

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 39th Avenue
Pleasant Prairie, WI
February 7, 2011
6:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, February 7, 2011. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Asst. Village Administrator; Jean Werbie-Harris, Community Development Director; John Steinbrink, Jr., Public Works Director; Mike Spence, Village Engineer; and Jane Romanowski, Village Clerk.

1. CALL TO ORDER

John Steinbrink:

This evening we're very fortunate. We have Scouts here from Troop 505. I see Mr. Tim Akins here. If the Scouts would like to stand up and introduce themselves to the Board. I know a couple of you but not all of you. So we'll start from my right, your left, whatever works best for you. Standup, give us your name.

(Unintelligible)

John Steinbrink:

Thank you very much. You're here working on one of your government badges, is that it?

(Unintelligible)

John Steinbrink:

You might as well remain standing. The next item, Item 2, is the Pledge of Allegiance. If you would lead us in the pledge.

2. PLEDGE OF ALLEGIANCE

John Steinbrink:

How many are working your Eagle badge here? Alright. I thought I recognized a couple here. Getting close? Alright. Sometimes Chief Wagner or Chief Guilbert or people from his department attend these. It's amazing how many of you young folks are making Eagle Scouts. You're way above the percentage. So we're very proud of you. As your leader says, keep working or work harder. The meeting should take about an hour so you'll be home in plenty of time to do all the rest of your homework tonight so it won't hold you up.

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3. ROLL CALL

4. MINUTES OF MEETINGS - JANUARY 17, 2011

Monica Yuhas:

Motion to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Any additions or corrections?

YUHAS MOVED TO APPROVE THE MINUTES OF THE JANUARY 17, 2011 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY ALLEN; MOTION CARRIED 5-0.

5. CITIZEN COMMENTS

Jane Romanowski:

There were no signups tonight, Mr. President.

John Steinbrink:

Anybody wishing to speak under citizens' comments?

6. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, I wanted to take a little bit of time to kind of recap what the Village went through in this last week. Barring somebody giving us some additional data, it was the worst snow event on record for the time frame we were in. I can't say enough about how well Public Works did in getting this cleaned up, how well other departments worked together with them, police, fire, rescue. We had building inspectors plowing. We really put in as much effort as we could under this and it was an unusual storm. Usually a snowplow would be traveling about 30 miles an hour, 25 to 30 miles an hour to get enough velocity to get the snow off the blade. But when it's a blizzard you might not be able to move at all or you're barely edging along so it allows that snow to build up.

John, Jr. has indicated that we should be 100 percent cleaned up by the end of the day on Wednesday. We picked up six Village plow staff outside of Public Works for nine hours during

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this period. We assisted the Police Department in rescuing six people from cars. We've spent through Saturday \$163,407 on this event. Again, this event we typically get 47 inches of snow in a year and we had 23, so we got half of our snow in one day. Our regular labor was \$27,667. Our overtime was \$41,755, and that was pretty tough overtime to earn, because I think some of them had 27 hours on a route. We charge off our costs for plows and pickups, and that's not just to make money. What that does is it really helps us keep track of what our expenses are. We have to replace this equipment somewhere down the road so we set aside money. Rather borrowing money to buy equipment we set that money aside. So we had \$46,000 for our dumps and pickups, for the graders \$20,713. We spent \$24,000 for salt. That's 438 tons of salt. That's a lot of salt, and 1,930 gallons of mag chloride for \$3,088.

When I said we had everybody out, we had everybody out. I talked to John Jr. during the evening or the night. He was on a grader all over town. All the staff were plowing. So it became evident that we weren't going to be able to handle this ourselves and get it done in a timely manner. So I talked to John and he talked to two contractors that have businesses in the Village. I mean we like to do business with Village businesses, but it was really more of a matter of expediting somebody that was close to be able to get into the Village and get this handled. So he worked out two contracts to bring in front end loaders and equipment along with a snow blower. We're estimating that total cost. We don't have complete invoices in but we're estimating \$45,000.

I had also talked to Chief Guilbert early in the morning of the 2nd and indicated this thing has really gone beyond what—it exceeds the Village's capability to handle it and that we need to consider asking that the Governor—that we start the process to get this to be declared a disaster so that we could get some reimbursement and assistance from the State and federal government to take care of these costs. He worked with his counterpart at the County. I got a call from County Exec Kreuser later that afternoon saying that they had put everything together and they were sending that application in. We got a notice from the County today that we have until Friday to get all of our costs put together, and we'll submit that in. They'll cover 87 percent of our expenses for dealing with this storm.

