

**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
May 21, 2007
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, May 21, 2007. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz and Mike Serpe. Trustee Allen was excused. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - MAY 7 AND 14, 2007**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE MAY 7 AND MAY 14, 2007 VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY SERPE; MOTION CARRIED 4-0.

5. PUBLIC HEARING

A. Consider Liquor License Renewal Applications.

Jane Romanowski:

Mr. President, I'll go ahead and just read what type of license the renewal is for and I'll just read the trade name. If approved, the licenses obviously will be issued and the name and address of the agent or the individual, but it will be easier for recognition for the trade names here.

Class A fermented malt beverage we have BP Connect, Pantry 41 Citgo, PDQ Store, Stateline Citgo, Truesdell Mini-Mart and U.S. Truck Stop. I have a note on here Shawn's, which was the old Super America over on 75th Street did not submit his application so he hopefully will make it on time for a future agenda.

Class B fermented malt beverage license we just have one and that's for the Big Oaks Golf Club We have a Class B fermented and a Class C wine and that's for Honada Sushi & Hibachi. Our Class B fermented malt beverage and Class B intoxicating, our combination B licenses, are for the Chancery Pub & Restaurant, Chili's Grill & Bar, Earl's Club, Famous Dave's, Gordy's Prairie Pub, Halter Wildlife, the Haunted Hawg Saloon which was formerly known as Frosty's Tobin

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Creek, Holiday Inn Express, Ray Radigan's, Ruffolo Special Pizza III, the Starlite Club, Texas Jays, the Village Supper Club and the Wooden Nickel.

And then also a public hearing tonight for cabaret licenses if all the liquor license requirements are satisfied there are three of those and that would be for Texas Jays, the Haunted Hawg Saloon which, again, was Frosty's Tobin Creek and the Starlite Club. You can see on my memo I've noted if there's any violations or delinquencies in invoices or sewer or water. Most of those delinquencies were as of May. They might have paid them by the time I send out my letters, but they will all be paid before a license will be issued.

Also you'll note some zoning violations. Jean Werbie's department has been in contact with those people as well as I have, and they are all well aware of what needs to be done and you can see that on Jean's memo.

I just wanted to go back to Famous Dave's delinquencies for their real estate taxes and their personal property taxes. Those were paid in full as of Friday. They were aware of that and they made sure that was paid so the item was not tabled. But, again, any of these delinquencies some are minor but they will all be paid and they will be checked before a license would be issued out of the office.

John Steinbrink:

Once again this being a public hearing I will open it up to public comment or question. Did we have a signup sheet on this?

Jane Romanowski:

We did but nobody signed up.

John Steinbrink:

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

Mike Serpe:

Mr. Chairman, I'd move approval of the licenses subject to the payment of all the outstanding delinquent bills and taxes.

Steve Kumorkiewicz:

Second.

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Jane Romanowski:

And satisfaction of zoning requirements.

Mike Serpe:

And satisfaction of zoning requirements.

John Steinbrink:

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

Steve Kumorkiewicz:

Yes, a question for Jane. The owner of the Mobile Gas Station it changed ownership?

Jane Romanowski:

That was at the last meeting.

Steve Kumorkiewicz:

Yes, they changed it?

Jane Romanowski:

I haven't heard if they closed yet. The Board granted a license but it won't be issued until all those requirements that we had listed were satisfied. So if the deal falls through obviously a license won't be issued.

Steve Kumorkiewicz:

Because it was . . . the owner. That's what I wondered about.

Jane Romanowski:

Yes, and I believe the owner and the attorney and the architect met with Jean shortly after our meeting.

Jean Werbie:

We did meet with them and we did discuss a number of things with respect to the property if they wanted to make some changes. And they wanted to go through some of those changes and comments with us before they purchased the property so it has not closed yet.

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Steve Kumorkiewicz:

Okay, that's what I wondered.

Jane Romanowski:

It will be all subject to everything that we had listed. They had quite a ways to go.

Steve Kumorkiewicz:

I know it was going to be subject to. Okay, thank you.

SERPE MOVED TO GRANT RENEWALS OF THE FOLLOWING LIQUOR AND CABARET LICENSES SUBJECT TO THE PAYMENT OF ALL DELINQUENCIES NOTED AND CORRECTION OF ANY ZONING VIOLATIONS:

CLASS "A" FERMENTED MALT BEVERAGE

NAME & ADDRESS

TRADE NAME

BP Products North America, Inc.
Fred L. Williams, Agent
P.O. Box 3011
Naperville, IL 60566-7011

BP Connect #2513
10477 120th Avenue
Pleasant Prairie, WI 53158

Roadside Petroleum, Inc.
Surendra Singh, Agent
c/o 7511 118th Avenue
Pleasant Prairie, WI 53158

Pantry 41 Citgo
7511 - 118th Avenue
Pleasant Prairie, WI 53158

PDQ Food Stores, Inc.
Kathy Loberger, Agent
8383 Greenway Blvd.
Middleton, WI 53562

PDQ Store #352
8800 - 75th Street
Kenosha, WI 53142

Marshall IGA, Inc.
Michael W. McArdle, Agent
c/o 12720 Sheridan Road
Pleasant Prairie, WI 53158

Stateline Citgo
12720 Sheridan Road
Pleasant Prairie, WI 53158

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Truesdell Mini-Mart, Inc.
Steve Schuler, Agent
7831 45th Avenue
Kenosha, WI 53142

Truesdell Mini-Mart
8531 75th Street
Kenosha WI 53142

PAPV Corporation
Parveen K. Bhardwaj, Agent
c/o 9017 120th Avenue
Pleasant Prairie, WI 53158

U.S. Kenosha Truck Stop
9017 120th Avenue
Pleasant Prairie, WI 53158

CLASS "B" FERMENTED MALT BEVERAGE

NAME & ADDRESS

TRADE NAME

Jose N. Reyes
6117 – 123rd Place
Pleasant Prairie, WI 53158

Big Oaks Golf Club
6117 123rd Place
Pleasant Prairie, WI 53158

**CLASS "C" WINE AND CLASS "B" FERMENTED
MALT BEVERAGE**

NAME & ADDRESS

TRADE NAME

Honada Pleasant Prairie LLC
Lizhu Cao, Agent
8501 75th Street, Suite G
Kenosha, WI 53142

Honada Sushi & Hibachi
8501 75th Street, Suite G
Kenosha, WI 53142

**CLASS "B" FERMENTED MALT BEVERAGE
& "CLASS B" INTOXICATING LIQUOR**

NAME & ADDRESS

TRADE NAME

Restaurant of Pleasant Prairie, Inc.
Brian Grabher, Agent
7613 W. State Street
Wauwatosa, WI 53213

Chancery Pub & Restaurant
11900 - 108th Street
Pleasant Prairie, WI 53158

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ERJ Dining III, LLC
Paul Thompson, Agent
1903 Stanley Gault Parkway
Louisville, KY 40223

Earl's Club, Inc.
John C. Willkomm, Agent
7510 88th Avenue
Pleasant Prairie, WI 53158

Team R' n B Wisconsin LLC
Terry Lee Meeks, Agent
35 Park Place, Ste. 300
Appleton, WI 54914

Prairie Pub LLC
Linda DeBartolo, Agent
3812 Springbrook Road
Pleasant Prairie, WI 53158

John F. Burke
9626 - 113th Street
Pleasant Prairie, WI 53158

Frosty's Tobin Creek Bar LLC
Michael A. Frost, Agent
3395 - 116th Street
Pleasant Prairie, WI 53158

Prairie Ridge Suites, LLC.
Patrick Palmer, Agent
19275 W. Capitol Drive
Brookfield, WI 53045

Ray Radigan's Inc.
R. Michael Radigan, Agent
10510 Lakeshore Drive
Pleasant Prairie, WI 53158

Frank J. Ruffolo
6218 - 31st Street
Kenosha, WI 53144

Chili's Grill & Bar
6903 - 75th Street
Kenosha, WI 53142

Earl's Club
7529 88th Avenue
Pleasant Prairie, WI 53158

Famous Dave's
9900 77th Street
Pleasant Prairie, WI 53158

Gordy's Prairie Pub
3812 Springbrook Road
Pleasant Prairie, WI 53158

Halter Wildlife
9626 - 113th Street
Pleasant Prairie, WI 53158

Haunted Hawg Saloon
10936 Sheridan Road
Pleasant Prairie, WI 53158

Holiday Inn Express
7887 - 94th Avenue
Pleasant Prairie, WI 53158

Ray Radigan's
11712 Sheridan Road
Pleasant Prairie, WI 53158

Ruffolo Special Pizza III
11820 Sheridan Road
Pleasant Prairie, WI 53143

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Lorraine Aker
7924 19th Avenue
Kenosha WI 53143

Starlite Club
8936 24th Avenue
Kenosha, WI 53143

Texas Jay's, Inc.
George R. Lyons, Agent
9001 120th Avenue
Pleasant Prairie, WI 53158

Texas Jays
9001 120th Avenue
Pleasant Prairie, WI 53158

PAS Village Inn
Susan Neahous, Agent
10909 Sheridan Road
Pleasant Prairie, WI 53158

The Village Supper Club
10909 Sheridan Road
Pleasant Prairie, WI 53158

Joseph A. Nickel
5813 43rd Avenue
Kenosha, WI 53144

The Wooden Nickel
11606 Sheridan Road
Pleasant Prairie, WI 5158

CABARET LICENSES

Texas Jay's, Inc.
George R. Lyons, agent
9001 120th Avenue
Pleasant Prairie, WI 53158

Texas Jays
9001 120th Avenue
Pleasant Prairie, WI 53158

Frosty's Tobin Creek Bar LLC
Michael A. Frost, agent
3395 – 116th Street
Pleasant Prairie, WI 53158

Haunted Hawg Saloon
10936 Sheridan Road
Pleasant Prairie, WI 53158

Lorraine Aker
7924 19th Avenue
Kenosha WI 53143

Starlite Club
8936 24th Avenue
Kenosha, WI 53143

SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

6. CITIZEN COMMENTS

Jonah Hetland:

Jonah Hetland, Mills Enterprises. I'm here to discuss the item on the agenda, Letter F, which is Resolution 07-29 which is blight determination and a creation of a redevelopment plan for property located at 91st Street and 22nd Avenue owned by Mills Enterprises. I just want to give a brief overview of the project.

Basically we have a three and a half acre site that is owned by Mills Enterprises. We acquired the site last October at a Sheriff's sale. The parcel is currently zoned commercial and it has a small vacant strip mall located on it. We acquired this land knowing that this building that is in such poor shape will have to come down, and we also knew of the condition of the soil that has a considerable amount of soil contamination. Our goal on this site is to get it cleaned up not only to eliminate the eyesore but to eliminate the source of contamination and get this hazard cleaned up.

To do this we need to work with the Village to establish a developer funded TIF which will help make this project financially feasible. We'd also need the support from the Village on rezoning the property from the current commercial designation to a multifamily, probably R-11 or something of that sort. Ultimately we would be proposing to construct 28 condominiums on the property. They'd range in size from 1,100 square feet to 1,800 square feet. All units would have attached garages and would comply with the Village requirements for allowable exterior materials. The values would range from the \$140,000's to the \$220,000, and we'd expect the total project value to be somewhere around \$5 million.

As far as build out we're thinking that we're going to start with two buildings right away and we'd expect that all the units would be constructed within three years from that point. As some of you might know, Mills Enterprises does own approximately 500 acres directly south and east of this property that we're talking about, so it really is in our best interest to see a successful project on this site. We feel that because of the property's location and the need for these types of units this will be a very successful project.

If any of the Board members would like to see a representative unit that we're proposing to build, we are currently building these buildings at 14th Place and 22nd Avenue in the City of Kenosha at a development called Northpoint Court. So, with that, when we do get to the item if you guys have any questions I'm here to answer them and we would encourage you to give a favorable recommendation for this project to proceed. Thank you.

D.J. Burns:

Good evening. My name is D.J. Burns. I'm with Drake Environmental. I'm the environmental consultant for the BFU II, LLC project that Jonah Hetland just discussed. What I'm here to talk about a little bit is the need relative to this project to have the Village's assistance in the form of identifying this property as meeting certain criteria so that the available financing mechanisms that the State of Wisconsin allows can be utilized to help to offset some of the significant environmental costs associated with this proposed redevelopment.

