

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
LAKE MICHIGAN SEWER UTILITY DISTRICT  
SEWER UTILITY DISTRICT "D"  
9915 39<sup>th</sup> Avenue  
Pleasant Prairie, WI  
June 5, 2006  
6:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, June 5, 2006. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Alex Tiahnybok, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Kathy Goessl, Finance Director/Treasurer and Jane Romanowski, Village Clerk.

**1. CALL TO ORDER**

John Steinbrink:

We'll postpone the Pledge of Allegiance until we return to open session.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. 6:00 P.M. - CONSIDER ENTERING INTO EXECUTIVE SESSION PURSUANT TO SECTION 19.85(1)(E) WIS. STATS. TO DELIBERATE OR NEGOTIATE THE PURCHASE OF PUBLIC PROPERTY, INVESTING OF PUBLIC FUNDS, OR CONDUCT OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION.**

**TIAHNYBOK MOVED TO ENTER INTO EXECUTIVE SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – YES; TIAHNYBOK – YES; KUMORKIEWICZ – YES; LAUER – YES; SERPE – YES; MOTION CARRIED 5-0.**

**5. RETURN TO OPEN SESSION AT 6:30 P.M.**

**SERPE MOVED TO RETURN TO OPEN SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – YES; TIAHNYBOK – YES; KUMORKIEWICZ – YES; LAUER – YES; SERPE – YES; MOTION CARRIED 5-0.**

**6. MINUTES OF MEETINGS - MAY 1 AND MAY 15, 2006.**

**KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF MAY 1 AND MAY 15, 2006 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**7. PUBLIC HEARINGS**

**A. Consider construction of Storm Sewer Improvements to Chateau Eau Plaines Subdivision in the Vicinity of the East side of 112<sup>th</sup> Avenue North of 80<sup>th</sup> 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 112<sup>th</sup> Avenue North of 80<sup>th</sup> Street.**

Mike Pollocoff:

Mr. President, this resolution comes to us via petition for storm water improvements on 112<sup>th</sup> Avenue in the Chateau Eau Plaines Subdivision. The Chateau Subdivision is probably one of the newer subdivisions in the Village that doesn't have storm sewer improvements included in it. The original subdivision as it was platted was with ditches and culverts. We've had probably two previous storm water hearings in the subdivision probably over the last 10 to 12 years that have both hearings failed.

This is a smaller project that would involve the installation of storm sewer as you can see on the map there along 112<sup>th</sup> Avenue making it possible for the residents affected in that area from 7923 down south to 11116 112<sup>th</sup> Avenue to fill in their ditches and reduce that profile, the ditch down to a swale and have an area that's a little bit easier to maintain.

Typically, prior up until this last year, the Village's policy has been to take these projects as they came and then the Village would pay half and the property owners would pay half. All things being equal we'd still do that, but as part of the five year capital improvement plan that was adopted by the Board, we have a whole list of projects that we've identified as critical flooding issues or areas that have drainage issues that are waiting to be done, and those projects in a funds available basis would be funded on a 50 percent basis by the Storm Water Utility and 50 percent by the affected residents. This one could be one of those but it would go down to the end of the list, which assuming that the Board funded the list in the next budget, it would take four years to get there.

This would rank behind the existing projects in place. This hearing anticipates doing it this year which would require 100 percent funding rather than 50 percent. If the Board could modify this schedule to the 50 percent funding, if the petitioners and the property owners were willing to wait until all the other projects in the Village that area ahead of it are done. But, again, that project list isn't funded either. So right now all of our storm water improvements are sitting on hold.

If the project was to proceed, work would begin this summer. It's a relatively small project and we'd be complete with it before the end of summer. The cost per foot would be \$44.60, varying amounts based on the frontage ranging from \$6,900 to the smallest at \$3,791. Property owners would have the option to pay that all at once on October 31<sup>st</sup>, or they could defer it over a 10 year

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period at 9 percent of the unpaid balance.

The structure of this project gives the residents the maximum use of that drainage way in front of their property at the least possible cost. The nature of that area is a little difficult, again, since it was a subdivision that was not designed with any storm water improvements in the traditional sense. So that's where we're at. Before we open the hearing, one of the things is if there are people here from the subdivision I think it would be important for the Board to hear whether or not the residents are interested in waiting until the project could be funded at 50 percent or if they'd rather do it in today's dollars at 100 percent. Again, given the fact unless we really speed up our funding on clean water, there is no money at all. If we kind of fund it as we talked about in the capital improvement program, it would take four years to build up a fund big enough to fund the Village's share. With that, Mr. President, if you'd like to open up the hearing.

John Steinbrink:

This is a public hearing and we ask that you give us your name and address for the record. Did we have a sign up sheet for this?

Jane Romanowski:

Nobody signed up.

John Steinbrink:

Once again, this is a public hearing. Anybody wishing to speak on this item that did not sign up?

