

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 39th Avenue
Pleasant Prairie, WI
June 20, 2011
6:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, June 20, 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 Tom Shircel, Assistant Village Administrator; John Steinbrink Jr., Public Works Director; and Jane Romanowski, Village Clerk. Two citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - JUNE 6, 2011**

Monica Yuhas:

Motion to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

YUHAS MOVED TO APPROVE THE MINTUES OF THE JUNE 6, 2011 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- 5. PUBLIC HEARINGS - WILL BE CONTINUED ON JULY 18, 2011.**
 - A. Consider Meadowdale Estates Addition #1 concrete paving project.**
 - 1) Resolution #11-10- Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments against benefited property with the construction of a concrete paving project on 97th Street, 98th Street, Meadowdale Lane, 43rd Avenue and 96th Place in Meadowdale Estates Addition No. 1.**

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B. Consider Meadowdale Estates Addition #1 street and cul-de-sac landscaping project.

- 1) **Resolution #11-11 - Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments against benefited property with the construction of a street and cul-de-sac landscaping project on 97th Street, 98th Street, Meadowdale Lane, 43rd Avenue and 96th Place in Meadowdale Estates Addition No. 1.**

Jane Romanowski:

We just need a motion and a second to continue both hearings on July 18th.

Steve Kumorkiewicz:

So moved.

Clyde Allen:

Second.

John Steinbrink:

This is for Items A and B to extend them to July 18th.

KUMORKIEWICZ MOVED TO CONTINUE PUBLIC HEARINGS A AND B TO JULY 18, 2011, SECONDED BY ALLEN; MOTION CARRIED 5-0.

6. CITIZEN COMMENTS

Jane Romanowski:

Harmony, we'll have you speak at the time that your operator license is on the agenda. So the only other speaker that signed up tonight is Bob Babcock.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. The other day we had a fair amount of wind blowing around in the Village, and an awful lot of branches came down, some pretty good sized ones. And I want to commend the Village for doing an excellent job in picking them up. I had a good sized one come down in my yard, and a little bit after eleven that morning the Village was there picking that up. There was only one small little problem. My five year old grandson was there watching, and as the crew started to leave, grandson found a little branch and he yelled you forgot one and the crew stopped immediately and allowed him to put that in the trailer by himself. Now he's wondering if you have any openings. Thank you.

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John Steinbrink:

You mean you didn't keep that for firewood for the winter, Bob?

Jane Romanowski:

There were no other signups.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

7. ADMINISTRATOR'S REPORT – None.

8. NEW BUSINESS

A. Consider Resolution #11-17 congratulating Jelly Belly Candy Company on the 10th Anniversary of the Wisconsin Jelly Belly Visitor Center.

Jane Romanowski:

Mr. President, there is a representative from Jelly Belly tonight here in the audience, Joy, and the Village does have a resolution if you'd like to present her with that.

John Steinbrink:

Joy, if you want to come up here to the podium. We have Resolution #11-17. This is resolution of congratulations to Jelly Belly Candy Company during the 10th anniversary celebration of your Pleasant Prairie, Wisconsin Jelly Belly Visitor Center.

Joy:

Thank you.

John Steinbrink:

I don't see any Jelly Belly's with you. I didn't see the Jelly Belly car.

Joy:

It's out there.

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John Steinbrink:

The certificate reads: Whereas the Jelly Belly Candy Company has operated a successful Jelly Belly Warehouse and Visitor Center in the Village of Pleasant Prairie, Wisconsin for the past ten years. It's been a whole ten years already?

Joy:

It is.

John Steinbrink:

And how many new flavors have you introduced over ten years?

Joy:

More than 105. We just brought back beanboozled and we brought Harry Potter. If you're interested in booger I'll bring you some.

