

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"
9915 39th Avenue
Pleasant Prairie, WI
June 19, 2006
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, June 19, 2006. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Alex Tiahnybok, Steve Kumorkiewicz and Jeff Lauer. Trustee Serpe was excused. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Kathy Goessl, Finance Director/Treasurer and Jane Romanowski, Village Clerk.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC HEARINGS

A. Tabled - Consider construction of Storm Sewer Improvements to Chateau Eau Plaines Subdivision in the Vicinity of the East side of 112th Avenue North of 80th Street.

1) Resolution #06-25 - Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments Against Benefited Property for Construction of Storm Sewer Improvements to Chateau Eau Plaines Subdivision in the Vicinity of the East side of 112th Avenue North of 80th Street.

Mike Pollocoff:

Mr. President, this item was heard at our last Board meeting. At that time the Board directed the staff to re-evaluate the project and provide an alternative that would reduce the assessments on the is project, narrow the scope of it as far as the amount of construction and the amount of properties involved, and bring that back to the Village Board. As you recall, our previous assessment the total assessed amount was \$28,544.

In a redesign of the project we came up with a total estimate of \$13,385.18. The revised assessment schedule reflects that two property owners north of the John property, which at the last Board meeting was a property that was sitting a little bit low, had special assessments that were lump sum amounts of \$1,089 for the Beveridge and Averbeck properties. The Johnson property had an expense of \$43.44 a foot, which came to \$3,692.09. That involved installation of storm sewer across the frontage of the Johnson property.

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There's a profile sheet which doesn't reflect well on the overhead. It's not on there, but if you take a look at the profile that we've provided both residents as well as the Board to look at in order to get the Johnson property to drain and drain consistently there's the installation of storm sewer which will maintain grade, and then as you come to the driveway for Averbeck and Beveridge both, there's driveway replacement as that ditch line is lowered and it's not significant. It is I believe a foot to a half a foot in depth which would make their ditches that much deeper and then we'd have to take out the existing culvert, relower a new culvert and put it in. So the cost of the excavation and ditching is covered as part of the public works budget for drainage control. What isn't covered is ripping out and replacing driveways and culverts. We don't budget or provide that service. So that would be our estimate on that is the \$1,089.43.

So if the Board after conducting and reopening the hearing were to levy this assessment by the Resolution 06-25, you would be amending the amount of that assessment to reflect the new project cost that's estimated. Upon completion of the project we'd identify what our actual costs are. If the actual cost comes in less it will be that amount. If it's more we'd have to reopen the assessment and have another hearing. But this is a real small project. I don't see us going over it. If anything, it would come under.

The property owners would have the opportunity to decide by October 1st of this year if they're going to have the entire cost of the assessment placed as a special assessment on their property tax bill and spread over a ten year period at 9 percent of the unpaid balance, ten equal principal installments would be levied, or they could pay it off prior to the end of October with no interest expense at all.

With that we have received written correspondence which is in your packet from two of the property owners, and I don't know if they're here to also speak, as well as the third property owner. So with that, Mr. President, I'd recommend we reopen the hearing on 112th.

KUMORKIEWICZ MOVED TO REMOVE ITEM A FROM THE TABLE; SECONDED BY TIAHNYBOK; MOTION CARRIED 4-0.

John Steinbrink:

We'll open it up to public hearing. Anybody wishing to speak on this item?

Jane Romanowski:

There weren't any sign ups, Mr. President.

John Steinbrink:

Anybody wishing to speak on this item?

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Richard Averbeck:

I'm Richard Averbeck, 7941 just north of Bob. My understanding is Pat Beveridge just north of us wrote the communication to you about her concern about a deeper, wide ditch. Is that correct?

Mike Pollocoff:

As I indicated, we did receive two written correspondence that I'll read into the record after the hearing.

Richard Averbeck:

Oh, I see. The reason is we've been talking back and forth and she is not at all interested and neither are we in deepening our ditches. It would just make our situation worse and widening it. We have some trees that that would kill, too, as far as I can tell. So we're not in favor of doing this.

John Steinbrink:

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

Mike Pollocoff:

Mr. President, I have two comments that the staff received which are in your packets. One was from Melinda Averbeck, 7941 112th Avenue. Although she thanks John Steinbrink, Jr. for all his work on this storm sewer project, she and her husband and Pat Beveridge are against the project with deeper and wider ditches. It would affect her yard. We are not in favor of the project and thank you for all your hard work.

The next correspondence was received June 19th. It's addressed to John Steinbrink, Jr. This is to inform you that I'm not in favor of the storm sewer improvements as outlined in your report dated 6/19/06 for a total cost of \$13,385.18. I do not want my ditch any deeper or wider. Please do not proceed with this improvement or assessment to my property at 7935 112th Avenue, Pleasant Prairie, Wisconsin. Please confirm receipt of this fax. Signed Patricia Beveridge.

John Steinbrink:

That being read into the record, any comment or questions from Board members?

Steve Kumorkiewicz:

I took a look at the properties and I talked to Mrs. Averbeck. She's definitely against it. In my opinion also--I took a walk at the project and saw . . . in the north end of the street there are two big culverts going across to the west side . . . not a problem. Now, they are concerned about making the ditch deeper. My feeling is the best way to do it is put in a line underground to raise

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the depth of the ditches but now we need to take a second look at this. Now, the conclusion I come up with John Steinbrink, Jr. s going to be the only way that can be a solution to the problem and the cheaper way, but we have to take into consideration how many people are against it and how many people are for this project. I see that we've got two persons already. One I talked to in person who is against it. So we need to know how the rest of the six people, four more, feel about this.

Alex Tiahnybok:

Whenever there's a standing water issue as it occurred in the many go-arounds of Carol Beach Unit 2, we always drew a circle around the area that contributes to the problem, not necessarily the lowest elevation property. Water doesn't run up hill and the argument is if you live at the bottom of a hill and water flows into your property of course you've got a problem but the other people that live up the hill caused the problem or at least partially caused the problem. So I guess what I'm looking for is consistency, and we apply that rule when somebody is at the bottom of the hill or somebody is at the top of the hill contributing to a problem.

But in this case the property with the greatest amount of problem is at a higher elevation than the lower properties. So I can understand how the people at the lower elevations feel like there's no way on earth that they can be contributing to the problem with the exception of the way the properties were originally graded way back when. For me this is once again just a case of a certain number of people decided to step up and voice their opinion, and I don't see how we can do anything but vote with the majority.

John Steinbrink:

Any other comments or questions. Is that a motion for a denial?

Alex Tiahnybok:

I can make it that.

John Steinbrink:

I'll second that motion. Any other discussion on this item?

Steve Kumorkiewicz:

I'd like to hear more people from the audience talk on this issue.

Jane Romanowski:

Steve there's only three people involved in this project and two said no. This is the second time it's coming around to us as a different matter.

Alex Tiahnybok:

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Two were taken out of the assessment.

Jane Romanowski:

So there are only three people.

Steve Kumorkiewicz:

There's not much to discuss. We have one in favor and two against it. The majority rules in that case.

Alex Tiahnybok:

I just want to go on record is I feel for Mr. Johnson's situation. He's stuck at a higher elevation and yet the adjacent properties are causing some kind of trappage of water on his property so I feel for him. But I can't see penalizing people that live downhill without a problem for that.

TIAHNYBOK MOVED TO DENY RESOLUTION #06-25 - FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR CONSTRUCTION OF STORM SEWER IMPROVEMENTS TO CHATEAU EAU PLAINES SUBDIVISION IN THE VICINITY OF THE EAST SIDE OF 112TH AVENUE NORTH OF 80TH STREET; SECONDED BY STEINBRINK; MOTION CARRIED 4-0.

B. Consider Renewal of Class "A" License for Shawn's, 4417 75th Street.

Jane Romanowski:

Mr. President, this is just the last application that wasn't filed on time by Shawn Thomas for a Class A Fermented Malt Beverage License at 4417 75th Street. All building, fire and zoning inspections have been completed. Chief Wagner has reviewed the application, and the public requirements have been satisfied. I would recommend approval of this license for the licensing year July 1st through June 30th. There are no delinquencies at this time so the payment of license fees and publication fees is all he needs to pay. There were no sign ups for the public hearing.

John Steinbrink:

I'll open up the public hearing. 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 "A" LIQUOR LICENSE TO SHAWN THOMAS FOR THE PROPERTY AT 4417 75TH STREET, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY LAUER; MOTION CARRIED 4-0.

5. CITIZEN COMMENTS

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Diane Schoen:

Good evening. Diane Schoen, 6320 109th Street. I represent several people, homeowners, who are single family homeowners on a large portion of land. This is a rather complex subject, clean water, water runoff in general. I have some handouts if I may approach.

John Steinbrink:

If you want to give those to the Clerk.

Diane Schoen:

As you I'm sure you remember this is the third time you're hearing from me with regarding to the Clean Water Utility fee calculations as they apply to single family homes on larger lots. The reason for this is that I do not feel my questions were adequately addressed in the past, and your method of calculating the clean water fee does not coincide with anything else I have studied. I have taken the following steps to try to understand how Pleasant Prairie comes to the conclusion that more land generates more water runoff because everything I read says that the land slows down and absorbs a portion of the runoff from the impervious surfaces and, therefore, less runoff is contributed into the drainage basin.

The Pleasant Prairie introduction to Clean Water Utility documents were reviewed by a civil engineer who applied the algorithm contained there in to my property and others with a large amount of land in proportion to the impervious surface for their single family home. The algorithm does prove the standard model property ERU of \$1 for a single family home on approximately one-third acre with about 18 percent impervious surface. Therefore, that same equation when applied to other single family properties should also prove their monthly fee. However, when it's applied to my property with 1.73 acres, it calculates to 79 percent of the standard which translates to \$79 cents per month instead of \$3.80 I'm being charged.

For another property with 20 acres of land, this calculation equates to 72 percent of standard which translates to 72 cents instead of the \$28 being charged. I did hours of research to determine how 30 to 40 other municipalities consisting of towns, villages and cities in Wisconsin and nationally do their clean water fee calculations. All except one, which is Madison, treat all single family homes alike regardless of land area. Madison calculates a separate fee on both impervious and pervious areas but uses a much smaller fee for the pervious area. This thinking would coincide with the statement made in the hydrology textbook I read that the amount of impervious surface is one of the most important factors when determining runoff. This algorithm seems to be standard as it is found in the Federal Publication TR-55, the hydrolic engineering textbook used in engineering classes at UWM, and U.S. Soil Conversation Service as the algorithm for calculating water runoff.

Denser subdivisions are specifically designed so that rain water quickly runs off into storm sewers and goes immediately into the drainage basin because there is not land to absorb the runoff and basement backups could occur. Therefore, smaller parcel runoff goes into the storm

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water system more quickly than when it traverses over a larger parcel of land and becomes partially or wholly absorbed or evaporated. This is called initial abstraction and is a factor in the algorithm calculation.

The manner in which the clean water fee is being calculated by Pleasant Prairie assumes just the opposite and charges less the denser development areas and more to the less dense development. Rapid snow melt was previously mentioned by a Board member as a factor. The algorithm assumes a two inch rainfall which covers snow melt also. New fallen snow only contains about one percent moisture so it would take 20 inches of snow to equal two inches of rain. As the snow remains on the ground and compacts, the moisture content increases, but generally only to about 30 percent moisture. So if six inches of snow that had been on the ground for a while and compacted then suddenly melted within 24 hours it would still be within the parameters of the two inch rainfall assumption.

