

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
LAKE MICHIGAN SEWER UTILITY DISTRICT  
SEWER UTILITY DISTRICT "D"  
9915 39<sup>th</sup> Avenue  
Pleasant Prairie, WI  
January 16, 2006  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, January 16, 2006. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Alex Tiahnybok, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - NOVEMBER 21, DECEMBER 5 AND 19, 2005**

**KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF NOVEMBER 21, DECEMBER 5 AND DECEMBER 19, 2005 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**5. PUBLIC HEARING**

- A. Consider Combination Class B Liquor License for Gordy's Prairie Pub, 3812 Springbrook Road.**

Jane Romanowski:

Mr. President, Linda DeBartolo, Agent for Prairie Pub LLC, has applied for a Class B fermented malt beverage and a Class B intoxicating liquor license for the existing tavern known as Gordy's located at 3812 Springbrook Road. Ms. DeBartolo is the daughter of Gordy and Eva Ness who currently own Gordy's and have owned it for many, many years. The training requirements, publication requirements and the application are all in order. Basically Linda is taking over the family business. There's not a transfer that's involved here. She has to apply for a new license, and the condition is subject to payment of, obviously, prorated license fees, publications fees. But in addition, Eva Ness who is the holder right now of the license would have to surrender the license in conjunction with the Board granting it if they issue it. So it doesn't involve our quota. Everything is in order. The Ness's have been wonderful to work with as always and so has Linda so I would recommend approval.

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John Steinbrink:

That being said I will open the public hearing. I ask that you give us your name and address for the record and please use the microphone.

Jane Romanowski:

There were no sign ups tonight.

John Steinbrink:

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

**KUMORKIEWICZ MOVED TO APPROVE THE CLASS "B" FERMENTED MALT BEVERAGE AND "CLASS B" INTOXICATING LIQUOR LICENSE TO LINDA DEBARTOLO FOR THE PREMISES KNOWN AS GORDY'S PRAIRIE PUB, 3812 SPRINGBROOK ROAD, SUBJECT TO THE CONDITIONS SET FORTH; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**B. Consider Resolution #06-01 to change the address for the property located at 1804 116<sup>th</sup> Street to 1796 116<sup>th</sup> Street.**

Jean Werbie:

Mr. President, on December 19, 2005, the Village Board adopted Resolution #05-75 to initiate the change of the official address of a property located at 1804 116<sup>th</sup> Street pursuant to Article IV of the Village ordinances. The change that's being requested this evening is a result of the King's Cove Subdivision, wherein the owner's and developer's home will be located east of proposed 18<sup>th</sup> Avenue. And, therefore, the official address is required to be changed so that their address is less than that 1800 block.

The Village Board is holding a public hearing this evening. The petitioners have requested this. This is part of the King's Cove Subdivision, and the Plan Commission had a recommendation at their last meeting to support this address change. Again, the address change would be from 1804 116<sup>th</sup> Street to 1796 116<sup>th</sup> Street. This is a matter for public hearing.

John Steinbrink:

This being a public hearing I will open it up to public comments. Anybody wishing to speak on this item?

Jane Romanowski:

There were no sign ups.

John Steinbrink:

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

**SERPE MOVED TO ADOPT RESOLUTION #06-01 TO CHANGE THE ADDRESS FOR THE PROPERTY LOCATED AT 1804 116<sup>TH</sup> STREET TO 1796 116<sup>TH</sup> STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- C. Consider Extension of Storm Water and Roadway Improvements for the Westfield Heights Subdivision in the Vicinity of STH 50 and 91<sup>st</sup> Avenue.**
- (1) Resolution #06-02 - Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments against Benefited Property for the Construction of Storm Sewer and Roadway Improvements to the Westfield Heights Subdivision in the Vicinity of STH 50 and 91<sup>st</sup> Avenue.**

Mike Pollocoff:

Mr. President, this is a public hearing involving property adjacent to the Westfield Subdivision. We previously had a special assessment hearing for the extension of municipal water on 89<sup>th</sup> Avenue and 70<sup>th</sup> Street. What this special assessment does is it really takes into consideration the map up on the wall. There's a parcel on Highway 50 that's sandwiched between the area in green which is the Westfield Development and White Caps on the west side. So there will be a road that will be extended where 74<sup>th</sup> Street connects with the extension of 91<sup>st</sup> Avenue. Those roadway improvements and storm sewer improvements are being put in in the first instance by the developer and to accommodate the entire area. This parcel of land will not be able to develop with access off of Highway 50. We're going to need to access 91<sup>st</sup> Street.

As such, in the special assessment the property owner is not going to have an assessment on this project until such time as they move forward with their property to either develop it, get a land division which it's too small really for a land division, in order to be able to develop that property. In the land use plan it's labeled for commercial development along Highway 50. As such they're going to need to work with Westfield. All requirements of the Westfield plat is they provide for access into that property from their properties.

Special assessment on this parcel total is \$40,145. The water management improvement costs in total are \$87,485. The percent that would be attributable to this parcel is 9.9 percent. The total roadway improvement costs for the development are \$185,045.15. 14.69 percent would be attributable to this parcel along with engineering fees for net benefits of \$40,145.

On a single family residential lot this would be a significant expense, and it's not to make light of the expense that's involved in this one, but to develop a commercial property, given the fact that it's along Highway 50, it's surprisingly small in comparison to some of the improvement costs we've seen in that area.

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Again, this puts the property owner in a position where the improvements are there, and we require the developer of Westfield to install those improvements and provide those improvements at 2006 dollars and whenever this parcel of land develops they would be required to pay that price and the improvements are there for them to use. If they don't develop then there's not going to be an expense to them and it will sit there. The right of recovery on this is ten years on this?

Jean Werbie:

Yes.

Mike Pollocoff:

So if they sit for ten years then if they develop in the 11<sup>th</sup> year they would have no expense. That would be a risk that the developer took upon themselves. The property is owned AMG, LLC. I don't know who that is—

Jean Werbie:

Dr. Durrani.

Mike Pollocoff:

Dr. Durrani, and that's where it is. If there's any questions either Jean or myself would be happy to answer them after you open up the hearing.

John Steinbrink:

Once again this item being a subject for public hearing I will open it up to public hearing.

Jane Romanowski:

No sign ups.

John Steinbrink:

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

Alex Tiahnybok:

I do have a question, Mike, and maybe you can explain this. But the assessment of \$40,145 would be assessed on that property in the lower left-hand corner, correct, in the green area?

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Mike Pollocoff:

Correct.

Alex Tiahnybok:

And that parcel could be subdivided or is it currently commercial or residential? What's the status of that property?

Mike Pollocoff:

It's not residential and I doubt it could be subdivided. You might end up with a PUD or some kind of planned development on there where you could have two buildings on the same parcel, but it is what it is. It's not a very big parcel. We really wouldn't encourage--I'd be surprised if the Plan Commission would allow a rezoning into a residential classification surrounded by business on the north and the east side with Highway 50 on the south.

Jean Werbie:

The property is actually currently zoned R-4, Residential, but it has been identified for B-2, Community Business. As part of our comprehensive plan and a conceptual plan that's been laid out for this entire area, it's been identified to be brought into the B-2 classification as part of a PUD. There would be cross-access easements through Stanich's property to 91<sup>st</sup>, as well as for parking, access and for services. So it really is intended to be developed as part of a business complex out there when and if Dr. Durrani would like to do that. At this point it does not have any direct access until Mr. Stanich develops, and Dr. Durrani bought the property knowing that it would be developed for a commercial property some day.

Alex Tiahnybok:

Because a \$40,000 assessment for a residential property seems painful. But if it's commercial and it's going to be developed that way it makes more sense.

**KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #06-02 - FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR THE CONSTRUCTION OF STORM SEWER AND ROADWAY IMPROVEMENTS TO THE WESTFIELD HEIGHTS SUBDIVISION IN THE VICINITY OF STH 50 AND 91<sup>ST</sup> AVENUE; SECONDED BY LAUER; MOTION CARRIED 5-0.**

Mike Serpe:

Mr. Chairman, before you go to Item D, there's an Item A under new business to consider Trustee Tiahnybok's request to direct the Department of Public Works to immediately take

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action to clean existing ditches in Carol Beach Estates Unit 2. Before we hear the storm water project in Carol Beach Unit 2, I'd like to hear what this one is about. I think it may add some information to the public hearing. If that's okay, I'd like to move it forward.

**SERPE MOVED TO CONSIDER NEW BUSINESS ITEM A PRIOR TO THE CAROL BEACH UNIT 2 PUBLIC HEARING; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**8. NEW BUSINESS**

**A. Consider Request of Trustee Tiahnybok to direct the Department of Public Works to immediately take action to clean existing ditches in Carol Beach Estates Unit 2.**

Alex Tiahnybok:

Motivation for requesting that this be put on the agenda after the vote on the current proposal was that regardless of the result of the vote on the proposal I believe that we're looking at a minimum of three or four years prior to any real action being taken if the proposal passes. Therefore, I've kind of adopted this situation in Carol Beach as my baby for lack of better words. I'm trying to be as responsive to the residents of the affected area, and one common theme I continue to hear is that although not ideal there is a system of ditches and culverts, etc., that for lack of better words I would say that a common impression of the state of those ditches is that they've been neglected. There's debris, tree debris accumulated, sediment. There are cases where the pitch of the existing ditches has changed over time and, therefore, when it rains instead of the water flowing in a desirable direction it tends to accumulate in the wrong spots.

My goal for bringing this up, again, regardless of what happens with the vote on the proposal, I think the residents of the affected area have suffered from time to time pretty dramatically, and I would like to get the Board's support for asking the public works department to go into the area, do some ditch cleaning, maybe cleaning them in the right direction so the water flow goes in the direction it's supposed to. Take advantage of any natural tributaries that exist pursuant to requirements of the DNR. There are places where there are broken tree limbs and branches that just impeded the flow of water.

I believe not from a very scientific approach that if we at least help the current situation in some fashion, it's certainly not going to fix the problem but it's going to be a step in the right direction. This is from my perspective a matter of labor time and diesel fuel, because we've got the equipment. I'm not saying the public works department has to make this top priority, but as opportunities develop in the schedule I'm sure we have a lot of snow plow hours right now that aren't being used. So I would just like to see some effort made to clean it up and hopefully help the situation at least a little bit.

Mike Pollocoff:

Clearly, if there are trees across the ditch or branches in the ditch or some debris like that, that needs to be removed and we can get after that. I think that as far as if cleaning ditches is defined as you're talking about it, as regrading or shaping or removing sedimentation, therein brings us back to the issue of ditching in Carol Beach. I think that ditching to a tributary of another stream,

you've got a couple. If you ditch to--assuming you could get a ditch to Tobin Creek at an appropriate grade you'd put the subdivision at risk from flooding from Tobin Creek. If you were to ditch to no name creek, again assuming you could get an appropriate grade, you're ditching into a floodplain, a recognized 100 year floodplain, that already floods and you'd be depositing more water into a different basin.

It's difficult for me and I know it's even more difficult for the people that live in that area where going in and doing ditch line remediation like we do in a lot of places in the Village isn't easily attainable for a number of reasons. But the biggest one is that there isn't any grade to work with in order to get the water to flow in the ditches. The soils aren't conducive to it. And in order to get water out you're going to end up creating a ditch that you'll be starting at the lower point in that subdivision naturally and you're going to be ditching away from that low point to get the water out. As you ditch from that low point the ditch gets deeper and as it gets deeper it gets wider. And even if you have any kind of intensity of storm that ditch is going to build up with water. When I say I going to fill up with water it's going to have standing water in it. And as you get to the bottom end of the ditch, depending on the time of the year it is, you're going to be in the water table and you're going to expose the ditch to the water table.

That's one of the reasons why approximately ten years ago we identified this as a limited urban service area, not to say that we were consciously going to withhold services in that area, but consciously know that services are more difficult to provide in that area because of the topography of the area, because of the regulatory restrictions that we have in doing work in that area where we can do other projects in other areas that don't have the regulatory issues that they have in this area with the wetlands and the grade.

I surely will direct the public works department to clean debris that's sitting in ditches that's obstructing flow, but to go in and ditch and adjust grades and bring it to a tributary, the only way--if we bring it to no name in a good storm, in a healthy storm, we're going to impact the floodplain area. We can't do that. We can't take a known floodplain and dump more water into it from an area that's not mapped as a floodplain. We know that the no name tributary floods during events. As much as it would make everybody's life simpler and we wouldn't have gone through some of the efforts we've gone through over the years ditching is not an answer. It's not good for the wetlands. It is a low cost alternative, it's a low cost alternative that public works does almost every day in places that can be done. I don't know how I can emphasize the point that was that able to be done and are we able to do it and could we do it, that would have been done a long time ago. That's what makes this area unique.

It's a platted subdivision with no improvements, and we're trying to retrofit improvements in an area that is low and flat and surrounded by higher areas. It's a saucer or a bowl, and then on top of that we have constraints on us that from a regulatory standpoint prohibit us from ditching, and from a practical storm water management standpoint would endanger the subdivision by creating an opportunity where the flood waters from another basin could enter into the subdivision isn't prudent. Bob, I don't know if you've got any comments on our ability to just go in there and ditch the area. I think if we could ditch it the last hearing wouldn't be necessary. We wouldn't be having a hearing. There would be no need to have the hearing.

Bob Martin:

I think most of the solutions that have come have incorporated ditches where they do work, and I think that's the difficulty that Mike touched on. It depends what you're trying to service. If you're trying to service a couple of lots at a location next to the outlet that's easily done. If you're trying to service a couple thousand feet away it becomes more problematic. But if you don't incorporate at least the infrastructure to get it to that point as you keep going back, then what you've done to begin with is problematic or you've got to go back and redo it. That I think lends itself to the difficulty of the development. I believe I looked at a number of lots that were developed before 1987, I think in round numbers there was around 29 and then there was 21 or so lots filled in with Corps of Engineering permits, and those have enhanced the difficulties by pushing some of the problem waters around and then trying to get at them at this point. That's the difficulty and I think you want to recognize that. As Mike said, if there were an easy solution everybody would be ticked pink. Unfortunately it's not that way.

Mike Pollocoff:

The other thing, since the Village has instituted the limited urban service area zoning, and as building permits are issued in that area, we require those property owners to sign a notice saying that we're telling you right now that we're not able to solve those problems in that area. We've had 21 homes built in that unit with that notification. Granted, some are by speculators, but when I looked at them the vast majority were by the people who were buying the homes or building them. I'm not saying that to say gotcha, you signed something and now we're going to hang it over your head. I mean we put those out there because we really meant it. There's not a lot we can do in this area.

As we go through the hearing on the project, the project is the result of many years of efforts to find a way to deal with this issue. And I've got to tell you the one common thread that's been through that, and there's been a few of them, but one of them is residents saying just ditch it and it will be okay. Ditch it over there, ditch it over here, and in an area where the grades are as minimal as they are, ditching by site or having a guy go out there with a bucket and take a scoop of dirt out and if the water runs down he's going in the right direction, he'll be in a hole in Carol Beach. There just isn't that much room to work with.

We've had two major engineering firms look at this. We've had a minor engineering firm, a smaller firm, look at, and we've at the DNR look at it. We've had the Army Corps of Engineers. We've had Fish and Wildlife. We've had Bob Martin look at it. And I've got to tell you Bob's background, and I've been around for a long time, he's the storm water engineer I've ever known. He's designed storm sewers and worked in areas along the Red River by the Mississippi where they have no flow, I mean they have no grade. They have a foot over a mile. Doing storm water and storm sewer design in that environment you're at the pinnacle of being able to work systems. We can't find an engineer that is willing to put their seal on a plan that says it's going to work that says just ditch this out and do a little bit of this and you're going to be okay.

Everybody we looked at, everybody we talked to has said, and when you look at the numbers and you lay out the grades and you actually plot out laying a ditch out it doesn't work. You end up at a point where if the end of the world ended either the black line that's the assessment schedule or the lot lines where the Unit 2 areas end, you're going to be in a dirt wall. You're going to be at a point where you can't go any deeper.



A few years back we were able to get permission to put a storm sewer under Lakeshore Drive. As the water built up in Unit 2 it would get to that point, find its way to that point and we would pump it across the road into the lake. That was really the best alternative that we've seen given the fact that we had come through two hearings where nobody wanted to support the project that was performed. And, as a matter of fact, the State didn't support the project because the project had the effect of draining the wetlands. So we had the worst of all worlds for everybody. The people in the area wanted something handled with the water, they didn't want to pay the expenses for doing it at that time and that's because the expenses were high. I'm not saying they weren't. They were healthy assessments, and the DNR didn't want to do anything because if we did the storm water to the level that we thought we were going to do at that point we would have drained the wetlands which harmed the flora and the fauna there which is the reason that whole area is under conservancy restrictions. The only thing that won out on that was the plants. Nobody else came out ahead on it.