John Steinbrink:

That one never goes away. Whereas the Jelly Belly Warehouse and Visitor Center offers and promotes free public tours as Jelly Belly Pleasant Prairie Warehouse and Visitor Center and has greatly bolstered tourism within the surrounding community; and Whereas the Jelly Belly Candy Company through its Warehouse and Visitor Center tours has brought smiles to the faces of many children and families both local and from far; and Whereas the Jelly Belly Candy Company has consistently been an active supporter of community events and programs, even though you forgot the Jelly Belly's tonight; Whereas the month of July the Jelly Belly Candy Company will be celebrating the 10th anniversary of their Pleasant Prairie, Wisconsin Warehouse and Visitor Center;

And now therefore be it resolved by the Board of Trustees of the Village of Pleasant Prairie that the Jelly Belly Candy Company receives our sincere congratulations on their 10th anniversary in the Village of Pleasant Prairie and our sincere appreciation for their continued involvement as a community. And this is considered and adopted on this 20th day of June, 2011. John Steinbrink, President, Jane Romanowski, Clerk and the entire Board and Community in Pleasant Prairie. I want to present this to you if you want to come up.

(President Steinbrink presented Resolution to Jelly Belly representative)

Clyde Allen:

I make a motion to approve Resolution 11-17.

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Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Any discussion?

ALLEN MOVED TO ADOPT RESOLUTION #11-17 CONGRATULATING JELLY BELLY CANDY COMPANY ON THE 10TH ANNIVERSARY OF THE WISCONSIN JELLY BELLY VISITOR CENTER; SECONDED BY SERPE; MOTION CARRIED 5-0.

John Steinbrink:

Just to say congratulations and thank you for choosing Pleasant Prairie. It's amazing when you travel around the country and you say you're from Pleasant Prairie people say, well, there's Jelly Belly's in Pleasant Prairie. So a lot of people from the entire country have come here to tour your plant and bring home Jelly Belly's. I know you've had governors in your facility riding the trains. Even I fit in those little cars and rode around. They didn't let me drive the train but I did get free samples when I was there. It was a good tour, and we look forward to many more years. Do you have any plans for any expansion?

(Unintelligible)

John Steinbrink:

Because I thought with that extra land out there there would be a Ferris wheel and a giant jelly bean and rides and everything else. It would be Jelly Belly Land. We'll wait for that in the future.

Joy:

Thank you.

John Steinbrink:

Alright, thank you.

B. Consider the request of New Cingular Wireless PCS, LLC (d/b/a AT & T) to extend the time to execute an Option and Lease Agreement for a cell tower facility at Prairie Springs Park.

Tom Shircel:

Thank you Mr. President and Village Trustees. If you'll recall, on December 20th of last year the Village Board conditionally approved an option and lease agreement with new Cingular Wireless

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who is doing business at AT&T for a new cellular site at the Prairie Springs Park as you can see on the slide just east of the south ball field. That facility is supposed to be a 150 foot tall tower with six antennas at the top of it. If the Board will recall, that agreement was approved and options approved conditionally on three conditions, the first being completion and execution of the agreement by AT&T by June 21st of this year which is tomorrow so they come before you for an extension.

The second condition was compliance with the December 13th Plan Commission approval of the conditional use permit and site and operational plans any conditions thereof for the facility. Well, last Monday the Plan Commission did approve an extension of the conditional use permit and the site and operational plans, and they approved those until December 18, 2011. And the third condition was the inclusion of the exhibits in the agreement. Obviously those aren't done because they're asking for the extension.

The staff does recommend that the Village Board approve the extension. And in order to avoid any future confusion it is recommended that the option and lease agreement extension lasts until December 18, 2011 which coincides with the Plan Commission agreement as well so there wouldn't be confusion. With that I'll give it back to the Board.

John Steinbrink:

Your mic is breaking out but Mr. Serpe has a question.

Michael Serpe:

Tom, isn't there a plan for an AT&T tower right here on the Village site?