I also requested the spread sheet that Pleasant Prairie is using to calculate the monthly fee and received it last Tuesday. It is an Excel spreadsheet but was provided to me in PDF format making it very difficult to check how the fee is being calculated. In the small amount of time I had to try to digest this information, I also determined that I am probably missing a key linking document. It was strongly suggested to me at a previous meeting that I should file an appeal. This is very difficult when the equation in the Pleasant Prairie paperwork is apparently not the actual equation being used to calculate the fee.

My questions are: Why is the fee being calculated in a manner different than contained in the information provided to the general public and Board members, and why does it deviate from the accepted standard runoff calculation equation provided in TR-55 and numerous other sources with no explanation? If so many other municipalities are charging all single family homes alike, and in at least one case providing credits for additional land because it absorbs the water, why is Pleasant Prairie doing it differently? By applying the regression analysis to all single family homes and establishing the average of all these properties, then using those averages to apply the algorithm calculation you have already accounted for the variables such as lot size, percent of impervious area and soil type.

Water runoff is very complex and there are many variables which is why engineers have established a widely used standard formula. What other factor has Pleasant Prairie found that would result in such a large multiplier of the base fee of four, six, twenty or thirty times the standard? Also, I would like to know if I am correct in reading the fee ordinance you established on November 21st '05 that there would be an automatic increase of this clean water fee of 50 percent in one year and that it will double in two years? Thank you.

John Steinbrink:

Thank you.

Sherri Chmielecki:

Sherri Chmielecki, 11009 122nd Street, Pleasant Prairie. We live west of the Des Plaines River, and we are being charge enormous amounts of money for this clean water runoff which will never

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have anything show up as far as being improvements because all the water will run into the Des Plaines River. We also cannot figure out how you have decided how to figure out the cost of the clean water runoff. You're calculating hard surfaces, rooftops, gravel. In the county, it's acreage, farms, conservancy, all purifying water before it ever leaves to go into the Des Plaines River. And the water from the way station at 94 runs along the Wisconsin/Illinois border, and that has oil from the cars, the trucks, diesel fuel, salt from the highways, all the stuff from there, and when I talked to somebody in Pleasant Prairie they're not going to test that water either. So why are we paying enormous amounts of money for something that's never going to be done?

We've had some very big floods come through here, and the ditches, except for down in the lower part, are the only things that have water in them. So I think when you live in the County we're not having any benefits of Pleasant Prairie and there should be some kind of adjustment made. Evidently every property needs to be adjusted accordingly to what they have. I think it's very unfair and I would like to find out how it's all figured out. Thank you.

John Steinbrink:

Thank you.

Judy Juliana:

Good evening. My name is Judy Juliana, and I live at 8743 Lakeshore Drive. I'm here on Item A under new business on the parade. The Carol Beach Property Association has formed a parade committee and I am the Co-Chair. My Chair, Sandy Aguilera, is here. You were informed that we were asking for a petition tonight to have a parade to close off portions of Lakeshore Drive. Friday night we had a parade committee meeting and at this time with Sandy, my Chair, we've decided to not ask at this time to close off Lakeshore Drive for the parade to go all the way down to 108th. We want to amend that, and we want to keep it going from starting at 93rd and going all the way up to 86th Place. We've decided that right now we don't have person power to go all the way down to 108th, so we would beg your indulgence to think about considering our request for next year.

Our aim as the Carol Beach Property Association is to have an annual parade on the 4th of July in the Village. The people that attended the meeting on Friday night were really in agreement with that. We would like this to grow and become a Village wide parade. So this year we want to keep it more so towards the north and next year extend it to include more or the residences in the south end of Carol Beach. This parade basically started off a few years ago just to commemorate the 4th of July and for the children in the area to have a way of celebrating because we don't have fireworks in Carol Beach at this time. But this is something we want you to think about for next year because we will be coming back to propose that you allow us to have the parade to go down Lakeshore Drive to at least 108th. Sandy would like to address the reasons why we changed it and what our new proposed route would be for the parade.

We really want to extend our appreciation and thanks to Jane Romanowski and Jean Werbie for their help with us in supplying maps and getting us on the Village agenda for this evening. And the parade committee would like to extend an invitation to everyone here, all of the members of the Village Board and the Village Administrator and Jean Werbie to help participate in our parade on July 4th. It starts at 10 o'clock in the morning. And right now I've got a couple clowns that

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are going to be in the parade and the kids are really, really excited about it. And we hope that the enthusiasm will spread through the Village. Thank you.

Sandy Aguilera:

Good evening. Sandy Aguilera, 8724 2nd Avenue, Committee Chair for the parade. I don't want to take a long time. I just want to reiterate what Judy was saying. We appreciate being heard and having the opportunity to do this. We really do want to do the parade route as originally asked for, to do the whole Lakeshore Drive from the north end down to the south, because we really want the people to be able to participate and become more involved in our community and we've always had just the north end seemingly more involved than the south end.

We did look at how long it is and the short amount of time that we have to prepare this and also the efforts that we would be doing. At this time we did alter the route a little bit. We still hope to ask you to close off Lakeshore Drive for a portion. Our starting point we would like to make on Lakeshore Drive at 88th Street, and we would go south on Lakeshore Drive to 93rd. And at 93rd where 3rd Avenue connects we would veer to the west and to the north and to continue back up on 3rd Avenue and continue 3rd Avenue up to Lakeshore Drive again, and then continue on Lakeshore Drive over to 86th Place to the lake access. This is where we would propose to have a small ceremony. The entire amount of time we would be taking usually is about an hour and half, not much more because it's mostly the parade and just refreshments. We're going to have some little prizes and stuff for the people coming out. But if you work with us just to close that portion if that would be possible we'd appreciate it. But next year we would really like to work on some logistically way of doing this all the way down. Thank you very much.

Jane Romanowski:

We didn't have any more sign ups, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Gus Hauser:

Gus Hauser, 143 113th Street. I spoke already previously about the paving of 1st Court. I still cannot understand how you can have eight properties involved, make five driveway extensions, and still charge the other ones who do not have any access or don't need any access to their property extension of driveways from other properties. I don't see how you can make us pay for other peoples' driveways. I don't think that's quite legal. I don't think you can do that when you invoke police powers.

Another thing was our roads they originally were paved. I know you insist that was not paved. I showed you last time asphalt that came off from that road that was two inches and that was the specification at that time. Now it was two and a half inches. Now you're going to three and a half inches. Are you saying then that in ten years the two and a half inch roads they are not conforming anymore so when you tear them out people have to pay for them again? Another

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thing that I mentioned already before, whenever you make driveways as soon as--it says in the ordinance when that driveways will get redone they have to conform to Village ordinances. I saw the neighbor from me he has the driveway all the way to the lot line and it got marked to two and a half feet. The distance in the ordinance is five feet. So when that has to be redone I fully expect that the Village adheres to its own ordinances and sets the driveway to five feet. Like I say, I might have to challenge what you're doing. It's not right what you're doing. Thank you.

John Steinbrink:

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

6. VILLAGE BOARD COMMENTS

Alex Tiahnybok:

The comments on Mr. Hauser's statements. I think we touched on this at the last meeting when this was approved, but Mike can you just from a percentage basis, and I think we touched on this, but just to confirm the driveway extensions, and I know you don't have this information with you so just ballpark, but the driveway extensions what percentage of the total project cost do those five driveway extensions represent?

Mike Pollocoff:

John, do you have an idea.

John Steinbrink, Jr.:

Maybe five percent

Mike Pollocoff:

At the very most.

Alex Tiahnybok:

Of the total project. Where I was driving with this if it was a significant part of the total project I would have absolutely been in favor of trying to modify the plan to account for those people that aren't benefited by driveway extensions. But if it's even up to five percent it's a small part of the entire project. My other comments are going to be related to the previous citizens' comments.

John Steinbrink:

On the parade you said you were going to end up at the park before and now you're stopping a little shorter. Are you still going to head down to the park for the festivities? I can ask you that question when the item comes up, too, I guess. I'll wait until then.

(Inaudible)

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John Steinbrink:

We'll cover that when we come to that item. Any other comments or questions?

Jeff Lauer:

This might be covered later. I know it's on the agenda about the clean water, but I've tried to find some . . . and it's kind of difficult to find this answer. But maybe we can look into if, I guess I'd use the word legally possible since there definitely seems to be problems with acreage paying a hefty price for this, to see if maybe the plan could be modified based on area or acreage of some sort. Again, I don't know if that's a legal thing or if it has to be all the same for everybody, but you can probably answer that later in the discussion.

Mike Pollocoff:

To address your question, this plan has seen a significant amount of time before the Board before it was adopted, through adoption, and consequently after. The Board can change it. It's pretty similar with all facets of public finance how you want to cut the pie and who you want to have pay it and what logic you want to use to justify that. We've come up with a methodology and I think that Bob can explain how we've come up with that again and maybe have everybody look at that. I'd probably with the indulgence of the Board recommend that we take the item on storm water and move it up to the front of the agenda because we have some people here. That seems to be the subject of interest right now. Make sure it gets a good hearing and be able to talk about it. I'd recommend we move the item on the clean water utility up to the top of the agenda is the Board is inclined.

Jane Romanowski:

Before the parade? The parade is first.

Mike Pollocoff:

I'd recommend to the top but whatever the Board wants.

John Steinbrink:

Do we have such a motion? Let's move it up ahead of Item A.

KUMORKIEWICZ MOVED TO CONSIDER ITEM G AT THIS TIME; SECONDED BY LAUER; MOTION CARRIED 3-1 WITH TIAHNYBOK DISSENTING.

--:

Could you repeat the motion? We didn't even hear what the motion was.

John Steinbrink:

The motion was to move Item G because there's people here that are interested in it and discussed it at citizens' comments. We're moving it up ahead of Item A so we can deal with it faster and people that are here will have a chance to see what's going on with it here. And if there were questions we'd wish that people would give a call to the engineer and maybe sit down with him and you could get some of the discrepancies or misunderstandings or whatever it is sorted out ahead of time which would allow you to talk one on one and sit down at a table with the engineer and go over those things. But we are going to move Item G up ahead of Item A. So we'll go back now to Village Board comments. Any further comments? Hearing none, we'll close Village Board comments and move onto Item 7.

7. CORRESPONDENCE

A. Petition for paving 9th Court north of 115th Street.

Mike Pollocoff:

Mr. President, we received a petition requesting that the Village consider paving an area from Andy Klabunde, requesting that the Village pave 9th Court in Carol Beach Unit #1. We've indicated to him what our estimate of the project cost would be which would be \$1,600 to \$1,800 per household. He indicated everyone was in agreement. There's a petition on the back of the letter of those who signed it. I'd request that the Village Clerk be directed to prepare a resolution of notice of intent to levy special assessment and have that published and conduct a hearing.

TIAHNYBOK MOVED TO SET THE 9TH COURT PAVING PETITON FOR A PUBLIC HEARING; SECONDED BY LAUER; MOTION CARRIED 4-0.

