

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 39th Avenue
Pleasant Prairie, WI
May 16, 2011
6:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, May 16, 2011. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz and Mike Serpe. Clyde Allen was excused. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Asst. Village Administrator; Jean Werbie-Harris, Community Development Director; Mike Spence, Village Engineer; Carol Willke, Recreation Director; and Jane Romanowski, Village Clerk. Six citizens attended the meeting.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

PRESIDENT STEINBRINK PRESENTED POLICE CHIEF BRIAN WAGNER WITH TWO PLAQUES IN HONOR OF HIS 30 YEARS OF SERVICE WITH THE VILLAGE OF PLEASANT PRAIRIE.

John Steinbrink:

Before we move on to Item 4, is there anybody that has any interesting Brian Wagner stories they'd like to tell at this time?

Michael Serpe:

I can't share mine.

Mike Pollocoff:

Mine are waiting the statute of limitations out.

John Steinbrink:

I'll tell you, for the years I've known Brian and worked with him, truly a professional. The citizens of this Village and Town when he started are very fortunate to have the caliber of his personality and leadership. I never saw the man get angry. I got angry all the time but he as cool as a cucumber. He seemed to know what direction he was going and how to handle situations. You definitely want that in leadership and Brian has exemplified that at every turn of every way. We're pretty proud of you and your department. As I said, the clearance rates it's nice for us to gloat, but it's something you guys can really be proud of. You don't see that in many other

Village Board Meeting
May 16, 2011

departments in our size anywhere in the country. Once again, citizens are very fortunate to have you leading them. I guess in ten more years he can retire so he has something to look forward to.

Mike Pollocoff:

I will say that I go to city management conferences and I listen to other manager's talk about the Chiefs that work for them. We clearly have got the best Chief. I think when you look at the challenges of the Village and the department in particular faced over ten years of really rapid growth, just a vast change in the nature of the community, the people that are here and the corporate park and industrial park, we've dealt with a really difficult situation with Kenosha County and he led the department through that. It's as tough a ten years and I think you could have, and he's done a great job of leading the department through it. I couldn't ask for anything more.

Michael Serpe:

John, I will say we went through a couple of hard times; one in particular was when the Sheriff's Department was trying to take over policing in Pleasant Prairie. And Brian kept that department together because those poor cops didn't know from one day to the next if they were going to wake up with a job or without a job. And this Board, with the exception of a couple at the time, was very much in favor of keeping this police department in Pleasant Prairie the way it was. And Brian had a tough job in his hands keeping these guys together and keeping them focused on what they had to do. That shows the type of leader that Brian Wagner is. Working in police service for 28 years this guy is at the top of the list as far as I'm concerned. For anybody who has served in that position one of the best.

John Steinbrink:

Earlier we had a gathering, a reception of his friends and colleagues and a pretty good turnout of people I've got to say. But they were showing some pictures when the Town's police department was first starting, and you think of how far we've come and Brian has been a part of that all the way. His input has really made a difference there. When you look at what we were as a Town department and part time I guess to now a full time, fully staffed, fully responsive. Probably the envy of a lot of other communities. That's something that I can't say enough we can be proud of.

Steve Kumorkiewicz:

I'd like to make a comment how far we came from many years ago when we used to be a township. I do recall that we used to have one car, a part-time Chief of Police. It was an Ambassador and it had to be pushed to get it started and look at what we've got today. We've got the up to date and modern cars at the police department with excellent trained policemen. It's beautiful. I have been living in this Village and Township for so many years that we can see the change, and we're proud to have Brian to get the department that we have today. I remember in the beginning of the department, back in the '70s and '60s to where we are today is a long way. We're the envy of many, many departments of the State.

Village Board Meeting
May 16, 2011

I can give you one anecdote that happened many years ago. At that time the Sheriff used to give the time at three o'clock for the police in the area so the dispatcher said at such a point it's going to be for the Kenosha Police Department and the Sheriff Department is going to be 3 p.m. For Pleasant Prairie Police Department the . . . is going to be number three and the team leader is going to be number twelve. What a change from those times to now. That's one thing I'll never forget . . . the department at that time. Three o'clock and two different times. Pleasant Prairie had a special time. That's what they considered us to be at that time. Now we can tell where we are. Thank you, Chief.

Monica Yuhas:

Chief, I don't have the experience that my other Board members have with all those years, but I've had the last four years to work with you and to spend time in your department and to learn how your operations work and your staff. You've always had that open door policy, and you've always been available any time to answer those questions. And as a Board member I treasure that. It speaks highly of your professionalism and what you strive and maintain in your departments. So thank you very much for all your years of service.

John Steinbrink:

So, Chief on behalf of the Board and the Village staff and the community thank you and congratulations on thirty years. Time flies when you're having fun.

Michael Serpe:

The first thirty years are the toughest. Now the next thirty you won't have any problems.

4. MINUTES OF MEETINGS - MAY 2, 2011

Monica Yuhas:

Motion to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

YUHAS MOVED TO APPROVE THE MINUTES OF THE MAY 2, 2011 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

Village Board Meeting
May 16, 2011

5. PUBLIC HEARINGS

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.**

John Steinbrink:

For the benefit of the audience we're paperless here tonight and we're reading them off our computers. So if things seem a little bit different that's because we're saving money here, right, Mike?

Mike Pollocoff:

That's right, we are saving money. I'll get started on it. Just to begin with, on both these resolutions and significant amount of the number of the parcels are owned by Crestwood Development. They're in the process of being taken over by Foundations Bank. The attorneys for Foundations Bank requested that the Board consider a continuance of the public hearing. We still need to have the hearing tonight, but then a month from now on June 20th we would continue the hearing at that point and allow them to have an opportunity to comment on the resolutions as well. So we're ready to present the basis for the resolution tonight. Then we'll provide those minutes as well to the legal counsel for Foundations and we can finish the hearing up at that time as well.

Michael Serpe:

So no vote tonight then on this?

Mike Pollocoff:

That would be my recommendation that we continue the hearing. Mike, if you want to start? Do you want me to start?

Mike Spence:

Mr. President and members of the Board, this assessment is basically the result of the developer of the Meadowdale Estates Addition 1 Development defaulting on their development agreement, and subsequently there were not enough funds to complete the paving on the project. The assessment that was developed took into consideration because the road was paved in concrete the obligation for the asphalt was that of the developer. So we took those numbers into account as well as engineering and the work associated with the paving. Then we bid the project and the road was constructed in concrete. The concrete prices actually came in less than the original price, but there was additional—the funds that the developer that were in the cash on deposit

Village Board Meeting
May 16, 2011

weren't sufficient to cover that which necessitated this assessment. This assessment took the remaining funds that were needed divided by the number of lots shown in the diagram there to come up with the assessment. The net assessment per lot for the street is \$907.70.

Mike Pollocoff:

This assessment is a little bit different than others, and what it is it's a reopening of an existing assessment. When the Village levies a special assessment, we come up with an estimate, then we get the bid prices to do the work. And if the project comes in under bid, then whatever was that amount we adjust it so that the price comes down. If the project price goes up, in this case it's because the developer not following through on his commitment then the price goes up.

The concept in a special assessment bond for a development like this, as Mike indicated, the development has basically failed. The developer was not able to secure a letter of credit. We did receive a payment from the bank for the first level of installment but not the second. Under the Village's ordinances, the Land Division and Control Ordinance, the Village is prohibited from subsidizing any residential development in the Village. So any residential development that is initiated and started has to pay for its own improvements. That typically works out pretty well. I think in 25 years we haven't had a problem with a developer going under. In this case that's happened.

The Village's legal counsel has investigated the concept of placing or trading lots with the developer for the purpose of getting it paid off. The bank that holds it won't agree to that. So the Village's last option is this special assessment procedure. What happens is each one of these special assessments ends up becoming a lien on the property. Everybody is affected and by statute we have to treat everybody equally here because everybody is achieving some level of benefit from the public improvement.

These special assessments will be on the parcels, and when a tax bill is received they'll get a notice this October indicating whether or not they want to pay it all off at once with no interest or if they want to finance it out. Either way if they don't pay it or they don't pay the finance route, when the property taxes are collected the money for the special assessment gets paid first before taxes. So if the special assessments aren't paid the taxes go delinquent, and in the span of two years Kenosha County would then proceed to sell the properties off for the cost of the outstanding taxes that existed. So there is some risk to the bank on these but that's where this is at.

We cannot collectively assess the bank. Again, a special assessment has to be based on those that benefit and level and equitable. So, as Mike indicated, this is an additional assessment that compensates for lack of funds received from the developer. With that on this resolution, 11-10 Mr. President, I'd recommend that we open the public hearing.

John Steinbrink:

This being a public hearing I'm going to open it up to public comment or question. We ask that you give us your name and address for the record and please us the microphone. Did we have a sign up sheet?

Village Board Meeting
May 16, 2011

Jane Romanowski:

We did but nobody signed up, Mr. President.

John Steinbrink:

Anyone wishing to speak on this item?

Gary Epping:

Hello my name is Gary Epping. That's my wife, Peggy Ann. We purchased the lot in Meadowdale Estates. On that map it will be number 43 I guess. We haven't built yet. And I guess our question is we're trying to find out a little more information on this and how this is going to evolve. From what I could see on the list of the 47 lots in this addition six are actually owned by someone other than the Crestwood Development. So I guess the question is with all of those lots at \$900 and some, \$46,000 or \$47,000 worth of expense, you're going to assess six people the \$900 and then you've still got \$42,000 out there with a failed developer. I'm wondering that is really going to fall to Foundations in some way I would assume. And I don't know that. I guess I'm trying to find out. So I guess the question is why isn't the Village pursuing the whole thing with Foundation as it was originally intended to be?

Mike Pollocoff:

There are two things happening. One is that right now the lots are owned by Crestwood Development which is essence defunct. There's no cash behind that LLC. So we can't go after that. It would just be attorneys' fees and a process to achieve an end which would say that Crestwood couldn't pay for it. Foundations hasn't as of this time acquired the lots. That transaction hasn't happened where they've taken back or foreclosure. We're not sure what that instrument will be that will effectuate that change. At that point I think whether or not foundations is willing to pick up the tab for the remaining six lots and honor VK's commitments to the property owners that he's already sold lots to, because you bought a lot that was supposed to be fully improved and it isn't, I guess I don't know that. They would have to speak to that at the next meeting or at the continuance. But right now Foundations doesn't own them. It's still Crestwood. In discussing this will Village counsel we felt this was the best way to resolve the situation as we did when we levied the original assessment. Whether it's Crestwood or ultimately Foundations they're going to have 42 lots they're going to have to pay for.

Gary Epping:

I think I speak for all the owners and appreciate what's been done there. The concrete work is very good. It just seems a little early on making sure that there will be an assessment to the property owners. Foundations still could pick up the whole thing. And if they don't then the Village will pick up the remaining portion of that and apportion it out to the Village?

Village Board Meeting
May 16, 2011

Mike Pollocoff:

No. What happens is the Board has to make a decision whether or not they're going to levy a special assessment. They can only levy a special assessment out on all the affected property owners. They can't selectively pick out Foundations.

Gary Epping:

Understood.