The other thing that made this a difficult storm, there's no question that the snow itself was the real problem, but because of the way we have, as the table shows, we have 258 lane miles to plow. That's not the measurement of side roads, that's how many lanes we have to plow. We had to plow—the State of Wisconsin pulled off the storm as did the County by nine o'clock in the evening. If you think of it by nine o'clock that night this thing was cooking pretty good. But that didn't stop Chief Guilbert and Chief Wagner from having to respond to calls. So we had to divert Village equipment and plow Highway 31, State Highway 165, 39th Avenue, 8th Avenue, ML just so we could do business where we have to do business.

We plow the roads during a storm for peoples' convenience to be able to get around, but what we really have to do is know that we can get a fire truck to somebody's house or we can get a police car somewhere. This map here kind of shows the roads marked in red were the roads that we—how much time we had to spend on those roads that we diverted away from Village roads. But since they're main arterials we had to get after this. We couldn't in the case of 31 get the Police Department out of the Prange site. On 88th and on 39th we have a fire station on both roads. The fire stations were becoming blocked up. Then you have 165 or Springbrook which are two major

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arterials that go east and west. So we spent that amount of time getting those roads opened up so that when fire and rescue did get out we at least had a fighting chance to take care of it.

That still meant there was a need to have in many cases a snow plow come off a route and go on a call and run ahead of an ambulance or an engine or the Police Department. So the snow operations really evolved into keeping the roads open as much as possible for emergency equipment and in times leading emergency equipment to calls. We had a number of fire and rescue calls and they weren't insignificant as far as what we had to deal with. So I talked with the County Exec. We had five fire calls Tuesday night one hour each, five PD calls one hour each. That's what we've got to do. We've got to provide for our central core of services which everybody did.

The other thing that's difficult in a storm like this is cul-de-sacs. Again, as I said, you need to be able to move a piece of equipment to throw the snow off at a good rate. If you can't see and you've got a cul-de-sac you can't go that fast because you can't see and the snow is building up, what happens is it just makes it impossible to get a regular snowplow to be able to do that job. John's staff went through and made a path through just to get people in as much as they could, but they needed to be cleaned out with front end loaders and our snow blowers. We have 90 of those in the Village. Most times in the Village we can handle it, but this was beyond. This exceeded our capacity. I think it's going to make us think twice about approving more cul-de-sacs because they were just a nightmare.

What do we have? We have 27 pieces. We put every piece of equipment we had out there that could do anything, 15 snowplows, 4 front end loaders, a grader with no heater, a skid steer, a loader, one loader backhoe and five pickup trucks which are the little bit heavier trucks with snowplows on them. I think Kenosha County has 40 pieces of equipment that they put out so 98 percent of the time we're okay with what we have, but this one exceeded our ability to do it.

Seeing is believing. During this time frame Chris Lopour worked to get information out to everybody about—they closed the landfill so we didn't pick up garbage on one day. We got that out to as many people as we could. We got public notices out to people to keep people informed as to how this was progressing. She did a great job on it. But, again, seeing is believing. We worked up based on the video had we took some shots of what was going on just so people could see what was happening. Jane is going to load it up now. But this is something that's going to be on Channel 25. It's a pretty quick video for you to take a look at, what the crews were dealing with, the police officers, fire and rescue and the citizens in general.

Mike Pollocoff:

At the beginning you won't hear any discussion.

John Steinbrink:

It looks like a polar bear in a snowstorm so far.

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Steve Kumorkiewicz:

It's a white out.

John Steinbrink:

Mike will the stats that you presented to us this evening be on Channel 25 also then?

Mike Pollocoff:

A good part of them. When we get our FEMA application put together we can put them on there.

John Steinbrink:

Anything more to add yet, Mike?

Mike Pollocoff:

No, that's really all my verbal comments other than the video.

John Steinbrink:

When we get this running we're going to jump back to our regularly scheduled program.

7. NEW BUSINESS

A. Consider an Agreement for Private Siding between the Soo Line Railroad Company (d/b/a Canadian Pacific), the Village of Pleasant Prairie and EMCO Chemical Distributors, Inc.

Mike Pollocoff:

Mr. President, this is an agreement between the Village, EMCO Chemical and the Soo Line for operation of the rail spur siding that comes in from the Soo Line track and goes into EMCO which is the old Lawter Hexion facility. Every new business that comes in there has to have an agreement with the railroad as well as the Village to make sure they do the appropriate maintenance on there, they operate the way it should be. The Village is a signatory, too, because we really own the tracks. We've secured a grant to build those tracks, and we have to keep that grant in place and those tracks in place. But our agreement with EMCO is they have to pay for all the improvements and maintenance on the facility. So this agreement allows EMCO to begin the process to start bringing in product for the facility. We looked at it as has counsel, and I recommend that the agreement be approved as presented and forwarded back to the Soo Line and EMCO for execution.

