

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 39th Avenue
Pleasant Prairie, WI
May 2, 2011
6:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, May 2, 2011. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Asst. Village Administrator; Jean Werbie-Harris, Community Development Director; and Jane Romanowski, Village Clerk. One citizen attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ELECT PRESIDENT PRO-TEM**

Michael Serpe:

Are you looking for a nomination?

John Steinbrink:

Sure.

Michael Serpe:

I move to retain Monica Yuhas as President Pro-Tem.

Steve Kumorkiewicz:

I second.

John Steinbrink:

Any other nominations? Any other candidates? We had a second I believe, didn't we?

Steve Kumorkiewicz:

Yes, I did.

Village Board Meeting
May 2, 2011

John Steinbrink:

Motion by Mike, second by Steve. Any other nominations? Hearing none I'll close nominations.

**SERPE MOVED TO NOMINATE MONICA YUHAS PRESIDENT PRO-TEM;
SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

Monica Yuhas:

Thank you.

John Steinbrink:

Congratulations.

Monica Yuhas:

Thank you, sir. Thank you to the Board for your continued support and confidence in my abilities. I appreciate it.

5. MINUTES OF MEETINGS - APRIL 18, 2011

Clyde Allen:

Motion to approve.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Clyde. Any additions or corrections to the minutes?

**ALLEN MOVED TO APPROVE THE MINUTES OF THE APRIL 18, 2011 VILLAGE
BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY SERPE;
MOTION CARRIED 5-0.**

6. CITIZEN COMMENTS

Jane Romanowski:

There were no signups tonight, Mr. President.

Village Board Meeting
May 2, 2011

John Steinbrink:

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

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, what I have tonight is right before you. This is the first time we have the agenda in a digital format where you've received this at home as well as you have it before you tonight. These are computers that were left over from the police department, or the ones that were used in squad cars previously and we had on the shelf. So we haven't acquired any new equipment for this, but what we're working on developing in the process serves two purposes. One is to eliminate the amount of paper we generate creating an agenda. And in looking at what we do between the Village Board and the Plan Commission and the other agenda it's nearly \$4,000 in paper we generate. With this that comes down to nothing.

The second part of this as we get the bugs out of this as far as making sure everything tracks very well, is when we post the agenda on line prior to the meeting, as you see before you tonight all the documents and supporting details of the documents will be loaded up on the website, and people will be able to bring down the agenda items and any supporting documents that are on there. It will really enable us to get a lot more information out to the public with next to no expense. So Jane and Ruth Otto did a good job of putting together a good package without having to buy any software or buy any hardware to put this together. It's really going to improve access to our information, and it's going to cut down on the amount of paper, not to mention the amount of time we spend copying, collating and moving paper around. Before we put it up on the website we're going to give ourselves another couple meetings here to make sure we got everything worked out and then we'll be off and running.

8. NEW BUSINESS

A. Consider Resolution #11-07 - Resolution authorizing the issuance and sale of \$7,240,000 General Obligation Refunding Bonds, Series 2011.

Kathy Goessl:

Mr. President, the actual sale occurred today. And this bond issue was issued at a premium so the actual sale amount was \$7,095,000 with \$381,861 premium for us to refinance a 2001 bond issue for the RecPlex. Standard and Poors maintained our rating of AA with a stable outlook for the Village, and we did not get a rating from Moody's. This refinancing is going to save the RecPlex over the next ten years \$950,000 in interest expense which is awesome. The interest rate is the best that Gene has seen in years. The interest cost of this issue is 2.87 percent. It's a ten year issue, and it's refinancing and saving the Village almost close to a million dollars over the next ten years. Are there any questions concerning this bond issue? We have Gene Schulz here also if you have any questions for him.

Village Board Meeting
May 2, 2011

Michael Serpe:

I missed it. What was the rate we're getting again?

Kathy Goessl:

The net interest cost is 2.87 percent saving the RecPlex \$950,000 almost over the next ten years.

Clyde Allen:

I'll make a motion to approve Resolution 11-07.

Michael Serpe:

Second.

Jane Romanowski:

We need a roll call vote.

John Steinbrink:

Roll call has been requested. We have a motion by Clyde, second by Mike. First off, any further discussion? Hearing none, roll call vote.

ALLEND MOVED TO ADOPT RESOLUTION #11-07 - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$7,240,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011; SECONDED BY SERPE; ROLL CALL VOTE – STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; ALLEN – YES; SERPE – YES; MOTION CARRIED 5-0.