Mike Pollocoff:

So if they do that, the reason we're doing this now because the way the process works is we levy a special assessment, you'll get a notice that the special assessment has been levied. You'll have the opportunity to file a claim for reconsideration by the Village or to take the Village to court. At that point a case going to court challenging a special assessment assumes a priority placed on the docket. It would be heard reasonably quickly. A judge is going to make a determination whether or not the Village has satisfied the requirements of the statute in levying the special assessment. Does the report indicate what the accurate costs are? Have we provided a basis that's equitable and equal in doing it so they'll go through those questions and they'll make a decision.

Now, out of that two things could happen. One is the judge could say the Village has complied with all these standards and the assessment stands which means that come October we're going to notify everybody. Because under the statutes we have one opportunity a year to make this bill occur. Or, secondly, it could say I'd like you to reconsider the ways you're assessing it, go back and come up with another method and then we would do it over again. But the reason we're doing this now is so we have time to go through this process. Because if we don't do this then what's happening is the rest of the taxpayers in Pleasant Prairie are going to pay for your streets and landscaping and the cost associated with it and then we're in violation.

You as a property owner in Pleasant Prairie now none of your property taxes go to pay for any other development or any subdivision or even in the Corporate Park. They have to be paid for by themselves. So we work to make sure that legally we have to follow that and that's what we work for. But, again, we have no control over all the events, and that's why we leave time in the calendar for that process to work its way through. So your due process, Foundations, Crestwood whoever ends up owning those lots or representing they have their opportunity for due process to go back and adjudicate this if they want.

Gary Epping:

So the contract was issued from the Village to the contractor?

Mike Pollocoff:

Right, that was awarded last year.

Village Board Meeting
May 16, 2011

Gary Epping:

So then the contractor would be looking for his money from the Village?

Mike Pollocoff:

We've already had to pay him. Our contract with the contractor was we're going to pay you for the work. His work did not exceed the bid contract. What happened is Crestwood did not make the payment for their share at the time.

Gary Epping:

Okay, so I guess there's a potential that Foundations could pick up the whole thing?

Mike Pollocoff:

We don't know.

Gary Epping:

If they don't then we're looking at as each lot is sold its picked up by whoever purchases it?

Mike Pollocoff:

Right. And they'll be making the same analysis we would. Do I go back after Crestwood or VK or the bank. That's where it's at. We can back and forth over this, but that's really the crux of the matter.

Gary Epping:

Was the shortfall created due to the concrete upgrade?

Mike Spence:

No. Actually the originally assessment that we did we did estimate conservatively because we don't ever want to go back and ask for more. So the concrete price actually was almost \$17,000 less than what was estimated. So we took that off of what the overall obligation was. Then the difference is what the shortfall was and the funds from the developer.

Gary Epping:

Okay, I have no other questions. Thank you very much.

Village Board Meeting
May 16, 2011

John Steinbrink:

Thank you. Yes, sir?

Sachin Panchal:

My name is Sachin Panchal. I own the number 5 on this graph. I already have asphalt road on this street before. This house is built probably in 2005, and the road was built by the developer at that time also. So what I'm saying is we never needed a new road on this like lot We already have a road. They assess the fourth house. I have been paying almost \$13,000 property tax for the last five years. If I have to pay for the road it doesn't make sense why am I not eligible to get this kind of service while I'm paying property tax. I already have a road so why am I paying the same as other property owners that did not have a road and they agreed to pay for this assessment. But I already have a road, so why are they treating me the same as other property owners?

Mike Pollocoff:

Those are good questions. The first one is on 97th Street and 42nd Street you were assessed for the portion on 97th, and that was build as part of the first phase of VK. That road was paved earlier than the plans would allow for, and allowed that road to be paved because people wanted their streets paved because it's difficult when you're living on a gravel road. We agreed to do that provided that VK would pay for the additional expenses to rebuild that road if it failed. If you think back to before we put the concrete down that asphalt road was failing significantly, and it could not just be resurfaced over it. It had to come out even if we didn't put asphalt on it. And the reason we did the asphalt was to since there is a significant amount of construction that's going to occur in there, if we didn't put that asphalt road in there all those trucks going into those lots would have crushed the road again. So that's why it was concrete. So when the Board evaluated the assessment they said 97th is going to be an added benefit to the people who live on that road because it's going to hold up and last longer than the other road.

Your question as to why your taxes don't apply to the road, your taxes will apply to the road at that point in time when the Village accepts it. So as I indicated before when a subdivision is brought into the community, that subdivision, that developer and the people that buy those lots they have to bear the cost of paying for those improvements up front, whatever that is, because the Village is prohibited from subsidizing a real estate developer in doing those improvements. So the \$13,000 you pay, only 20 percent of that comes to Pleasant Prairie. Of that \$13,000 you pay none of that is paying for the subdivision to the west of you that had concrete roads, subdivisions down on 39th Avenue, everybody has to pay for their own roads, whatever that cost is, because the layout and the type of road it is is different.

Once this is completed and the Village accepts the project, from that point forward that \$13,000 that you pay for your taxes of which 20 percent comes to the Village, every year thereafter if your road needs to have something done to it, if in the case of concrete road a section or square needs to come out because it's broke up, we do that and we don't send anybody a bill. Because once you've made that improvement, it's been dedicated from there going forward in perpetuity the

Village Board Meeting
May 16, 2011

Village makes those improvements and that's part of your property taxes that you do pay. But until you get to that point where you as a property owner or a developer has delivered the road that was supposed to be delivered to us we don't accept it and it has to be brought up to spec. The taxpayers can't pay for bringing it up to spec because the taxpayers are going to own that road forever afterwards. That's why that's happening. This is a frustrating atypical situation but that's where we're at.

Sachin Panchal:

Alright, and you already answered my question about the redoing in the future. So if this road needs further construction in the future that's the Village responsibility?

Mike Pollocoff:

That's right. Every road that you see that we're working on, and we're awarding a contract tonight and that's for resurfacing and rebuilding roads throughout the Village, and there's no special charge to the residents.

Sachin Panchal:

Okay, thank you.

John Steinbrink:

Anyone else wishing to speak? Yes, sir?

Mark Dabroski:

Mark Dabroski. I think I'm lot 45 at the end of 98th Street. A couple of things. First of all, I appreciate the situation that the Board is under having to deal with the situation. I'm sure it's very frustrating for you as it is for us as taxpayers. I guess my questions come more into play with Crestwood is the owner, it's gone bankrupt, correct? So the bank has taken over in essence.

Mike Pollocoff:

It's in process.

Mark Dabroski:

It's in process, okay. So why is it that, at least again I'm not a lawyer and I'm not an accountant, but why is it that the six current homeowners are in essence subsidizing the other 42 lots? Because in essence the bank, whoever is taking over this lien, will in essence generate profit to pay off whatever debt is incurred. And from the math you showed me you had money in escrow from VK to the tune of about \$517,000 and they fell short of \$60,000. Why wouldn't that \$60,000 be basically spread out over the 42 lots because in essence Crestwood owned those lots, owned the subdivision, and they're the ones that went defunct on the loan. So why should it be

Village Board Meeting
May 16, 2011

the obligation of us as taxpayers that already paid in? We're going to end up subsidizing the other 42 people. I'm trying to understand the math. Because at the end of the day it's not a lot of money but it's more principle that it certainly feels like I'm paying more than the next person that's going to come in and buy a lot and get that money subsidized.

Mike Pollocoff:

And the reason comes back to the tool we're using, the special assessment laws of the State. They're blind and they don't look at who got you into a situation whether it was the developer or the owner or whoever. It just says before the Village of Pleasant Prairie can levy an assessment and charge somebody, a property owner, an amount of money, and that charge is being based on a project that is a public improvement which is that's what this is, that charge has to be equally leveled to all properties benefitting, whether or not they created the problem or are the recipient of the problem the statute is moot on that.

Mark Dabroski:

But I beg to differ on the point that it's being equally benefitted by all parties because we've already paid for our lots, we've paid the assessments, we've paid the special assessment. The other 42 people that are going to end up purchasing lots didn't have to pay that on the front end. And now you're going to ask us to take and pay more than those other 42 people when you net it all out.

Mike Pollocoff:

No, they already have. They've paid for some portion of it already. There was a lot of bills. When you look at the total cost of this project it was in the millions and most of that has been paid. What hasn't been paid we had that first assessment for the \$3,000 and some. Crestwood paid all that. They paid those special assessments. So all the property owners, the six who have already been sold, they had to pay that assessment off and they did pay. They paid that in cash to the Village. So the only assessments that are left outstanding are some of the property owners that live out there so they have to make that payment as well as everybody else. And they would have to make this payment the same as everybody else. So when we levy a special assessment everybody who has benefit of the improvement, and the benefit of the improvement is defined by statute is that improvement in front of your property, that street exists, there are no lien waivers on it, it's paid for, it's been accepted, everybody who receives that has to pay. How they got there, as I said, whether it was the bank taking it over from VK or it was you because you bought it from VK is not a basis that we can use to levy the special assessment. We can only change that special assessment to the extent that a lot might be bigger than somebody else and they're getting a smaller assessment, or somebody has a small lot and they're getting too big of an assessment. But that's the basis of equity that we're allowed to use.

Village Board Meeting
May 16, 2011

Mark Dabroski:

So it sounds like you're taking a bottom up approach. But let's look at it from maybe a different perspective, VK owed money on the subdivision, correct? They owed money on this project. They are the debtors, correct?

Mike Pollocoff:

They didn't owe the Village.

Mark Dabroski:

But they still pay the debtors, correct? They have to pay off their debts, correct? And who is the first person that should be in line to pay off those debts? Is it the bank that suddenly benefits from this transaction? So the bank takes over 42 lots and in essence doesn't have to pay for the default of VK. But shouldn't the bank assume some risk as it relates to the payment and terms? Because in essence they inherited the property, they inherited equity. Those lots are worth something. And now suddenly that debt is washed away and they're going to come out and they're the ones that benefit from this. And the six other property owners, the people that have bought lots are the ones that are penalized in this. It's not equally distributed.

Mike Pollocoff:

All I can tell you is I don't know anybody who is making any money on this. I think the bank has assessments or outstanding costs on the parcel for what VK didn't pay, what they didn't get equally \$80,000. And then we added on what we have to date, what we have tonight on top of it. If you think the lots are going to sell for more than \$90,000 any time in the future then maybe they would get some money back. I can see what you're saying, but the Village just doesn't have the legal tools to get into the legal contract and the failings of it between the two, because our only standing is how we assess for that public improvement. You have some civil standing with VK saying you sold me a lot that was supposed to be fully improved and it isn't. You didn't give me what I bought. But I'm not in that position. We can't make that case for you.

We're saying to VK or the residents everybody equally this road has not been improved to the standards that we demanded. You were supposed to put up money to do this and that money fell short so you've got to do it. It's just not there anymore. We still have a road that we have to improve and maintain out there for you people to have a street, and our only other way to go back and get that is to use the process prescribed by the statutes and that's to special assess all the property owners. To protect the taxpayers the special assessment becomes first in line at the time of property taxes. So the taxpayers can be reasonably certain within a couple years the taxpayers will be reimbursed what we spent.