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Steve Kumorkiewicz:

Make a motion to approve.

Monica Yuhas:

Second.

John Steinbrink:

A motion by Steve, second by Monica. Further discussion on this item? Is this a common thing we do, Mike?

Mike Pollocoff:

Yeah. It's just not that common that businesses change hands. But, yeah, we have one of these agreements with everybody that we have a track with.

John Steinbrink:

So it was a prior agreement and now it's being updated because it's a new company taking over.

Mike Pollocoff:

Right.

John Steinbrink:

Alright, we have a motion and a second, no further discussion.

KUMORKIEWICZ MOVED TO APPROVE AN AGREEMENT FOR PRIVATE SIDING BETWEEN THE SOO LINE RAILROAD COMPANY (D/B/A CANADIAN PACIFIC), THE VILLAGE OF PLEASANT PRAIRIE AND EMCO CHEMICAL DISTRIBUTORS, INC.; SECONDED BY YUHAS; MOTION CARRIED 5-0.

B. Consider an Award of Contract to purchase a Skid Grass Firefighting Unit.

Mike Pollocoff:

Mr. President, we have a request from the Fire Department to purchase a grass truck. We had purchased one at the end of last year and we had one budgeted for this year, and we found that we're able to get this year's vehicle at last year's price. Chief, if you want to come up and give us a description of what you're looking at and why this is going to be a good deal for the Village.

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Chief Guilbert:

Thank you, sir. I'm Paul G. Guilbert, Jr. I'm the Chief of Fire and Rescue. I'm at 8044 88th Avenue. Last year I came before you and asked for a Ford pickup truck, and then I came back later and asked for the grass firefighting skid unit that we bought from two vendors. The grass truck was purchased through a group purchase program run by the State of Wisconsin. That pricing and that program goes through April of this year, so we were able to buy the pickup truck of this at the same price. We then approached the vendor who is creating the fire truck part of it, and he honored the same price from last year. So we're able to go into the 2011 capital program with the price that we received last year and that's our request.

Michael Serpe:

What was the difference on it, Chief, money wise, do we know?

Chief Guilbert:

That we asked for this year?

Michael Serpe:

Yes. About a \$4,000 savings?

Chief Guilbert:

Thereabouts, yes, sir.

Michael Serpe:

Good move. I'd move approval.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Chief, this is what you use for fighting grass fires around the Village? That's more accessible than the bigger trucks are? What are some of the equipment that you put on there?

Chief Guilbert:

We carry a smaller amount of water because that's the heaviest part of what we have. And that allows us to get off the road. The hose is called forestry hose. It's smaller, it weighs less so the people can pull it farther. It's a little easier to do that. As well as grass fire brooms, some

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portable tanks that go on your back that the firefighters can carry off into these remote areas. On that very windy day we had last fall we had a field fire on Sheridan Road that was heading towards the dry corn. So we needed to quickly get off the road with the vehicles and get the water closer to that fire. Then we allowed the firefighters to wear these fire extinguishers on their back so they can move out into the field and move very quickly. That's just an example of those types of fires.

John Steinbrink:

Alright, thank you, Chief. We have a motion and a second. Any further discussion?

SERPE MOVED TO AWARD A CONTRACT TO BADGER TRUCK OF WEST ALLIS IN THE AMOUNT OF \$34,847.68 TO PURCHASE A SKID GRASS FIREFIGHTING UNIT; SECONDED BY ALLEN; MOTION CARRIED 5-0.

Chief Guilbert:

Mr. President, I know this wasn't on the agenda but just a followup. I came to the Board in December and explained that the Union Pacific Railroad had not paid us. You authorized me to contact the railroad Commissioner's office. We did that. Within two weeks of talking to the Commissioner's office, the Finance Department had the check in hand.

John Steinbrink:

That's good to hear. Thank you, Chief.

Mike Pollocoff:

I think our presentation is ready.

John Steinbrink:

It looks like we're queued up here. You want to work us through this, Mike.

(Video Shown)

Mike Pollocoff:

Okay, this first part, as it says it's a normal snowfall. You can see the lights in December. Here's what happened on February 1st at 7 p.m. This is at Prairie Ridge Marketplace. It's starting to snow. This is when the storm was really starting to kick up. This is 1:30 a.m. The camera, again, is located out at the mall there. You can barely see all the lights. We'll be putting that up on Channel 25. It's infrequent that we get that amount of snow but it's good that we have a picture so somebody can visualize what the guy in the truck is trying to deal with or a police officer or a firefighter or what have you. We can use that again in coming year.

