

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"
9915 39th Avenue
Pleasant Prairie, WI
July 19, 2004
5:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, July 19, 2004. Meeting called to order at 5:00 p.m. Present were Village Board members John Steinbrink, Tom Terwall, Steve Kumorkiewicz and Mike Serpe. Trustee O'Toole was excused. Also present were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Kathy Goessl, Finance Director/Treasurer and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. CITIZEN COMMENTS**

Chris O'Keefe:

We live at 907 91st Place. Last summer in July we got two new neighbors on both sides of us, one at 877 91st Place and the other one at 909 91st Place. Our neighbor at 877 91st Place, this is his fence in the back yard there. He cut--he left eight inches between our driveway and his fence. He used to come over and actually cut this himself because it was his property. We told the new neighbor that that was his property. And our new neighbor at 909 91st Place built a new fence. This is his fence. He also signed a permit that said he was going to maintain both sides of his property. They didn't do it, so I went and filed two weed complaints last April. Finally, Pleasant Prairie came out, and they got their letters on May 16th. Nothing happened. Pleasant Prairie never came out again.

So about in the first week or June 15th we went and talked to Ken Roberts to try to get him to talk to the neighbors to get them to go out there. And I guess our neighbor at 909 came into Pleasant Prairie screaming, ranting, raving saying he was going to sue Pleasant Prairie, he was going to sue me, and so Pleasant Prairie got a letter from Mike Pollocoff, is that you, saying that you are not going to enforce the weed control or weed complaint. So my husband and I are kind of left wondering what happened? We're doing it ourselves and we don't own a fence. We've got three around us. We're totally boxed in now. The other neighbor we had was a pretty decent guy and he used to come around and do it. I tried writing a letter to one of the neighbors explaining that I was a type 1 diabetic and can't be out in the heat. My blood sugar rises or it falls, either way, and my husband works six or seven days a week. I don't want him to come home after 12 hours and doing what the neighbor should be doing. And also I think Ken Roberts told one of the neighbors that he should dig it up and throw sand there which is what a neighbor was trying to do. I said I couldn't believe that Pleasant Prairie would allow that to happen. I guess obviously they do

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because they don't care what the people do to it as long as they cut the grass, which I think is really not very pleasant. It probably sounds silly that I'm bringing this up, but I've got two people that are bent on tearing my husband and I apart for these stupid fences. That's it. So, do I get a response?

John Steinbrink:

Due to a recent Attorney General's ruling, I don't know if we're allowed to respond to citizen comments in an open session. Mike maybe can address it from the standpoint of what the Village has done so far, and that will come at the end of citizens' comments.

Chris O'Keefe:

What I was wondering is since I had filed these complaints in April, they didn't get the letters and it took you a while to go out there and verify that there was actually grass growing there. They didn't get the papers until May 16th. We got his letter on June 22nd where it stated June 22nd. In between May 16th and June 22nd Pleasant Prairie never came out to do anything. We think our complaints were actually lost or misplaced, because every time we came to Pleasant Prairie and asked them they couldn't find them. They told us it was probably on Green Bay Road. And when I went over to Green Bay Road he didn't have them either.

John Steinbrink:

You want a response, ma'am?

Chris O'Keefe:

Yes.

Mike Pollocoff:

Do you want me to do it now?

John Steinbrink:

Under Board comments.

Chris O'Keefe:

Do you want to see your letter?

Mike Pollocoff:

I've seen my letter, but if you want to give it to me I'll show it to them.

John Steinbrink:

Thank you, ma'am.

Joanne Vagnoni:

Good afternoon ladies and gentlemen. My name is Joanne Vagnoni. I live at 8515 82nd Street for over 25 years now as many in the audience have. We came from the City of Kenosha to enjoy our rural Pleasant Prairie area, but in the past 15 years the City of Kenosha has built north of us, built west of us and south of us. Now that quiet 82nd Street is no longer quiet. It's used right now as we see it as a big exit for off of 80th Street to reach many of the homes that are west, north and south of us, along with all the industry that's on 60th Avenue, etc. We petitioned, 42 homeowners, on 82nd from Cooper Road to 57th Avenue. We had petitioned that Pleasant Prairie open 80th Street from Cooper west to 57th Avenue as soon as possible.

The reason for this request is that 82nd Street, between these two avenues, is so narrow it's dangerous. We've had children knocked off their bikes, broken arms, cuts and bruises. Recently in the past month we've had one child hit by a car at the corner of 82nd and Cooper Road trying to maneuver. They tried to maneuver between the cars rushing back and forth, and to tell you the truth we're tired of the noise, the garbage thrown in our yards from ongoing cars. We even hate to have our kids, little children and grandchildren, playing in the front yard in fear they might run by the street there. We don't even want to park our cars at all if we have picnics or things to do. We hate to have our visitor's park on 82nd Street because of the narrow street.

So we know that the 80th Street extension has been in the plans for a long time, maybe over eight years. I don't know for sure. Land has been purchased. Homes have been purchased. I've seen surveying being conducted, and many of us have complained about the delays, which I didn't realize had happened until I conducted this petition. So, I guess we're here tonight to get some concrete answers and some acceptable frames for the completion of 80th Street extension. It's very dangerous even for children walking home from Lance to the Prairie. Thank you.

Betty Last:

Hello. I live at 5401 82nd Street, the top of the hill where all those drivers like to go right through the stop sign. We've had the police out there several times parked over on the side street, which when they come 82nd they can still see the police sitting there and they slow down a little bit. Just recently I was in the backyard with my granddaughter and the policeman showed up over there. We kind of kept an eye on what was going on, and the cars were slowing down when they saw him. This one apparently didn't see him, slowed down, took off and went right on through. The police went after him. I doubt if he got a ticket because he wasn't gone that long. We really would like to see 80th Street go through. It would take a lot of the traffic off our road, like big trucks that are going down to the factories down there, and we have that kind of traffic going on. I have a little granddaughter that spends a lot of time at my house and I don't let her play in the front yard. I bring her in the back because of the traffic. So anything you can do to help that along we'd appreciate it.

John Steinbrink:

Thank you.

Judy Malek:

Hi, I'm Judy Malek at 5402 82nd Street in Pleasant Prairie. Good evening ladies and gentlemen. I would like to report that our street in front of my house has so much traffic, it says blind child, and I'm the blind child because it doesn't say anything for just blind. And many times when I try to cross the street we have a four way stop on our corner. It's on the top of a hill where my house is. If the sun is out, the traffic oncoming cannot see anything up that hill. They don't see four stop signs even. They just go right on barreling through. Many times I've caught myself just stopping in the center of the street or getting killed. It's getting to the point that when I do cross the street the traffic doesn't stop for you even when it's not sunny out. It's getting to be quite scary when little kids are walking to Whittier School. Many times I'll cross them with my cane, and I'll say, well, if they hit me I'm the blind child so they can follow me across the street. It's not funny when you see five and six kids trying to cross the street on bikes and the cars aren't stopping going either direction. My neighbors can't get out of her driveway. I have one neighbor that just moved to Arkansas because their grandchild almost got killed in the center of the street. The car that was coming through was going 75 miles an hour. They said that the police did notify him and gave him a warning. He said the next night a motorcycle came through going about 75 or 80 miles an hour. He said two weeks later we put our house up for sale.