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The creation of a developer financed TIF for this particular project site will help to eliminate the environmental contamination that puts the public at risk currently. Formerly there was a dry cleaning site or a dry cleaning establishment at the property, and through the years the DNR has had exhibited a fair amount of concern relative to the cleanup of this property. Unfortunately, prior owners of this property did not have the financial wherewithal to comply with the State's requirements to clean up this property. To that end a local developer has undertaken to try to put this property back into an environmentally acceptable condition and allow for the conversion of this site to a project which would allow for residential reuse.

These types of projects are happening all throughout the State of Wisconsin. This type of brown field redevelopment has been going on for about ten years. The State of Wisconsin has offered up along with local governments many redevelopment tools, one of which is especially important and critical for this project is for the designation of this site to be an acceptable candidate for the creation of a TIF or a TID, Tax Incremental District. The statutory definition for that to allow that mechanism to exist is for the local authority, in this case the Village Board and the CDA, to identify this site as meeting the blighted conditions as they're defined by the statute.

I think we can leave it up to your judgment to determine whether or not it meets that criteria, and having made that step the Village representatives can work with this local developer to return this property to productive reuse and as Jonah indicated replace what currently is assessed at approximately \$200,000 a year, turn that into a site that may drive property tax revenues on the basis of a \$5 million redevelopment project. So we look forward to answering any questions that you may have. And we really look forward and hope for your support. Thank you very much.

Jane Romanowski:

There are no more signups.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Todd Stanich:

Hi, Todd Stanich, Stanich Development. I just wanted to take a few minutes to introduce to you our newest project, the Courts of Kensington which is up here on the board, which is coming before you tonight for a zoning change and conceptual plan approval. Jean will be sharing some of the more in-depth facts and figures with you shortly and we'll be here to answer any questions that you might have afterwards.

The Courts of Kensington is a single family subdivision situated on approximately 86 acres on 104th Street and 63rd Avenue. Ultimately the subdivision should yield approximately 119 new single family homes in lot sizes ranging from a third acre up to one acre lots. We plan to develop the site in three phases, the first phase consisting of 36 lots located on the southern and western

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boundaries of the property bordering 104th and 63rd, and then from there the second and third phase will move to the north and to the east.

The subdivision plan will require some floodplain boundary adjustments, as well as there is a small area of wetlands that needs to be mitigated. These issues, again, will be further addressed in the staff report and our engineer is here to speak to these issues if you have any other questions.

As far as the types and the qualities of homes we expect to see, we've established similar architectural standards as the Village Green neighborhood. Minimum square footage requirements will be 1,900 square feet for single story homes, ranches and 2,200 square feet for multistory homes of which a minimum of 60 percent of the total square footage has to be on the first floor. All homes must have attached garages, two car garages consisting of 576 square feet or 24 by 24 which is generally oversized. This is to ensure that residents will have ample room for storage of personal belongings and the things that usually end up in yards and that type of thing inside the garages as opposed to out in the yard or the driveway. It also alleviates the need for storage sheds and that type of thing that can sometimes put a black eye on a neighborhood.

An architectural control committee has also been established to set and maintain similar property values throughout the neighborhood. Its job will be to review and approve all building plans prior to actual construction as well as ensure adherence to the spirit of the restrictive covenants which consist of other items such as facades, roof pitches, materials, that type of thing.

Other things that the architectural control committee will review is just the general building elevations, color schemes, site and landscape plans, and our intention is to avoid any redundancy throughout the neighborhood. With regards to the construction of the homes our intent is for the Courts of Kensington to be a non production type of neighborhood consisting of many unique contractors, floor plans, etc. We believe this type of variety and character makes for a great neighborhood.

Last Monday at the Plan Commission meeting there were a couple of issues brought up that were still kind of a question. I just want to address that before we even start. With regards to the Village's fiscal review of the project, we understand that there are currently budget shortfalls in funding and fees for the police, fire department, etc. due to the law change that limits the Village's ability to I guess levy impact fees for certain things. Understanding this, we've agreed to voluntarily donate \$891 out of every single family lot sale throughout the entire subdivision.

A second issue that was raised was with regards to the 165 improvements or future improvements. The staff recommended that there would be a traffic impact fee or something associated with the sale of a per unit sale as well. I believe it was \$1,000 per unit which we have agreed to as well.

The last issue that was raised at Plan Commission was with regards to I believe it's labeled Outlot 6 which is on the northwest corner of the subdivision up on 62nd Avenue. The Highpoint neighborhood plan calls for that area to be part of a future school. And we have been in touch with the Kenosha Unified School District with regards to that site and are in the process of

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negotiating a fair and equitable situation for both them and us with regards to that land. Any other questions we're here for you as it arises. Feel free to call on us and thanks for your time.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Alex Tiahnybok:

Alex Tiahnybok, 8757 Lakeshore Drive. I missed you guys. I have several comments I'd like to make. There was a *Kenosha News* story about the desire to bring back the newsletter. Having been sitting up there over the course of the last two years we fought tooth and nail about all sorts of spending issues, things like servers for the RecPlex, a public safety item which I thought really warranted spending some money and that's putting some buoys at Lake Michigan Park. Again, that's a disaster waiting to happen. And I find it kind of interesting that after a two year absence of the newsletter suddenly we want the newsletter back. Coincides with the disappearance of the *Pleasant Prairie Sun*. I suppose there's some warrant there.

Comments were made in terms of the *Kenosha News*' inability to be balanced. Having been on the receiving end of *Kenosha News*' reporting I thought the *Kenosha News* was incredibly well balanced. As a matter of fact, every single time I tried to push an issue I got pushed back and I thought that was evidence of fair and balanced. I've had many, many, many comments come to be about the reporting in the *Pleasant Prairie Sun* that certain articles almost appeared like they were written by certain individuals who have particular perspectives. I have no issues with Abe Goldsmith personally but I'm kind of glad to see that thing gone.

So if we're going to be spending \$36,000 or so on bringing back the newsletter with 5,500 taxpaying parcels in Pleasant Prairie that sounds like a subscription of about \$7 a year for every average taxpayer household in Pleasant Prairie. It's not worth \$7 to me. And, again, we didn't want to put up any buoys for \$9,000 in Lake Michigan Park because it was too expensive.

The Orchard Subdivision, that whole conversation, I was away two weeks ago so I wasn't able to attend that meeting, but I have to compliment Prairie Trails West Homeowners Association because of their vigilance. They've been promised and unpromised and promised and unpromised a position on the County bike path crossing over and over again. And, frankly, if I lived in Prairie Trails West I'd feel like I was lied to over and over again. Again, I commend them for their vigilance, but should a citizen have to be here all the time to watch what you guys are doing? And that's what I think they've been forced into. Unlike myself, unlike all of you that are sitting up here I don't think people can be here all the time, and to feel as though things and the environment changes based on whims of adjacent developers and all that sort of stuff I think it's really unfair. I think some promises have been made, and now with the application being put into the County for crossing the bike path, etc., I think a lot of confidences have been undermined. So, again, if you want your residents and homeowners association, etc., to feel like you're on their side then I recommend following through on your promises.

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That brings up the issue of whose side are we on? We heard a lot about that during the last campaign. We have an Illinois developer wanting to build out Prairie Trails East, and then you have a whole lot of voters and citizens in Prairie Trails West that have been very vocal and adamant against that development because of the need to cross the County bike path. Again, there were a lot of accusations made in terms of who's getting campaign contributions and who is indebted to who because of being opposed to impact fees. Live up to your commitments.

Channel 25 there was a story about Channel 25 being given awards for the Clean Water Utility video. I personally haven't seen the video but I'd like to know if it includes that we're charging \$84 a month to retired ladies on a fixed income whose properties contribute essentially nothing to the problem. That's \$1,000 a year. Was that included? Is that what you got an award for?

And, finally, the thing that I find the most amazing is that the County Board meetings are on Channel 25 now. I begged for two years that a citizen at home be able to turn on Channel 25 on a Thursday night and be able to watch what happened here on Monday night, especially after seeing some reporting about something interesting that may have occurred on Monday night. It wasn't interesting enough. It would require too much editing. It would require too much work. Channel 25 is beautiful but where are those cameras on Monday night? Are they getting recharged or something? Are they not able to be here on Monday night. Put them on a tripod in the back and let them run. County Board meetings on Channel 25 but no Village Board meetings on Channel 25. Ironic.

Jane Romanowski:

Mr. Tiahnybok, if you could finish up.

Alex Tiahnybok:

Okay. Lastly, the property at 22nd Avenue and 91st Street across from St. Therese I couldn't agree more that needs to be changed, but we've made an absolute effort to undermine businesses in eastern Pleasant Prairie. The Sheridan Road businesses have been under attack and now you have a site that's commercially zoned and we want to change it to residential. I'm not against residential but do we need more residential? Do we need to send more kids to our schools and pay more taxes? You have a site that's at a prime intersection that we're lacking services like people have brought up the Loaf of Bread example. Why are getting rid of that? Why are we against business in eastern Pleasant Prairie? Thanks.

John Steinbrink:

Anyone else wishing to speak under citizens' comments.

7. VILLAGE BOARD COMMENTS

Steve Kumorkiewicz:

I'd rather not. It doesn't worth it to say anything.

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Monica Yuhas:

I had the opportunity to go to the TV Glide which is the ice show that was held out at the IcePlex this weekend and it was fabulous. Staff did a wonderful job. It my first time ever in the facility and I was amazed at the ability of these young skaters from four on up I believe. It was truly an enjoyable afternoon. Everyone out at the IcePlex they're doing a great job. I just wanted to say I noticed it and I was very impressed.

8. ADMINISTRATOR'S REPORT

Mike Pollocoff:

I have a couple things. One thing is I agree with Monica that the ice show out at RecPlex was very good. If you were to look at that over a span of time from the first year to the third year you can see a number of things. The number of skaters that participated increased. The quality of the work they do and their exercise there shows that their sport has really done well. And I think it speaks well to the programs that are going on out at RecPlex. I know that it was a run through the mill in the news over the last year for being less than what was hoped, and I don't think anybody had covered what was going on out there over the last month, but it clearly shows that the community supports the IcePlex as all four shows were almost sold out. It did very well and the IcePlex is doing very well. With that I think the IcePlex staff deserves a job well done.

In light of a horrendous event that happened with the Sheriff's Department, and probably the worse thing that any municipality is going to deal with that has a police department, I'd like to commend the Chief and his department and Paul Marik as part of the rapid response team to help in the way they did. For being able to apprehend a subject that fast was a good thing that someone like that was up the street. It speaks volumes to the danger of that profession. I know that the Board has been concerned about, and I think the community as a whole is concerned about it the Village Police Department. So I know that the services are this Wednesday if anybody from the Board needs any assistance let us know. I think RecPlex is going to be doing a fundraiser for the Fabiano family to help them as well through what is the worst thing that's happened to them. Thank you to the Chief and his department for their efforts.

Mike Serpe:

I'd like to comment a little further on that. I think that was one of the best organized, for lack of a better term, manhunts that I've ever witnessed in my career as a law enforcement officer. With Gurnee, Illinois Police Department, Pleasant Prairie Police Department, Kenosha Police Department, Kenosha Sheriff's Department, Mt. Pleasant, Racine, Walworth County to organize and orchestrate that search for that suspect was nothing short of fabulous. I have to commend the Kenosha Sheriff's Department for an outstanding job in thinking and quick thinking they put into effect about the notification system that they have and then organizing the TRT and all the cops that were involved in this thing and making the apprehension.

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I have to comment on what Alex said about Prairie Trails West and the bike trail. That bike trail crossing, as I understand it and I didn't even know it was coming up because I don't get the *Kenosha News* so I didn't know it was going to be an item, but that's an emergency crossing as I understand it, not a regular crossing of vehicles and only when needed. Think back what happened with Deputy Fabiano last week. That could have very well been in Pleasant Prairie. That could have very well have been in Prairie Trails West. And had the search commenced on Prairie Trails East, Prairie Trails West, and having the barrier of the bike trail without the ability to go back and forth looking for somebody when somebody opposes emergency services to try and save somebody's life that just makes no sense to me. They're either ill informed as to what the needs are of people in emergencies or they're making statements for political gain. I hope I'm wrong on that.

