

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
September 19, 2011
6:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, September 19, 2011. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz and Clyde Allen. Mike Serpe was excused. Also present were Mike Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Kathy Goessl, Finance Director; Mike Spence, Village Engineer; Paul Guilbert Jr, Fire and Rescue Chief; Brian Wagner, Police Chief; Carol Willke, Human Resources/Recreation Director; and Jane Romanowski, Village Clerk. Three citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESENTATION OF FUNDS COLLECTED LABOR DAY WEEKEND BY THE FIRE & RESCUE DEPARTMENT TO THE MUSCULAR DYSTROPHY ASSOCIATION.**

John Steinbrink:

I see we have some guests this evening.

Elizabeth:

I'm Elizabeth from the Muscular Dystrophy Association, and this is my old buddy Cy, and our wonderful Pleasant Prairie Firefighters (inaudible) for their Boot Drive that they did on Labor Day (inaudible). The money that the firefighters (inaudible) MD summer camp (inaudible). Thank you so much for everything you do (inaudible).

Ron Weavel:

We'd like to present this check to you from the Pleasant Prairie Professional Firefighters, Pleasant Prairie Fire and Rescue Department. We raised \$17,060.52. This is just shy of what we did last year, but hopefully next year we'll get a better year.

John Steinbrink:

Just for the record we beat Kenosha every year.

(Inaudible)

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Cy's Dad:

This is Cy's Dad. I'd just like to say one thing to all the firefighters in Pleasant Prairie; we really appreciate it on behalf of all families that suffer neuromuscular diseases. We appreciate it. We couldn't do the things we do without the firefighters and their support and courage. So thank you, thank you all.

John Steinbrink:

Once again, thank you to the firefighters and welcome to our guess. It's a good cause and those guys work hard and everybody works hard. It's not an easy job standing out in that intersection with a boot. Even the Chief will testify to what the traffic is out there. To go above and beyond. Thank you, guys.

5. MINUTES OF MEETINGS - AUGUST 8 AND AUGUST 15, 2011

Steve Kumorkiewicz:

Make a motion to approve as written.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Any discussion on either?

KUMORKIEWICZ MOVED TO APPROVED THE MINUTES OF THE VILLAGE BOARD MEETINGS OF AUGUST 8 AND AUGUST 15, 2011 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY YUHAS; MOTION CARRIED 4-0.

6. PUBLIC HEARING - CONTINUED FROM MAY 16, JUNE 20, JULY 18 AND AUGUST 13, 2011 MEETINGS

John Steinbrink:

I think we're getting to it tonight, Mike?

Jane Romanowski:

The first one actually isn't continued.

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Mike Pollocoff:

Yes, the first one is not continued.

A. Consider an Application for a "Class A" Intoxicating Liquor License for the proposed Ayra's Liquor Store located at 4417 75th Street.

Jane Romanowski:

Mr. President and Board members, before you tonight is an application for a Class A intoxicating liquor license for the current Ayra's Gas and Grocery Store which is being proposed as they are working towards changing that to a liquor and cigar store. So Akil has submitted the paperwork to apply for an intoxicating liquor license. Currently he holds a Class A beer license and that's what he sells at the store at the moment. That's good through June 30th of next year. So as part of his application his conditional use permit and the site and operational plan which goes before the Plan Commission next week at a special meeting September 26th this is his first step. What the Board does tonight will be contingent on what happens obviously at the Plan Commission meeting.

So in proposing that if the Board approves it, again, he has his Class A beer license until June 30th next year. He already has a tobacco license. He sells cigarettes so that won't change at all. And that doesn't need Board approval. That's something I can permit myself. But if the Board does approve the Class A intoxicating liquor license for Akil to make this change, the conditions are set forth in the memo. We'd need a copy of the lease securing the premises. A bank currently owns the property. He'd need conditional use permit including site and operational plan approval, occupancy permits as always by the fire department, inspection department and community development department. He'd obviously have to pay any prorated license fees, publication costs, and then we'd have to make sure there aren't any delinquent invoices or taxes or any such delinquencies that might be out there even from the time he just received his Class A license as of July 1st because we check those each year. So before you tonight is a public hearing. We didn't have any sign ups, but we'll let the public hearing take place.

John Steinbrink:

This being a public hearing I will open it up to public comment or question. If you are going to comment we ask you to come forward and use the microphone, give us your name and address for the record. Anyone wishing to speak? 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.

Monica Yuhas:

Jane, there hasn't been any issue with Akil in the past at this location?

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Jane Romanowski:

No, we haven't had any problems there. If we would have, it would have come up at the last renewal hearing which just happened in May was when we had them. But I have nothing on record for this establishment. What he's trying to do, obviously, is change the business to make it a better business rather than something he's kind of struggling with right now.

Monica Yuhas:

With that I'll move for approval of the application.

Clyde Allen:

Second.

John Steinbrink:

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

Steve Kumorkiewicz:

All the taxes are paid?

Jane Romanowski:

We'll check that if the process actually goes through the Plan Commission and gets approval. You can grant the license tonight, but before anything is issues out of my office we'll do all the checks and make sure that all the conditions have been met before that license is issued.

Steve Kumorkiewicz:

Subject to, okay, thank you.

John Steinbrink:

Seeing no further discussion, those in favor?

YUHAS MOVED TO GRANT A "CLASS A" INTOXICATING LIQUOR LICENSE TO AKIL AJMERI, AGENT FOR AYMAN'S LLC FOR THE PREMISE LOCATED AT 4417 75TH STREET, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY ALLEN; MOTION CARRIED 4-0.

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- B. 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.**

Mike Pollocoff:

Mr. President, we've continued this hearing for a number of meetings as you've indicated in the agenda. And primarily the purpose of this assessment is to true up the actual cost to the Village for performing construction of the new concrete streets in Meadowdale Estates Addition 1 and on 97th Street. All the parties that abut the improvement have received notice of tonight's meeting. We did receive a call from Mr. and Mrs. Gary Epping who have a parcel there but they do not have a home yet at this tie. And they've indicated that they do not support the assessment as prepared. But we've received no other comments written or telephonically.

What this hearing is essentially is the paving project involved the expense of \$510,271 for the construction of the concrete roads in Meadowdale Addition No. 1 and on 97th Street. Engineering costs associated with the project were \$57,256.08. Storm sewer televising of the storm sewer within the street prior to paving was \$9,840 which was--the amount needed to complete the project was \$577,367.29. From the previous development agreement we had \$517,278.60 that was available as the developer's contribution to the road construction. With the concrete streets being put in we needed an additional \$60,088.69.

The original development agreement indicated that asphalt roads would be built in this subdivision, that the curb and gutter section as well as the binder course would be up in when 50 percent of the homes were completed in the parcel. As of today, and we're probably four years into this, we're probably at about, I don't have the exact number or exact percentage but it's--

Mike Spence:

I'm trying to do a calculation here but there's only like five lots or so developed out of the 47 that have homes on them.

Mike Pollocoff:

So what we have is typically when subdivisions go in there will be a pretty close nexus between when the homes are built and when the concrete and paved road goes in. In this case the subdivision along with the economic problems that have developed, the developer lost the development to the bank. It hasn't proceeded. And in the winter periods and the spring rains we couldn't get the water to drain correctly to get it into the storm sewers. We had a hard time plowing the roads so that the properties had access to adequate fire, police and rescue protection.

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And to build the road on an asphalt profile this early in the game at such a small percentage of the homes being built in there we would have destroyed the asphalt road just as 97th Street the asphalt section there was ruined.

So we conducted a couple neighborhood meetings. The residents that attended those meetings indicated they were in support of a concrete road in lieu of an asphalt road. We subsequently adopted a special assessment hearing, and they found the input the Board received at that point the Board decided to proceed with the project and assess the difference between asphalt and concrete.

So we came up with the additional funds needed was the \$60,088. We did come in with a better price on concrete than we had originally estimated. This is the actual amount of concrete that went in so we reduced that amount of \$17,026.69. So the remaining funds needed were \$42,662 even, and there's 47 lots that are benefitting from that improvement. In as much as each lot has access to the new concrete improvement, every lot irrespective of who owns it, whether it's the bank, the developer, current property owners, people with residents, everyone was assessed to complete this project, the additional assessment was \$907.70.

There was only one deferment on the property and that's for a property that is on the corner of 39th and 95th, and they already have their access on 39th Avenue where their home is. Their home doesn't front this street. But there is the possibility that parcel could be divided in the future. At such point that that parcel is divided then this assessment would activate and they would have a \$907 assessment as well. There was a previous assessment that was approximately \$3,000 for all the parcels. Again, this \$907 just represents the actual cost. If the Village does not collect this money then the Village taxpayers would have to pay for this expense. That's kind of the basics of where we're at. With that, Mr. President, I'd request that the public hearing be open for comment.

Mike Spence:

Just an update, Mike, on the number of lots. There are actually 12 lots that are individually owned if I counted correctly, so that's about 25 percent where we're at overall in this subdivision.

Mike Pollocoff:

How many are built on?

Mike Spence:

And of those 12, like I said, I think there's probably 7 or so.

John Steinbrink:

With that I will open the public hearing. Once again, use the microphone and give us your name and address for the record. Did we have a sign up sheet?

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Jane Romanowski:

We did. Albert Solochek?

Albert Solochek:

Mr. President and the Board I appreciate the opportunity to address you.

John Steinbrink:

If we could have your name and address for the record.