8. NEW BUSINESS

G. Third Review of the Clean Water Utility Rate Structure.

Bob Martin:

Mr. President and Board members, I'd like to say from the offset that the handout that you just received those are exactly what are used in the model and they're part of TR-55 which the Village has adopted, and that's how the fees are calculated principally off these equations. That was the whole issue I think from the onset to make sure that they were fair and equitable because of the diversity and the property land sizes are so diverse throughout the Village. That was recognized from the onset. The number of different land conditions and so on are all taken into account, and that is TR-55. That's exactly when plans come in for subdivisions or whatever it's checked by the same thing. So I just wanted to mention that to begin with.

The initial request was to look at properties for 20 acres. We looked at properties between 15 and 25 acres, because we did a query of our information and turned up with 20 properties. So we can make some comparisons and give some examples. The municipalities that were looked at were Pleasant Prairie, Madison, Eau Claire and Appleton, although there are a number of communities, as mentioned earlier, that charge flat fees. Glendale charges \$42 a year. Cudahy charges \$48 a

year for single family. Eau Claire charged \$47. Oshkosh is \$29.52, and they still have some ERU's that are built into that. So each one can be a little bit different. Fitchburg is \$52.20 per year. Wauwatosa is \$42 per year. Appleton \$71 per year and West Allis is \$56.04.

Mt. Pleasant has added a whole new different twist. I didn't include it in this comparison, but they actually levy against the property so it's based on value. And I don't see any relevance between water runoff and the value of your property. I think the example I've given in the past is you could have a ranch home and you could have a hotel that essentially are the same roof size, but if you look at the value obviously the hotel is many more times more valuable, so in my mind there is absolutely no relevance between property value. But that's a method that's out there.

A comment on some of the fee charge methodologies. I mentioned earlier that Appleton charges a flat fee for residential, but then they go to impervious area for commercial and industrial so they've got a mixture. Again, it's another way to do things. I'm not sure how that is quite honestly fair, because you're really mixing two methodologies. Madison charges for pervious and impervious areas, and you'll see further along in the presentation that they get to have some pretty high fees, but they don't take into account some of the land cover that we do. Again, that's another component to ours that tries to bring more equality into the charge. Eau Claire charges a flat fee for residential, and then they include or use ERU's and use impervious areas on commercial and industrial also.

The Village, again, charges for impervious and pervious areas, but we take into account all the different land cover such as meadows and such as woods. We can look at orchards, and that's all part of TR-55. We can go in there and use the values for each one of those land covers so there is a standardization to the method. The one thing that we do that I haven't seen other people use is that composite runoff number which takes meadows and it takes woods and it takes orchards and it takes those numbers and it averages them based on the area that each type of cover the amount, and there's an example that gives you a better illustration of that. So, again, that's to bring more fairness and equity of the type of property. If you have a well groomed piece of property, manicured lawn for 20 acres, you are going to pay more than if you have 15 acres of brush on it for example or 10 acres of woods.

We use a standardization for impervious area for driveways and we use 750 square foot and that's across the Board for all residential. You'll see in some of the examples that some of the larger properties have driveways maybe ten times that amount, but for us to keep track of that and add on and start calling it whether it's gravel or concrete or asphalt that became--it could be done but it just added a lot of work for something that probably--I'm not sure how significant it would be. It could be very significant for some properties with a lot of paved surface. In the case of Appleton and Eau Claire where they charge for impervious surface that's what they do. So they don't take into account the other type of land cover, but they do look at impervious area. So you could have a very large area that's more in driveway than your actual house.

One thing we do not do is charge for ponds or wetlands and ag is exempt. So what that kind of does is to look at the entire piece of property. And theoretically if you had a 20 acre parcel and you had 19 2/3 acres you'd pay a dollar because that would be exempt. Or, a combination of ponds or wetlands or ag and there's some examples in the back and I'll show those also.

Again, we looked at those properties between 15 and 25 acres and produced a total of 20 for comparison sake. If you look at the chart, the 20 properties are along the bottom and the cost per month are for the different ones. Eau Claire you can see is the blue line. Madison is the higher rates. You can see how they really vary up and down. You'll notice that the Village is probably while it's above the flat rates for these properties and these 20 properties only, Madison doesn't take into account some things so they're much higher than we are in most cases, and you'll see they come close in a couple other cases and there's reasons for all of this and we'll get into that. And the Village is fairly moderate along those. Again, it depends a lot on the land cover.

So to go back to what I had stated earlier, to look at more comparable charges between what the Village has I added in a 150 foot by 12 foot driveway. Again, there's parcels with many more times that, but when you look at the chart of the fee comparisons, you really don't see a big difference. However, in the case of Madison it's about \$2 a month which is twice what the majority of the residents are paying here. I want to point out this is one property. So if you go up and down those are the two flat fee, this is the Village and that's Madison. So that property compares and so on across.

When you look at a comparison Madison does charge every one of their properties higher than ours. Appleton three are higher, 17 are lower, and nearly an equal comparison with Eau Claire. But those are the flat fee. Again, I just want to point out that that's for these 20 properties. When we look at a little more in depth information about each one of those properties you'll notice that up here we have wetlands, ponds, ag, brush, meadows and these are woods. This block in yellow is how we actually break up all the larger parcels that have any one of those components. And you'll see that there may be in this case no wetlands, no ponds, no ag, and there's woods and brush. That actually when we get back into an example or so we'll see how that helps and is more favorable to the charge.

You'll notice that some of these properties here's 15 to 25 acres. Those are the 20 parcels. You'll notice that some of these are very large impervious areas. Up here we have nearly 12,000 square feet. And if you come across they have 48,482 square feet in wetlands. And they've got a little small ag in there. They've got some brush, 11,400 approximately. In meadows they have 301,541 square feet. When you look at the fees, you'll see that this very large parcel is paying \$14 a month, where by comparison the flat fee is \$3.44 and \$4.50. And for Madison it's nearly \$86.00. But, again, going back to the impervious surface it's very, very large. That's where all these things balance when you use the methodology that we've employed.

The runoff numbers for residential units, many people that use ERU's use some kind of standard, and these are given in TR-55 as well. A quarter of an acre is typically 38 percent impervious, and we have a runoff number, a CN number, of 83. A third of an acre is 30 percent impervious and 81. We actually calculate that number so you get credit one way or the other. So if you're higher than that or lower than that we'd then use a standard. We'd use it based on the actual assessing records that give impervious area and the size of the lot. So these numbers that a lot of people will just pick a number and you'll see that in many of the rates, and they use the standard, so they could be way off.

If we could go to the next slide. On the curve runoff numbers that I mentioned earlier, you'll

notice that these are pretty important in most situations where you have very large properties with many types of land cover on it. So if you have a meadow, the runoff number is 71. If you have woods TR-55 gives three values for woods. You can have a poor condition of woods where you'd have more runoff, higher number; you could have a fair condition of woods or you could have a very good condition of woods where there's less runoff, so you can see there's a pretty big different between 82 and 72 on woods. What we did in the model was to take and give everyone the benefit of the doubt without going out and having to research every property as to the condition, because that is somewhat subjective, and we gave everyone a 72 if they had woods on their property. So we didn't want to get into that argument whether it's good, fair or poor.

The same thing with brush. You can see that those vary. The runoff number of poor brush is 77 and for good brush it's 70. Again, 70 is what's used in the model. These are all values for hydrologic soil group C, and that's even a variable that we can change within the model itself so it's very flexible.

As an example of that, if we had a property that had 25 acres and it was made up of 5 acres of wetlands, 10 acres of meadows, two and a half acres of woods, seven and a half acres of brush, since it has 5 acres of wetlands that reduces the gross area down to 20 acres automatically. So we're working on a net. If it had some ag the ag would be deducted from that. If there were a pond on that property that would be deducted. And you can argue some ponds the amount of water that goes in comes out of them and that's not true for all ponds. We didn't want to get in that argument either so we gave credit for all that.

So what happens with the CN composite runoff number is that you take the number of acres times the CN value and you add all of those up and divide it by the total acres and you'll see that you end up with in this case 70.75. That's, again what the model does. So it takes into account all those land covers. And it's trying to compensate for everybody's different condition throughout the Village. Again, from the onset that was recognized. We knew that we had any number of properties size wise.

And this works on the other end of the spectrum where you have very small properties that also receive a value because they're not paying an average. In the first example this one is 19.3 acres that has just under 2,000 square feet impervious area and the fee for the clean water is \$16.11 plus a 25 cent per month. The 25 cent per month is a quarter for every parcel. It doesn't go up or down based on size. So that's one of those things that it does take a lot more to keep track of these types of properties than it does a single family residential.

People that use flat rates very typically are established communities with lots in blocks that don't have such a wide variety of these types of properties. And so in many cases it may be perfectly legitimate to use a flat rate because it probably does fairly assess the conditions of most of those properties. If you look at the rest of those rates, \$16.36 for the Village, \$3.44, \$4.50, but again if you look at the number of conditions that are on that property those are all taken into account and shown on that spreadsheet. So that's why that value for the Village is significantly less than Madison but it does take into account the whole parcel.

On example number 2, we have 25 acres and because of the wetlands, ponds and whatever else, ag, that may be on there, there's only just under 11 acres of net property that's being charged. So

the entire 25 acres is not being charged. If you look at the impervious surface it's just under 13,600 square feet. And for municipalities that charge strictly on impervious surface our bill in this case is \$20.84 total. But looking at Madison again it's just under \$57.

The third example we looked at was just under 22 acres, the net area just under 20.5 acres. There's 23,500 square feet of impervious area, and that alone is ten times what, or thereabouts, a single family residential impervious area would be regardless of land size. So the model does take that into account again. And you can see that although we're second Madison again doesn't account for that. That's really the big difference. That's really the point of these examples. That's a huge impervious area. If it were a dollar per 2,500 square feet you can see where that goes.

Number 4, 18.7 acres for the gross and they're just under 8 acres for the net. That, again, takes into consideration ag lands or ponds on there. There's going to be probably in this case some wetlands, and those are taken out of the gross and you end up with a net amount that's being charged. I have not seen another system that does that. Again, it's for strictly the purpose of trying to be fair and equitable for our properties. A little over 3,200 square feet and the charge is \$11.03 for the Village, \$3.44 for Eau Claire, Appleton at \$4.50 and \$38.40 for Madison.

So I think the composite runoff that's used, the composite runoff method kind of takes out those high charges that Madison brings to the table. Then when you look at the flat fees, if you were to raise the rates, if you took a flat fee across the board, we have right now between zero and 50 cents, we have 750 residents that are 13.5 percent of the total makeup of our residents that are being charged. So you can see that a flat rate would be around \$2.50 in round numbers if you apply that across the board, so you'd increase those 750 accounts by about 500 percent. For 50 cents to a dollar we have just under 1,600 which represent 28 percent of the residents, and combined with the first group is just under 42 percent, you would increase those by just around 250 percent. When we get up to \$1 or \$1.50 we have 1,727. They make up 31 percent total residential makeup and cumulatively just under 73 percent. And so those people would be increased. From \$1.50 to \$2 there's 28 residents which make up about 9.5 percent and cumulatively 82 percent of the total you would raise those people slightly also.

Then you go down the line so you can see where between \$2 and \$3 that's another 10 percent and that's probably split in the middle who would be in and who would be out. The impact or the increase wouldn't be that significant to those people. But as you go down you can see that there's a very small number by comparison of who is being charged on this basis. Again, I think there's fairness on both sides of this. That zero to 50 cents are for those people with very modest residences, and there's 750 of those totally, and if you look at it from the bottom going up, you can add it up there but you can go up to the \$3 to \$5 range and from there on down doesn't make up even that first group.