9. UNFINISHED BUSINESS

- A. Consider a Development Agreement and related documents between Marilyn J. Kasko of PDD LLC and PDD II LLC; Todd Battle of the Kenosha Area Business Alliance (KABA); Michael Pollocoff of the Community Development Authority of the Village of Pleasant Prairie; and Michael Pollocoff of the Village of Pleasant Prairie; pertaining to the 482 acre property generally located west of I-94 and between County Trunk Highway "C" (CTH "C") on the north and County Trunk Highway "Q" (CTH Q") on the south further identified as PDD-1.
- B. Receive Plan Commission Recommendation and Review and consider Chapter V, "Inventory of Existing Utilities and Community Facilities," of the Multi-Jurisdictional Comprehensive Plan for Kenosha County.

John Steinbrink:

Items A and B will stay on the table.

10. NEW BUSINESS

- A. Receive Plan Commission Recommendation and Consider the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for the properties generally located east of 63rd Avenue and north of STH 165 for a Conceptual Plan for the proposed Courts of Kensington development including 119 single family lots, six (6) outlots.**

Jean Werbie:

Mr. President, I will be making one presentation for both Items A and B under new business so I would ask that both items be taken up at this time.

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- B. Receive Plan Commission Recommendation and Consider Ord. #07-23 for a Zoning Map Amendment for the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for the properties generally located east of 63rd Avenue and north of STH 165 to rezone the properties for the proposed Courts of Kensington development from A-1, Agricultural Preservation District to R-4, Urban Single Family Residential District. The FPO, Floodplain Overlay District and Shoreland Zoning Overlay Areas will remain.**

Mike Serpe:

John, I have to abstain from participating from these two items and the reason being my wife is in real estate and she is working with Mr. Stanich and with a client that has an interest. So I will be abstaining from the voting and from participation.

Jean Werbie:

Mr. President and members of the Board, the request you have before you is the Courts of Kensington Subdivision development. There are two items before you, a conceptual plan consideration as well as a zoning map amendment. The subdivision proposed 119 single family lots and six outlots. The project is located north of 104th Street or Highway 165 and to the east of 63rd Avenue.

In accordance with the Village's Comprehensive Plan, the Highpoint neighborhood is classified as being within a lower medium density residential land use category. All of the lots within this neighborhood need to average between 12,000 and just under 19,000 square feet or more per dwelling unit. The Courts of Kensington is in the south/southeast corner of this particular neighborhood unit. As you can see on this slide, the Plan Commission held a public hearing and approved the Highpoint Neighborhood Plan Alternative Plan #1 on January 27, 2007. The conceptual plan that you have before you does reflect that consideration and approval. A

As you can see, there are three areas identified in a yellowish color. Those are the single family areas that have been identified within this neighborhood. The central part of this particular neighborhood is very significant because it holds a community park as well as a middle school side. So it's a very large area that is attributed to park and open space that will serve not only this neighborhood but neighborhoods adjacent to the east, north and south. The very southwest corner is identified for commercial purposes and that's identified in red.

On March 12, 2007, the Plan Commission held a public hearing and approved a second alternative to the neighborhood plan primarily that reflected some changes in the northwest corner of the neighborhood. The Courts of Kensington also complies with that plan. Nothing had changed from either neighborhood plan that was approved.

The Courts of Kensington is proposed on 85.57 acres of land. Again, they are proposing 119 single family lots and 6 outlots. The lots range in size from just over 15,000 square feet in area to over 45,000 square feet in area from a third to over an acre in size. Average lot size is just over 19,000 square feet. Each of the lots meets or exceeds the minimum R-4, Urban Single Family

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District requirements. The entire development provides for a net density of 1.87 units per net acre. The population projections at full build out of this development is 325 persons or to equate from a school perspective 75 school age children or 50 public school age children.

The zoning map amendment that's being requested the current zoning is A-1, Agricultural Preservation District. A portion of the property is also zoned FPO, Floodplain Overlay District, and the property is also located within the shoreland jurisdictional boundary. At this time, the petitioner is requesting an amendment from the A-1 District to the R-4 District. At this time we are not amending the FPO or the Shoreland Overlay Districts or the C-1 Districts.

Pursuant to Section 420-14 of the Village Zoning Ordinance, any rezoning of any parcel of land in the Ag Preservation District does require the petition as well as findings to be sent to the State of Wisconsin. There are some findings that need to be made by the Village Board. First of all, adequate public facilities to accommodate the development either exist or will be provided within a reasonable period of time. Two, the provision of public facilities to accommodate the development will not place an unreasonable burden on the ability of the affected local unit of government to provide them. And, three, the land proposed for rezoning is suitable for the development and the development will not result in undue water or air pollution causing reasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural resource areas. That is not the case with this development.

Additional zoning amendments that will be required at the time of the preliminary plat, Outlots 1 through 5 are recommended to be zoned into the PR-1, and the wetlands if there are any that are not going to be filled will be zoned into the C-1, Lowland Resource Conservancy District. Further discussion as Mr. Stanich has indicated regarding the Outlot 6 area, that is the area that is proposed to be transferred to the Kenosha Unified School District so we'll have to look at the appropriate zoning for that property. Likely it will be an I-1 designation. The 100 year floodplain is also proposed to be amended.

Open space within the development, approximately 12.5 acres or just under 15 percent of the site is to remain in open space. This would include public parkland, 100 year floodplain and other open space for storm water management requirements. These areas are primarily designated in the blue and the light green areas on the slide.

Public parkland, Outlots 4 and 5 which is along the northern perimeter of the site, approximately 1.16 acres if proposed to be dedicated to the Village for a portion of the construction of a bike and walking trail. This is that walking trail that will connect the Village Green Neighborhood Park area to the Highpoint Neighborhood Park. And this will be an interconnecting walkway trail system. The developer will be responsible for installing the bike walking trail within Outlots 4 and 5.

There is a total of .31 acre or just over 13,000 square feet of wetlands that have been identified and field delineated on the site. The developer is requesting to the DNR and the Corps of Engineers to fill this pocket of wetland. If, in fact, they are denied that request then it would have to be placed into that C-1 designation.

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100 year floodplain on the site, approximately 9.88 acres of the site is located within the 100 year floodplain. As you know, the Village ordinance does not allow for any lots or buildings to be placed within the 100 year floodplain, so the developer through his engineering firm has prepared a floodplain boundary adjustment in order to do a cut and fill analysis. In other words, they are proposing to fill a portion of floodplain and create additional floodplain elsewhere in the site. The volume of the floodplain must remain the same when their work is completed. Once the Village accrues any adjustments the Wisconsin DNR and FEMA must also approve the floodplain boundary adjustment. The floodplain boundary adjustment is proposed to remove 6.845 acres of floodplain from specific lots as noted on the slide and in your handouts. There will be floodplain added. Again, their intention is to deepen those areas so that an equal volume of floodplain can be created.

Other open space within the development, 11.34 acres of other open space located in Outlots 1, 2 and 3 will remain as open space to be used for adjusting the 100 year floodplain as well as storm water retention facilities. In addition and not included in the open space acreage is a 35 foot wide dedicated landscape access and maintenance easement that will be planted along Highway 165. These planting areas will be located on berms, again, to help provide a green space separation between the highway and the properties and to provide a more attractive entrance to the development from 165.

A detailed tree survey was completed for the Courts of Kensington between 102nd Street and 104th Street. A number of trees were identified. Specifically there were a few trees that have been identified with the yellow marking and the X that will need to be removed because of the future roadway system. However, the majority of the trees will remain even though some of them are marginal. Some of them may have partial rotting. Some of them might have some deadwood. But I think the general consensus from the Plan Commissioners was that if we don't need to remove them at this time let's not remove any other trees than the ones that we need to because of the public improvements and try to preserve and protect those trees. Obviously, during some construction of homes there might be some situations where there might be some damage to trees, but one of the other things that we had asked is that the lots, at least 4 through 9 and maybe 12 and 13 that there be some deed restrictions placed on these lots and maybe some envelopes to identify specifically where the buildable pad areas are located so that we can try to preserve as many trees as possible. So if a buyer is looking at a particular lot they understand that there's a preservation area and to preserve those particular trees.

On public improvements on the site, again, I'm not aware of any 165 improvements that are going to be required with this development until a TIA has either been completed or if the State tells us that no TIA is going to be required regarding any type of bypass lane, excel or decel lanes in 165. There will be a new connection to Highway 165 at 62nd Avenue which is the main entrance from 165 into the subdivision. 100th Street connection east of 63rd Avenue so we are going to be interconnecting to an existing roadway system. 102nd Street connection is going to be made also to 63rd Avenue. Main street connection is going to be made east/west. Remember there was a big picture, the neighborhood plan, well this is one piece of that entire puzzle and they intend to construct Main Street. Eventually it will connect to the east and to the west. 62nd Avenue connection to the north will be made and eventually that will be interconnected to a development to the north.

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The entire development is proposed to be serviced by public sewer, water and storm sewer. One of the things I would like to mention is that 63rd Avenue is proposed to terminate in a cul-de-sac. That means the existing connection to Highway 165 will be vacated, and the last property owner on the south end he will need to have his driveway relocated so that he interconnects to that new cul-de-sac that is constructed. 63rd Avenue will also be improved to an urban profile at that time. And this kind of details some of those specifics.

The developer will be responsible for installing municipal water within 100th Street and 63rd Avenue. A ten year right of recovery could be afforded to the developer for the installation of water main within 63rd Avenue and 100th Street if after holding a special assessment hearing the project is approved by the Village Board. The actual cost for such improvements would need to be provided at the time of the final engineering. The water connection to the existing residents is not mandatory. However if those residents connect to the system, they subdivide their lot, they build a new home, if any of those things happen that will trigger the payment of the special assessment. And the special assessment public hearing for off site improvements will need to be scheduled and timed with the final plat of this particular development.

The developer shall also be responsible for improving 63rd Avenue into a full urban profile roadway with curb and gutter, storm sewer and roadway improvements. As you know, currently 63rd Avenue is a rural profile between Highway 165 north to 100th Street, and it would need to be improved to an urban profile similar to what Scott Simon did on 64th Avenue just to the west of this. In order for lots to access off of 63rd they will need to be provided with the curb and gutter connection.

The Village will not require the developer to improve 100th Street on the very north end. I know that 63rd and 64th will be both urban profile roadways, but at this time the staff is not recommending that 100th Street be brought up to a full urban profile roadway. If the property owners that live on that street request that, then that's something I think we could look at with respect to an assessment project.

Construction access for the installation of public improvements both for home construction and public improvements for the public infrastructure would be from 62nd Avenue at Highway 165. We do not want any construction access coming through the Meadowlands Subdivision or crossing through 100th Street and coming through the back way into this development.

The Courts of Kensington development then they are requesting the approval of 119 single family lots and 6 outlots with conceptual plan consideration this evening. In addition, they are requesting rezoning of the property and this would be through Village Ordinance #07-23. The staff and the Plan Commission recommend approval subject to all the comments and conditions as outlined in the staff memorandum.

Steve Kumorkiewicz:

I have a couple of questions for Jean. I see that the developer will pay \$1,000 per property in 165. That's in compliance with DOT 233?

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Jean Werbie:

No. At the time that the Village Green Heights Development was moving forward, the DOT required that a detailed TIA be completed. And what the TIA covered were intersection improvements at a number of intersections from 39th Avenue and 165, ML and 165, Green Bay Road, Old Green Bay Road, a number of intersections. And when the project was evaluated it was determined that those intersections to improve them to an urban standard would cost a certain amount of money. So the \$1,000 per unit will help to pay or defer some of the costs associated with intersection improvements when we get closer to traffic warrants. They will not be paying for Highway 165 improvements unless those intersections have already been completed by the DOT or the adjacent developers. So it's going to be used for 165 improvements, but likely it will be for intersection improvements first since they're the most costly.