Tom Shircel:

Yes, the representative from AT&T was at the Plan Commission meeting last week, and he indicated that there are plans tentatively for AT&T and T-Mobile to merge, and T-Mobile already has an equipment shelter and antennas on the antenna here at the Village Hall. So those plans are deferred for now. They don't know if they're going to come back and pursue that or not at this time.

Michael Serpe:

Now that you mention that I was at the Plan Commission meeting and now I remember that being said. Thank you.

Steve Kumorkiewicz:

I think it's an issue of frequencies in the phone, the two companies.

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Michael Serpe:

I would move approval of the extension.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any further discussion?

SERPE MOVED TO GRANT THE REQUEST OF NEW CINGULAR WIRELESS PCS, LLC (D/B/A AT & T) TO EXTEND THE TIME TO EXECUTE AN OPTION AND LEASE AGREEMENT FOR A CELL TOWER FACILITY AT PRAIRIE SPRINGS PARK TO DECEMBER 18, 2011; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

C. Consider a Facility Use Agreement for the EMCO Chemical Distributors rail spur located at 8601 95th Street.

Tom Shircel:

Mr. President and Village Board members, through this agreement between Brems Realty who is the property owner, EMCO Chemical Distributors and the Village of Pleasant Prairie, this would grant EMCO the right to use an existing industrial railroad spur for the purpose of shipping and receiving materials via rail car to and from the EMCO Chemical facility located at 8601 95th Street. As some background information, on March 8, 1993, the Village and WisDOT entered into a Transportation Economic Assistance Rail Agreement to serve the former Lawter site, and on November 2, 1993, the Village and Lawter entered into a facility use agreement which provided the guidelines for construction and use of a rail spur on the Lawter parcel.

On December 14, 2009, the Plan Commission conditionally approved Conditional Use Permit #09-08 including site and operational plans for EMCO to occupy the building and site in the former Hexion building. And I believe EMCO currently is going through some interior remodeling. They have not yet occupied that building.

On February 7, 2011, the Village Board approved a private railroad siding agreement between the Soo Line Railroad Company, the Village of Pleasant Prairie and EMCO, which set forth the various parameters and provisions including but not limited to the use, maintenance, alterations, liability insurance fees and termination and removal of the industrial railroad siding.

There are some exhibits attached to your packets, and just to go through those quickly, Exhibit Schedule B depicts the industrial railroad spur conducted under the TEA-Rail grant back in 1993. Those are basically points C to E and points F to G on the attachment. Attachment Number II is

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the original railroad spur easement on the EMCO property which, again, was originally constructed under that TEA-Rail grant.

Attachment Number III this is an easement for railroad access and maintenance. It's on a triangular shaped Village owned property. I can go back a couple slides here and show you on an aerial. It's that blue area. You see the railroad spur cuts through that Village owned property, so the Village is granting EMCO an easement to use that spur as it cuts through the Village's property and to maintain it as well. Finally, Attachment IV is the agreement for private siding which is attached to your packets.

Recommendation, EMCO would like to begin using this private siding as soon as possible. Therefore, the Village staff recommends that the Village Board approve the facility use agreement between Brems Realty, the owner, EMCO Chemical Distributors and the Village of Pleasant Prairie as presented. If you have any questions I'll be glad to answer them.

John Steinbrink:

Seeing no questions a motion is in order.

Clyde Allen:

Motion to approve.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Clyde, second by Monica. Any further discussion?

ALLEN MOVED TO APPROVE A FACILITY USE AGREEMENT FOR THE EMCO CHEMICAL DISTRIBUTORS RAIL SPUR LOCATED AT 8601 95TH STREET; SECONDED BY YUHAS; MOTION CARRIED 5-0.