I'm on the corner of 82nd, and I know two people whose homes were sold, one was rebuilt, Jalensky's. Since then they've become divorced, and I don't know if it's because of this road situation or not. But our little county road is about 50 or 52 feet wide. Where you have the corner of 60th and 80th Street, I think it's around 60 or 65 feet wide, plus there's raised cement brought in on the other end by Cranberry Apartments where that street is about 80 feet wide. The buses are constantly complaining when I take them. The Bush's and Soen's house at the corner of Cooper Road they can't see around. Then you get the UPS truck coming the other direction, and you're just asking for a big accident when you see two trucks coming in the same direction and there's nowhere for them to go. Many times I see motorcycles out there passing cars and children just running like hell across the street, not making the stop sign but just running across the center of the street. We need camcorders or something set up there because many cars are running through and either someone is going to get killed, a wife carrying her child on a buggy or something, but many times I hear them blowing their horns and it's too late. The cars have just zipped on through going way too fast for that street at 30 or 35 miles. But that's all I've got to say. Thank you.

Gus Hauser:

Gus Hauser, 143 113th Street. I read an article in the *Kenosha News* that Pleasant Prairie is going to spend \$1.7 million for broadband infrastructure for WisPark. If this is too important for them, then they should foot the bill for it. If that \$1.7 million was not needed for wastewater treatment like originally planned, then it should have been used for that for the TIF District. If the project is \$22,000 a year, it takes over 77 years just to repay the initial costs. In my opinion, this is corporate welfare at its worst. And you guys can't even find money to put in ditches and repair our roads in Carol Beach.

On another subject, on May 28, 2004, a neighbor and me petitioned this Board to limit the road-paving project on 1st Court and explore other surfacing options in our area. At the hearing for the project our position was totally ignored. This is not the way to treat citizens. Citizens have the right to petition the government and be respected. On the road surfacing issue, last Saturday we had a big summer party like every year at our house. And, guess what? After ignoring the potholes in our roads for months, the grader showed up on Friday and we had about two inches of dust on our road in front during the party after we finally had a hard packed surface. We had to move the party inside because of all the dust. Just fill the potholes and pack them down instead of grading. It makes a lot more sense. Thank you.

Joanne Rohan:

Thank you very much for this opportunity to speak to you. My name is Joanne Rohan. I live at 1612 South Main Street in Racine, and I'm President of the Chiwaukee Prairie Preservation Fund. I think you'll agree that the prairie is an asset to this community, and our volunteers work very hard the one Saturday each month all year trying to keep it that way. I wish to bring to your attention some chronic problems that the Chiwaukee Prairie Preservation Fund volunteers have been having. We hope you can help us. All of these problems could I believe be greatly reduced, if not completely eliminated, by putting up an unlocked gate on 2nd Avenue, which is also known to hikers as the . . . Trail. We request that this gate be similar to the one at 122nd Street. This year alone the outdoor toilet has been knocked over twice. As of Saturday afternoon it was standing up again. Numerous times the information box on the kiosk has been torn off. Grease pencil has been used to scribble on the plexiglass. Both pieces of the plexiglass have been broken and were replaced. The mailbox and its post have been broken off and are nowhere to be found. This was the second mailbox. It has not been replaced as yet. The first mailbox took numerous beatings before it disappeared. We used the box to hold trail guides and a notebook for visitor comments. The story board has been pulled out and tossed out onto the prairie numerous times and is showing signs of damage. The Jen . . . Trail sign and post were removed from the ground, and the sign has disappeared. The sign has since been replaced thanks to John Steinbrink, Jr.

Two years ago, in the springtime, an all terrain vehicle drove out on the prairie and got stuck. It scarred the land with a pair of tracks two feet deep and 15 feet long. People have dumped their trash on the prairie so often we've lost count. Thanks again to John Steinbrink, Jr., a truck is sent out each time to pick it all up. We did have a gate on 2nd Avenue, but it was removed because a landowner complained. We have since bought his property along with that of many others. The Sears lot is presently the only one touching the trail that we don't own. This lot is at the southeast corner of 3rd Avenue and 117th Street. We have written him many times offering to buy his single lot, but we've never received an answer.

Our most unpleasant problem is dog droppings. The Village has an ordinance to put a stop to these unwanted deposits. Could we, I wonder, have a few of these signs posted, one at the gate on 122nd Street, one on the wood post at the Jen . . . Trail sign at 3rd Avenue and 119th Street, and if you should see fit to give us a gate on 2nd Avenue, one there, too, please. We hope this will send a clear message to dog owners that this is not a public privy for their dogs.

Jane Romanowski:

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Ms. Rohan, your time is up unless the Board wants her to continue.

Joanne Rohan:

I have one more page.

John Steinbrink:

Sure, you can continue.

Joanne Rohan:

On August 7th, Marty Johnson, Wildlife Manager for the DNR, will be leading a prestigious group of people from the North American Prairie Conference in Madison on a hike in Chiwaukee Prairie. We are concerned, and I'm sure you are as well, that the prairie be at its best to show these guests so they will remember only a wonderful prairie in Pleasant Prairie. We do not want to show them a place that was littered with trash and torn apart the night before or anything else unexpected. I happen to recall that it was March 19, 1981 when Phil Sander took a hike and found two dead bodies on the prairie from the night before.

After ten years of work our volunteers would like the prairie to be seen only in prime condition. We invite you to come and see the prairie anytime you have time. Our next big event will be a picnic on the prairie Saturday, September 18th from 12 to 1 o'clock. Come at 10 and a volunteer will show you how to gather seeds to help us with our restoration. Come and meet our volunteers who keep this special place beautiful. Bring a chair to sit on and a cup for beverages. Donna Peterson, sitting over here with the yellow shirt on, is our land person, and she's offered to answer any questions that you may have, and she has some handouts for you. Thank you again for your kind attention and for letting me finish. Thank you.

John Steinbrink:

Thank you. If you want to present those to the Clerk up here and she will hand them out later.

Donna Peterson:

Thank you. I have some handouts. The first one is a history of the prairie, and the second one is the blooming dates and a map just in case you want to come there and you're not exactly sure how to get there. And then the blue card is our work dates and a little information about what happens and how to be prepared for our work dates. Did you have any questions for Joanne.