John Steinbrink:

Thank you, Gene.

B. Consider Ordinance #11-11 to amend Chapter 285 regarding sewer districts and rates.

Kathy Goessl:

Mr. President, this is a request to review a report from Baker Tilly on our sewer utility and our financial situation and also to recommend a rate increase. In front of you is the expenses that are currently covered by our user charges, and the biggest chunk of this is treatment expense. We closed our treatment plants that we were treating some sewage at due to an agreement that we had, and now we send all of our sewage as of January 1st to the Kenosha Water Utility to treat. That is about \$2.2 million of our cost or 45 percent of our operating expenses for this utility.

Village Board Meeting
May 2, 2011

In the next slide, not yet, but the next slide we'll show you that that's also the biggest increase we've had in the last couple years is in that treatment expense because we're switching. We were able to treat our sewage for a lot cheaper at our own plants than the Kenosha Water Utility charges us.

Our next biggest expense is debt service. This utility currently has \$9.4 million outstanding in debt. And this 25 percent reflects \$1.2 million annually that we're paying this debt down. We don't have any plans in the near future to borrow anymore debt. All of our sewer projects are mainly completed. The only thing we're looking at is for capital additions which is at 4 percent is to rebuilt some lift stations over the next couple years to make them more efficient.

Our next biggest expense is \$1.1 million which is operating and maintenance. This \$1.1 million is used to clean and repair 135 miles of sewer main, 2,843 manholes, 5,592 sewer laterals, and the utility responsible for mechanical operations at their 17 lift stations that run seven days a week, 24 hours a day and the electric associated with these lift stations. So that's the 22 percent operating and maintenance that we have which accounts for \$1.1 million of our cost or 22 percent. And we also built a contingency in here of 4 percent.

The next slide shows the three major areas here and how they have changed from 2010 when we operated our own plants to 2011. You can see treatment we have a projected increase of \$380,000 for that area. So that's the biggest increase. The other areas we've maintained or actually reduced. Maintenance we're going up slightly at \$10,000. And operating we're able to reduce that by \$75,000. So overall we're going up \$314,000, and you can see the biggest chunk is the \$380,000 for treatment.

The next slide Baker Tilly through this report recommends a rate increase of 10.62 percent. This shows what an average residential customer will see as effect of that rate increase. Our rates are broken into two area, meter charges and volume charges, and those are the current rates and the proposed rates that we're recommending. So an average customer would pay \$4.56 more if this rate increase is improved tonight.

I would recommend this rate increase to be improved so that the financial stability of the sewer utility is maintained and we're able to cover the additional cost of sending our sewage to Kenosha Water Utility. I would like this to be effective actually May 1st so it's a full month of the new rates. Are there any questions? The actual study was in your packet as well as a memo summarizing all the reasons for the rate increase. And then also the ordinance is in there showing the different areas that need to be changed to reflect these different rates.

Michael Serpe:

Mike, were we treating the sewage differently at our plants than what the City is doing at theirs? Why such a difference in the cost here?

Village Board Meeting
May 2, 2011

Mike Pollocoff:

There are a few things. One is that treatment plants, one of the reasons this is coming about in 2010 is if you think back we had radium contaminated water in the west end of the Village. To get that abandoned and hook up to Lake Michigan water the City required that we abandon our treatment plant. We said we really want to be able to retire the debt that constructed those plants along with some of the lift stations and so forth and be able to slowly convert. That's all completed by 2010.

But those plants we were operating for less than the \$385,000, and when those treatment plants in the areas they serve when we process the sanitary sewer, some of things that, and this is what Kenosha does, when they have inflow and infiltration they internalize that into their rates. When they have some users that have a stronger sewage but not strong enough to be measured through an industrial monitoring program they internalize that into the rates.

We did the same thing over at the sewer plant. Plus, we had a number of users that were in that system that were somewhat larger in comparison to the plants. So if you take a look at right now we're trying to spread the \$380,000 increase roughly across 5,000 users. And the City spreads their rates across 20,000 users. Our rate of return is next to nothing. We hardly have any return. The Kenosha Water Utility has a 7 percent rate of return.

But what happens is when the Kenosha Water Utility charges the Village everything that comes to the meter, whether it's clear water, whether it's sewage, the strength or whatever we're billed on the strength and we're billed on the volume. So we're treated just like a business in the corporate park. So the operating efficiencies that they would achieve at the treatment plant are not equated to us at any different rate than they are for another user, but only our volumes are greatest. We're going away their largest customer, but we pay their higher rate.