Village Board Meeting
May 16, 2011

Mark Dabroski:

So what your saying, or what I want to understand is you're saying is you can't go after—in essence what I'm hearing you say is that you can't go after the bank or you choose not to go after the bank.

Mike Pollocoff:

No, I can't. The special assessment does not allow us to use economic responsibility of one person over another as a basis for determination. We have to use an equitable assessment of the physical nature of the property and how it benefits the property owners, not to the extent someone didn't live up to a financial commitment in a private land transaction. We just don't have that wherewithal to do that.

Mark Dabroski:

So when you say you don't have the wherewithal—

Mike Pollocoff:

We don't have the legal—we don't have the statutes behind us to enable us to do that. There no municipality that is able to do that. Now, could we enter into a situation where we sue the bank and we'd sue VK, there is no VK left to sue. I'm not sure, again, that the bank is going to say—they're going to create an LLC that operates this. This won't be the bank lots. It's going to be whatever it is. And if there's no money behind that either then that's where we'll be.

Mark Dabroski:

Okay, I have no further questions.

John Steinbrink:

Anyone else wishing to speak?

Gary Epping:

He raised a question and I thought this was going to be addressed. Maybe I misunderstood.

Jane Romanowski:

Sir, your name again please.

Gary Epping:

Gary Epping. Again, as a Village we have a Village attorney, and if you had a contractor that didn't meet his commitments you would go after that contractor. You have Foundations bank is

Village Board Meeting
May 16, 2011

going to pick this property up. I'm assuming they're picking up their debts. They're getting equity and they're getting debts. How is that being resolved in the course of that court proceeding?

Mike Pollocoff:

The difference is the Village doesn't have a contract with the contractor. The contract is between—we have a contract between us and the guy that built the road and we paid them. But VK through a development agreement that we review the contracts are between the developer and the people he hires. The Village doesn't hire the contractors that build the subdivision. The developer does. So for us to step in and say in this case—

Gary Epping:

Then I ask that the contractor go to VK. Why are you—

Mike Pollocoff:

Because there was no money and the Village wanted to get the roads built. We were petitioned—

Gary Epping:

Wait a minute - that was done before we realized there was no money. If that wasn't the case I'm very interested in that.

Mike Pollocoff:

You mean the \$60,000 short?

Gary Epping:

In that assessment we got a \$3,500 bill, and then we found out he didn't have money and you bill us another \$900 later?

Mike Pollocoff:

Right.

Gary Epping:

Then what you just said doesn't make any sense. You knew—you either knew he didn't have the money to pay it and you would have charged us \$4,400 up front, or you didn't know that he didn't have money at the time. Which was it?

Village Board Meeting
May 16, 2011

Mike Pollocoff:

We didn't know he didn't have money at the time. But nonetheless--

Gary Epping:

Okay, well then I would say that the contractor, if you just handle the paperwork for the contractor he's got to deal with--

Mike Pollocoff:

The contract is with the Village of Pleasant Prairie.

Gary Epping:

Why are you a middleman for the contractor?

Mike Pollocoff:

We're not a middleman for the contractor. The contract for the road improvements is between the Village of Pleasant Prairie and the contractor.

Gary Epping:

Okay, so it's between the Village and the contractor.

Mike Pollocoff:

Right.

Gary Epping:

Alright.

Mike Pollocoff:

Because the roads weren't done, the Village had to step in and do them.

Gary Epping:

So you thought he had money at the time?

Mike Pollocoff:

We believed so, yes.

Village Board Meeting
May 16, 2011

Gary Epping:

Okay, now Foundations Bank—if they go into bankruptcy instead of the developer I expect the Village to deal with Foundations Bank as a debtor with our City attorney.

Mike Pollocoff:

We're going to be dealing with—we don't know who we're dealing with but—

Gary Epping:

You've got a lot more money than our six people here involved. That's going to be—you're not going to sell all those lots for a long time.

Mike Pollocoff:

We're not going to sell any lots.

Gary Epping:

Well, Foundations Bank they're going to get their money back as this gentleman mentioned over the course of a long period of time. And you're saying you want our money up front now. It doesn't sound right.

Mike Pollocoff:

No, we want everybody's money at the same time. I can't treat you any different than we treat—

Gary Epping:

Well, who are you going to get the rest of the money from then I ask.

Mike Pollocoff:

Well, it's going to come from everybody.

Gary Epping:

No, the Village wants their \$56,000 right away, Mike.

Mike Pollocoff:

Right.

Village Board Meeting
May 16, 2011

Gary Epping:

Okay. You're going to ask Foundations Bank for that eventually.

Mike Pollocoff:

Right.

Gary Epping:

Ask for all 47 lots.

Mike Pollocoff:

We're going to ask for all the ones that they or—

Gary Epping:

No, no, you ask for all 47. You have the Village attorney do that. That's what the debt is. That's what the debt is, Mike.

—:

We were already promised our . . . and if . . . why should we

Gary Epping:

Legally that doesn't even make sense. You go after the developer on the bill, but those people that live there we're going to go after them separately. I think in court that would have a rough go.

Mike Pollocoff:

My experience is that in court—

Gary Epping:

Could we have the City attorney here next time to discuss this?

Mike Pollocoff:

Yes.

Village Board Meeting
May 16, 2011

Gary Epping:

I think you have to go after the whole works with Foundations. That's where it is. Don't muddle it up with six lots.

Mike Pollocoff:

I'd love to but I don't think it's possible in discussions with our attorney.

Gary Epping:

I'd like to know. I think people would like to know, six owners. I thought that's what we said the first time. When we meet with Foundations I'd like to be there for that, too. I'd like to know when that happens.

Mike Pollocoff:

That's going to be June 20th same time.

Gary Epping:

I'd like our attorney that we're paying taxes for to represent us as part of the whole bill. Thank you.

John Steinbrink:

Mike, I think you made the statement we can't treat people differently when we go after them, and that's the reason we're going after them this way. We'd like to go after them only as just a matter of principle, but we can't act on principle. We have to act on the law as to what we can do.

Gary Epping:

It's a debtor . . . they owe a bill for work done.

John Steinbrink:

But we don't know who the debtor is yet going to be.

Gary Epping:

It's the same debtor. Our lots are . . . in that whole contract. There's 47 lots in that contract. That's all we're saying. That's what you go after.

Village Board Meeting
May 16, 2011

John Steinbrink:

Alright, we can't carry on a conversation without using the microphone. If you want to come to the microphone that's fine. And your name for the record.

Mark Dabroski:

Mark Dabroski. I guess the point is to the gentleman's point here the equity and the debt go hand in hand. So it went from VK to whoever is taking over the debt and the equity. Shouldn't they be responsible for that \$60,000 differential here, our \$42,000 differential and have that divided by in essence—it's not even being divided by the 41 lots. It's being owned by the individuals that have the equity and the debt associated with those 41 lots whoever that is. So to me the debt follows—it gets transferred from VK to the bank or the contractor, whoever is taking that over. That's what I'm trying to wonder can you go after that? Legally if the answer is no I understand it. I'm not happy about it but I understand it. I just want to make sure the Board has looked at and exhausted all options to rightly go after the people who defaulted on their portion of the loan here and their portion of services for the lots. We all agreed to assessment. We all paid more than what we originally were told we were going to pay. I don't think you had any objections related to that. But now you're coming back to us because of this and I think it just doesn't feel right. All we're asking I guess as citizens is can you least explore going after the people that have in essence taken over the equity and the debt.

Mike Pollocoff:

We have worked at that. We worked for a while to try and initiate litigation with Crestwood and VK because we don't like doing this any better than you like having it done to you. VK is going to come and go as he has, and we're all living here in the soup together. The six people that have bought lots I'm not going to dispute the fact that you're getting rogered in this thing because you've already in essence paid for a fully improved lot per your agreement. Now, what's been a little bit different is that the original agreement called for an asphalt road, and because construction is so slow we upgraded it to concrete. We've had those discussions with our attorney, and I'm more than glad to have him here at our next meeting to give you a more eloquent and legal description of why we can't do this.

As I said before, this assessment is not based on an equity issue in contracts. This assessment is based on how much hard public works improvement and material have been put in, what each lot has in terms of concrete, storm sewers, curb and gutter, is that being assessed equally. All the other stuff pertained to how we got there we don't have the legal authority to do that. That's a whole other action. Advice from counsel at this point, at least with Crestwood, there's nothing there. There's nothing there, and my supposition is that if the bank acts like every bank is going to act they're going to create an LLC called Crestwood Two or who knows what they'll call it but, again, it will be another legal entity that's not going to have—I doubt it's going to have what you need. But we won't know until we hear from them, and we won't know until that transaction takes place. The Board would have the option—one option you would have is to levy it tonight and levy it against Crestwood and let it stand the way it is. But I think the bank in some level of

Village Board Meeting
May 16, 2011

good faith said we want to deal with this and get it straightened out. Give us time to get that done and that's why they requested the extension.

Michael Serpe:

At this point, Mike, I think it's important that we hear on the 20th what their attorneys are going to say and what our attorney is going to say. And that possibility may arise that we may levy this against Crestwood. I don't know. I want to hear what everybody has got to say. To say the least this is very interesting. Very interesting.

Mike Pollocoff:

So with that—

John Steinbrink:

Gary, we need your name and address.

Gary Epping:

You said that you wanted to get this money right away for the Village.

Mike Pollocoff:

Well, right away is by the first of next year.

Gary Epping:

Okay, Foundations bank isn't going to get their money if they paid for this for a long time.

Mike Pollocoff:

No, they're going to have to come up with it.

Gary Epping:

They're going to have to come up with it. Okay, have them come up with the whole thing.

Mike Pollocoff:

I would be more than happy if they did that.

Gary Epping:

Why wouldn't they? Why are we even telling them we're going to assess six property owners.

Village Board Meeting
May 16, 2011

Mike Pollocoff:

Again, the reason we're doing it this way this is a way that a municipality enforces a lien on property for public works improvements. This is the only way I have to do it.

Gary Epping:

No, let's talk to the lawyers. The Village should go after the whole works because we don't want the Village paying interest on all this money for X number of years until they get their \$900 a shot fifteen years out into the future.

Mike Pollocoff:

One of two things will happen. Either we'll get paid or the Village will acquire 41 lots for the cost of \$909 apiece. Then we'll turn around and sell them.

Gary Epping:

And that's a better deal. Can the six property owners get in on that?

Mike Pollocoff:

We'll gladly give you guy's rights of first on the first ones.

Gary Epping:

Thank you.

John Steinbrink:

I think we understand the frustration. We're frustrated. We wish we had all this power but we don't, and we have to go by legal means or whatever is legal for us to do. This is the one road we can take to achieve that. I wish we could just go out and sue everybody and go after their money. But this is a process that's got to work its way through and this is the part we're at. Nobody is happy about it. Not us, not you, and I don't even think Foundations is happy either. The 20th is the day. So if there's no further comment or question from anybody.

Michael Serpe:

Move to continue this.

John Steinbrink:

I don't close the public hearing. I leave it open to June 20th.

Village Board Meeting
May 16, 2011

Steve Kumorkiewicz:

We need a motion for that?

Michael Serpe:

I just made it.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica.