John Steinbrink:

Joanne covered the subject quite well.

Ted Pickus:

Good evening. My name is Ted Pickus. I am the agent representing the Prairie Trails East Subdivision that will be presented next by Peggy. I just wanted to make a couple points. First of all, as everyone is aware, the neighborhood plan has been a long going process that the Village worked on for many years, and we worked very diligently with Jean to make it a great plan, and I think one that works for everyone. We have an area in our property that has a number of trees, that at the meeting last Monday there was a sketch drawn and talk of preserving that. Actually I've been through the property a number of times, and actually Jean and I went through there, and during the process we made the lots on that area extra large, some as large as over 37,000 square feet, and we felt that we would play with the pads, and what we would have is a beautiful treescape going down the street. With the flexibility of Jean and us as the developers we could achieve that.

Another point I'd just like to make is the other plan that Jean has sketched up loses our park, and I think the park is a crucial asset to the subdivision. It's right off the bike trail, and we were going to put a bike rack there where people could stop and enjoy the park. I think it would really be a detriment to lose the park. I'm not sure if I'll be able to speak later, but I'd be more than happy to answer any questions when you come upon this discussion. Thank you.

John Steinbrink:

Thank you.

Mark Kaplan:

Hello. My name is Mark Kaplan. I just wanted to make a few comments, and I appreciate the opportunity of being here. I am the contract owner of the property that is being under consideration tonight, and I have my partner, Ted Pickus, here. We have been working on this property since 1996, and the property has gone through conceptual plan approval several times. One of the things that I want to stress is from our point of the economic viability of the way the project is designed now. We've worked with Jean Werbie, the staff, we've walked the property so many countless times. Our goal is to preserve every tree that we possibly can, and we have a phenomenal opportunity here, because the way this street is designed now, we have are going to hire an arborist that is going to work with us, and in the final engineering phase we can tweak the lots, we can tweak the road, and we can literally have the most magnificent landscape plan and a streetscape that is beautiful.

I also want to stress the economic viability of having lots that have trees on it. I mean it creates a very valuable commodity to us. To lose a public park and to lose the opportunity of continuing 26th Street, because 26th Street is absolutely beautiful right now, the trees all along the back, the trees on the side of the lot, and these lots will be magnificent. In fact, these lots will carry a huge premium and will sell just because of the trees that we're going to preserve. Every tree that has a value there will be outlined, will be protected, and we'll do everything we can with the assistance of the Village staff. But what's more important to understand is we've been working on this for three years. We have walked this property with Jean Werbie. I have walked this property so many countless times it's unbelievable. I could count and show you every tree on it. And there's really not that there's one valuable tree there. It's the treescape. The trees are in dire need of repair, and anybody that's there would see that. The trees need to be trimmed and pruned and

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they need to be thinned out. And we have the opportunity of doing that right now. I've had the opportunity to develop many subdivisions where we had property just like this with trees, and we had the opportunity to protect it, and that is our concept now is to protect these trees and to provide beautiful wooded lots so that people could enjoy it. To think of making our lots smaller and losing a public park that our community would lose would be economically disaster to this project. I really don't believe, with the hastily drawn, and I have to say hastily drawn, alternative that this project would make any sense.

So as the developer of this property I'm standing before you saying that I hope you will approve the plan as it's been drawn, as it's been approved so many countless times before. I really believe this will be a beautiful subdivision and we'll have the opportunity to preserve these trees. Because if you look at the size of the lots and the small pads that are going on them, we are literally preserving over 65 percent of the open space that is in this treed area. Again, if there's any other questions that you have, I'd be more than happy to answer them because I have walked this property so many times myself and with Jean that I know these trees and I know this area, and we will have an arborist that literally working with us on every single lot that we have. Thank you for this opportunity.

John Steinbrink:

Thank you. That was all our sign ups for citizen comments. We will close citizen comments.

5. VILLAGE BOARD COMMENTS

Steve Kumorkiewicz:

With the recent opinion from the Attorney General from the State of Wisconsin, I don't think we can't even comment.

John Steinbrink:

We have 80th Street on the agenda as correspondence, correct? So we can address that issue at that time if that's correct. The fence line dispute is not on the agenda. I don't know if we can safely address that. You could inform us of the letter that was presented to you if you'd care to do that.

Mike Pollocoff:

Mr. President, in my capacity as the Weed Commissioner, we received a complaint at 907 91st Place relating to grass that was high. Typically we start taking care of weed complaints in the end of May and early June, and the reason we do that is that a lot of our workers that do that are college students. We don't staff full-time people to do that, and to do so earlier I'd have to bring an equipment operator off of a heavy piece of equipment to have them go mow grass. So typically we wait until early June to start that.

I went out and examined the property in question. And, as you can see from the letter that I sent to the affected property owners, I don't find this to be a violation of the weed ordinance warranting the necessity of having a public crew go out and trim grass. All throughout the Village there are instances and cases where a fence might be right on the property line. It could be on one side or the other. Typically what neighbors will do is mow whatever is within the fence that's their property, that abuts their property, and take care of it. If someone chooses to put a fence so far on their property that some of their property is on the other side of the fence, and they risk over time having that be acquired by the other property owner through an adverse possession. They don't take care of. The other people keep it and maintain it and it ends up being the other person's property. Most people are able to kind of work through this where they see that it gets cut. So in this matter I really think it's a matter--the pictures she showed to you pretty quick is that's what it is. They're taking care of their yard up to the point of the property line, and then they stop.

It's unfortunate that one neighbor decided to put that side of a fence on their property that isn't the smooth side, but we can't legislate being a good neighbor. You have to hope that people are going to do that. So I really feel that, given the resources we have to spend on getting work done, that this didn't rise to the level that it was a nuisance, and I think that those three neighbors should get together and get it squared away. And, if not, then my recommendation is they consult an attorney. I heard from the other properties, and they contended that they weren't able to get onto the property to make the necessary cuts. They weren't able to secure permission to go on the neighbor's property to get to their property, and I really think that there's a lot more critical issues to take care of rather than the trimming by the fence between neighbors that are fighting. So that's why I sent the letter out. That's why I determined in evaluating that it didn't warrant having a public crew go out and cut the weeds. We've done this before on a few occasions. It tends to crop up every now and again, and that's really been the policy we've followed.

Michael Serpe:

Not everybody knows about the Attorney General's opinion, and I don't think her opinion is even set in stone, and I don't know that it's been tested yet, but I for one don't agree with her opinion. But the people here that approached this Board had concerns. We're not going to make a decision on anything that you brought forward to us tonight, and that's why I don't agree with this opinion that she handed down that we can't respond at least while they're here. That doesn't make for good government if we listen to what she wants us to do. She should concentrate more on her other problems.

80th Street, this Board could not agree with you more. That's coming up, but I'm going to just answer that.