When everything was planned out to go to the Kenosha Water Utility if you think back, we had a master plan that was prepared by Ruekert-Mielke under the auspices of SEWRPC. And one of the outgrowths of that plan was the most effective way to provide for sewer treatment and water treatment and services was to create a regional utility whose sole goal was to sell as much sewer and water at the lowest possible cost for the best possible rate. So all of the physical infrastructure that was identified in that plan had everything come to the City and everybody was approving it. And at the end of the study the City said we'll accept the entire plan, we want everything to come to our treatment plant but we're rejecting the plan that calls for a regional utility.

So all the infrastructure was in place but the institutional framework that would have made this one entire utility was negated. And at the time Pleasant Prairie was growing at a pretty good rate. This was happening in the early '90s. The TIF District was under way. We probably had 60 percent of the maximum infrastructure in place for Pleasant Prairie based on that plan at the time that the plan was completed. We were working with the engineers who were doing it.

We've got that additional flow coming in and it just adds to the expense. Right now the Village is a profit center for the ratepayers in Kenosha because they apply those expenses to Pleasant

Village Board Meeting
May 2, 2011

Prairie, and the volumes we produce raise quite a bit of money for them. So at some point when there's a reason for them to cooperate with us we can sit down and talk about it. Right now anything they can do to make sure our rates are kept at a higher rate that's what they're working on.

Michael Serpe:

I'm not one to point fingers at their fault, their fault, not our fault type of thing. When you hear something like this, though, again we're being held hostage to fund projects in the City with Pleasant Prairie resident money. At some point in time I hope it's going to be addressed. With who I don't know. Public Service Commission? I don't know who would take the lead.

Mike Pollocoff:

We always have the opportunity to go to the Public Service Commission for a challenge. But . . . in place they want to increase their rates then we would be able to come back and contest the case. I think the real thing in this is that this is what was the findings in the SEWRPC study was when you look at major capital infrastructure programs, and sewer and water are the biggest, the economies of scale are so important, and if you could have all that covered under regional utility, the public really receives the best impact. But when you look at regional systems that are labor intensive typically those don't work. But right now that doesn't happen.

I think when the City or the County talk about we should consolidate services or look at consolidating, this is the perfect example of what a community puts itself at risk for when you give away part of your control of authority over part of your operations. Right now we really have no control over what goes into the meter and that's where it's at.

Like Kathy has definitely shown, the bulk of this is due to the rates in the City. We've laid off personnel this last year. We've held salaries, and we're approaching a third year of a salary and wage freeze. We've done everything on the operational side we can to manage these costs. John's doing a good job of trying to get everything operating. We're probably doing a lot more work as far as changing over the lift stations for energy efficiency than we ever had an looking for things like INI. INI work never ends. Sewer system does nothing but decompose. It's as caustic and harsh environment as you can imagine, and the equipment is constantly in need of repair and that's true wherever you go. So it's a labor intensive operation. The best we can do is keep working at it.

We'll never get over that hump of a system that's designed to go to Kenosha with the premise of achieving area-wide benefits and then once they backed away from it now the formula is out of whack. That's really been a problem we've had since probably '95.

Steve Kumorkiewicz:

Mike, I'm concerned with that because what we're paying with those rates I don't know . . . rate of infiltration in this sewer that the City has. It's one old City . . . over 100 years old in the United States. They've got combined the sewer system with the sanitary system. So what

Village Board Meeting
May 2, 2011

happens we're treating . . . no we're not. Kenosha is treating a combination of both so we're paying for that, the infiltration.

Mike Pollocoff:

No, we do pay for it to an extent, but we're paying for proportionally the containment basin on 80th Street that's separating or holding that overflow. When the overflow gets even higher than that can handle that's what goes out to the lake. A lot of people I think when they get their bills they're frustrated because they compare it to a City bill.

But you've got to remember most of the sewage, the bulk of it is delivered to the City on 7th Avenue and 85th Street, so it just has to go another two blocks and it's at the treatment plan. So we have a responsibility for a 30 inch main that goes all the way out to 165, 17 lift stations which is lifting sewage nonstop all day long from low points to high points, over 5,000 laterals and 134 miles of sewer lanes and I forget how many manholes we have. We're constantly cleaning and repairing, televising, doing work on all these things. We have to do all that work just to get it to 7th Avenue to make sure it gets there as clean as possible. And our other primary responsibility is to make sure that nobody backs up and has sewer interruptions where they're at.