SERPE MOVED TO CONTINUE THE PUBLIC HEARING FOR THE MEADOWDALE ESTATES ADDITION #1 CONCRETE PAVING PROJECT TO JUNE 18, 2011; SECONDED BY YUAHS; MOTION CARRIED 4-0.

- 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.**

Mike Pollocoff:

Mr. President, this is more of the same unfortunately. There have been some street trees that have been installed and haven't been assessed. And in order to make this more manageable, and Mike described this, we're assessing this out in pieces so that we don't have a situation where we have trees out on vacant lots and then people go to build a house or put in a driveway and the trees are in the way and someone's got to take care of those trees in the interim. We also have landscape improvements and open space improvement that need to be constructed. So, Mike, if you want to describe how you came up with the method of the assessment.

Mike Spence:

Sure. Mr. President and members of the Board, the assessment for the landscaping was put together by—we bid a plan for installing street trees in the subdivision, and the total cost and engineering as well as a contingency added up to about \$54,000. The original landscape plan for the developer called for 138 trees. So basically we took the total cost by the number of trees that were estimated in the original approved landscaping plan for the development to get a cost per tree. And then for the assessment, again based on where the—we try to have a general spacing of

Village Board Meeting
May 16, 2011

trees throughout the development. And so as the trees laid out in particular properties, that became the assessment as far as the number of trees per property.

The second thing is the common areas or the cul-de-sac those areas, again, are shared equally among all the property owners so there's a portion of the street trees that are in any particular cul-de-sac that are spread over the cost of the overall development by the owners. So the bottom line is this assessment comes out to a rate of \$394.27 per tree. Again, as Mike had indicated, this is very similar to the paving where there was no money left to pay for this, and it was part of the original development to put in street trees.

So the plan is with this assessment, as Mr. Pollocoff had indicated, some of the trees have been put in. As lots are developed before they would get occupancy permit they would be required to install their trees at that time so then they would be responsible for caring for them. And it would be up to my staff and community development and building to make sure that the trees are installed at that time.

Mike Pollocoff:

What's different in this resolution than the last one, the last one was a resolution to reopen the existing special assessment. This one is a new special assessment. So we've got bid prices on some of this so we feel pretty good about it. And we've put in some contingency in case there's some kind of increase and we have some engineering expenses in this. So if the project comes in at less than the assessment schedule then that assessment is reduced. If it comes in higher then we'd have to be here. I've been here 25 years and we've reopened two hearings in 25 years. Usually we try to leave as much cushion in the schedule as we can so we don't have to deal with this. This one is a little more involved because some of it is going to be deferred over time. But the larger expense as a group is going to be on the cul-de-sacs.

Mike Spence:

And I guess the cost over time that's the uncertainty. The contractor that bid this is going to hold their cost for indefinitely. But at some point if the costs go up that could be an issue. But at this point we feel that we've got enough contingency in there to cover any increased costs over time.

Mike Pollocoff:

But that cost that future homeowner is going to bear that increase is going to be theirs. It won't be spread back across the entire project. So for those street trees whatever it is, if it's twenty years from now or two years from now or whatever two years it will be this cost. If it's further out it's going to be whatever it is in order to get their occupancy. Again, this is a hearing that Foundations has requested a continuance of the hearing.

John Steinbrink:

Once again this is a public hearing. I will open it up for public comment or question.

Village Board Meeting
May 16, 2011

Jane Romanowski:

We didn't have any sign ups.

John Steinbrink:

Anybody wishing to speak?

Mark Dabroski:

Mark Dabroski, 4286 98th Street. Thank you. I apologize for the last little frustration. We're frustrated. I hope you realize it wasn't directed to anybody on this Board.

John Steinbrink:

No, we understand frustration here, trust me.

Mark Dabroski:

I guess my question is related to the methodology of the assessment, I think a couple things. I'm assuming that my original assumption and what I was told by the previous president of the homeowners association is that VK had set aside money for the landscaping for the common grounds. So that would be the cul-de-sacs and any land that is not owned by an individual property lot owner. Is that not the case? Is the homeowners association not responsible for that? Or, my question is shouldn't the homeowners association be going after VK and taking on that? Now I'm looking at another part of the subdivision, because when you look at Meadowdale regardless of this new subdivision, the homeowners association pays for the maintenance of all the common grounds regardless of what part it is. And in the other part those trees and everything were put in on the cul-de-sacs and the common areas and everything is fine. But, again, it seems we're getting hit on the back end here.

Second of all as it relates to my individual assessment I was charged for two trees on my lot and I have one. So just for the record if you look you can see the property line as you drive by there's one tree that is on the common ground, there's one that's on my lot. And, yes, we are on the end of a cul-de-sac. So I question whether that one tree—I'd ask that the Board and the Village reconsider that one tree and if that should be part of the common ground.

Again, it just seems that if this was part of the homeowners responsibility shouldn't that be distributed across the entire homeowners association instead of the people, again, that are once again dealing with VK and his forfeiture in terms of paying for what we all had paid for originally. So now we're paying a second time for our landscaping.

Mike Pollocoff:

The first one the homeowners association I believe is responsible for just the maintenance. My recollection of the plat is they're not responsible for generating the funds to make the initial

Village Board Meeting
May 16, 2011

installation. And I believe if I remember right in the covenants the landscaping had to be put in by VK and then accepted for the common areas, and in particular the common area other than the landscape islands had to be constructed and built to the plans and specifications that were approved as part of the final plat. So that the association wouldn't accept them until it was done. Since they were going to maintain them it had to be accepted to their standards before they would accept it. I don't know that they have—it's been a few years since I've read that. It would be different from any other development agreement I've seen where the homeowners association would take over the installation and construction of landscaping.

Mark Dabroski:

And I trust that your facts are correct. I'm just basing it on a conversation with Brad the former president where he said there's X amount of money set aside for your cul-de-sac that's already been there. You will be getting X, Y and Z. The funds are there and it's going to be paid for and now we're getting a special assessment. I understand. So apparently the money was not there and it was not in the homeowners so it's a misunderstanding that occurred between Brad and I. I can appreciate that. I still question the assessment of the common grounds and the methodology. I may have colleagues in here that may say why should I pay for the cul-de-sac when my lot's not touching it. But, again, I look at all the common grounds within the subdivision and you think that would be assessed and spread out across all the lot owners once again which would then go back into these other 40 and some lot owners, 47 lot owners if you're going to follow the same methodology and be consistent.

Mike Pollocoff:

That is how we're doing it, though, right?

Mike Spence:

It is over all the lots.

Mark Dabroski:

So why—when I look at it maybe I'm reading something incorrectly, but I'm being charged for the—not everyone is being charged for the plants or the landscaping on the cul-de-sac?

Mike Spence:

No, that's not true.

Mark Dabroski:

Every lot is?

Village Board Meeting
May 16, 2011

Mike Spence:

Yes, every lot. It's divided—

Mark Dabroski:

All 47 lots, okay. So then I misread—

John Steinbrink:

You say you have two trees you were charged for?

Mark Dabroski:

I was charged for two and there's only one that's physically on my lot.

Mike Spence:

I'll have to look into that.

—:

How wide is your lot?

Mark Dabroski:

It's a pie shaped lot and I can tell you the other tree is approximately ten feet from out lot line. So it's not literally on the lot. You can see where our landscaping went and where we have the lot surveyed. You can see we put our lawn in literally right on the property line. And also, by the way, they never did come back and finish an area—that same area where they planted the tree they never finished the grass. So you can go back to whoever you contracted and they didn't finish that as well. So if you go and look at it you'll see it.

Mike Spence:

Was the grass in at the time that the trees were put in?

Mark Dabroski:

No. What ended up happening was there was some landscaping going on and they threw some equipment there. They planted all the grass but then they never came back and replanted the area where they had equipment which is a small area. And they never threw the straw down so it was an area—

Village Board Meeting
May 16, 2011

Mike Spence:

And that area is on your property?

Mark Dabroski:

No, it's not on my property. It's adjacent to my property. I'd ask that you go look at it.

Mike Pollocoff:

We can get that answered before the next hearing. If we don't touch base with you before then we'll touch it in the continuance.

Mark Dabroski:

Okay, thank you.

John Steinbrink:

Anyone else wishing to speak?

Gary Epping:

Gary Epping. Again, I want to preface my comments by saying the work that you do as far as the roads and the way that the subdivision and all of Pleasant Prairie looks is fantastic. So that's not my issue at all. You do a wonderful job on that, the city and the engineering staff and everyone. I guess I'm questioning it would be the same comment as we had the first time, go after the Foundations things. And on the second case I think it's going to be a little more difficult because we're talking these lots that don't have houses you won't put trees in there obviously for some time.

Mike Spence:

That is correct.

Gary Epping:

Okay, and that makes sense.

Mike Pollocoff:

But we are putting a lien on their property to pay for them.

Gary Epping:

But you put a lien on to get the trees at some point and you must have the trees.

Village Board Meeting
May 16, 2011

Mike Pollocoff:

Right.

Gary Epping:

And that's good. That keeps everyone having something like that. Could that be just something that's paid for at the time that someone gets the tree on their property at that time as part of the lien? Do we have to still--again, we have three trees on number 37 there, and it's about 110 feet wide. So obviously some of the trees that we're being assessed for are going elsewhere along 97th Street or something. I don't know. There's no way to get three trees on our property. It just wouldn't make any sense. So I'm just wondering how the tree total was come up. I mean one tree I think would look fine at the front of our place, even talking two. And I've got probably one of the most narrow lots on that whole road there. I just don't know how that all works.

Mike Spence:

The landscaping, the number of trees is based on an approved landscape plan. I'd be glad to--all the trees were placed in front of the particular lots. And when we did this assessment as they line up if you happen to have three that's how the assessment was put together.

Mike Pollocoff:

But to speak to your other question, you wouldn't be charged now. All we're saying is we're putting that notice of lien on your property saying that there's three trees. Now, if we work this out to two or whatever, there's trees that have to be put in here, and the property owner--

Gary Epping:

When the time comes.

Mike Pollocoff:

--is going to have to pay for them.

Gary Epping:

So you're going to do the cul-de-sacs now.

Mike Pollocoff:

Right.

Village Board Meeting
May 16, 2011

Gary Epping:

And the trees as it comes up.

Mike Pollocoff:

And if you sell the lot then the person who buys it from you that will show up on the title report that he or she is going to have to pay for whatever trees at the time they build the house. That's out there. They wouldn't be surprised by it.

Gary Epping:

Okay, there will be a contract out for X number of years?

Mike Spence:

As Mike said it's for two years I think.

Mike Pollocoff:

Right. So the contract for doing the trees will go two years. If we only end up putting in three lots or four lots, whatever it is, that's what it is. But the lien will outlive the contract so whatever the cost is to the homeowner that's going to build it it will be that cost. We're not going to make them buy a tree from us. We're just going to say you're going to have to put a tree in that I think two inch diameter is the specification on that?

Mike Spence:

Yes.

Mike Pollocoff:

And it can't be—it's got to be no ashes and no willows. There's a list of approved trees that can be used out there.

Gary Epping:

Alright, that explains it more. Maybe I can leave with the Village looking at the number of trees and deal with that.