John Steinbrink:

Just to clarify what Trustee Serpe was saying, the recent decision by the Attorney General pending a case in Lake Geneva where certain people felt that it was unfair for Board members to make comments on items brought up under citizens' comments because it was not listed on the agenda, so that all sides could be heard at the same time. As Trustee Serpe said, and I think we

all believe that, you have the right to a response to your questions. But until we clear this up or the League of Municipalities clears it up as to what the AG had in mind when she came up with this ruling, it's in the best interest of the taxpayers that we not go into this. Because somebody will pursue it, challenge us legally, and run up a bill for the taxpayers of the Village of Pleasant Prairie. If you wish to talk to us, you can feel welcome to call us. Stop in at the Village or call us at home and we will discuss your issue with you. But, unfortunately, we cannot discuss it here this evening. This is one of the ludicrous things that happens when State government gets involved in everybody else's business. So that's unfortunate. But, as I said, 80th Street is on the agenda and we will be able to address some of the concerns with what's been happening there and what you would like to see happen there. Mike, any other comments?

Michael Serpe:

No, that was basically it.

6. CORRESPONDENCE

A. Receive Petition to Extend 80th Street from Cooper Road West to 57th Avenue.

Mike Pollocoff:

Mr. President, we received this petition from property owners on 82nd Street between Cooper and 60th requesting that the Village extend 80th Street. This project has been part of our capital improvement program for a number of years. In fact, it was on the 1967 State Jurisdictional Plan Map to have 80th Street go through, so it's really been a long-time project. One of the problems is no one has offered to help pay for it or do anything with it. The City's annexations back in the '70s created a lot of growth out on the west end of 82nd, and they use 82nd as their means of access to their subdivision. When the City got 82nd all the way to Green Bay Road, they decided not to connect the two. So now the only way in and out is on 82nd.

The Village Board has funded land acquisitions. Previously we've acquired the Jalensky property on the southwest corner of 80th and Cooper Road. We've also purchased the property on the northwest corner and then redivided it and pulled that right of way off. We've completed the design for the road, sanitary sewer, storm sewer and water. We have some additional right of way to acquire along the way. There's a question as to whether or not we're going to be able to get by one existing house that will be fairly close to the road once it's in.

But where we came down on this is where the State started talking about a budget freeze, we've been setting that money aside to do that project. When the State talked about freezing, one, the shared revenues which is those monies that people when they pay their income tax and sales tax goes to the State of Wisconsin, and then they return a portion of that back to the Village of Pleasant Prairie, and then we use that as part of our budget and it helps pay for these projects. They indicated, one, they were going to eliminate it, and then secondly they'd reduce it. And then on top of that they were going to freeze the Village's ability to levy and borrow from projects. What that did in our last two budgets. Our last budget was a zero tax increase budget where the Village portion of the tax bill was frozen. We identified the outstanding projects that we hadn't funded yet, or that we had funded but hadn't been spent, and in order to avoid layoffs in police,

fire and public works, we're holding onto that money to see what the outcome of the cuts from the State were, because at that point the Village is faced with laying off critical personnel or funding projects.

Consequently, this project was moved out to 2006 hoping that we were going to be able to secure enough to do that. It looks like, and this has kind of been a moving target as John can tell you better than anybody else, some of the things that are occurring like the property tax freeze is kind of out there but still not out there. The taxpayer bill of rights didn't happen this year. So it looks like there's going to be some ability for the Village to move. I want the Board and everybody to understand that you had approved a zero tax increase, a frozen levy, for last year. The year before that was two percent. The Village has been holding the line on property taxes, and I don't think it's not that anybody's against controlling property taxes, but what happens when the State passes a law that says taxes are frozen unless there's a vote of all the people in the community in that you can adjust taxes, that's what happens is it freezes taxes and you have to have a levy. That's fine, but that's not the only impact of it. What it also means is that we can't issue bonds to pay for public improvements unless there's another vote on it. And what happens is the Village's ability to plan and incur debt stops completely, and each project one-by-one ends up having to be voted on. It brings the process to a screaming stop. So it doesn't matter if you're in a community with a tax rate of \$10 per thousand like the City of Kenosha, or in a community with a tax rate of \$4 per thousand like Pleasant Prairie, everybody gets painted in the same corner.

This project given what we've already spent is probably about \$700,000 to complete. In most projects we're able to do one of two things, either specially assess the people along the way that benefit from it, or do like what we did on 60th where we bought surplus land, divided it into lots, used that money to pay for the road improvements so that the taxpayers didn't pay and neither did the people along the road pay. On 80th Street, our opportunities for that are really limited, so it ends up being just a bill that the Village as a whole ends up paying for. We can look at moving this project up from 2006. We would need to finish land acquisition this year and we could, since all the designs are done, start construction next year. It would a year long construction project. We're not going from Cooper Road, we're going from 50th basically, because if you think back 80th between Cooper Road and 50th is a mess and that needs to be realigned. So it's been a project that initially was supposed to be done two years ago, and I guess given the financial uncertainty that until the State makes a decision on how much authority local governments are going to have to be able to do these projects, you're kind of stuck.

If it was a TIF District where the TIF District pays for it, it wouldn't be a problem. If it was a redevelopment project where a redevelopment authority was paying for it, it's not a problem. But anything that's going to come out of the general fund where property tax dollars are the source, that decision making has been taken away and it's kind of up in the air right now. So that's where we're at. We've had virtually all of our due diligence done with the exception of a couple back yards we have to buy. So that's the current status of it.

Tom Terwall:

Further on that same subject, Mr. President, I think one of the other issues that the Board considered was the feasibility or advisability of completing 80th Street prior to the extension of 60th Avenue being opened to 85th Street. And I think we did the right thing by not opening 80th

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Street without opening 60th Avenue. Traffic is still going to have to go someplace, and now with 60th Avenue about to open at the end of the month, that's one less hurdle that we've got to worry about. So I think it makes the extension of 80th Street more feasible. But it didn't really make sense to open that up until 60th Avenue was open first. Thank you.

John Steinbrink:

I think Mike just covered it pretty well. Part of the project was to have a signalized intersection at 80th and Cooper, correct?

Mike Pollocoff:

Yes, it will have signals.

John Steinbrink:

And an intersection that would handle bus traffic better and everything it takes to handle the flow of traffic. We've applied for numerous grants through the State to try and get additional funding. We've been unsuccessful up to this point. That doesn't mean we're going to stop applying. We're going to keep applying for it. As you said, with 60th Avenue opening in a month, that's going to make somewhat of a difference there hopefully to remove some of that traffic off of there. I know we're going to hear from people that live abutting that not wanting it to open. We've already heard from them over the years, so it is going to be controversial. It's not a win/win for everybody. There are going to be people who will say, well, now I'm going to be affected by traffic. But we know that your road wasn't built to handle that kind of traffic. The truck traffic you referred to on there is that mainly UPS trucks?