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Michael Serpe:

John, did our drivers take these trucks home or did they show up at the Prange?

John Steinbrink, Jr.:

Everybody showed up at the Prange Monday night and really didn't leave until Wednesday.

Michael Serpe:

They stayed there and camped out?

John Steinbrink, Jr.:

Right. A lot of the problems our drivers had was when the snow was really bad Tuesday evening and into Wednesday our operators weren't able to make it home because the roads were so bad. A lot of the people that lived in the It really was inaccessible . . . so we provided them with food and stuff to drink. They slept at the Prange. They slept in vans. We had a couple cots around. They slept for a couple hours and they went back out. So they worked really hard. It was a really trying time for them

Just extend our appreciation to all those involved and to Brian and Paul your people as well. Great job. Tommy, for making a path at the lake accessible, great job.

Steve Kumorkiewicz:

John, I went around the neighborhood six hours Saturday and two hours yesterday. I talked to everybody that was working in the yard, and everybody was really happy with the job that the public works had been doing. They wanted me to pass that on and let them know and I said I will. Everybody was satisfied and no complaints whatsoever. Everybody realized the situation

John Steinbrink, Jr.:

Thank you, Steve. I'll pass that along.

John Steinbrink:

And I think the video shows the difficulty that's encountered out there and that the priorities are police, fire and rescue. And especially when we have to plow out the main roads which aren't our job just to keep those functions going.

Michael Serpe:

In the Carol Beach area during the height of the storm the visibility was absolutely zero.

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John Steinbrink, Jr.:

Yes, you're correct. On the video the front end nose of the grader . . . I was on the grader with the driver at that time taking the video, and one of the problems that I had along with all of the operators was, one, unless you had a mailbox or a street sign you really couldn't tell where the road was. Then you had to go so slow, like the video showed, with the squad cars, there were so many cars that were stranded or stuck right in the middle of the road you wanted to make sure you didn't hit those cars or the people that were evacuating them. So it really kind of brought the snow removal almost to a standstill. We were out there working and assisting the police

John Steinbrink:

Thank you and thank everybody else.

C. Consider an Award of Contract to purchase one John Deere Gator.

Mike Pollocoff:

Mr. President, Public Works put out a bid for purchase of a John Deere Gator that will be used in the Parks Department to replace a 2001. We did this through the State of Wisconsin through their VendorNet to get the widest possible exposure to this. When it was all said and done we only had one bid that was submitted by Highway C. Typically I like to get some other prices, but that has the greatest reach of anything. When we put something out to bid anybody that's doing business with the State or any municipalities or counties in the State we use that as their vehicle to make those purchases. So that being said I'd still recommend it. This is less than what we budgeted for so we're not going to take a hit in the budget. But I'm not sure if we'd come up with a difference result if we rebid it to be honest with you.

John Steinbrink, Jr.:

If I can just add one more comment to that, John Deere puts all the pieces of equipment out . . . early on in the year. And so all of the vendors, all the John Deere vendors in the State that receive this from VendorNet . . . at the same price. The only real difference is the amount of value that we receive from trade in and the amount that could cost that dealer to bring that Gator to the Village. So I think that's why on these three bids we have, the Gator, the Wide Area and the Zero Turn Mower, that we only received on because everyone . . . State of Wisconsin . . . it didn't matter if they were in Wausau or Racine or Highway C, local just west of the I . . . for \$9,607. It just matters on the cost to deliver it to the Village and how much on the trade in we'll receive for it . . . some of the other vendors . . . we can sell it to you at the same price but it's going to cost us more to actually pick it up and deliver a new one. So that was probably a factor in that also. But the \$9,607 was the State of Wisconsin State contract price with John Deere.

Mike Pollocoff:

You'll see this on the next two items after this the same.

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Clyde Allen:

Just a quick question. Do you know how much was budgeted Mike or John?

John Steinbrink, Jr.:

It was just over \$10,000.

Clyde Allen:

Thank you.

Monica Yuhas:

With that I'll move for approval to award Highway C Service to purchase one John Deere Gator in the amount of \$7,807.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion? Maybe we can start looking outside the John Deere brand. I know Bobcat I see those out there with a lot of attachments to them. Kubota they're putting a lot of attachments on them for snow removal which is something we seem to get a lot of lately. It's a very dependable machine and it holds up very well for our purposes. We have a motion and a second.

YUHAS MOVED TO AWARD A CONTRACT TO PURCHASE ONE JOHN DEERE GATOR TO HIGHWAY C SERVICE IN THE AMOUNT OF \$7,807; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

D. Consider an Award of Contract to purchase one Zero Turn Mower.

Mike Pollocoff:

It's really not a pink mower, it just looks that way. John, as he described this was off to State bid. We had two bidders. Again, there was a slight difference in price and then the trade in was more significant. So in this case the low bid was submitted by Highway C Service with a total cost of \$8,988. We'd recommend that the contract be awarded to Highway C.