We've got this mix of, for a community our size, a lot of residential users, a fair amount, and a lot of diverse industrial users from paint manufacturers to pork sausage. It's just a mixed bag. It is a lot of work and challenge to make sure we keep all that balanced and deliver a waste water to the City that's not going to cost us. Sometimes it is a real challenge. So it's not a simple situation where the INI in the City or what have you, but the real thing is that the system was designed to be regional and physically it operates that way but financially it's not.

Steve Kumorkiewicz:

The City doesn't want to.

Mike Pollocoff:

It exercises some political . . . to the Village to deny that.

Steve Kumorkiewicz:

We don't have any choice. They've got us.

Michael Serpe:

We don't have much of a choice to approve this, and I move approval of Ordinance 11-11.

Monica Yuhas:

Second.

Village Board Meeting
May 2, 2011

John Steinbrink:

Motion by Mike, second by Monica. Any further discussion. It's kind of like going to the gas pump.

Steve Kumorkiewicz:

Yeah, we got no choice.

John Steinbrink:

No further discussion. Do we need a roll call vote for this?

Jane Romanowski:

No.

SERPE MOVED TO ADOPT ORDINANCE #11-11 TO AMEND CHAPTER 285 REGARDING SEWER DISTRICTS AND RATES; SECONDED BY YUHAS; MOTION CARRIED 5-0.

C. Consider Resolution #11-05 - Preliminary Resolution declaring intent to exercise special assessment police powers in connection 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.

Mike Spence:

Mr. President and members of the Board, this resolution is for a special assessment. As you know, the roads indicated on the drawing there were paved with concrete last year. And this assessment is to true up the numbers based on the final accounting of the project. The actual concrete paving came in a little bit less, but the amount of money that was in the letter of credit from the developer did not cover the final expenses. So this rate is to go back and assess that difference in cost back to the 47 properties in Meadowdale Estates.

Mike Pollocoff:

This is just to set up the hearing to be able to send out the notices, but we're looking at about \$900.

Mike Spence:

Yes, it's \$907.70 per lot.

Village Board Meeting
May 2, 2011

John Steinbrink:

And I think this was understood by some of the residents at the time?

Mike Pollocoff:

What happened is they understood it but, again, the bottom line failure on this was that the developer was unable to live up to his letter of credit for making those repairs on in this case 97th. So the question becomes do the taxpayers pay for it or do we go back to the people that are benefitting from it. The bulk of that project went in, but we need this amount to complete out what was necessary for the road construction.

Michael Serpe:

Didn't the developer put money up into a line of credit for this?

Mike Pollocoff:

He did have a line of credit but the project costs along the way was exceeding what was in there. When he went to enrich the letter of credit he wouldn't . . . any money from anybody.

Mike Spence:

Part of the money is associated, too, originally we deducted from the price related to concrete what the developer would have had to pay to put in asphalt, but the problem is the road was so deteriorated that there was additional cost, additional base, lots of work that was beyond what the original cost was attributed to the developer. So that's all part of this.

Michael Serpe:

Just a question. Doesn't the developer own property—he doesn't own any but the bank—

Mike Pollocoff:

He owns a majority of it.

Michael Serpe:

Can we get—

Mike Pollocoff:

Those assessments will go on those properties. If he doesn't pay the assessment then the properties would be sold for tax deed. You could see a situation where the parcel would sell for \$907 if he didn't pay it. We'd get our money and the person would get a parcel for \$907. That's the worst case scenario. My hunch is that at some point there will be an effort between himself

Village Board Meeting
May 2, 2011

and the banker to get these paid off. I think there's like six homes or five homes that are developed where the people are going to have to pay an assessment. I guess our advice to them is when you're contracted with the developer he was going to deliver the completed road and that hasn't happened. And it's on the second item Mike is going to bring up the same thing with landscaping. There's not enough money for that. So this developer took a major crash. And in this particular project the letter of credit ends up being more deficient than other areas.

Michael Serpe:

What's the total amount of money we're looking at here for the paving?

Mike Spence:

The amount that is attributed to this assessment is about \$43,000. It's the 47 lots times the \$907.

Monica Yuhas:

Mike, do you have a breakdown as to how many residents versus developer?

Mike Spence:

I don't have that with me, but generally there's only about I believe five or six lots that actually have homes on it. The rest of them are attributed back to the developer.

John Steinbrink:

So this is looking to set up a date?

Mike Pollocoff:

Yes, that's what this resolution here is really for setting the date up for the hearing.