So we said rather than pumping across the road let's look at putting a storm sewer under Lakeshore Drive in a manner that as time went on if the people were willing to participate in the project to extend that storm sewer, and if the State was willing to do it, that that storm sewer could be extended to provide the skeletal storm sewer system that the Chiwaukee Prairie Land Use Plan called for. When we submitted those plans at that time, again we put that storm sewer in at a level that would take care of almost everything we could, and at that time the State indicated we needed to raise it up I think it was five inches from what we indicated. So we couldn't even get the outfall to be as deep as it needed to be. Ignoring whatever the lake issues are, whatever the lake level problem is, just forgetting that that's there, we had to raise that up so that not all the water could get out of Unit 2.

So all things being said, what this system does is that over a prolonged period of time the one that we're going to hear at the hearing tonight is going to serve to eventually get water out of there. In a healthy rain you're still going to have standing water in ditches and swales that's waiting to get into the storm sewer. And the reason under the proposed plan that we're able to put in ditches there and not ditches any other time is that we're able to control the grade of the pipe and go with a lot more forgiveness on the pitch, so the number of ditches you're putting in, you're putting in driveway culverts and you have ditches going one way and you can kind of balance out how the ditches work to get to inlets so you don't need as much ditching and you don't have to go as deep if you've got a storm sewer in there to take that relief off.

If you don't have the storm sewer to take the relief off then you're talking about a long run of a ditch getting to a point that's artificially set on Lakeshore Drive to get that water out. And, again, you're not going to find a professional engineering, and I don't believe you're going to have Bob, and I'm not going to support tying this subdivision into Tobin Creek and what could happen if that thing flooded. And we're not going to professional support pumping the water out of this development into the no name area, that second basin, because that basin is already in the floodplain. If somebody wants to litigate with the Village, I mean I'm sure somebody is going to litigate over this if this happens, but we'll have somebody litigating over that you dumped in another ten acre feed into an existing 100 year map floodplain that we didn't have before. That doesn't help anybody either.

Which brings you back to what do you do? What's the fix and there really is no fix. If you live in Carol Beach Unit 2 anybody who lives out there it's a nice area but it's poorly drained. And what we've tried to do over the last few years is as water builds up we have a six inch pump that we bring out, we have a couple of them, and we try and bring some smaller amounts over in the Tobin Creek, over amounts of water over the lake and get the water out that way, not where you would create a sump where you could get it down deeper and get it down to it but whatever was on the surface. That hasn't been objectionable to the DNR. I'm not saying that's an ideal solution, but if, in fact, it's determined by the residents that they don't want to participate in this system of storm sewers and ditches through special assessment, I think that's really where we're at.

Like I said, we're more than glad if there's trees that are crossing ditches or drainage ways we'll clear those out. But I don't want anybody to think that a ditch off in a certain direction is going to solve the problem. I don't have the number in front of me how much we've spent on engineering, but I have yet to see any engineering presented to me by an engineer who's presented numbers on what the queue is for water coming into a drainage area as to how much that is and where it's going to go and what the size or the slope of the ditch can be and where it can go. We've had a lot of Kentucky windage engineering where people have indicated I think it can go over here or over there, but there's been a significant amount of fieldwork to indicate what's going on.

I'm reluctant to spend more Village resources on designs in this area because I do feel there's a lot of people that are opposed to any improvements in that area that are going to involve an assessment. This storm water drainage plan that we'll be considering next is going to involve some more engineering. We've engineered this thing quite a bit, and nobody likes the results but, again, to build it and have some assurance that's going to work we want to be able to have an engineer verify that it's going to work. Otherwise we're not going to be able to go back to a group of property owners or homeowners who say you said it would work and it didn't and now we're going to sue it. If it was an engineer that had a faulty design on it and it didn't work we'd go back to them and say you've got to fix or it or you've got to pay the freight on this because what you designed is not going to work. Basically we'd end up filing a claim against ourselves.

I think realistically finding ways to lift the water out of that subdivision as much as you can is going to be what we need to do. Bob gave me a number I think for a five year interval event storm that's two million gallons in a day. Don't let me put words in your mouth.

Bob Martin:

I had looked at a smaller event. I mean it's a large amount of water. You typically don't work at it in those terms but you have to dispose of it and that's one of the reasons I looked at that. If it's a two year event or three year or five year it's a pretty large amount of water. And if you try to pump it you'll spend a little time pumping also. But, as Mike indicated, an alternative to periodically remedy the worst situations. I can tell you that I've been through some pretty severe events and when you get major, major events the wheels come off everywhere and you end up picking up the pieces, and that's going to be true throughout the Village. Some are going to be less than others, but typically in those types of events when the electricity goes off and the sump pump goes out, it just overwhelms the sanitary sewer in many cases and it just builds. They're

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devastating and Carol Beach is not in any different situation in some regards when you get a major event. In that system or any system throughout the Village when you get major events they're going to cause flooding.

Alex Tiahnybok:

As I stated, my request is, regardless of what happens with the proposal, we're still looking at something in the range of three or four years out. I absolutely agree that the situation, and I don't think there's any other word except bad to describe the circumstances. I don't believe there's a, besides spending an awful lot of money, I don't think there's any simple elegant fix that's going to get the job done as well as some of us would like to see happen.

As I mentioned, I took it upon myself to try to get feedback from the community. I'll tell you this, there's a fair amount of resentment directed at the Village. Whether it's justified or not is debatable, but this has been going on for 15 or 20 years with a variety of proposals and fixes that didn't progress, again, for a variety of reasons. My request, again, is not intended to be an absolute fix to the problem, but, again, in my efforts to gather information I've had a lot of people say that at least if there was some appearance of an effort for starters I think we could create a lot of good will. Again, beauty is in the eye of the beholder, and quite often we make our decisions based on the perspective of where we stand from, but I think we'd go a long way especially if this proposal does pass and it's four years out to take some of the burden off of the residents today.

I would like to think there would be some willingness from this Board to at least help out, not any major fix, not any major ditching to tie into creeks unless it's right there for us, and I believe there are some cases where there are ditch lines that go towards creeks and they're just ineffective for whatever reason. So, again, my request is just to show some goodwill to the neighborhood and go and clean up what we can clean up without making any major alterations.

Mike Serpe:

I don't think anybody is going to disagree with the problems that are taking place in Unit 2. When we have a snow storm we call out the snow plows. When we have a water main break utilities goes and fixes the water main break. Now that we're collecting storm water fees for the purpose of taking care of storm water problems in the Village, and one of the first ones is going to be Carol Beach in 2010, and I don't know where this is going to go with the hearing tonight as far as the piping or ditching or doing nothing, but the bottom line is that no matter what happens, whenever there's a significant event, and that could be a five year event, it's still going to flood down there. And when that happens, if we were to approve the piping, the people would come back to us and say it's not working and we spent all this money and we still have water. That's not good.

Listening to Mike and listening to this since I've been on the Board for a long time and this is never disappearing, I think we can probably step to the plate a little bit quicker with some help that won't cost the Village a lot of money and it won't cost the taxpayers a lot of money or the residents of Unit 2 a lot of money. I think it's time that with the storm water fees that we're collecting that maybe we spend some money in the area of some large pumps, some of which we don't have, and when an event comes we activate the crews, get them down to Carol Beach and

put two or three pumps in strategic places and start emptying out that area. Pump it over the road, pump it into a ditch, pump it wherever it's going to go to alleviate the flooding. At least the people will be able to see there's some effort on our part that we're trying to help them through some tough times.

I agree with Mike, you can't ditch where you're going to end up putting a ditch depth that's going to be into the water table. That's not going to work. And I don't think piping is the answer. When you have a significant event you're still going to have flooding and it's still going to take a long time to get the water out of there. So now if we could get on board, all of us on this, and when an event happens call public works and say we need three crews to go down there, after we purchase the significant pumps, and start pumping that water out of there. It's not going to be perfect, but it's going to be a lot better than what it's been.

There's something here that I think everybody has to consider. There's only two sources of onsite sewage disposal in Unit 2 and that's holding tanks and septic tanks. When you have flooding town there and water is standing on the surface, I don't want to know what's on that surface water but it can't be very safe, and that's another thing we have to consider is the health issue when there is major flooding in Unit 2. For those that have holding tanks sometimes they surface. For those that have septic systems something else surfaces. That's something to think about.

Mike Pollocoff:

One of the things that's been discussed or I've been copied on some e-mails going around is just quit building in there and quit giving out building permits and have the Village buy up the lots and stop development in that area. Aside from the fact that would be a significant expense, this area, and it's one of the reasons we're in the spot we're in, but that was one of the things of the development plan, of the Chiwaukee Prairie Land Use Plan, was that certain areas were slated for development, certain areas were slated for acquisition. For the life of me this was a development area and they picked the lowest area that could be developed, but it also in the plan described that there should be a skeletal storm sewer system that should be in there. Maybe that should have been put in in the first instance. At the time we were a town and we weren't able to afford it at that point, and it was really questionable at the time the land use plan was completed that there would be any significant development in that area because the market really wasn't showing the demand for homes in the area. That's since changed.

Unless we want to get all the actors together and restart the Chiwaukee Prairie Plan and redefine that, I think there's a certain amount of faith that developed out of that land use plan that everybody is a party to that the people who own those properties if the lands didn't have wetlands on them we were going to be able to develop it. If there's wetlands on it then that's the breaks and that's what they've got. But if it didn't have wetlands on it then they had rights to property owners to land that was theirs that barring any other thing could be developed.

As far as showing some good faith, I think that minus anybody coming in and saying they want anything, I think the Village up until the point we constructed the outlet to the lake there was no way to get any water out of there. That happened and we started the process to get the approvals early on. It didn't answer every single problem but there's nothing that's going to answer every

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single problem down there. But I think some work that Bob did when he got here and we got that put together we came up with a way to have some type of release to get the water out. That's an unusual basin because there isn't any way for the water to get out. Most basins you come down to a point and the water goes out, maybe not as fast as you want, but in this place we didn't even have that. We've got a place unlike the previous two studies that gets the water out in a more controlled manner than what we had before.

So I'll direct public works, if it's the Board's wish, to go out there and clear the debris out of ditches and get that done, but my qualification on actually changing grades on ditches or shaping ditches or what have you I think you can't do that mechanically without running that out to someplace. That brings us back to the original problem.

Steve Kumorkiewicz:

The idea that Mike mentioned about putting pumps, I recall three or four years ago being there in Lakeshore when John over there got one of the fire pumps pumping from the west side of Lakeshore across Lakeshore to the lake. And that . . . Bob came in and we put 16 inch pipe over there . . . . Now, going back to the question of the pumps, the issue is to have an area or a big retention pond in that case you can use a pump in an effective way. Otherwise I don't know if that would be feasible to do that, because the volume that you're going to be throwing out . . . coming in. I don't know if that pump is going to handle that and also the cost of the pump. The idea is good, but I'm just looking at what happened in other areas.

Mike Serpe:

We don't have very many pumps right now.

Steve Kumorkiewicz:

No, we don't.

Mike Serpe:

What I'm saying and suggesting is that when we start accumulating some of this money for the storm water projects that we buy big enough pumps or bigger pumps than we have right now that will take on much more volume than what we have. Right now we're limited on size and quantity. If we're going to put this money to good use, I think this is an area that needs it and I think we should buy it for that purpose. We don't have too many other areas in the Village that are flooding right now. So if we had two or three or four pumps of significant size that we can activate when needed, we can help those people out quite nicely.

Steve Kumorkiewicz:

We had a problem on 82<sup>nd</sup> Street. I remember helping John with a four inch fire line going all the way to the north. So that area used to be flatter and now it's not after that project.

John Steinbrink:

I don't want people to be under the assumption because it isn't snowing we have a lot of people sitting around doing nothing. The Village of Pleasant Prairie does more probably than any other municipality with the least number of employees, and I guess that attains to the productivity of those employees and that we were able to schedule things around. So when it's not snowing they have a lot to do. And the minute we start pulling them off of any other projects that's a lot somewhere else that isn't going to be done, too. So I guess you need to follow them around for a day and just see what they do from crack sealing to all the other things they're in charge of. We kind of rotate our crews around in order to keep things going, our construction crews and snow plowing, and that's how we keep the tax rates low for the citizens and the amount of service we do.

Alex Tiahnybok:

I realize I made that statement and it wasn't meant to be critical of the public works department. It's just that naturally if somebody is not plowing roads I would think there may be some more opportunity to attend to other things such as John described.

Regarding the request proposal that I made, I'm certainly willing to withdraw the component of reshaping the ditches. In my efforts to learn more about this I tried to do my homework and I've been in contact with the DNR. One of the points made to me which is very consistent with what Mr. Pollocoff said is that if you run the ditches to the natural tributaries that flow past the affected area there is a risk that if those tributaries were to flash flood that we actually could create an entry point rather than an exit point from the affected area with flood waters. So that is definitely a consideration that has a lot of risk involved. So I'm certainly willing to withdraw the component for the request for extending the ditches, tying them into tributaries where it doesn't make sense. But I still would like to see the Board, and I don't know if this needs to be done in a form of a formal proposal or what, but I would like to see us make that gesture to the community to at least clean up the ditches, clean out the culverts, pass under driveway areas which impeded the flow, and I don't think anybody can argue that it doesn't.

The cross over of Lakeshore Drive that underground pipe if one wants to take a look at that it's pretty evident there's a fair amount of accumulation of material in that pipe, things like that. Again, the system we're going to talk about next from my perspective is going to be a maintenance nightmare. The slopes are very shallow. I think sewer pipes or any kind of drainage pipe rely on slope to essentially clear themselves out. This system has a maximum drop of four feet over a very convoluted route, so it's going to be a maintenance nightmare. I think there's a fair amount of doubt because of the state of the ditches today and the culverts and the under Lakeshore Drive pipe underpass that the Village is committed to doing that. And if that kind of maintenance isn't done on the system that we're going to talk about next, it's going to be a nightmare for people who live next to the ditch to pipe transition points, because from what I can tell it looks like it's going to be a great opportunity for water to come out of the system at those points. I can't blame anybody that lives near one of those entry points for being upset. So, again, I don't know if this needs to be a proposal or if Mr. Pollocoff can get what I'm asking done, but I'm open to ideas.

John Steinbrink:

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Maybe before we come to that, you talked about the four feet and the concern to you is the lack of slope, that is the problem. This is a bowl, a dish. Bob, can you attest to why we only have that amount of fall because that's all there is, correct?

Bob Martin:

You hit the nail on the head. Cleaning pipes is much easier than cleaning ditches. And one thing about ditches, if you try to run ditches the length that we have the pipe, you could have four foot ditches on these very narrow roads and when they fill up with water they're going to be dangerous. And that's minimal when compared to--safety in my mind is much more important than some maintenance issues. You have opportunity there. But in the midst of a storm and you've got the people driving down narrow roads and you've got a four foot ditch on each side that's not a good condition. That's one that, quite honestly, we did look at. I guess I've said enough.

Alex Tiahnybok:

I think what we have along Route 165 is a hazard and I don't think anybody in Carol Beach wants to see that. The condition of the ditches east of 39<sup>th</sup> Avenue towards Sheridan Road there's some spots where the ditches are pretty deep and I would agree absolutely hazardous. We don't want to create that either. And that's why I agree an all ditch program is not the solution either.

Mike Serpe:

Alex, on your item here, on Item A, if you're recommending that the public works department just do a little housekeeping in that area if that's a motion I'll second it.

Alex Tiahnybok:

That's my motion.

John Steinbrink:

Motion and a second. Any further discussion?

Jeff Lauer:

Just one. I agree with Mike about possibly getting some pumps out there. The concern I have is if nothing is going to be done for four or five years down the road that could be four or five years of nightmare for the residents down there. So somehow if we can work it out to get the pumps Mike was describing I think that would be a great help as well.

John Steinbrink:

The other thing you need to realize is that the Lake is at a low level now.

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Steve Kumorkiewicz:

I was going to say that.

John Steinbrink:

We can remember and I'm sure the residents can remember when the lake was up there and the Village invested a million dollars in saving First Avenue. And when that lake comes back up, we're talking four or five years but we don't know when, that's going to be the next problem we deal with down there because that water is going to flow to that bowl.

Mike Pollocoff:

On the pump question if the Board directs that we acquire some larger and additional pumps we'll do that. We have pumps now but they're just not designed to pump this big area. We've had those out before and we'll continue to get them out. They work as fast as they can.

John Steinbrink:

You're talking about something like down in New Orleans where they set up to pump the City out and put it back to where it's supposed to be and get out of the same situation that we have a low area affected by it. Steve, did you have a comment?

Steve Kumorkiewicz:

Yes, you've got to put 12 or 16 inch diameter pipe to be efficient with the pumps in the way you're talking about. Now as John said right now we're down with the lake. The question is when that starts to go up and how far up that's going to go and how it's going to go back inside the subdivision and flood the beaches that's one of the concerns that I've got. If I recall correctly, I was looking at one of the maps on the elevations . . . about 762 feet I believe and at the highest point 764 . . . a four feet difference from the west end to the east end. I think we've got to take a look at the pumps and what we're going to use to discharge that water to the lake.