Mike Pollocoff:

We're more than glad to look through that.

Village Board Meeting
May 16, 2011

Gary Epping:

And the other comment is it just follows the first argument and see what we can—

Mike Pollocoff:

See what we can do.

Gary Epping:

Okay, thank you very much. Appreciate it.

John Steinbrink:

Anyone else wishing to speak?

Michael Serpe:

John, I would move that we move Resolution 11-11 to June 20th, continue it to June 20th.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve.

Mike Pollocoff:

Before we do that I've got an e-mail that somebody wanted read into the record. And actually I'm going to have to read the second one if we can put it in as the paving one. I forgot to do it.

John Steinbrink:

The hearing is still open on both of them.

Mike Pollocoff:

Both of these are from Dr. James Tomic, 4293 98th Street. On landscaping Mr. Tomic's letter, I wish to attend your meeting but I will be on call at United Hospital on May 16th. I wish to bring to the Board's attention a previous discussion I had with Brad Haugstad previous Meadowdale homeowners association president. He stated that the precedent was set for the homeowners association to pay for cul-de-sac landscaping in the thousand dollar range. This should be pursued by the Board. As to the tree planted on my property by Pleasant Prairie I did not request, nor would I have chosen a tree planted by Pleasant Prairie. I will be a good steward and tend to

Village Board Meeting
May 16, 2011

this tree but find it objectionable that I'm being assessed payment after the fact for this unrequested service.

With respect to the paving, again, from the same person. I wish to attend your meeting but I will be on call at United Hospital on May 16th. At the request of the Board and at an additional charge to me in excess of \$3,000 I agreed to upgrade of the roads from asphalt to concrete. I believe, as did the Board, that concrete was a better choice to withstand future construction traffic. I request that the Board pursue either VK or Crestwood Development for any additional funds resulting from the developer defaulting on their development agreement. It appears that there are many undeveloped and unsold lots in Meadowdale. I suggest that one or more be auctioned to pay for the developer's default.

John Steinbrink:

Those will be included in. We have a motion and a second. Further discussion?

SERPE MOVED TO CONTINUE THE PUBLIC HEARING ON MEADOWDALE ESTATES ADDITION #1 STREET AND CUL-DE-SAC LANDSCAPING PROJECT TO JUNE 18, 2011; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

John Steinbrink:

Opposed? So carries. It will be continued on the 20th. I want to thank you for your input. We understand. We're not taking anything personal. If it was us we'd be the same way. Nothing could be more frustrating. We're seeing people all over the country with the same dilemma right now and a lot of them with no recourse at all. Hopefully there is some recourse here.

Michael Serpe:

John, I think to be honest with you your approach to this Board tonight, Mark, was very professional and we appreciate that. We are not always treated that kind of respect so thank you.

(Unintelligible)

John Steinbrink:

Well, we want it to be a win-win for everybody when we're done. Unfortunately we're dealing with the hand we're dealt here.

C. Consider Liquor License renewal applications for the 2011-2012 licensing year.

Jane Romanowski:

Mr. President and Board members, I will do as I always do, list the establishments, the trade name and the address. And as you will see on my memorandum there are some violations, some minor, some delinquencies on taxes, invoices, whatnot. So first I'll just read the type of license

Village Board Meeting
May 16, 2011

and the trade name, and then I'll explain as we always do how the licenses will not be issued unless everything is satisfied.

So the first one we'll go with our Class A fermented malt beverages. These are the fermented malt beverages sold in original packages for off premise consumption, basically our gas stations and our drug store. So we've got Ayra's Gas & Grocery at 4417 75th Street; we have BP/AM PM, 10477 120th Avenue; Pantry 41 Citgo, 7511 118th Avenue; PDQ Store at 8800 75th Street; Stateline Citgo, 12720 Sheridan Road; Truesdell Mini-Mart at 8531 75th Street; and Walgreens at 7520 118th Avenue.

Then we have a Class A fermented and Class A intoxicating. We have one of those licenses, and that's for the Target Store located at 9777 76th Street. Then we go on to Class B fermented. Just one of those. That's for on premise or off premise consumption. That is the Big Oaks Golf Club at 6117 123rd Place. Then we have a Class C wine and a Class B fermented. That would be at Honada Sushi & Hibachi at 8501 75th Street, Suite G.

Then we go on to our Class B fermented and Class A regular and reserve intoxicating liquor licenses, most notably our taverns and our restaurants. Chancery Pub & Restaurant, 11900 108th Street; Chili's Bar & Grill, 6903 75th Street; we have Earl's Club at 7529 88th Avenue; Famous Dave's at 9900 77th Street; Gordy's Prairie Pub, 3812 Springbrook Road; Halter Wildlife, 9626 113th Street; Holiday Inn Express, 7887 94th Avenue; Olive Garden at 10110 77th Street; Ray Radigan's, 11712 Sheridan Road; Ruffolo Special Pizza at 11820 Sheridan Road; Starlite Club at 8936 24th Avenue; Uncle Mike's Top Shelf Pub at 10936 Sheridan Road; and the Village Supper Club at 10909 Sheridan Road; and the Wooden Nickel at 11606 Sheridan Road.

As I indicated you can see some of the establishments do have either zoning violations or real estate taxes, fire inspection violations, building inspection violations and those reports were attached to the memorandum. The premise descriptions for any of these establishments have not changed from the previous licensing year. I know last year we had a lot of discussion about the premise description and where they could and could not have alcohol or serve it or store it. So those are all listed as they were last year. Police department checks were run on all the licensees and those came back good. So with that we could open up the public hearing and I can give you the recommendation for the licenses tonight.

John Steinbrink:

Once again, this is the public hearing. I'll open it up for public comment or question. Did we have a sign up?

Jane Romanowski:

We didn't have anybody sign up for this, Mr. President.

Village Board Meeting
May 16, 2011

John Steinbrink:

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

Jane Romanowski:

And I will just indicate I do recommend approval of all the licenses stated tonight. The licenses would be issued to the agent or the individual. They never get issued to the establishment themselves, so that license holder is either an agent of a corporation or an LLC or a partner or an individual. The license is issued in their name, and the licensing term would be July 1st through June 30th of last year. And any delinquencies of any sort, any violations, anything that's listed on this report must be satisfied before that license would leave our office. What I'll do, and it's May 16th now, I will check with everybody again as of June 1st to see if there's more delinquencies added on because it's another month, and we'll update those. Then letters do get sent to all the establishment indicating that they are in violation. I know Jean's department, and the Chief's both departments are working on any violations that are outstanding. And as some of the reports indicated a lot of those should be taken care of shortly.

John Steinbrink:

And those aren't issued until the problems are all cleared up.

Jane Romanowski:

Exactly.

John Steinbrink:

And there were no changes in the agents or any of the individuals?

Jane Romanowski:

There actually was one new agent for Walgreens but they change theirs like every three months. They have new business managers. But as to the agents everybody's police check came back fine. Then we'll bring renewals of operator's licenses later on. But this is the first step.

John Steinbrink:

So an agent they just notify you of that and you make that change in your records?

Jane Romanowski:

They did the proper paperwork and a police report was done on them. In Walgreens case they just changed it a couple months ago and then they called, and I said just do it with the renewal

Village Board Meeting
May 16, 2011

process. Otherwise we'd bring it and I'd issue another one and they'd bring it and issue another one so it worked out fine.

Michael Serpe:

Assuming we approve all of these tonight, Jane, and there is let's say one of these establishments does not comply with either paying their surcharges or their taxes or they don't pass the building inspection, that list will be given to the police department?

Jane Romanowski:

Yes.

Michael Serpe:

For the necessary action.

Jane Romanowski:

Yes, I'm always in contact with them.

Michael Serpe:

Would we ever have to go through a revocation hearing eventually on that?

Jane Romanowski:

If they satisfy it obviously—

Michael Serpe:

No, if they wouldn't.

Jane Romanowski:

If they wouldn't then I just wouldn't renew the license. You wouldn't revoke it because the license expires June 30th so as long as they get it done but then they wouldn't have a license.

Michael Serpe:

Okay, so the revocation hearing would only take place during the time that the person is holding a valid license.

Jane Romanowski:

Yes, because they wouldn't have a license after June 30th.

Village Board Meeting
May 16, 2011

John Steinbrink:

So they'd close their doors at that time.

Jane Romanowski:

And we've had that time where they couldn't sell, where they didn't pick it up or some of these establishments, I can't remember the last instance it happened.

Michael Serpe:

One other question. If one of these establishments elected not to satisfy their back taxes or whatever and we didn't issue them their liquor license, that doesn't stop them from opening but they can't serve any alcohol, is that correct?

Jane Romanowski:

That's exactly right.

Michael Serpe:

So they can still operate and do whatever, they just can't serve any alcohol.

Jane Romanowski:

That's exactly right. We had that problem with BP I believe it was last year or the year before where they did have to lock their coolers until they took care of what they needed to do.

Michael Serpe:

I'd move to approve the licenses as the Clerk read off.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion? Hearing none, is this a roll call vote?

Jane Romanowski:

No.

Village Board Meeting
May 16, 2011

John Steinbrink:

We have a motion and a second, no further discussion.

SERPE MOVED TO GRANT THE 2011-2012 LIQUOR LICENSES AS PRESENTED AND SUBJECT TO THE STAFF'S COMMENTS AND CONDITIONS (ATTACHED); SECONDED BY KUMORKIWICZ; MOTION CARRIED 4-0.

6. CITIZEN COMMENTS

Jane Romanowski:

There were no sign ups tonight, Mr. President.

John Steinbrink:

Anyone wishing to speak under citizens' comments? Hearing none I'll close citizens' comments.

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Nothing tonight, Mr. President.

8. NEW BUSINESS

- A. Receive Plan Commission recommendation and consider the request of Wisconsin Retail Stores, LLC (GFS Marketplace) and AJK Holdings, LLC (Chili's Restaurant) to terminate a 30 foot Temporary Storm Water Management, Access and Maintenance Easement and related Restrictive Covenants and a 24 foot Dedicated Driveway/Pedestrian Access, Cross Access, and Maintenance Easement and related Restrictive Covenants as previously dedicated by CSM 2338.**

Jean Werbie-Harris:

Mr. President and members of the Board, if we could take up both items A and B at the same time I'll just make one presentation.

John Steinbrink:

We'll take up Item B then.

- B. Receive Plan Commission recommendation and consider the request of Wisconsin Retail Stores, LLC (GFS Marketplace) for a Certified Survey Map to dedicate additional easements and restrictive covenants on property located at 6905 75th Place.**

Village Board Meeting
May 16, 2011

Jean Werbie-Harris:

Mr. President and members of the Board, these items are related and will be discussed at the same time but separate action will be required. The petitioner is requesting a termination and release of a 30 foot wide temporary storm water management, access and maintenance easement and related agreement and a 24 foot wide dedicated driveway and pedestrian cross-access maintenance easement and agreement that was shown on Certified Survey Map 2338. This is for the GFS property. GFS is Gordon Food Service Marketplace property located at 6905 75th Place.