Monica Yuhas:

Motion to approve Resolution 11-06. I'm sorry, 11-05.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion?

Village Board Meeting
May 2, 2011

YUHAS MOVED TO ADOPT RESOLUTION #11-05 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS IN CONNECTION 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; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- D. Consider Resolution #11-06 - Preliminary Resolution declaring intent to exercise special assessment police power in connection 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 Spence:

Mr. President and members of the Board, again this is related to the Meadowdale Estates Subdivision. As you can see by the drawing, the area is pretty much the same as the previous area for the paving. What this assessment hearing would be for is to charge, again, by the parcel owners the cost associated with the street trees, the general outlot landscaping as well as the cul-de-sac planting. The outlot and cul-de-sac planting amounts to there 41 parcels. It would be \$105.78 per parcel, which would be due at the time of the approval of the assessment. The remainder of the assessment has to do with street trees, and that assessment would be at a rate of \$394.27 per tree. That rate would be assessed at the time that the building process, building permit would be proceeding when they're finalizing a particular lot. At that point the trees would be planted. Again, this is because of a shortfall in the amount of money that was available from the developer.

John Steinbrink:

The ongoing care of this cul-de-sac and plantings and all that who is responsible for that, the homeowners association?

Mike Spence:

Yes, that is correct.

John Steinbrink:

You have a limited number of homes there so is that divided amongst the homes or the homes and the lots?

Mike Spence:

Homes and the lots.

Village Board Meeting
May 2, 2011

Mike Pollocoff:

Again, the majority of those lots is owned by Crestwood which is the developer. That will be an expense that the homeowners association is going to have to pick up from the developer. That's one reason we don't want to put--what we're proposing in the assessment by those trees, we don't want to have those trees go in until there's a building permit with a house if it's done, then the trees go in. Because otherwise you're going to have all these trees out there that are going to be maintained and the question is whether the tree is in the wrong spot or if they want to put a driveway in or what have you.

John Steinbrink:

So once the tree is put in the homeowner just goes out and waters that tree and cares for it generally?

Mike Pollocoff:

Right. But you have to get a service to take care of the cul-de-sac islands and there's an outlot area as well.

Steve Kumorkiewicz:

I have a question for Mike. Mike, originally the developers would be responsible for all those expenses.

Mike Pollocoff:

They still are.

Steve Kumorkiewicz:

But we're talking about the association is going to have to take care of the difference?

Mike Pollocoff:

No, the property owners.

Steve Kumorkiewicz:

The property owners, okay. So they've got a right to go after the developer to get the money back?

Mike Pollocoff:

We both do. They can go back for a breach in their purchase agreement on the lots. We can go back for a claim against them for not living up with the development agreement but there's no

Village Board Meeting
May 2, 2011

money. That corporation has lost really I think about the only land they have left. So we would spend a certain amount of money to do it. So from a fiscal standpoint my advice is to the Village rather than spending money on attorneys to litigate the proverbial turnip, our responsibility is to make sure that the taxpayers don't have to pay for the improvements. By assessing these as liens on the properties we can ensure the property owners are going to pay for them. In this case the developer who owns the lot would still be paying for his improvements or else the lots would be sold for delinquent assessments and taxes and he'll have to pay it or the next person will pay it.

John Steinbrink:

So once again we're just setting up a hearing date.

Mike Pollocoff:

That's right.

John Steinbrink:

Is this going to be a combined hearing date for the two?

Mike Pollocoff:

Yes.

Michael Serpe:

Move approval of Resolution 11-06.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?

SERPE MOVED TO ADOPT RESOLUTION #11-06 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWER IN CONNECTION 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; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- E. Consider Conveyance of Rights in Land and Temporary Construction Easement with the Wisconsin Department of Transportation as part of the North-South I-94 reconstruction at STH 50.**

Village Board Meeting
May 2, 2011

Mike Spence:

Mr. President and members of the Board, this item is related to the ongoing construction that the Wisconsin Department of Transportation is doing on the I-94 freeway project. Specifically, it's related to the interchange work and the frontage road work by State Highway 50. This is by Walgreens there on 118th Avenue. The red striped area there is additional right of way that the State has acquired for the project associated with the frontage road there.

Essentially what this item is when the State acquires right of way and we have prescriptive rights or rights for utilities in that area or easements, once they buy that we grant back the easements to the State. Basically our utilities are in the DOT's right of way then. They don't allow us to have an easement in their right of way so we're giving that back. It also means that in the future if there's any utility work caused by some of their actions that would be compensable from the State.