Mike Pollocoff:

If the Board directs us to purchase pumps, Bob and John and I will sit down and take a look. We don't want to get a 16 inch pump, and I don't want to say we don't want to get one, but the bigger pump you get you're going to have to be running around in a storm in a critical situation laying pipe to get it to the outfall. So we'll probably get the biggest one we can get and hose it and get out that way. If we're going to go to Tobin that's a run. You can't put a big pipe across Lakeshore Drive, so we're constrained a little bit about where we're working. We'll get the biggest that we can. It won't be like New Orleans where you can pump it out really quick, but within reason and what the physical capacities are of that area so we can get in and get something out without locking everybody into the subdivision that would be my recommendation. I don't know what those sizes are and what the discharge would be to dictate the type of pipe we'd use that would be coming out of the pump. That would take some work.

**TIAHNYBOK MOVED TO DIRECT THE PUBLIC WORKS DEPARTMENT TO CONDUCT A LITTLE HOUSEKEEPING IN THE CAROL BEACH ESTATES UNIT 2 AREA; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**5. PUBLIC HEARINGS**

**D. Consider Storm Sewer Improvements in a portion of the Carol Beach Unit 2 Subdivision.**

- (1) Resolution #06-03 - Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments against Benefited Property for the Construction of Storm Sewer and Storm Water Management Improvements in a drainage basin in a plat named Carol Beach Estates Unit 2 Subdivision.**

Mike Pollocoff:

Mr. President, this item is a continuation of a hearing we held last year on storm water improvements in the Unit 2 Subdivision. The hearing was initially held on December 5<sup>th</sup> of last year. We subsequently renoticed the continuation of the hearing tonight. Notice was sent to the affected property owners along with a schedule of special assessments. The Village staff was available for a two week period at the call and request of any of the residents from 8 to 5 if they wanted to come in and look at the plans or give us a call and talk about it. In addition, Trustee Tiahnybok held his own public meeting and open house about it.

The project as it's been somewhat described, and I'll let Bob go into more detail, involves a mixed construction of storm sewer and swales to reduce some of the impacts of flooding in that Unit 2 area. We've defined the area based on, again without a formal final design which would only take place if the project were to proceed, based on a field inspection where we felt the topography shifts were. Jean had a map up there, it's not there now, showing the project area, where we had an engineer go out and basically walk the site. That black line, and it's a little bit difficult to see on the wall, but it's the black line surrounding the area.

What we're really looking to do is identify those areas that would be benefited by the project, and the definition of a benefit by Wisconsin Statutes is some who would, in this case, have their storm water managed by an improvement or by those people who contribute to a problem, maybe they don't have flooding but water is coming off their property and it would end up in the improvement and being conveyed to the outfall. That's what that boundary is.

Now, if we were to commence the project and the survey work began we'd actually be establishing survey points to get that area specifically lined out so we knew we'd have the proper area. Again, we've spent a significant amount of money in previous attempts to solve this problem and they've met with resistance. So before we really spent more significant money on this, this is the first blush at it.

We're able to take advantage of and were able to spend some of our State grant money on storm water master planning to help us identify, and again have another outside firm take a look at this project and come up with some recommendations. That's what helped get us to this point. So that would be a redefinition. If the area got larger, those additional areas would have to come back for a hearing to reassess them. If the area got smaller, the assessment area would be reduced by that amount.

As we've indicated in shorthand reference in our previous discussion, given levy restrictions and levy limits, this project would be paid for by Clean Water Utility funds in the first instance. To this point the Village has up to this point offered to pay 50 percent of any storm water project that moves forward, and the existing residents would pay 100 percent. If they Village would typically pay 100 percent of the project, any storm water project, no one would mind approving those and I think all residents would support that but I think the bill would become untenable.

The Village really has had a policy for quite a while now that new development pays 100 percent of their storm water improvements. So as time goes on more and more people are paying 100 percent of their own storm water projects. And I think given the condition of public finance in the future that may be something that I think the Board is going to have to address in the future is to continue to limit the amount of money that the Village is willing to put into a storm water project as a contribution on a special assessment. But right now it's 50 percent of the project cost.

The estimated project cost that's been identified by the engineer, along with contingencies and engineering administration comes to \$297,774.10. Up there is the cost estimate. It reflects in the largest sense 1,710 feet of 24 inch reinforced concrete pipe, 15 inch, 18 inch, manholes, ditching and restoration. I've had some people ask me the question you could get 24 inch plastic pipe a whole lot cheaper than you can concrete pipe and why are you jacking the price up on that? It goes back to the soils and the nature of the area and the high water table. If we put a plastic pipe in there the pipe would raise and float during times of high water. The concrete will maintain its grade and stay level. So given the nature of the soils there we're really relegated to using concrete pipe on everything.

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If the project were to proceed, given the fact that what the Village is contributing or what we're collecting on the storm water management fee, it would be prior 2010 before we had secured enough money to pay for the Village's share. If the residents determined they wanted to pay for 100 percent the project could proceed faster. Ahead of this project is the Barnes Creek bridge replacement. That needs to happen first and then we'd take care of this project.

When the project proceeds, the actual cost of the project if it's less will be assessed. If once we go out to final bid prior to construction if it was higher than \$297,000 we would be obligated, and we would, have another hearing to identify what that actual project cost would be for the residents affected to see whether or not they still wanted to proceed with the project. That would be if it was \$297,800 we would be required to conduct another hearing. We can only assess what the people have authorized and we can only assess for the amount that spent. So that would be in 2010.

If the project proceeds and takes place and the construction was completed prior to September 1<sup>st</sup>, the property owners would have the opportunity to place their assessment as an item on their property tax bill. The assessments are based on lot size. Since water rains across areas it's not a fixed unit cost because some lots are bigger and they have more water that drains across their property. Everybody has a little bit different amount, but if you pull somebody out here and their assessment was \$6,022, that \$6,022 could be placed on the tax roll in ten equal principal installments. Nine percent of the unpaid balance is what the special assessment rater would be. With that, Bob if you want to describe the project in more detail.

Bob Martin:

Again, the project has a combination of ditches and storm sewer pipe in different sizes and ultimately goes to the outlet on Lakeshore Drive. The intent was to look at as large an area to be serviced with storm sewer and a combination of ditches. One disadvantage of that pipe is cost and that obviously pops up right away, but some of the advantages are if you have low pockets which there are throughout the entire area, you have an easier possibility of getting hooked into the system if the storm sewer is installed because it's going to be deeper than the ditches. You can connect pipe to pipe instead of ditch to ditch, so that is certainly one advantage. The other advantage is on the sump pumps where you can get into the storm sewer instead of going into the ditch that's also an advantage. And where we cross wetlands since we can't drain those that's the reason the pipe is in a number of locations. But the intent was to try to service that entire area, so if there's any questions.

John Steinbrink:

I'll open the public hearing. Once again, this is a continuance of an earlier public hearing we held December 5<sup>th</sup>. I will open up the public hearing. Did we have a sign up sheet?

Jane Romanowski:

Yes, we did. There will be a three minute time limit. The first speaker is Alan Zahn.

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Alan Zahn:

My name is Alan Zahn and my address is 11262 3<sup>rd</sup> Avenue in Pleasant Prairie. I am against the storm sewer water project. In 1985 SEWRPC Plan Number 88 says that Unit #2 would not be able to have storm sewers due to the wetlands and flat topography. In 1997 Crispell-Snyder Engineers states that due to the flat topography and the ridge and swales and no natural outlet for drainage that only through evapotranspiration would surface water dissipate. Even more troubling is the high water tables dependent on Lake Michigan levels. This area is primarily sand and water seeps up through the ground during periods of high lake levels and absolutely nothing can be done about that.

In 1997 the Village declared this area a LUSA area. Anybody who built from that point on was made aware of the water problems and they built anyway. Every time a new house goes up it only increases the conditions that exist today. Everyone knows we should have never developed this area. This area would not pass building codes of today. This whole area is a wetland and one day the lake will reclaim it. The sad fact is there is no fix to this area. We can only hope to prevent the problem from getting worse.

The Crispell-Snyder report identified the dozen or so properties in low lying areas as retention ponds. Instead of spending money on a storm water project, I'd like to see you use that money to purchase these lots and give them to the DNR and allow natural drainage of these areas. At least that will give us some relief from worsening flooding. We were told that people who are high and dry still have to pay for the storm water project as they contribute to the water problems of their neighbors. Using that logic every house west of the tracks is putting water in our area. They should also have to be assessed.

I propose that the Village hold special assessments on the entire Village. Put an immediate moratorium on all construction in Carol Beach Unit 2 and use the money from the special assessments to pay fair market value to all the property owners of vacant lots, then give those lots to the DNR and rezone them as C-3. Thank you.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive, Pleasant Prairie. I'm against this project in its entirety. I feel its way too much for what it's going to accomplish. Bob Martin did an excellent job doing the project but he didn't have anything to work with. There's really no good answer except tonight I heard Mr. Serpe talk about the pumps. All of a sudden that's the best answer I've ever heard of. I wish I'd have thought of it.

I've got a couple questions for the Village Board. Number one, the original storm sewer project, the residents all get blamed for shutting it down. My question is would the DNR have allowed that to go through? My second question is we had the detention pond system, the people all said they didn't want it. The Village blames us for not wanting it. My question is would the DNR have allowed that? Now we have this third plan here with the ditching, and my question is will the DNR allow that?

Now, something has to be done. We have some folks up on 4<sup>th</sup> Avenue that are getting terrible

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flooding, and we have that going down to 3<sup>rd</sup> increasing the flooding there and it's gone all the way down to 1<sup>st</sup> Court and flooding in those areas. I think a partial ditching plan could work up on 4<sup>th</sup> Avenue to get rid of some of that water before it gets into the homes, and additional ditching project on 3<sup>rd</sup> Avenue to run the water into the existing wetlands. Now, Mr. Pollocoff said that would be terrible to put it in the wetlands. Maybe it would, but Mother Nature put it there for many, many years and I think that's where it should go again. Thank you.

Renate Hauser:

Renate Hauser, 143 113<sup>th</sup> Street, Pleasant Prairie, Wisconsin. Thank you for giving me the opportunity to make some comments about the storm water project in Carol Beach Unit 2 again. As everyone can hear in my accent English was not the first language I grew up with, but having studied English in high school and college and living now for over 35 years in the United States, I'm confident I understand the language quite well. So when we received the letter from the Village one day before the holidays the first thing I noticed was it was addressed to the property owners of Carol Beach Unit 2. Yet when I look at the maps and assessments only 61 properties are chosen to carry the financial burden. I don't think the boundary lines for the assessments are drawn fairly. The Village might want to look at the broader picture here and find out where all the water during heavy rainfalls is really coming from, because in my opinion the area above the railroad tracks and west of Sheridan Road contributes also to our flooding. Yes, we do live at the bottom of the hill, but we should not have the whole cost alone. Residents who get flooded should not have to pay for the builders' and the Village's mistakes. They should actually be compensated.

It also says there is no funding available now for this project. Maybe in 2010. Why should we have now already a lien on our properties and the Village is not even sure they can come up with the other 50 percent? Should the Village go ahead with this proposal and after the lake rises and everybody just mentioned it, too, that it might rise again, or after sometimes it's obvious that this project will not work as it was envisioned, would we get our money back or will somebody come up with another great idea and we residents have to pay for it again? Thank you.

Dave Buchanan:

Hi, I'm Dave Buchanan, 11010 Lakeshore Drive. I don't know whether I'm for or against the project. I don't really know enough about it. But if you look in the upper right hand corner, the green line signifies a ditch running along Lakeshore Drive to the pipe that goes out into the lake under Lakeshore Drive. If this goes forward, I would like to see that ditch removed from the plan. My wife and I have lived there for 11 years and there's never been any water that would flow into that ditch. The water just simply soaks into the ground even in extremely heavy rains. I know if there was a huge downpour I would have to eat my words, but it's been explained that this project is not meant to handle the huge disastrous downpour.

I also don't completely buy the idea of we live in a bowl and if you're in the bowl then maybe you don't benefit from it but you're part of the problem. It's really more like half a bowl. The rest of the bowl, the bottom of the bowl is out in the lake. Any water that falls on my property doesn't seep underground to the problem areas. It might go in that direction for a while but it really goes downhill and ends up out more toward the lake. So I don't know if any of my

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neighbors are here, but I think that they would agree that we should not be assessed because we don't benefit. And if the ditch is there it actually detracts from the appearance of our property, another reason I'm against having the ditch there. I'd also like to save some money for the project.

I didn't hear it voiced until tonight but I thought about it myself, the New Orleans plan. I like the idea of the pumps, and if we could encourage people who have real problems to get good sump pumps and backup generators I'd be glad to see my tax money used this way, buy pumps to take it off the property. Now, I've talked to Mr. Martin about this so I'm not springing any surprises on him. Thank you.

Gus Hauser:

My name is Gustav Hauser and I live at 143 113<sup>th</sup> Street. I'll try to keep my comments short. First of all I want to apologize to all the residents of Unit 2 for dragging them through another round of frustration. I was the one who circulated the petition to get the relief for our storm water problem after I saw what happened in spring of 2004. And now I regret it. I felt sorry for the people that got flooded like the Chapmans and the Bowers and so many others and I thought somebody has to do something since the Village administration couldn't care less what happens to us.

I cannot stress enough that the first flooding of 2004 was caused by the Village. The road crew kept dumping gravel into the caved in culvert under 1<sup>st</sup> Court and plugged it. Then the whole area flooded because the unnamed creek had nowhere to go and finally washed 1<sup>st</sup> Court away . . . culvert in time and caused the blockage and should take responsibility for that. Instead they called it an act of God and claimed it with the Federal Emergency Management Agency.

The second flooding a week later happened because of the six hour power outage that we had and all the sump pumps failed. If this happens again and the residents did not protect themselves in the meantime they will be flooded again. Even with the proposed storm system or with the ditches we asked for there really is no good solution to this area. Now it's too late. Pleasant Prairie never should have pushed for this area to be included in the development area, and at least they should have taken the advice of the DNR and applied for coastal management grants from the U.S. Fish and Wildlife surface to purchase wetland lots. Instead of selling, they once . . . to build this out for . . .

This new storm sewer system will not help us. Contrary to what the Village says it is totally useless. And they even admitted it in the letter they sent to us. According to the letter this system is only good enough for a five year storm event and will not prevent flooding during a heavy storm. I cannot see why anybody would want to spend their hard earned money on a storm water system that works only if it's not raining. I for one am not willing to spend over \$12,000 for a project that does not work. Maybe even \$25,000 if the Village decides not to spend their 50 percent share as they originally said.

The outfall into Lake Michigan is only one foot above the high water mark from Lake Michigan, and when the lake rises again it will be plugged. That's a guarantee. All you have to do is take a look down there where the other outfall is. There's two other outlets and they are buried. Not

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too long ago I was down there. The outlet that Pleasant Prairie put in last year was buried. I called the Village I don't know how many times. For seven months nothing was done. They did not come to clean it out . . . . The same thing happened all the other times when we got flooded.

Jane Romanowski:

Mr. Hauser, your time is up, unless the Board wants to have him continue.

Gus Hauser:

I'm the biggest stakeholder. Please can I speak a little bit more? I'm almost finished.

John Steinbrink:

Thirty seconds if you could wrap it up please.

Gus Hauser:

Okay. It would be a different story if we could ask the Village to do the right thing, but time and time again they . . . I cannot count anymore how many times I caught this administration outright lying to us like when they say the DNR does not allow ditches to go past wetlands. The DNR says different. Or, that this will be the final round. That cannot be. It saddens me to have to live with this administration that does not give us the honest truth. I was always willing to work with you guys, but we need an honest effort from you guys to show us that you are willing to work with us. You guys are not working with us. You just try to come through with your storm water project and that's it. Thank you.

Keith Larsen:

Keith Larsen, 152 113<sup>th</sup> Street. I'm in favor of it. We've got to do something about the water. It's not so much the rainwater, the problem is guys like me I've got a sump pump. I've got two sump pumps in my basement. At the rate when the ground water comes up with the rain I could produce--it pumps 4,000 gallons an hour. I've got two sump pumps. In a 24 hour period I could pump 192,000 gallons in the course of a day theoretically if it was turned on 24 hours a day. Now times that with the homes with sump pumps we're talking a lot of water. The average one inch rain produces 17.3 million gallons of water. That's just a one inch rain. IN the course of a day these homes could easily pump that out into an existing retention pond or whatever, flood the neighbor, however.

The topography is low, but the high water mark of Lake Michigan is 581.5 feet. The historical high is 582.3 feet. On average Lake Michigan never gets over 580 feet. If it does it's a 100 year event. I don't know about you guys but I don't want to be around in 100 years. The water does sit on the sandy soil, it goes through, after we pump out all the water it goes through all the sandy soil back to our drain tiles through the sump pump back up to the standing soil. If we have a place to tie in like Bob ways at least that water does have a place to go that we can at least get rid of some of it.

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Some people got ditches or are going to get ditches in front of their house if it works. The pipe is the way to go. I truly believe it would probably increase the value of our homes. If we lose electricity I've got a battery backup, but stuff does occur. To be aware is to be alive. And if Gus wants to sue the Village let him ask the neighbors for the money because he definitely ain't have it. Thank you.

Pauline Chlebek:

Pauline Chlebek, 11360 Lakeshore Drive, Pleasant Prairie Unit 2, Carol Beach. I'm not going to talk all these notes because everything I wanted to say has already been said. But, I still find fault with saying that my property contributes to the problem. It does not.