Tim Wendling:

Tim Wendling from 7931 112<sup>th</sup> Avenue. I've talked to several of the neighbors about this issue and we seem to have a majority, at least four out of the six that disapprove of this particular proposition. So I have a petition that I've just handed to you signed by four out of the six. One of them couldn't be here tonight so I wanted to make sure I had his signature beforetime. Other than that, as a comment it's something that's just a high price. I realize it can be done in ten years or whatever, but for me and most of the people that this affects it really does no good other than making it easier for us to cut our grass. I don't have a water problem. There is somebody that does have a water problem on this list that is mostly affected by this whole project. But other than that nobody else seems to have any kind of issues that would affect us. So that was the reason for the petition. I just wanted to make sure that our statements were heard. That's it.

John Steinbrink:

For the record, the petition was given to the Clerk and it will be entered into the record. Anyone else wishing to speak?

Robert Johnson:

I'm Robert Johnson at 7951 112<sup>th</sup> Avenue. I'm the individual that got this started. I've lived there 17 years and I've had a standing water problem all 17 years. When we have an extreme drought like we had last year that's the only time you don't have standing water. To me it's a problem. There's algae in there, it smells, it's embarrassing. You have company over and I've had kids fall in the ditch. It's a small stream running by. I'll show you these photos. They were from tonight. I don't know how you guys feel about this spring but I don't think it was exceptionally wet. I think it was an average spring for rain. These photos were taken at ten minutes to six this evening. You can see standing water. Honestly, I don't want to spend other people's money. That's the last thing I want to do. I just want a dry ditch.

When Mike Foran was in the position before John Steinbrink, Jr. he would come out yearly and dig it out. That worked great. I just want a dry ditch. I don't think that's asking for too much. He would come out with a backhoe and dig it out. Since he's left the position it's never been done. It's been requested but it's never been done. So I think there's a resolution. Some way we can get this to work out where I don't have to have a wet ditch. I don't think any of you people would like that and I certainly don't either. Thank you.

Dave Kasiske:

I'm Dave Kasiske. I live at 11116. I can hear Bob's point and I agree with him having a dry ditch. My property is the worst on the whole block. What I did is dug a little trench and all the water is gone. Of course, when it rains the water backs up, and if people would just fix their ditch so that the water flows our properly mine drains away. That's my only thing I wanted to say. There's no other house on this block that is worse than mine. And since I made my path a little deeper so that that water could flow I don't have a problem. But I do have a problem with \$7,000. I'm the highest paid guy as far as paying this out. For property that doesn't really belong to me I just don't see any sense in it.

Of course, I want the dry ditch because mine was probably six feet in length before I made a little trench in there so the water flowed down. But once people started digging out their ditches my water started to dry out more so I think that's the major problem right there. Everyone gets outside, digs their trenches so the water flows, because when this neighborhood was created they didn't do a good job with the water flow. It's terrible. I've been here for three years and if you come out and look at it I don't really have the problems anymore except if it rains heavily. If people don't take out their ditch then the water sits in my yard. But, again, it's \$7,000 and I just don't see any sense in it.

John Steinbrink:

Anyone else wishing to speak on this item? You need to come to the microphone. Once again, give us your name and address for the record because the tape machine doesn't quite know who's talking.

Robert Johnson:

Robert Johnson, 7951 112<sup>th</sup> Avenue. Some of the other problem, too, is everybody has got an idea what's good for them, and some people have put stone in the ditch and some people have landscaped the ditch. If we could just all get together and say this is a public drainage ditch and it's got to be clear, silt should be removed, you shouldn't add dirt to the ditch. I'm second from the top so I'm right about where Dave who just spoke is at with the water. He's absolutely right. When you clear it out downstream it flows like crazy. I understand John's point that if grass grows back in there it's not going to flow as well because there isn't very much drop. I think there's a foot of drop for several hundred feet. Maybe the option is going to have to be that Pleasant Prairie do what they did in the past and come out and clean it out. I would appreciate that. Thank you.

John Steinbrink:

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

Mike Serpe:

I take it this flows to the south is that right?

Mike Pollocoff:

To the north. One of the speakers indicated that we could do some ditching in there, and another speaker, Mr. Johnson or the previous gentleman, indicated there's some people doing some landscaping that makes it difficult to articulate a bucket in and get it cleaned out, stone. We see this throughout the Village in a lot of areas. The purpose of a roadside ditch is to convey water and they're difficult to mow or they don't like them and so they do things around them to make them workable. In every subdivision that's built in the Village for the last 18 years we require the developer to set the grade of each home, the developer's engineer, and then the yard grades to match up with the street grades so as each and every house goes up the drainage works across the board. Even then it's usually an ongoing battle. The building inspector is here. In an engineered subdivision it's difficult to do and this subdivision wasn't engineered. That's back when we were a town and the County approved the plats.