Mike Pollocoff:

When we set up the \$1,000, Jean is right that the majority of that is interchange. But you've got to remember that when 165 goes in, the Village is going to be required to pay 25 percent of the cost. So just as we did with Village Green Heights, as everybody has been developing along there, we've been indicating to them that if there was no development at all in that 165 corridor, the State wouldn't be looking to expand the highway. So the expansion of residential or commercial in the case of Village Green Heights is causing that road expansion the new residents are the ones that need to help pay for that 25 percent that the Village at some future date is going to have to pay. Otherwise we'll have to soak it up to the tax roll. So it's interchange improvements as well as that 25 percent of the future expansion when that occurs to pay for that. So that money will be put into a segregated fund and invested for what goes long. Then the interchange improvements are likely to happen first before the highway widens.

Jean Werbie:

And if I could add to that, Steve, the \$1,000 donation does not include, if for example some bypass lanes or turning lane movements are needed right away as a result of this development. That money is not to be used for that. That was above and beyond.

Steve Kumorkiewicz:

One more question. The neighbor that's living at 63rd Avenue and 165 right now on the west side, Mr. Barber, his driveway is going to have to be relocated for the cul-de-sac. I do believe that he has a water connection going to the street right now? That's going to have to be moved to the cul-de-sac. That's going to be part of the cost to the developer, correct?

Mike Pollocoff:

What Steve is indicating is that driveway right now exists onto 63rd Avenue in the area that's to be vacated. As the developer installs that cul-de-sac there will have to be another—

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Jean Werbie:

Lateral?

Mike Pollocoff:

–ten feet or whatever of driveway extended to the cul-de-sac, because that land will be vacated as a right of way and that part will go to Mr. Barber and that will be his land that driveway access will travel on. The developer is going to have to match up to the driveways within the public right of way. We're not going to require the developer and we can't and we shouldn't require him to go on someone's private property and redo the driveway, but every paving job or anything that happens that's the responsibility of the municipality to make sure that work from the curb back to where the driveway meets that gets put back in. It's just that Mr. Barber's is a little bit longer than everybody else's.

John Steinbrink:

And on the water line he becomes a winner on that because he's no longer a corner lot. Any other questions for Jean or comments? If not, we'll entertain a motion.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND GRANT THE REQUEST OF MARK EBERLE P.E. OF NIELSEN, MADSEN & BARBER, S.C. AGENT FOR THE PROPERTIES GENERALLY LOCATED EAST OF 63RD AVENUE AND NORTH OF STH 165 FOR A CONCEPTUAL PLAN FOR THE PROPOSED COURTS OF KENSINGTON DEVELOPMENT INCLUDING 119 SINGLE FAMILY LOTS, SIX (6) OUTLOTS, SUBJECT TO THE CONDITIONS SET FOR BY STAFF; SECONDED BY YUHAS; MOTION CARRIED 3-0 WITH TRUSTEE SERPE ABSTAINING FOR THE REASON LISTED ABOVE.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-23 FOR A ZONING MAP AMENDMENT FOR THE REQUEST OF MARK EBERLE P.E. OF NIELSEN, MADSEN & BARBER, S.C. AGENT FOR THE PROPERTIES GENERALLY LOCATED EAST OF 63RD AVENUE AND NORTH OF STH 165 TO REZONE THE PROPERTIES FOR THE PROPOSED COURTS OF KENSINGTON DEVELOPMENT FROM A-1, AGRICULTURAL PRESERVATION DISTRICT TO R-4, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT. THE FPO, FLOODPLAIN OVERLAY DISTRICT AND SHORELAND ZONING OVERLAY AREAS WILL REMAIN; SECONDED BY YUHAS; MOTION CARRIED 3-0 WITH TRUSTEE SERPE ABSTAINING FOR THE REASON LISTED ABOVE.

- C. **Receive Plan Commission Recommendation and Consider Ord. #07-24 related to Zoning Text Amendments to amend Section 420-56F. of the Village Zoning Ordinance, pertaining to site and operational plan decisions, and Section 420-57B.(1) of the Village Zoning Ordinance pertaining to general standards related to site and operational plan reviews and approvals. The proposed amendments intend to clarify the role of development agreements in the site and operational plan review and approval process.**

Jean Werbie:

Mr. President and members of the Board, in association with the recent April 2, 2007 Village Board adoption of 07-09 and 07-10 that created a Planned Development District No. 1, PDD-1, a 482 acre planned development for a potential gated campus-like complex for uses centered on healthcare and pharmaceutical research and development, including related business offices and other related uses, the Village staff recognized the need to make some modifications to the existing zoning ordinance so that we could effectuate and implement the PDD-1.

After further review by the Village's Attorney, there were two areas that still needed some modifications with respect to the site and operational plan provisions of the Village zoning ordinance. These were Sections 420-56 F. and 420-57 B.(1), and the Village Attorney Baxter recommends that these two insertions be made in the two different sections of the code in order to include other provisions of some related codes. So the first is that a phrase "including, without limitation, satisfaction of all applicable conditions precedent established by provisions of Chapter 395 of the Village Code." As you know, 395 is the Land Division Ordinance.

And the second, "including, without limitation, satisfaction of all applicable conditions precedent established by provisions of Chapter 395 of the Village Code." It was important for us to make the link or the tie between the zoning ordinance and the land division ordinance because it's likely there may not be a land division that occurs on the PDD property. As a result we needed to make the link and tie-in to both.

The staff and the Plan Commission recommend approval of the ordinance text amendments as requested which is 07-24.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-24 RELATED TO ZONING TEXT AMENDMENTS TO AMEND SECTION 420-56F. OF THE VILLAGE ZONING ORDINANCE, PERTAINING TO SITE AND OPERATIONAL PLAN DECISIONS, AND SECTION 420-57B.(1) OF THE VILLAGE ZONING ORDINANCE PERTAINING TO GENERAL STANDARDS RELATED TO SITE AND OPERATIONAL PLAN REVIEWS AND APPROVALS. THE PROPOSED AMENDMENTS INTEND TO CLARIFY THE ROLE OF DEVELOPMENT AGREEMENTS IN THE SITE AND OPERATIONAL PLAN REVIEW AND APPROVAL PROCESS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

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D. Receive report on Senate Bill 107 regarding Video Franchising legislation.

Mike Pollocoff:

If Ruth wants to come up and present her report. I've asked Ruth to prepare a report on the video franchising legislation and the impact it's going to have on the Village Channel 25 operations and also on just some of our day-to-day operational impacts with utilities. So she's going to go through that and I'd like to give some comments afterwards of some more recent things that are happening that will affect that.

Ruth Otto:

Mr. President and Board, just a little background on this. Cable television companies have spent the last 30 or so years negotiating agreements with local municipalities for the rights to rent the Municipalities' Roads Right of Ways, ROW. In return for the rental of the right of ways, cable companies paid the municipalities a franchise fee. This fee ranged anywhere from zero to five percent of the companies' revenue, and most often this franchise fee was passed along to consumers as is the case with Time Warner Cable.

Currently, Pleasant Prairie is not collecting a franchise fee from Time Warner Cable. The Village Board voted to enact a one percent franchise fee during the budget hearings for 2007. By enacting the franchise fee, the funding for the operating costs of Channel 25 would no longer be handled under the general fund but would then come from the subscriber base which uses it. The long range plans were to increase the franchise fee eventually to five percent which would be an average cost to the consumers of about \$3.50 per month or \$42 per year in order to cover the costs associated with videotaping the Village Board and Commission meetings, operating Channel 25 and funding other communication vehicles within the Village government such as the website, newsletters, etc.

Due to Bill AB207/SB107, the Village will not be able to follow through in this long-range plan to raise the franchise fee in the future. As the new bill will freeze the fee at its current role as of the date signed, the expectations of the franchise fee will also change not only must the fee cover the operating costs of the PEG Channel 25, but with the new bill it must also cover right of way expenses incurred upon construction of video service networks in the future. In your packet I did outline some costs that we could be looking at right away, restoration, storm sump pump repair, street light crossings, irrigation and other cable/phone service damages.

Additional programming requirements for operating PEG Channel 25 per Bill AB207/SB107, each PEG channel will be required to broadcast 40 hours of new programming each week, with a certain percentage of that being locally produced. 100 percent of Pleasant Prairie's programming is locally produced. 40 hours should be an obtainable goal and will benefit the residents with additional information. However, the current hours of new programming is at three hours per week. I just want to remind you that I don't believe prime time TV has 40 hours of new programming a week. This creates a little bit of a staffing and equipment issues that are not feasible with a one percent franchise fee.

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The formula for new programming is about two hours of taping for every one hour of broadcastable video. That's being very conservative. With the current level of staffing we can only provide a total of 40 dedicated labor hours for Channel 25 as the staff is also a revenue source for the RecPlex. The staff provides video support to the RecPlex/IcePlex for recording events such as the most recent ice show and sports games. In order to provide the required 40 hours of new programming each week, staffing will need to be increased to at least 60 hours to provide coverage for all aspects of Channel 25, Board meeting broadcasting and RecPlex programming.

On a positive note, the new bill will change the definition of gross receipts. With the new bill, revenue collected from the franchise fee could include the same percentage of advertising revenue, subscriber revenue and home shopping revenue as the subscriber revenue. This means that the cable companies could have top ay from their own keep in addition to the monies collected from consumer fees.

I did attach in your packet a chart showing the potential collectable dollars of the franchise fee ranging from one to five percent. And I also did take the liberty of showing that for the next five years with basing that on an average cable bill of \$70 per household based on Time Warner Cable's information, and a one percent increase of subscribers per year, and the increased cost three percent per year.

The staff recommends that the Village Board consider raising the current cable franchise fee rate from one percent to the cap of five percent for the following reasons. Once Bill AB207/SB107 is signed by the Governor, the Village will be constrained to live with its current franchise fee and not have the ability to raise it in the future.

Once Bill AB207/SB107 is approved, the costs associated with road right of way use by cable companies will no longer be billable to the cable companies but will rather be a tax roll expenditure for the municipality. The Village may no longer be able to collect permit fees to minimize reconstruction costs or repairs to work around the cable companies. At the current franchise fee of one percent the dollars collected would not cover the additional costs associated with right of way costs and the taxpayers in the Village would have to cover the deficit incurred by the cable companies.

Once Bill AB207/SB107 is signed, franchise fee dollars will need to not only cover PEG Channel 25 expenses but must also cover right of way permit review expenses by the cable company now and in the future. At one percent not only would there be a shortage of funds to cover right of way expense costs, but there would be no funds remaining to cover costs associated with the running of PEG Channel 25.

While Time Warner Cable has already installed the majority of their infrastructure under the current right of way agreements, the signing of Bill AB207/SB107 allows other companies to install new infrastructure in all right of way areas in the Village where a potential cable subscriber is located. Potential expenses of trenching and boring to work around fiber for reconstruction of the right of way will be the financial responsibility of the municipality via the franchise fee fund.

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Due to the constraints of Bill AB207/SB107, cable operators will not be charged a permit review fee by municipalities to reduce future costs to construct within the right of ways.

During the 2007 budget hearings, prior to knowledge of Bill AB207/SB107, the discussion of a cable franchise fee was held. It was agreed then that the Village would only collect a franchise fee percentage that was required to cover the costs of PEG Channel 25 to assure that only the users of the PEG Channel 25 were paying for its operational costs versus the entire tax base. During the 2007 budget hearings it was also discussed that at some point in the future when the Village Board felt it was necessary to bring video recording and broadcasting Village Board and Commissions meetings, these costs, both capital and operating, would come out of the cable franchise fee collected from the users of PEG Channel 25. The pending approval of Bill AB207/SB107 creates a revised and somewhat urgent need to revisit this discussion today.

In order to ensure that the Village has enough funds to cover future expenses, and because of the inability to raise the fee in the future, this recommendation also places the Village Board in a position where they can realistically consider the video recording and broadcasting of Boards and Commissions meetings. This was a recommendation that the Village Board discussed during the 2007 budget hearings.

In response to budget discussions video recording and broadcasting of Bards and Commissions meetings would require capital improvements at Village Hall Auditorium. The infrastructures in the auditorium, sound and lights, are antiquated and provide a substandard quality video recording. In order to properly broadcast meeting information this facility would require an improved sound system, better lighting, permanent infrastructure to support video recording and visual presentations. And in your packet you'll see a layout of the cost of that capital improvements as well as the labor that would be required to support that. And the page behind that has a layout of the equipment that we'd be looking at putting in the auditorium.