D. Consider Resolution #11-16 to approve a renewal of the Village's ACH Agreement with Talmer Bank & Trust.

Kathy Goessl:

Mr. President, ACH agreement is automatic clearing house agreement which is basically the Village uses the bank and we take money out of peoples' accounts for the utility bills and we put money in our employees' accounts for payroll is the basic of things. And with the takeover of First Banking Center by First Michigan and now the change to Talmer Bank & Trust they just wanted to update their agreement, which basically is the same agreement we had before but just

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updated with Talmer and First Michigan Bank type forms. So they're looking for approval for that.

Actually, they will not do any ACH transactions with us after today's date if we don't have an agreement in place. On Friday we actually received seven proposals from local banks including Talmer Bank that I'm reviewing right now. At the next Board meeting on July 18th I'll be bringing forward to you a recommendation on if we renew with Talmer Bank or if we're going to have a new bank for the Village. So I'm looking for approval for this agreement.

John Steinbrink:

So this will just keep us going until—

Kathy Goessl:

It will keep us going, and if we stay with them it will be the permanent document. But if not it will let us do this for the next about two months probably.

Michael Serpe:

Move approval of Resolution 11-16.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Approval by Mike, second by Steve. Questions or comments?

Steve Kumorkiewicz:

Yes, with the changing of the name of the bank I think Jean Werbie is going to be happy because the sign now doesn't comply with the ordinance. It was two feet too high. It was 17 feet and supposed to be 15. So they got it to the ordinance size.

John Steinbrink:

Do you know how they came up with the new name?

Steve Kumorkiewicz:

It's the name of two people, the founders.

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John Steinbrink:

You do pay attention to the commercials then. We have a motion and a second. Any further discussion?

SERPE MOVED TO ADOPT RESOLUTION #11-16 TO APPROVE A RENEWAL OF THE VILLAGE'S ACH AGREEMENT WITH TALMER BANK & TRUST; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

E. Consider an award of contract to install fencing at Prairie Farms Trail.

John Steinbrink, Jr.:

Mr. President and members of the Board, on May 26th a bid announcement to install fencing on Prairie Farms Trail was posted to the Wisconsin VendorNet system. It's a website for all State agencies. Through this posting the bid was automatically distributed to 39 State registered vendors, and all contractors that are pre-qualified to do this fencing work within the Village. On June 10, 2011 sealed bids were opened for the contract to install fencing. Two bids were received, one from Statewide Fencing for \$36,300 and another one from Aluminum Fence for \$38,612. The 2011 approved budget for this project is \$40,000.

This project is necessary to provide a physical barrier between the future trail and the adjacent farm field. The fence is going to be a 48 inch woven wire fence. It's basically the same style as used on the interstate roads. I believe we have an exhibit that shows location up here also. It goes from the Sewer D treatment plant that was recently abandoned at the end of 2010 down to H through the farm field. And the trail is going to go over the top of the existing maintenance path, so we can use it as a maintenance trail for people to get from Prairie Springs Park out to Highway C into Bristol and connect the western component of the Village, and also use it for maintenance activities within the Village.

Within the next month a contractor for the paving program is going to put down the base for this trail using the recycled millings from 95th and 80th Street. And so that saves us money by not having to haul them a far distance, and then we don't have to pay for granular material to install the trail. I can answer any questions at this time.

Steve Kumorkiewicz:

How long is the fence?

Tom Shircel:

The contract is for 7,400 feet of the woven wire fence.

Steve Kumorkiewicz:

What kind of material, steel or . . . or what?

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Tom Shircel:

It's a woven wire. There's 12 inch spacing and then there's seven horizontal lines on it. And it is the same wire that you see along I-94 with the wooden fence posts.

Steve Kumorkiewicz:

I was wondering what kind of material they used in that, aluminum, steel, galvanized?

Tom Shircel:

It's a galvanized wire fencing material, yes.

Steve Kumorkiewicz:

Thank you.

Monica Yuhas:

With that I'll make a motion to award the contract to Statewide Fencing not to exceed \$36,300.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Further discussion?