Specifically, the request this evening is coming to you because of the fact that we now have a permanent structure, permanent building with a permanent location for a storm water management easement area as well as a storm water basin on the property. So the temporary locations of both the easement for storm water and for driveway access and cross-access are no longer needed. So the first item that you have before you is a termination agreement that is signed and recorded and effectively terminates the previous easements on the property.

The second item is a certified survey map which, in fact, dedicates new easements and shows us all the easements on the property, including as you can see on the slide the easement for cross-access and driveway access on the property, the second of which is the storm water management easement as well as the pond area on the property. And one of the other things just to make the second certified survey map cleaner, all of the previous easements that were shown, the utility easements, the sanitary sewer, the vision triangles, all of those easement areas will be shown on the new certified survey map.

So what you see on the screen are the two primary easements that we have new legals for that are going to be shown. Then, again, here are the old and the new driveway and pedestrian easements. So it's really a cleanup document in order for Gordon Foods, GFS, to receive their final written occupancy. There are some outstanding conditions but this was one of them, and that was to record a new certified survey map with all the clean documents.

One of the other things as pointed out in my staff comments is that there is an REA agreement, and that's a declaration of reciprocal easements, restrictions and operating agreement. That was a separate document that was recorded way back when Patch was involved in this development that involved the cross-access easements for parking between Chili's to the north and GFS to the south, and it also provided for cross-flowage for storm water management, for cross-access and all those other reasons. That's still in effect not impacted or affected by this corrected CSM document.

So with that the staff recommends approval of the new certified survey map as well as the termination agreement and easement document that terminates the easements that are no longer needed for this property. And actually a new certified survey map has come in with almost everything cleaned up. I just have a few quick changes, so we're looking for approval this evening subject to the final modifications and then signatures by the Village Board for recording.

Village Board Meeting
May 16, 2011

Steve Kumorkiewicz:

Jean, when you look at Gordon Foods coming from 76th south by the bank, that's the area that was when Chili's was developing over there was DOT 233 included in that area, correct, for that door handle going to or the jug handle going to Green Bay Road. You remember that?

Mike Pollocoff:

The 233 regulations really had to deal with the original certified survey map for Chili's.

Jean Werbie-Harris:

Right, the Trans 233 which is still in effect, but that impacted the initial access and identifying where access would be provided for not only Chili's but for Gordon Foods. Again, that was a number of years ago when Chili's was under construction. So because of that 69th Avenue which leads from 75th Street south and then 76th Street that leads you out to Green Bay Road there is no direct access from Chili's to 69th or from Gordon Foods to 69th or 76th Street. They have to get their access off of 75th Place which is a public road in the Village. So nothing has changed with respect to that. They are still having their access to 75th Place.

Steve Kumorkiewicz:

Okay, because I see there is an undeveloped entrance to Gordon Food property . . . close.

Jean Werbie-Harris:

There is actually no—I mean there was never access to 69th Avenue or 76th Street to this property. What happened was there were a couple of situations where people were not seeing that the road took this T-turn. As a result between the Village and talking to the City who owns part of 76th Street that there be type three barricades put at the end with additional reflectors so that someone didn't drive straight through thinking they could get into Gordon Foods. In fact, they actually were hit during that storm in February so they've now replaced them again and put additional reflectors up just to make sure that people understand that there is a curvature and there is no direct access to Gordon Foods.

Steve Kumorkiewicz:

Okay, I just wanted to make sure of that. Thank you.

Monica Yuhas:

With that I'll move for approval of the termination and release of easements and related restrictive covenants subject to the comments and conditions of the May 16, 2011 Village staff report.

Village Board Meeting
May 16, 2011

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion?

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND GRANT THE REQUEST OF WISCONSIN RETAIL STORES, LLC (GFS MARKETPLACE) AND AJK HOLDINGS, LLC (CHILI'S RESTAURANT) TO TERMINATE A 30 FOOT TEMPORARY STORM WATER MANAGEMENT, ACCESS AND MAINTENANCE EASEMENT AND RELATED RESTRICTIVE COVENANTS AND A 24 FOOT DEDICATED DRIVEWAY/PEDESTRIAN ACCESS, CROSS ACCESS, AND MAINTENANCE EASEMENT AND RELATED RESTRICTIVE COVENANTS AS PREVIOUSLY DEDICATED BY CSM 2338; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

John Steinbrink:

Opposed? So carries. That brings us to Item B. We've already discussed B.

Monica Yuhas:

I'll make a motion to approve the certified survey map subject to the comments and conditions set forth of the May 16, 2011 Village staff report.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion?

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND GRANT THE REQUEST OF WISCONSIN RETAIL STORES, LLC (GFS MARKETPLACE) FOR A CERTIFIED SURVEY MAP TO DEDICATE ADDITIONAL EASEMENTS AND RESTRICTIVE COVENANTS ON PROPERTY LOCATED AT 6905 75TH PLACE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- C. Consider the request of the Village of Pleasant Prairie Community Development Authority for a Certified Survey Map to dedicate additional easements on property generally located at the southwest corner of I-94 and 104th Street.**

Village Board Meeting
May 16, 2011

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioner is requesting to have a new certified survey map approved to modify and to dedicate additional landscape and utility easements on the property owned by the Village's Community Development Authority which is adjacent to the right of way and its surrounding lot one. This property is located at the southwest corner of I-94 and 104th Street.

The modified and additional landscape easements will allow for the planting of the required street trees, and the additional utility easement areas will be used for We Energies with respect to extending utility easements and transformer locations. The Plan Commission recommends approval and recommends that the Village Board approve the certified survey map subject to the comments and conditions as outlined in the staff memorandum.

Michael Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?

SERPE MOVED TO APPROVE THE REQUEST OF THE VILLAGE OF PLEASANT PRAIRIE COMMUNITY DEVELOPMENT AUTHORITY FOR A CERTIFIED SURVEY MAP TO DEDICATE ADDITIONAL EASEMENTS ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF I-94 AND 104TH STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

D. Consider consent by the Village to the Assignment of Development Agreements and Estoppel Certificate relating to the Shoppes at Prairie Ridge.

Jean Werbie-Harris:

Mr. President and members of the Board, Mr. Eric Gershman who is the President of GB-MA Pleasant Prairie, LLC, also known as Gershman Brown Crowley, is the owner of the Shoppes at Prairie Ridge. They are requesting the Village to execute two different documents. First an estoppel certificate and consent, and the second is an assignment of obligations for the development agreements in the digital security imaging system or the DSIS agreement that was entered into between GB-MA Pleasant Prairie, LLC and the Village in 2007 and 2008 respectively. These documents are being requested by the new purchaser of the Shoppes at Prairie Ridge. The new purchaser is Inland Diversified Pleasant Prairie Ridge, LLC.

Village Board Meeting
May 16, 2011

The estoppel refers to the obligations and the information contained in several development agreements and the DSIS agreement that were entered into with the Village in which we're a party, and it affects the Shoppes at Prairie Ridge's property. It talks about obligations, financial commitments and the things that it took in order to develop that property. And oftentimes when a new purchaser is attempting to acquire a property in the Village, they want to know any and all obligations that ever were on a particular property and if those obligations have been satisfied.

The second is an assignment, and that refers to the Village granting approval to the property purchased and the consent by the Village to assign the property, the development agreements and any obligations from one developer to another. And in this case the assignment would be from GB-MA Pleasant Prairie, LLC, and this would be to the new purchaser which is Inland Diversified Pleasant Prairie Ridge, LLC. There are no delinquent invoices, letters of credit or bonds on the property, and all public related improvements have been completed on the Shoppes at Prairie Ridge property, and the related warranties have now since expired on any public improvement work.

Our Village attorney has reviewed the documents that the other attorney and I have drafted and does not find any objections to those documents. So the staff recommends approval of the two documents and to have the Village President and the Clerk be authorized to sign them on behalf of the Village.

Michael Serpe:

I'm just a layman. I never saw this word before and I certainly didn't know what it meant.

Jean Werbie-Harris:

I put a definition there.

Steve Kumorkiewicz:

It's a legal rule of evidence.

Jean Werbie-Harris:

It's a legal term.

Michael Serpe:

Why would the Village enter into an agreement for this?

Jean Werbie-Harris:

We modified the estoppel and consent document so there is really no threat or potential for litigation to the Village. Originally the way they drafted it they wanted to say that there are no outstanding violations, they've satisfied every single obligation, and I said at this point unless I

Village Board Meeting
May 16, 2011

go through the seven or ten documents that we have executed over the last ten years and verify with every single department that they have satisfied every single obligation, they do this to protect the new purchaser. We modified the language to say, well, we're not aware of any violations or improper actions at this time, but we're not saying that everything has been totally satisfied.

Michael Serpe:

So this is a fancy word for trust me.

Jean Werbie-Harris:

Well, again, what we wanted to do is provide to them as an open records request every document that we are aware of that has been entered into legally between the parties which we've done. But we're not going on record saying every single thing has been satisfied to the best of our knowledge, because I just don't want to go out on that limb and say that at this point unless we go through every single document. But we're saying to the best of our knowledge everything has been submitted and there are no outstanding violations at this time.

John Steinbrink:

Is this the first time we've used this terminology. Does this come with the new computers?

Jean Werbie-Harris:

It's not the first time I've used this terminology, but this is the first time that someone has actually asked for an estoppel. But this is a very large development and it's a very—I mean they're going to be expending a lot of funds to purchase this development, and I think they're doing what they need to in order to make sure that they're aware of any and all obligations that were entered into by Gershman Brown with the Village of Pleasant Prairie. Again, that's why that language says to the best of the Village's knowledge the owner is not currently in default on any of the referenced agreements.

Mike Pollocoff:

We have estoppels in our agreements with the City of Kenosha, Town of Bristol. We have done them, but this is one where—usually it's somebody looking protect themselves from us. But we want to have it to protect ourselves from them. As Jean said, this is a very large development. We could probably fill up this whole dias with the documents that created that mall and all the different parties that were involved in doing that. So we have reason to believe that we have everything that we know of and in the right spot, but given the number of actors we think it's only prudent to protect the Village with this document.

Michael Serpe:

I'm going to try to sell it to my wife and see if it will work on her.

Village Board Meeting
May 16, 2011

John Steinbrink:

I stand corrected. These computers aren't new. They're new to us. They were used previously with the police department. Chief, did we ever use the word estoppel on here before because it's highlighted on my computer. No, okay.

Michael Serpe:

Move approval, Mr. Chairman.

Steve Kumorkiewicz:

I'll second that.

John Steinbrink:

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

Steve Kumorkiewicz:

Yeah, Mike, I think you and I it's the first time we see this word after all these years. Thank you for the explanation, Jean.

John Steinbrink:

I think we're going to be seeing it more and more. We have a motion and a second, no further discussion.

SERPE MOVED TO CONSENT TO THE ASSIGNMENT OF DEVELOPMENT AGREEMENTS AND ESTOPPEL CERTIFICATE RELATING TO THE SHOPPES AT PRAIRIE RIDGE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

E. Receive Recreation Commission recommendation and consider an Agreement with Four Kids Subs, Inc. to operate the Ice Arena food service operation.

