accordance with the Regional Planning Commissions floodplain study done to a two year event, which is down significant from the ten year event which existed previously.

It also provides a framework, if you recall back to your books, where as future developments are proposed in the Village we have a very good study, one, to be able to evaluate the impact of those developments, the improvements that are necessary in downstream facilities, the extent to which we need to retain water from upstream areas that may not be developed yet but that could be developed, and really address all of our storm water issues Village wide.

We prepared this program with a grant from the Wisconsin Department of Natural Resources, a \$77,000 study. We used some of that money to design some specific solutions to some specific areas. We redesigned Unit 2 a couple times which is part of this study. We left that last study that was done in there in the recommendation as it sits. And it's the basis for the capital improvement program for the storm water utility as time goes on to make the improvements to some of the more chronic drainage areas we have.

It also provides the framework as to how we're going to get our storm water stream analysis total suspended solids down to a level that is required by the DNR. I'd recommend that the Storm Water Management Plan be adopted as presented. We've had it available for people to review over the last month. We've made it available to developers. We've made it available to any of the consulting engineers that either are working for us or working for clients preparing plans to submit to the Village.

Some things in, especially as it relates to the discharge levels, everybody in Kenosha County that is dealing with the Des Plaines basin is dealing with the same problem of the release rate. So we're not alone on that, it's just that we have a lot more of the Des Plaines Basin in the Village than anybody else has. If there's any questions I'd be glad to answer them.

John Steinbrink:

Comments or questions of Mr. Pollocoff?

Mike Serpe:

The Strawberry Creek Development, Mike, isn't that going to drain into this at some point?

Mike Pollocoff:

It does.

Mike Serpe:

Is that identified somewhere that—

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Mike Pollocoff:

The City was able to have the navigable waterways and the floodplains removed from that development before it developed. They're still there but they were removed from the plans.

Steve Kumorkiewicz:

How did they do that?

Mike Pollocoff:

Bristol is going to have to deal with that water in the first instance. In the second instance the storm sewer underneath the bridge really, it acts like a storm sewer under I-94 is the same size now than it was before Strawberry Creek came in so that hasn't changed. So what it's going to do is it's going to backwash water into Bristol. It will increase our release rate somewhat, but we've really limited development in that stretch from the Des Plaines crossing and I-94 down to the Highway 165 bridge so much that that water shouldn't create a problem. It's such a big basin. The basin goes all the way up to Racine County. It covers a lot of area. So even though that's a little egregious that the City was able to pull off, it didn't help anybody in Bristol. It didn't help us a lot but in the scheme of things it isn't that bad. Bristol gets the brunt of it. They release water as though there is to floodplain.

Mike Serpe:

It was removed and if it can be proven that it does become a problem in the future what can be done?

Mike Pollocoff:

That would be between Bristol and Kenosha to work that out. Even the City, the storm sewer crossing on Highway 50 hasn't changed. They filled that floodplain. That water and that area is still there. It's going to have to carry that much more water. So if Strawberry Creek fills up that's when everything is going to come home to roost. That's kind of the problem the City has over there by 104th and Highway 50 where they back water up in that area because there was so much development and not enough retention. They were retrofitting detention there and they were retrofitting detention in White Caps after the fact.

John Steinbrink:

That's where they did the swales in the back yards.

Mike Pollocoff:

Right. We did it tonight. Typically especially in those newer areas they don't do neighborhood planning where you identify some of that stuff first. The developer brings in a proposal and that becomes the neighborhood plan so you kind of work around that.

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Mike Serpe:

And Bob Martin did most of this?

Mike Pollocoff:

Bob Martin and Bonestroo. Bob has said it before and I can boast him up because he's not here, he's the best storm water engineer I've ever met. People at DNR are going to miss him and SEWRPC. They've already said so because he's really raised the bar as far as storm water management goes. His fingerprints are all over this.

SERPE MOVED TO ADOPT RESOLUTION #07-13 - RESOLUTION APPROVING A STORMWATER MANAGEMENT PLAN; SECONDED BY LAUER; MOTION CARRIED 5-0.

M. Consider Disallowance of Hertz Claim for refund of 2006 property taxes.

Mike Pollocoff:

Rocco Vita can describe this.

Rocco Vita:

Rocco Vita, Village Assessor, 9915 39th Avenue. This is a claim filed by Hertz Equipment Rental Corporation. They filed a 74.35 claim asking for a refund of their 2006 property taxes. Hertz Equipment Rental provided information to the Village that they owned assessable personal property in the Village as of January 1, 2006. That was actually a report filed by their property tax representative. We assigned a value to the personal property like we do all personal property accounts. We sent them an assessment notice detailing the value of the personal property and did not hear anything back until receiving this claim that was received via certified mail February 5, 2007. Upon receiving the claim, as in all claims, I forwarded the information to our insurance company with the documentation that I had on hand, and the insurance company reviewed my documentation and the documentation from Hertz Equipment Rental recommends that the Village disallow their claim.

Mike Pollocoff:

Any questions?

Alex Tiahnybok:

Under what circumstances would the claim be allowed? What made this allowable and what would make it allowable? Where would be the distinction?

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Rocco Vita:

That would be a question for the insurance company to answer. If the Village disallows the claim, then Hertz Equipment Rental has the opportunity to file suit in Circuit Court. So it's kind of like providing information prior to hearing. But the insurance company has taken a look at the information provided by Hertz. I will say that Hertz did not supply the information indicating that the equipment or proving that equipment was exempt in their filing. In fact, you don't need to file returns for exempt equipment in Wisconsin.

Mike Pollocoff:

The insurance company is the one to move this along to court. If they're defending us I'm under the assumption they feel they have a good case and they want to get it rolling.

LAUER MOVED TO DISALLOW THE HERTZ CLAIM FOR REFUND OF 2006 PROPERTY TAXES AS RECOMMENDED; SECONDED BY SERPE; MOTION CARRIED 5-0.

N. Consider Bartender License Applications on file.

SERPE MOVED TO APPROVE THE BARTENDER LICENSE APPLICATIONS FOR SARA VENTURA AND SHERRY KAUFFMAN; SECONDED BY LAUER; MOTION CARRIED 5-0.

9. ADJOURNMENT

LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 10:05 P.M.