Jane Romanowski:

There are no more sign ups, Mr. President.

John Steinbrink:

Anyone else wishing to speak on this item?

Bill O'Toole:

Bill O'Toole, 8502 108<sup>th</sup> Avenue. I don't live in the vicinity of this area, but as a taxpayer I'm concerned about several things this evening. First I think you guys ought to apply a little common sense here. One of the previous speakers indicated there should be a moratorium on any new building in that area. You ought to do that right away. Secondly, many of the owners down there signed or have in their titles an understanding that this is a limited area for government services. So given that I guess I'm surprised they're back here seeking government services.

I'm surprised at the Board that you would just willy nilly talk about spending money for pumps when you don't even know what we're talking about. How much is that going to cost? Where is that money coming from? Where is the accountability to the taxpayers throughout the Village. I really oppose this because I think many of the people down there oppose it. I agree with one of the earlier speakers there's no easy answer here. I just think that we've already spent far too much taxpayer money trying to work on this problem with no end in sight. I agree if there's a flood bring in some pumps and try and clear it out, but that would be the extent of the support that I would give it. Thank you.

John Steinbrink:

Anyone else wishing to speak?

Tracy Roszkowiak:

Hi, my name is Tracy Roszkowiak. I live at 11283 3<sup>rd</sup> Avenue in Section 2 or whatever you want to call it. I am opposed to the idea. I feel you should stop building in our area. The more and more you build the more and more water is being pumped out into everybody else's homes.



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Thank you.

David Belsheim:

I'm David Belsheim at 11226 Lakeshore Drive. I'm not in favor of this proposal either at this point. From some of the discussion and just knowing the content of the soil as sand I'm wondering about the value of the ditches and if the engineers could consider maybe cutting the project in half if they just do the pipes if that's a possible solution. Or, does that overburden the pipes if the ditches aren't there. That's my question I guess. I also would like the Village to consider that if houses beyond this area should help pay for this project or perhaps houses with basements be charged a percentage extra because they built the basement with their house, so those are some thoughts.

Dominika Janik:

Dominika Janik, 144 113<sup>th</sup> Street in Carol Beach. Actually what was just said I agree to this part of the project what the person who spoke before just proposed. We have a house without a basement. It has a crawlspace, but it's located in the middle of--we are surrounded by houses with basements, and because we have a double lot we are assessed for almost \$5,000 and we don't even have a basement. We have a little cottage. We don't have any good things about having a big nice house and we are assessed for--I think we are the second largest assessed lot in that proposal. And I really think that the Village should not build anymore houses in that are, first of all, and second of all if that proposal goes through you should consider also this issue. I understand we have a big lot, but still the value of the house is not going to go up by having this kind of project and I don't really think that this project would work as it is proposed right now. Thank you very much.

John Steinbrink:

Anyone else wishing to speak?

Tim Roszkowiak:

My name is Tim Roszkowiak. I live at 11283 3<sup>rd</sup> Avenue. Going back to the pumps, I know that you propose it, but do we propose any action plan as to how this would be dispensed or how they would be used? Where would you put them? Would you put them in the middle of the street so that other lots get flooded, or would you put them in the sections where it's closer to the creeks or to the lake? The other thing is that we all kind of have an idea when we're going to have a big rainstorm. We do have satellite tracking capabilities and you can pull it up on the Internet. The reaction time when we talk about pumps when will the reaction time happen, after the water is already into the street and the ditches or before then? That's one of my concerns, too. And what kind of plan do you have for an on call and people assembled to do that? I mean we're really good with the snow, but is this something we even thought about before we proposed it and agreed to it? Second is that I am opposed to the sewer system as well.

Dave Holden:

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My name is Dave Holden, 11220 3<sup>rd</sup> Avenue. Just real quickly in listening back and forth to the different proposals. I think the proposal I'm against it. I think the people, the residents, would be very angry if this didn't work out for you guys. I think you'd have more problem than you have already. First question, when's the last time any of these guys went down here, you guys went and looked at the water situation when it happened? You guys went down there? You have?

Steve Kumorkiewicz:

I have.

Dave Holden:

The land like you said goes up and down. Get the water off of 4<sup>th</sup> Avenue that comes from across the railroad tracks. There's a few spare lots there that are DNR. Ditch it in the middle where there's not a problem for the cars to go into a slide with snow. Get it to the lake the best you can. We all know the sand situation on Sheridan Road where you guys tried putting the ditches there and they collapsed with the sand. I think it's a waste of money for the Village. I think most of the people here and I have already spent a lot of money to back up ourselves already because this hasn't been done in the last eight years. I lost my house insurance now. I might get it back now. But after my basement flooded twice I got a backup generator. I've got a backup pump, two extra backup pumps. I had to protect myself because nothing was getting down there. I think if you showed a little bit of interest, ditch a little bit down there, save the people tax money I think we'd all be happier. If you show some kind of concern. And I think basically why I'm angry is as many times as my place as been flooded I haven't seen a concern at all. Thank you.

Isabella Kosterkiewicz:

Good evening. My name is Isabella Kosterkiewicz. I'm at 128 113<sup>th</sup> Street and I'll make this quick. First I wanted to apologize for the little troublemaker. Second, while I appreciate the time and effort that was put into the plan I'm against the project at this point. Basically I'm not convinced that the way it's been planned will work out and that it's going to be--that the cost will be worth the time and effort that it's going to work out basically for us. Thank you.

Bob Babcock:

Bob Babcock, 11253 3<sup>rd</sup> Avenue. First Mr. Tiahnybok mentioned goodwill. A three minute time limit on something that's been going on for 15 years doesn't show a lot of goodwill. Since we've been assured that there will be a vote tonight, I would like to ask the Board to allow us the opportunity to rebut any comments the Board has before a vote is taken. The water problem in Unit 2 has gone on for years without anything being resolved. I think it's fair to say no one group is at fault. The residents in Unit 2 have opposed some of the plans, the DNR has opposed others, and the Village hasn't given enough attention to some plans the residents have proposed.

Has anyone ever done a study to find out how many residents are financially impacted by flooding every year? I only know of two homes that have chronic flooding problems in their dwellings. The plan the Village proposed tonight, one which can only hand a five year rain event, will only help those residents. This project seems very costly if it truly will only benefit a

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few residents.

One question I'd like to ask. If this is a five year rainfall at what lake level? Is that at the current lake level or is at that at any lake level?

Bob Martin:

At any lake level. That's immaterial to the rainfall.

Bob Babcock:

Go ahead unless it's taking up my three minutes.

Bob Martin:

The lake level will have an effect, but the design of the storm sewer isn't based on any lake level.

Bob Babcock:

Will this project improve standing water in our ditches and yards? Probably but how much? Maybe we all need to re-evaluate our situations. Most of us would agree that we didn't know there were water problems down here before we bought. I'm the one exception since I bought the house from my dad. However, we may just need to accept the fact that we live near a wetland and sometimes it's going to be wet. If the Village agreed not to allow more building down there that would worsen the problem maybe we can identify and help the few people who are being financially affected and then at least now deal with what we have already. Thank you.

Neal Palmer:

My name is Neal Palmer at 11102 4<sup>th</sup> Avenue, and I'm just a little leery of the pumps that you guys keep mentioning because in 2004 that was a contributor to the problem that we had where the Village came out and was pumping low lying houses across our way into our yard under the impression that it went down to Tobin Creek. Tobin Creek is about 150 yards behind my home and there is no slope going down to it so basically that water just sat in the ditch. It did nothing and did not go anywhere until it finally soaked into the ground. I just want to let you know I'm against this only because unless something is a least an 85 percent good bet that I think it's a waste of our money and I think it's a waste of the Village's money. Thank you.

Dawn Feldman Brown:

I'm Dawn Feldman Brown, 10169 Lakeshore Drive. I think I moved into Pleasant Prairie about 20 years ago. When I went out with the realtor I was told there were houses without basements in the area and you had to be so far back from the lake to be able to have a house. I really wanted to have a basement but yet I understood what the rules were because of flooding and being in the wetlands. So my question would be what happened to that rule? If that would have been abided by where there were no basements we wouldn't have the flooding from one house to the next. Also, when I see a lot of the houses just practically in Lake Michigan I'm wondering what

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happened to that rule also, because now the lake is very low and when the lake rises what's going to happen to those houses? When I was driving by I saw a new house going up and the whole basement was totally under water right now.

Also, another think is there's creeks right near my house and they used to flow into the lake, and the town or city used to dredge them and that was awesome because I think that helped back in Pleasant Prairie. So if you're going to take the pumps and pump it into Lake Michigan why could you just dredge right now all the creeks that go right by my house into the lake and they used to be able to do that. Thank you. Could you just tell me, and I'd like to know from you all, what changed? Why all of a sudden could you have houses with basements? What was the ruling?

John Steinbrink:

If you just ask the questions I'm sure staff is going to have the answers in their comments. Thank you. Anyone else wishing to speak? Hearing none, I'll close the public hearing and open it up to staff and Board comments.

Mike Pollocoff:

I'll go through some the questions that I have the answers. A few people talked about buying lots or declaring a moratorium. The two are related. If the two are related. If you were to declare a moratorium, if the Board were to declare a moratorium we would need to buy the lots. If you're going to render someone's property useless and you're going to tell them that all you can do right now is hold it and pay taxes on it and not do anything with it, then the Board needs to be prepared to purchase the lot. It's a little bit different if the lot is a wetland. If the lot has been delineated by a biologist as being a wetland, that wetland use will prevail and that's a risk that everyone takes when they buy a piece of property. You took a risk when you bought your property that it would be wet, that there was wetlands there and it was wet around there, but maybe the plan life on your lot wasn't such that it was a wetland so you were able to build.

We've gone through this with our attorney and it is an option. It would be just that the Village would need to pay prevailing market price for those lots. So that would be something the Village would have to bond for to undertake. There's two issues with that. The one, again, is that the Chiwaukee Prairie Land Use Plan indicated that, and I believe if everybody had their druthers and hindsight being what it is, you probably wouldn't let a lot of land develop down there. You would have just said let it go. But there was areas that property owners during the preparation of the land use plan felt strongly it should be developed. At that time the Town of Pleasant Prairie was under County zoning. It was the feeling of Kenosha County, the Town of Pleasant Prairie, property owners on one side of the fence that said we shouldn't mess with somebody's property rights and say that you have to sell your property to either The Nature Conservancy or the DNR at a Conservancy price, that you're forcing people into a position where their land has no value and you're not taking it by eminent domain. You're not going through the process to condemn that land.

On the other side you had the conservancy groups that said this land should never be developed, you should leave it in the prairie condition and that's the way it should be and you should buy it

for that. Well, the result of the compromise was that parts of the prairie and you folks who live down there you can see where the State or The Nature Conservancy has acquired land and it's been a willing buyer/willing seller process. Those people who want to sell, sell. Those that don't, don't.

The difference with a moratorium is really you've taken that option away from the property owner and in order to solve our problem, the Village's problem and your problem for development causing flooding in that area, we've said you're not going to develop your property. Under a moratorium we don't care what your land value is, if it's staked for wetland or not, you're not going to build on it. And at that point we've got to be ready to buy it. Anybody with an attorney worth a lick of salt is going to take us to court and win on that one.

So if that was the case and the Village decided to do that, under the current financial limitations on the Village along with every other community in the State we would need to require a bond to buy however many lots that is and put it before a referendum of the Village to authorize issuance of debt to purchase lots to enforce a moratorium in Carol Beach. But we just can't say put the moratorium on and walk away from it. If the Board's going to put a moratorium on it you've got to be ready to buy the lots.

Bob Babcock, the question he asked was did the DNR allow storm sewers or ponds? No, they didn't. They didn't approve either one of those projects. I don't know that anybody ever blamed anybody for it. It's just a statement that the Village residents were not in support of it. I know Mr. Hauser was all over with DNR on both those things representing what he indicated was the will of the residents there that neither one of those projects proceed and DNR didn't give us a permit for it for either. So we're in the worst of all worlds. Even if assuming that the residents wanted the improvements we weren't able to get them approved.

This project here if it were to proceed we've met with the DNR and based on their previous approval of the outlet and the elevation of the outlet they've indicated that they could support the project as laid out. They're going to wait for a design just like we're not going to put this thing out to bid without the design, but that's where we're at with that. If anybody said that we said that the people killed it or it's the peoples' fault that it didn't get done, I think the people have spoken that they didn't want it and DNR didn't permit it.

Mrs. Hauser made a comment about a lien on properties on the special assessment. The lien of the property occurs at the time a resolution, a final determination of the project is passed. And that's passed after the project is completed and we know what our actual costs are. There is no lien placed on any of these parcels, assuming it's done in 2010 or whenever. That action doesn't take place until the project is complete. Until that time all it is is a contemplated assessment. This area has been under contemplated assessment by most title companies for 15 years. There's always been some project afoot and most mortgage companies put that in their files a contemplated assessment. There's no legal obligation to that. It's really more of a notice to a prospective person getting a mortgage.

Mr. Zahn also had indicated that he was opposed to the ditches, and I think there was a question of sending the water someplace else, whether it was Chiswaukee Prairie or what have you. I think if we're having a hard time ditching 300 feet, ditching 2,000 feet it's just out of the question. We're not going to be able to run that water all the way south of 116<sup>th</sup> Street.

The sump pump water I think this system probably would be one of the primary benefits of this system to remove sump pump water that was identified by Mr. Larsen. That constant flow I think it eventually would get into the storm sewer and find its way out. And then on the concurrent side that concept itself of having the sump pumps being able to pump, drain the water away from the houses, have that water go someplace else rather than on the abutting property would probably that alone may be a reason for the DNR to kill the project, because it could have the effect of dewatering the area, again, affecting the wetlands. So what might be a convenience to the homeowners' could probably very well mean that the project would be unacceptable to the DNR.

Mrs. Chlebek was talking about her property doesn't contribute. You know, I believe on your parcel and if I look at the map up there a good part of your parcel is outside of the area but some of it is inside. And until that survey is done nobody knows, but we owe it to you to let you know that it could be involved before that engineering takes place. And it's really a matter of topography and a field survey would determine that.

Mr. O'Toole's comments on a moratorium are well taken. Again, that would involve the Village being ready to buy it. If I could find a way to do this without having to buy the lots I'd love that alternative. That's a slam dunk. With respect to the pumps and Mr. O'Toole's comments about us being willy nilly about us getting pumps, I guess I heard the concept but whether or not we do that I think the staff would need to come back to you and let you know how much that would cost, what the size would be, what a pumping plan would be so we wouldn't cause a problem that was brought up by the last speaker. You don't want to make the problem worse.

I think that addresses a lot of them. One person had a question on the pumps and where would the pumps go. The pumps would probably go wherever we would identify in the existing--again, this is not really coming up with a plan for it other than what we're doing up here, identify a place where the lowest possible spot was because you can't dig a hole or you can't dig a deeper spot like when you have a sump pump where you put it down in there. So we'd look for that lowest elevation, put the pump there. The reaction time is right now the public works has people with that department on call 24/7. Somebody is always on call. And if we receive a call at

dispatch and someone is going to go out there or a police car sees that there's flooding out there they're going to call somebody and they're going to get out there and it's going to take as long as--probably the worst case scenario is the guy is in bed and you've got to wake him up and he's got to get up and drive to the garage and get a pump and drive out to Unit 2. We kind of live with that across the whole Village but typically it's not more than an hour.

I hear a lot of people that are opposed to it, and I think one of the things that people indicated is that the project I don't know whether you think it's designed for failure or it's not designed right, but it's designed to the extent that we can perform some amount of drainage as requested by the petition to get water out the best we can within the existing limitations we have in that area. As I indicated in response to Mr. Babcock, there's been two plans that have been rejected for storm sewers in basements. So knowing what we know now and knowing what's been approvable, which is that pipe underneath Lakeshore Drive, this is the most we can do. We wanted to be up front with everybody and say this will not handle all storms. It will not handle a majority of storms. It's basically going to get the sump water out and find a way for some of the water to eventually get out of there. I don't know how more I can put it out there. We told everybody up front don't sign onto this project thinking that it's going to handle everything because it won't. It can't handle what's out there. And what could handle problems out in that area is not approvable. We've already been through that. The DNR won't approve it and it's extensive. It's very extensive. I don't disagree with you. In fact I agree with you. We told you that going in that that was the difficult part of this project is that it's not going to take care of everything.

Finally, Mr. Hauser, I guess is respectfully disagree with your comments as far as what the Village has done with the Crossings or the work on that area. You indicated to me that we hadn't responded in seven months and looking back on our records I didn't see that. I've been dealing with you for 20 years and I really don't expect a different response from you and you probably don't expect a different one from me, but we don't treat any neighborhood any differently than another. Some neighborhoods lend themselves to solutions better than others and I think that's the case here and it's not directed at anybody specifically.

From the staff's perspective to the Board and my recommendation, we did this on the basis of a petition. Staff has no--we don't look as though we're getting a reward or we've gotten something accomplished if this project proceeds. We care if it helps the residents and they like it that's fine. If they don't that's equally fine. There's no agenda to get this project done other than the fact that it was petitioned and we came up with the best project we could come up with. But if it's the decision of the Board to deny it on at least what I've heard then so be it. If there are any questions the Board has of me or Bob we'd be glad to answer them.