Albert Solochek:

Yes, I'm sorry. Albert Solochek. I'm appearing for Foundations Bank. Mr. President and the Board I appreciate the opportunity to appear once again. This was initially before the Board, and I made some comments at that time. Also, I submitted an affidavit of Glenn Stadler of Foundations Bank involved in this situation. Unfortunately after the bank was told that all of the assessments were final and complete, and in November of 2010 paid approximately \$117,000 in reliance on that advice, that advice being procured from the Village accountant, Laura DeLarosa, and then again the bank paid the taxes at \$93,000 in January 13th or so, the situation and the issue is that at that time the bank indicates that it was told that that was the final and complete assessments that were due on the property.

If you'll recall what then occurred was some additional assessments or charges came in, and these were passed along notwithstanding this advice that was given to the bank and the bank's reliance on that advice. If you also recall at the last meeting Mr. Pollocoff had recommended and the Board adopted that the Village Attorney be given this matter for review, and that he would give a writing which would be submitted to the Board and myself. That writing never came. But I did speak with Mr. Gerhagty, Village Attorney, on several occasions. We talked about some of the case law that is involved, the facts that are involved. I would note for the Board that Mr. Stadler's affidavit talking about the reliance and his reliance on the accountant has been un rebutted. So the only evidence before you as the Board is that of Mr. Stadler. There's no counter affidavit from Laura Delarosa or anybody else.

In any event, I did speak with Mr. Gerhagty. We exchanged some ideas about the case law that addresses this issue. The issue that was involved was sovereign immunity and whether sovereign immunity would apply that notwithstanding the statement made by the Board or a representative, notwithstanding that, you couldn't have reliance on it and there are a couple cases that were discussed.

Mr. Pollocoff was kind enough with Mr. Gerhagty to invite me to sit and meet with them I think it was a week ago Friday. We did speak. We discussed the cases, we discussed the facts, we discussed the circumstances. And I had left with the hope that there might be some ability to compromise this issue. It's unfortunate, and candidly I was advised by Mr. Pollocoff that this

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does not happen that often. It's rather unusual that this subsequent bill would come in and be there to be dealt with, but nevertheless it occurred here.

There are two cases that I'll note just for the record that we discussed. The Camps case and the Willow case which address the sovereign immunity issue. Those cases are exempted from this situation because in the one case, the Camps case, the taxes were due under any circumstances so the court said there's nothing to really to discuss. And the Willow case involved the police power of the Board or the Village that was trying to make the assessment. In this case they're coming under the taxing authority rather than a police power authority, and the courts have distinguished how that should apply to promissory estoppel.

What I'm asking the Village Board to consider today, and I will reiterate when you reach the landscaping so I'll just say ditto when I'm called upon, but what I'm asking the Board notwithstanding the recommendation of Mr. Pollocoff and of potentially the Village Attorney, that this matter be resolved with the Village considering an appropriate discount for the charges here because the bank relied and paid the amount they thought was going to be the total amount due and would not have done that if there was going to be more amounts. As it turned out there was a property that had nothing to do, in fact it's not even in this County, that they got proceeds from and they would not have applied that here had they would have known the circumstances.

I would ask that this Board consider a substantial discount. I understand that that may have to be swallowed by the taxpayers and that would be unfortunate. But under the circumstances I think it's appropriate. And, also, I would ask that this Board consider along with any assessment it makes, if it makes one, I would appreciate no assessment being made, but if makes one that there be a deferment on when those payments would be due, and that deferment being the same that I understand would be with the landscaping which would be when a permit would be submitted and asked for.

So I would ask this Board to respectfully decline the assessment. If it makes the assessment that it consider a substantial discount from the amount that would be assessed, that remaining \$42,662, and if it does make any assessment that it would defer any payment of that assessment until such time as the building permit would be submitted. Thank you for the opportunity to address you once again.

John Steinbrink:

Thank you.

Jane Romanowski:

There were no other signups, Mr. President.

John Steinbrink:

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

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Mike Pollocoff:

In a follow up to Mr. Solochek's comments, I did meet with Village Counsel. I guess we have a different outlook and opinion on this. The Village's opinion by court decision are if an employee makes a statement or an agreement that something as in this case would be totally paid, and there's been a public action taken to levy the assessment, the will of the Board can't be upended by that or superseded by that. Ms. DeLarosa is a municipal accountant. She's a competent person, and she's like number three in position in the Finance Department. So it would be either the Assistant Finance Director or Finance Director that would make the consideration but still would not be able to put themselves in place of the Village Board on making the decision on what was going to take place.

When we were advised of the concern from Foundations Bank that they had asked that they contended that this payment was paid in full and they were treating it as a settlement, well and this wasn't a settlement, this is a straightforward police power assessment, it wasn't a negotiated amount that was going to be paid, when we examined the checks that were sent by Foundations there was no notation that this was payment in full. There was no notation on the receipts provided by the Village that this was payment in full.

We did receive a subsequent request from Foundations Bank concerning the property tax payment that was paid later and at that point Ms. DeLarosa did state that a representative from Foundations Bank if this was payment in full and it was payment in full of the property taxes which is a completely different amount than what this is.

So, Village Counsel believes that, one, it appears from the documents that were submitted that the Village did not make a promise in full satisfaction of the special assessment and at that time the Village had not begun the process to finalize the outstanding amounts of the project until a couple months later than that. So we hadn't come to that resolution as to what that was going to be at that point.

Typically what happens, the typical procedure is that there is a reduction in the assessments. We can only charge what it costs. We can't make a profit on these things. If we assess something out and we come in \$1,000 under per parcel under the assessment we don't get to keep that. That money goes back to the property owners. We would have tried that up. I gave some consideration and had discussions with counsel about the prospect of just forgiving the banks on this project. We have heard from the residents that they would rather have the bank pay. The bank would rather have the taxpayers pay. Everybody is looking for someone else to pay for this. But the nature of the special assessment was the cost of this improvement was levied equally upon all parcels in this project. We can't pick and choose who we're going to give a discount to. The purpose of the special assessment and the process that we go through is to make sure that the assessments are uniform. They're not arbitrary and the benefits that are assessed are equally divided among the benefitting properties so everybody has the equal benefit.

This is a police power assessment. This is not a taxing authority assessment. We're exercising our police power authorities because this work needs to be done for the health and safety and

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welfare for those residents that live in that area and the people who will traverse on those roads from one place to another. So discounting it whatever we don't assess as the actual cost but what it cost to do this then the taxpayers will pay for the difference. I don't believe an error was made. It's unfortunate that a project like this has to come to this point, but given the alternatives of leaving a development with 7 homes, 47 lots in an uncompleted situation where the roads are not passable, not travelable, we can't drain storm water, and using the alternative is letting us hang on to these until we can sell them, or we don't have to pay anything or use any money is not a situation where we wanted to be when we adopted the development agreement. And it's not fair to the people who are going to use those roads.

So my recommendation, and counsel supports the recommendation, is that the assessment on this project be levied at the cost of \$907.70 per parcel and that the only deferred assessment that be placed is on one parcel that we've identified previously in the engineering report and the schedule of assessments where the property owner does not have access to the road and will not have access until they divide their lot to be able to get it.

With that, if the Board does approve Resolution 11-10, I'd recommend that that resolution be adopted and forwarded directly to the Village Treasurer and Clerk and we publish this notice and have it ready for collection that would take place this year, or it could be put on the tax roll over the next ten years at 10 percent of the principle and 9 percent interest for all the parcels. I can appreciate the bank has a lot of parcels in there, but it would give them the opportunity to reduce the amount of payment that is being made on this project. If you have questions I'd be glad to answer them.

John Steinbrink:

Any questions?

Steve Kumorkiewicz:

We cannot treat different the bank, give preference to the bank over the resident. They've got to be equal. We cannot make a separation if the bank requests it. No, we don't. It's all the properties involved. When we have a special assessment the assessment goes with the property. If you sell the property or you give it away you give it away with everything included. In this case the assessment was done or the request of the improvement done by the Village by the property owners. You can't drive in 98th Street in the middle of winter when the cars couldn't even go in there. And we've got to (inaudible) with it and it's got to be paid. We cannot say, okay, the bank we're going to give you. No, sir. Everybody is measured with the same stick. In my opinion the bank doesn't have to have preferential treatment you request, because we cannot expect the taxpayers of the whole Village to pay because the bank doesn't want to pay. So that amount has got to be paid by all the owners of the property, the residents and the bank. We cannot give special treatment to everybody. So that's the way I look at this issue.

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Clyde Allen:

I can't imagine deviating from all our past practices of equally dividing amongst all costs amongst all the parcels. It would set an ugly precedent and open a real can of worms by deviating from all of our past practices. Thank you.

John Steinbrink:

I think there is something to be gained here from a marketing standpoint with an improved roadway. Generally the developers the last few years have wanted the roadways improved from the marketing standpoint. As Steve pointed out it can get pretty ugly out there when the conditions are wrong. I don't think that's a good selling point if you're trying to market properties. So there is some other benefit there also.

Monica Yuhas:

Motion to approve Resolution 11-10.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde for adoption of Resolution 11-10. Any further discussion?

YUHAS MOVED TO ADOPT 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; SECONDED BY ALLEN; MOTION CARRIED 4-0.

John Steinbrink:

Thank you, sir, for coming this evening and we listened to your argument intently so thank you.

C. 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.**

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Mike Pollocoff:

Mr. President, this assessment has been continued along with the paving assessment. Again, this is work that hasn't been completed. The total funds available do not meet the amount that was identified in the developer's agreement to complete the project. This project is a little bit different in the sense that we have cul-de-sacs that need to be landscaped and finished graded and finished off for erosion control purposes as well as esthetic purposes in that area. We also have street trees that need to be placed into mitigate the trees that have been lost as part of the construction to be compliant with Village ordinances that require that street trees be placed in the right of way in front of places.