So if we were to go back and reditch that thing, rip out all the driveway culverts, we could have it flowing. But there's minimal pitch from a certain point so you don't do a lot of destruction to front yard landscaping not to gain that much more flow. But that could be done. We've done that in previous years and it's usually a source of consternation to someone who doesn't really have a water problem and you're going to put the water problem on them and dig up their yard to do it. The one way to get rid of it is through a storm sewer and an engineered grade and the water is always going to flow.

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Mike Serpe:

Could that be a possibility then if we were to go in and recontour some of those ditches that would alleviate some of those problems?

Mike Pollocoff:

We have minimal pitch. I don't know if John wants to come up and he can give us his insights on it.

John Steinbrink, Jr.:

I'm John Steinbrink, Jr., 8600 Green Bay Road, Street Superintendent. What Mike was talking about with the ditch is accurate. Mr. Johnson's house that I believe is at 7951 and then just the one to the north of him is 7941, each has a very minimum grade in the ditch probably under half of a percent of grade. But after that it falls off to one to two percent grade. So the other alternative to this pct would have to be lower Mr. Johnson's culvert about eight inches and then the driveway just to the north of him and maybe the 7935 driveway. You're going to have to lower those driveway culverts because it starts off really flat up my Mr. Johnson's property and that's where you have the water problem, and then the pitch is really severe about three houses in.

So if you make a standard grade from 80<sup>th</sup> Street all the way down to where the creek is you'd probably end up lower some of those driveway culverts maybe eight or nine inches. What that does is that lowers the bottom of the ditch eight inches and probably widens it out about three feet. So regrading the ditch line is an option but then your ditch becomes quite a bit larger. Some of the other problems to consider is the ditch is already so deep in there you have to make sure that you have enough cover on the water service and the gas services to make sure that there's adequate on there. I believe the ditch where it goes up to the north is already a relatively deep ditch of about two and a half or three feet.

Mike Pollocoff:

John, do you remember we looked at this a few years back and we were going to have to acquire additional right of way to install a ditch that was going to be a maintainable profile?

John Steinbrink, Jr.:

Once you start talking about a ditch that's three and a half or four feet deep if you want a three to one or four to one slope the four feet on each side it ends up being pretty side unless you want to make really big channel but then the side banks are always caving in on you. So by the time you go with a ditch that's three or four feet deep it could be almost 15 or 16 feet wide up at the top of it.

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Mike Serpe:

John, would a plastic corrugated culvert type thing into that deepest part of the ditch for whatever length it goes and then fill that in, that's a relatively inexpensive fix and would that work?

John Steinbrink, Jr.:

That's basically what we do have proposed. We are looking at installing a high density polyethylene pipe which is just a heavy black plastic pipe. I guess where the expense really starts coming into this project is that you're cutting through a lot of driveways. There's a lot of landscaping on the ends of the driveways, and by the time you go through and do all the restoration on that and the stone and the asphalt and the regrading of the ditch it ends up being a relatively expensive project. So we kind of shied away from the reinforced concrete pipe which would have probably been twice as expensive as the material that we're using now. So we are looking at the most cost effective material with the high density polyethylene pipe.

Steve Kumorkiewicz:

I have a question, John. 7941 you say the culverts are lower . . . .

John Steinbrink, Jr.:

Right, that's correct. From the corner of 80<sup>th</sup> Street all the way down to Mr. Johnson's property which is at 7951 to his north property line there is not that much fall on the ditch at all. Really the only way to get the water running is to create a little bit more slope in that ditch, and to do that you need to lower the driveway culverts on probably at least three of the driveways to have maybe 7/10 of a percent grade on that ditch.

Steve Kumorkiewicz:

So at one time they were the same level . . . .

John Steinbrink, Jr.:

I'm assuming that the way that it is now is the way it was designed and the way it was installed years back. Mr. Johnson is going to say every since he's been there it's been a problem.

Robert Johnson:

I've lived there 17 years and it's never been . . . . it's been better. I think my culvert has . . . . .

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John Steinbrink:

Okay, I can't have this because I can't pick it up on the record. Your talking doesn't pick up on the record and the lady transcribing becomes very confused, so we need one person at a time to speak.

John Steinbrink, Jr.:

But we are in agreement that Mr. Johnson's property that it's really never been properly graded from the conception of the plat from the County back in the '80s.

John Steinbrink:

But this is all determined by the depth of all those culverts?

John Steinbrink, Jr.:

Right. that's correct.

John Steinbrink:

That were placed improperly at the time.

John Steinbrink, Jr.:

Right, that's correct.

Alex Tiahnybok:

Mr. Johnson, maybe you can just indicate by saying yes or no, but you mentioned, and I just want to make sure that the data I have is correct, I think you mentioned your property is second from the north? That's not correct, it's second from the south, right?