John Steinbrink:

Bob, any other comments?

Bob Martin:

I don't have any.

John Steinbrink:

Just one statement was made about the pumps and radar and satellites and being able to predict the weather. The truth of that is our heaviest rains have come when they predicted light rainfall. So whenever the weatherman plays that percentage game he kind of takes himself off the hook but leaves us vulnerable and we don't want to go by that alone.

Mike Serpe:

Mike, when it comes to the purchase of these things and it's going to be used for storm water purposes that would come out of the storm water fund that the Board has created through a State mandate?

Mike Pollocoff:

Yes.

Mike Serpe:

So it wouldn't necessarily be--it's going to come out of taxpayers because we're assessing every property for a storm water fund, but that was a mandate that we had to respond to by the State. A couple things that I don't understand and maybe I'm just a little naive, but how could this place not be declared a floodplain? I just don't understand that. It's under water in the worse scenarios and it's not a floodplain.

Secondly, I keep on looking at Unit 2 and comparing it a little bit to the Fox River. Kenosha County is now involved in purchasing homes and relocating residents in the Fox River because of flooding. I hope that never happens here but I don't see how that's not going to happen in the future. The lake levels come up, things continue, building continues, basements are allowed, sump pumps are pumping and we're creating a monster here. I have to agree with the majority of the residents. I think to spend this kind of money for a project that will work but not work to your expectations of getting the water out of there fast enough I think it's a big expense to bear. I do believe we can work and help the residents and respond to them whenever necessary with some pumping that we talked about tonight. We've never tried that before in a major way. We've done it on a smaller scale with smaller pumps. I think if we look into the purchase of some larger size capacity pumps I think we can help these people out knowing full well that that 100 year storm may come at any time and we're all going to be under water for a while. That we have to live with. It's not fun but it's a reality. With that I deny the project.

Steve Kumorkiewicz:

I'm looking here in the listing that we got all the time spent on this storm water project, Carol Beach Unit 2 Subdivision. I'm looking here and I recall the proposals in 1996 for the ditches was denied by the DNR. I looked through this list and see what happened . . . everything that was tried. It's right here in black and white and everybody can read it. Communications, denials, public information meetings. It's a long story. If we could find a solution for that right now we'd do it. I have been around the area many times and I see many areas in which the ditches here . . . driveway right here . . . driveways go right to the road here. On the other side . . . 30 or



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40 feet . . . very regular, and even then I don't think it's going to work. I talked to Mrs. . . . when were pumping the water and we took it from here and put it on her property. That's what happened. So this area is unique. I believe it's unique in the State . . . except New Orleans has this kind of problems. We wish we could do something for everybody. It's mission impossible. . . . but it doesn't happen because we've all got in our minds what can we do about solving it. It's the only area in the Village where we have this problem and it's very costly. So I don't know.

Mike Pollocoff:

Mr. Steinbrink, I had one question I didn't respond to and that was Ms. Brown's question on basements. Jeff Sorensen is our superintendent on building inspection. Jeff, could you come up here and describe the situation with basements and where that resides within the State law and the code requirements?

Jeff Sorensen:

Jeff Sorensen, 9915 39<sup>th</sup> Avenue. The Village of Pleasant Prairie has elected to enforce the Wisconsin Department of Commerce building codes. In one and two family building codes the things that we look at is the capacity of soil for bearing for footings. As long as you can get that bearing capacity you can have a basement. There's nothing in the building code that says you can't have a basement. In fact, the building code would allow you to have a basement in a floodplain if it was designed correctly. In the Village you cannot get a permit for a house in the floodplain. You cannot get a permit for a house in a wetland. So I heard the lady's comments. I don't know where that came from but the fact is in the State of Wisconsin you can build in a floodplain. The Village does not allow that to happen.

If a property shows any kind of wetland on it the Village requires you get a wetland staking done to verify that that building is not going to be in wetlands. The bearing capacity for footings, I just took some notes, you have to have 2,000 pounds per square foot of bearing capacity. You can get that in wet, soft clay, very loose silt or silty clay. That will give you 2,000 pounds. This is a table in the code book. Loose fine sand, medium clay, loose sandy clay will give you 2,000 pounds. Medium sand, medium firm sand which is what is quite often seen everywhere east of the train tracks will give you 4,000 pounds per square foot of bearing capacity, so there's no doubt that the capacity is there.

If a building inspector goes out on a footing inspection and has any question as far as what he might think might be a problem with the capacity of the soil, he requires that particular builder to have an engineer do soil testing to verify that yes, in fact, that footing is capable of holding up that house. Once again, you can in the State of Wisconsin build in floodplains. There are no houses in Carol Beach that's built in a floodplain. Jean can talk a little bit further on floodplains and wetlands, but I talked with her assistant, Peggy, this afternoon and its right in the zoning

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ordinance. You cannot get a permit through zoning to build a house in the floodplain. So while it could be constructed through an architect or an engineer the Village doesn't allow that.

Mike Pollocoff:

. . . Trustee Serpe brought up as to why this isn't in a floodplain, I wish we had made it a slide, but the floodplain delineation for this has got to be more than 20 years old, '85. If SEWRPC were to come back in and delineate it now it might be different, but if the floodplain was to expand into Unit 2, it would expand into Unit 2 from no name ditch. It wouldn't come from the railroad tracks. The Unit 2 drainage basin does not come from the other side of the railroad tracks. That's one reason it's not in a floodplain. Even though that's higher, the basin that takes care of no name, that little basin tributary and then the Tobin Creek it's in between those two basins. So you don't have flood waters coming up over the railroad tracks and washing down into Unit 2. It would come in around from no name or it would come in over Tobin Creek and over the top of its banks.

Maybe if the Board wants we can request the Regional Planning Commission to do a redelineation of Unit 2 and that redelineation, in fact, may put a number of those houses into a floodplain designation which is good and bad. That delineation would let you know what you have. It would make some parcels eligible for acquisition for funds to be able to acquire those properties, and as far as enabling people for insurance it would enable that. It's not a quick study but it's a poorly drained area. There's no question about that. Why it's not a 100 year floodplain is that wasn't shown in the last study. But given the fact the topography has changed significantly from 1985 that study may be warranted again and take a look at that.

Mike Serpe:

Given what you just said, Mike, and I don't expect to make a decision on that tonight, but I would highly recommend that we consider that and look at it. We have a number of lots that are still vacant down there that if we come forward and this floodplain study is done and some of these lots come into that area, then we're saving the residents that are there a lot of aggravation, and really we're saving the residents that could possibly build on those lots a lot of future aggravation. It would be tough to swallow if that study came through and identified 10 or 15 houses that are presently there in a floodplain. You're talking moratorium. You're talking flooding and we can't do anything about it. But maybe this for the lack of a better term the moratorium could almost take place if there was a floodplain delineation identified here. You and Jean maybe and Bob can think about this and maybe we can discuss it at another meeting. But I think it would probably be worth looking at.

Steve Kumorkiewicz:

Mike, Mike Serpe is talking about delineation of wetlands again. I think it's a good idea, but assuming there is a lot of properties that are going to be included in the wetlands that right now I don't believe there are, are there funds available to us from the State to purchase a property for relocation? Are we in that situation?

Mike Pollocoff:

No. There are no funds available for acquiring lots that flood that aren't in the floodplain. There are funds for wetland acquisition that, again, the DNR uses and The Nature Conservancy. But, again, this area in the plan and the property owners' right were set up in that area that they wouldn't be acquired unless it's a willing buyer/willing seller. So you'd have to start undoing that plan and when you start undoing that plan everything opens up. The whole Chiwaukee Prairie/Carol Beach opens up if you want to open that plan up. The plan specifically says that that shouldn't happen in this area. I disagree with that concept of it but that's not what the plan says. The plan says that these people aren't wetlands. If it's not wetlands they've got property rights and they get to build.

If the Regional Plan Commission would be willing, and I don't even know if they'd be willing if they have in their schedule to take on a wetland redelineation in here, that would be a basis for a short moratorium only to complete the study. That's all it would do. Everything stops and freezes. That's for everybody. No garages or no doing anything on anybody's property in the project area until the Regional Plan Commission has completed their study to determine if that floodplain boundary has changed.

Then if that's the case, you adopt the new maps, and if there are lots that are in the floodplain they would be eligible for a floodplain delineation. At that point I don't think you're running against the plans because they couldn't build on the lot anyway because it's a floodplain. The problem here is some of these lots have been delineated by SEWRPC as not having any wetlands on it and they'll let them build on them if there's not a wetland. But the Village won't allow a lot to be built on that's in a floodplain. That would be the next criteria.

If we want to follow that I guess I'd recommend that, but we need to do things. We're tapped as far as engineering on this thing. So anything else is going to have to come by SEWRPC doing it or somebody else putting their nickels in to evaluate this.

Mike Serpe:

It's just a suggestion I think is worth pursuing.

Steve Kumorkiewicz:

The moratorium would set up a time limit for 12 months or 18 months or whatever?

Mike Pollocoff:

If you adopt a moratorium for a floodplain you just can't say until we're done. You need to establish a time frame for it to be completed.

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Alex Tiahnybok:

I've mentioned before that I've tried to jump in everybody's shoes and take a look at this from the affected homeowners' perspective. There were a fair number of people that were for the proposal, a fair number of people against the proposal. I've tried to look at it from the Village's perspective. I've been in contact with DNR to get their read on the efficacy of the proposal as it's on the table today. I commented quite a bit on some of the things I learned. I have a couple of more comments to make regarding why I think the proposal in some ways is a good idea and also some questions about why I think it may be a bad idea.

One of the things, and I don't know if there's any direct correlation, but in the area even from the realtor's world has a certain stigma and a lack of some sort of action I think causes that stigma to remain. So initially I was thinking any kind of step in the right direction would possibly enhance property values hopefully by at least the amount of the assessments. In general realtors would support that statement, but that's on the basis of the system being effective. Some of the things that were revealed to me over the course of looking at this over the last several weeks, the very reason why I wanted the proposal to be extended to today for discussions, some of the things I learned on Thursday from those that attended the meeting on Thursday that was very welcomed.

Bob, the outfall, the elevation at outfall, do we have at least a close to exact number on what that is? 581?

Bob Martin:

It's on plans as it was constructed--

Alex Tiahnybok:

I think it's 581.

Bob Martin:

That sounds about right.

Alex Tiahnybok:

I know this is not easy to see, but this is a graph of Lake Michigan since 1918. There are without a doubt peaks and valleys to the elevation of the lake. When you zoom down to a more tangible amount, as was mentioned earlier, in October of '86 the maximum elevation of 582.35 feet was reached. Thirteen years before that there was an elevation of 581.79 feet. That was July of '74. And then 11 years the October '86 mark there was an elevation of 581.33. So if the outfall--one of my first technical concerns, if the outfall is at 581 or 582 feet, that means approximately every 11 years, if the historical cycles continue on, the outfall is going to be under water and that's

with the lake being still. Of course, the lake gets cranked up sometimes and I would suggest that that swamp condition is going to exist a lot more often than every 11 years. So that's a first concern.

Regarding the proposal itself, again, I've been in contact with the DNR. There were some statements, assumptions made in terms of where the ditches could be, where the pipe would need to be in terms of going past wetlands. I got, frankly, some conflicting information from the DNR versus what the proposal suggests in the case. I'm troubled by that.

Comments were made about the boundaries of the plan. I asked Bob Martin to include the topographical elevations of the affected area. Frankly, there's more correlation to it than I thought, but to me the more natural boundaries of the affected area would be the two creeks. Of course, that would include a lot of other properties and spread the expense and, of course, increase the cost. But the boundaries for the most part I'm okay with, but I think a lot of people are concerned especially when you have--and this is inevitable, but a line has got to get drawn somewhere, and that means one neighbor is going to be in the assessed area and another neighbor is going to be outside the assessed area, then you need to decide what's fair and what's not fair. There are some cases where properties have a line drawn right down the middle of a property. Or, there's one case where only the driveway of a property about a quarter of the entire property is included and the rest of the property isn't. If the elevation lines really supported those kind of splits, I suppose I could understand it better but the elevation lines don't support that. They do support the general layout.

The buy out idea of moratorium I think that would result in a bill that's far larger than we're prepared to deal with. I think some creative ideas like floodplain designations could lead to some restrictions in terms of basements being developed, etc. Those are things to consider. My understanding is a lot of lots in the past were allowed to be filled in to gain some extra elevation to avoid being flooded. Naturally that works, but by comparison it makes the neighboring properties lower and more subject to flooding. Although, again, there's multiple sides to every story, I'm troubled by the I-got-mine-and-now-you-go-away concept. A lot of building was done and it contributed without a doubt to spreading that problem around. I have a tough time telling somebody now that you can't build on your lot because it causes problems.

Another thing is, and I mentioned this earlier, especially if lake levels get high and for some reason the outfall is not effective, blocked or whatever, then we all know water goes downhill, and as it collects in the ditches and the pipes and goes downhill towards the outfall, if it can't get out into the lake it's going to come out of the pipes into the lower elevation ditches. It's basically going to redistribute the flooding problems to the lowest lying areas. I can't help but feel for the people that would be affected by that. Of course, that would lead to legal actions because we did it and we supported it.

I commented on the maintenance issues. This is going to be a maintenance nightmare. If the slope is 3/8 of an inch per 10 feet you're not going to get a lot of velocity of the water through the pipes. Again, I mentioned earlier pipes require velocity to sort of self-clean them. Otherwise you have to go out and jet them and all that sort of stuff so there's a lot of issues there.

Lastly, as I mentioned, I tried to put a number to the sentiment, and I took the assessment. I

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gathered comments from either e-mail or telephone responses and also from the meeting on January 11<sup>th</sup>, and just to make it simple I kind of highlighted the colors. Greens are in favor of the proposal and red/ magenta is against. As you'll see there's an overwhelming number of reds. The number actually is, including a comment today, is 9 yes's and 24 no's. I believe in democracy. I strongly feel that something needs to be done. Maybe we're going to have to take a more creative approach, but I think the residents are the people that are paying for most of this and I find it difficult to support anything if the ratio is roughly 75 percent against.

Steve Kumorkiewicz:

Did you make a motion?

Mike Pollocoff:

It's already been made.

Mike Serpe:

I made the motion to deny the project.

Steve Kumorkiewicz:

I second that.

John Steinbrink:

Bob, in your evaluation of the system and how much water it would carry, how many gallons was that at that even it was sized for, a major event, the most it would carry? Because we talked about pumps and just give me an idea. How many gallons are we expecting to pump? I mean we're not going to get all that water out of there without a system to pump anyhow. How many gallons are we talking about?

Bob Martin:

I'd have to sit down, but to address part of your question is that the outfall is or could be below the water elevation, but there is a berm behind it. So the water elevation although it could block the outlet, it's of the nature that it won't let the water back in. That's advantageous because you can pump when those periods are like that, pump it out of the system. So that's one thing when you go into a ditch I'm sure that you can't pump Lake Michigan. And if that comes back into the ditches that's what you'll have. So when you have a separation it's a double bladed sword. You do have the ability to pump it out without having the effect of it coming back in until it goes over the road and then all bets are off.

So the system will handle rain events up to a certain magnitude, and above that it just takes time to drain. It's very difficult to put kind of a number on what's happening because we have very dry soils, very dry year, and you're going to get a lot of absorption of the soil itself. And if the ground table is lower then you have that reserve that's going to take that. And the reports that

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have been published from both Crispell and SEWRPC it varies as much--well, I saw 16 inches that it varied I believe in about a six month period when they took soil borings and measured it and then prior to that six months or so. So you can have a pretty wild fluctuation of what's happening and that's part of the problem. If the water comes or the heavy rains come after a time that you've had a lot of saturating rains you're going to have a higher impact because everything is saturated and it's running off. So you get a real wide variety of events that can happen.

You can have very large rains and if they're over a large enough period of time, the system will handle that. But you can have a very intense rain over a short period of time that it will get overwhelmed, and that's as true with any storm sewer system. Typically most communities will design for a two, five or ten year event. That's what they're designed for because primarily the cost. It's very expensive to put in much bigger infrastructure because you don't see the events and the streets will take the flooding.

In the case of Carol Beach, we don't have a lot of that help that other subdivisions have with buildings--when we look at subdivisions today we try to put the elevation top of foundation at least two foot above the curb, for example, so they have some protection that gets built in. That's part of the issue. There are so many things that are wrapped up in Carol Beach. It's just a combination of things that make it a very difficult situation.

John Steinbrink:

We have a motion and a second. Further discussion?

Steve Kumorkiewicz:

One last question for Bob. Bob, we have clay over there at Carol Beach and on top of the clay we have the sand. When that sand gets to the saturation point with the water . . . right?

Bob Martin:

Yes.

Steve Kumorkiewicz:

. . . talk about plastic pipes, so that's why we have to go to cement pipe.

Bob Martin:

I think the average from what I saw was in the area of three feet. So if you go in with ditches and you go below three feet you're into the ground water. And that's probably on the good side of things. So as ground water comes up then it accents the problem.