YUHAS MOVED TO AWARD A CONTRACT TO INSTALL FENCING AT PRAIRIE FARMS TRAIL TO STATEWIDE FENCING NOT TO EXCEED \$36,300; SECONDED BY ALLEN; MOTION CARRIED 5-0.

F. Consider Ordinance #11-16 to amend Chapter 355 of the Municipal Code relating to cross-connection control.

John Steinbrink Jr.:

Mr. President and members of the Board, back on March 31st a contract was awarded, actually on April 4, 2011 to perform a State mandated cross-control program for the Water Utility division. That was awarded to Aqua Backflow. One of the components of that before we can start doing this program was to go through and update our ordinance. So there were just a couple of small minor ordinance changes that reference the correct code for the Department of Commerce. Really pretty much everything stayed the same; we just made those couple of updates to make sure that we reference the proper Department of Commerce Code. So we are just going through

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and making a recommendation to update this ordinance. Then staff will go through and begin the cross-connection control program along with Aqua Backflow as awarded back on April 4, 2011.

Michael Serpe:

John, what's the penalty for violating something like this, the cross-connection?

John Steinbrink Jr.:

I believe that the DNR has penalties, and they range in severity based on if we do have any problems that occur by not having this program in place.

Steve Kumorkiewicz:

John, how many violations did we find in this?

John Steinbrink Jr.:

We actually haven't started the program yet. What we are going to do we want to make sure that our ordinance is up to code and up to speed with the Department of Commerce and the Master Plumbing Code. And then once that ordinance is in place then we're going to move through and start doing the inspections with the assistance of Aqua Backflow.

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

So that will be a municipal citation then?

John Steinbrink Jr.:

They can start off as a municipal citation and then it can go all the way through the DNR. The whole program is really mandated by the EPA, but it's regulated by the DNR for us.

Michael Serpe:

John, if we're going to do the inspections with the company that we're contracting with, but if there's any violations the DNR has to step in?

John Steinbrink Jr.:

That's correct. The DNR does have the enforcement ability. And the Village is not going to go through and do the inspections. The company that we're contracted with is doing a turnkey program for us. There are 150 industrial and commercial sites within the Village and we're doing

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half of them each year, every other year. So this will be a continuing program that we'll keep going through. So we're going to do 75 inspections, and all we have to do is give the company a list of where they are, and then they'll provide us back a report of pass or fail. And if they did fail what kind of recommendations that they have for improvement. Then we can put them on a time line to make those recommendations based on the guidelines of the EPA or the DNR.

Michael Serpe:

What kind of money are we talking about here again?

John Steinbrink Jr.:

It was \$85 per site to mail them a letter, do the inspection and complete a report. Very reasonable price and that included ordinance development also which is on the agenda for this evening.

Michael Serpe:

I don't disagree with everything that you're saying. The only thing I'm saying is if there's a violation we can't even recoup some of our cost.

John Steinbrink Jr.:

If there's a violation it's the company's responsibility to go through and repair that. And then we can go through and charge out again for any future inspections that may happen. Almost the same way that the building inspection department operates if they need to go back for multiple inspections.

Steve Kumorkiewicz:

One more question, John. Then the rates are under the jurisdiction of the PSC, and the DNR controls the operation?

John Steinbrink Jr.:

The DNR does not control the rates for the PSC—

Steve Kumorkiewicz:

No, the PSC controls the rates—

John Steinbrink Jr.:

But the PSC does allow the Village and other municipalities to charge 100 percent the cost of the service that we're contracting out and bill them directly to the businesses that are receiving the benefit.

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Steve Kumorkiewicz:

So the DNR has got nothing to do with this?

John Steinbrink Jr.:

As far as what the rates are that we're paying?

Steve Kumorkiewicz:

No, the physical part of this, inspections or whatever.

John Steinbrink Jr.:

The DNR does not do the inspections, no.

John Steinbrink:

Not until there's a violation.