But the problem is that since the development grade is so small in this area, in the engineer's report we identified that we were recommending the landscaping cost of \$46,818.54 be spent for the improvements, having engineering expenses of \$5,000 for a project total of \$51,808.54. We put in there a contingency of \$2,590.72, and then the total project cost would be \$54,409.26. There are 138 street trees to be placed, and the assessment rate per tree is \$394.27. In this project we're recommending that the cul-de-sacs be completed at this time, and the cost that I indicated reflects a per lot assessment of \$105.78. The street tree assessment is different for each lot because some lots are longer; they have more frontage on the roadway so they would have more trees than others. A corner lot will have more street trees on it than a regular lot.

But given the fact that there are so few trees that are out there at this time, and if we were to put the trees in at this point a couple things would happen. One is the association which is composed of the bank and the residents would have to maintain those trees and water them, and that's a difficult task when you have so many vacant lots. When someone goes to build a house on a lot, they're going to want as much flexibility to be able to place a driveway that's going to fit the kind of house they want. And invariably there's probably at a minimum a 30 percent change the tree is going to be in the way given what the spacing is on the trees and the size of those lots.

So we're recommending that the street tree assessments be deferred until such time as a building permit is secured, we see where the house sits on the parcel, and then base that street tree assessment at the time of building permit when we know what we're dealing with.

The cul-de-sac assessment would be collected at this time because the cul-de-sacs need to get finished. All those cul-de-sacs right now are eroding over the curb into the storm sewers. They're not performing the function that they need to function. So we're recommending that those assessments be collected at this time.

The nature of this assessment also is that the cul-de-sac assessment of \$105.78 would be levied at this time, and the property owners affected would have the opportunity by November 1st to pay the assessment off in total, or they could finance it over a ten year period with 10 percent of the principle charge with 9 percent interest. So we'd be looking at \$10.57 plus 9 percent interest on each parcel for the cul-de-sac. The street trees would be what they are based on whenever it goes in.

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I think I won't put words in Mr. Solochek's mouth. I think his arguments are the same but I'll let him do that. But I think the Village with our counsel and our evaluation of this, this is different in a sense that it's not a reopening of an assessment. This is our assessment on this, and we believe this assessment we've taken every effort to identify the specific costs for each parcel, make a fair apportionment of the benefits and, where necessary, defer those benefits to the maximum benefit of both the taxpayers and the people who are buying the properties. So with that, Mr. President, if you'd like to open up the hearing.

John Steinbrink:

With that we will open up the hearing. Once again, I ask you to use the microphone. Give us your name and address for the record.

Albert Solochek:

Mr. President and Board, Albert Solochek, 324 East Wisconsin Avenue, Milwaukee, Wisconsin. I won't take up the Board's time. I reiterate the comments I made before. They would be the same comments. I would say just as a response we're not looking for any special treatment. We're looking that the law be applied which in our opinion believes that lender's reliance, lender's commitment, that commitment stands and should be honored. We're not looking to have any special treatment. We're merely asking that the law be applied. We don't think that that will be the case if you adopt this assessment. With all due respect I don't think that the same is true in the adoption of the last statements.

Also, the statements that you hear from Mr. Pollocoff about Ms. DeLarosa is what we would call hearsay. There is no evidence before this Village Board of any sworn statement or the like as to what occurred, so that statement if you're basing it on that would be inappropriate. Again, the concern I have is that if this Village Board adopts this it only seems to leave the bank with something that we don't want to do and that is appealing to the Circuit Court and litigation. That doesn't do anybody any good. But I respectfully stand on the statements that I've made. And, of course, I would ask your consideration. Thank you.

John Steinbrink:

Thank you.

Jane Romanowski:

There are no other signups.

John Steinbrink:

Anyone else wishing to speak? Hearing none I will close the public hearing and open it up to Board comment or question. Mike, the maintenance on these cul-de-sacs is that going to be by the association then?

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Mike Pollocoff:

That's correct.

John Steinbrink:

Not the homeowners in that area but by the association?

Mike Pollocoff:

Right.

John Steinbrink:

And the bank would be part of that also then?

Mike Pollocoff:

That's correct.

Monica Yuhas:

Move for approval of Resolution 11-11.

Steve Kumorkiewicz:

I second.

John Steinbrink:

Motion by Monica for adoption of Resolution 11-11, seconded by Steve. Any further discussion?

Steve Kumorkiewicz:

Yeah, I don't disagree with you that it's the same issue before us. It's not. The previous improvements were made. This one is going to be made and they're going to pay later. It's a deferred payment. The other one the action was completed.

John Steinbrink:

Any other comments? If not, we have a motion and a second.

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YUHAS MOVED TO ADOPT 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; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

7. CITIZEN COMMENTS

Jane Romanowski:

We had one signup tonight, Kurt Petrix.

Kurt Petrix:

Hi, Kurt Petrix, 29633 Ketterhagen Road, Burlington. I'm here with the Lynch Motor Vehicle Group to answer any questions you may have on any of the agenda items. We look forward to being a part of your community.

John Steinbrink:

I think you're coming up pretty quick here.

Jane Romanowski:

There were no other signups.

John Steinbrink:

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

8. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, there's one item. The Village put out a press release. We put it out about a week ago and we put it out last week. And it was good news so it didn't show up in the *Kenosha News*. But the fire rating for the Village has been reduced from 4 to 3. That's done by ISO. They're an independent rating agency that evaluates the risk of property damage and to what extent a community is able to protect its residents from what happens in a fire. I think it's approximately 3.27 percent of all the communities in the State or the country are at 3 percent or more. So for a community our size we're doing pretty good to be at the level we're at.

That reflects a number of things. That really reflects the advantages of the Village and what we've done as far as enhancing our water system for elevated storage, towers, size of mains we

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have and our ability to deliver an adequate pressure of water. It reflects the ability of the fire and rescue department to get to a fire, be able to put it out and the resources as far as their personnel and equipment that they have. And it also reflects on our ability to be able to dispatch out the calls as they come in. Actually with the water we have no more room for improvement. We're maxed out. We've got as many points as you can get. And we still have some work to do with fire and rescue. But given the rating we have we don't have much more to go.

What this means to everybody, and I think it has a bigger pop for commercial businesses than anything else, but it reduces the amount of fire insurance that people have to pay on their insurance for commercial business, because most businesses and their underwriters are using ISO. And it has the same effect on residential users. As a reference point, I contacted my insurance agent and I just asked the question is this going to help my rates or hurt them or how much? She says it will definitely help you. The underwriter is going to have to tell us as soon as we get it, it's effective November 1st, how much it's going to help but it will help.

Chris has put together an article describing this in the newsletter and it will be going out in the newsletter because that's the only way we're going to get everybody else to find out about it. We encourage people to talk to their insurance companies and let them know that the Village fire insurance rating now is 3 instead of 4 and that's a good thing.

When I came here which was not too long before Chief Guilbert came here, I think at that time our fire rating was 9 in the non-hydranted areas and 7 in the hydranted areas. He's done a good job of bird dogging this thing. We've made equipment purchases that were smart, where we didn't go for the chrome bells and the whistles, but we've got trucks with a lot of water on them. We've got procedures to get the adequate number of trucks out to a fire and be able to respond. We're working with the water department to make sure that the water pressure for hydrants is open. They're the ones that do the hydrant maintenance for the entire Village. So he's been whittling away on this for quite a while now. To come down from a 9 and a 7 to where even somebody that lives in Carol Beach who is as far away from a hydrant as you can imagine still gets the benefit of a 3 because of the work that's been done to be able to convey water down to an area, have water close and take care of a situation really speaks well.

It's one of those quiet things that happens but it has a positive impact on two things. One is on people's pocketbooks, but secondly their life safety, that we're able to get down to an area and take care of business. So before he sashays his tail out of here, he should be happy that that's one of the things he did of many that worked out really well for everybody. People see the benefit of it long after he's gone, and hopefully we're able to keep moving that along. So that's a good piece of news.

Steve Kumorkiewicz:

I've got a comment I'd like to make, Mike. Thank the Chief for his dedication to the Village. If we're going to have a lower rate, the insurance companies aren't going to lower the rate right away, they don't. But I think they're going to try to ignore it knowing them. I would recommend to each one of the residents when they receive the letter, the flyer, take it to the insurance company they belong to. Take it to their agent and say, here, what can you do with this? That's

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the only way, because the insurance company will say I didn't know. So one way to avoid that is to make sure that the insurance agent is going to comply with this and show him the letter we got from the Village.

Mike Pollocoff:

We say in the newsletter that people should contact their agents. We do know that State Farm doesn't use ISO, but the majority of everybody else does. Everybody they're going to have to just take what they have because the document will say what the rating is. In fact, most of the insurance companies will call the underwriter and they'll have received this from ISO so they'll know it's a 3. Everybody is going to be different because everybody is insuring different things, so whatever they get for a discount. That's what we're advising the people in the newsletter is to call their agents and make their day.

John Steinbrink:

It's kind of like gas prices, except in this case it's ironic because had it gone the other way they seem to find out pretty quick and raise the rates.

Steve Kumorkiewicz:

What happened is they've got to reduce the rate they're going to wait until the date changes, when the policy has to be renewed. Even if you just renewed the policy they wait for 11 months before they make the change.

John Steinbrink:

Thank you, Mike.