Michael Serpe:

So moved.

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Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion? Those in favor?

Clyde Allen:

I was just going again ask what we had budgeted for this. Do we know?

John Steinbrink, Jr.:

We had budgeted \$15,000. Everything we have come in well under budget

Clyde Allen:

Thank you.

SERPE MOVED TO AWARD A CONTRACT TO PURCHASE ONE ZERO TURN MOWER TO HIGHWAY C SERVICE IN THE AMOUNT OF \$8,988.00; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

E. Consider an Award of Contract to purchase one Wide Area Mower.

Mike Pollocoff:

Again, this is a replacement mower with Highway C. This is the low bid, the only bid with a cost of \$40,038. This would be out of the parks capital budget. I'd recommend that the purchase be authorized.

Steve Kumorkiewicz:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica.

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Clyde Allen:

Again, John, do you know offhand what the budget was for this?

John Steinbrink, Jr.:

\$47,000.

Clyde Allen:

Thank you.

John Steinbrink:

This is the mower we used that has wings and folds down for large areas such as the parks or going down the medians we mow for the State at no charge to the State. We have a motion and a second. Further discussion?

KUMORKIEWICZ MOVED TO AWARD A CONTRACT TO PURCHASE ONE WIDE AREA MOWER FROM HIGHWAY C SERVICE IN THE AMOUNT OF \$40,038.00; SECONDED BY YUHAS; MOTION CARRIED 5-0.

F. Consider Resolution #11-02 to dispose of a surplus hydraulic excavator.

Mike Pollocoff:

Mr. President, in this last budget one of the cuts we made was eliminating our in-house construction crew. As such we have a '97 Link-Belt that we're no longer in need of. It's got quite a few hours on it, so this resolution authorizes the Village to begin the process to have this disposed of, transferred to an equipment trader agent to be advertised for sale for \$23,000 is what we're asking. After the commission the Village would have \$21,850. We have tried to sell these on our own. We're just getting bargain takers.

Michael Serpe:

The market is probably flooded with them. There's nothing going on.

Mike Pollocoff:

A lot of guys are out of business in construction. It's a pretty good price for a backhoe even though it's got a lot of hours on it.

Michael Serpe:

I'd move approval of Resolution 11-02.

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Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde for adoption of Resolution 11-02. Further discussion?

SERPE MOVED TO ADOPT RESOLUTION #11-02 TO DISPOSE OF A SURPLUS HYDRAULIC EXCAVATOR; SECONDED BY ALLEN; MOTION CARRIED 5-0.

G. Consider Resolution #11-03 to dispose of surplus dumpsters.

Mike Pollocoff:

Mr. President, we have acquired over time a number of dumpsters that would have been used normally or typically at an apartment dwelling or apartment house. Public works is recommending that we dispose of these, and at such point if there is an apartment house that does need them we'll require them to purchase them themselves and we'll use to our spec, and that these be disposed of at an advertised price of \$350 apiece. We have 18 of them so we're looking for a return of \$5,400.

Steve Kumorkiewicz:

That's after the commission?

Mike Pollocoff:

Yes.

Steve Kumorkiewicz:

I move to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde. Further discussion on this item? There's nothing else we could use these for?

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John Steinbrink, Jr.:

We actually have 24 of them right now in the yard. I'm looking to dispose of 18 of them . . . recycling . . . privatize . . . so we are going to keep a couple of them for use for . . .

John Steinbrink:

Are they about four foot tall?

John Steinbrink, Jr.:

Yes . . . dumpster . . . cubic yards of material. It's probably almost like a four by four square roughly.

John Steinbrink:

That would make a good backyard pool.

John Steinbrink, Jr.:

(Unintelligible.)

John Steinbrink:

Alright, thank you. We had a motion and a second I believe.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #11-03 TO DISPOSE OF SURPLUS DUMPSTERS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

H. Consider an Award of Contract for printing and mailing services for the 2011 Village Newsletter.

Mike Pollocoff:

Mr. President, this is a contract proposed for printing and mailing services for the Village newsletter. We've been doing the Village newsletter since half way through 2007, and it's really been a good vehicle for the Village to get basic information out about what's happening that's current as far as whatever activities are going on. It helps us during the budget time and tax time to get people information based on what decisions are being made for the Village's future in the budget and the implications for property taxes. And it's something that's really helped us. The newspaper industry has been changing. I'm not even sure we have a reporter here tonight which is kind of symbolic of some of the problems—if we rely solely on the newspaper to inform the residents of what's happening if they don't come they won't know. We get a lot of good comments on this. It's something that's either mailed to people or people can choose to get it by e-mail which is what we prefer.