Robert Johnson:

Correct.

Alex Tiahnybok:

My question was pretty much answered. So it sounds like where the standing water sits on your property basically is at or below the highest culvert on 7941 or 7935, is that accurate, John?

John Steinbrink, Jr.:

Right, that is correct.



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Alex Tiahnybok:

It just doesn't flow uphill naturally. I guess this is kind of a basic question, but if we were to successfully get the water to flow north and drain all these properties, John can you say where it would go? Because it looks like at least on the map it goes to another property.

John Steinbrink, Jr.:

There's a creek just to the north of the 7923 that carries the water in a western direction to the Des Plaines River.

Alex Tiahnybok:

And last question, Jane, the list of petitioners that you go could you indicate how the people voted?

Jane Romanowski:

Lopez voted no, Wendling no, Averbek no, Kasiske no out of the six. Four out of the six on here signed that they oppose the project.

Alex Tiahnybok:

From my experience in dealing with the many go arounds from the Carol Beach issue, we obviously discussed that the affected properties all, I guess the assessed properties, all somehow contribute to the problem. If you're the low ground or the high ground sometimes doesn't necessarily matter specifically in terms of where the water accumulates, but it does contribute to the problem. But from my perspective when four people that would get assessed say no and two say yes it's a tough one to move forward on.

John Steinbrink:

As we know, this is a ditch and ditches have to have a slope in order for them to work and we didn't even start out with the proper slope here. Is there a constant feeding of this ditch line by sump pumps also?

John Steinbrink, Jr.:

There's constant feeding from the sump pumps and there's also a wetlands just to the south of 80<sup>th</sup> Street that is a constant feed of this ditch line also.

John Steinbrink:

I have to agree a little bit with what Alex just said about the majority, but at the same time, John, I would as for Mr. Johnson's sake that maybe we give it a little bit of attention to get that flowing. He indicated that if something was done cosmetically that would help, and that would probably

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be sufficient.

John Steinbrink, Jr.:

Is the Board asking me to investigate lowering a couple of driveway culverts? Really that's the only way that's to be a long-term solution. Otherwise it seems like every year we're out there performing the same maintenance. And even after we do it, it's a couple months the grass grows a little bit and it silts in and then it's back to standing water. So to really do a proper ditching job you would have to lower probably half those culverts and then increase the depth of the ditches.

Mike Serpe:

That would be at substantial cost if we did that?

John Steinbrink, Jr.:

It will be cheaper than what the storm pipe is. I don't have an estimate on it at this time.

Mike Serpe:

You have to dig up the driveways, correct?

John Steinbrink, Jr.:

Right, that's correct. We still need to tear out three of the driveways, tear out the pipes, lower the pipes, haul the spoils away and repave the driveways and put in new driveway culverts.

Mike Pollocoff:

Plus that doesn't include tapering the ditch. So what you do is take the same ditch profile you have and deepen it and don't taper it. To taper it off we'd need to go back and say we need some more right of way or an easement.

Mike Serpe:

Could we do that? Could we lower that?

Mike Pollocoff:

Mechanically it's not a problem. It's just going to be telling somebody you're going to have a good sized ditch now.

Mike Serpe:

Do you have an estimated cost about doing it this way approximate?

Mike Pollocoff:

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The Kentucky windage on this would probably be about \$30,000 or \$35,000. I take that back. That's wrong. I guess it depends on what kind of driveways they are.

John Steinbrink, Jr.:

It would probably be a third of it maybe. Really you're doing everything that you were doing with the original project except you're not paying for the high density polyethylene pipe. So if you take out the cost of the pipe I don't see the labor being much different. You still need to do the restoration. You still need to put down the same asphalt and stone and labor.

Mike Serpe:

If we were to do this project, if we were to approve the altered project when would that take place if we were to do it? Not this year?

Mike Pollocoff:

We could do it later this summer.

John Steinbrink, Jr.:

We could probably do it towards the end of summer, end of July, beginning of August.

Alex Tiahnybok:

It sounds like this alternative plan, as John just commented, the only thing we'd be saving would be the material cost of the pipes. It sounds like those same four affected neighbors would probably be equally opposed to that. Mr. Johnson made a comment, and I know this is not a perfect solution but maybe one that would be satisfactory to him without incurring a lot of cost, and I think Mike was kind of leading there, was just to go there with a backhoe and at least clear it out. Because my understanding is it has been somewhat effective in the past. At least as a first step to see if that would accomplish the job. I wouldn't want a standing water ditch in my front yard either, and I absolutely understand your concern. But \$30,000 is a lot of money to ask your neighbors to pay I guess. And if they don't have a problem I can understand why they don't like this. So if we could have the public works department just go and clean up the site a little bit and see if that would help maybe everyone would be satisfied at that point.