9. NEW BUSINESS

- A. Consider Community Development Block Grant - Emergency Assistance G-EAP providing an additional Grant Award for stormwater management for the South Kenosha Area project.**

Mike Spence:

Mr. President and members of the Board, as you recall recently we bid some storm water improvements projects for the South Kenosha portion of the Village. And, unfortunately, the bid prices came in more than what we had previously received as a community development block grant from the State. However, during the whole process of design and bidding I had been in contact with the State indicating to them that we were concerned that we would have a shortfall in the amount of money to complete the project. I continued to let them know how important this project was to alleviate flooding in the area. We developed a pretty good relationship.

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And the item that you have before you here today they were able to find additional funds to award the Village to add to the previous funds that were allocated for the South Kenosha storm water project. The current amount is an additional \$400,000. That will go a long way in completing this project. The map that we have on the screen there, when the previous project was bid we took out the sections in the green and also the private laterals. With this additional money we're hopeful that we'll be able to construct if not all most of the remaining work. We're still a little bit shy. We have to get easements from a lot of parcels. So if there are parcels that refuse to grant the Village an easement we won't construct it. But I have put another call out to the State today again just to keep them on record that we're monitoring the progress here. Again, we're hoping to construct the whole project. So if the President signs this award them we would move forward with adding the rest of the project or the rest of the sections back into the project.

Monica Yuhas:

Mike, is the project still on time as far as the time frame goes?

Mike Spence:

It is. That was the other stipulation. They wanted the project complete by the end of the year. Again, because of the fact that we still have to obtain easements from a lot of the private parcels, again, I've told the State that there's the possibility that we won't be able to complete the total construction by the end of this year. In our discussions it appears that once we accept this award I will go back and request a time extension. They've indicated they'd probably give us until the end of next year which would give us enough time to get the easements on the private properties and finish the project.

Monica Yuhas:

Thank you.

John Steinbrink:

What action is needed here?

Mike Pollocoff:

We need a motion to authorize the Village President to accept the grant and return the documents.

Steve Kumorkiewicz:

So moved.

Clyde Allen:

Second.

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John Steinbrink:

Motion by Steve, second by Clyde. Any discussion?

KUMORKIEWICZ MOVED TO ACCEPT THE ADDITIONAL \$400,000 COMMUNITY DEVELOPMENT BLOCK GRANT - EMERGENCY ASSISTANCE G-EAP FOR THE SOUTH KENOSHA AREA STORMWATER MANAGEMENT PROJECT; SECONDED BY ALLEN; MOTION CARRIED 4-0.

- B. Receive Plan Commission recommendation and consider Ordinance #11-23 to approve a Neighborhood Plan for a portion of the River View Neighborhood generally located south of STH 50 (75th Street), west of 104th Avenue, north of 80th Street and east of 115th Avenue (Chateau Eau Plaines area).**

Jean Werbie-Harris:

Mr. President, I would ask that Items C and D also be taken at this time as I'll be making one presentation as all items are related.

John Steinbrink:

Okay, at the same time we'll bring up Items C and D.

- C. Receive Plan Commission recommendation and consider approval of a Conceptual Plan for the request of owners of the properties located at 11011, 10927 and 10823 75th Street for the proposed sales center and auto repair/maintenance facility for Lynch Chevrolet Dealership.**
- D. Receive Plan Commission recommendation and consider Ordinance #11-24 for the request owners of the properties located at 11011, 10927 and 10823 75th Street to rezone properties for the proposed Lynch Chevrolet Dealership.**

Jean Werbie-Harris:

Mr. President and members of the Board, Lynch Chevrolet is proposing to operate a sales center for new and used automobiles and an auto repair and maintenance facility which will include a 5,000 square foot showroom, 16,500 square foot auto repair and parts sales area, and a 9,500 square foot area for a car wash, quick lube services, offices, etc., as well as an outdoor display area. Specifically they are requesting three approvals this evening. First is the neighborhood plan approval for a portion of the Riverview neighborhood. Second is a conceptual plan approval for the proposed Lynch Chevrolet dealership. And then, finally, the zoning map amendment to rezone the three properties that they won along Highway 50. As you can see, their property is located on the south side of Highway 50, north of 77th Street and west of 104th Avenue. They are

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proposing to rezone their properties from the R-2, Suburban Single Family Residential District, into the B-2 which is a Community Business District.

The first step in the process for them is to refine or bring forth a more detailed area plan. And the 2035 Comprehensive Land Use Plan for the Village does show along the north part of that particular area an area in red which is that area of the Comprehensive Plan that's been identified for community commercial. Again, as part of the comprehensive plan their first step was to refine or detail the neighborhood of that area which is known as the Riverview neighborhood. Specifically, we're only looking at the area that's on the north end of this neighborhood north of 82nd Street, south of 75th Street between 104th Avenue and the Kilbourn ditch which is on the west.

What we did was we refined that area that's been identified as proposed commercial in the Comprehensive Plan. And as you can see along the north end of the development we've conceptually shown a number of commercial buildings as well as parking lot areas in that area. We've identified that all of the area in yellow is future residential in accordance with a platted subdivision that was recorded in the late '70s for the Chateau Eau Plaines Subdivision. The areas that are all in that light peach or light brown area as shown on the slide are those areas that contain existing residential development. The areas that are in green vary from wetlands, there's a large pocket of wetland in the center of that neighborhood portion, and then there's green along the western portion that's comprised of environmental corridor, floodplain and some wetlands in that particular area.

Specifically, the community commercial areas are approximately 30 acres of land within this portion of the neighborhood. The residential areas comprise approximately 145 existing single family lots and 141 new single family lots. The open space is approximately 25.5 acres and this, again, includes about 22.3 acres of floodplain, about 3.2 acres of wetlands, and then about 5.5 acres of other open space.

Approximately 1.3 acres of wetland is proposed in this neighborhood plan to be filled and developed. And that is for a future extension of Old Plaines Parkway to the north to Highway 50 and a portion of 77th Street. That means, of course, that our floodplain boundary adjustment would require a cut or a creation of floodplain in an area that's adjacent to that site in order to compensate for the floodplain area that's been filled.

Specifically within this neighborhood some of the other things that have been identified are areas for storm water management, some pocketed areas in the center part of the development, as well as the potential for a regional basin in the northwest corner of the site which is just to the west of Old Plaines Parkway. Each of the commercial areas has small retention basins shown on their particular sites. Until and unless a regional basin is constructed to serve this particular area and this neighborhood portion, individual basins would be required for any development that occurs whether it's residential or commercial in this particular area.

Then the third part of the request this evening is to rezone, again, the properties identified by the Lynch Group from the R-2 to the B-2 Districts. Again, only those three parcels would be rezoned. As development proposals are advanced to the Plan Commission and the Board that is

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the time that we look at specific rezonings. We don't rezone in advance. The rezoning is consistent with the Village's 2035 Comprehensive Plan including the neighborhood plan that was the subject of an open house as well as a public hearing before the Village Plan Commission. One of the conditions of the zoning map amendment, of course, will be the combination of all three of these parcels into one and the razing of the existing buildings on the site. There's a number of houses and outbuildings and they would all need to be razed on the site.

The last request then this evening is a conceptual plan, again, for the sales center, for the auto repair facility for Lynch Chevrolet. The site is specifically 6.2 acres. The building is approximately 31,000 square feet, and the outdoor car display area is about 194 cars. As you can see on the overhead, this is kind of an overview of what the dealership is going to look like, and then there's a picture of their proposed monument sign in the corner.

Their architect provided us with some other elevations of the facility looking south, looking southwest, looking to the northwest and the looking again, to the northwest, the west, looking east and to the southeast. The reason why there's so many elevations is because it's not just a simple box or rectangular shaped structure on the property. It has some extensions out and you'll see that with the overall site plan. So it gave them a lot of opportunity for some articulations, some ins, some outs. We tried to as much as possible retain the image that GM has requested along Highway 50, but as you can see they gave us a lot of flexibility for introducing other types of materials and creating a very attractive building for the different sides and elements to the other directions off of Highway 50. It's going to look good from all different angles and sides.

Again, there's existing homes and outbuildings on the three properties that are proposed to be razed, utilities disconnected and three properties will be combined. They're going before the Plan Commission on Monday next week in order to solicit some additional approvals in order to continue this process in moving forward.

They are proposing actually to develop this project into two phases. Phase 1 basically will allow them direct access to Highway 50. It's a temporary commercial access granted by the Wisconsin Department of Transportation. At such time that future 109th Avenue is constructed which is along the east portion of the site, they will at that time when it's constructed will have a secondary or an access to the east as opposed to the north. But, again, their phase one is to have access off of Highway 50 and actually to construct and to maintain a storm water retention basin at the southwest corner of the site.

Phase 2 in accordance with a memorandum of understanding with the Wisconsin DOT, the main entrance will be closed, access will come off of 109th Avenue. There will be an emergency cross-access area defined in their northwest corner, and at such time that a regional basin is approved and constructed, then at that time the onsite basin could be removed from the property. So, again, temporary entrance, cross-access and relocation of the main entrance for Lynch has been identified.

With respect to public and private utilities, the municipal water will be extended from 104th Avenue west on 77th Street and the north to 109th Avenue to service the site. With respect to sanitary sewer they're going to need to extend a private sanitary sewer line and install a private

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grinder pump, and then extend their service line to the force main that's located in 77th Street that was recently constructed by the Village.

Again, other improvements include a private retention storm basin in the corner, and then they also are intending to construct some bypassed water diversion storm lines along Highway 50 in the right of way and then from their site to the north and then that storm water will go to the west.

With respect to the site open space, the initial phase will have 30 percent open space as required by the ordinance. And as part of a subsequent zoning map amendment they're looking for a PUD that would reduce that open space to about 23 percent when and if the retention basin is relocated off the site.