Carol Willke:

Mr. President and members of the Board, at the RecPlex we are constantly looking at our programs, seeing what we're offering, making sure that we are doing everything to the best of our ability, and we do stuff really well. We do programs well, we do sports well, we do childcare well, and we're proud of that and we really work to make that happen. However, we also admit when we don't do something really well, and one of the areas that we've really struggled with has been our food service. We do okay at the splash bar for wraps and drinks and coffee, hot dogs and pizza. We do okay with that. But at the skate bar there's a full grill. There's a deep fryer, and we just haven't really figured out the right mix for that.

Village Board Meeting
May 16, 2011

So we thought it would be in our best interest to put that out to bid and see if somebody would be able to come in, take over that area, lease it out for us and actually make it successful. So we received two bids. I think you have them there in front of you what the terms were. One was Subway Real Estate would come in and actually put a Subway franchise in that building, and they would offer all the typical Subway food items. And then the second bid was from Four Kids Subs, LLC, and they would come in with a little different approach where they would be offering more diverse food. They would do the same things with the subs and the soups and the salads but also use the grill and utilize that machinery that we already have in there.

Mr. Bob Lewer is here from Four Kids Subs. He's probably the best person to give you an idea of what his vision is. So if I could ask Bob to step up to the microphone and he can give you his idea. Then if you have any questions for him or myself you can ask us at that time.

John Steinbrink:

Welcome, Bob, and if you'd give us your name and address for the record.

Bob Lewer:

Good evening everyone. My name is Bob Lewer. I live at 6042 60th Avenue here in Kenosha. My wife and I have owned and operated the Cousins Subs on 75th Street since October of 2005. Many of you have been in the store. I recognize most of you here and have eaten at Cousins Subs before. I'm happy to say that this hopefully will be a little lighter discussion than what I've witnessed here tonight although it was very interesting. I enjoyed that. I don't envy the job you guys have to do here. I know that's got to be very difficult at times to deal with some of those issues.

What we're looking to try to do there is take what I think you guys already had in place which I thought to me was a very good facility that was set up to handle some pretty large venue events that take place there during hockey season primarily, but in addition to try to expand the large menu offering. Initially we were looking at doing something where we would do lunch items and that type of deal trying to gather or gain guests to come in from the business park area to try and expand or get more people in there during lunchtime. During off peak season and even I think during hockey I don't think there's a lot of activity there. You've got the mezzanine level I think which is a beautiful opportunity for that to get folks to come out there for a business lunch or whatever and sit out and look over Lake Andrea.

We've got a couple different ways that we would approach the different type of events that could happen out there. One would be the breakfast and lunch, even some kind of a dinner type menu that would be considered quick service but probably a little cut above that. Then during the large type events we would possibly bring in, and I'm still trying to work out the details between Cousins and us on this, or some type of a quick serve sandwich that would be kind of grab and go which would help move that line through a little quicker. You guys have lost some opportunity there with sales. With the size that's there having worked some large events at the Bradley

Village Board Meeting
May 16, 2011

Center, I think the key is to keep that line moving as quick as possible. Once those people get up they're given their food and get them going.

The alternative to that, obviously, is to get in their car sometimes in the middle of winter and drive a couple of miles. Sometimes they come and see me at Cousins, but they're typically going to drive out to a number of other facilities that are maybe two or three or four miles away and then bring it back and eat. From a guest standpoint that's not the most ideal thing. I think you want to have that offering there for them so that it makes it more convenient for them. And I think it compliments the facility to have that available there. I don't think it's a think that you want to have when you've got a first class facility like you have there, folks having to get in their car when it's available there and drive to get something to bring back.

I think the other thing that we'll also offer is from a catering side is that you have a number of parties that I think you guys are using on the RecPlex side as well as on the IcePlex side, and working in conjunction with the splash bar offering or having us available to do some catering for those types of events as well with our experience with either the subs or we also have ice cream cakes and that type of thing for birthday parties and that type of stuff. So that's pretty much it. Pretty plain and simple.

Basically we'd be improving the point of sell system. We've looked at a couple of different systems to put in there. We'd have two probably to start, possibly three or at least with the ability to add a third one in there so that if it was a large venue type situation we can move that line quickly. And then the addition of the grab and go type products that we would have there in the large venue event. That's pretty much it. If you guys have any questions at all?

Michael Serpe:

I do. Are there any plans, Bob, for any outdoor seating facing the lake?

Bob Lewer:

I'd love that. I haven't talked to anybody about that but I think that's a great idea. I think that would be considered a common area out there, Mike, which we would love to have available to us. As far as a place for guests to sit there you've got the place that's right in front of the splash bar now, you've got the mezzanine level, and if you did have outdoor seating available out there that would be awesome. So as far as we're concerned I don't know if it's anything that we haven't discussed or talked about putting in there, but it would be something that I think would benefit us.

Michael Serpe:

How many employees are you looking at?

Village Board Meeting
May 16, 2011

Bob Lewer:

Well, it would depend on the time of the day and the events. During our peak lunch times we'll have six to eight people in there at a time. These large venue type events could take ten to fifteen people in there to service it properly.

Michael Serpe:

Are we allowing him to advertise throughout the RecPlex?

Mike Pollocoff:

Yeah, part of the agreement is . . . back to the RecPlex TV network, and then the Play By Play program and then signage. And if he wanted to put a sign out by the path or whatever we're open to do whatever signage we can in compliance with the sign ordinance.

Michael Serpe:

Is he also allowed to have satellite stations outside of the IcePlex are?

Mike Pollocoff:

Yeah, I think there's some events we have like the volleyball tournaments and the swim meets. We have a serving monster, but there's this great big table we roll around. He can work from that or if there's something else, some other kind of kiosk whether it be upstairs in the aqua arena where the seating is or in RecPlex. We also are working on plans to be able to shuffle people out of the field house which is really like say for volleyball into the ice arena so they know they have two food choices. As Carol said we don't really care which way they go as long as they make use of one or the other. But the food choices at splash bar are not nearly as large as Bob is talking about. The only restrictions that we're placing on Four Kids is no beer sales and no pizza sales.

Michael Serpe:

I think it's a great idea. I think it's an absolutely great idea. I wish you all the luck in the world. I hope it's successful for you, and I hope it just gets larger instead of being stagnant.

Bob Lewer:

Absolutely. That's our goal. Our goal is to get out there and market it heavily, not just with what Mike had just discussed but get out and do some local marketing with our staff and let them know that it's open for lunch and breakfast and really push that facility out there. It's a beautiful facility. It's a great opportunity I think, and we really look forward to getting it going.

Village Board Meeting
May 16, 2011

Michael Serpe:

When I mentioned the outside seating I was also thinking of having somebody with an outside grill with selling maybe Italian sausage, brats, hot dogs.

Bob Lewer:

Sure, maybe some barbeque.

Michael Serpe:

And a nice bottle of Miller Lite to go along with it.

Bob Lewer:

Mike will have to figure out where the Miller Lite comes from.

Michael Serpe:

Can't do that.

John Steinbrink:

I had also talked to Mike about having a walk up window or a roller blade up window coming off the trail. We'll put you a little sidewalk in there.

Bob Lewer:

On the back side. That would be a good idea.

Michael Serpe:

That would be the nice thing about having outdoor seating. You could capitalize on the people using the path. I'd move approval of this.

Monica Yuhas:

I'll second with a question.

John Steinbrink:

Motion by Mike, second by Monica. Further discussion? Monica?

Village Board Meeting
May 16, 2011

Monica Yuhas:

Reading through the documentation it's my understanding that the employees are employees of Four Kids Subs. They are not employees of the RecPlex?

Carol Willke:

Correct.

Monica Yuhas:

So Mr. Lewer will be in charge of any unemployment, any injuries that may occur. There is no liability from the Village's standpoint?

Carol Willke:

Correct.

Monica Yuhas:

Thank you.

Steve Kumorkiewicz:

I'm glad to see it run by professional people. I don't skate, but I go and see and talk to the people and ask. One of the main complaints that they usually have got is the bar when there was an event the concessions they were unable to handle. We've got kids minding the bar when now we're going to have professionals like yourself. You run it and you are in . . . so we have to be way ahead of what we have right now. I'm glad to see you come. We mentioned that in the Plan Commission meeting last week. So it's going to be a big difference. It's going to be a big improvement because I hear from the people they say, hey we visit and they don't have it and we've got to wait or whatever because we have two kids over there . . . they don't have to handle that. Now with a professional like you you're going to staff the place properly with the people who know what they're doing. I think you're going to do very well over there. I wish you luck, and I'm glad you came here with that.

Bob Lewer:

Thank you, sir.

John Steinbrink:

We have a motion, we have a second. Any further discussion? If not, thank you, Bob.

Village Board Meeting
May 16, 2011

Bob Lewer:

And hopefully June 1 is what we're looking. We'd like to see you all come out and try the new facility when we get it up. Thank you very much.

SERPE MOVED TO CONCUR WITH THE RECOMMENDATION OF THE RECREATION COMMISSION AND APPROVE AN AGREEMENT WITH FOUR KIDS SUBS, INC. TO OPERATE THE ICE ARENA FOOD SERVICE OPERATION; SECONDED BY YUHAS; MOTION CARRIED 4-0.

John Steinbrink:

We have something to look forward to. Then it will be the Four Kids barge and then they'll serve food on the lake.

F. Consider Award of Contract for the 2011 Paving Program.

Mike Spence:

Mr. President and members of the Board, sealed bids were received at two o'clock on May 5th for the Village's 2011 paving program. The paving program consists of seven work sessions in the Village. The particular segments of the paving program including 47th Street, which we'll be pulverizing and relaying the asphalt pavement in preparation for some widening and manhole and valve adjustments. That work on 47th Street will go from 116th Street to 128th Street.

The second section includes two roads in the LakeView Corporate Park, 95th Street from Green Bay Road to 88th Avenue, and 88th Avenue from 95th Street to State Highway 165. This project will include milling and disposing of the asphalt and then replace it and also putting in lane markings.

The third section is in the Mission Hills Subdivision, and this is like an ultra thin overlay where the contractor will mill and dispose of the pavement and then place this overlay on the roads.

The fourth section is in the Woodfield Estates Subdivision. This is a final surface course including manhole and valve adjustments and curb and gutter repair.

The fifth section is at the Prairie Ridge Retail Center. Again, there's going to be a micro surface placed on those roads and also lane markings which will also include Prairie Ridge Boulevard as part of the Village's bike and pedestrian plan. So that particular roadway will have bike lanes marked on that when this project is complete.

The sixth section is 102nd Street and Old Green Bay Road intersection. This is a part of the Meadowlands Development that wasn't completed originally because there was supposed to be some further development. So this intersection will get final paving.

Village Board Meeting
May 16, 2011

The final section is at the 85th Street/Cooper Road intersection. I think this has come up a couple times in the past. We're going to be removing the pavement markings there, and the traffic flow will be similar to that at 80th and Cooper now where the left lane will be left turn only, and the right turn will be through and right turn. This is a result now that after that intersection has been operational for a year plus we found that operations really will work better to have a left turn lane at each approach to that intersection.

Back to the bids four bids were received on the project. The low bid was Payne & Dolan for \$983,262.13. The three other bidders were very close. Payne & Dolan has worked a number of projects for the Village in the past, and I recommend that the Village Board accept and award the bid to Payne & Dolan for the 2011 paving project.