Although we have had calls, I would say that it's been very modest. I'd want to say two dozen at the very most that we've had calls. I think every time that we've been able to sit down and go through the facts with the people, nobody likes getting a bill, me included, but when we have sat down and gone through the program and explained to them how it was derived and what's involved, I think most people were satisfied that we're treating everyone fairly.

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So in summary I think one of the key issues for the billing is the composite CN values used by the Village because of the diversity of the properties, and that those favorable CN's are more and most beneficial to the large properties because that's really where they come into play. It's not the average residential unit. Typical driveways do give a break in this case to the larger properties already because most of them I would say could have many more times impervious area than we're actually giving or charging for since we're using that average of 750 and that's just an average residential period. So for that it's a constant. Ponds, wetlands and ags are not charged so we do on the larger parcels, again, give those credits and reduce the gross area to a chargeable net area. With that I'll take any questions.

Mike Pollocoff:

I might add, Bob, before you start that I agree with you. Ms. Schoen made a rather thorough presentation, but as Bob indicated what she indicated we're not using is, in fact, what we do use. That's the model that we based ours on. It's the standard model that the Village has used in evaluating every storm sewer system. For the last 20 years it's been approved or considered by the Village.

Her last comment are we going to increase rates by 50 percent and then double that in the following year, during the budgetary process the staff was requested to identify what level of funding is required to carry out a certain number of storm water projects that are sitting on hold, and that method was one way of doing that. What I indicated to the Board then and I'll indicate to the Board again in this coming budget cycle is the list of project remains, but every year the Board is responsible for setting the rate for that utility based on what it perceives the Village's residents' ability to pay or willingness to pay, your willingness to levy that charge, what projects you're not willing to do or not willing to fund over and above what the federal mandate is which is what we have to accomplish no matter what. And that's what this has started to do. So that 50 percent and doubling was a scenario that the Board asked the staff to prepare in order to evaluate what it would take to fund projects. At the end of the day in the budget process the Board decided to exclude those projects in the budget of the storm water utility and they aren't included. One of the reasons we had the storm water utility meeting tonight where for a storm water project we had no money in the pot to do anything with because that's not funded.

We started on this probably three years ago to get going on it, and the concept at the time was to treat the creation of storm water utility and be able to do this in such a way that it would operate like the water utility. Your charge would be based on what you use. The same thing with the sewer utility. It's the utility . . . impact on what that utility has to account for as far as what water gets treated and the conveyance of it is based on area. As Board members you sat in front of many, many storm water hearings, and the largest bone of contention is either I'm getting all the water, I'm not sending any water, how much water is coming from this parcel, how much water is coming from that farm, how much water is coming from the street. It's an important question because it directly impacts the cost of the storm water improvement.

So the Village put together a model and a program that is based, one, on the technology that we were able to bring to bear that a lot of the communities I think probably with the exception of Madison and a few other ones aren't able to do where we identified what is on those specific

parcels. Bob showed you four maps and each one of those maps down to the square foot we're taking a look at what is on that parcel, what's impervious, what's meadow, what's wetland, what's a pond, whatever, and then those charges are based on that. At our last meeting Trustee Tiahnybok asked what's a 20 acre parcel? Tell us which 20 acre parcel you want because every single parcel is different because every single parcel is different. It goes back to why we did this.

Pleasant Prairie isn't like Forest Park where you have a pretty standard lot size and a grid pattern of streets. It's all over. Not too many parcels are alike. A lot of them are different. And that's the direction that the staff was given and I think that's what we've delivered is a model that takes each individual parcel and evaluates it based on its individual characteristics and how those characteristics impact storm water drainage, and we're using the TR-55 method to accomplish that and to account for it. If you want to take and have it be simplistic and easy, and you still need to raise a certain amount of money to meet our federal mandate, what we need to do is bring the rate up so we can bring up the lower units to account for the higher units. What I said before it's cutting the pie that's really what it is. If you want to have a flat rate, we're not going to look at what the individual characteristics are of parcels. We're just going to say we're making it simple so everybody has the same rate. But in all actuality not everybody has the same lot.

We also made the conscious decision that we said we're not going to take the manufacturing and commercial or institutional uses in the Village and make them pay for shortfalls. If we give a discount to residential users, we're not going to fund that discount by increasing the charge to the manufacturing and commercial users because they're paying a lot more than what they would have paid before. There are the tax exempt users which weren't paying anything before that are now paying their fair share based again on whatever the makeup of their parcel is.

As we prepared the ordinance that the Board considered last year in adopting the utility, our counsel felt we had one of the best ones around as far as making sure that we equitably treated everybody based on what they brought to the table and what kind of lot they are presenting to the Village to base this charge on. We probably spend the better part of a year and a half getting that work done and getting in such a way that it's verifiable, that we can explain it to somebody when they come in, we can show them how we came up with that charge. As Bob indicated, nobody likes being charged for anything including all of us sitting here at the dais. But I feel very comfortable that based on all the information we have this is the most equitable charge. If somebody has information that's different than what we have similar to when assessed values are determined, we take that information and it is what it is. If they have less impervious area, they have more pond, they have more wetland or whatever it is, we'll look at that and adjust the model accordingly.

I do encourage people--this is not a subject that people are usually thinking about when they're sitting on the patio and going through, and if they have a lot of questions I encourage them to call me, they can call Bob or John Jr. or anybody at public works and we'll set up a time where they can come in and we'll show them how we calculate out their lot if that's a concern for them or their neighbors or other lots in the Village. I think that's how we got to where we're at. Again, if there are any questions of the staff we'd be glad to answer them.

John Steinbrink:

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Bob, anything further add?

Bob Martin:

I think that most of the communities that we had talked to in recent months we talked about the problems that they had and we talked about their charges versus our charges, and I would say to a person that I talked to at least most of the people would have had or done our method could they? And having the GIS . . . which a lot of people aren't there yet, and that's certainly a key in making this more simplistic for records and so on. So I think that most of the technical staff that I talked to liked it because it's very defensible. It does apply a standard. They just weren't able to for a number of reasons either technically or, again, some communities are of the nature that the older communities that are lots and blocks they're pretty standard and then you're kind of splitting hairs in those situations wouldn't be worth the cost.

John Steinbrink:

Comments or questions from Board members?

Alex Tiahnybok:

Mike, I've got to say the most brilliant thing I've ever heard you say is you charge people based on what they use. I think we should apply that concept to a lot of things. I've got a lot, a lot of questions, a lot of troubles with this matter. I find it interesting that the best example that we could come up with to justify the saw tooth pattern that we have compared to Madison is that we're comparing ourselves to Madison. Not that long ago somebody up here said there's Madison and everything outside of Madison is called reality. And comparing ourselves to Madison I find really, really interesting. With that said, I recognize that this isn't simple, and maybe Eau Claire's method and Appleton's method of setting a flat rate doesn't account for everything, and I'm absolutely prepared to recognize that. But, again, to compare ourselves to Madison and feel good about it I'm really troubled by that.

In terms of large parcels, and that's where this thing gets out of whack because acreage kind of drives the number in the end, how many 15 to 20 acre parcels are there in Madison? I would like to know if there's any one person or any one residential owner in Madison that has \$106.97 a month clean water utility. That's bigger than most people pay for most of their utilities. This is something that's not really tangible. It's not electricity. It's not fresh water. It's not sewer. It's something that I think most people kind of don't view as something being real tangible related to flushing a toilet or something like that. I'd be shocked to find out if somebody is paying \$107 a month for a residential property in the City limits of Madison.

In terms of fairness, I believe there's got to be a connection between land area and pricing of this system. Again, I don't know if \$28 which is the example that I always use because that's the example that was brought to my attention, I don't know if \$28 is a maximum number that we have in Pleasant Prairie or not for a residential property. But just looking at your chart, the one that showed the cumulative value of the--that one right there, at the above \$10 per month rate the total of those three categories adds up to 1.34 percent. I believe in fairness and I certainly

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wouldn't want to see this linked to property values, but at the same time nailing somebody with whether it's a \$28 bill or somebody is paying \$107 a month in Madison I find ridiculous for this. Again, it's a larger bill than a lot of people have for a lot of the things that they rely on and clean water is not one of them.

So at a very minimum I don't think we should mess with the formula. I certainly don't think we should relax the system in terms of commercial concerns. People live in their homes and their homes are an expense. Companies and businesses are there to make a profit. I'm not looking for any relief in that regard, but at a minimum I would like to see a cap or something put on residential parcels, whether it's at the \$10 a month level or \$5 a month level. We're talking either 1.34 percent or 3.3 percent of the total money generated comes from those three or four categories. I think that would be a huge benefit and would be a big relief to the people that are getting hurt the most by this. Once again, the idea of charging people for what they use I think I'd like to see us do that more often.

John Steinbrink:

What are you suggesting I guess?

Alex Tiahnybok:

I don't know if we're ready for a motion but I'd like to see us put a cap on the residential charge.

John Steinbrink:

You do understand this is a federal mandate? We have to come up with X amount of dollars. You can put all the caps you want and you're going to raise everybody's rates accordingly so you come up with X amount of dollars. Once again, we didn't come up with this concept. This is put upon us as a mandate. Washington isn't here today and we can't ask them why or whatever, but

we have to do this. This is one of the jobs we have to do here. We don't like charging people for sewers, streets, water, all the good things this job entails, but this is part of this job is standing up and doing what we're asked to do and doing it. It's called biting the bullet I guess.

Now, we have several people here that are concerned about the rates, and I've seen some of these people in Menard's and around. How many of you have come in and questioned your thing with the Village and sat down with Bob? Coming in and talking to somebody at the counter is not going to get you anywhere. You need to sit down with Bob, Mike or John and compare it and go through the overhead and then we can look at your parcel and see whether you're being fairly determined under this calculation.

(From the audience)--:

We did . . . and he told me he says we can . . . right here . . . but I can show you . . .

John Steinbrink:

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So you sat down with Bob and he told you that?

(From the audience)--:

I'm sorry I forget his name all the time. He came to the property and we talked for an hour and a half and he told me I guess we could charge more because you don't have a wetland. But they didn't say anything about . . . then he said you can put another house on this property. I'm conservancy. I'm not residential

John Steinbrink:

I can't get into a back and forth debate on this. Let Bob respond here a minute.

Bob Martin:

I'd be happy to sit down with anybody. I'm familiar a little bit with Dave. We go over those. Dave will generally point out the facts and I've never heard him threaten anyone to be honest. I'd like to go back and just go back over these. Here's the annual fees from the flat fee municipalities. Glendale is \$42. Ours in general is \$12. Cudahy is \$48. Eau Claire is \$47. Oshkosh is \$29.52. Fitchburg is \$52. Wauwatosa is \$42. Appleton is \$71 and West Allis is \$56. Ours is \$12. And when you look at the impact we have 13 customers in that range, 13 total out of nearly 9,000 parcels.

Alex Tiahnybok:

Bob, you're comparing month and annual.

Bob Martin:

But somebody else is going to get less on the opposite end. That's the point of the presentation. Those parcels were from Pleasant Prairie. It doesn't matter if they're in Madison. They would be charged based on their fee structure. That was the point of the composite CN to show how much more fairly we treat parcels that are larger because we take more into account. They didn't take any of those things into account. That was the point. It wasn't the point that--regardless of the magnitude I should have put XYZ and examples, but it was our parcels in the community based on our way of billing with some other comparisons.