So Lynch Chevrolet is looking for three different approvals from the Village Board tonight, the first of which is Ordinance 11-23 which is a neighborhood plan approval for a portion of the Riverview neighborhood. The second is a conceptual plan approval at the request of the owners for the Lynch Chevrolet Dealership. And then finally the zoning map amendment to request the rezoning of the property from the R-2 to the B-2 designation, and that would be through Ordinance #11-24. All of these matters were subjects of public hearings before the Plan Commission. The Plan Commission and the staff recommend approval of all three items subject to all the comments and conditions as outlined in the staff memorandum.

Monica Yuhas:

Mr. Petrix, regarding the building it's a beautiful building, esthetically pleasing to the eye. Are you looking at in the foreseeable future any additions going onto this, or once it's build this is how it's going to stay.

Kurt Petrix:

The building is designed that it can add a few more service bays on if needed, probably up to four, but that would be at the time that the retention pond would have to be gone or made into a filtration, is that right, to filter out solids.

Monica Yuhas:

Thank you.

John Steinbrink:

Jean, is that a wet basin or a dry basin?

Jean Werbie-Harris:

Retention, wet basin.

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John Steinbrink:

So they can fish in there, right, or have a car wash.

Steve Kumorkiewicz:

The two pieces of property west of Lynch right now does that include Regner in that area?

Jean Werbie-Harris:

No. Actually the Regner property—there's the Lynch property, there's the future 109th Avenue, there's another property owned by a single family residence and then the Regner property and this all goes to the east.

Steve Kumorkiewicz:

Oh, okay, thank you.

John Steinbrink:

It was interesting at the Planning Commission the neighbors really embraced the concept. They're just worried about the other drainage issues. And I think as long as the drainage issues were taken care of here, which they are, there was no concern from the neighbors. With that?

Monica Yuhas:

I'll make a motion to approve Ordinance 11-23.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve for adoption of Ordinance 11-23. Any further discussion?

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #11-23 TO APPROVE A NEIGHBORHOOD PLAN FOR A PORTION OF THE RIVER VIEW NEIGHBORHOOD GENERALLY LOCATED SOUTH OF STH 50 (75TH STREET), WEST OF 104TH AVENUE, NORTH OF 80TH STREET AND EAST OF 115TH AVENUE (CHATEAU EAU PLAINES AREA); SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ; YES; ALLEN –YES; MOTION CARRIED 4-0.

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KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CONCEPTUAL PLAN FOR PROPERTIES LOCATED AT 11011, 10927 AND 10823 75TH STREET FOR THE PROPOSED SALES CENTER AND AUTO REPAIR/MAINTENANCE FACILITY FOR LYNCH CHEVROLET DEALERSHIP; SECONDED BY ALLEN; MOTION CARRIED 4-0.

ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #11-24 TO REZONE THE PROPERTIES LOCATED AT 11011, 10927 AND 10823 75TH STREET FOR THE PROPOSED LYNCH CHEVROLET DEALERSHIP; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

John Steinbrink:

Thank you, Mr. Petrix.

E. Receive Plan Commission recommendation and consider Ordinance #11-25 to adopt an update to the 1981 Kenosha County Farmland Preservation Plan.

Jean Werbie-Harris:

Mr. President, I would request that Item F also be taken up at this time, and I will discuss both items at the same time. Separate action will be required.

F. Receive Plan Commission recommendation and consider Ordinance 11-26 thru Ordinance 11-30 related to the Agricultural Zoning Districts and requirements in the Village.

Jean Werbie-Harris:

Mr. President and members of the Board, on July 18, 2010, the Board had adopted a resolution to initiate some amendments to the Village Comprehensive Plan. One of those amendments was an update to the Kenosha County Farmland Preservation Plan, and to ensure that the Village's Comprehensive Plan and its components were consistent with the zoning ordinance of the Village.

The purpose of this request this evening is that the Wisconsin Working Lands Initiative included as part of the 2009-2011 State budget, it had repealed and recreated the Wisconsin Farmland Preservation Program under Chapter 91 of the Wisconsin States and it was signed into law. The Act had three main components. First, it updated the State's current Farmland Preservation Program; second it gave the ability for farmers and local units of government to establish voluntary agricultural enterprise areas; and finally it provided a State program to help them with the purchase of agricultural conservation easements.

Pursuant to that new legislation, Kenosha County as the lead agency for all of the towns and villages in the County, began the process about a year ago to update it's Farmland Preservation Program Plan. Again, this is an update. The last one was done in 1981. The update of the plan

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included oversight and input from an advisory committee that was made up of various communities through Kenosha County including Pleasant Prairie. The Farmland Preservation Plan is consistent with the Multijurisdictional Comprehensive Plan for Kenosha County as well as the Village Comprehensive Plan. The staff comments set forth a couple of references that we knew that this was going to be coming and needed to be adopted before the end of this year, and so we actually did reference in our Comprehensive Plan this update that was going to be completed.

The document contains six chapters, the introduction and purpose, overview of Kenosha County, inventory of agricultural and natural resources, the agricultural and natural resources programs and conservation approach, the farmland preservation plan and implementation chapter itself, as well as the summary.

Each of you should have received a copy of the plan. I am not going to go through the plan in detail for you. What I can tell you is that the bulk of the plan contains a lot of the elements from the Comprehensive Plan with respect to the natural resource and agricultural inventories. It includes a lot of the demographic as well as transportation and land use elements of that plan. The real crux of the plan really is that farmland preservation plan portion. What the plan identified after notices were sent out to a number of the active farmers in Pleasant Prairie is that we actually only had one farmer that was still willing to participate in the certified farmland preservation program. What it means is that this farmer has made a commitment to continue to farm his land for at least the next 15 years. So this doesn't mean that a farmer who is working his fields right now doesn't have the option of modifying the plan, but our goal is to try to look at everyone right now to see if there are any indications that someone would like to continue farming for the next 15 to 25 years and then include them. If not, we can always amend the plan, but it would take a number of levels of modification that we would have to do.

As part of the Farmland Preservation Plan, one of the things that was brought to our attention, and we actually intended to do this as part of the Comprehensive Plan updates over the years, was that a number of changes needed to take place with respect to the Village's zoning ordinance in order to be consistent with both the Comprehensive Plan and any element or update such as the Farmland Plan. And one of the main sections that we needed to modify was we needed to redo the definition as well as the district for the A-1, Agricultural Preservation District.

At the current time a number of parcels of land throughout the Village of Pleasant Prairie are zoned A-1. And because they're not anticipated to be participating in the program, we needed to not only modify our definitions but we had to rezone them as part of this activity into a different classification such as the A-2 or General Agricultural District. This particular district now is really only intended to service those lands that are participating in the program, the A-1 District. And, again, this language all references the recent law and changes that have been passed in Madison.

A number of other zoning text amendments that we need to pass this evening reflect changed not only to the A-1 District but our APO which is the Agricultural Preservation Overlay District. Basically what we're doing is we're eliminating that district. It's no longer needed because we don't have that A-1 District in all but one property in the Village of Pleasant Prairie. So each of the sections throughout the zoning ordinance that referenced that APO District they have since

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been removed or deleted. In fact, there are 13 different amendments that were needed to the zoning text in order to reflect the modifications to the APO District, and they're set forth on your screens as well as in the staff comments.

I don't think I need to go through every single one of them. Again, suffice it to say that if there was a particular use that needed to be removed from the A-1 District to comply with the other agricultural districts, we recommended those changes, and whenever there was an APO reference we have modified those as well.

Now, the second part of implementing the Farmland Plan was then to make the zoning map amendments. Generally all these map amendments rezone all the properties that should not be zoned A-1 or APO. We did this through a series of four maps. All of the residents in the Village that were impacted and everyone within 300 feet were sent notification. Again, most of the properties in the Village went from an A-1 District to an A-2 District. If it was an APO they went to an AGO which is that General Agricultural District. In those cases where ag lands are now currently residential properties, we moved those into a residential designation.

So, as you can see on the screen and on the overhead, there are four maps. This is the first of our maps. Again, they affect large agricultural areas because, again, we were making those modifications from the A-1 Districts and the APO Districts. This is map 1. It's in the vicinity of Bain Station Road and on either side of County Trunk Highway H. The second map or the second area of the Village is that south of 93rd Street and east of Old Green Bay Road. Again, some large changes to remove those APO Districts and putting them into the AGO, again, to be consistent with all the plans.

The third area of the Village is that area in the south end of the Village south of 116th Street and 122nd Street to the State line. Again, moving all those areas from A-1 to A-2 or A-1 to an R-4 if it's a residential area, and then modifying any of the other APO areas into the AGO. And, finally, the fourth area is that area on the very southeast corner of the Village just west of Sheridan Road and north of 128th Street, again, to move those properties from the A-1 to the A-2, and then some of the modifications to the APO Districts. Our intent was not to make any massive changes to the basic use districts but, again, just to the A-1 and the APOs.

With that, Mr. President, these items were all matters for public hearing before the Plan Commission, and at the public hearing I think there were a few residents that had a few questions and we were able to answer those questions for them. So the Village Plan Commission and the staff recommend approval of two items this evening, Item E which is Ordinance 11-25 which is the Farmland Preservation Plan, and then Item F which is Ordinance 11-26 and this contains about 13 or 14 zoning text amendments as well as map amendments to a number of properties that have been shown to you on four areas of the Village.

John Steinbrink:

Basically a lot of it was just changing from one classification to another.

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Jean Werbie-Harris:

That's correct.

John Steinbrink:

Nobody had any problems with that?