John Steinbrink, Jr.:

We've done that in the past and it's only a solution for maybe a month and then we're back doing it again on a regular basis. So I'm not really sure how much of a long-term solution that is.

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John Steinbrink:

Is there any material such as a fabric or anything we could lay in the bottom of that ditch that wouldn't grow up such as grass but yet wouldn't erode or heave or whatever it would do in the wintertime?

John Steinbrink, Jr.:

One of the problems in Mr. Johnson's area is that it just boils down to that it is a very flat area and the water is always going to sit unless you can change that elevation grade on that ditch. And to do that the only way you can do it is by lowering a couple of the driveway culverts. Otherwise you're spending a lot of time and a lot of money just going out there and doing the same thing over and over and not really fixing the source of the problem which is a flat ditch.

Mike Serpe:

Just a clarification. I think the alternative project that we're talking about is nowhere near \$30,000. I think that was mentioned but I don't think that's correct, right?

Mike Pollocoff:

No.

Mike Serpe:

The whole project is \$28,000. I don't think just doing those few would be \$30,000. I think it would be considerably less.

John Steinbrink, Jr.:

You would take out the cost of the pipe on that estimate and maybe another ten percent that would be probably what the revised cost would be.

Alex Tiahnybok:

Down to more like \$26,000 or \$27,000 maybe.

Mike Serpe:

Still that's a lot.

John Steinbrink:

Other comments or questions from Board members?

Steve Kumorkiewicz:

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A comment I've got is if the project doesn't go ahead as it is right now and we approve it because the neighbors are at 50 percent and the Village pays 50 percent and we've got to wait four years to do it?

Mike Pollocoff:

You would wait four years assuming you would fund storm water.

Steve Kumorkiewicz:

Yes. We have to find the 50 percent and we've got to wait four years and at that time the cost is going to increase again.

Mike Pollocoff:

Right. If I could make one more alternative to let the Board consider would be to shorten up the project as the Street Superintendent indicated and narrow the assessment up to take care of the driveway restorations. We do ditching all the time. Where we get into the problem with this is the extensive driveway rehab and the reconstruction we'd have to do. We don't have that in our budget. I don't know if anybody is here from 735 or 731, but if they're okay with us giving them another foot in their ditch or eight inches to a foot and having that there without being tapered back, you could reduce the cost of the project even more. If you want to lay the hearing over until we can provide another set of numbers to see if that's workable we can come back and take a look at that.

If we're not putting pipe in that minimizes the size of the crew that's doing that to what we typically do in other areas, but as far as getting into someone's driveway and then getting in their yard that's where we'll start spending more money. We can't do anything on private property unless they give us an easement to do that work. That would be another alternative to tighten up the project a little bit and not have it be as extensive as it is, but it might mitigate and get us somewhere between where we're out there continually ditching that one property versus the ultimate solution of putting a storm sewer in.

Mike Serpe:

I think it's a good way to go. I move to table--do you want this tabled until the next hearing?

Mike Pollocoff:

Table and revise the plan.

Mike Serpe:

Table with the revised option.

Steve Kumorkiewicz:

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I second.

John Steinbrink:

We have a motion and a second for tabling so the revised plan comes back to the board for the next meeting.

Jane Romanowski:

Do we have to start the special assessment process over?

Mike Pollocoff:

No, we're just tabling it. As long as we're just reducing it we wouldn't need to start all over again.

Jane Romanowski:

But we have to send out notices again.

Mike Pollocoff:

We'll let everybody know that we'll be meeting again.

John Steinbrink:

Motion and a second. Any further discussion?

Alex Tiahnybok:

I think this is the right move, but I have doubts as to whether or not--if it's any significant amount, even if we cut the project cost in half or even down to a third, we're still asking neighbors that feel like they're unaffected to pay for something they don't feel like they have a liability for. So we're still probably going to get the same four people saying no even if it's reduced from \$4,000 a property on average to \$2,000 a property average.

Mike Serpe:

Let's find out.

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John Steinbrink:

We closed the public hearing but we'll reopen it if you have a comment to make on this. We also need you to use the microphone. You are one of the affected property owners?

Tim Wendling:

Yes. Tim Wendling from 7931. I have a copy of a November 17<sup>th</sup> proposal where the cost of ditching option would be covered by the ditch line maintenance budget. Can you explain to me what that would be?

Mike Pollocoff:

That's basically what I described, that the Village would as far as the ditching we do that as part of our general tax levy. We're funded to do that. Where we start running into additional project costs is a number of things. One would be the pipe, we have to buy the pipe, the stone to bed it, the work to put that in, replacing as John indicated driveways along with the driveway culverts to lower those to a different grade. That needs to be a project cost. Either that or we hit each individual driveway for the cost of doing that, and then any landscaping.