Mike Pollocoff:

Thank you, Ruth. Ruth has outlined a capital number of \$30,385 and a yearly operational expense of roughly \$18,000 for operational expenses. The Village and every community, especially every community that doesn't have a franchise fee right now is in a difficult position. If you're in the City of Kenosha, and the City of Kenosha already pays five percent for theirs, this isn't going to affect them at least as it relates to the franchise fee.

So we've got a couple things to look at. One is that we're a growing community and what this legislation is called, it's euphemistically called the cable competition act or competition for cable TV under the guise that it's going to lower prices and it may well in fact do that. But the problem is that what they don't say is they're putting that on the backs of local taxpayers. The things that the taxpayers are going to have to pay for is at some level what was public access TV or governmental channels. That's pretty straightforward. But the one thing that we would be paying for and it's a little more nebulous is the amount of work that happens in the public right of way. When someone wants to dig a trench in the street right of way they need to go to Public Works, they need to get a permit, and in that permit they're going to lay out what they're going to do as far as construction in the street. Cable is going five feet off the pavement, it's going to grab

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a shoulder or it's behind a curb or it's not in the street and it's going down a private easement. Then someone from public works would evaluate those engineering drawings. And what we try to do is make sure that that cable, because what the cable is is fiber optic conduits and those are very expensive if you break them and they're expensive to work around, you try and get those things in a place where they're not going to cause us any problems.

The problems we deal with is we might not have sewer and water down that street yet. We might not have storm sewer. There might be curb and gutter planned on them. So if you think of some roads like 116th Street and 93rd Street, for example, those are streets that are going to have over the next five to seven years major rework on what that profile of that street is, and we almost are stuck with trying to come up with what we think that design will look like and then, in turn, put those requirements back on that permit. If we don't get it right or if we don't do it, or we're using the best information we have but we haven't gone out and done the surveying yet and the cable goes in, we have to live with that. So we end up reworking our infrastructure to suite the fiber optics. What does that mean? That means that a water main could have to have a 90 degree bend in it to get underneath a fiber optic cable. That could mean that we have to run storm sewer at a deeper depth and at a worse grade than we want because we've got to get under a fiber optic network.

We have that with AT&T and some of the others, Norlight, other fiber optic services have criss-crossed the Village and they're difficult to work with. The people that pay for that is not the users of AT&T and it's not to use that cable service. It's the people who are paying for those services or the taxpayers. What the original cable agreement that Time Warner worked under the franchise, that was the money that would enable a municipality to get some of that work done ahead of time, and we had a franchise agreement that gave us some teeth to be able to require them to either get out of the way or stay on private property to get that work done.

If you look at what's proposed in the new bill, AT&T's primary work is going to take place in the right of way. We never did see a lot of problems with Time Warner because most of that work - if you think about where your own cable service is coming - is from the backyard. The picture shown signifies how much work is taking place in the right of way. What AT&T is going to be placing compared to the telephone pedestal you have is a refrigerator in your front yard and the cable runs are running to that refrigerator. The amount of work that's happening in a public right of way is incredible. So while everybody is talking about competition for cable, bring your cable prices down, no one except the municipalities are screaming because we're always yelling and complaining about what that's going to do.

If you can imagine if we're digging up the street and it always happens, you're always going to have a water main break, you're going to have a sewer main break, you're going to have a storm sewer collapse, we've got to go out and dig things up and all of a sudden we're working around fiber optic cable that's \$2,000 a foot to fix when you hit it. When we hit it we call the insurance company. Whenever that happens, it's an incredible cost to deal with. And you'll be seeing those around the Village and you'll be seeing them around the City. The City has a moratorium on them. We could do the same, but this legislation will take that ability away also.

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So that's why our ability to control what happens with the permits in the right of way is significant. We'll be dealing with the complaints after the fact, and we're going to be dealing with the everlasting impacts of having to put that stuff in the right of way because that's more convenient for the contractor to do it. The fact of the matter is they've been able to convince or it looks like they'll be able to convince the legislature that this is good because it's going to lower somebody's cable bill a few bucks more. So our franchise fee takes on a whole new scope of what we'll have to deal with. We're not just paying for Channel 25 anymore. We've got to be able to respond to those permits in the request and do it in an intelligent manner where we don't get caught up short.

The other salt that comes in the wound through this legislation is the legislation says we can't charge for the permit either. So we'll have to get the engineering done, get the permit work done, we can't charge for the permit and we have to let them go in the right of way. We won't be able to deny that.

The other thing that puts every municipality in a difficult spot, and as I said it's every municipality that doesn't have a franchise fee or doesn't have one that's five percent, is it takes that window of time where you could have a franchise fee and it collapses it to ten days or less. That window is going to be based on how fast the bill comes out of the legislature, when the Governor signs it, and when the public has knowledge that that bill has been signed. From the time he signs it we have ten days, but we might not know when he signed it and that's happened on a lot of bills. That's not just this Governor. Every Governor used that tactic. You don't have that much time to respond to it. So we wouldn't have a lot of notice to sign this.

Are we going to need five percent to run this? When Time Warner was really starting up on their work, again, most of it was in the backyards. Ruth had Public Works take a look at the work that was done by Time Warner Cable as part of the work where we got broadband service out to LakeView. We did \$3,690 worth of permits which helped us go through that area and that's pretty well developed. We know where everything is. That's the amount of work that's just going in one spot in the Village. If AT&T decides to bring in the refrigerators and start the work not all of that is going to happen in a fully designed and laid out area. We're going to have to be laying out some of these areas or play the roulette that we'll catch up with it later. Because they don't put a big box like that in there for just a couple strands to come up. They're trunking a lot of cable into those boxes.

The League of Municipalities is working to get three key amendments to this bill put in place. One is let the municipalities decide between zero and five percent how much money they need. Don't force everybody to go to five percent that might not need it. Or, don't give a community the opportunity not to lower their rate if they decide they don't need it. Just making it from zero to five is crazy. Make the cable companies no different than sewer, gas and electric and other ones where they have to pay for the permit to do their work. There's a reasonable nexus between a utility saying I want to dig up your street, I want to dig up the shoulder of your road, here's my plans and here's a check for whatever that review is going to cost. Why should the taxpayers have to pay for someone else's improvements to be put in the public right of way.

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The third one is, as Ruth said, one of the restrictions was or the requirements was to have 40 hours of live TV. I mean I cannot imagine watching 40 hours of live municipal TV. I'm not even sure what we could come up with. My thought would be put a camera out at Lake Andrea and we could watch the ducks fly. That would constitute our 40 hours of live TV and call it a day. All municipal TV or cable was meant to be was to provide an access to Board meetings, Commission meetings when you had them on, get Village information or news or things like that and the cycle is meant to be short and repetitive because who wants to watch it all day long and all night long? We have a nice project but I don't even watch it other than to catch what's going on. So making us have 40 hours of live TV is crazy. We should be able to get on what we need to get on.

So even though I'm not a proponent of increasing staff expense or cost just for the sake of meeting that statute of having 40 hours. I think if we're put in a box to raise it five percent based on the budget discussions we had, we had some other priorities that were more important as far as the budget process rather than Channel 25. But if we're going to be in a position of having been made to do that then go ahead and put the meetings on and that's where the money is coming from.

I also don't think we should use Channel 25 money for the newsletter or website. Because the people that are paying that are the people that have cable and they have no choice. I think right now we cover the website out of the general fund and we'll be able to do the newsletter I know for less than what we indicated in the staff report. We found some ways to cut that short.

I guess the policy decision as it relates to, and this has a couple parts I guess, if you want to put off the decision on adjusting the cable fee until we know exactly what it is, it's just the Board will have to be on a 24 hour notice because we might not get that much notice. It's not good policy. It doesn't give the public a chance to respond. That's one reason, and I talked to John about this, about putting it on the agenda so that everybody knows what we're dealing with. If the news reports, if it gets out that this is in front of us, that we're going to have to deal with this one way or another, hopefully calmer minds will prevail. Some of these things where you don't give a municipality the chance to say we don't need five percent, we only need two or three or one or whatever the number is, let that local government decide what that rate is rather than ratcheting up to five percent and then be on call to do it.

The other thing is if you want the staff to prepare more information on televising the Board meetings and Commission meetings, if you're inclined to do that, we can begin getting that work ready. I know there was a comment made about the County Board being on Channel 25. They asked if they gave us a DVD if we'd put it on and it's their DVD, they film it, they do it. I thought that was good public information if people want to see what goes on at the County Board they provide it to us and we'll stick it on there. When we do ours we'll put ours on. I think anybody who has been to a County Board meeting and a Village meeting they operate differently. There are more different things going on. There are different things to do as far as filming it. I think those are some of the discussions we need to have and we're getting drug to them prematurely.

I'll also talk about the next item because it relates somewhat and that would be the amendment of our franchise agreement with Time Warner. We have to agree as two entities to provide for the

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franchise agreement and they're amenable to that. They've got the same hesitancy as I have about jacking this thing up to five percent right away. Their feeling is they think you'll have enough time but they can't guarantee it. They're recommending that we phase it in. And I guess if I felt that we had some certainty of what the legislature and the Governor is going to do then we could phase it in. That would make sense.

But in your packet they've submitted a proposed amendment to our existing franchise agreement. In the first instance I refer you to page 4. They've got gross revenues that Ruth talked about that could be coming up. They've identified what that is and it doesn't include taxes or late fees or anything that's not cable TV related. I think the most telling thing is, and I think it's kind of which fish has eaten the next bigger fish, but on page 5 in the event of change in any local, State or federal law occurring during the term of the franchise eliminates the requirement for any one of the persons desiring to construct, operate or maintain a cable system within the Village to operate a franchise from the Village for the construction, operation or maintenance, then at the grantee's sole option grantee shall have the right to immediately terminate.

AT&T's long-range plan and it could be Time Warner's, they're not saying, is to do to the State the same things that the State is doing to the local governments. So if the federal government takes over cable TV then what Time Warner is saying is all bets are off, you lose your right to collect a franchise fee, work out your own deal with the federal government or hopefully it thinks about you. But their government affairs person indicated to me that is what they see the next direction of this is – for the lobbyists to push for the federal government to take over. If they've got the political wherewithal to do it that could happen. So they've provided for that in that agreement.

Also towards the end you can see they left a blank on page 24, franchise fee payments. Subject to political law grantee shall pay to the Village a franchise fee in the amount of five percent of the grantee's gross revenues to be implemented over a 24 month period in order to minimize the effect on cable customers. So they're looking over a two year period to get it from where we are to five. I guess all things being equal if we knew what we were dealing with I think that's more than reasonable. When we adopted the cable fee we didn't go to the top right away. We wanted to be able to grow that up. That's the franchise end of the environment. So that's kind of where we are with cable. We don't have the money to spend on buzz words like fair competition for cable.

I talked with Senator Wirch and he's pretty sympathetic with trying to get some of that language changed for us at the Senate level. As I said, the cable companies shouldn't be able to have fair competition at the taxpayer's expense and right now that's what the cable bill is. The benefits they're gaining is at the expense of the taxpayers.

John Steinbrink:

Just a little more insight on that. I was one of the few votes that voted against this. I had the pleasure of sitting through the utility committee on this where we saw the protections and the franchise agreements all being gutted. Whatever the municipalities had negotiated would disappear underneath us or under this. There was the promise of lower prices, of course, more

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jobs and that was a big selling point. But, as you said, there were several costs involved here. Local governments incur a big cost. Rate payers are going to lose a lot of the consumer protections they had.

This can always be equated to the deregulation of the telecomms when that was such a good idea when you saw Ma Bell broken up into all the little Baby Bells and everything else. We know where our prices went after that. The Assembly rammed it through. The Senate had the foresight to at least send it to the finance committee where they're going to take a look at this and see where the financial impact is going to be. I know there's a possibility of a \$4 million impact to the State on this going through, not to mention what it's going to cost each individual community. When they talk about competition, it's kind of ironic because this is basically only where AT&T serves which is only in the populated areas of the State. The rest of the State has no competition or will have no competition. Satellite TV right now there is no regulation over that and there will never be right now. But every community that's out there is going to lose the agreement. They negotiated with their cable company and have to go to the State for somewhat of a semblance of organization or putting the Humpty Dumpty back together to try and make it work.