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So we've been going out to bid every month based on getting it printed. And there was a point in time there where Chris was really able to work those guys to get the prices down. But as the economy has tightened up and people are looking at some of their increasing expenses they're less likely to give us a good price. So she issued an RFP. We put this out Statewide on Vendornet to get the maximum exposure on it.

The lowest responsible bid was submitted by LaCrosse Graphics. They had an eight page price or an eight page issue of \$1,530. A four page was \$1,226. They guaranteed our return rate. They fixed the overrun charges, and they basically are going to honor the cost throughout the entire year. The lower bid was submitted by Badger Press but they wouldn't guarantee the price. So at that point we really only had a one month—they would guarantee labor, but the big variable for all those printers is paper.

The other ones were not in the running based on their prices or they couldn't guarantee the mailing from the Pleasant Prairie post office which is what we're looking for to make sure we have a quick delivery to the homes. So that being said it would be my recommendation, and I concur with that from Chris, that we consider an award of printing of the Village newsletter to LaCrosse Graphics for the coming year at the prices they propose for both eight page and four page issues. Depending on what's going on we'll do eight or four pages.

Michael Serpe:

Chris, how many people do we have taking the newsletter by e-mail? Do you have any idea.

Chris Lopour:

Do you need my name and address for the record?

Michael Serpe:

We know who you are.

Chris Lopour:

Chris Lopour, 9915 39th Avenue. We have about I want to say 931 people taking the e-mail newsletter. Actually we had within the last month about 40 additions to the e-mail list. And then we put out if people are comfortable receiving their newsletter via e-mail only that they can always e-mail us and request that they be taken off of the paper mailing list. Unfortunately the number that's ready to do that is relatively small.

Michael Serpe:

Push it some more. I think it's a good idea and it's a big cost savings for us.

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Clyde Allen:

Question for Chris. I don't know if it got to you, but that was a great tool you sent out regarding the sanitation pickup going to be delayed by a day in the newsletter, snow update and everything like that. I actually ended up copying it onto Facebook. I guess the request went through—somebody else did it before I did, a Village resident as a website for their neighborhood. They had already posted it out there, but if we can get a link to click on it to go to Facebook or Twitter that we could use that and it could automatically link that up to anybody that broadcasts it to anybody that we're friends with or any Twitter accounts.

Chris Lopour:

I can definitely talk to IT and Mike and see how that would work.

John Steinbrink:

Thank you, Chris.

Steve Kumorkiewicz:

I make a motion to award it to LaCrosse Graphics for printing of the newsletter.

Michael Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike. Any further discussion on this item?

KUMORKIEWICZ MOVED TO AWARD A CONTRACT FOR PRINTING AND MAILING SERVICES FOR THE 2011 VILLAGE NEWSLETTER TO LACROSSE GRAPHICS AS PRESENTED; SECONDED BY SERPE; MOTION CARRIED 5-0.

I. Consider Settlement Agreement and Mutual Release with First Michigan Bank (f/k/a First Banking Center) regarding the Letters of Credit for the Ashbury Creek and Westfield Subdivisions.

Mike Pollocoff:

Mr. President, letters of credits are those financial documents and vehicles that we require the developer, before they start construction, to ensure that when a subdivision is built there's enough money for the development to be completed in accordance with the development agreement that the Plan Commission reviews and the Village Board finally adopts with the developer. And a letter of credit is essentially money that the bank holds in reserve that would be provided to the Village on demand. The Village is the only one that can release that money. Over the years

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when you think about all the times we do a reduction in a letter of credit that allows somebody to either get paid from that letter or money comes back to the Village if there's a service we're providing, it's the backbone and it's the safety net for the taxpayers that developments don't end up on the tax roll because a developer runs out of money.

We did have a situation with First Banking Center as the overhead shows that the Ashbury Creek and Westfield Developments the demands were made for payment on the letter of credit and they were making them, but what had happened is that the Village became aware that First Banking Center was in trouble with FDIC. From a fiduciary standpoint, the Village felt late last year that we should exercise our responsibilities and effort to call all that money that was in the letter of credit, hold it in the reserve escrow for the Village account so that if the FDIC did take the bank over we'd be sure not to lose that money because many of times a letter of credit doesn't fall under the guarantee of FDIC. It's a note that's not protected. So if we were to just wait for the takeover of the bank by FDIC we had no guarantee that money would be paid.