John Steinbrink Jr.:

Right, that's correct. It's the Village's responsibility as many other State mandated programs to bear the costs or pass them along as we can within the guidelines.

Michael Serpe:

I move approval of Ordinance 11-16.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any further discussion?

SERPE MOVED TO ADOPT ORDINANCE #11-16 TO AMEND CHAPTER 355 OF THE MUNICIPAL CODE RELATING TO CROSS-CONNECTION CONTROL; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

G. Consider Resolution #11-19 certifying the creation, review and adoption of the Compliance Maintenance Annual Report for the Village's wastewater collection system.

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John Steinbrink, Jr.:

Mr. President and members of the Board, every year the DNR requires the wastewater utility or now it's the Sewer Utility since our treatment plants are gone to complete the Compliance Maintenance Annual Report, acronym of CMAR. It's something that we do on a regular basis, and it really kind of tells us the health of our utility, how many sewer backups, how many overflows, and it kind of outlines a lot of the maintenance programs that we have to do. It is a four point system, and the Village received the maximum grade of an A with receiving four points.

And part of this is going through and passing a resolution verifying that we did receive good grades on this. So staff recommends Resolution 11-19, the resolution certifying the creation, review and adoption of the Compliance Maintenance Annual Report, CMAR, for the waste water facilities within the Village of Pleasant Prairie.

Monica Yuhas:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion? What are the weighing factors?

John Steinbrink, Jr.:

The weighing factors are really how we get our grades. There are many different questions on how many overflows that we have. An overflow is when the sanitary sewer actually comes out of the sanitary and is discharged into the ground. We had none of them back in 2010. There are weighing factors for the amount of complaints that we receive for the amount of sewer backups that we have. So depending on how many that we have, and we actually had a really good year in 2010. If you remember back in 2009 on June 19th we had that large flood, we had a number of sanitary overflows. We had a lot of basements back up, so we had received some worse grades back in 2009.

The department has been proactive reducing INI probably about 243 gallons per minute which kind of relates to just over 150 million gallons of INI per year, and so by pulling that INI out of the system we're actually able to handle more capacity as it was designed. So instead of backing up in people's basements we're able to actually transport it down to the City of Kenosha via our interceptor main.

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John Steinbrink:

It was a record storm, something in the neighborhood of seven inches.

John Steinbrink, Jr.:

That's correct.

John Steinbrink:

But working and getting the grants that allowed us to do these things and make the improvements and I think everybody benefits from that. Any further discussion?

YUHAS MOVED TO ADOPT RESOLUTION #11-19 CERTIFYING THE CREATION, REVIEW AND ADOPTION OF THE COMPLIANCE MAINTENANCE ANNUAL REPORT FOR THE VILLAGE'S WASTEWATER COLLECTION SYSTEM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

H. Consider Resolution #11-18 - Preliminary resolution declaring intent to exercise special assessment police powers in connection with the construction of public storm water improvements located in the right-of-way at 11606 47th Avenue.

John Steinbrink, Jr.:

Mr. President and members of the Board, as you can see on the map up on the screen there are three properties. One of them is highlighted in blue, and then the other two are just to the south or just below them. The Village as part of the 2011 paving program is recommending making some improvements to the storm water and to properly make everything drain 216th via 47th Avenue and engineering it for future development of the property to the south and to the west.

Two of the properties have already signed a waiver of special assessment and that project is complete. And the third property, the one that's up on the table this evening, address 11606 47th Avenue is in foreclosure and currently owned by the bank. And so that's why we need to go through and hopefully pass Resolution 11-18 so we can start the process of a special assessment to complete the storm water improvements down to 116th and then special assess the property.

Michael Serpe:

Move to adopt Resolution 11-18 and set it for a public hearing.

Clyde Allen:

Second.