--:

Transit buses, buses and UPS.

--:

That bus cannot make that turn.

John Steinbrink:

We understand that. It's not an intersection designed for it. At this point this is a petition to receive. We will receive your petition. We're going to keep working on this. I'm not sure what the time line is going to be. Mike explained the tax implications out there right now with people proposing tax freezes and everything else. These are people that don't want to deal with the problems that have to be dealt with in your community. And these are people that want to cover the State's inability to handle its money, pay its bills and handle its debt by sucking the life out of all the communities down here and the money that you deserve to get back from Madison, but it's not happening. So when people play these games and little sound bites about tax freezes . . . stay

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the hell out of our business. We could run our community. We have a tax mill rate of \$4. People aren't happy yet for some reason. They want less. Well, we can't do it for less. We can't provide all the services people want. They want something cut as long as it isn't their service, and we know 82nd Avenue and the traffic there has been a long-time problem.

Joanne Vagnoni:

What can we do?

John Steinbrink:

You've presented us a petition saying there's a number of people interested in this project happening. We will continue to pursue it. Hopefully the State will get its act together, and the politicians will do what they're elected to do, their job, to make the decisions on where the money goes, how it's spent, and not rely on weak kneed excuses as to how government can better serve the people. It doesn't serve the people. Right now we're covering the \$3.2 billion of the State by cuts in what we get back in shared revenue, money that would have went towards projects like yours. And we had to make those cuts on our end while the State didn't and that's not right. It doesn't help you and it doesn't help us. We suffer because of other people's inability to deal with problems up there . . . motion to receive and file.

Mike Pollocoff:

If the Board likes, I can see if I can come up with a plan to speed up the implementation of the project sooner than 2006, which would be to 2005 and some alternatives on other projects to be put back.

John Steinbrink:

The City has recently shown interest in having this project done also, correct?

Mike Pollocoff:

They've indicated they'll share part of the cost with us on this project.

John Steinbrink:

We know it's a project that needs to be done. As you saw, you saw he houses moved, the houses built, the land acquired. We've kept working to that goal, we just can't make the last hurdle for some reason.

Mike Pollocoff:

We've spent to date probably close to \$350,000 on this project by planned acquisition, engineering design in order to get it ready. The remaining properties need to be purchased is probably 20 feet of someone's back yard that will abut the new street and actual construction.

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That's really where we're at right now.

--:

I have a question of Mike or Mr. Steinbrink? Could not have maybe some caution lights on the corner of 52nd and 80th. That seems to be the most

John Steinbrink:

We understand that. There has been concern about. Signals there will do it. There have been questions as to putting four way stops there. People feel that's going to be a greater hazard, because all of a sudden people are going to think that people on 52nd will be stopping where somebody won't, and we're going to have a serious accident. So our main goal is to move ahead and to try to get 80th completed and the project completed in its entirety so it's done right. Partial fixes create confusion. That's the problem there. Further comments?

Steve Kumorkiewicz:

One last comment. I'm waiting for 60th Avenue to open. Every time I go up to the Humane Society I have to come up 60th to 82nd, so I know exactly what you're talking about. And I hope 60th Avenue is open as soon as we can, because I will have to go to 82nd and Cooper. People coming from shopping at Pick 'N Save or . . . they can take 60th and go straight to 85th Street. To me I love that.

John Steinbrink:

Do we have a motion to receive and file the correspondence?

SERPE MOVED TO RECEIVE AND FILE THE PETITION OF THE RESIDENTS OF 82ND STREET TO REQUEST 80TH STREET BE CONSTRUCTED FROM COOPER ROAD WEST TO 57TH AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

7. NEW BUSINESS

- A. Receive Plan Commission Recommendation and Consider the Request of Consider the request of Ted Pickus, agent for Prairie Trails LLC, owner of the properties generally located north of 128th Street and east of the Kenosha County Bike Trail for a Conceptual Plan for the proposed subdivision to be known as Prairie Trails East.**

Peggy Herrick:

Again, this is the proposed subdivision of Prairie Trails East. It's located in the Sheridan Woods neighborhood which is on the overhead. This is the neighborhood plan was prepared and adopted in 2001. They propose to develop 148 single family homes within the development. On May 3, 2004, the Village Board received Plan Commission recommendation after an April 26, 2004 Plan Commission public hearing. After considerable discussion the Village Board decided to refer the conceptual plan back to the Plan Commission after the conceptual plan is revised by the

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Developer. However, at that Board meeting they did decide that the bike trail will not be required to be crossed, and alternative 2 related to the bike trail crossing be the option that was approved. Again, that was to cut off 32nd Avenue at 122nd on the west side of the bike trail and end 122nd Street in a cul-de-sac on the west side.

The plan was revised and presented to the Plan Commission at their last Plan Commission meeting on July 12th based on the Board's comments from the May 3rd meeting. The conceptual plan has been revised pursuant to the Sheridan Road Neighborhood Plan. However, during the July 12, 2004 Plan Commission, the Village Plan Commission recommended that the Village staff work with the developer to prepare a plan which tries to preserve as many of the trees in the northeast corner of the site as an alternative. A roughly sketched drawing was presented at the meeting.

So, therefore, two plans are being presented tonight. Alternative 1 is the plan as done by the developer. The developer has also submitted a tree survey that was done indicating building pads and where the trees would be located. These minimize the areas where trees could be cut. I'm going to put this color overhead on explaining a little bit more showing the larger lots along the west property line and where the building pads are and more clearing areas. That is alternative 1 being presented tonight, and that's what the developer's original plan shows as presented to the Plan Commission on July 12th.

Alternative 2 shows the wooded area here being preserved. This is the park area which was over here being developed with lots, so this park that was located in this area would have lots on it, and the park would become a passive wooded park. So those are the two alternatives. With this second alternative, if this is approved, the density would change slightly because the lot sizes are a little bit different, but the number of lots would remain at 148 lots either alternative 1 or alternative 2. However, with alternative 2 on the overhead, the active park is gone and a passive wooded park is preserved. If you have further questions, I certainly could answer them for you.

John Steinbrink:

Comments or questions from the Board?

Steve Kumorkiewicz:

Peggy, how many acres is there of park area?

Peggy Herrick:

In this area? (Show on overhead)

Steve Kumorkiewicz:

Yes.

Peggy Herrick:

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Just a rough estimate the existing park over here was 7.11 acres excluding the 1.64 acres of wetlands, and this proposed park would be a little bit smaller. I could guess maybe 4.5 acres would be the wooded park area.

Mike Pollocoff:

What was the exclusion for the wetlands?

Peggy Herrick:

On the parkland?

Mike Pollocoff:

Yes.