The project cost with doing the pipe doesn't anticipate that we're going to make the ditch wider so it has more of a tapered slope on it. If you do that to a certain extent you're moving into peoples' yard and you want to be able to cut that back and then put topsoil back in there and reseed that so as soon as possible it's back to normal. Under this modified proposal where we don't that, we're not coming back but we end up with a deeper ditch isn't there and we don't have the mechanics of going back and getting an easement from everybody so it's a little less expensive and it's a little deeper and that's the alternative we're looking at. So the cost on this one would be the driveway rehabilitation as the most significant one based on concrete or asphalt or whatever you have there.

Tim Wendling:

This proposal in November was this one voted on? Honestly I don't remember this one.

Mike Pollocoff:

That's what we have here. Before we do anything on this we bring everybody in for a hearing.

Tim Wendling:

But with this first proposal it would be we wouldn't have been affected for paying for this. And it says here the next proposal would be the installation of the storm pipe which the homeowners would be affected by. So it was the first option that I was interested in. Is that still under proposal?

Mike Pollocoff:

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No, because you can't lower the ditch--if you get the ditch lowered and you leave the driveway culverts the same it doesn't get you anywhere. So that's why if we could do that that would be easy. But the problem comes in rebuilding all the driveways that you cross.

Tim Wendling:

Okay, I just wanted to clear that up. Thanks.

**SERPE MOVED TO TABLE THE HEARING TO AMEND THE PROJECT DESCRIPTION WITH AN ALTERANTE PLAN TO LOWER CULVERTS AND DITCHES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- B. Consider Construction of Paving on 1<sup>st</sup> Court from Lakeshore Drive West to Include 11350 1<sup>st</sup> Court.**
  - (1) Resolution #06-26 - Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments Against Benefited Property for Construction of Paving 1<sup>st</sup> Court from Lakeshore Drive West to include 11350 1<sup>st</sup> Court.**

Mike Pollocoff:

Mr. President, this is a reopening of a special assessment hearing for road improvements in Unit 2 Carol Beach. We had received a petition and acted on that petition previously for paving of 1<sup>st</sup> Court. Subsequent to that hearing, there was another petition that involved putting in storm sewers or some level of storm sewer improvement in Carol Beach Unit 2, which at the time from the staff's perspective was worth delaying this paving for a couple reason. One was we weren't sure that the ultimate plan for the storm sewers would involve any storm water lines or ditching or things like that that would alter that grade of that road that would have cutting a brand new paved road. And, secondly, to the extent that we're able to divert water away from the roadway, especially if it's an asphalt roadway, that the subgrade doesn't get saturated. That would cause the road to heave. The existing water table there is high anyway, so it would prove beneficial to have the storm water improvements made there before we paved it.

The project, of course, was ultimately turned down by the Village and the residents, so we have a gravel road there now which probably for all intents . . . for quite a while with no storm sewer improvements. But when we put the project out to bid again we came up with a price that was higher than the previous hearing. So statutorily we need to reopen the hearing, provide the residents with what the new assessment would be and give them an opportunity to comment on it before the Board authorizes the project to take place.

We received correspondence requesting that the project not take place, and there's a letter in your agenda packet that reflects that. So it would be my recommendation that we open up the hearing and get the comments from the residents.

John Steinbrink:



Once again this being a public hearing I'll open it up to public comment or question.

Gus Hauser:

I have a few samples for you gentlemen. This is what we used to have in Carol Beach pre 1987 . . . that's the one that . . . by the Village in 1993, two and a half inches thick and it's falling apart like crazy. I have pictures from . . . what they look like now. I have pictures also from the gravel roadways . . . right now . . . resident complain . . .

John Steinbrink:

We need you to use the microphone.

Gus Hauser:

Gus Hauser, 143 113<sup>th</sup> Street. First of all, I'm opposed to that project. One of my neighbors, actually two other neighbors are opposed to it, were never asked, and the other one was asked but never told that he has to pay for it. So after he heard how much he was livid. According to the pavement what you have in front of you we used to have regular pavement in our area in Carol Beach. Maybe not throughout the whole Carol Beach but 1<sup>st</sup> Court had it. 113<sup>th</sup> Street had it. We had regular two inch pavement like you have in the one sample over there. And the Village policy always was if it was once paved it will be repaved. Our roads are falling apart, the ones that have been installed, and the people had to pay already again for it and nothing is going again. I have a petition, like I say, from one of my neighbors, too. If at the minimum you would consider to shorten the roadway to the two properties. There is two properties on the end that don't have any houses on there. We are expected to support that short roadway which we don't have any benefit from it.

Another thing, like I stated already once before, one of the driveways we are supposed to pay for that approach for the driveway for the individual private driveways onto their properties. I don't think that's fair. I don't see why the property owners who do not have any driveways will not get any extensions have to pay for the extensions for the other property owners. That never should have been in the proposal in the first place. If you did the extensions they should pay by themselves or they should be assessed especially for that. In summary, like I said, we used to have pavement. It should have been paved and maintained by the Village. And if the Village maintained the gravel roads like they should be maintained, if you packed them down, there wouldn't be any complaints either. But if you have loose gravel like we have in our area then, yes, you will have complaints and that was the reason why the petition was originally started. Thank you.