Jean Werbie-Harris:

No one had any problems because we have not modified the agricultural district. They still are allowed to farm, farm animals and all of the same agricultural protections or uses with respect to their structures and fences and everything on their property remained the same.

John Steinbrink:

And the one parcel that's in preservation that's pretty much covered with Christmas trees?

Jean Werbie-Harris:

That's correct, and that's a permitted A-1 use. And he has indicated in the past his desire to continue to participate in the Farmland Preservation. If, in fact, he decides to change that or modify that, he will be working through the County's program and through the State of Wisconsin through the tax credit program himself.

Clyde Allen:

I make a motion to approve Ordinance 11-25.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Clyde, second by Monica for adoption of Ordinance 11-25. Further discussion? If not, a roll call vote has been requested.

ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #11-25 TO AMEND THE 2035 COMPREHENSIVE PLAN TO INCLUDE AN UPDATE TO THE 1981 KENOSHA COUNTY FARMLAND PRESERVATION PLAN; SECONDED BY YUHAS; ROLL CALL VOTE – STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; ALLEN – YES; MOTION CARRIED 4-0.

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Steve Kumorkiewicz:

Make a motion to adopt Ordinance 11-26 through 11-30.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica to adopt Ordinance 11-26 through Ordinance 11-30. Further discussion? Is that, correct, Jean?

Jean Werbie-Harris:

Yes.

John Steinbrink:

No discussion.

John Steinbrink:

Could those be done as one or did that have to be singular?

Jean Werbie-Harris:

No, it was one ordinance to be done together.

Jane Romanowski:

There were actually four ordinances.

Jean Werbie-Harris:

I was just referring to the agenda.

Jane Romanowski:

If the Board's in agreement can't they just have one motion.

John Steinbrink:

Yes.

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Jane Romanowski:

Just list all four of them, Steve.

John Steinbrink:

So it will be 26, 27, 28, 29, 30.

Steve Kumorkiewicz:

Yes.

Jane Romanowski:

With a motion by Steve, seconded by Monica.

Monica Yuhas:

Yes.

John Steinbrink:

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCES #11-26 (ORDINANCE TO AMEND SECTION 420-101 OF THE VILLAGE ZONING ORDINANCE RELATED TO THE A-1, AGRICULTURAL PRESERVATION DISTRICT); #11-27 (ORDINANCE TO AMEND SEVERAL SECTIONS OF THE ZONING ORDINANCE RELATED TO APO, AGRICULTURAL PRESERVATION OVERLAY DISTRICT); #11-28 (ORDINANCE TO AMEND SECTION 420-14 OF THE VILLAGE ZONING ORDINANCE RELATED TO AMENDMENTS TO THE AGRICULTURAL PRESERVATION DISTRICT); #11-29 (ORDINANCE TO AMEND SECTION 420-148 (B) OF THE VILLAGE ZONING ORDINANCE RELATING TO THE STANDARDS FOR SPECIFIC CONDITIONAL USES IN THE A-1 DISTRICT); AND #11-30 (ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF ZONING PURSUANT TO CHAPTER 420-13 OF THE VILLAGE ZONING ORDINANCE (KENOSHA COUNTY FARMLAND PRESERVATION PLAN)); SECONDED BY YUHAS; MOTION CARRIED 4-0.

- G. Receive Plan Commission recommendation and consider the request owners of the property located at 9917 Bain Station Road and 10115 Wilmot Road for approval of a Certified Survey Map to subdivide the property so that each home is on its own lot.**

Jean Werbie-Harris:

Mr. President, and members of the Board, the petitioners are proposing to subdivide their property at 9915 Bain Station Road and 10115 Wilmot Road into two lots so each home is on its

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own lot. Lot 1 is proposed to be 1.4 acres of land with over 300 feet of frontage on Bain Station Road. The property was rezoned earlier this evening from the R-4 APO to the R-4 UHO District. The existing house and the garage will remain on the property. The detached garage is considered nonconforming because it's located in the street yard. Therefore, the garage can remain. However, at such point that Bain Station Road is physically widened an additional right of way is required to be dedicated. The owner will be required to dedicate additional right of way to the Village at no cost, and the garage shall be removed or relocated to a location that meets the then ordinance requirements.

The second lot which is the balance of the property is approximately 167 acres with 400 feet of frontage on County Trunk Highway C and over 1,200 feet of frontage on Bain Station Road. The property was rezoned this evening from the R-4 APO to the R-4 AGO. The owners have requested that the Village not require the dedication of additional land for the future widening of C and Bain Station Road at this time since the CSM is being done so that each home can sit on its own parcel. Pursuant to the ordinance the Board may defer until an occurrence of a specified event.

In other words until there is a future land division or new development on this property the dedication of additional right of way can be deferred by the Village Board until that time. If the Board does agree to that, then it does need to be referenced and shown on the certified survey map so that it's a future event that must take place at such time that new development occurs. And as part of this deferral, the Board would have to understand that they're granting a miscellaneous discretionary exemption to the ordinance, the Land Division and Development Control Ordinance, because although the certified survey map is technically required to dedicate this right of way, typically right of way is dedicated at such time that land is developed. And in this case what we're doing is actually just subdividing off Lot 1 from the balance of the property.

A little bit of history on this property, this was one of those properties that was intended to be developed by VK Development about six years ago or five years ago. And as part of the purchase of this land from Craig Colmar previous land owner, the Lot 1 was intended to be subdivided off and then granted back to Mr. Colmar. That never happened, and the property has since gone back to WaterStone Bank. So this transfer - this one lot, kind of fell through the cracks. And now Mr. Colmar is requesting a follow up with respect to that original intent, and that's the whole purpose of this request this evening.

The staff recommends approval of the certified survey map subject to the conditions as set forth in the staff memorandum. In addition, a note shall be placed on the certified survey map basically that Lots 1 and 2 shall not be further subdivided for new development until such time as additional right of way is dedicated to the Village of Pleasant Prairie free and clear at no cost to the Village for future widening of Bain Station Road and Wilmot Road at the then time when it's needed for the future widening of those roadway improvements.

Mike Pollocoff:

Jean, I understand there's future development that's going to occur on that Village, but if the Village was to undertake a road construction project, would we still be able to acquire that

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additional right of way without expense? Or, would we have to acquire that right of way since there would be no land division created on the property?

Jean Werbie-Harris:

Well, the way I had worked it out with Mr. Colmar he would be willing to dedicate it free and clear without there being any additional cost to the Village. With respect to WaterStone Bank, if you put that as a specific condition of this approval, then I can indicate to them that that was the way that the Village Board had approved it. But I did not talk directly to Bill Bruss of WaterStone Bank regarding that. I guess one of the things that we had discussed is that there isn't a tremendous amount of new development occurring in this particular area that would necessitate the widening and improvement of Bain Station Road and Wilmot Road. The County had indicated at such time that the traffic warrants it that they'd even look at possibly a roundabout at those two intersections. But in my conversations with Gary Sipsma he thought that would be well into the future. But it's up to the Board which direction you'd like to go.

Mike Pollocoff:

As you indicated you were looking for an instrument or a way to say, okay, they don't have to dedicate it now, but if there's anything that's going to happen in the future they would have to agree to do it. I guess we seem to have that taken care of with Mr. Colmar because it isn't a piece that's big enough to develop. He's not going to divide that piece again.

Jean Werbie-Harris:

He could probably get two lots. That would be it. And the bank would not be able to develop their property without there being a subsequent land division. And if there's a land division the right of way would need to be dedicated.

Mike Pollocoff:

But if something was going to happen where additional right of way was needed for a Village project, we could not, at least if I'm understanding what you're saying, we couldn't compel the bank to dedicate that right of way at no cost.

Jean Werbie-Harris:

That's correct.

John Steinbrink:

Jean, at the Plan Commission you said that parcel for the bank was the house and 166 acres?

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Jean Werbie-Harris:

I think that they had identified 166.77 acres. Again, it does not include all of the bank's holdings. It only includes that portion that is identified in this particular area. Again, what happened in the last year or so is the Village of Pleasant Prairie actually acquired a parcel of land in here, and when we acquired that parcel of land that actually split their property. And when it split their property, so they have some on one side and one on the other side, so they did not need to show a third lot or a fourth lot, just that portion that was the remainder within that area. So you are correct they do have a much larger parcel.

Mike Pollocoff:

This is the reference point. When we did acquire that one strip it cost us \$29,000. So I guess in dealing with Mr. Colmar since he has such little likelihood that he's going to divide that I wouldn't be concerned with it. But the bank over—the bank is going to sell it to another developer. We probably should get either some language that they're going to put on this plat or get the plat amended to have that dedication on there. Because we've been doing certified survey maps for years and years and years and years, and a lot of times we get those dedications and we have no idea when the improvement is going to take place. But we do know if we don't get it then the taxpayers are going to have to pay for it when an improvement is put in. I didn't have a problem with Colmar because his parcel I won't say useless but it's not very useful to anybody other than him, small addition. But the larger parcel is going to be developed at some point.

Jean Werbie-Harris:

Are you requesting to table this this evening to give me an opportunity to visit with the bank?

Mike Pollocoff:

Well, I just want to let the Board know if we do this with the bank we'll be paying for that right of way acquisition.

Jean Werbie-Harris:

If we do anything in advance of the development.

Mike Pollocoff:

Right. Given what development is like there's probably a greater likelihood we'll do something on Bain Station before a developer does.

Steve Kumorkiewicz:

(Inaudible) nobody is going to miss a chance to make some money from us.

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Mike Pollocoff:

So if you want to table it I'd give my recommendation.

Steve Kumorkiewicz:

Yes.