The second item on this is just that blue area which is just a temporary construction easement to allow the State to do some grading while they're accomplishing this project. This is a fairly common element, and we've done it before. It's really a legal record keeping as far as the utilities in the area. So I recommend that that be executed.

Clyde Allen:

Motion to approve.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Further discussion?

ALLEN MOVED TO APPROVE A CONVEYANCE OF RIGHTS IN LAND AND TEMPORARY CONSTRUCTION EASEMENT WITH THE WISCONSIN DEPARTMENT OF TRANSPORTATION AS PART OF THE NORTH-SOUTH I-94 RECONSTRUCTION AT STH 50; SECONDED BY SERPE; MOTION CARRIED 5-0.

F. Consider Easement to We Energies for new electric lines as part of the I-94 reconstruction at STH 50.

Mike Pollocoff:

Mr. President, this item is similar to the one that Mike talked about, the same project, and We Energies is looking to relocate and modify electric services in this area. If you look at the map this is land that the Village owns. There's an existing utility they're going to modify. Some of it's overhead, some of it is underground now. So I'd recommend it be approved and that we

Village Board Meeting
May 2, 2011

modify the easement to require them to in any restoration, if you look at item number 5, they're agreeing to restore or causing it to restore. We want to have more language in there that when they restore it they don't modify the floodplain and that all wetlands are replaced in kind because that's what that is there. So with those modifications I'd recommend that easement be adopted.

Michael Serpe:

So moved.

Steve Kumorkiewicz:

I'll second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?

Steve Kumorkiewicz:

Yes, a question. You say it's all underground?

Mike Pollocoff:

No, some of it is underground and some of it is above ground.

Steve Kumorkiewicz:

Okay, they are paying for that, aren't they?

Mike Pollocoff:

Yeah, it's not our expense.

Steve Kumorkiewicz:

Okay.

John Steinbrink:

Further discussion?

SERPE MOVED TO APPROVE AN EASEMENT TO WE ENERGIES FOR NEW ELECTRIC LINES AS PART OF THE I-94 RECONSTRUCTION AT STH 50; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Village Board Meeting
May 2, 2011

G. Consider Resolution #11-08 to dispose of a surplus fire truck.

Mike Pollocoff:

Chief, you want to talk about your truck?

Chief Guilbert:

Yes, sir. I'm Paul Guilbert, Jr. I'm the Chief of Fire and Rescue. I'm at 8044 88th Avenue. In late 2010 we took delivery of a new Pierce fire engine, and that caused the vehicle that's picture on the screen, a 1981 International with a 1989 Pierce fire engine body, that vehicle now exceeds the number of vehicles that we need and use. And so we're asking for authorization to dispose of that vehicle. And I'm suggesting that we dispose of it by auction rather than advertising for sealed bids. I've talked to the public works director. They've gone to auction, and they intend to go to auction again and they've had good luck. That caused me to do some research. I've found an auction house just in Illinois that specializes in municipal vehicles. Most recently they've sold some municipal ambulances and some fire apparatus. It would still mean the intent that it does go to—the public has a right to bid on it.

I've had the opportunity to seek bids for over six pieces of fire apparatus. That's not including pickup trucks that we use as grass trucks or ambulances, and we've not had very good luck at all. I think the auction house that goes through some extensive advertising would probably benefit us in a better way. Keep in mind the fire engine we're trying to sell is over thirty years old. The market is flooded with used fire apparatus. That's why I've come to ask for the auction option.

John Steinbrink:

Just to point out this is not Jessica, right?

Jane Romanowski:

That's not the Hahn. That's a mistake on the PowerPoint that I made.

Mike Pollocoff:

The other thing I'd point out to you is when you show a picture of the truck you don't show it the day we got it. You show it what it looks like now.

Chief Guilbert:

Yes, sir.

Mike Pollocoff:

That looks pretty good, let's keep it.

Village Board Meeting
May 2, 2011

John Steinbrink:

I was looking at that car behind it there.

Chief Guilbert:

For the record the back end was a Pirsch made on 35th Street in Kenosha and that lasted seven years.

Monica Yuhas:

I'll move for approval of Resolution 11-08.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Further discussion?

YUHAS MOVED TO ADOPT RESOLUTION #11-08 TO DISPOSE OF A SURPLUS FIRE TRUCK; SECONDED BY ALLEN; MOTION CARRIED 5-0.