Jane Romanowski:

I don't have any more sign ups.

John Steinbrink:

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Anyone else wishing to speak on this item?

Dan Gurgol:

Dan Gurgol, 11350 1<sup>st</sup> Court, Pleasant Prairie. We've been through this a year and a half ago. The majority said yes to this road. I don't know why we're here again. Please pave my road. My neighbors would enjoy it also. Thank you.

Patrick Ginnaty-Moore:

Good evening. My name is Pat Ginnaty-Moore. I live at 11338 1<sup>st</sup> Court. I'm here to support paving the road. As has been noted this issue has been open. We as a group, the majority of us did petition and agreed to assessments openly and before the Board in order to continue this process. On that basis I'd like to continue. It's been argued that the previous paving had been placed and had been torn up. However in open Board your discussions you claim that the paving was not sufficient or not comparable to what would be placed. And on that basis I think it's worth continuing and please continue with the paving of the road.

Finally, you give us a schedule of assessments and obviously it is going to increase our property values. Obviously we're all going to pay an assessment under this. Many of us have agreed to this up front. It will increase our property taxes slightly and I think many of us are fine with that. I did a quick calculation where I divided the assessment value by the number of lots. The average assessment comes out to \$1,757 and change. Using the calculator on your website for all dollars assessed on property, not just the Village, it comes out to approximately \$2.56 a month. Now, that's based on this assessment, and I suspect that's doubled because you're paying half. I think I can afford \$6 a month increase in property tax for this. I think it's a benefit to our property. I think it's a benefit to our neighborhood and I request that you please do pass this motion. Thank you very much.

John Steinbrink:

Thank you. Anyone else wishing to speak?

Annette Ginnaty-Moore:

My name is Annette Ginnaty-Moore. I live at 11338 1<sup>st</sup> Court. I agree with what my husband just said, but I also want to bring a note from my children that they would love to ride their bikes on a paved road, be able to do some roller blading in front of their house instead of on the busy 1<sup>st</sup> Avenue. That's it. I would love to have a paved road. Thank you.

John Steinbrink:

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

Jeff Lauer:

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I think we discussed this at the last Board meeting if my memory serves me right. To me a good road always means you have to have good drainage before you have a good road. Would the seal on this, Mike, hold up down in that area given the drainage and how things are working down there?

Mike Pollocoff:

This road won't hold up like a regular Village road because there is no drainage and the grades are minimal. Examples of roads that we've paved that are similar to this in conditions would be 115<sup>th</sup> Street between Lakeshore Drive and 4<sup>th</sup>, portions of 4<sup>th</sup> Avenue both south and north, but south to Tobin Creek. I think that we paved 115<sup>th</sup> Street probably about 12 years ago, and it's not as bad as a 20 year road that's been in place 20 years but it's worse than a 12 year road.

One of the problems with the paving and the other issue with paving there is that most of the newer homes down there have holding tanks so you have a 10,000 gallon truck that's loaded and a gallon of waste water is somewhere between eight and ten pounds and it's tough on the road especially when the water table is high. But it is serviceable. Just as a community the residents if we agree to the assessment we're going to have to resurface that road sooner than we would another road. Right now it's not too dissimilar from our previous discussion with storm sewers, the Village has not funded any storm sewer work to be done and we have not funded any paving work to be done. We're under a levy freeze so right now we're not in a position to repave roads that are 20 years old. So it can be done. Not to say it's going to collapse in a year or two years or ten years, but I imagine it will start looking pretty rough in that 12 to 15 years which is probably about three to four years ahead of cycle.

Mike Serpe:

A 15 year or 12 year road is better than no road, and we went through this, as they said, once before. The people asked for it and obviously there's a majority who ask for it tonight. Move approval with the project.

Steve Kumorkiewicz:

I second that.

John Steinbrink:

We have a motion and a second for approval. Any other discussion on this item?

Alex Tiahnybok:

The letter that was sent was opposing moving ahead on the project so unless I missed something I think we're actually tied. We have two yes's and two no's as far as property owners. So there's really not a majority present today. But looking at the 2004 minutes when this issue was discussed if you include the responses provided at that time, then yes's win. Based on the comments from the minutes in 2004 I doubt that any of those parties would have changed their minds. And obviously this was put off because of the Unit 2 flooding issue. We talked about this

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at the last meeting that when the Village installs a road we sort of guarantee its quality I guess in perpetuity.