When they talk about the lower prices that's basically if you were to buy the bundle out there. You're going to get the cable, telephone, the internet all out there with it. And that's usually an introductory package where you're going to have it for a year or six months. After that you never know what the prices are going to be. What it doesn't address is mergers in the future. You might see AT&T buy out Time Warner or Time Warner buy out AT&T. Once again, you lose all your competition again. The biggest impact, of course, is removal of local control. Right now we're the ones that are controlling the regulation. If you look at all the years of consumer protection built into cable TV those all disappear. Some of those were put back in committee but not all of it. So this is tilted towards the telecommunication companies. So when you have a complaint you're going to come complaining to the local municipality because there really is not structure set up to handle the complaints on the State level.

Some of those amendments, further protections and talking the PEG channels were put back in committee. Thirty amendments were proposed on the floor which all of them were just about denied. Those are what would have brought this up to a level where we could deal with it and work with it. I know the League now has more issues to bring forward, too, because even as this was progressing, the State couldn't tell you what was happening as each amendment was added or changed because nobody really knew yet because nobody went through the whole structure of what's going to happen when you remove something and put something partially back.

But I think in the end the burden of cost is going to fall once gain on the municipalities. That's been the State's theory here all along is promote savings by basically saying it's going to be there but the consequences fall to the local municipalities. I thought it needed a lot more work. I think after your presentation of what really happens here with it that's the proof that it needs a lot more work and it's unfortunately that this is moving through at the speed it is, because there's no reason to move at the speed it's moving up in Madison. Well, that's one reason and that's campaign contributions I guess. Alex brought that up and made a nice allegation about local developers and locals and campaign contributions. I'm not sure what the insinuation was but this,

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in fact, shows when you make campaign contributions things happen as far as this kind of stuff at the State level.

Not to stray off, but you'll notice that fireworks has worked its way back into the State budget versus talking about healthcare and other issues that need to be talked about. This is one of those where the lobbyists spoke loud. It's unfortunate we have to make a decision or plan to make a decision on a one or five percent fee because we don't know. The federal government proposed to us at the State level we have to come up with all the monies to fund a federal ID. We were trying to figure that out but they don't give us the rules for it. Now they give us the rules and we find out it's going to cost more money. This is going to be the same thing. When we get down to the bottom line it's going to cost somebody more money. I'm not sure what the savings is going to be in the cable market. Hopefully there's going to be some real savings there because they're putting it in one pocket and taking it out of the other and that's unfortunate.

Ruth did a good job of going through this, and I'm not sure which direction we're going to go because everything is in the air and we don't know where to go with it. And at the State level nobody really knows where it's at either but yet they're pushing it forward. As I said, the Senate has the foresight to kind of put the brakes on it and put it into Finance and start looking at it a little closer to determine what the fiscal impact of it is going to be. Are there any other comments on this?

Mike Serpe:

It's unfortunate. In watching this develop I'm glad that the campaign contributions made by AT&T to the Governor and to many State Legislators had no effect on this bill getting to where it's at today. That made me feel a lot better. John, I guess as far as this tonight I don't know that we should be acting on this as yet, but I would ask you and your staff, and if there is a sneak attack going on up in Madison that sometimes takes place that if they get the heads up on that that we get an immediate notification so we can call an emergency Board meeting to deal with this if we have to. If that's not too much to ask I don't know if you can do that or not.

John Steinbrink:

They key here is going to watch the Senate calendar because they're going to have to pull it from Joint Finance and make a motion to pass it. If that language isn't similar or the same as what the Assembly passed then it's got to come back to the assembly and we have to once act upon it to concur with whatever changes they made into it. So hopefully it's going to be hard enough to hard that we're going to be able to see it in the light of day.

Mike Serpe:

Not speaking for the rest of the Board, but I would be willing to come in from wherever on an emergency meeting if necessary to protect the Village as much as we possibly can with something that right now is as ridiculous as I've ever seen.

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John Steinbrink:

The language hasn't been put in there. Upon the Governor's signature, two weeks after the Governor's signature we don't know what that's going to be yet so they're kind of leaving us out there hanging and guessing. We're not alone. There's all these other municipalities that are in the same situation. And it's worse for some of those that have no chance of any competition out there but they've lost everything they've put into it. And if you like the way that refrigerator looks that was one of the things Milwaukee went into the lawsuit with AT&T on. And the irony of all this was the day we were voting on it in the Assembly I received a letter here at the Village from AT&T informing me that I was the lucky person because they would be coming to my Village to start the infrastructure work so that we could have competition in the video market.

Mike Serpe:

Very big of them.

John Steinbrink:

Without even having a bill passed.

Mike Serpe:

I think right now this maybe should be tabled.

Mike Pollocoff:

I don't know if you need to table it. Just receive the report.

Mike Serpe:

Okay, receive and file?

Mike Pollocoff:

Yes. But if there's anything or some other concepts that you want us to look at, I know Monica talked to me about treating it as an enterprise so that if there's an overage that overage would go back to the users. If we get boxed into the five percent or nothing routine and we have more than we need then how do we square that up?

Mike Serpe:

That's a good idea.

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Monica Yuhas:

And that's something I felt very strongly about talking to Mike. I said what if we end up with a surplus of money because maybe eventually things aren't going to cost as much to fix. How do we return that money? Well, it's only fair to return it to people who subscribe to cable, not to everyone in the Village. So I asked about an enterprise fund, something that when someone brings in their tax bill they're given a refund based on the amount of their cable bill.

Mike Serpe:

That's a great idea.

Steve Kumorkiewicz:

Now, do the statutes allow us to do that?

Mike Pollocoff:

Yes. I think at least as it's proposed we'd have to limit our collection to five percent. The Board could take that five percent as a surplus and float it. I mean under our rules now a surplus goes back to general fund and to reserve. But if we have a specific resolution or ordinance that says any surpluses as of a date certain will be sent back to the users upon the presentation that they are a verified cable customer that would be an arrangement between the Village and the cable customer and not the Village and the cable company because we no longer have a franchise with them. We have no legal relationship with them.

Mike Serpe:

I have a question. Mike, with the unknowns that we have on as many streets that we have in the Village where there's no sewer and water and things start taking place, the possibility of high cost of repair are going to be there. Are we able to bank any of this money as far as accumulate for any periods of time or is there a cap on what you can accumulate?

Mike Pollocoff:

That's what's kind of the hidden secret on this. If somebody digs a trench and it settles, we can make them go back and fix it. At least we have that ability. What we don't have the ability to do is collect our expenses for reviewing it, and the review sometimes almost involves creating a design. But what is really expensive and happens on virtually any project where you have an existing fiber optic duct package in the road, you have to put your work underneath it or around it.

I'll pick on Alex. He's got everything on his street except sewer and storm sewer. And he's on the lake side so his fiber optic has to be in the street. It can't go in the lake. So when AT&T comes in we've got to sit down and say, okay, now if we ever want to put something in the street here we've got to put it in the right spot. Or, if it's not in the right spot and we don't have a storm

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sewer design laid out, which would probably be the one thing that would go in there, or maybe 30 years from now we've got to come back and put sewer in, we can't put that duct package. We have to work around that. I've seen thousands and thousands and thousands of dollars where we've had to go out of our way to work around a duct package. Once they're in they don't have to move them and they're expensive. To this day you can almost see a trench coming down 39th Avenue where there's a fiber optic duct package that kind of travels in the southbound outside lane. When we put the sewer and the water down that street, we had to expose that whole duct package and lower the water main and lower the sewer main so we could get underneath that duct package. We added easily more than \$100,000 to the cost of that project because we had to work around them in a public right of way. So that's the cost. People don't realize once they're in they're in.

This Village isn't fully developed, so either we design everything for how it's going to be which we can't, or you do your best shot at deciding where it's going to be. So the real cost to the taxpayers is what it's going to cost us to do the business that the taxpayers have to have done in their very own right of way, the right of way that belongs to the taxpayers that we've acquired from developers that's for our use. We would have to pay more to use those improvements because of what somebody could get in without regulation. That is the real cost.

So you're looking at somebody and saying your water assessment instead of being \$60 a foot is \$75 a foot, or your sewer instead of being \$75 if \$110. You've got to stay away from that stuff. You can't move it and the risk of breaking it is such that the closer you get to it the higher you're going to pay as the contractor works with it because he's not going to take the risk of damaging it and paying for it. A fiber optic conduit in the right of way is poison. You talk to any contractor or any of our staff having to deal with them that's what adds costs to our projects is when we have to go around those and work around it.

You'll have a utility that's going to look at Pleasant prairie, nice demographic, median income in the high \$70,000 a year, people that want to buy cable service or their service, they're going to run it as much as they can because they hope to steal as many Time Warner customers as possible.

Mike Serpe:

But they cannot do any work in the right of way until they first meet with public works, is that correct?

Mike Pollocoff:

They have to file a permit. They don't have to pay for it.

Mike Serpe:

They have to meet with them and file it.

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Mike Pollocoff:

But what I'm saying is the problem is if every street was like LakeView Corporate Park or a fully developed subdivision we can tell you where everything is. But in so much of the Village that's not the case. And sometimes they're going to be meeting with the County. I'm not saying this to say anything bad about the County because the County looks at those roads and they say, fine, get it away from the pavement because that's all the County deals with is the pavement. We have to deal with the sewer and the water. They don't run that by us. With the County we have no control. We just have to live with what we get.

Mike Serpe:

It's just hard to believe that something—it's not hard to believe knowing the State the way it runs, but it's very, very disturbing that something like this is taking place with people that we entrust our lives with. That's pretty bad.

John Steinbrink:

You want to just receive and file on the report?

Mike Pollocoff:

Yes, and we'll take any comments you have and we'll work them into this report and have it ready so like we want to treat the cable as an enterprise that would refund surpluses that the Board would declare.

E. Consider Amendment to the Franchise Agreement with Time Warner Cable concerning franchise fees.

Mike Pollocoff:

Unless we really have the first part nailed concerning the proposed legislation, I think this amendment needs to be received and filed as well. The staff will finish working with Time Warner. If the bill passes, this agreement might only last for another month or two.

Mike Serpe:

So we can receive and file Items D and E?

Mike Pollocoff:

Right.

Mike Serpe:

So moved.

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Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Further discussion?

Steve Kumorkiewicz:

Yes, one question. In this country we believe, as far as I know when I became a citizen, in rights and obligations. Every citizen has the right and obligation, and in this case what we're looking at is the State government is pushing on us the obligations. AT&T is going to have all the rights and the citizens of the communities and the local governments are going to get stuck with the obligations. Now, they don't do what they preach. A typical example is what happens when you've got lobbyists . . . what I call green grease will apply in this case.

SERPE MOVED TO RECEIVE AND FILE NEW BUSINESS ITEMS D & E; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

F. Resolution #07-29 - Resolution authorizing the Community Development Authority to initiate a determination of blight and creation of a Redevelopment Plan for property located on the southeast corner of 91st Street and 22nd Avenue.

Mike Pollocoff:

Mr. President, the CDA heard a presentation from Mills Developers for the property located on the corner of 22nd and 91st. It's been known by a lot of different names. It was once owned by Sergio's. It's been Porky's. It's been numerous different businesses. In fact, the Village offices used to be there in the early '60s. It's never been a successful business venture in the whole time it's been there. I guess if there's a lack of businesses in that area one option the Board would have is require of Mr. Mills that you have to stay in business there no matter what. We're not going to change the business zoning on this.

But they as the owners have requested us to recognize the fact that the building is blighted. It's blighted because there is a dry cleaning contamination of the soils. The person who is responsible for that back in the '50s we don't know where he is and we don't know if he's alive. The previous owners have tried to locate that individual. There is a dry cleaning cleanup fund that could be used in part if that was attainable, but it isn't. So not unlike what the City of Kenosha has done at the Brass site or some other sites, there's the opportunity for the Village to use our financing abilities to use something that's called an E-TIF, an environmental TIF, or a general TIF. This resolution would direct the Community Development Authority to start the process to make a blight determination if, in fact, the property is blighted. I don't see how a reasonable finding of contaminated soils in that area could say that's not blight. I don't see how a reasonable determination of blight is going to determine that that shopping center has been a

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roaring success and could continue to be a roaring success. The place caught on fire in the middle of the center and they haven't been able to fix it. It's still burned out from that fire.