Peggy Herrick:

In outlot 3 which was the park 1.64, so it was 7.11 acres of upland and 1.64 of wetlands. And in this new park there is a small wetland, very small, I want to say less than a half acre in the wooded area. Very small. I'd have to pull up the large plans to find the exact square footage.

Mike Pollocoff:

Peggy, if you could also for the Board outline the area in the park where outlot 3 is that will remain in open space.

Peggy Herrick:

The area connected here (as shown on overhead) to the bike trail would remain in open space. These are the wetlands right here that would remain in open space. And the nonwetland areas that would remain in open space are in orange here. This would be nonwetland space. So the orange would be open space and the green would be open space but wetlands on that area to the northwest side of the site.

Tom Terwall:

Peggy, how many lots are in that area?

Peggy Herrick:

New being created in this area? Eleven lots would be created roughly in the park area. And what's happening is we're removing larger lots that were in the wooded area so they would have the same 148 as shown on this alternative, and 148 is what they're showing on their plan. They had larger lots in this area. This alternative shows that the wooded area would become the park

area so it would become a passive park. You couldn't put play equipment or things like that in there.

Michael Serpe:

At the Plan Commission meeting a few members of the Plan Commission made it perfectly clear that they wanted this stand of trees pretty much left alone and to shift those lots on the other side. Two things, I can't disagree with that logic, and secondly I think it would be somewhat of a slap in the face if the Plan Commission, who does their homework on their stuff, makes the recommendation, and then if we don't follow it I think that's kind of not good. Especially in this case I think the best way to go is to leave that stand of trees, create the lots in the other area.

TERWALL MOVED TO APPROVE ALTERNATIVE NO. 2 IN GRANTING THE REQUEST OF TED PICKUS, AGENT FOR PRAIRIE TRAILS LLC, OWNER OF THE PROPERTIES GENERALLY LOCATED NORTH OF 128TH STREET AND EAST OF THE KENOSHA COUNTY BIKE TRAIL FOR A CONCEPTUAL PLAN FOR THE PROPOSED SUBDIVISION TO BE KNOWN AS PRAIRIE TRAILS EAST, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

- B. Receive Plan Commission Recommendation and Consider Ord. #04-32 through #04-39 for several zoning map amendments to correct the Village Zoning Map as a result of wetland stakings completed on several properties in Carol Beach Estates and Chiwaukee Subdivisions.**

Peggy Herrick:

The first ordinance is Ordinance #04-32. It's property located on the west side of 3rd Avenue south of 110th Street. The property was staked by the Regional Planning Commission on April 29, 2003. The wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District. And the nonwetland areas would remain in the R-5 District. Also, the entire property would remain in the LUSA, Limited Use Service Area Overlay District.

Ordinance #04-33, property is located on the west side of 113th Street west of Lakeshore Drive. Parcel Number 93-4-123-293-0795 staked by SEWRPC on December 20, 2002. The field delineated wetlands are proposed to be rezoned into the C-1 District. The nonwetlands remain in the R-5, and the entire property remains in the LUSA, Limited Use Service Area Overlay District.

Ordinance 04-34, located on the west side of 3rd Avenue south of 110th Street known as parcel 93-4-123-293-0995 staked by SEWRPC on April 29, 2003. The wetlands are proposed to be rezoned into the C-1 District. The nonwetland areas remain in the R-5 District. Again, the entire property will remain in the LUSA, Limited Use Service Area Overlay District.

Ordinance #04-35, located on the west side of 3rd Avenue south of 110th Street again known as

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Tax Parcel Number 93-4-123-293-1000. The wetlands were staked by SEWRPC on April 29, 2003. The wetlands are proposed, again, to be rezoned into the C-1 District. The nonwetlands areas will remain in the R-5 District, and the entire property will remain in the LUSA District.

These three properties are located on the south side of 93rd Street between 8th and 11th Avenues and identified as Parcel Numbers 93-4-123-191-0110, 0115 and 1020. These were staked by SEWRPC by August 6, 2002. The field delineated wetlands are proposed to be rezoned to the C-1 District. The nonwetlands will remain in the R-6 District.

Ordinance 04-37, this property is located on the east side of Sheridan Road north of 104th Street. It's identified as Tax Parcel Number 93-4-123-194-1040. This was staked by SEWRPC on August 6, 2002. The field delineated wetlands are proposed to be zoned C-1. The nonwetland areas would remain in the R-5 District, and the entire property would remain in the UHO, which is an Urban Land Holding Overlay District.

Ordinance #04-39, there are three different properties. Each have a little bit of wetlands on the rear of the property. These are located on the east side of Sheridan Road identified as Tax Parcel Number 93-4-123-194-0630, 0635 and 0640. These were staked by the Regional Planning Commission on October 23, 2003. The field delineated wetlands are proposed to be rezoned into the C-1 District, and the nonwetland areas will remain in the R-5, Urban Single Family District. And the entire properties will remain in the UHO, Urban Land Holding Overlay District. Again, these rezonings are a result of property owners requesting to have their properties field delineated for wetlands, and as part of that process we then initiate and rezone the wetland areas into the C-1, Lowland Wetland Resource Conservancy District pursuant to that application and that request.

Tom Terwall:

As Peggy pointed out, every one of these rezonings comes about as a result of an initial request by the property owner. It's not something that the Village wanted to do. But the State law is very clear that once that staking is done, not we may but we shall rezone. This was a matter for public hearing at the Plan Commission meeting. There were no objections.

TERWALL MOVD TO CONCUR WITH THE RECOMMENDATION OF THE PLAN COMMISSION AND STAFF TO ADOPT ORD. #04-32 THROUGH #04-39 FOR SEVERAL ZONING MAP AMENDMENTS TO CORRECT THE VILLAGE ZONING MAP AS A RESULT OF WETLAND STAKINGS COMPLETED ON SEVERAL PROPERTIES IN CAROL BEACH ESTATES AND CHIWAUKEE SUBDIVISIONS.

- C. Consider the First Amendment to the Development Agreement between the Village and Theresa Kemen regarding the required improvements for the Brian Boehm CSM and 83rd Street T-turnaround.**

Peggy Herrick:

In 1996 the Village Board approved a certified survey map and a development agreement with Brian Boehm, the then current property owner, to put in a turn around at the end of 83rd Street shown on the map here. Currently that property has been sold and Ms. Theresa Kemen has

purchased the property and is requesting to build a home there. These public improvements were not completed, and at this time before we can issue her new home permit and she can begin construction, she needs to make sure that those road improvements are made as approved in 1996.