Jeff Lauer:

I just want to say I know, we all know something needs to be done and obviously it looks like this isn't the plan at this time. But I do believe in good faith and showing the people of Unit 2 or anywhere in the Village that we will do something. I think there's been three good faith things tonight that we talked about, one being pumping. I believe the staff is now going to look at that and have a plan in place if we go down that road. There was gentleman here who spoke about being pumped, the water went to his place, so maybe when we look at the plans we'll see if we do go to pumps how that water will be directed.

The other is the clearing of the ditches which I think will help to a degree. We move some of that debris and this so the water will flow. And the last item was that floodplain delineation study. I think that's a good idea because the study may show there's some parcels that won't be buildable which I think obviously will be a plus down there for everybody.

**SERPE MOVED TO DENY ADOPTION OF RESOLUTION #06-03 - FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR THE CONSTRUCTION OF STORM SEWER AND STORM WATER MANAGEMENT IMPROVEMENTS IN A DRAINAGE BASIN IN A PLAT NAMED CAROL BEACH ESTATES UNIT 2 SUBDIVISION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

## **6. CITIZEN COMMENTS**

Joe Clark:

Joe Clark, 5929 105<sup>th</sup> Street. Two years ago I came to this Village Board and introduced a concept of district representation. At that time there were some Trustees that felt that maybe it wasn't the time to do that. In observing the last two years and watching some of the political campaigns, the political action committees, the amount of money that is being spent on campaigns, I think it's time. I think it's time that the Village at least take a good look at this.

The spreadsheet that I have given you is from a study that I did two years ago at that time, and there were 36 comparable municipalities, either villages or cities, between the populations of 10,000 to 21,000. The outcome of that study as I looked at it, and I was also looking at the organization, there are 13 villages in that population and they have different degrees of how many villages district versus how many of them are at large, but there are 22 cities. All of those cities have districts because they're aldermanic districts.

What the numbers indicate that the average number of Trustees for the comparables would have between six to eight Trustees. In the Village portion of the study they averaged about six Trustees. In the city portion of the study they have eight Trustees. Today we have four Trustees. In that study I didn't include the Mayor or the Village President, so the comparables are Trustees to Trustees. The average representation is between 2,022 people per elected official. The Village of Pleasant Prairie at that time averaged about 4,000. Today I think our population is now



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pushing close to 18,000 or going to be there shortly and that's 4,500 people. The average land area for the area represented by these positions is 1.74 miles. In the Village of Pleasant Prairie that would be 8.4 miles, but you have to remember our positions are at large positions and the land area that is covered is 33.45 miles.

Why did I bring it up then and why do I bring it up now? I think number one I look at accountability to constituents. I think that the--it was interesting the article in the paper today the professor that was commenting on the County Executive's race, there's nobody in there, he said having opposition brings candidates to the accountability of the people. I think there's a lot of things, I've been watching these campaigns and a lot of things being said, and unfortunately the constituents that we represent don't always understand the issues. When I first ran for County Board four years ago I was fortunate enough that my district, Supervisory District 21, was manageable, and I had the opportunity to go knocking on doors door to door and letting the people see who I am and what I stand for and really cut through the rhetoric. Judge me for who I am and what I am and let's have a clean campaign.

I think that changing this to districts will attract more candidates and maybe higher quality candidates. And I'm not saying there's not quality people that are here, but you go and ask people, hey, you should get involved and it's, gosh, it's too much of an undertaking with all the time and energy and effort. I know you guys have run campaigns in the Village and it's a lot of work. I look at the City, you take a look at the City, I don't think there's a campaign that cost more than \$1,000. In the Village you look at some of the campaign finances and people are spending \$3,000 or \$5,000. They're out fundraising and raising money and all of that, and it sure is nice, again, when you can go knock on a door, put a little flyer together and let people know who you are and really not owe anybody, not owe anybody anything. Be independent.

Today's the candidates somebody that's motivated to run they may be motivated to run because there's axes to grind or an issue or something that came up. I'd like to see more people want to run and want to run because, as I did, I saw something that I thought I could contribute to the community and ran for those reasons.

Finally, I think having more people involved in the discussion, more people that want to serve and it's easier to get in I think that's good. I'm not saying that we need 28 like we have on the County Board. I think going from four to six is very manageable. I think it would be very easy for the Village to implement this. Currently we have three supervisory districts. Those districts are broken down by wards. In the 20<sup>th</sup> district there's five wards and in the 21<sup>st</sup> there's four, and in the 22<sup>nd</sup> there's four. The population at that time of the census, if we could use that, I think it would be real easy to adopt that.

I just wanted to recognize the Village for two things. Two years ago at that time I was critical that the Village didn't have a website when I looked at all the other villages, and I'm happy to see the quality of the website that you have, the information that's out there. I frequently go and look at information that I need to know about the Village so congratulations on that. Today is

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January 16<sup>th</sup>. I watch channel 25 on my cable. I'm very happy to see that the Village is going to have community access. I am hoping that you're moving down the road to televising the meetings so when somebody's got nothing better to do they can sit home and watch Village meetings.

In closing, I think the time has come. We may not all agree that this is the right thing to do. I understand that. I would just ask that you at least consider the concept and take a look at it and go from there. Thank you.

Bill O'Toole:

Bill O'Toole, 8502 108<sup>th</sup> Avenue. I've come tonight to speak in support of the district representative concept that Joe has outlined for you. As you know, this is not a new proposal. It is something that Joe brought forth several years ago. It's something that a lot of people have been talking about for a long time.

To reiterate a few of the things that Joe says that why I think this is a good idea, I think the model has many advantages, including guaranteeing that a representative will live in your area. I live on the west end. I think if we look at this present Board many of you live on or near 39<sup>th</sup> Avenue and I'm out on 108<sup>th</sup> Avenue. Other than President Steinbrink who is out not too far, we really don't have any other representative out on that end of the Village. Greater accountability, I think that this is very important. People will know exactly who to call if they have a problem. I'm assuming that many of the people tonight talked to you, Alex, because you live in that general area, and I think that having people live in districts Trustees will give us that degree of accountability.

I think it will, as Joe said, reinvigorate the political process. I think that it will help improve voter turnout. It will help encourage people to get involved in our local government, and certainly it will have the effect of reducing the amount of money that's required to run and, therefore, reducing the special interest money that may come into campaigns from time to time.

I think that the other important point is that we will have as a result of districts better and more representative public policy decisions, I think that public policy that is more closely aligned with what the voters want. I think that's what happens when you have district representation. So I urge the Board to adopt a resolution establishing districts utilizing the traditional concepts and principles of compactness, contiguity and respect for existing political boundaries, and to implement this plan in 2007.

I was glad to hear Alex say that he supports democracy and he voted along those lines this evening. I think anyone who is supportive of a representative form of government can see that the time has come for the Village to implement this plan. We may not have reached the population thresholds that State law requires, but certainly we are of a geographic size that would lend itself to districts, and certainly we have the diversity of our population that would also be

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better served through districts. So I hope that this is something that the Board would seriously consider. I would be happy to discuss the issue as I think Supervisor Clark would be at some kind of a community forum if this Board wanted to set that up and debate the issue. I know we'd be happy to attend and be a part of that discussion.

My only other comment is that I hope that this Board remembers you are a nonpartisan Board. You're elected to represent all the people in a nonpartisan fashion. Quite frankly, Trustee Lauer, I was a little disappointed. I think you demonstrated partisanship when you put political considerations and the political ambitions of your friend and campaign donor, Mr. Beth, ahead of the public safety concerns and considerations of the residents of our community. Remember, it's about consensus building. You guys did it tonight. I hope you continue to do it. Thank you.

Jane Romanowski:

There are no more sign ups, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizen comments?

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. I hadn't intended to speak, but tonight the couple gentlemen spoke about expanding the Board, districting and so on and so forth. The way we have it now I think we've got--let me back up. A few years ago I would have agreed with that 100 percent, but as I've gotten more accustomed to the Board I like the situation we have now. For example, if Mr. Serpe is my representative and I don't like him, then I have to call Mr. Kumorkiewicz and that creates a whole bunch of problems. Right now I feel comfortable calling any one of you people and I would like to see that continue. Thank you.

John Steinbrink:

Thank you. Anyone else wishing to speak?

## **7. VILLAGE BOARD COMMENTS**

Mike Serpe:

Two years ago when Joe came to the Board and suggested that we district I wasn't in favor of it. I said exactly what Bob Babcock said. But now in two days I'm going to be 61 years old. I've been running for the Board since 1989. When I first ran the Village was 11,000 people, a few subdivisions, put up 50 or 60 signs, ran a brochure with about eight or ten people doing a lit drop and it wasn't bad. It's not that easy today guys. It's not that easy today. This Village is big. I think it warrants looking at. I really do. Only because it's more and more difficult and more and more expensive for somebody to take on that role to run for Trustee Village wide. It's getting very, very difficult.

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The only thing I would suggest that if we are going to look at this, I know Jane is very, very involved in the campaigning of the Village or the elections of the Village, I think there's a certain amount of things that have to be put in place as we do this. I think there's going to be an expense involved if we do this, and I think we have to weigh all that stuff and decide if and when we want to put this in place if we are going to go that route. Jane, I don't know what your time frame is right now. I know we have an election coming up in a few weeks. Maybe it wouldn't hurt when you catch up with yourself and get through the process here to give that a look and weigh all the factors involved on what it would take to add to the Village Board seats. That's just my suggestion. I think it's worth looking into.

Jane Romanowski:

As I did the census redistricting back in 2000 that was a year long process just what we had to do. I would definitely have to do some serious looking into it with the Legislative Bureau. You could be adding polling places just depending on population because you have to keep your supervisory districts equal. If we start splitting up you really have to be very careful with your population. Again, Joe said something about using the 2000 census. I don't know if we'd be able to do that or use new numbers, but I'll start checking into it. It would definitely need to be decided as a budgeted item. Budget starts again in July. Polling places, machines, booths, poll workers. And just the expense of sending out probably 12,000 cards to electors changing polling places or telling them the same one. I'll do some checking and bring it back.

Mike Pollocoff:

One thing I might, Mr. President, just to expand on what Jane said, when the Village incorporated the statutes really mandated a six person Board with a Village President, and at that time we were a town with a three person Board, one of the people being the Town Chairman. It was felt back then, again as Mike indicated, we were 11,000 people and still fairly agrarian that seven seemed like a lot of people to put on the Board, so a charter ordinance was adopted with the incorporation that called for a four person Board with a Village President.

So in order to change it, and that's not to say it can't be done, but I think really the sequence of events would be people are going to take out their papers for a Board election in December of every year, whether it's two seats or three seats or whatever is up. You would probably need a charter ordinance referendum. A charter ordinance could require a referendum. You have to have a notice, adopt a resolution, and have the opportunity for the residents to petition for referendum or the Village Board could direct a referendum be scheduled. You probably want that to happen in November. Establish the new composition of a Board if you were directed to do that in order for people to take out papers for that following election. Or, if you wanted to be able to have more discussion about it I guess you could load it up for a September primary, but the problem is you don't typically have as big a turnout at a primary as you do at the general election. So you kind of go from November to November.

Jane indicated it's a budgetary item and it's also one that you want to sequence so you're not having multiple elections for the same seats so you don't have a special election on referendum, bring people to the--have a special election in July and then have another following election the following year. But if you want staff can prepare a report for the Board of at least the statutory

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frame work that this would fall under how that would take place and then how you'd want to proceed with it from there.

John Steinbrink:

I think that would be the appropriate action at this time.

Alex Tiahnybok:

. . . I, too, would like to commend the Village staff, specifically the IT department for getting channel 25 launched today. I saw it also and I think it's a very good thing. I do encourage more progress towards getting these meetings televised. I think there's probably a big technological gap between doing live and taped. I don't think it's going to make an awful lot of difference to anybody whether it's taped or not. So at least for a start I'd like to see us get taped meetings going.

Regarding districting I spoke with Joe about this probably a year and a half ago and I think it's a brilliant idea. There are in my opinion more advantages to moving in that direction than disadvantages. As was stated, Village wide campaigns are getting progressively more expensive and time consuming, and I think I evidenced this in a letter to the editor of the *Kenosha News* a month and a half ago or so I think we want to incentivize people to run for office rather than create disincentives. And the job of running Village wide is a disincentive. Perhaps certain people that would be motivated to do so would be intimacy with the district that one would represent. I naturally come from Carol Beach, so there's an automatic connection that's grown there, so without a doubt there's a more intimate relationship.

The only negative that I see, and today might have been a perfect example of it, although the result was visibly proper, I believe, I don't know how many examples there would be of this or how many cases like this would arise, but if there was an issue that was particularly important to the residents of one district that would bear an expense Village wide, then I think it would be much more difficult in terms of accountability to create an environment where the other Trustees would feel responsible to vote properly in regards to the district that's affected. Naturally things with the flood project in Carol Beach today worked out to be unanimous, but in the future if 100 percent of the Village would be required to subsidized a project for a particular district there may be less incentive to do something like that. That's my concern. But I think overall it would be a positive move. I certainly support looking into this further and perhaps setting a time schedule.

Steve Kumorkiewicz:

Two years ago I was opposed to this concept because I was afraid that you create turf. But, with the increase in population that we've got and the way this Village is going up, with the reputation that we've got we keep growing in size but in the business and industrial sector, too. Consequently, population is going up. I think he's right what Mike says. We have to think about this seriously. Pretty soon we're going to reach 20,000, and before we know it we'll be at 30,000 or 40,000 and we're going to need to do something because it's tough. I think it's a good idea to start to look. It doesn't mean we're going to do it tomorrow morning . . . Jane is talking about putting it in the budget to make a study. So I think this year's budget is going to have to be taken

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into consideration because it's going to happen sooner or later. Actually looking at the way we're going it has to be done. Two years ago I was against it and now I look at it in a different way.

Jeff Lauer:

I know I talked to you, Joe, about this, too, when you brought it up. My major concern is kind of what Steve brought up, and the City does it and the County does it, you have turf wars and that I think could be a big problem. It was mentioned by Mr. O'Toole that we're supposed to serve all the people. That is true, but if you only have this little section over here that you're representing, is it true you're going to be representing everybody else over there. I've called County Board members before at times and City Council. Guess what? Well, you're not in my district. I surely don't want to see that happen with the Village where maybe if we went districting somebody calls somebody and they say I'm sorry you don't live in my district and I only serve these people over in this corner of the world and that's a huge problem.

Mr. O'Toole, you were doing fine up until you mentioned my name being nonpartisan and Sheriff David Beth. I'm sorry if you're still upset about last April's elections but the people did vote for me. Prior to me getting up here many of these Board members received money and they are friends with developers, people within the community, even family members, and they have benefited or voted a certain way. It doesn't mean they owe them anything, it was just the way they did.

Steve Kumorkiewicz:

One last comment. Talking about the Village, if you look at the Village itself, besides John I'm the only one west of 39<sup>th</sup> Avenue, because Alex is on the north side east by the lake, mine is in the center and Jeff is in the south side . . . three blocks away. So that's a good point. You can call anybody right now. But looking at it realistically . . . I'm the only guy west of 39<sup>th</sup> Avenue.

Alex Tiahnybok:

By the same token, Steve, up until April 2005 there was nobody east of 34<sup>th</sup> Avenue where Mike lives.

John Steinbrink:

There used to be.

Alex Tiahnybok:

So this thing swings.

Steve Kumorkiewicz:

Yeah, there used to be.

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Alex Tiahnybok:

And districting, therefore, I think would solidify the fact that every area would get represented evenly. Again, pluses and minuses.

John Steinbrink:

Mr. Wruck represented that area. He was very close to your house actually.

Alex Tiahnybok:

Very close.

John Steinbrink:

Now he's in my neighborhood so we have to keep an extra vigilant eye open. Further comments or questions from the Board.

Mike Serpe:

Bill, I miss you.

Bill O'Toole:

I gotta tell you I don't miss you guys.

John Steinbrink:

Okay, that will conclude Village Board comments. Before we move onto Item B under 8 a five minutes recess has been requested.

(Recess)

John Steinbrink:

Call the meeting back to order.

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**8. NEW BUSINESS**

**B. Consider Resolution #06-04 to approve the 2006 Sewer Utility Budget.**

Mike Pollocoff:

Mr. President, I recommend that the Village Board adopt Resolution 06-04 adopting the Sewer Utility Budget for 2006. We presented this budget to the Village Board in working session last Thursday.

**SERPE MOVED TO ADOPT RESOLUTION #05-04 TO APPROVE THE 2006 SEWER UTILITY BUDGET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0 WITH TIAHNYBOK ABSENT.**

**C. Consider Resolution #06-05 to approve the 2006 Water Utility Budget.**

Mike Pollocoff:

Mr. President, again, this is the resolution approving the Water Utility budget presented on October 24<sup>th</sup> and January 12<sup>th</sup>. I'd recommend that the water utility budget be adopted as presented.

John Steinbrink:

Once again, this was presented in great detail to Board members.

Jeff Lauer:

The question I had I know that we're still in between about the increase. If that comes later this year is that a separate issue to take up later this year if Kenosha does raise it?