H. Consider Ordinance #11-12 to repeal Chapter 203 of the Municipal Code relating to junk dealers.

Jane Romanowski:

Mr. President, the next three ordinances are basically some cleanup on our Municipal Code. If you remember the last meeting the Village Board adopted by the recommendation of the Plan Commission a zoning text amendment, and they adopted—as the memo says, they prohibited wrecking, junk, demolition and scrap yards in some business districts. And that came about as we were looking at the ordinance and noticed that this Ordinance Chapter 203 regarding junk dealers had been on the books since 1988. It's never been used, didn't even have a file on it. And we thought it would be better to clean it up now before we actually had somebody come in and say they want to be a junk dealer and we have an ordinance which Jean has covered in her zoning ordinance and anything like secondhand jewelry dealers or secondhand dealers or flea markets that's all covered under another ordinance. So we thought it was a good idea to cleanup our ordinances a little bit and just eliminate Chapter 203. And we can do that now that the Plan Commission and Jean have done their work on the zoning ordinance. So I recommend that we repeal this chapter.

Michael Serpe:

Move approval of Ordinance 11-12.

Village Board Meeting
May 2, 2011

Clyde Allen:

Second.

John Steinbrink:

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

SERPE MOVED TO ADOPT ORDINANCE #11-12 TO REPEAL CHAPTER 203 OF THE MUNICIPAL CODE RELATING TO JUNK DEALERS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

I. Consider Ordinance #11-13 to amend Chapter 326 relating to theaters.

Jane Romanowski:

And as you can see, this is an ordinance, and I put the original ordinance or the current ordinance which is very small, limited, four little paragraphs regarding theaters, circuses and carnivals. I don't have any circus or carnival permits that were ever issued. We do have a drive-in theater. We don't have any other theaters. So what we've tried to do is, once again, cleanup this ordinance because there's no teeth to it at all as you can see. There's a fee, there's a license and then there's some violation clauses. So anything if we had a circus or a carnival would be covered under the assemblies, mass public Chapter 125 of the code. And then we changed the theater just to relate to a drive-in theater.

As you can see we took out the few little paragraphs here, added a little bit, but this ordinance in addition to the next chapter we're going to talk about all the licenses clauses go together. So it's not like this is the only thing that would govern the drive-in theaters. You'd still have zoning, you'd still have building, you'd still have all the other ordinances. So basically we just cleaned this ordinance up right now to make it a drive-in theater. If we had a movie theater come at a later date obviously we'd have ordinances on the books for that but we don't right now. So another cleanup ordinance and I would recommend approval of this amendment.

Steve Kumorkiewicz:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion?

Village Board Meeting
May 2, 2011

KUMORKIEWICZ MOVED TO ADOPT ORDINANCE #11-13 TO AMEND CHAPTER 326 RELATING TO THEATERS; SECONDED BY YUHAS; MOTION CARRIED 5-0.

J. Consider Ordinance #11-14 to amend Chapter 214 relating to licenses and permits.

Jane Romanowski:

Once again Ordinance #11-14 is a cleanup ordinance. As you can see, over a year ago or about a year ago we eliminated the cabaret license that was still referenced in this Section 214. It had it's own chapter and we repealed it. So now we just take out Item C and get rid of that. You've just approved the junk dealer, repeal of that ordinance so we take out Item J, change Item O obviously just to say drive-in theaters.

And then the last clause, Section 214-2 is a general licensing requirement that I have. For many years it's been inserted in the liquor license ordinance, but it was never inserted in the general licensing ordinance even though I've checked to see if anything was outstanding. So that clause I'm just pulling it over into this whole Section 214 so they're in both spots, not just in the liquor license ordinance. So I would recommend approval of this ordinance as written.

Michael Serpe:

Was the \$300 per year that's been a standard?

Jane Romanowski:

Since I've been here, yeah, even before. It's never changed.

Michael Serpe:

I'd move approval of 11-14.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Further discussion?

SERPE MOVED TO ADOPT ORDINANCE #11-14 TO AMEND CHAPTER 214 RELATING TO LICENSES AND PERMITS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

Village Board Meeting
May 2, 2011

K. Consider Commission Appointments.

Mike Pollocoff:

For Plan Commission John has put together a list of recommended appointments. Plan Commission John Braig is up for reappointment, his term through 2014 as well as Mike Serpe and Jim Bandura. Park Commission Micky Day, Glenn Christiansen, William Mills, Monica Yuhas 2013. As alternates Cindy Schwab and Jim Bandura through 2012. Rec. Commission Greg Scheppler, Travis Laib, Clyde allen, John Skalbeck through 2013. Alternates Schuyler Mason, Kate Field and Dino Laurenzi through 2012.