So we made that request and the bank refused to make the payment. The Village initiated a legal action against First Banking Center for breach of the letter of credit and subsequently the bank was taken over by First Michigan Bank. First Michigan Bank agreed to remove the letters of credits or really give us new ones and they're contributing \$5,000 towards any attorney fees which we've accumulated as we had to go out and hire an attorney to protect our interest. We think that will pretty well cover it. We might have a little bit more. If there is more then it's my intent to draw that down on the letter of credit as well.

In this agreement both sides agree to release any claims and the lawsuit will be dismissed. If the Board was not to agree with this we would need to follow through with the lawsuit, and my hunch is given the fact we're talking about \$5,000 we could burn that pretty quick if we went to court. I think this probably is the best settlement to get them on their way and still protect the Village's taxpayers. So based on your action tonight they would come in and place the new letter of credit so the Village would have those on hand. So based on recommendation from our counsel I'd recommend that the settlement agreement enter into a lease with First Michigan Bank for Ashbury Creek and Westfield be adopted and approved.

Michael Serpe:

The only cost to the Village then is for our legal fees?

Mike Pollocoff:

Well, that's what we spent so far outside of that. But they've agreed to pay for \$5,000. Our attorney estimated \$10,000 was going to be the upside if we had to go much farther. So I guess our possible exposure would be \$5,000, but again there's still quite a bit of money, hundreds of thousands of dollars in the letter of credit, and if we have any of that left I'm going to draw that down to reimburse the Village for the other.

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Clyde Allen:

Make a motion to approve.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Steve?

Steve Kumorkiewicz:

A question for Mike. Mike, I see the number of \$3.9 million and the other one is \$69,000

Mike Pollocoff:

The \$3 million is for Ashbury Creek. Westfield is fairly well done. There's not much left on that.

Steve Kumorkiewicz:

So that's only for Ashbury Creek, the \$3.9 million?

Mike Pollocoff:

Yes.

Jean Werbie-Harris:

Actually, Steve, the balance of the Ashbury Creek, LLC is \$427,274.74. The \$3 million was the original letter of credit. So the renewal will be for \$427,274.74.

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

And for the information of those in the audience, the purpose of the letter of credit is to make sure that they finish the infrastructure, streets and other things. Mike, is that correct?

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Mike Pollocoff:

Yes. Everything, streets, storm sewers, sanitary sewer, water, grading, trees, signs, everything that happens with a new subdivision that people when they buy a parcel of land and they buy a house in that subdivision they're paying for that. And this guarantees that the money that they've spent on it has got money on the other side to make sure all that stuff happens and we don't go back and have to assess it. So it protects both parties and makes sure a subdivision is complete and ready to go so that their investment is protected and the taxpayer is protected.

Michael Serpe:

Are we totally out of doing business with First Banking or First Michigan or whatever it's called?

Mike Pollocoff:

Oddly enough, First Banking Center is the Village's bank. Although we've put the Village's banking out to bid every five years, this May will be when we renew that out again. So we'll be going out and sending an RFP for banking services again here shortly. We had indicated to them in our settlement discussions that their performance on this is really going to weigh heavily on the Board's decision if they are the low respondent to do business with them, because we felt that this is really not a way to treat taxpayers or treat a public entity that you've made a written agreement with to secure money. To me it's the worst thing a bank can do is make an agreement to hold funds for somebody and then not hold it. That's probably as bad as it gets.

John Steinbrink:

We had a motion, we had a second. Any further discussion?

ALLEN MOVED TO APPROVE A SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH FIRST MICHIGAN BANK (F/K/A FIRST BANKING CENTER) REGARDING THE LETTERS OF CREDIT FOR THE ASHBURY CREEK AND WESTFIELD SUBDIVISIONS; SECONDED BY SERPE; MOTION CARRIED 5-0.

J. Consider Resolution #11-04 accepting the third year public Improvements, final paving and sidewalks for the Village Green Heights Phase 1 Subdivision.

Mike Pollocoff:

Mike will describe this in detail, but we got the tale of two developers. We have one developer that we just spoke about where we're having difficulties, and we have another developer, Land and Lakes, who has met all the requirements of their plat, everything is done, everything is completed and everything has been paid for, and we're now at the point where we can say this is all done. We now accept everything that you've constructed and built and we'll maintain it going forward. Mike?

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Mike Spence:

Mr. President and members of the Board, the Village entered into an agreement with Village Green Development, LLC back in February of 2004 for the construction of the Village Green Heights original subdivision development. In this particular development on the screen there on the south end of the project is State Highway 165. Then it's bounded on the right there by 47th Avenue. Then on the north is Main Street. This figure that you're looking at actually shows a subsequent phase that is in a different stage of development to the north there.