She has a cash deposit of \$827 currently remaining on account with the Village for that project. However, based on current costs and the amount of work that needs to be done, that amount is not sufficient. She has provided an executed contract for the installation of the gravel road base and paving of the t-turnaround by a Village prequalified contractor. Again, prior to issuing permits, the gravel stone base needs to be installed. And then prior to occupancy, and I believe no later than July 1, 2005 the binder course of asphalt needs to be applied and the final lift needs to be installed as well as specified in this first amendment. Village staff recommends approval of this amendment.

Michael Serpe:

Theresa have you seen all the conditions on this? Do you agree with all of these? The whole document, have you read the whole document over and you agree with all of them? That makes it easier to vote.

SERPE MOVED TO APPROVE A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE AND THERESA KEMEN REGARDING THE REQUIRED IMPROVEMENTS FOR THE BRIAN BOEHM CSM AND 83RD STREET T-TURNAROUND; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

D. Consider an extension for approval of the Final Plat for Whispering Knoll Subdivision generally located west of 47th Avenue at 108th Street.

Peggy Herrick:

The developers are requesting a 60 day time extension for the Village Board to consider their final plat for Whispering Knoll. They are nearing completion. They are getting all their documents finalized, and I believe we're waiting on final approval from the DNR to let them fill a portion of their wetlands for the roadway, and that is intended to be coming shortly. So, therefore, they're asking for a 60 day extension. Village staff recommends approval.

Steve Kumorkiewicz:

This is the first extension they have asked for?

Peggy Herrick:

For the final plat. We've granted extensions to the preliminary plat. Whispering Knoll is located north of 47th Avenue south of Prairie Lane School, and this was originally being proposed to be developed by Sanjarco homes, and these folks came into the picture and bought the property two years ago and have been working to come to this point and they're almost there.

KUMORKIEWICZ MOVED TO APPROVE A 60 DAY EXTENSION FOR APPROVAL OF THE FINAL PLAT FOR WHISPERING KNOLL SUBDIVISION GENERALLY LOCATED

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WEST OF 47TH AVENUE AT 108TH STREET; SECONDED BY TERWALL; MOTION CARRIED UNANIMOUSLY.

- E. Consider Resolution #04-29 – Resolution of Intent of the Village to Construct a Dark Fiber Infrastructure to Promote the Economic Development of the Village of Pleasant Prairie.**

Mike Pollocoff:

Mr. President, we talked about this at our last meeting. In visiting with our attorney we were originally going to do an ordinance. He's recommending we put this in resolution form to establish the Dark Fiber Infrastructure project. I'd recommend that Resolution 04-29 be adopted.

Tom Terwall:

It's unfortunate that Mr. Hauser didn't stay to get a response to his latest diatribe. The project is not to benefit WEPCo. It's to benefit existing and future customers into the park. And, as Mike pointed out at the last meeting, whether it be a communications link or a sewer and water system, that was not WEPCo's responsibility to install. Unfortunately, the gentleman is not here.

John Steinbrink:

And when you're short sighted you don't realize it is going to benefit all the residents of Pleasant Prairie and the economic stability in the future. But we never ask for foresight or understanding. We had a motion and a second. Those in favor?

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #04-29 – RESOLUTION OF INTENT OF THE VILLAGE TO CONSTRUCT A DARK FIBER INFRASTRUCTURE TO PROMOTE THE ECONOMIC DEVELOPMENT OF THE VILLAGE OF PLEASANT PRAIRIE; SECONDED BY TERWALL; MOTION CARRIED UNANIMOUSLY.

- F. Consider a Lease Agreement with Nextel Communications for a Cell Tower Facility at Sheridan Road and STH 165.**

Mike Pollocoff:

Mr. President, I request that be tabled for the next meeting.

TERWALL MOVED THAT ITEM F BE TABLED UNTIL THE NEXT VILLAGE BOARD MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

- G. Consider School Resource Officer Agreement with the Kenosha Unified School District.**

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Mike Pollocoff:

Mr. President, Brian his here to talk about the school resource officer agreement between the Unified School District and the Village. I know the Unified School District has approved this to fund it. It would entail funding in our budget for fiscal year 2005 for those summer months and holiday times when the school district wouldn't be paying for it. This is a fiscal issue for the coming fiscal year.

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. Essentially what this does is it allows us to place a police officer in the four Kenosha Unified School District facilities in Pleasant Prairie, that being the three elementary schools and Lakeview Technical Academy. The agreement with Kenosha Unified essentially requires them to pay for the time that the officer is actually in their facility approximately nine months of the year. The remaining three months, primarily the summer, June, July and August, that officer will be on the road for us and we would be paying him. There's many benefits associated with this. One of them is a reduced call load on day shift and a drain on investigative resources generated by calls to the schools. Also, we would have additional personnel that we don't have available now during the summer months. We obviously would have the ability to pull the officer in the event of an emergency. So really what this does is it enhances our personnel on days.

Also, what this would do is allow us to fill what I think has been a long standing need, and that's to get into the schools, especially the elementary schools on a regular basis and be able to develop the kinds of relationships that we need to develop with these kids. In our business information is everything, and if we don't have the kinds of relationships where we can obtain that information because we have the trust of these kids, we're really working at a disadvantage, and we've been doing that for a long time. I think our having the ability to be in the schools and develop these kinds of relationships will translate into more effective crime fighting down the road.

Steve Kumorkiewicz:

I have a question for the Chief. We have an area in Prairie Lane where we have problems with the traffic dropping off kids or picking up kids. Is there any way that the officer will be involved in that or not?

Chief Wagner:

With the SRO? The SRO is really a liaison officer between the schools and the police department. If the principal over there shares the problem with traffic or whatever, she would bring that to the attention of the SRO, and the SRO would try to work with her to resolve that, absolutely.

Tom Terwall:

Chief, I assume by presenting this you recommend approval, is that correct?

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Chief Wagner:

I do. I think this would be a real step forward for the Village.

Michael Serpe:

These programs are great. You know what really makes it successful is the person that you put into that school. Brian and I talked and I think it will be good for Pleasant Prairie, good for your department, good for the schools, and it could go just the opposite way if you put the wrong person in there. I'm sure you'll guard against that. Good move.

John Steinbrink:

Are the specifications wide enough that you could look at a retired cop that had a real way of communicating with the youth of Kenosha, or that's not even in the spectrum I guess?

Chief Wagner:

No, that hasn't been part of the plan.

Michael Serpe:

Brian, do you know where DARE is at right now with the schools.

Chief Wagner:

I know it's being phased out all over the place.

Michael Serpe:

Not just here?

Chief Wagner:

No, it's all over the country. It's been found to be sort of something that's a luxury that hasn't been really paying for itself. It's not cost effective.

John Steinbrink:

Thank you, Chief. We had a motion and a second. Those in favor?

KUMORKIEWICZ MOVED TO APPROVE AN SCHOOL RESOURCE OFFICER AGREEMENT WITH THE KENOSHA UNIFIED SCHOOL DISTRICT; SECONDED BY SERPE; MOTION CARRIED UNANIMOUSLY.