Police and Fire Commission Robert Ramsdell through 2016. Board of Appeals Mark Riley, Tom Glassman through 2014, and David Hildreth is an alternate through 2014. Board of Review Jill Sikorski through 2016 and as an alternate James Kennedy through 2016 as well. Kenosha Area Convention and Visitors Bureau Paul Whiteside, Margaret Hodge and Kathy Jalensky through 2014. They're all recommended for reappointment.

Clyde Allen:

Motion to approve.

Michael Serpe:

Second and a thank you goes out to everybody for serving. Appreciate that.

John Steinbrink:

Motion by Clyde, second by Mike. I think we have to second that thank you because you guys do a lot of work and there's not a lot of pay involved. They're good people, and it's a variety of people that really know their topic when it comes in. Kind of experts in the field, and it gives us a real variety of voices.

Steve Kumorkiewicz:

I have a question for Mike. How come we have three alternates in the Recreation Commission?

Mike Pollocoff:

The Recreation Commission?

Steve Kumorkiewicz:

Three.

Village Board Meeting
May 2, 2011

Mike Pollocoff:

We have so many people who want to be on it. Typically we've had a fair share of quorum issues on that Commission. So three alternates seems to work out.

John Steinbrink:

And we moved David Hildreth on the other so he's up to Alternate 1. He was Alternate 2. We had a motion and a second. Any further discussion?

ALLEN MOVED TO APPROVE THE COMMISSION APPOINTMENTS AS PRESENTED; SECONDED BY SERPE; MOTION CARRIED 5-0.

L. Consider Bartender License applications on file.

Monica Yuhas:

Motion to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion? Everything is good with them

YUHAS MOVED TO APPROVE THE BARTENDER LICENSES FOR NICHOLE HOFMEISTER AND TAMMI RAUSCH; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

9. VILLAGE BOARD COMMENTS

Steve Kumorkiewicz:

Yes, I want to make a comment. Last week with all the rain that we got I was around at different times, to Carol Beach and Tobin Creek and my usual spots and everything was running fine. No flooding in any area I could see except the area by the Keno, the outdoor theater . . . flooded over there . . . get flooded . . . our engineer and the engineer from the County can do that. We've got a problem on 39th Avenue south last year and Mike . . . and myself we have to get the problem solved. I wonder if we're going to . . . solve the problem by the Keno because the problem doesn't run. If you look the Keno is here and there's a culvert over there and this side is here, so that means that that culvert is plugged. You go to the next culvert it's the same problem so I don't know who is going to take care of it in that area.

Village Board Meeting
May 2, 2011

Mike Pollocoff:

If I could, that area is the responsibility of the State. It's a Wisconsin right of way. Gary, of course represents that, but it would take a storm water improvement that the State would need to make on Sheridan Road. We can work with people on Village right of way if it's a project we're doing, but on a State highway it's the responsibility in this case of the DOT to make that roadside drainage work.

Steve Kumorkiewicz:

Should we send a communication to the County about what they're going to do because they represent the State.

Mike Pollocoff:

. . . to WIS DOT. The County just does what the State tells them to do as far as the roads.

Steve Kumorkiewicz:

In my opinion somebody has got to do something about it because there's a lot of water over there.

John Steinbrink:

If it's filed with the right authorities somebody can take a look at it and act on it. At the same time when you bring that up, did WIS DOT ever sell any of those vacant parcels of land they had?

Mike Pollocoff:

They don't need the money.

John Steinbrink:

This has been a lot of years. I bring it up because I went past a parcel somewhere, Racine or Milwaukee somewhere, and there was actually a for sale sign by the Wisconsin Department of Transportation on it. It made me think why aren't they doing it to sell those parcels. Because they talk about it but they never seem to get to the point of doing it.

Mike Pollocoff:

Yeah, they had three really nice parcels there that were part of that subdivision. They missed the good housing market to sell them.

Village Board Meeting
May 2, 2011

John Steinbrink:

Probably another thing to ask them about.

Mike Pollocoff:

Okay.

John Steinbrink:

Further Board comments?

Clyde Allen:

Just a comment on the use of the laptops. I think it's a good idea and it worked a lot easier than I thought it was going to. Thank you.

10. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS; MOTION CARRIED AND MEETING ADJOURNED AT 6:55 P.M.