When you say it isn't fair there were two flat fees that showed well below ours and one above ours. But on balance I think you have to look at other communities that charge impervious and pervious because that's an acceptable method. Flat fee probably isn't fair overall unless you're in a community, as I mentioned earlier, that has lots and blocks and everybody is pretty standardized. I mean that was really the point I think of the presentation, to show where we are in comparison and ours is overall fairer than communities then go back to Mt. Pleasant that charges on property value. So many methods. In my opinion I think ours is as fair or fairer than any out

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there.

Mike Pollocoff:

I also might say when we started looking at who to compare ourselves we didn't apply a political litmus test as to the nature of the community. We basically looked at who's got an ordinance on the books and who is dealing with it. We could have followed the City of Kenosha. That was a choice that the Board had at the budget period and do it the way Kenosha does and just raise taxes by whatever that amount is to pay for the storm water utility. That was in this last budget and the two previous budget sessions we decided that a storm water utility and given the nature of the Village with the different parcels that looking at what the impact of what storm water is and the parcels would be the way to do it. This isn't like public works or police or fire where that's based on a general levy where it's based on the value of your property. And the constitution of the State says you're going to base that assessment on those properties equitably and that's how it's going to go. Those aren't utilities. We've specifically structured this as a utility versus making it a general fund item.

If the Board wants to just arbitrarily say we'll give everybody a discount if you have a big lot, that certainly is within the prerogative as long as we--we're at the point now where this is budgeted at we have to adjust rates for everybody so we have the same dollars at the end of the day that we need to accomplish the things we have to do to meet our State mandate. The thing is you can't generalize over every parcel.

Somebody has got a 20 acre parcel that is all grass, mowed, one house on it, there's a couple things I can tell you. One of the biggest runoffs we have is from the cemetery. You get water running off that grass area it runs off quicker than it does any of those other areas that Bob identified. You're telling somebody who has something which I believe would be a significant value, a 20 acre parcel that could be developed, we're not going to bill you as though you've got something of value. We'll pretend it isn't of value because that cost might be too big, and the Village will carry that until such time as you're ready to develop it. That's the logic and equity I think that the Village has to deal with. Are we going to take and tell someone who has got large parcels of land that other things could happen on there that they're not going to have to bear the cost of having that large parcel, that the rest of the Village will hold that for you while you wait to develop your property. If someone does have no wetlands, no brush, no woods, no ponds, nothing that's going to give them some of those discounts on the storm water, that it's perfectly ready to go, they do truly have a valuable piece of property that is under the TR-55 method generating water at a greater rate than someone who is living on a 6,000 square foot lot or someone who has a 20 acre parcel that's half wetland, part woods, part brush.

To me the logic is either we say we want to buy into--we're going to evaluate each lot as to what it is, or we're going to artificially--we'll set a political rate with what we think everybody can live with and run with that. If you're going to cap it you've got to be willing to take the discount that's given in the cap and have everybody else pick it up. You're going back--there's only one place to get the money and that's from the people that are in the pool.

Steve Kumorkiewicz:

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You brought up an issue of tax exempt properties on the tax roll. Now, what happened with the non taxable property, exempt property don't pay anything.

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

The residential is going to have to pick up that part that is exempted. We are here and we are already paying for

Mike Pollocoff:

That's why the Board directed that we treat it as a utility so that taxes and property, which we have a lot of tax exempt property in the Village, a billion dollars worth of tax exempt property in the Village would be subject to the charge. Because otherwise you could take the power plant, the cemetery, some of these entities that do generate a lot of storm water runoff and they weren't paying anything towards it and now they pay their fair share.

Steve Kumorkiewicz:

We'd have to subsidize them otherwise. So to me the rate actually does what it does. If we put a cap in that in complying with the federal act we have to set it up to get so much money.

Mike Pollocoff:

Only if you put the cap on and you say we're not going to collect more money then you're going to do less work or you're going to do something to cut back what you have to do. The budget that was funded by the Board did not provide for I think the minimal was \$10,000 or \$20,000 worth of work on storm sewers, and that's maintenance work. That's not new storm sewers. That's fixing what we have.

Alex Tiahnybok:

How would a cap of \$10 let's say, and I'm just pulling that number out because it looks like a real natural break point based on the cost per month, how would a cap of \$10 be a violation of the federal mandate when Appleton and Eau Claire have flat rates across the Board regardless of what property it is?

Mike Pollocoff:

It's not a violation of the federal mandate, only if you don't collect the money. If you want to put a cap on then you have to raise the rates for everybody else.

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John Steinbrink:

. . . and they have more parcels.

Mike Pollocoff:

That's why it's really hard to compare cities to cities to cities. If you can find another community that's 34 square miles with diverse housing, you're not going to see that in Appleton. You're probably not going to see it in Madison. You're not going to see it in West Allis. You're not going to see it in the other examples because we're a 15 year old Village that was a Township. I think what the thought process is, is how do you want to charge for this expense we have? If you want to make it flat rate irregardless of what's going on with your parcel, then you do it that way. If you want to have it based on what your parcel contributes to storm water then this is the way to do it. To me that's the first policy question that you need to have. And if you want to say half of you we're going to bill based on what you really have and half or part we're just going to set a cap for you, you can do that, too. Just be willing to take the discount you give them and spread it across the rest of the base.

Alex Tiahnybok:

It's 1.34 percent.

Mike Pollocoff:

It's your call.

Alex Tiahnybok:

That's actually on numbers. That's on number of accounts. That actually is not 1.34 percent based on money collected, right?

Bob Martin:

I'm sorry?

Alex Tiahnybok:

The percent of total in the fourth column if you add up the \$10 to \$25, the \$25 to \$50, and the \$50 to \$100 per month, those three categories the cumulative percent of total is 1.34 percent, right?

Mike Pollocoff:

Yes.

Alex Tiahnybok:

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But then that's based on units, on number of accounts.

Bob Martin:

That's ours.

Steve Kumorkiewicz:

It's 74 accounts.

Alex Tiahnybok:

Yeah, its 74 accounts, but those accounts actually generate more than 1.34 percent of the dollars because they're the heavily billed properties. So if you took an average, and not to make this overly complicated, but if you took the average of the \$10 to \$25 range and then you multiply that times 61 then you would get a cumulative number in dollars and not in number of residential accounts.

Bob Martin:

It's the number of accounts as compared with the total accounts. Because the thing about our charging system is it's not 50 cents. It could be 51 cents or it could be 48 cents or 25 cents. So there's anything in between. But categorically that's what those are.

Steve Kumorkiewicz:

I think it's fair where it is. In my opinion it's fair . . . including it on the tax bill to me is not sensible and with our formula and I'm pretty sure the rest of the communities in Kenosha County are going to adopt-

John Steinbrink:

I think I'd like to see the folks with the concerns sit down with Mike or Bob or John and go through their parcels to get a clear understanding of what and how they're being charged so that we're actually comparing apples to apples here instead of thinking we're going with a rate. There are a lot of different perceptions here unfortunately, and it is complex, but we've tried to make it as simple as possible. But everybody has a different definition or a different way of perceiving it. So if we could go through those folks first I think that would tell us or at least explain to those folks why they're getting the charge they're getting and if their charge is correct rather than just sit here and argue about something. We don't know if it's right or wrong. We presume it's right by our calculations by using the mapping and the system we have. But to just complain about it and sit in the dark and not bring it forward we don't get an answer to the problem or the question. So let's sit down, look at it and see what's happening.

Mike Pollocoff:

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We're always willing to do that. Call and make an appointment and we'll clear the deck and sit down with anybody that wants to come in. I think the policy question that the Board has to make is how do you want to do this? Do you want to set a flat rate? Do you want to just set an upset number. If it's nobody should ever have to pay more than \$10 for storm water a month, or you shouldn't have to pay what your parcel actually is until you get so big then you get a discount. We can prepare a model that's going to do a lot of different things, but if the Board wants to have it be based--our last direction was that it be based on your impact, you as a parcel, your impact on the storm water system. Unless it gets to be too big then you need to redefine the patterns for us. If you want it to be simple, Diane Schoen indicated everybody should pay the same, tell us that and we'll rework that number and average it out across every parcel. So a 6,000 square foot parcel pays the same as a 40,000 square foot parcel.

There's a number of different ways to allocate out the resources and the pain, but this is how we decided to do it going on. I realize there's changes in the Board as time goes on, but this is what we approved in the budget cycle. Without any changes this is what we have going forward.

John Steinbrink:

Using that methodology then again the power plant gets a break on something we can't collect from and they get treated like everybody else.

Mike Pollocoff:

If you put it on the tax rolls it's a tax.

John Steinbrink:

Even though they're a contributor of the greatest amount probably or one of them. So that's the problem with going that direction. With our methodology at least we're getting a fair share from those that contribute. I thought that was our goal from the beginning here. It's a touch decision sometimes. And we provide a mechanism to see that we're doing it and it is fair. And until we exhaust that I don't see a reason to make any changes to it.

Alex Tiahnybok:

On Bob's presentation he has \$2.47 per month would be the charge if it was flat for everyone. Mine is 76 cents and I pay enough taxes already so I'm not interested in seeing mine go up from 76 to \$2.47 even. But it's not huge. Times 12 is \$25 a year for every residential property owner if we went that route. And I'm not advocating that we go that route, but it's \$2.47, \$2.47 a month and that's the number right from Bob's report, so it's not a huge hit to a residential owner if it was to happen. I'm not advocating that it does happen. I'm just concerned that if--in that one example that I keep using, if it's \$28 a month and Diane very accurately identified that in our current plan we have a plan to go up 50 percent next year--no?

Mike Pollocoff:

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No, that is not the plan. The Board turned that down in the budget. We were directed to present that as an alternative. What revenue would that generate based on the project list? We presented that. When I present the budget to you this next session, I'm going to present what our costs are for doing the storm water quality management that we have to do under the mandate, plus whatever increases are in those direct costs. The Board is going to have to just like you do with sewer and water need to make a decision as you budget for that next year what do you want to fund. And if you want to fund ten projects off the clean water list, we'll show you just like we did this last year how many projects are on there and then it's your decision to do it at that time. This Board can't bind the next Board or two Boards or three Boards from now to do a project in the future unless you do that through a general bond where you adopt a resolution that says everybody is going to be charged for this, we're incurring this expense today, we're incurring the bond funds today. Even then you can only go out two years.

So when you adopt a capital improvement plan, that's why it's readopted every year because either a project drops off because nobody wants to do it anymore or because it's been done some other way, or you've decided not to fund it. And in the Village's case since we've been under a freeze for four years, that project list has gotten bigger and bigger. I mean you may want to do that, but that decision wasn't adopted in the budget ordinance. What was adopted was the storm water fees for managing the mandate and \$20,000 to maintain things that break down between when the budget is adopted and the next one comes up. We have \$20,000 worth of budget money to fix what we have to fix.

Alex Tiahnybok:

Two final comments. I don't have it with me, but I could swear that on our budget sheets we had a plan A, plan B and a plan C. One was lower amount. I think we took the average and then it was a higher amount. And didn't they in consecutive years have an escalating multiplier for this?

Mike Pollocoff:

You betcha we did. And we were asked to do that - to lay that out to show what it would cost.

Alex Tiahnybok:

I think that's what Diane was referring to. So right now you have a person with a \$28 bill that's going to be, if the Board follows the plan, that \$28 bill is going to become a \$42 bill and become a \$56 bill, and soon enough it's going to be the largest utility bill.