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John Steinbrink:

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

SERPE MOVED TO ADOPT RESOLUTION #11-18 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS IN CONNECTION WITH THE CONSTRUCTION OF PUBLIC STORM WATER IMPROVEMENTS LOCATED IN THE RIGHT-OF-WAY AT 11606 47TH AVENUE; SECONDED BY ALLEN; MOTION CARREID 5-0.

I. Consider denial of an operator's license for Harmony Groth-Grigaitis

Jane Romanowski:

This is an application that I received on June 3rd for an operator's license for Harmony Groth-Grigaitis. As you see by the memo and the documents I gave you, the applicant doesn't meet the requirements set forth by the ordinance. If you remember, the Board two or three years ago adopted the matrix at the recommendation of the Police Chief, the Police Department and myself for some guidelines for applicants who apply for an operator's license. Assistant Chief Dave Mogensen reviewed the police questionnaire, and as you can see he recommends denial as three misdemeanors have taken place within that five year period.

So following the ordinance that the Board adopted and the matrix both the Assistant Chief and myself recommend denial of this license. Harmony is in the audience tonight and would like to speak if you'd like to hear what she has to say. But, again, the ordinance Chapter 194 adopted the matrix which indicates that this would not be a license the Board would grant.

Michael Serpe:

I would move to allow the applicant to speak.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica. Harmony, would you care to use the microphone and give us your name and address for the record.

Harmony Groth-Grigaitis:

Thank you for letting me speak. My name is Harmony Groth-Grigaitis. I live at 5413 63rd Avenue in Kenosha, Wisconsin. I did send a letter out. I'm not sure-

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Jane Romanowski:

They do have that.

Harmony Groth-Grigaitis:

Okay. I was wondering if you guys wouldn't mind if I did read that. I stated it: To Whom It May Concern: This letter is regarding to obtaining my Pleasant Prairie bartender's license. My name is Harmony Groth-Grigaitis and I am 25 years old. Currently I do hold my Kenosha City bartender's license and have bartended for over a year in the City of Kenosha. During this past year as a licensed bartender I have followed the rules that apply to my license and cooperated with the police when they would do routine checks on the establishment's license and mine as well.

Recently I applied for a bartender's license in Pleasant Prairie, and I was automatically denied because of my police record and charges that happened in February, 2008. At that time, I was 20 years old with a conviction. This was a one-time incident, not multiple occasions, and this also happened at my residence, not a licensed establishment which that was a question on the application if you did something at a licensed establishment. It was an incident at my home.

I do understand that the decision I made almost five years ago was not the best decision of my life. But since then I have learned from my mistakes. I am not letting my past dictate my future. I've also told myself that one bad decision should not hold you back in life, but it's up to you to learn from your mistakes and strive to be a better person and make wiser decisions. Unfortunately, my past is coming up to haunt me, and I take full responsibility for my actions.

During the year of 2008 I was working as a certified nursing assistant and currently still am certified and take care of my mother who suffers from multiples sclerosis. At the time I was employed at HCR Manor Care in Kenosha and was with the company for four years. I had to inform my job and the Wisconsin License Registry of my charges that happened that February 2008. My job was willing to look past that day and not hold it against me since I'm a very reliable, dependable, loyal and honest employee. These charges did not affect my CNA certification either since I was honest and informed them in a timely manor.

I am a strong and driven worker and I didn't let this one bump in the road block my way to becoming a successful adult. Since August of 2009 I have been enrolled at Gateway Technical College and completed my nail technician program, maintained an A in the program while working full time at the nursing home. Currently in the past year I have enrolled at Gateway in the apprenticeship program for cosmetology and have successfully completed my first year maintaining A's and B's in all my classes while working full time at the Hair Company.

Bartending has helped me to afford paying for school and supporting myself living on my own. With the way the economy is right now I am in need of another job to make ends meet and pay for my schooling. I was offered a job at the Starlite Club but they are located in Pleasant Prairie and I was unable to start because of denial. I am a very driven young woman, and I wish that you

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would be able to look past my poor choices I made that day and reconsider the decision for granting my bartender's license.