John Steinbrink:

I think that language needs to be really clear.

Steve Kumorkiewicz:

Yes, I make a motion to table.

Monica Yuhas:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO TABLE CONSIDERATION OF THE REQUEST OF THE PROPERTY OWNERS OF 9917 BAIN STATION ROAD AND 10115 WILMOT ROAD FOR APPROVAL OF A CERTIFIED SURVEY MAP TO SUBDIVIDE THE PROPERTY SO THAT EACH HOME IS ON ITS OWN LOT; SECONDED BY YUHAS; MOTION CARRIED 4-0.

H. Consider amendment to the Village Employee Handbook to include the Grievance Policy and Procedure as required by Wisconsin Act 10.

Carol Willke:

Mr. President and members of the Board, the amendment that you have before you would put the Village in compliance with Wisconsin Act 10 which requires us to develop a grievance policy for all of our non-represented employees. We didn't get a whole lot of direction as to what the policy was supposed to cover except the three things being a written document that identifies a process and lets employees know how to go about it, an impartial hearing in front of an impartial hearing officer, and then the final step would be an appeal process if the employee did not like the outcome of the impartial office then they would have the opportunity to have their appeal heard before the governing body of the municipality which would be you. So it would go before the Village Board at that point. The policy that we put in place would just be an amendment to our employee handbook, so it would follow right behind the disciplinary policy in the handbook, and it would dovetail nicely with that.

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Mike Pollocoff:

And this was really put in to take the place of collective bargaining agreements. But the unusual thing is that the Village doesn't have any collective bargaining agreements with any groups other than six dispatchers that existed. So in one respect it wasn't needed, but in the other respect we are now told we have to do it so here we go. The police and fire who are covered by collective bargaining agreements have their grievance procedures that are protected in their collective bargaining agreement by the Governor's law.

John Steinbrink:

I noted in the paper Bristol is trying to pass that off onto their neighbors to make that decision.

Mike Pollocoff:

And they included us in it. I like to be involved with everybody, but he signed it and apparently they adopted it and sent it off to us, but my recommendation would be if we're going to do a consortium with the community to provide what I think is a professional or technical level of expertise in the job like that, I'd really want to, one, know what their grievance procedure looked like and what their handbook is like so we have an idea for what they deal with or what they're willing to take to a grievance. If we're not willing to take everything to a grievance, as Carol indicted when she was working this up, that somebody violates their cell phone policy we're not going to bring that to the Village Board as a grieved item. We're going to bring items that have either resulted in termination or loss of pay before the Board. And I don't think that's what Bristol has in mind. I haven't brought that agreement to the Board and I don't think I will be. If it was Twin Lakes or Salem where you have a professional administrator I guess I wouldn't have too many qualms with it. But just to jump into the boat with Bristol I'm not going to recommend we do that. They kind of put it out there without asking anybody so there you go.

Steve Kumorkiewicz:

I'd like to see it, too, first.

Monica Yuhas:

Carol, who would be the impartial hearing officer.

Carol Willke:

That's what Mike was talking about. That's what Bristol passed was who—they want to appoint some people now as to who would be that impartial hearing officer. And the way that we read the guidelines is that you don't have to appoint anybody now. We can appoint the people from the community or from other municipalities that fit or would be the best person in that particular incidence. So whether it be an HR professional, whether it be another administrator, whether it be a retired attorney, we have that option to choose whoever we want. So we really wanted to

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keep the policy with as much room as we could before we tied ourselves. And this is like any other policy that the Village has, it's going to be a fluid document that we can change as we need to.

Monica Yuhas:

I'll make a motion to accept the amendment to the Village employee handbook to include the grievance policy and procedure as required by Wisconsin Act 10.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

YUHAS MOVED TO APPROVE AND AMENDMENT TO THE VILLAGE EMPLOYEE HANDBOOK TO INCLUDE THE GRIEVANCE POLICY AND PROCEDURE AS REQUIRED BY WISCONSIN ACT 10 AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

I. Consider RecPlex Sponsorship Agreement for the Field House at LakeView RecPlex with Honda of Kenosha.

Carol Willke:

Mr. President and members of the Board, I don't think we really need to go through the step-by-step on this agreement. It's basically an agreement that we would like to make with Honda of Kenosha to be the main sponsor of the field house. We have the two signs down at the ice arena right now. We would move one of those signs down on the outside of the building for the field house. They would have the naming rights for it. They have a few other, actually a lot of other agreements that we'd have with them with signage, with marketing. They would agree to sponsor us with \$33,000 a year for the rights of the field house.

Steve Kumorkiewicz:

\$33,000.

John Steinbrink:

Is this kind of an exclusive where we wouldn't have another?

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Carol Willke:

It's only exclusive for the field house. So if another car dealer wanted to come into the ice arena or one of the ball fields we would accept that.

Monica Yuhas:

I'll make a motion to accept the agreement.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve for adoption of the agreement. Further discussion?

YUHAS MOVED TO APPROVE THE RECPLEX SPONSORSHIP AGREEMENT FOR THE FIELD HOUSE AT LAKEVIEW RECPLEX WITH HONDA OF KENOSHA; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

J. Consider RecPlex Indoor Water Park Sponsorship Agreement with Culver's of Pleasant Prairie.

Carol Willke:

Along the same lines this would be a sponsorship of the water park. I don't know if any of you know Ed Rich from Culver's. He is a very avid swimmer, and this is where he wanted to do his sponsorship dollars. He really wanted to sponsor the swim team just by themselves, but we kind of made it a little bit bigger for him. So he will have some signage throughout the water park and in the aqua arena and as well as I believe he wants to buy swim bags for all of the swim team members.

John Steinbrink:

So do we have to wait an hour after eating a butter burger before we can swim?

Carol Willke:

At least an hour. This agreement would be for \$12,000 per year.

Clyde Allen:

Motion to approve.

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Monica Yuhas:

Second.

John Steinbrink:

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

ALLEN MOVED TO APPROVE THE RECPLEX INDOOR WATER PARK SPONSORSHIP AGREEMENT WITH CULVER'S OF PLEASANT PRAIRIE; SECONDED BY YUHAS; MOTION CARRIED 4-0.

K. Consider Resolution #11-31 to authorize signers for the Village's bank accounts at Chase Bank.

Kathy Goessl:

Mr. President, with the changeover to Chase Bank, they're asking for a resolution from the Board authorizing signers on our accounts there. This resolution gives approval for the Village Administrator, myself, the Village Clerk Jane and the Village President John Steinbrink, Sr. to be able to sign on our accounts at Chase Bank. So I'm looking for approval for these four signers to be authorized by the Board to sign on our behalf at Chase Bank.

Steve Kumorkiewicz:

Make a motion to approve Resolution 11-31.

Monica Yuhas:

Second.

John Steinbrink:

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

Clyde Allen:

Kathy, do we ever require two signatures for—

Kathy Goessl:

Yes, we require two signatures on all checks that we write. But they are actually signed by a facsimile of Mike and myself. What happens with that is that a check run is done, and the accounts payable clerk approaches myself or Jennifer, my assistant finance director, to obtain—we have actually a signature disk in the safe at the Village, and that safe is only accessible by myself, the assistant Village finance director and our accountant Laura. It's actually a flash drive and that has Mike's and my signature on it. She uses it to sign the checks and then if I'm not here

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Jennifer will verify that she just printed the number of checks she has in a register log telling us that she has issued those checks out.

Clyde Allen:

Okay. I guess where I was going was that do we ever require two signatures where Chase would require one to be an actual signature?

Kathy Goessl:

For on line transactions Chase wants dual authority in terms of wiring out of here, depositing checks in people's accounts, withdrawing money from people's accounts. There's a dual authority that they require. They did not mention to me whether they require anything with dual signature. It's basically our policy on what we want to do whether we want single signatures or dual signatures on a check.

Clyde Allen:

Okay, so the bank never requires an actual real signature?

Kathy Goessl:

No.

Clyde Allen:

Okay.

Kathy Goessl:

They're asking for a facsimile on one of our applications, too, so we'll give them that. We do sign some checks and then we have to have two signatures.

Clyde Allen:

Thank you.

John Steinbrink:

Further discussion?

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #11-31 TO AUTHORIZE SIGNERS FOR THE VILLAGE'S BANK ACCOUNTS AT CHASE BANK; SECONDED BY YUHAS; MOTION CARRIED 4-0.

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L. Consider Resolution #11-32 relating to an amendment of the 2011 Budget.

Kathy Goessl:

Mr. President, whenever a budget amendment goes between departments we need to have Board approval on it or between revenue and expense we need Board approval. And this one is going between two departments. We have a part-time employee because of the reorg and engineering inspection where the inspection department came over to Village Hall and brought with them their part-time employee that is now working the front counter. Initially this person was budgeted in IT, and now this position is working and being charged 50 percent to inspection. So this budget amendment transfers the budget dollars out of IT into the inspection department to cover the cost, where this in place actually being charged to. So I'm looking approval for this budget amendment to occur for 2011. It doesn't change overall any of our budget.

Steve Kumorkiewicz:

So no change in the budget.

Kathy Goessl:

No, it's just transferring dollars from one department to another that's actually being charged for the person.

Steve Kumorkiewicz:

Okay, I'll make a motion to approve Resolution 11-32.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde. Further discussion?

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #11-32 RELATING TO AN AMENDMENT OF THE 2011 BUDGET; SECONDED BY ALLEN; MOTION CARRIED 4-0.