H. Consider Award of Contract for the Sale of Surplus Fire Equipment.

Chief Guilbert:

I'm Paul Guilbert, Jr. I'm at 8044 80th Avenue. I'm the Chief of Fire and Rescue. As I spoke to you before over the last 18 months, we received a grant from the federal government that allowed us to buy new breathing apparatus and an air compressor. The air compressor was an afterthought because we had money left over. So that took our 20 year old air compressor and made it surplus equipment, and our breathing apparatus and made that surplus equipment as well. We advertised the surplus equipment in the League of Municipality monthly magazine which allows us to do that for nothing. We advertised it in the State Fire Chiefs magazine which also goes to other State associations and has a wide circulation throughout the State. And we advertised it in the *Milwaukee Journal*, the air compressor and not the breathing apparatus.

On July 8th when the bids came in, we received two bids. They were from civilians. No bids were received from fire departments, either in or out of Wisconsin. We know the message got outside of Wisconsin because the high bidder for the air compressor is from St. Louis. He was tied into a network that got that information out. Both those bids are from people that I have talked to personally. They have been in the market and they know what these air compressors are worth. As you'll see both bids were very similar in nature with the high bid being approximately \$100 more. So with that said, I would recommend that we dispose of the air compressor at the high bid.

I would also ask that I be allowed to continued to seek someone to purchase the breathing apparatus. I did speak to not a salesman but someone that works for the company, and we may have to be a little more creative, but there may be a market either in much northern Wisconsin or somewhere else in the United States.

Tom Terwall:

Through the Chair, Chief, with respect to the compressor is that bid as is and where is?

Chief Guilbert:

Yes, it is.

Tom Terwall:

So he's paying the freight?

Chief Guilbert:

He's coming to get it, yes. I'd also request authorization to continue to market the surplus breathing apparatus equipment.

Tom Terwall:

Is there just not a market for that, Chief?

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Chief Guilbert:

We took a conservative approach as to how we were going to market the request for sealed bids, and we did that throughout the State. Maybe we need to spend a little money and advertise in a national journal and say this equipment is available?

Tom Terwall:

What's your gut feeling on what the total value of that is? Are we talking a thousand dollars or—

Chief Guilbert:

A couple of hundred dollars each?

Tom Terwall:

And how many are there?

Chief Guilbert:

There's about 25.

Tom Terwall:

I'm not going to try to tell the chief what to do, but before we spend a whole lot of money on trying to find a market for it, I'd feel better even if we had to donate it to some volunteer department that's really hurting to see them put to good use. If we could get 200 apiece, that's \$5,000, okay, but I don't want to spend \$3,000 to \$4,000 to possibly get \$5,000. I'd rather make a donation to some real needy department.

Chief Guilbert:

I would come back with that. If that's what it's going to cost, I wouldn't trade even up.

Tom Terwall:

And I guess what I'm saying is don't rule that out as a possibility. Don't feel as though you're not doing your job if you come back with that as a recommendation. And I'm not trying to put words in your mouth.

Chief Guilbert:

I understand. Thank you.

TERWALL MOVED TO AWARD A CONTRACT TO MR. WILLIAMS FROM ST. LOUIS TO PURCHASE THE SURPLUS AIR COMPRESSOR IN THE AMOUNT OF \$1,177.77 AND THAT THE CHIEF CONTINUE TO ADVERTISE FOR THE DISPOSAL OF THE SURPLUS BREATHING APPARATUS EQUIPMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

I. Consider reappointments to the Community Development Authority.

Mike Pollocoff:

Mr. President, the Village President and one member of the Board are ex-officio members of the CDA, and that's you and William O'Toole. I'm recommending that you be reappointed for a period of one year.

KUMORKIEWICZ MOVED TO APPROVE THE ONE YEAR REAPPOINTMENTS TO AUGUST 5, 2005 OF JOHN STEINBRINK AND WILLIAM O'TOOLE TO THE COMMUNITY DEVELOPMENT AUTHORITY; SECONDED BY TERWALL; MOTION CARRIED UNANIMOUSLY.

J. Consider Award of Contract for West Frontage Road Utilities Contract B Rebid.

Mike Pollocoff:

Mr. President, this one is a little more complicated. As I indicated we rebid this project because we felt that the previous numbers were too high, and we came down about \$100,000 in expenses. But, one of the reasons we're doing this is, it's part of the CDA TID project, and we had a contractor, Super Excavators, that put all the borings across the interstate on a previous bid. The boring for sanitary sewer just north of 165, when they bored that across they hit a rock, and the rock is as big as this dias. So they bored again and they hit another rock. So the choice at that point is they indicated they wanted the Village to pay for the bores, which we said we wouldn't be doing, because your obligation is to ascertain before the bidding what the soil conditions are. The contractor takes all responsibility for subsurface conditions. So they could have taken a directional bore of a smaller pipe to see whether or not that would go. They chose not to do it. But we did offer to pay them the same unit cost to go farther north and then come at the same point from a different angle so you could get about 300 feet away from it and try again. They declined to do that. So we said, okay, then you're done and we rebid it.

We've had some visits with some attorney from the subcontractor. We've also contacted our attorney at Quarles & Brady. He feels we're on good ground on this, but he would like to see the Village issue a formal change order on that previous contract deleting that work, giving them the opportunity to file a formal complaint with the Village, and then deal with that then and then award this bid. We have another 45 days to make an award on this bid which gives us plenty of time. So my recommendation would be that we table this pending the issuance of a change order to Super Excavators on their previous contract for the crossings, then bring this back.

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Tom Terwall:

When would it come back, Mike?

Mike Pollocoff:

Probably our August 2nd meeting.

TERWALL MOVED TO TABLE ITEM J TO THE AUGUST 2 BORAD MEETING IN ACCORDANCE WITH THE VILLAGE ADMINISTRATOR'S RECOMMENDATION; SECONDED BY SERPE; MOTION CARRIED UNANIMOUSLY.

K. Consent Docket

- 1) Approve Bartender Licenses Applications on file.**
- 2) Approve Letter of Credit Reduction for Village Green Heights Subdivision (Mass Grading).**
- 3) Approve Letter of Credit Reduction for Village Green Heights Subdivision.**
- 4) Approve Letter of Credit Reduction for Prairie Village West Addition #1 Condominiums.**

SERPE MOVED TO APPROVE CONSENT DOCKET ITEMS 1-4 AS PRESENTED; MOTION CARRIED UNANIMOUSLY.

8. ADJOURNMENT

KUMORKIEWICZ MOVED TO ADJOURN THE MEETING; SECONDED BY SERPE; MOTION CARRIED UNANIMOUSLY AND MEETING ADJOURNED AT 6:30 P.M.