Mike Pollocoff:

That was on the sanitary sewer one we just adopted, the previous item. So any rate increases since it wasn't in the budget requires specific Board action.

Jeff Lauer:

Okay, that's what I thought. Thank you.

**LAUER MOVED TO ADOPT RESOLUTION #05-05 TO APPROVE THE 2006 WATER UTILITY BUDGET; SECONDED BY SERPE; MOTION CARRIED 5-0.**



**D. Consider Resolution #06-06 to approve the 2006 Recreation Enterprise Budget.**

Mike Pollocoff:

Mr. President, this budget was presented to the Village Board on December 6<sup>th</sup> and January 12<sup>th</sup> of this year. We've already adopted adjustments to rates in that area. I recommend that the Recreation Enterprise budget be adopted as presented.

Alex Tiahnybok:

Of course I'm going to vote for this, but just a comment and looking forward to next year. The Recreation Enterprise budget consists of two subparts. One is the RecPlex and the other one is the IcePlex. I don't have any issues with the RecPlex budget. The IcePlex, though, currently is scheduled to be in balance if the budget dollars work out as expected. There is an expectation of a significant positive cash flow coming from certain new ventures in the IcePlex which I think would add if I recall something like \$270,000 to the positive, and I have every confidence that the management of the Recreation Enterprise and the IcePlex specifically will be successful, but I just want everyone to know here that we're moving ahead of this on the basis of those expectations coming true otherwise it's a significant loss. Come the same time next year if those dollars don't materialize during the course of this year, I think we're going to have to take a serious look at the actual results versus budget versus budget like we did this year. So just a caution for next year.

Mike Pollocoff:

I appreciate your comments, Alex. One of the reasons we're budget versus budget is this is going to be our first full year of operations and having the thing up and running. So a lot of things that were on the IcePlex budget is because we're now in our first full run. I agree if for some reason this thing starts tanking on us then we've got to relook at it. But I've got confidence in the staff of IcePlex and RecPlex to put this thing together, and just as they did on the RecPlex side they'll get this one up and running. But I think being a year and three months old it's a brand new facility and a brand new program, so not much different than we saw with the RecPlex.

John Steinbrink:

And included in the year was a lot of challenges not to mention utilities.

Mike Pollocoff:

Yes, it was a challenging year.

Steve Kumorkiewicz:

Also we were for six months without a manager.

Mike Pollocoff:

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There's some challenges in there. But basically we started at the end of 2004 and the ice season got going, so this is our first full year of operation with the staff in place and being in a position prior to ice starting being able to get rentals and everything lined up. I think we felt good about the budget as we presented it. I'm confident the staff will deliver.

**LAUER MOVED TO ADOPT RESOLUTION #06-06 TO APPROVE THE 2006 RECREATION ENTERPRISE BUDGET; SECONDED BY SERPE; MOTION CARRIED 5-0.**

John Steinbrink:

With the conclusion of this final budget here I want to thank the staff for the great presentations they put forward to the board members and also for their participation at the meeting. It was unusual to look out to the audience and see the folks here taking an interest in the Village and making sure we had an understanding of what their departments did. That plays a big part on letting us know how the Village is being run and how our tax dollars are being spent. I just wanted to thank you for that.

**E. Consider Agreement between the Village and the Village of Pleasant Prairie Public Safety Dispatchers' Local 528.**

Mike Pollocoff:

Mr. President, we have a staff memorandum. I don't see it, but in essence we renegotiated the 2006-2008 agreement between the Village and the Pleasant Prairie Public Safety Dispatchers. Carol Willke and I adopted that. The main changes proposed in the contract are hours of work week, overtime, temporary vacant shifts. Before it was less than four hours notice. We've amended that in Section 6.08 temporary vacant shift is less than eight hours notice. That's was one of the amendments we worked with. Again, Article VI more than four hours notice amendment temporary vacant shifts be more than eight hours notice.

It's a three year contract from 2006 ending on December 31, 2008. Salary schedule comparable to what we've settled with the other unions in the Village at two and a half percent, two and a half percent and three and a half percent over the next three years.

Mike Serpe:

I have to commend that group of dispatchers that we have. A week ago Friday I spent three hours at the police department with the unfortunate incident of the police officer that took his own life. I called out before I went out there and I talked to the dispatcher that was on duty and unfortunate that she had to take that call or be a part of it. She continued to handle herself in a very, very professional manner. I went out there and spent a lot of time in dispatch with her and others and the officers that were coming in. A lot of tears that night. They took the calls in a professional manner just as what would be expected of them.

I call dispatch quite a bit because being a former police officer I see something that I think is suspicious I'm going to call out there. I have always been treated, and I don't always identify myself, but the call taker always treats me with the utmost amount of respect and courtesy. We

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have a very, very good crew out there. Like I said, last Friday a couple weeks ago was a bad night for me and the police department and the Village. But to see these people in that position not knowing what's going to be on the other end of that line when they pick it up is a tough job, a stressful job and one I'm glad we've got professionals doing it. I'd move approval of the contract.

Jeff Lauer:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion?

Mike Pollocoff:

I want to echo what Mike said. In working on this agreement the dispatchers had a very responsible approach to it and they do very good work. This department, along with the police department has been under the gun with the Sheriff's proposal and contracting out, and there's no question that given the stresses that they have in their day-to-day jobs with the type and kinds of calls they get, the numbers they get, and along with worrying whether or not their jobs are still going to continue to exist it's been a difficult year for everybody. I think to come to a satisfactory conclusion on the contract given the environment I was surprised we were able to work through that as easily as we did. They're a really good group of people.

When you think we receive the competent level of service that we do from part-time employees it's nothing short of amazing. They do a really wonderful job and they dealt with the worst calls a dispatcher is going to get last weekend. That was tough stuff. Mike, just on my behalf the night that call came in I was glad you were able to go out there. You're from that world. You were able to--I know you helped a lot of people out that had to deal with it that night. Pastor Hackbarth, the Chaplain for the department, I know he did a lot of very significant things to help Brian and the employees out there. I want to thank you for that. That's one nice thing. Nobody else on this Board including myself can step into their shoes out there and know what they're dealing with and help them get through it. So, thanks.

Steve Kumorkiewicz:

I was over there Saturday morning and saw the people the way they were. I wish somebody had called me the night before.

**SERPE MOVED TO APPROVE THE AGREEMENT BETWEEN THE VILLAGE AND THE VILLAGE OF PLEASANT PRAIRIE PUBLIC SAFETY DISPATCHERS' LOCAL 528 AS PRESENTED; SECONDED BY LAUER; MOTION CARRIED 5-0.**

**F. Consider Resolution #06-07- Resolution Approving the Kenosha County Mitigation Plan and Emergency Management Plan for the Village of Pleasant Prairie.**

Chief Guilbert:

I'm Paul G. Guilbert, Jr. I'm the Chief of Fire and Rescue. I'm at 8044 88<sup>th</sup> Avenue. I'm here tonight to introduce you to and ask your adoption of two local emergency plans. The Kenosha County Hazard Mitigation Plan and the Village of Pleasant Prairie Emergency Management Plan.

Both SEWRPC and Kenosha County Emergency Management cooperated in identifying all hazard types that could strike within Kenosha County and in particular the Village of Pleasant Prairie. They produced a County wide mitigation plan, and that plan was written to be consistent with the Wisconsin Emergency Management and the federal governments Federal Emergency Management Agency. The Village was one of many representatives on there with all municipalities within the County as other major stakeholders being represented. And representing the Village was myself, the Village Engineer, Community Development Director and the Police Chief.

We were asked to identify hazards that either historically occurred in Pleasant Prairie or that we believe may occur in Pleasant Prairie. We worked with the County Emergency Management Director. We worked with the weather services. We worked with SEWRPC, all of this resulted in this document. You're well aware of the severe weather conditions that we either have or may see are flooding, windstorms, tornadoes, periods of extreme heat or cold and winter storms. We need to be aware of terrorism and civil unrest, fires that are mass casualty incidents and hazardous material releases.

We have within the Village of Pleasant Prairie that could impact the Village major highways that run within the Village and through the Village. We have railroads, six rail tracks that are regularly used, five heavily traveled with freight and passenger service. We have hazardous materials within and through the Village, and today we experienced a significant motor vehicle accident, automobile versus tanker. We were dispatched to this incident at 165 and Highway 31, and we were told that it was a tanker and that it had rolled over. Fortunately it was about 8,000 gallons of product going to the water treatment center in Kenosha. The worst thing that's going to happen is that somebody is going to have to mow the grass multiple times a week on the north side of 165. Very, very fortunate. If you saw the makings of this it could have been a significant disaster.

Because of the buildings we have we go from significant building fires, the possibility of large building fires within the industrial park, and then we run along Lake Michigan where we've produce significant wild land fires that threaten real property.

The purpose of the County plan was to continue to identify the hazards within the County and, again, our participation was ultimately within the Village. It was to encourage the building of partnerships, getting everyone sitting down at one table, and those partnerships are with other

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units of local government to develop mutual aid plans much similar to what we use in our business. It involved local businesses and, again as I said, major stakeholders to develop plans for response and recovery.

The final product is a very lengthy reference document. It allows the Village to identify local concerns both within the Village and surrounding the Village, because the impact on surrounding communities could definitely impact us. So if they're impacted by severe weather and maybe we weren't, our ability to get along and help each other could be impacted by those events. And it works into response and recovery. So what we're asking to do is for the Village Board to recognize and adopt that document. So if you would, Mr. President, I would need a motion to accept that.

John Steinbrink:

Any questions for the Chief?

Steve Kumorkiewicz:

Chief, last year I was part of the Community Emergency Response Team, I think more people got involved in emergency through the course and have the books. I would like to see some kind of planning that will be more effective doing something . . . know what to do with your department. That's why we have a CERT team. I think we should use the CERT team more, more effective.

Chief Guilbert:

Lieutenant Ratzburg and Lieutenant Blazer actually met this afternoon to plan the next CERT class. In fact, the next CERT class they recognize that now you're coming up with quite a roster of CERT trained people within the community and what benefit they will be, so that will go hand-in-hand with what we're doing. If you'd want to take that as a separate motion or I'll just continue into the Village Emergency Plan and you can do it as one. It's one resolution.

Alex Tiahnybok:

Motion for approval.

Steve Kumorkiewicz:

Second.

Mike Pollocoff:

No, point of order. We need to go through the Village plan first.

Chief Guilbert:

Just the balance of it. I didn't mean to mislead you. So moving now from the County plan to the local plan. The Kenosha County Division of Emergency Management obtained a grant to write and revise local emergency disaster plans. Again, we worked with the County Emergency Management Director and a subcontractor to produce our plan. Planning is necessary so that we're prepared to meet any crises, whether natural or manmade. And our plan is written, as are the other ones in the County, to protect the lives and property within the Village and most important for the continuation of government during and after a catastrophic event.

Basically our plan is a pre-plan of what we identify are actions that have to take place after we experience an event. Our plan is somewhat like a cookbook. Department heads, elected officials can take that document off a shelf, dust it off, open it up and it's going to tell you where to find people, where to find equipment, and what actions need to move on from there. So that's what we're talking about. It's to be used after the incident for a return to normalcy. It's written as a guide just to maximize efficiency. The Village department heads work routinely together, but it's going to guide them here during an emergency. And certainly it's to maximize our relationships with our mutual aid neighbors. It also provides for coordination with the County, State and federal resources because there's manpower that we can access, there's equipment we can access. But most importantly is an avenue for reimbursement for things, for money that we will spend to recover from such an incident. So it's important that we have those relationships.

Our plan is ready for adoption. Our intent is to conduct training sessions with department heads and other key people in agencies in the year to come. So it's my recommendation on this part of the resolution that the Village Board adopt the Pleasant Prairie Emergency Plan and to allow for regular and routine revisions as they may be needed.

Mike Pollocoff:

I might add to the Chief's comments this plan is an evolving document. It's not that we haven't had an emergency plan. In fact, in May of 2004 was the last time when we really pulled the trigger and activated the plan because we had to deal with flooding in the Village and it worked well. We were able to coordinate our resources, get the right people and equipment out to places, manage the situation, evaluate all the areas that we were having problems with. And we've had a plan all along and this is our most recent adopt of it. It's going to continue to evolve, as both Chief Guilbert and Chief Wagner and Bob Martin evaluate those exposures we have in our community. That's a constant process that the State goes through and that we go through with other communities. It's a changing world and it's always changing, but we've had a plan for a while. Luckily you don't have to do it that often, but a little bit more than a year ago we were using this.

John Steinbrink:

Chief, I just want to comment you and Chief Wagner and public works also with this. I can go to bed at night knowing no matter what happens the Administrator has put together a team that works together to make sure that I can sleep and other residents of the Village can sleep at night

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knowing if something happened you're there, you're organized, you'll take care of it, you'll work together and everything possible to be done. I've seen you work with other communities and I think that's very important because you maximize the resources if somebody has a big event. It's just very commendable on my part how you have done that and how you have put this all together. I just want to say thank you for that.

Chief Guilbert:

Thank you, sir.

Mike Serpe:

Things like this we put together, the Chiefs do and the staff, and very few people in the Village ever see. I echo what John said and move adoption of 06-07.

Jane Romanowski:

It looks like we need a roll call vote on this. The resolution asks for one.

Jeff Lauer:

Chief, for this hazardous anything can happen, is there testing or scenarios that you do throughout the year? Like not a real enactment, but if there was one do you go--I guess what I'm trying to say is my dad used be a lab tech, and a couple times they would call people at two in the morning and see how fast they can get there for a disaster. Do we have that in place, too, where there's kind of like a practice?

Chief Guilbert:

Absolutely. That's a very routine part of what we do. We work here and on one of the future agenda items is we work with Lake County. They have a hazardous material team. They differentiate the levels of teams. There's one here in Kenosha Fire Department and the regional team comes out of Racine and we work with all of those on a regular basis.

Jeff Lauer:

Thank you.

John Steinbrink:

Thank you, Chief.

**SERPE MOVED TO ADOPT RESOLUTION #06-07- RESOLUTION APPROVING THE KENOSHA COUNTY MITIGATION PLAN AND EMERGENCY MANAGEMENT PLAN FOR THE VILLAGE OF PLEASANT PRAIRIE; SECONDED BY LAUER; ROLL CALL VOTE – STEINBRINK – YES; TIAHNYBOK – YES; KUMORKIEWICZ – YES; LAUER – YES; SERPE – YES; MOTION CARRIED 5-0.**

**G. Consider Ordinance No. 06-01 – Ordinance to Create Chapter 165 of the Municipal Code relating to Emergency Management.**

Chief Guilbert:

Again, Mr. President, what you just voted on in F are the plans that need to utilize in the event of emergency. What Item G is is adoption of an emergency management ordinance that empowers the Board and the department heads to carry out those functions in the event of a catastrophe. When the Village ordinances were recodified it was recognized that significant revision was needed, and as the plan was revised so did we recreate an emergency management ordinance. This allows for emergency government, emergency powers, relocation of the Village offices, purchase powers, succession of leadership, all of which is addressed in this plan, again, to be used in the case of a catastrophic emergency.

Mike Serpe:

Chief, I'm looking at the emergency listings here. I'm just curious as to the City of Kenosha hasn't involved themselves with us.

Chief Guilbert:

I'm sorry?

Mike Serpe:

The City of Kenosha is not listed here as involved in this . . . the fire department or the police department. I'm just curious. You have almost everybody else in Kenosha County on this thing.

Chief Guilbert:

Are they not all inclusive in contacting Joint Services? They certainly should have been.

Mike Pollocoff:

Look under Joint Services.



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Mike Serpe:

I don't see it. Emergency government? Maybe it's here and I'm not seeing it. They're included, though, right?

Chief Guilbert:

Absolutely.

Mike Serpe:

Okay. I just don't see them listed.

Chief Guilbert:

And as we are in theirs.

**KUMORKIEWICZ MOVED TO ADOPT ORDINANCE NO. 06-01 – ORDINANCE TO CREATE CHAPTER 165 OF THE MUNICIPAL CODE RELATING TO EMERGENCY MANAGEMENT; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**H. Consider Revised Contract for Specialized Rescue Teams with Lake and McHenry Counties.**

Chief Guilbert:

Mr. President, over the years the Fire and Rescue Department evolved in addressing some special hazards that we could be asked to go and remedy. The most recognizable is the stack at the power plant, some 400 or 450 feet in height. The power plant came to us and said how would we go about getting someone off of that stack. Together they gave us a grant, we purchased the equipment, and in return we provided the personnel and the training. As we developed Prairie Springs Park and Lake Andrea we had a need for surface water rescue, ice rescue, so in the event that people that were recreating in that facility they needed help we were able to help the people that we invited to play there.

As we started to develop these special teams, we also needed assistance in the form of mutual aid as we do in our fire and rescue incidents. But at the same time Lake County, who was extremely mature, they were at this for some 20 years, they recognized what we were doing. They saw our personnel, they saw our expertise and they invited us to join with them. Since that time they've been up here for an unfortunate double drowning. It was the team that came in very rapidly and recovered the two people and attempted resuscitation. Last St. Patrick's Day on 165 we had a car into a building. The Lake County Structural Collapse Team responded up here. . . . came to that as well. So we're active members of those teams. The Village Board approved that contract in June 2003.