What I'm recommending tonight that the Village Board adopt the improvements for the original phase. These improvements include the streets, the sanitary sewer mains, the water mains, storm sewers, drainage ways, street signage, lighting, street tree plantings and all of the public improvements that were constructed as part of this development. Again, as Mike had said, the developer has met all of their obligations regarding this original phase, and we're recommending that it be accepted this evening.

Michael Serpe:

I'd move approval of Resolution 11-04.

Steve Kumorkiewicz:

I'm going to second with a question.

John Steinbrink:

Motion by Mike, second by Steve. Steve?

Steve Kumorkiewicz:

Jean, are we going to start to require the developer to install sidewalks?

Jean Werbie-Harris:

In this particular development sidewalks have been installed for that original portion of the Village Green Subdivision. Sidewalks have been completed, and that's also included as part of this dedication of acceptance this evening.

Steve Kumorkiewicz:

Okay, but are we going to require in the future another subdivision to do that or no?

Jean Werbie-Harris:

In this particular subdivision all of Main Street will have sidewalks. There needs to be a formal policy change in the Land Division and Development Control Ordinance if the Village Board is

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looking to have sidewalks throughout subdivisions. Again, in this situation the subdivision has been final platted for the original as well as the first addition. So we can't go back to the original developer in this case and require that they put in sidewalks unless you're going to do it through some type of assessment process. But brand new subdivisions that have not yet been platted, if that is the desire of the Board, then we need to make an ordinance amendment or change and then that could be a requirement moving forward for all new subdivisions.

Steve Kumorkiewicz:

Thank you.

John Steinbrink:

We have a motion, we have a second. Further discussion?

SERPE MOVED TO ADOPT RESOLUTION #11-04 ACCEPTING THE THIRD YEAR PUBLIC IMPROVEMENTS, FINAL PAVING AND SIDEWALKS FOR THE VILLAGE GREEN HEIGHTS PHASE 1 SUBDIVISION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

K. Consent Agenda

- 1) **Approve Bartender License applications on file.**
- 2) **Approve a Letter of Credit Reduction for the Springbrook Place Condominium development.**
- 3) **Approve a Letter of Credit Reduction for the Village Green Heights Subdivision.**

Clyde Allen:

Motion to approve.

Monica Yuhas:

Second.

John Steinbrink:

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

Steve Kumorkiewicz:

One question for the Chief. The application of Kristina Hanna has an OWI in 10/07.

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Jane Romanowski:

It's allowed under our ordinance, Steve. You adopted the ordinance that allows a certain amount of convictions or license related. One doesn't do it. It's two or more I believe in a five year span.

Chief Wagner:

That's correct, two or more.

Steve Kumorkiewicz:

I was thinking of the time, five years. Okay, thank you.

John Steinbrink:

Any further comment or question?

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

8. VILLAGE BOARD COMMENTS

Michael Serpe:

Just one. Last week Monica, Clyde and myself were judges in the Chili Cook Off Contest at the Wruck during the fishing derby. I'll tell you that was put together so well by the RecPlex staff that it was just a joy to be there. I hope they invite me back for a judging next year. The chili was rather good and the beer chasers were pretty good, too. Job well done by the RecPlex crew, and I think everybody out there just enjoyed themselves.

Monica Yuhas:

For the second year Winterfest did expand and grow by quite a bit. It was nice to see.

John Steinbrink:

I just want to say thank you to Chief Guilbert and Chief Wagner. My neighbor next door had a chimney fire about a week ago, two weeks ago, and it was very impressive seeing how you guys handled that. You put out his fire and he was very happy. I'm passing along his appreciation for what you guys did. My question was how did you fit so many people in that little house? I counted the number of personnel and I didn't see anybody inside so I assumed you were inside, most of them.

(Unintelligible)

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John Steinbrink:

Alright. He is a good neighbor. The other thing, of course, we thank the Village for the job they did, the crews and everybody in the Village because they worked together as a team for clearing the snow and that. Unfortunately there's some folks that from their front window it doesn't look like a real storm to them and it wasn't fast enough. But the majority of the calls they received were appreciative of the service provided by the Village. Once again, pass that on.

Clyde Allen:

Just a thank you to the Scouts for showing up. I hope it was a good experience. You're more than welcome to come any time. I hope you learned a little bit about government in motion.

Michael Serpe:

I bet you really thought this was exciting, too, didn't you?

John Steinbrink:

I offered this to Tim before one time, I notice you don't have a badge for rock picking. And if you would come out to the farm we could arrange that. And, you can keep all the rocks you pick. That's the best part.

Steve Kumorkiewicz:

I also notice that you don't have the . . . light on your uniform. I'm sorry, I couldn't see if from here.

9. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:05 P.M.