I do understand that the ordinance states that it's five years, but these charges will be off my record in February which is eight months. I did bartend for over a year. I still do bartend at Clay's Tap in Kenosha. I have never had any troubles with my license. I've always checked peoples' ID's, I get everybody out on time. I always follow the rules and I've never broken the rules. I do understand what your law states, but I do hold a license in Kenosha and was approved again for my license this year. So I'm just wondering if possibly you could maybe take into reconsideration that one bad decision in my life should not determine the rest of your life. I could see if I was a repeat offender being in trouble but I was 20. I'm 25 now. That was five years ago. It's shy by like eight months.

Michael Serpe:

Harmony, I give you credit for approaching the Board. I give you even more credit for coming across very intelligent and very sincere. It disturbs me a little bit that we set the rules for compliance and there has to be consequences for actions and you've admitted that. We did this a while back and we did it for good reason. It would be wrong for me to support granting you a license and then slapping the system that we created in the face and not following it. That's just not the right thing to do. You can still bartend at the Starlite Club, you just have to have a licensed bartender on the premises while you're working.

Harmony Groth-Grigaitis:

They work with only one bartender.

Michael Serpe:

I understand.

Harmony Groth-Grigaitis:

Unless when they have benefits then there's two.

Michael Serpe:

Like I said, we struggled with this for quite some time and we've come up with a formula that we feel is fair. The thing of it is when word gets around that things like this do happen it makes people think a little bit before they decide to do something wrong. I read the police report and what you got involved in and it wasn't very flattering to you, I can tell you that. I feel we have to support the recommendation of the Clerk and the Chief of Police. I'm going to stand by that.

John Steinbrink:

Other questions?

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Steve Kumorkiewicz:

Pretty much what Mike has said is what I feel about it. We cannot make exceptions

John Steinbrink:

Harmony, thank you very much. We appreciate your coming here today and wish you the best.

Harmony Groth-Grigaitis:

So should I reapply come February.

John Steinbrink:

You are going in the right direction now.

Harmony Groth-Grigaitis:

Would I be denied in February?

Jane Romanowski:

That would be five years from 2008, February, right?

Harmony Groth-Grigaitis:

February would be five years.

Jane Romanowski:

No, it would be '13.

Harmony Groth-Grigaitis:

It would be five years this February, 2012 is five.

Jane Romanowski:

No, it would be '13.

Harmony Groth-Grigaitis:

It will be five years this February.

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Michael Serpe:

Come back in February. I would move to concur with the recommendation of the Village Clerk and the Chief of the Police Department to deny.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Any discussion?

SERPE MOVED TO DENY AN OPERATOR'S LICENSE FOR HARMONY GROTH-GRIGAITIS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

J. Consent Agenda

- 1) **Approve Operator License applications on file.**
- 2) **Approve Operator License renewal applications - July 1, 2011 - June 30, 2013.**

Monica Yuhas:

Motion to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Any discussion on any of the items there?

YUHAS MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2; SECONDED BY ALLEN; MOTION CARRIED 5-0.

9. VILLAGE BOARD COMMENTS

Michael Serpe:

The triathlon is Sunday. 1,200 participants I understand? It looks like a real nice day coming up. I think we should have a good time. Hopefully a lot of participation with onlookers.

Steve Kumorkiewicz:

See you five o'clock in the morning Sunday morning.

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Monica Yuhas:

And I just wanted to mention the paving program is going along smoothly. 47th is done and it got in on time. The weather has been cooperating.

Michael Serpe:

I was going to ask a question of John. John, when new blacktop is laid how long does it take for it to harden before it causes indentations or whatever?

John Steinbrink, Jr.:

Normally it can be open for vehicle traffic within about 20 minutes.

Michael Serpe:

Okay, thank you.

10. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 6:45 P.M.