So if we make that blight determination that would enable the Village and the developer to enter into an agreement whereby they would agree to demolish the site and get the site put back into a condition that would allow for the development of the condominiums. Those expenses related to that cleanup would be paid for through TIF, which means that all the taxing entities would continue to get the taxes they get from that shopping center in the condition it's in today, but that increase in value would be used to pay off the bonds that the developer would hold. So the developer would be undertaking the debt and they would get paid back as that TIF increment came in. In this case, the Village would be the conduit for that to happen.

Now, they still have to prepare the plans, do the site plan. They have to have the land rezoned in the multifamily designation. They have to go through the condominium platting process just like anybody else. None of that changes. It's just that all this is happening to eliminate contaminated soils and the blighted use there. There's also, and I took a walk through the site a while back, there's piled up broken concrete and asphalt behind the building. It's been there so long that the trees that are there have grown up through that asphalt that was piled back there. It's a mess.

But, everybody that lives around that gets a kick at the cat on numerous occasions on the TIF hearing, the blight determination, the zoning, the condo plat to see whether or not they like it. The developer gave his preliminary plans. Since this is TIF he can't really do the full development plan to be developable because otherwise you've lost the ability to say, well, one reason you do TIF is because you wouldn't do it any other way without the TIF, so he's kind of hamstrung to be able to do the final layout.

The representatives on the CDA felt it was an acceptable alternative given what's there. There is multifamily in that neighborhood, not directly adjacent but in that neighborhood. So if you wanted to make it a park the Village would really need to be willing to buy it and pay for the removal ourselves. Or, if you wanted to make it single family residential I doubt the TIF would pay off and we'd still be looking for somebody to clean up that contamination. That contamination eventually it leads into the Barnes Creek drainage way and finds its way through Barnes Creek to Lake Michigan if it doesn't get fixed. Right now they're reasonably certain it's contained within that area and we would need to get to adjoining properties and have them determine if the contamination is there. As Jonah indicated Mills does own the land to the south, not all the land but a big chunk of it so it's in their interest to participate in that cleanup as to what extent it takes place.

So the responsibility of the Village Board in this is to authorize the CDA to commence a project and take it through completion. This resolution would authorize or request that the CDA start the process to make that determination of blight and also to develop a redevelopment plan to bring that back to the Village Board and start the process. That would be my recommendation as well. If you have any questions.

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Mike Serpe:

I have a question. D.J., if I could ask you, I asked you at the CDA meeting if basements were going to be allowed and you said the DNR said no.

D.J. Burns:

That is correct.

Mike Serpe:

Let me ask you this. If possible that that land could be cleaned up to the point where there's no contamination any further on that site, why then couldn't you put basements in your development?

D.J. Burns:

If the contamination was entirely removed from the project site I don't believe that the DNR would oppose the construction of basements at that parcel. The problem with that is the cost issue. DNR may require us to undertake a cleanup that would be in excess of a million dollars in order to satisfy that type of criteria.

Mike Serpe:

Okay, thank you.

Steve Kumorkiewicz:

I have a question. How deep to you have to go to eliminate the contamination.

D.J. Burns:

In order to remove the majority of the contamination in the soil the excavation under the southeast portion of that existing strip mall will extend approximately 11 to 12 feet. There's a ground water table that intercepts or that runs through that site at about 11 feet deep. So the contaminate in the soils will be removed as well as maybe another foot or so at the soil/ground water interface.

Steve Kumorkiewicz:

But you don't have any guarantee that you don't have to go deeper? You may have to go deeper, too?

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D.J. Burns:

That's a possibility, but the contamination that we're dealing with is perchlorethene which has tendency to stop at that water table. Or, if it does extend below the water table it extends pretty much in a straight line down. In our experience we've dug out some of these dry cleaner sites to a depth of 18 to 20 feet and captured the majority of the contamination there.

Steve Kumorkiewicz:

There are cases in the City which I know in which previously was a dry cleaner business. Right now they are finding out a block away from the site because there is contamination for the footings a block away. So what happens when you start to dig you find you have to go east by the properties?

D.J. Burns:

There's been an awful lot of work done on this site relative to the investigation of where the contaminants lie. My company has been working with either the bank or the mortgage holder on this property for about four years or so. We've undertaken a site investigation that identified where the contamination was in both the soil and the groundwater. We've identified pretty much the perimeter of the groundwater plume as well as the soil contamination. The DNR's project manager has already reviewed our proposed corrective action plan or remedial action plan, and she believes it's sufficient to allow for this type of a cleanup to occur and that type of use to take place following that. But you're absolutely right there are always exceptions. But the best assessment that's been conducted so far tells us that this contamination is isolated pretty much to that eastern portion of the building.

Steve Kumorkiewicz:

So you're confident on that?

D.J. Burns:

As confident as we've been on a lot of these sites. The topography in the area, the geology in the area has the benefit of restricting some of this flow to Barnes Creek, but it is possible that over time some of this contamination could travel in that direction and we're seeking to remedy that.

Steve Kumorkiewicz:

I'm familiar with this shopping center back from 1963. At that time it was one of the few mini malls around. Now, I've got experience with shopping centers. The life of a shopping center is 18 years or unless it keeps upgrading. This shopping center was never upgraded. That's what I can see through the years here.

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John Steinbrink:

I don't think this is a question for the gentleman. I think he's not disagreeing on that.

Steve Kumorkiewicz:

No, but I want to give the reason it be a blighted property. That's one of the issues I've got. It can't function anymore as a shopping center. There used to be an opening to the City on 22nd which doesn't exist anymore. So I think pretty much you answered the questions I've got. Thank you.

D.J. Burns:

If I could just respond to that. There was, in fact, a marketability study performed for that site that I could provide to Jean which came to that similar conclusion that you did that there wasn't a lot of reinvestment into the shopping mall itself, but another conclusion within that report was such that some of the traffic patterns over time did, in fact, change. And perhaps that corner wasn't as conducive to a commercial use as it once was. And, again, that's one of those things that we considered as we looked at this development was there any chance to resurrect the commercial usage of that property. But we think that after quite a bit of consideration the highest and best use for that portion of that land would, in fact, be residential. And I think the benefit will show from the increase in the tax bas, the \$5 million.

Mike Serpe:

I have to agree with that assessment that the highest and best use would be residential. I spent a lot of time when it was a popular commercial site assisting the Pleasant Prairie Police Department with massive fights at the local tavern there. That was a pretty regular occurrence every Friday night.

D.J. Burns:

I believe the developer did take past use into consideration especially as it related to police services. There were quite a number of calls.

Mike Serpe:

You have a nice church across the street and quiet subdivisions to the east and a nice neighborhood to the west. I think this will fit in very well. With that I move for approval of Resolution 07-29.

Steve Kumorkiewicz:

I second.

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KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #07-29 - RESOLUTION AUTHORIZING THE COMMUNITY DEVELOPMENT AUTHORITY TO INITIATE A DETERMINATION OF BLIGHT AND CREATION OF A REDEVELOPMENT PLAN FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF 91ST STREET AND 22ND AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- G. Receive Plan Commission Recommendation and Consider Ord. #07-25 related to Zoning Text Amendments to amend Section 420-123 G. of the Village Zoning Ordinance related to Setbacks in the M-1, Limited Manufacturing District.**

Jean Werbie:

Mr. President, since the development of the LakeView East and West Corporate Parks, the Village and WisPark LLC, the developers of LakeView, have worked jointly with the Village in the development of the Corporate Park. The development of LakeView also included the recording of the LakeView Corporate Park declaration of development standards and protective covenants to which all properties in LakeView are to adhere to and comply with.

As with all developments, they must comply with all applicable ordinances and codes of the Village as well, the zoning ordinance in particular, as well as all applicable State and federal laws. The Village staff enforces the Village ordinances and codes and depends on developers and associations to enforce their respective deeds and covenants. Most of the developable industrial portions of LakeView are zoned M-2, Heavy Manufacturing District, and a handful of LakeView industrial parcels are zoned M-1, Limited Manufacturing District. The Village has not yet made its changes as it had discussed the M-1 District as greater setbacks are set forth in the covenants which are regulated and enforced by LakeView.

The Village staff recommends that in order to maintain the integrity and the consistency of the development within the LakeView Corporate Park, which is now under multiple ownerships, the Village's M-1 District principal structure street, side and rear setback regulations should be modified to reflect the LakeView Covenant restrictions.

As shown on the slide, the current M-1 District allows for setbacks of a minimum of 30 feet from non arterial streets or private roads, side and rear setbacks at 25 feet minimum, wetland setbacks at 25 and shore yard setbacks at 75. The LakeView covenant setbacks are not less than 65 feet from the right of way of all highways, streets and roads, shore yard of 75 feet but with side and rear setbacks of not less than 45 feet from any side or rear lot lines.

The setbacks as proposed in the amended ordinance language that you have before you that street setbacks require a minimum of 65 feet from the arterial streets or highways and a minimum of 40 feet from non arterial streets or private roads, the side setback be a 45 foot minimum and a rear setback of 45 foot minimum. This way we will be mirroring the district setbacks as set for on the LakeView Park covenants, and we feel that there will be a consistency with respect to the development of the remainder of the vacant lands and lots out in the Corporate Park. The staff and the Plan Commission recommend approval of the amendment you have before you which is Amendment #07-25.

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**YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND ADOPT ORD. #07-25 RELATED TO ZONING TEXT
AMENDMENTS TO AMEND SECTION 420-123 G. OF THE VILLAGE ZONING ORDINANCE
RELATED TO SETBACKS IN THE M-1, LIMITED MANUFACTURING DISTRICT;
SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

- H. Consider a Tower Space Lease Agreement and Ground Lease with Kenosha Cellular Telephone L.P. for a communications tower to be located on Village property in the vicinity of 7633 - 45th Avenue.**

Mike Pollocoff:

Mr. President, this is a lease agreement between the Village and Kenosha Cellular tower. It's for a tower to be sited adjacent to the detention basin at Graystone. This has been before the Plan Commission. The Village will not enter into negotiations for leases on any towers on a property until it's gone through the regulatory review for land use. The tower would be on the north side of the basin. We reviewed it and they've come back with some changes that came forward out of the Plan Commission as far as how that structure sits with the wall towards the basin.

They're proposing a fee that is compatible with the marketplace and the other fees that the Village has which is \$1,500 per month. That would be incrementally increased over time with renewals in five year periods. They would also have a 3 percent increase over previous year's base rent. They would pay for the property taxes which in this case the only property tax would be any personal property that would be located on there.

U.S. Cellular has been a good tenant on our other sites. We have one right outside the Village Hall here. They're a good company to work with. We haven't had any issues or problems with them. I'd recommend that the ground lease be approved as presented on the tower space.

Mike Serpe:

Is there a notification of tornado or air raid notification on that tower?

Mike Pollocoff:

That was a stipulation at the Plan Commission meeting that we take down one tower or pole. I won't say tower because that thing is barely a tower. We have a large pole there with a civil defense siren on it and that will be relocated onto the tower.

Mike Serpe:

And no flashing lights on top?

Mike Pollocoff:

No, that one is not high enough.

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SERPE MOVED TO APPROVE A TOWER SPACE LEASE AGREEMENT AND GROUND LEASE WITH KENOSHA CELLULAR TELEPHONE L.P. FOR A COMMUNICATIONS TOWER TO BE LOCATED ON VILLAGE PROPERTY IN THE VICINITY OF 7633 - 45TH AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- I. Consider Amendment Number Two to the Tower Lease with Kenosha Cellular Telephone, L.P. to place a dish on the communications tower located at the Roger Prange Municipal Center.**

Mike Pollocoff:

Mr. President, the Village has a tower at the Roger Prange Center, unlike the one we just talked about, is owned by the Village. It was built in the first instance by whatever was before U.S. Cellular, and they gave it to us. One of the stipulations was they had so many placements on that tower. They've done some work to strengthen the tower, work around existing users on that, primarily us, and one other user to place a dish on that tower. Before you is the agreement and I recommend that the agreement be approved as submitted. There is no fee on this because that's already been negotiated. In the original conveyance we gave them the spots.

John Steinbrink:

With this tower as with other towers we encourage co-location. Do you know how many people are on this one already?