M. Consider revised Fixed Asset Capitalization Policy.

Kathy Goessl:

Mr. President, in your packet you have a revised fixed asset capitalization policy. The old policy has been in effect since 2000 so it's been almost 12 years since we have changed this policy. The major change that we're looking at is to increase the capitalization limit from \$2,000 to \$5,000. What that means anything between that \$2,000 and \$5,000 range would be tracked by the

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department that actually purchases these smaller items. The majority of these items are in public works and there's some in RecPlex fitness area, and IT has a lot of them in terms of computers. Computers already fall under the \$2,000 limit so they don't have too much. That's between the \$2,000 and \$5,000 for IT.

And also this policy adds onto here the new amortization part of the policy. Just starting last year we started to amortize like easements that that kind of stuff as a requirement of GASB, our financial accounting board, to start amortizing certain pieces like land easements and those things we are looking at amortizing are also listed in the policy. So we're looking for approval for this to be effective January 1st for our 2012 budget so we can gear our budgets and modify them based on this policy. In the actual policy it shows you what's changed by things being crossed out and in red.

Steve Kumorkiewicz:

So you're looking to approve the changes?

Mike Pollocoff:

That would be the recommendation is to approve the changes as presented.

Steve Kumorkiewicz:

Okay, so moved.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion?

KUMORKIEWICZ MOVED TO APPROVE THE REVISED FIXED ASSET CAPITALIZATION POLICY AS PRESENTED; SECONDED BY YUHAS; MOTION CARRIED 4-0.

N. Consider Resolution #11-30 authorizing the Department of Public Works to dispose of surplus vehicles.

Mike Pollocoff:

With us tonight we have the Sanford & Son resolution to remove equipment from the fleet. You can see on your laptops or up on the screen these are three vehicles that have given their best to the Village. The van that conveys work release people on their duties everyday. This has 172,000 miles on it. We want to make sure we can get them back to prison and not have to keep

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them with the night. We've had problems with that. The other one is a 1987 Ford one ton pickup truck that I believe we might have procured--this might be one that was in a drug transaction and ended up being public property. We cleaned it out and got it painted yellow. That paint is just not holding it together like you'd like. Then the other one is a 1994 F-250 pickup that's used by public works and park. It doesn't quite show it there on the picture but it's got that Flinstone ability to put your feet out and hit the brakes when you want to slow down. So these trucks have all seen their better days and we'd like to dispose of these. The replacements will be made through the fleet internal service fund. We tend to buy these probably with about 25,000 to 30,000 on them used and then we really start using them and here we go. As you see we've had these trucks from '94 to '87. The Dodge van that one really hasn't held up well. I don't know why. It just hasn't held up well.

Steve Kumorkiewicz:

Anybody going to buy this equipment?

Mike Pollocoff:

No, I think they'll probably just get auctioned off and crushed.

John Steinbrink, Jr.:

(Inaudible) operational. I'll just have them towed to Jantz (inaudible).

Mike Pollocoff:

Right now we're not using them very well and we would get them off our insurance policy. We're paying money to have them sit around. We'll get them out of here.

John Steinbrink:

Looking at the pictures the Women's Club could get us some seat covers maybe.

Mike Pollocoff:

Especially for the yellow one.

Clyde Allen:

I guess Kathy would be the best person to ask. Have these been fully depreciated?

Kathy Goessl:

Yes, they have for a long time, like ten years is the life we put on these.

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Clyde Allen:

Okay, I just want to make sure that anything we dispose of is either zero or we recover those funds.

Kathy Goessl:

Yes, zero.

John Steinbrink:

Do we have a motion?

Monica Yuhas:

Motion to approve Resolution 11-30.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Further discussion?

YUHAS MOVED TO ADOPT RESOLUTION #11-30 AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO DISPOSE OF SURPLUS VEHICLES; SECONDED BY ALLEN; MOTION CARRIED 4-0.

O. Consider Resolution #11-33 authorizing the Fire & Rescue Department to dispose of surplus equipment.

Mike Pollocoff:

I'll let the Chief come up and talk about the equipment he's looking to dispose of. We have no vehicles included in this. It's other things.

Chief Guilbert:

Good evening. I'm Paul Guilbert, Jr. I'm Chief of Fire and Rescue. I'm at 8044 88th Avenue. Over a period of time as we replaced equipment we retained the items listed in the resolution with good intention in that they could be used as spares or used again in the future. And then now we have a basement full of things that are not quite antiques but are no longer of service to us. We've asked that we be able to dispose of them.

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If I can run through this list real quick we're looking to sell by sealed bidder eBay a grass firefighting pump and tank called a skid unit. The public works department is evaluating whether or not they can use a second one. They already are using one that we gave them this year. Out of compliance breathing apparatus we want to grant—we replaced all our breathing apparatus. We thought we could sell it. We're looking for this to be sold in a South American country. Ambulance cots, again we went from have three of surplus, we're going to retain one. We're going to sell for scrap metal we have a 30 year old fire ladder that no longer passes the test, and it's not in a position to be sold for someone else to use, as well as miscellaneous hose couplings from burst fire hose.

We're going to transfer to the department of public works army cots for when they have all night snow plowing and ice removal. A 14 fiber glass roof ladder, an Oxys acetylene torch, 650 feet of inch and a half fire hose, we now use larger fire hose, and eight grass fire fighting fire extinguishers and we now use collapsible. We're asking that you allow us to transfer to the Lake and McHenry mass casualty trailer. This is the consortium that we are partners with in Illinois, three old stair chairs and three folding cots. And we'd like to dispose of that have no values anymore our light bars, speaker housings, etc. And old fire fighting turnout gear and some jaws of life power units and spreaders. We've looked for buyers and there are none. We'd like to give a Hurst jaws of life cutter, we've found that there's trade in value for that. And then finally to dispose of by giving to Goodwill industries or something thereof a VCR that's approximately 20 years old. That's what the resolution speaks to, Mr. President, and we ask for the Board's authorization to dispose of the equipment as stated.

John Steinbrink:

Is that VCR VHS or Beta?

Chief Guilbert:

It's VHS.

Monica Yuhas:

Mr. President, one quick question. Jean, is there anything that the Historical Society could use that's in this list like the ladder or the outdated breathing apparatus just so we can keep part of that history in the Village?

Chief Guilbert:

The ladder is quite large. We do have ladders that we have retained that would be more fitting in the Historical Society that were manufactured on 35th Street in Kenosha by Pirsch Fire Engine Company. They're out of business. But in 1986 all of our fire apparatus was made here in Kenosha. We've retained two or three of these ladders.

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Monica Yuhas:

Even a section of the hose showing the different size of what used to be used to what's being used now. I'm just thinking historical-wise because once it's gone we'll pay a fortune to get it back.

Mike Pollocoff:

Or an Indian tank.

Chief Guilbert:

All of which we can do that. We can do that.

Mike Pollocoff:

Now you have to keep them.

Chief Guilbert:

The Historical Society has to keep them.

John Steinbrink:

We used to dispose of this stuff at Prairie Family Days. I was kind enough to buy some of it and it's sitting in my barn and I'm passing it down to my children. But I'm sure the Historical Society would love some of this stuff. It's not really historical, it's just outdated equipment and apparatus.

Steve Kumorkiewicz:

Eventually it will be historical.

John Steinbrink:

One looks like the bat phone, there's a breathing apparatus.

Monica Yuhas:

Move for approval of Resolution 11-33.

Clyde Allen:

Second.

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John Steinbrink:

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

YUHAS MOVED TO ADOPT RESOLUTION #11-33 AUTHORIZING THE FIRE & RESCUE DEPARTMENT TO DISPOSE OF SURPLUS EQUIPMENT; SECONDED BY ALLEN; MOTION CARRIED 4-0.

John Steinbrink:

Thank you, Chief.

Chief Guilbert:

Thank you, sir.

P. Consider appointment to the Board of Appeals.

Mike Pollocoff:

Mr. President, we have a vacancy of an alternate on the Board of Appeals. The Board of Appeals is a quasi-judicial body that meets rarely. Usually two or three times a year. They've gone a couple years without a meeting almost. Steve Kumorkiewicz used to be the Chairman of that committee. I'm recommending if we could place him as an alternate inasmuch that he understands how that Commission works. Assuming that they're able to make their quorum they could be on their way. But if not then he would be able to step in and not need a lot of training on what would be required. Alternates are necessary on that committee because there are times that people are on that Commission, they're community people like everybody else, and every now and then they need to recuse themselves because they might have a conflict or know a petitioner or something. So in order to take care of a situation where we don't have a knowledge base out there, and we've had this ad out there for probably over a year to fill Cheryl's spot and we haven't gotten any takers. I thought this would be appropriate to punish Steve with for a one year appointment in case we find somebody else who wants to do it.

Monica Yuhas:

Steve, you'll be a fine addition, and with that I move for approval.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Further discussion?

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YUHAS MOVED TO APPOINT STEVE KUMORKIEWICZ AS AN ALTERNATE MEMBER TO THE BOARD OF APPEALS; SECONDED BY ALLEN; MOTION CARRIED 4-0.

Q. Consent Agenda

- 1) **Approve Operator License applications on file.**
- 2) **Approve Halloween Trick or Treat Schedule - Sunday, October 30, 2011 3:00 p.m. - 6:00 p.m.**

John Steinbrink:

I'm assuming the Halloween trick or treat schedule correlates with the City then?

Mike Pollocoff:

Yes. The Governor says it's okay to do it then, too, so you're all set.

Clyde Allen:

Motion to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

We have a motion by Clyde, second by Steve on approval of consent agenda.

ALLEN MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

10. VILLAGE BOARD COMMENTS – None.

11. ADJOURNMENT

YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 8:10 P.M.