Mike Pollocoff:

Far be it from me to put words in anybody's mouth, but in all my time here I have yet to see a budget increased by 50 percent and then 100 percent again in the next year. That would be breathtaking. I'm sure there'd be a lot of happy contractors. Maybe I'm taking a too modest a look at this, but we presented a budget that was going to comply with the federal mandate to do what we had to do with that. If you guys want to fund stuff as you go on that's fine, but we were

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asked to prepare three scenarios and we did. But none of those scenarios were enacted by ordinance or resolution by the Board. The only thing that was enacted by resolution was this.

Alex Tiahnybok:

The last question is, Bob, maybe you can answer what percentage of Pleasant Prairie is agriculture and exempt from this, and what body, was it a federal mandate or a State activity that exempted agriculture from this, because it looks like a significant contributor. And when you look at that number 13 parcel on the chart, that would be the cost per month goes to zero because it's agricultural, and I'm just curious to find out who decided agricultural should be zero and wetlands and ponds and woods and brush get taxed or get assessed for this?

Mike Pollocoff:

The ag exemption is federal and State, and Rocco, maybe you have in your mind what the percent ag is in the Village, which wouldn't be exactly what it is under this model. I'm not sure, because you'd use it from a different standpoint.

Rocco Vita:

I don't know exactly off hand. I think there's about between 7,000 and 9,000 or 8,000 acres of agricultural land. So there are 360 in a square mile and there's 34 square miles. As to the percentage I don't recall off hand.

Bob Martin:

There are different DNR rules for how they're treating ag, and I don't want to say pollution, but it's how some of the storm water effects under DNR ruling. I'm not sure. I can't name that right off hand. But one of the things that entered into looking at ag is ag is in some cases, probably many or most cases I should say, that the taxation would have been less than the storm water fee because of the low rate that ag gets. And when you apply such a huge acreage with the runoff factors, that can be pretty large. Again, I think the DNR has a ruling. Rocco just walked out but I had given that to him a few weeks or so back I believe.

Mike Pollocoff:

Ag is considered--the ag properties are split up. So to say that ag isn't covered, under ag there's two definitions. There's the agricultural land that's in product, and there's the agricultural that's identified as other. Anything else other than production is treated like any other parcel in the Village for purposes of assessing.

John Steinbrink:

That's the house or building--

Mike Pollocoff:

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The house, the barns, the buildings.

John Steinbrink:

Generally five acres.

Mike Pollocoff:

On most of the farmland we have, on that other use which would be that land, their storm water impact fee is larger than the typical residence because they do have a lot more impervious area. It's based on, again, the area that's not cropped. With the DNR there's a couple of different rules that are governing that. One is ag preservation and one is the ag use values where the values based on agricultural land is based on the use of the land if it's cropped or not. If it's not cropped it goes up to regular land. If it is cropped then it has a different use.

Bob Martin:

One thing going back to this table here, some of these larger parcels have very significant large impervious surface areas. One was 12,000, one was 23,500, one was just under 19,000, and one about 13,600 or so, and then there's 8,100, 6,100 5,800, so a lot of that impervious area is driving a big part of the charge also. So when you do a flat fee you lose that. Again, I think that's where the system tries to be fair with all parcels. If you have a larger parcel, luck of the draw if you like wetlands and you've got a lot of it on there, you don't pay a lot. But if you've got a manicured lawn you're going to have more runoff and you're going to pay more. That's really the long and the short of I think the system. But what was done was really to fairly accommodate those larger parcels. I can't overemphasize that enough. It wasn't the average parcel that drove this. All this work went into accommodation of the larger parcels.

Mike Pollocoff:

I think that was pretty well shown. We could show pictures until we're all sick of it, but the large pictures we have, in a rural residential community like Pleasant Prairie, you take example number one it's a classic example of somebody has a house up front on the road and then you've got all that land in the back. There was significant parcels, pieces of that land that needed to be excluded. Where if we had approached it from a flat rate they wouldn't have gotten a benefit from it only to the extent that everybody else would have paid for it. So here we're able to identify each of those factors for those parcels so here's one that probably isn't easily developed, the contiguous pieces don't promote that and their rate reflects it. Is \$16 a lot of money? Yeah, it is, but it's still a lot of land and at the end of the day you have much runoff coming off that property.

Steve Kumorkiewicz:

One last comment. My property is 7,200 square feet. It would be unfair for me to pay the same amount a month to somebody who has 72,000 or 144,000 square feet. So based on the usage and based on the formula of the percentage, I think that we cannot get any fairer than that. Several other communities . . . just become a number without taking into consideration all the facts that Bob brought here. Our staff spent a lot of time on this issue. Every time I read through this

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report I have to go along with the formula. Nobody likes to pay. I don't like to pay either, but we have to based on the mandate. We have to collect so many dollars and we've got to do it. If somebody goes down somebody else will go up. If we put a flat rate it's going to be unfair. So I don't think there's too much room to discuss this. That's about as far as we can go with this.

John Steinbrink:

Mike, this being a third reading, at the end of this debate what are we looking for here?

Mike Pollocoff:

This is the third report. It's been adopted. I guess if the Board wants to direct the staff to prepare a new rate or a new methodology, we'll do that. I feel bad if we haven't done a good job of making the case of how we came up with this, because we've been going at it a while. But if the Board wants to have us come back, if you want to give us a recommendation of where they want the discounts to be given if you want to change the rates, or change the methodology so it becomes solely a flat rate method or whatever, then we'll come back and present a modification of the ordinance to do that.

My recommendation is that I think the model is in place and received a lot of work from the Board over the years to come up to this point to accomplish what we want to do. But if the Board wants to change that we'll do that. I'd recommend that we're just starting our budgets this month, and if you want to do this my initial recommendation would be we do this part of the budget year to modify it so that in fiscal year 2007 we'd be going forward with if you want to change it to go to a more flat rate system or whatever you want to change to then we do it at that time. These things generate and chew up a lot of engineering time and resource time to crank out the valuation. If you want us to redo it we'll redo it.

John Steinbrink:

If the Board takes no action at this time then this would move on and remain as is until budget time when we further review it again?

Mike Pollocoff:

Right, that's my recommendation. Or, if someone wants to make a motion to modify the system now based on this report.

Alex Tiahnybok:

I'm not ready to make a motion to modify, and I'm sure nobody wants to see a fourth review. But getting back to that chart, I'm hoping this would be a rather simple thing. But if we could just have one pass at applying some kind of meaningful cap, whether it's \$10 or whatever and see what kind of impact it would have back upstream in terms of additional cost applied to the lower cost per month categories, I think we'll be probably surprised to find out it's pretty small. Again, I'm just looking for relief for some people that probably are from the sake of fairness, we all like

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to talk about fairness when it helps us, but for the sake of fairness these are the people that probably can least afford to pay \$28 or whatever it's going to be in the future. Again, I'm not interested in seeing my taxes go up voluntarily but I'm just troubled by this. If we can do a quick study on this I think it would be probably appreciated by everyone. I'm not going to make a motion because I know it's not going to work so I'm done.

John Steinbrink:

Diane has presented us with a detailed summary analysis. At one point she said there were parts missing to make the equation work. I would wholeheartedly ask you to sit down with Bob and go over your numbers with his numbers because ours are based off of this exact document. And I would maybe ask the property owners to sit down, too, and then go through and maybe you could answer some other questions for you on how our system works.

Alex Tiahnybok:

I have no troubles with the calculation. I'm sure it's very accurate. I'm sure all these factors are in our way in terms of what kind of impact they have on the total final multiplier number. I have no problems with that. Again, it's just a matter of what seems to be fair. We like to talk about fairness, but in this case it's--

John Steinbrink:

We're coming up to budget time so everybody gets their input at that time and stand up for what they believe or want to do and present that to the entire Village. That's where the rubber meets the road. If there is no action on this item, do I see a motion from anybody? Then I'll conclude this item and move back to Item A under New Business.

A. Consider Request of the Carol Beach Property Owner's Association for a parade in the Carol Beach area on July 4th.

Mike Pollocoff:

Mr. President, we received this request and thankfully the two ladies from Carol Beach are still here. They've requested that the route be modified, and be sure I got this right, Judy, from 93rd Street to 86th Place and 3rd Avenue? I wasn't here earlier this last week. Brian if you want to give us a quick comment on this. My only concern on this is that at one point we have 90th blocked up for a little bit.

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. To be honest with you, I'd like to sit down and look at this and lay this out on a map with respect to the new proposed route. I can tell you, though, that any time you propose closing an arterial that brings with it all kinds of issues, and especially when that arterial is in a heavily residential area. If you're going to permit somebody to have a parade and you're going to invite people basically by sanctioning that activity, you're going to

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invite them to come out into the road and march down the street, I think that with that comes an implication or at least an implied assurance that that route will be closed and it will be traffic free and it will be safe so that as kids are marching down it they don't have to worry about being interfered with or coming into conflict with traffic.

The problem we run into in this particular scenario is that there are so many residences along this route it would be very difficult to keep people in their driveways and not have somebody leave their driveway and get out onto the road and drive down the street. So from that perspective I think there are liability concerns that the Village is going to have to deal with if the Board elects to go ahead and sanction this particular activity.

Steve Kumorkiewicz:

You're looking for 93rd to 86th Place.

Mike Pollocoff:

One option I was just visiting with Alex about is rather than starting at 88th and going south to 93rd and then coming back up 3rd Avenue, if we made 3rd Avenue a detour route going south and north, and then Lakeshore would be closed of between those points. It means you go back and forth, but people during the parade would be able to get by the parade and not be stopped by it, so that portion of Lakeshore would be closed, but there would be an alternate route for somebody to get on there.

Chief Wagner:

I think the smallest amount of distance of Lakeshore Drive that you can close the least number of people you'll be affecting in terms of residents that live there, and the fewer number that you're going to effectively trap in their driveways for a period of time the better off we would be.

Steve Kumorkiewicz:

Alex, you had a parade two years ago . . . I don't recall how far that parade went to. I think it was somewhere around 86th Street to 88th Street at that time? I don't recall.

Alex Tiahnybok:

At that time it was from 88th and Lakeshore Drive, went north around the corner and it went south on 3rd Avenue all the way back to 90th and then straight north again. But there were no official closures. We were just on the street. Probably not a wise move, though.

Chief Wagner:

Not something that was official sanctioned by the Village. This is a little different.

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Alex Tiahnybok:

The way I see it there's two options. The idea that Mike and I were talking about where making 3rd Avenue the bypass of Lakeshore Drive for that entire stretch, and then closing Lakeshore Drive at 3rd Avenue and then open it up where 93rd Street comes into Lakeshore Drive. But that would be a long stretch of Lakeshore Drive for a long period of time. The notion that, and please tell me if I've got this right because I'm only getting it sort of at the last minute, do I have it correctly, 88th? 88th to 93rd would be closed only for a short time.

So if we started sharp at 10, this would be the bypass until we get down here and then it could be opened up again. So it would probably be a half hour at the most for those five blocks. And then we'd get off Lakeshore Drive.

Chief Wagner:

The concern is that there is no bypass at that point. It's going to be a hard closer at this north end.

Mike Pollocoff:

For safety that's what you guys want, right?