Ron Zechel:

Hi, Ron Zechel with U.S. Cellular. We submitted a structural report. We built the tower in 1994 and gave it to the Village. Numerous equipment has been added on this tower. I believe there's currently at about 7 or 8 different locations on the tower there's equipment. U.S. Cellular has equipment at about 4 locations, T-Mobile has equipment and then also there's a series of whips and so forth and I believe those are Village equipment.

Mike Pollocoff:

Right.

Ron Zechel:

We detail that on the structural report. One of the conditions was that we're going to spend some dollars to get that structural up to date. We're going to strengthen the tower and get everything in line so it's all up to code and so forth.

John Steinbrink:

Okay, thank you. Did we have a motion yet?

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KUMORKIEWICZ MOVED TO APPROVE AMENDMENT NUMBER TWO TO THE TOWER LEASE WITH KENOSHA CELLULAR TELEPHONE, L.P. TO PLACE A DISH ON THE COMMUNICATIONS TOWER LOCATED AT THE ROGER PRANGE MUNICIPAL CENTER; SECONDED BY SERPE; MOTION CARRIED 4-0.

- J. Consider Professional Construction Related Services Agreement for the Devonshire Phase I development.**

Mike Pollocoff:

Mr. President, this is a construction-related services agreement between the Village of Pleasant Prairie and Crispell-Snyder of Lake Geneva to act as our engineer to provide construction-related services for the Devonshire Phase 1 development. This is a service to require the developers to pay for but the contract is between the Village and the engineer so that we're being represented by an engineer at the developer's expense out there.

Construction-related contracts are not specific. It depends on how quick and fast and good the contractor is. If they're not good you spend more time out there. If they are good you spend less time. But the proposed rates are supplied in here for construction related services at \$55,800 on an hourly basis, construction staking services at \$81,700 and construction inspection services at \$112,800. I recommend that the Village President and Clerk be authorized to enter into a contract with Crispell-Snyder for these services.

Mike Serpe:

Before I make a motion on this, behind the Safran, Walter Safran, I'm not sure of the name, the property line that borders Meadowdale Estates, that would be the east property line of Safran's, I was back there and there is standing water. Are you familiar with that and is that going to be addressed somewhere in the drainage plan?

Mike Pollocoff:

That's an example where a development can come in and improve a situation where there is standing water. Right now you have broken farm tiles throughout that entire farm that's causing that water to pond in areas it is. But the development is going to improve that situation dramatically.

SERPE MOVED TO APPROVE A PROFESSIONAL CONSTRUCTION RELATED SERVICES AGREEMENT WITH CRISPELL-SNYDER, INC. FOR THE DEVONSHIRE PHASE I DEVELOPMENT; SECONDED BY YUHAS; MOTION CARRIED 4-0.

- K. Consider Resolution #07-28 - Resolution to Participate in the Local Government Property Insurance Fund.**

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Mike Pollocoff:

Mr. President, when we go out for prices on insurance we always require the insurance companies to bid against the State and local investment on our State property insurance fund for building personal property in the marine contract, physical motor vehicle, business interruption, special use. And this resolution recognizes the fact that we are using the Local Government Property Insurance Fund. I recommend it be adopted as presented.

Steve Kumorkiewicz:

Who carries the insurance right now?

Mike Pollocoff:

They do. We're renewing it.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #07-28 - RESOLUTION TO PARTICIPATE IN THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND; SECONDED BY YUHAS; MOTION CARRIED 4-0.

L. Consider Ordinance #07-26 - Ordinance to Amend Chapter 344 of the Municipal Code relating to All-Terrain Vehicle Regulations.

Mike Pollocoff:

Another example of Madison helping us. Last year we lost the ability to regulate all-terrain vehicles in the Village. So in this case we're adopting the State laws which says all provisions defining regulations with respect to all-terrain vehicles is amended from time to time, are adopted and made part of this reference. Acts required to be performed or prohibited by such statutes are required to be prohibited. We previously had a statute where we could regulate how the all-terrain vehicles were governed in the Village and where they were used. That was removed. We could have those rules if we had any trails but the Village has no trails. So have at it guys.

John Steinbrink:

The original intent was to allow X amount of distance on a public highway to get from trail to trail or business to trail, trying to increase tourism or whatever. And this mainly dealt with north woods. But in their wisdom they decided to apply it to everybody.

Mike Pollocoff:

We can't enact any ordinance regulating them. So basically what we have is whatever the State does and that's where the regulation will come from.

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Steve Kumorkiewicz:

So if somebody complains to us?

Mike Pollocoff:

Call the police department or the Chief. If they've violated a State statute or rule he can cite that. As far as regulating someone has got an ATV on their property and they're riding in circles next to your property they can run and go.

Jean Werbie:

Mike, does that mean that the zoning ordinance needs to be changed because that has been in the zoning ordinance as a prohibited practice for a number of years.

Mike Pollocoff:

We can't have any local rules regulating all-terrain vehicles.

Jane Romanowski:

Look at the letters from the DNR.

Jean Werbie:

Even though the DNR had a copy of our zoning ordinance and the new zoning ordinance prior to '83 and then again in '89?

John Steinbrink:

They don't care.

Jane Romanowski:

If you read the letters in the statute it basically says we can't.

Mike Serpe:

Realistically if an ATV is running up and down a Village street that's a violation that can be handled. What about on private farmland? Sorenson used to come here constantly. Was it Sorenson?

John Steinbrink:

The difference is if it's the farmer using the ATV on his own property or people trespassing on his property then the trespassing still applies.

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Mike Pollocoff:

Trespass is still a problem. But our complaints that we typically with ATVs wasn't a farmer using it on his property. It was people using them on their own properties where the neighbors were listening, whether they're dirt bikes or whatever running.

Mike Serpe:

So if they have an ATV party on their property, let's say they have an acre of land and they're loud, can we enforce?

Mike Pollocoff:

You can come up with a noise ordinance.

Mike Serpe:

You can by decibels from the edge of the property line to where? How do you go up to Madison and—

John Steinbrink:

I didn't vote for this either.

Mike Serpe:

This is unbelievable.

John Steinbrink:

We need a motion and a second.

Mike Serpe:

I don't feel in good conscious even addressing something this stupid. But what choice do we have?

Steve Kumorkiewicz:

Shoved down our throats.

**SERPE MOVED TO ADOPT ORDINANCE #07-26 - ORDINANCE TO AMEND
CHAPTER 344 OF THE MUNICIPAL CODE RELATING TO ALL-TERRAIN VEHICLE
REGULATIONS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

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M. Receive Recreation Commission Recommendation and Consider pursuing designation as a Triathlon and Para-Triathlon site for the 2016 Olympics proposed in Chicago, Illinois.

Mike Pollocoff:

Mr. President, Clyde Allen came up with an idea and he presented it to myself and he also copied the Board and it went to the Rec Commission who thought it was a great idea to put in a pitch for the 2016 Olympics assuming that Chicago gets them that we would be a proposed site for the triathlon for both the triathlon and the para-triathlon. We handle more athletes at the Danskin race than they have at the Olympics. They have an excellent venue. I've spoken with the Kenosha Area Visitors Bureau and they'll help us and actually are starting to put things together to make a proposal to be the selected site assuming Chicago is a selected site. It would be a great economic boon for the area to have that there. I think if Chicago is selected there would be all sorts of opportunities and we do have a really nice site. I think it's almost a secret inside the area because nobody knows about it but in Illinois they do know about it. If the Board likes, and again it was on Clyde's part to run this forward to do this.

Mike Serpe:

It's a great idea that Clyde came up with. And if you listen to the people that participate in the triathlons in the Prairie, not the Danskin so much but ours, they think that this is the best venue around. They compared it to the ones that were run in Chicago and there was not much comparison. I think we have something good to offer here.

Mike Pollocoff:

It's the same distance as we have, as the Pleasant Prairie.

Mike Serpe:

It's like the Pleasant Prairie Triathlon. I would hope that they would take a serious interest in looking at us then. It's a good idea on Clyde's part. I'd move approval.

Steve Kumorkiewicz:

I second.

John Steinbrink:

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

Steve Kumorkiewicz:

We talked about it a lot in the Recreation Commission meeting about presenting a package. Great idea from Clyde.

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SERPE MOVED TO CONCUR WITH THE RECREATION COMMISSION RECOMMENDATION AND APPROVE PURSUING DESIGNATION AS A TRIATHLON AND PARA-TRIATHLON SITE FOR THE 2016 OLYMPICS PROPOSED IN CHICAGO, ILLINOIS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- N. Consider Resolution #07-27 to re-approve the Certified Survey Map, Final Condominium Plat, Development Agreement and related documents for the request of William Bodner, agent for Vintage Parc, LLC for 3, 6-unit and 12-4-unit condominium buildings proposed to be located on the 14.5 acre property located at the southeast corner of STH 165 (104th Street) and Old Green Bay Road to be known as Vintage Parc.**

Jean Werbie:

Mr. President and members of the Board, on April 16, 2007 the Village Board approved a Resolution 07-19 for the certified survey map, final condominium plat, development agreement and related documents for the Vintage Parc condominium development subject to the satisfactions of all the conditions within 21 days. However, the developer has experienced some unforeseen issues with the lender and has requested a 30-day extension for the conditions to be satisfied. Therefore, the Village staff recommends that the Village Board approve Resolution #07-27 to re-approve the CSM, final condominium plat, the development agreement and related documents for the Vintage Parc condominium development subject to the conditions in Resolution 07-27.

YUHAS MOVED TO ADOPT RESOLUTION #07-27 TO RE-APPROVE THE CERTIFIED SURVEY MAP, FINAL CONDOMINIUM PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS FOR THE REQUEST OF WILLIAM BODNER, AGENT FOR VINTAGE PARC, LLC FOR 3, 6-UNIT AND 12-4-UNIT CONDOMINIUM BUILDINGS PROPOSED TO BE LOCATED ON THE 14.5 ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF STH 165 (104TH STREET) AND OLD GREEN BAY ROAD TO BE KNOWN AS VINTAGE PARC; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- O. Consider Resolution Requiring the Repair of an at-grade crossing on STH 31 and Bain Station Road.**

Mike Pollocoff:

Mr. President, this is a resolution that I believe is a formality because we've asked on numerous occasions for this crossing to be fixed. It's done more for recycling hub cabs than anything I know of in the area. This resolution states that the highway is under the jurisdiction of the State of Wisconsin, it's a public street within our corporate limits. There's a grade crossing with UP that's not in good condition, and the general public has a hazard driving over it because it's in bad shape. We're directed to serve a copy of this resolution to the Union Pacific Railroad. We'll present that to them and tell them to get on the stick and get it fixed.

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John Steinbrink:

A bit of history on this. We did meet with the Railroad Commissioner on this back in February. We took him out to the site and he contacted the railroad. They wanted a letter on this. We did send them a letter on this. We are on the schedule for repair. It's the next project after the KR crossing being repair. June/July is the date on this, and they just want a resolution for their records. So this is a follow up to a completion. I don't know how you'd phrase it.

Mike Serpe:

Gary Sipsma from the County was working and trying to get this thing done for the longest time and he was assured by the railroad that it was going to be done before Thanksgiving.

Steve Kumorkiewicz:

Of what year?

Mike Serpe:

That's a good question. They're just difficult to work with. But my take is I'll bet you they'll disregard this like they've disregarded everything else so far. I'd move approval.

John Steinbrink:

We are on the schedule as the following project after KR.

Mike Serpe:

When I see the barricades up there I'll believe it.

John Steinbrink:

Geoff personally talked to the railroad people.

SERPE MOVED TO ADOPT RESOLUTION #07-30 - RESOLUTION REQUIRING THE REPAIR OF AN AT-GRADE CROSSING ON STH 31 AND BAIN STATION ROAD; SECONDED BY YUHAS; MOTION CARRIED 4-0.

P. Consent Agenda

- 1) Approve Bartender License Applications on file.
- 2) Approve the request of Howard & Evelyn Stamm, property owner, for a Certified Survey Map to divide the property located at 2209 116th Street into three (3) single-family parcels.
- 3) Approve the second amendment of the Development Agreement between the Village and Daniel and Sandra Bucko for proposed 83rd Street T-Turnaround west of 47th Avenue.

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SERPE MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3 AS LISTED SUBJECT TO STAFF CONDITIONS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

11. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED AND MEETING ADJOURNED AT 9 P.M.