Why I'm here tonight is where it was all the Lake County, Illinois departments and Pleasant

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Prairie, it has now grown to include all of McHenry County, Illinois. So the resources in the pool have grown larger. I'm not going to stand before you and tell you Pleasant Prairie is going into McHenry County. That's a very remote possibility. We're broken up into regions to allow rapid response of personnel. We're certainly on in geographic proximity to McHenry County to allow that. But why I come to you tonight is now the contract has been revised to include Lake County, Illinois, McHenry County, Illinois and departments within the State of Wisconsin, in particular the Village of Pleasant Prairie. It's for that reason that you're asked to approve this revised contract.

Alex Tiahnybok:

Motion for approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Any further discussion?

Steve Kumorkiewicz:

One question I've got for the Chief. How many more communities are doing this in Wisconsin? Any other communities, Silver Lake or anybody?

Chief Guilbert:

Right now the Kenosha County Fire Chiefs are developing teams to do the same thing. What we're able to get because of our proximity to Lake County is the sharing of some full-time personnel and a more rapid response. But our neighbors now are starting to do that and that was not available to us five years ago.

Steve Kumorkiewicz:

Thank you.

**TIAHNYBOK MOVED TO APPROVE AN REVISED CONTRACT FOR SPECIALIZED RESCUE TEAMS WITH LAKE AND MCHENRY COUNTIES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**I. Consider Ordinance No. 06-02 – Ordinance to Amend the Village Zoning Ordinance to Create Section 420-124 B (121) to allow Military Museums as a permitted use in the M-2, Heavy Manufacturing District.**

Jean Werbie:

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Mr. President, in June of 2002, the Village Plan Commission had adopted Plan Commission Resolution #02-20. They did that to initiate the process to re-evaluate the manufacturing districts within the Village's zoning ordinance. The staff has been working with the Village's Attorney to re-evaluate and rewrite and restructure the manufacturing districts similar to the way the business districts are structured in the Village ordinance.

However, because of the Village's need to identify comparable locations for a military museum that we are proposing to relocate, the staff is recommending the following text amendment to the M-2, Heavy Manufacturing District, to allow for military museums including the related display, demonstration, acquisition, storage, restoration, repair, maintenance and sale of military equipment, but not including the firing of any weapons, provided that all related activities except customer and employee parking and loading be located entirely within a building as a permitted use within that particular district.

Last fall when this amendment was before the Plan Commission, there was another site that was under consideration in the Village of Pleasant Prairie, and so the next provisions that are outlined in the staff comments really had pertained to conditional provisions for a particular location or site for a military museum. Since that time there has been some discussion and rethinking with respect to that particular location.

So the ordinance you have before you this evening is more abbreviated in that it just simply allows for the military museum and it's related functions as I mentioned them to be located as a permitted use within an M-2, Heavy Manufacturing District. With that, the staff recommends approval of the ordinance as presented.

Steve Kumorkiewicz:

I have question for Jean. Jean, the . . . is going to be inside a building, is that what you mean? It's going to be indoors?

Jean Werbie:

The way the ordinance is structured any military museum that would be relocated or reconstructed in the Village would need to be entirely within that building except for the parking and loading as discussed.

Alex Tiahnybok:

Jean, what impact does this have on the current Kenosha Military Museum? Is that zoned M-2 and obviously they're not all indoors. So this changes the environment and what direct impact does it have on them?

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Jean Werbie:

Their current zoning is not M-2 at this point. So under this ordinance, under any ordinance in the Village and because of the way they have expanded on the property and such, they would not be able to have the outdoor storage or the junk yard area in the back or doing all that restoration. They would not be able to move that business as it exists today into the corporate park or any M-2 area of the Village and it can't look like it does today. It has to look more like a museum would. There would have to be a designated area, whether it's in the Village or outside of the Village, where restoration work is done if he intends to do it outside.

Mike Pollocoff:

The way our ordinances are set up right now we don't let anybody do that, whether they're a military museum or not. So the goal in this is in finding a comparable site to relocate the museum to we feel that LakeView Corporate Park offers a building, a couple buildings really, that have vacancies. They're open, they're available, they're big enough for his inventory to go inside. It enables him to operate 365 days a year regardless of the weather because people can go into it. It's close to the interstate, and it would make that an acceptable use.

The Community Development Authority has an obligation to identify sites for him to go, and these would be some of the sites that are alternatives. It's the sole decision of the property owner if that's an acceptable site. We've already acquired the museum. We own the land and the building. It's his business that needs to be relocated now. So he's got the money, does he want to spend it here or does he want to spend it someplace else that's his decision. But as far as operating an outdoor business, in his case a military museum or any kind of salvage operation, we require that be inside. That's one of the reason in Pleasant Prairie you won't see salvage yards or junk yards or anything like that because we don't permit that to be an outside use. It has to go inside.

John Steinbrink:

I'll make the motion. Do I have a second?

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Now is there any further discussion?

Jeff Lauer:

Mike, you stated there's a place where all that equipment he has out there would fit?

Mike Pollocoff:

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There's a couple places, yes.

Jeff Lauer:

Inside the building?

Mike Pollocoff:

Right.

Jeff Lauer:

And the Village owns the land anyways.

Mike Pollocoff:

We don't own the land where the sites are.

Jeff Lauer:

No, I mean where his-

Mike Pollocoff:

The Community Development Authority owns that site, yes.

Alex Tiahnybok:

Does this make-- if I understood what you said, Mike, the Community Development Authority needs to provide an acceptable alternative for the Kenosha Military Museum, and if they choose not to take us up on it then what's the next--are they in a position to be forced to vacate the site on the interstate, or what if they refuse to accept our alternative site.

Mike Pollocoff:

Our obligation under the law is to not provide an acceptable site but a comparable site. Acceptable if you have somebody acquiring your property you could find property, property, property and they say I don't accept that, but it has to be comparable. In the State of Wisconsin, the Department of Commerce has to approve that comparability study so a third party is giving it a look see.

What we've done is we've actually identified three comparable sites. If the owner decides not to accept any one of them, then at that point the Community Development Authority would seek a writ of assistance and go to court and say we've acquired the land, we've acquired the improvements on the property, we've identified comparable sites, we're going to put the money into escrow money to move the business, and we want a writ of assistance from the court if the

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owner won't move until they find a site that they like and we found a site that is comparable, then the writ of assistance would remove that business from the site similar to what we did with the adult bookstores on the interstate. So at that point the Circuit Court issues that writ of assistance.

If the owner doesn't take up our sites, if he hasn't found another site, we encourage the property owners to look for sites of their own choosing, too, it's not just the sites that we find and we're open to other sites. If they haven't done any of that, then at that point the Sheriff would order a contractor to come in and remove everything and put it in storage at the business's expense and that's it. We would take full possession of the property and raze it. That's eminent domain at its end and cruelest point if somebody hasn't participated in the process to that point. So in this case what we're doing is in order to expand the alternatives for the business is to open up our M-2 district so it's a permitted use rather than a nonpermitted use.

Steve Kumorkiewicz:

That's a better site actually.

Mike Pollocoff:

It depends. My idea of a museum is someplace where you put your artifacts in storage and they're not out in the weather. It's easier to maintain and it's easier for people to get in and go see them at any time of the year and there's no degradation of the artifacts because they're sitting outside. So we think it's a substantial improvement. Does the museum need to be on the interstate? The State says no. From a comparability standpoint it's a destination. People don't drive the road and say, oops, there's a museum and let's go. They can have signage that directs it to a museum, but businesses aren't entitled to be on the interstate. It's not an issue of comparability.

Alex Tiahnybok:

Last two questions. Have they expressed some sort of positive response in terms of us providing the zoning in an M-2 site? Have they expressed a willingness to consider that if we make M-2 an acceptable environment for this museum? Do we know that?

Mike Pollocoff:

I guess within the confines of confidential negotiations between the Authority and the property owner, it's somewhat acceptable. We're at the point it's going on three years and they're still there so that should lead you to the conclusion that the negotiations have been onerous.

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Alex Tiahnybok:

And the second question is financially if we're talking about let's say a site in the corporate park, I imagine a building that would house their current display of objects has to be in the five plus million dollar range. I don't think you're going to buy a building less expensive than that.

Mike Pollocoff:

It would be a lease. What they had before was a lease. It's a lease nonetheless. Whether or not they accept it we provided notice in 2003 and they got their notice to start identifying sites which they found some and we found some. It's really a matter of when do you come into play. From the Village's standpoint in our discussions with the owner is that a military museum isn't a salvage yard. If it's a museum why do you put your artifacts outside especially if you want people to see them. If they stay in the Village from the Authority's standpoint that's fine, but it should operate as a clean business under roof like any other business is required and not be an outside storage yard where they're cannibalized and stripped and reassembled and what have you.

Steve Kumorkiewicz:

In that case, the . . . institutional as a museum?

Mike Pollocoff:

No. It's an institutional use that's permitted in a manufacturing district. They're going to pay taxes either way. It doesn't matter.

Alex Tiahnybok:

One last question. So approving this basically just enhances their situation? There's no down side to them from this? This is just expanding their options, correct?

Mike Pollocoff:

Right. It gives them--we're opening up or making our manufacturing ordinance broader to include them, yes.

**STEINBRINK MOVED TO ADOPT ORDINANCE NO. 06-02 – ORDINANCE TO AMEND THE VILLAGE ZONING ORDINANCE TO CREATE SECTION 420-124 B (121) TO ALLOW MILITARY MUSEUMS AS A PERMITTED USE IN THE M-2, HEAVY MANUFACTURING DISTRICT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**J. Consider Refund of a Personal Property Tax levied for equipment at 9800 72<sup>nd</sup> Avenue.**

Rocco Vita:

Mr. President, in mid December Wolter Investment Company contacted our office and indicated that they made a reporting error on the personal property reporting form that they file with us every year. And as such they're asking the Board to rescind the amount of taxes due to that reporting error.

To give you some background, there is a letter I have in your packet. Wolter Investment Company has under its umbrella another firm called the Lease Truck Corporation. The Lease Truck Corporation leases forklifts, truck lifts, material and moving equipment within the various facilities within the industrial park. On the information sent to us by Wolter Investment, one of the leasees in this instance was Excel Logistics. So we assigned a value to an account for Excel Logistics. They contacted us in December and indicated that, in fact, that equipment is leased by SC Johnson, and SC Johnson and its facility reported that same amount of equipment to the Department of Revenue.

The Department of Revenue having it on their side of the books and having it on our set of the books creates a double assessment. The statutes allow for a governing Board to refund or rescind taxes in the event that a palpable error, of which a double assessment is, is created. In this instance here even though the error was made on the reporting company, Wisconsin personal property is a value and a tax levied against the failure on the furniture, fixtures and the equipment of commercial entities operating a business within a tax jurisdiction, it's self-reporting in Wisconsin, and the courts have indicated that the palpable error statute has no regard to who makes the error, but just the fact that an error was made. And if an error is made it needs to be righted.

**STEINBRINK MOVED TO REFUND THE PERSONAL PROPERTY TAX LEVIED DUE TO AN ERROR OF THE REPORTER FOR PROPERTY LOCATED AT 9800 72<sup>ND</sup> AVENUE; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**K. Approve Bartender License Applications on File.**

Mike Serpe:

Mr. Chairman, I would approve 1, 2, 3 and 5 and ask that 4 be taken out for public discussion.

Jane Romanowski:

For the record that would be Angela Bishop, Bruno Debartolo, Nicole Fredericks and Elana Ross for approve on motion by Mr. Serpe.



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John Steinbrink:

So you want to remove Gotti?

Mike Serpe:

Yes. Chief, I'd like to ask you something if I may after the motion of course. Motion for approval on four of the five.

John Steinbrink:

We have a motion. Is there a second?

Steve Kumorkiewicz:

Second.

Mike Serpe:

Chief, I have a little concern on one of the applicants whose name is Jonathan Gotti. Before I put my stamp of approval on this, there is things that he has recorded on his application and I'll read them. '03 DWI, '01 under age alcohol consumption, '02 loud music violation in Kenosha, '03 drug possession. This is expunged off my record. I have a copy from the City Judge in Kenosha that's showing it was expunged. I don't know what kind of drugs a City Judge would expunge. Before I approve something like this I think I'd like to know a little bit more about it, about the drug thing and which Judge would have expunged that for what reason.

Chief Wagner:

On February 26 of '04 he was convicted of possession of an amphetamine. The notation on that case is that, in fact, that record has been expunged but, however, typically when they expunge a record that means it's not there anymore. It's removed. This record was there. We found it. He was also convicted on April 7 of '04 of operating while intoxicated. Those are the convictions that we were able to access via the Crime Information Bureau's records. The other ones you're speaking of typically those are going to be ordinance violations. They may not be reported to the Sate and they may not be obtainable through CIB.

Mike Serpe:

He's 21 years old. I realize awful young, but I would say he's got a significant amount of police contacts and I'm curious about that expungement of that record. Before they expunge your record you're usually found guilty or you plead guilty to it and at some point in time at another date that may for whatever reason—

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Chief Wagner:

It's showing a conviction. I think he even indicated that he said he was convicted so I don't think there's any question about the conviction. The question is whether or not the matter has been expunged. If, in fact, it has been expunged by a Judge at that point then it can't be considered. So the question is has it or has it not been properly expunged.

Mike Serpe:

I'd like to have that answer. We can always approve it at the next Board meeting if the Chief comes up with a reasonable explanation as to what happens here. I would move to table Mr. Gotti until next Board meeting.

Steve Kumorkiewicz:

Second.

John Steinbrink:

We already have a motion on the table.

Mike Serpe:

That's right, we have to vote on the four approvals. Let's do that one first.

John Steinbrink:

Motion for approval of all but number four, Mr. Jonathan Gotti, correct?

Mike Serpe:

Except for him. Approval of four of the five, Gotti not being included.

**SERPE MOVED TO APPROVE THE BARTENDER LICENSE APPLICATIONS FOR BISHOP, DEBARTOLO; FREDERICKS AND ROSS; SECONDED BY KUMORKIEWICZ; MOITON CARRIED 5-0.**

Mike Serpe:

Mr. Chairman, I'd move that we table Mr. Gotti's bartender license application until the next Board meeting.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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Motion and a second. Any further discussion?

Jeff Lauer:

Just a question if I may. Jane, when we have an issue like this on here, is there, I don't know, legal terms where we can deny it based on that without the Village having any problem?

Jane Romanowski:

Mr. Serpe and I disagree on this, but according to the regulations that I have in my office, the person would have to be a habitual licensed offender like selling under age, after hours, but it would have to be a habitual license related offense before you could deny it, unless the Village would adopt stricter policies and rules and regulations which we do not have on the books. It comes down to denying somebody fair employment. Again, he disagrees with me, but from everything I've been instructed to do on my part as a Clerk and from the information I have on my desk that you have to be careful of who you deny employment to. Because they might have had a DUI doesn't mean they served somebody who—

John Steinbrink:

It's not uncommon to ask the applicant to appear before the Board either and explain.

Jane Romanowski:

You sure may.

Mike Serpe:

You can ask that applicant to appear and this Board does not have to give tacit approval to everybody who puts their name on an application.

Jane Romanowski:

But when you get into a problem is when you don't have any additional rules and regulations, so there's a lot of people that come before you that have DUI's and drug possessions that you've approved already and that's what you get.

Mike Serpe:

That's the purview of this Board.

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Jane Romanowski:

So if you want to direct--I know we go back and forth. I'm just saying if you do it for one you've got to do it for every single person that has some type of the same record and deny it and make him or her come to the Board and talk to you.

Mike Serpe:

We have a right to question this. I firmly believe and it's my opinion we have a right to deny an applicant based on a record that he submits to this Board. He has a right to come here and state his case if he wishes. I'll gladly listen to him. If there's circumstances surrounding what he did and why he did it I'll take that into consideration. But I think we do have the right to deny based on that applicant's own admission to his record.

Alex Tiahnybok:

I imagine this license is a condition of . . . Famous Dave's correct? I imagine this license is a condition of employment at Famous Dave's. This is naturally going to take--two weeks from now we have a meeting? No, it's three weeks from now.

Mike Pollocoff:

Can it be provisional, Jane?

Mike Serpe:

Let me give you a correction on this, Alex. You don't need a bartender's license to bartend, but you have to be in the company of a licensed bartender to administer those duties. So just because this guy doesn't have a license, if there is a licensed bartender working next to him he can bartend. I don't want to deny anybody the right to a gainful employment, but I sure as hell am going to be a little bit careful on who I give a municipal license to that's somebody that may not be responsible in carrying out those duties.

Jane Romanowski:

I believe he has a license in Kenosha.

Mike Serpe:

That's their problem.

Jane Romanowski:

I know. But they go on demerit points a little different than ours.

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**SERPE MOVED TO TABLE THE APPLICATION OF JOHN GOTTI TO ALLOW FURTHER REVIEW BY THE POLICE CHIEF OF MR. GOTTI'S RECORD; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**9. ADJOURNMENT.**

**TIAHNYBOK MOVED TO ADJOURN THE MEETING; SECONDED BY LAUER; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 10:20 P.M.**