Judy Juliana:

Okay, we're willing to compromise. If you think that going down to 93rd on Lakeshore Drive is going to create any kind of a problem or a hazard, the only reason why we suggested that we wanted to get more people from the south end to realize that we have this going, and that's why we decided to go from 88th to 93rd. But if that's not doable how about if we go from 88th to 91st Place and then cut over up to 3rd Avenue?

Steve Kumorkiewicz:

There's not much difference actually.

John Steinbrink:

My previous question was in your thing you were going to end up at the Village Park when you had the longer route, and I take it that's where the prizes and awards and festivities—

Judy Juliana:

Right.

Alex Tiahnybok:

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That's what it was going to be. But the new plan—

Judy Juliana:

That's what we talked about at the beginning.

John Steinbrink:

Now it's in Alex's back yard.

Alex Tiahnybok:

I had nothing to do with it, believe me.

Judy Juliana:

We decided that the original proposal in the letter you received was really not doable down to 108th this year. We're thinking more or less for next year or in other years when we can work out all the logistics. So right now we're just coming here to say we want to have the parade starting on 88th and Lakeshore Drive, going south to either 91st Place or 93rd, then go west on 93rd to 3rd Avenue and just take the route down 3rd Avenue and stay off of Lakeshore Drive. You have the map up there in which we highlighted the route. So we're willing to accommodate whatever you feel would be necessary for you to allow us to have the parade.

Jane Romanowski:

I think there's concerns about all the residents who may not want to participate and going in and out and possibly how do you notify them and how do you take care of those people because that is quite a few homes.

Mike Pollocoff:

Have you guys contacted people—

Judy Juliana:

We're going to be sending out fliers to everybody in the area to let them know this is what's happening. We've been doing this for a number of years and no one has really complained or had any issues. The lead person in the parade if we see people wanting to come or go we stop to let them.

Jane Romanowski:

I'm just trying to stop something before we get all the calls the day after saying you didn't tell us, we didn't know, how could you close the road? So the more they're educated it's going to be a better event for everybody.

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Sandy Aguilera:

I'm in the process of doing fliers right now, and we will be distributing those within the next two days. The route that we're really talking about right now, with the exception of extending it south of 90th, basically has always been a tradition with Unit W. As far as the residents are concerned, most of them on 3rd Avenue have their lawn chairs out kind of anticipating the people coming by, and then they join in and kind of continue on. So I don't feel in our area that there really would be that much opposition, but they will be notified. If we went further south, of course, that's why we kind of came to the conclusion, too, that the logistics this year would be a little too short notice, and with the other things that would be entailed as we're even discussing. But maybe if we can anticipate doing something like this in the future like next year, we may have time to work on a different plan where we would be able to work out the logistics with the roads and everything else and really be able to go down and have a big hoopla. But we would hope that you'd be able to vote in favor of us doing this with the route that we proposed with our alternate route.

Jane Romanowski:

The other concern is how many staff would have to work on the holiday to do that.

Mike Pollocoff:

If we structured this so we started at 88th and we were able to close Lakeshore between 88th and have 3rd operate as a bypass for the parade, and then when the parade switches over--the parade can't double back on itself completely. So once it gets off of Lakeshore then . . . it would come back up and do what they do in the City and monitor the crossing. I'm saying if it starts here

(Inaudible)

Mike Pollocoff:

Yeah, I know. That will have to be a hard close and so will this. Then it comes back up.

Alex Tiahnybok:

How about if we make sure before we cross 90th on the way back north we make sure we clear Lakeshore Drive?

Mike Pollocoff:

It's got to be cleared. At this point this is hard to close and people are going to have to go around this way. So what this means to make this thing work is you need a lot of people with barricades moving them or a squad. The unfortunate thing about this thing being short is we do have to get people to work on the holiday and we need to get that in the schedule, so we know somebody who would normally be off is going to be on.

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Judy Juliana:

We haven't had barricades up before. This is just something that was done in the neighborhood.

Mike Pollocoff:

Right, but now we're going to expand it and close the road, and believe me unless you put something up there that says the road is closed and you have somebody there making it stay closed it's not closed. You can't just say it's closed or put a barricade up. There's got to be somebody there.

Sandy Aguilera:

Could we put the barricade up ourselves? We've done that for the block parties in the past. Could we be responsible for putting them there?

Mike Pollocoff:

We drop them off on the day before which would be Monday.

Sandy Aguilera:

Could we do that again?

Mike Pollocoff:

We'd be glad to do that, but I'm just thinking the other component of it is having enough squads there to make it work I guess.

(Inaudible)

Alex Tiahnybok:

Having been involved in this myself the last few years, the amount of traffic that we've encountered on the shortened route which is only done at 90th Street and then over-

Sandy Aguilera:

It's minimal.

Alex Tiahnybok:

At the time we're actually on the pavement I'd say in the last two or three years we've probably seen two or three cars. We just literally get out of the way and let the car pass on the adjacent lane. I think the self-barricade route would work. We'd love to see the Police Department maybe

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bring the canine unit again anyway.

(Inaudible)

Mike Pollocoff:

I read this but now I can't find what the time is.

Sandy Aguilera:

It will start at ten o'clock on the morning.

Mike Pollocoff:

Ten o'clock to noon.

Sandy Aguilera:

It normally doesn't take more than an hour and a half from start to finish. So we're not talking an inordinate amount of time. It's not a large parade. It's basically just the neighborhood people themselves that are in the parade. We don't have a lot of people lining up and a great parade.

John Steinbrink:

No bands, no buses, nothing?

Sandy Aguilera:

No, no bands. We don't have the Band Black Watch. We just didn't have the \$2,800 to book them. But we're open to anybody who wants to join in.

Mike Pollocoff:

If we bring the barricades in and then there's a contact and someone from the parks department can meet with on operating those and what they have to do.

Sandy Aguilera:

We use those at the block party. We know how they work. We're willing to work with you.

Mike Pollocoff:

Just sequencing where they need to get moved to.

Steve Kumorkiewicz:

Coordinate everything.

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Mike Pollocoff:

So then we really wouldn't be closing the route is what I'm getting at. We'd be kind of barricading it. If the Board wants to do that and as soon as they go through--other than that we need to bring officers in.

John Steinbrink:

As long as we can make people aware there's a parade and they slow down.

Sandy Aguilera:

There will be banners and posters on the entrances. I'll have those put up.

Alex Tiahnybok:

This is really not all that different from past years. Maybe the next year plan will need something more enforceable, but I think this year we can take care of it ourselves with the barricades. You ladies brought up a point that really made me worry a little bit, and that is you said there are two clowns hired to do some kind of skit.

Sandy Aguilera:

They're just going to be walking in the parade. They're not going to be doing anything to--

Alex Tiahnybok:

Because you also then invited all five of us and I was just worried that--

John Steinbrink:

Too many clowns.

Sandy Aguilera:

You were wondering which clown? It's just really a small neighborhood parade. I can't stress that enough. And we just want you to be aware that this is something we want to do for the neighborhood and the kids, and we want to make it fun. It doesn't last long. I think last year the parade lasted an hour from start to finish.

Sandy Aguilera:

And it depends on how young the smallest peddler is. The children are so small.

Alex Tiahnybok:

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And it's only Lakeshore Drive for a small part of that, too. Mostly on 3rd Avenue.

(Inaudible)

Alex Tiahnybok:

Do we need a motion for this?

John Steinbrink:

It's an item. I guess we need to take some action.

Mike Pollocoff:

At least as we discussed, the recommendation would be that the homeowners association would be provided with barricades sufficient to barricade the intersections of 93rd, Lakeshore Drive, 90th and 3rd Avenue and 86th.

Alex Tiahnybok:

That's my motion. We'll self-police it. If we can have a unit from the Police Department, the canine unit or whatever, that would be great. That's my motion.

TIAHNYBOK MOVED TO APPROVE A PARADE ON JULY 4TH IN THE GENERAL AREA OF LAKESHORE DRIVE, 86TH STREET TO 93RD STREET, 3RD AVENUE IN THE CAROL BEACH SUBDIVISION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

B. Receive Plan Commission Recommendation and Resolution #06-28 for a Preliminary Condominium Plat for the request of Ronald Christman, agent for Paramount Ventures, LLC owners of the property located east of 88th Avenue at Lexington Place to convert Lexington Village Apartments to Condominiums.

Jean Werbie:

Mr. President and members of the Board, the petitioner is requesting approval of a preliminary plat to convert the Lexington Village Apartments to condominiums. The property is located east of 88th Avenue, south of Highway 50 at Lexington Place.

The Lexington Village Apartments and the associated infrastructure were installed in 1997 pursuant to a development agreement entered into between the Village and Paramount Ventures, LLC and Ener-Con Builders, Inc. on September 23, 1997. The project consists of two 6-unit buildings and nine 12-unit buildings. There's a total of 120 units on the site on approximately 20 acres. The development has a net density of 6.59 units per net acre. All units have individual entrances and two bedrooms that range in size from 1,090 square feet to 11,060 square feet. Two

units in each of the 6-unit buildings and four units in each of the 12-unit buildings have one car attached garages, and the remainder of the units have two car attached garages.

On May 19, 1997, the 1.7 acres of wetlands on the property were rezoned to the C-1, Lowland Resources Conservancy District, and the non-wetland areas were put into the R-10, Multiple Family Residential District. The entire property was put into the PUD which is the Planned Unit Development Overlay District. At that time back in 1997, the staff was not putting together very specific detailed regulations as they pertain to every planned unit development. Since that time, at the direction of our attorney, we have been doing that, and so we do have provisions that specifically set forth all of the details, the setbacks, and all of the density provisions as set forth on this project as it exists today so it's a legal conforming property and use based on the planned unit development that we are putting together.

The staff recommends approval of Resolution 06-28. In your packet there was a typo. It referenced Meadowdale and it should have referenced Lexington Village. And late last week they did decide to change their limited partnership for this particular project and it's going to be referred to as Lexville Limited Partnership. So that's just a change going forward. But the original petition and application came in from Paramount Ventures, LLC. The staff and the Plan Commission recommend approval subject to all of the comments and conditions as set forth and attached to the resolution.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #06-28 FOR A PRELIMINARY CONDOMINIUM PLAT FOR THE REQUEST OF RONALD CHRISTMAN, AGENT FOR PARAMOUNT VENTURES, LLC OWNERS OF THE PROPERTY LOCATED EAST OF 88TH AVENUE AT LEXINGTON PLACE TO CONVERT LEXINGTON VILLAGE APARTMENTS TO CONDOMINIUMS; SECONDED BY TIAHNYBOK; MOTION CARRIED 4-0.

- C. Receive Plan Commission Recommendation and Consider Ord #06-28 and Ord. #06-29 to amend sections 305-9 A and 395-75 A of the Village Municipal Ordinance related to sidewalks.**

Jean Werbie:

Mr. President and members of the Board, there are two sections of the municipal code that are proposed to be amended as it relates to sidewalks. The first is Section 305-9 A and it's proposed to be amended as follows: It should read: New sidewalks shall be required on a case-by-case basis where the Village Board determines that the amount of the pedestrian traffic and the risks to pedestrian safety justify the installation of sidewalks.

The second amendment is in Section 395-75 A proposed to be amended as follows as it relates to general requirements. Subject to this Chapter 405, Public Improvement Projects, concrete sidewalks shall be required on a case-by-case basis wherein the Village Board determines that the amount of pedestrian traffic and the risks to pedestrian safety justify the installation of sidewalks.