Steve Kumorkiewicz:

I move to approve it.

Monica Yuhas:

Second.

John Steinbrink:

We have a motion by Steve, second by Monica. Steve?

Steve Kumorkiewicz:

Yes, Mike, the project on 47th Street–

Mike Spence:

47th Avenue?

Steve Kumorkiewicz:

It should be 47th Avenue actually between 116th Street and 128th Street. Is anything to be done with the drainage in that area?

Mike Spence:

That is something that the engineering department is currently evaluating. We're looking at trying to get a plan. There's an area just south where Trustee Monica lives. There's an area there that we want to look at. The intent would be if we're going to put in a culvert or do something we'll do it before we pave, because there's an area that doesn't drain. So we're looking at doing an evaluation to see if we can do something with either a culvert or a storm sewer to move that storm water in that area.

Village Board Meeting
May 16, 2011

Steve Kumorkiewicz:

Another question, talking 47th and 122nd, southeast corner. In that area that's . . . property. People used to dump garbage over there on the south side of their property. Also, the grading of that ditch didn't go all the way south to 122nd Street so it could drain east to the catch basin at 44th Avenue. Now, is anybody looking at that part?

Mike Spence:

John Steinbrink, Jr. at public works did have his crews go out there and take some grades all the way down 47th Avenue. I'll take a look at that and see. That hasn't been specifically mentioned to me before, but I can take a look at it.

Steve Kumorkiewicz:

I think that we should because it was an area in which it was not graded properly and the water was going to the property of these people on the south. I . . . set up properly that's why the water wasn't running . . . to the corner and go east. Thank you, Mike.

Mike Spence:

You're welcome. There was a motion and a second.

John Steinbrink:

Further discussion or questions? Is that going to be confusing for people when they come up to Cooper now when you're used to one pattern and we change it midstream.

Mike Pollocoff:

The signs approaching it identifies the pattern. Maybe we can put a flag up on it when we do it.

John Steinbrink:

I'm thinking when you approach on 80th and Cooper there.

Mike Spence:

There will be a sign that shows what lane you're supposed to be in, but maybe we can have some kind of temporary signage with flags or something that indicates that the pavement marking has been changed.

Michael Serpe:

Mike, did you say 85th and Cooper was going to be changed to the left turn lane?

Village Board Meeting
May 16, 2011

Mike Spence:

Yes, at all approaches.

John Steinbrink:

It will be like 80th.

Monica Yuhas:

Just one quick question. Mike, on that paving project on 47th right now that's a major thoroughfare with traffic being rerouted with the roundabout going in on 39th and 104th. When is this paving project looking at being done just because of the traffic? And then when is the 165 and 104th starting?

Mike Spence:

As far as the schedule for the paving program right now after the Board's action tonight if it's approved we'll issue the contracts, and we would expect the project to start probably the first to middle of June. And the contract time is through September. So when we have our preconstruction conference we'll look at the staging and see. We can look at how it might be affected by the extra traffic from the detour.

As far as the State Highway 165 project they're pretty much on schedule. They're looking at opening up 39th Avenue both north and south and 165 east of 39th probably the early part of July. And then they'll move to the last phase of that project which is the intersection of ML and 39th. The detours will be similar to what they are now. I mean local people won't be able to get through that intersection so you'll have to go down Old Green Bay Road or whatever to get to 116th to go around. But we'll have to monitor. We'll have to look at the contractor's schedule to see if we can time it. But there's only so much time that he's got for the contract. The State project is supposed to be done in September, so they'll probably both get done at the same time.

Steve Kumorkiewicz:

Talking about the 39th Avenue project as you say should we wait until 39th Avenue and 165 is done because 47th Avenue is going to be in operation, but they are going to be working on Springbrook Road and 165 because they're going to go west.

Mike Spence:

Correct.

Village Board Meeting
May 16, 2011

Steve Kumorkiewicz:

So, when that 47th is closed you don't want to affect the traffic because they're going to have to go on 39th anyway. Or, am I looking at that wrong? Because they're going to come straight on 39th Avenue to go to 165 which is going to be closed.

John Steinbrink:

This is all scheduling and actually . . . for the 2011 paving.

Mike Spence:

Right, and this is actually south of 116th, so 116th Street is really related to the 165 project. The other thing is the contractor, the actual amount of time that the road's going to be out of service they'll be doing probably one side at a time. So they're going to have to maintain access to the residents during the paving.

Steve Kumorkiewicz:

Pretty much what we did in Cooper Road.

John Steinbrink:

Okay, we have a motion and a second for the award of contract. Any further discussion on the award of contract?

KUMORKIEWICZ MOVED TO AWARD A CONTRACT TO PAYNE & DOLAN FOR THE 2011 PAVING PROGRAM; SECONDED BY YUHAS; MOTION CARRIED 4-0.

G. Consider an Agreement for Professional Consulting Services with Crispell-Snyder, Inc. for Chateau Eau Plaines Right Of Way Field Staking.

Mike Spence:

Mr. President and members of the Board, as you know the Village is currently doing a study in the Chateau Eau Plaines area regarding storm water and future planning. As an overall plan for the area, the public works department is looking at doing some rough grading in the Phase II area of the development. That actually has platted right of way Village roads. So in order to further define where those roads are at we're planning on going in there and doing some limited grading. This agreement is for Crispell-Snyder to go in there and stake the existing right of way that was platted back in the '70s I believe. So once that right of way is identified then the Village public works is going to be doing some grading based on the stakes that were set. So I recommend that this contract be approved for them to do the survey work and staking out the right of way.

Village Board Meeting
May 16, 2011

Michael Serpe:

Move approval for the contract not to exceed \$6,000.

Steve Kumorkiewicz:

I second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?

SERPE MOVED TO APPROVE AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES WITH CRISPELL-SNYDER, INC. FOR CHATEAU EAU PLAINES RIGHT OF WAY FIELD STAKING IN AN AMOUNT NOT TO EXCEED \$6,000; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

H. Consider Ordinance #11-15 to amend Chapter 18 of the Municipal Code relating to commission meeting schedules.

Jane Romanowski:

Mr. President and Board members, this is just another cleanup ordinance like we did like the last meeting, going through. If you remember we changed meetings and we moved them again. They've been sitting as you can see on Thursdays or Mondays so we struck out. The Park Commission will be the first Tuesday which it has been. The Zoning Board of Appeals is the fourth Tuesday, and then the Rec Commission is the second Tuesday. Just a cleanup to get it in our books.

Steve Kumorkiewicz:

Move to approve Ordinance 11-15.

Monica Yuhas:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO ADOPT ORDINANCE #11-15 TO AMEND CHAPTER 18 OF THE MUNICIPAL CODE RELATING TO COMMISSION MEETING SCHEDULES; SECONDED BY YUHAS; MOTION CARRIED 4-0.

Village Board Meeting
May 16, 2011

I. Consider approval of a Towing License for Firehouse Performance LLC.

Jane Romanowski:

Mr. President and Board members, we have a new towing license application. Brian Infusino of Firehouse Performance, LLC has applied for a towing license. The address of the business is 4502 22nd Avenue. All requirements of the ordinance have been met. The police department did go and investigate the lot and the premises to make sure it complied with our ordinance. Mr. Infusino has our ordinance already but he will be sent another one with his license so he can follow the rules and regulations of the towing license. This license will be effective if approved from tomorrow through June 30, 2012. At our next meeting all towing licenses for the renewals will be on the agenda for the period of July 1, 2011 through June 30th. But since this is so close we are just going to have this effective tomorrow through next year June 30th.

Michael Serpe:

A question if I may. Do we know where the storage lot is located?

Jane Romanowski:

At this property.

Michael Serpe:

For cars?

Jane Romanowski:

Whatever the police department looked at.

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. The storage lot is actually across the street from where Jensen's is located on 50th Street just east of Green Bay Road.

Michael Serpe:

I was going to say I know the parcel that Firehouse is on and it's very small.

Jane Romanowski:

Sorry about that.

Steve Kumorkiewicz:

That's across from Holy Rosary, yeah, too small, okay.

Village Board Meeting
May 16, 2011

Michael Serpe:

Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for approval. Any further discussion? Sir, are you the applicant then?

Brian Infusino:

Yes.

John Steinbrink:

Any questions?

Brian Infusino:

(Unintelligible)

John Steinbrink:

Okay, seeing no further discussion.

SERPE MOVED TO GRANT A TOWING LICENSE TO FIREHOUSE PERFORMANCE LLC AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

J. Consider Resolution #11-12 designating the week of May 15, 2011 as National Public Works Week.

Mike Pollocoff:

Mr. President, this resolution recognizes the integral part that our public works department and all public works departments play in the daily lives of citizens. If you think about the things that our public works department does whether it's snow plowing, fixing drainage problems, they maintain the bridges, they collect solid waste, they maintain our public buildings, the sewers, the waters, those are critical things that guide the quality of our life everyday. We've been lucky to really have a good group of people for quite some time that do this. I have yet to really have anybody complain to me about snow removal or any of these other things that our people are doing. It's a dedicated group of people.

Village Board Meeting
May 16, 2011

So this resolution is recognizing this as National Public Works Week, the week of May 15th in the Village of Pleasant Prairie. And this resolution urges all citizens and civic organizations to acquaint themselves with the issues involve din providing our public works and to recognize the contributions which public works employees make every day to our health, safety, comfort and quality of life.

John Steinbrink:

I think we go to our Channel 25 oftentimes we show different things.

Steve Kumorkiewicz:

I'll make a motion to approve Resolution 11-12.

Michael Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike. Further discussion or comment? I know Monica has done a lot of those jobs.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #11-12 DESIGNATING THE WEEK OF MAY 15, 2011 AS NATIONAL PUBLIC WORKS WEEK; SECONDED BY SERPE; MOTION CARRIED 4-0.

9. VILLAGE BOARD COMMENTS

Michael Serpe:

I just have one. Getting back to the paving on 39th and 165, the main detour for that traffic is going through the neighborhoods abutting that project. And to say the least the roads are taking a beating. I don't know that anything can be done in the future, but any time a State project comes through and the traffic is going to be diverted through Village roads, is there any compensation that's available to the Village for the repair of those roads?

Mike Pollocoff:

Well, no. That's something we could typically work on. But right now the State is actually taking money away from the Village for local roads. So I don't see them giving us money whether it's because of their road work or not. I know the police department is trying to make sure that we don't have overweight trucks coming into those areas, but just the number of axles does increase. There's no getting around that.

Village Board Meeting
May 16, 2011

Mike Spence:

I was just going to add, too, that the truck traffic is not supposed to be on those roads.

Steve Kumorkiewicz:

I see towing trucks going over there flying taking 109th or 107th both to go to 165.

Mike Spence:

One thing that was done just this past week to address concerns of residents of people speeding through 39th the DOT did do a complete road closure at 107th Street on 39th, and my understanding is it helped out tremendously this past weekend. So cars can't speed through the intersection anymore.

John Steinbrink:

So you estimate the project completion when?

Mike Spence:

The project should be totally complete by the end of September.

John Steinbrink:

But open to traffic when?

Mike Spence:

September.

John Steinbrink:

Other Board comments?

10. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 8:20 P.M.