Currently, both the land division ordinance and a section of the municipal improvement section identify that sidewalks are required in and along all arterials and in all multi-family developments

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and in all commercial projects, and as each project has been advanced to the Village over the last 15 years, we have actually been looking at them on a case-by-case basis to determine whether or not they are in need of sidewalks or not. So we wanted to make sure that the ordinances reflected the actual policy that the Village Board has been following for the past many years.

Steve Kumorkiewicz:

I have a question, Jean. This is also part of the Smart Growth to comply with the

Jean Werbie:

The sidewalk change?

Steve Kumorkiewicz:

Yes.

Jean Werbie:

No.

Alex Tiahnybok:

Jean, a question was asked at the Plan Commission meeting and frankly I don't recall exactly what the answer was. But in developed areas where traffic volume or whatever changes the character of a roadway from being a secondary road to an arterial, does this account for the process in terms of funding sidewalk installation, or how would we go about doing that?

Jean Werbie:

No, it really doesn't. These provisions are to deal with any projects from this point forward to clarify what the procedure is going to be for any newly platted subdivision, certified survey map or commercial or planned unit development area. From about 1992 to '93 and on, we had written provisions on the face of the preliminary plats and the final plats that specifically said sidewalks may be required by the Village, and if they are required they are going to be placed in the right of way, and the right of way is being dedicated to the Village. So it kind of set forth a procedure that they could happen in the future. It does not set forth the funding or mechanism for funding. This would fall under no different than any other public improvement in the Village's public road right of way. Either the Village would fund it and it would be put on the general tax levy, or it would be a situation where it would be assessed to the affected and benefiting property owners.

If, for example, there's a large commercial development that is adjacent to a residential development, we may be able to negotiate with that particular development to install the sidewalks leading to that development so that there is a safe and easy travel movement from one area to another. So there's a number of mechanisms available, but we are not through this

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amendment setting forth how that task is going to be accomplished by the Board. You'll be able to go through your normal channels or police powers to do that.

Alex Tiahnybok:

I motion approval of Ordinance 06-28 and Ordinance 06-29.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Any further discussion on this item?

Jeff Lauer:

I just had one. I know some residents in the past have mentioned sidewalks. I think we should keep in mind, too, if this passes the one thing I've seen how sidewalks get destroyed is huge trees by sidewalks and we may have to look at that also in the future, that if we are going to put sidewalks in a certain subdivision, a new one or whatever, because the tree will eventually take care of. Not while I'm alive. So I just want to make sure we're aware of that as well.

Steve Kumorkiewicz:

In the subdivision we've got so much that is right away beyond the curb so that's where the sidewalk is going to go in that case. So between the future sidewalk and the curb, correct?

Jean Werbie:

There's fourteen and a half feet between back of curb and the right of way line. We do have a detail that the engineering department has put together that specifically identifies the width and where a sidewalk would go if, in fact, it's desired by the Board that one should be put in.

Steve Kumorkiewicz:

That's why the developers are told where to plant the trees in each.

Jean Werbie:

That's correct.

TIAHNYBOK MOVED TO ADOPT ORD #06-28 AND ORD. #06-29 TO AMEND SECTIONS 305-9 A AND 395-75 A OF THE VILLAGE MUNICIPAL ORDINANCE RELATED TO SIDEWALKS AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED

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4-0.

- D. Receive Plan Commission Recommendation and Consider the request of William Redlin, the property owner, for a Certified Survey Map, to subdivide the property located at 12121 45th Avenue.**

John Steinbrink:

Item D the request has been made to table this item for further reviews?

Jean Werbie:

The property has requested it to be tabled at this meeting.

LAUER MOVED TO TABLE ITEM D; SECONDED BY TIAHNYBOK; MOTION CARRIED 4-0.

- E. Consider Ordinance #06-30 - Ordinance to Amend Section 242-5 of the Municipal Code relating to Launching Watercraft from Lake Michigan Public Access areas.**

Mike Pollocoff:

Mr. President, this is an ordinance that comes to us from the Park Commission requesting that the Village regulate the launching of motorized watercraft including jet skis from any public access on the Lake Michigan shoreline. I guess at the outset I'd recommend a modification to the language in order to meet the intent of the Park Commission to change public access to from any public property. We do have two separate types of public ownerships on Lake Michigan. Public access points specifically and then we have public ownership which would be parkland.

We'll be putting up signage indicating that launching or docking any motorized watercraft to Lake Michigan park beach areas specifically is prohibited. As John has indicated in his memo and as I indicated to the Park Commission, this is going to be relatively difficult to enforce in the sense that if they get in and get out we really can't trace how they got there, or if it's something they offloaded out of a pickup truck and carried it we're not going to know. But this would sign it.

Also, on the Lake Michigan parkland map, especially as it relates to docking boats there, there's one specific property right where a parking area is that's private property. We tried to secure that parcel and were unable to. And as you go farther north there's kind of a saw tooth approach to private ownership, public ownership, private ownership, public ownership. I know a couple of those people do dock their boats there for themselves, they live across the street and then walk across. That's covered by this. So I guess what I'm saying is we don't own all the land so we won't be able to control it all. But what is ours this ordinance would cover. As such what's up for your consideration I guess with my recommendation on changing the language.

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Alex Tiahnybok:

First off, on behalf of the people that have expressed a lot of concern about this issue I really appreciate the staff taking action on it and putting together this proposed ordinance. This weekend, Saturday, I drove by the area and there was a two jet ski trailer parked parallel to the pavement without any jet skis on it. I looked over the top of the berm and there they were in the water. So I believe that, first off, is there teeth behind this in terms of penalty?

Mike Pollocoff:

All these ordinances fall into the penalty provisions of the Village Ordinance. Chief? On the parking on Lakeshore Drive if somebody does park and launch watercraft on there do you know what the ordinance violation is on that?

Chief Wagner:

I don't. I would have to research that.

Mike Pollocoff:

It's \$100 or something like that.

John Steinbrink:

It's significant.

Alex Tiahnybok:

Okay. They were Illinois license plates. Not that that's critical, but it's a factor. I'm from Illinois and I don't hate people from Illinois but they were Illinois license plates. For all the same reasons that I described before I think this is a liability issue for the Village, too. If we don't take some kind of action to say you can't do this, then if something happens they might come looking for us. Or, how could you let us do this, one of those things. So I think this is a step in the right direction. I believe that it's not going to take an awful lot of enforcement if a squad car goes past there and sees a trailer without jet skis on it, a quick look will verify whether that's the case or not. And I think if people get one or two tickets they'll get the message pretty quickly and they'll realize it's no longer the one stretch of public beach between Milwaukee and the northern suburbs of Chicago where people can get away with doing this.

Chief Wagner:

If it's on the books we'll certainly enforce it.

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Alex Tiahnybok:

There are communities like Lake Forest that very, very vehemently patrol their beaches. So I think this is a step in the right direction. With the change that Mr. Pollocoff recommended from access to property I motion for approval.

Steve Kumorkiewicz:

I second with a comment that we should have more signage over there so they can't say I didn't see it or whatever.

TIAHNYBOK MOVED TO ADOPT ORDINANCE #06-30 - ORDINANCE TO AMEND SECTION 242-5 OF THE MUNICIPAL CODE RELATING TO LAUNCHING WATERCRAFT FROM LAKE MICHIGAN PUBLIC ACCESS AREAS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

F. Consider Resolution #06-29 – Resolution Approving an additional Deferred Compensation Plan for Employees.

Mike Pollocoff:

Mr. President, this resolution authorizes the Village of Pleasant Prairie to establish a deferred compensation plan for the employees in addition to the ones that we currently have. Right now there's a long-standing plan which is operated or managed right now by City Street that we've probably have for over 25 years I believe. And then there's the Wisconsin Deferred Compensation Plan, the 457 plan, that employees can participate in, and this would be another one that would be administered through North Shore Bank, and they would provide the service at no cost to the Village other than the Village providing from time to time for employees to meet with representatives from North Shore to determine whether or not they want to participate in the North Shore Bank deferred compensation plan. Their services are also long-standing. They've done it for quite a while. This really just gives the employees another option or vehicle for any pre-tax savings that they want to do on their own.

This is something that the Village doesn't get involved with. It's between the employee and the bank and how they want to do it. We merely facilitate the meetings for them every now and again. We might have an hour or an hour and a half once a year for meetings with the people so it's not a big drain on employee time. We just make the paperwork happen for the withdrawal. So with that I'd recommend that the resolution be adopted and the President and Clerk be authorized to execute the document.

Steve Kumorkiewicz:

A question I've got. I'm confused when you talk about it. Right now we have the deferred compensation with City. So actually what it's going to be is North Shore Bank is going to be the

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controller of the fund or what?

Mike Pollocoff:

No, there will be three funds. So right now we'll continue City Street, which participation in is dropping over time. We'll have the Wisconsin Deferred Compensation Fund, and all these are 457's, and then the third one would be North Shore.

Steve Kumorkiewicz:

That's also 457?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

All of them?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

So what's the difference between actually the three or what they have in common?

Mike Pollocoff:

Fees.

Steve Kumorkiewicz:

Who has the highest fee? City has the highest fee?

Mike Pollocoff:

City does have high fees. That's one reason there's fewer and fewer people in it. The Wisconsin Fund has probably the smallest fees. This one here I hate to say they're somewhere in between. I was looking at it and it was hard to gauge where they're at, but it really depends on the instruments that you're investing in. Again, that's up to the employee to make those judgments.

Steve Kumorkiewicz:

That's voluntary actually.

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Mike Pollocoff:

Right.

Alex Tiahnybok:

Is there compared to what we have in place right now does this incur any additional cost for the Village or is it basically just more options for the employees?

Mike Pollocoff:

Our additional cost is just going to be doing the setup on the payroll deduction. Negligible.

Steve Kumorkiewicz:

Will we be able to transfer from City to any of the other funds?

Mike Pollocoff:

Yes.

Steve Kumorkiewicz:

Without

Mike Pollocoff:

It depends on what instrument you're invested in again. Some of them you can.

Steve Kumorkiewicz:

. . . from a 401(k) plan to an IRA or no?

Mike Pollocoff:

Government employees on deferred compensation don't have all the bells and whistles. So each fund or instrument if you're in all cash, if you're in a mid cap or whatever you've got your investment in those funds all have different fees that they're going to charge. So it really depends on what you're invested in if it's City Street or the Wisconsin. I can get you the number of the guy to call and see what it is, but when I say we don't get involved, we don't get involved.

LAUER MOVED TO ADOPT RESOLUTION #06-29 – RESOLUTION APPROVING AN ADDITIONAL DEFERRED COMPENSATION PLAN FOR EMPLOYEES; SECONDED BY LAUER; MOTION CARRIED 4-0.

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H. Consent Agenda

- 1) **Approve Bartender License Applications on file.**
- 2) **Approve Letter of Credit Reduction for Meadowdale Estates Addition #1.**
- 3) **Approve Letter of Credit Reduction for the Woodfield Development.**
- 4) **Approve Letter of Credit Reduction for the Creekside Hill Development.**
- 5) **Approve Letter of Credit Reduction for the Meadowlands Development.**

KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-5 AS PRESENTED; SECONDED BY LAUER; MOTION CARRIED 4-0.

9. ADJOURNMENT.

LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY TIAHNYBOK; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 9:10 P.M.