I'm really troubled by this because if the one gentleman that spoke tonight, Mr. Gurgol, if he was not in favor of this it would be easy to kind of cut off those three properties that are on the west end or the southwest end of this proposed extension but that's not the case. Mr. Hauser I think has a very valid point. He doesn't access 1<sup>st</sup> Court from that road, but the Ginnaty-Moores also have a very valid argument and they'd like to see paved roads and I can understand that, too. A comment was made and I just want to clarify this. Is this a 50/50 project or not?

Mike Pollocoff:

Not it's 100.

Alex Tiahnybok:

It's not, okay.

John Steinbrink:

Alex, when you took your count was that residents or property owners?

Alex Tiahnybok:

Property owners.

John Steinbrink:

How many residents out of that group?

Alex Tiahnybok:

Based on just going down the list, the schedule C that we have, today Mr. Gurgol said yes. The Hausers said no. The Ginnaty-Moores said yes, and the letter that we received from Romanos was a no. So that's two to two today.

John Steinbrink:

And the Moores are property owners and not residents, correct?

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Alex Tiahnybok:

Property owners.

John Steinbrink:

But not residents?

Alex Tiahnybok:

No, they are residents. They reside in the property they own.

John Steinbrink:

I looked at the address that came out of Des Plaines.

Alex Tiahnybok:

No, the Ginnaty-Moores show Pleasant Prairie. But in 2004 when this issue came up the first time around there were an additional two yes's and an additional one no. So as it stands right now the yes's win but what a thing to vote for based on the water issues and the comments from, and I haven't checked this out, but the property on the east side of 1<sup>st</sup> Court, the last property, the comments from that owner back in 2004 basically stated that the property is of no use to them. They were not allowed to fill the lot in. Everyone is using their lot for dumping. A statement was made, why should I pay for a road if I can't use the lot. I applied for a fill permit and I was rejected. And now that person is going to be assessed for asphalt. I'd be pretty honked off frankly. I guess the majority is going to rule on this one.

Jeff Lauer:

I guess a couple of questions of Mike and maybe John, too. But the first one is there any bad that can come about from doing this? And, second, from what I understand you said earlier if it's paved it probably will last a certain number of years, ten years maybe. But I know down in that area to me that sounds like a long time for that area at least to bring some satisfaction with the road and the dust and the rocks. I know a lot of folks down there call me that they did want it paved and they're tired of the rocks and they're tired of kids playing out there and falling on it.

Mike Pollocoff:

Before the road gets paved we're going to go through and rehabilitate the based on it and it graded up. We're not just going to pave it as it is. So if we need more stone or whatever that's going to be addressed. All I'm saying is that similar soils, very close on 115<sup>th</sup> Street, we paved the road 12 years ago and it looks older than a 12 year old road. But we have a lot of roads that are in far worse shape than that road is. There's some alligating which would reflect that soft sub base. I mean it's just not optimal. But on the other hand these aren't high traffic roads. The worse thing on these roads is the holding tank trucks. I think myself and the engineer and the

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street superintendent if this was a main road we probably wouldn't even bring this in for discussion because there's no way it could hold the traffic. But the amount of trips that take place on this road by and large is the residents there or somebody shortcutting around 1<sup>st</sup> Avenue which I don't think is a common practice. But it doesn't carry a big load. Our biggest thing that's tough on the road there is the holding tank trucks and probably our own garbage trucks are heavy on that road. So that's what will stress it out.

For a minor rural residential road it will suffice. It just won't last as long as a road someplace else. That's true to Carol Beach. I mean that's kind of the hand we've been dealt down there is we have a completely unimproved area where there's lots with homes on it. It's difficult. We're doing everything backwards. But it won't fail in five years or ten years, but it won't hold up like a regular road will either.

Jeff Lauer:

If it passed would it be this year or next year if it would be done?

Mike Pollocoff:

It would be this year fast. I think right now if the Board awarded a contract to do this job contingent upon this year they would be probably in the middle of July. It would be quick.

Alex Tiahnybok:

Mr. Hauser brought up a comment about the cost of the driveway aprons being rolled into this project. Can you comment, Mike on just a percentage basis what kind of impact that has?

Mike Pollocoff:

John might have the percentages on it, but I can tell you that it's been a practice of the Village to pave those aprons at the time we've done a paving project if only because you've got a major paving contractor out there, the equipment is there, they're doing all of them and you end up with a better unit price than you would if you went out individually and did it and you end up with a better job. The seams aren't there. It's all part of the paving. If the Board wants to exclude aprons and say that individuals have to go pay for them themselves, I doubt they would get the same unit price and I think this is \$53 a ton. You're not going to see that price. So what we would do is modify this project plan under Mr. Hauser's recommendation. Take the driveways out and then reduce the assessment and then tell the property owners to go get their own driveway paving done someplace else. But we do that on virtually all of our paving projects. It's always been a bone of contention that if somebody doesn't have a driveway there that they've got to come back and do it later on. Or, someone thought they were going to build or were close to building we even put the apron in and they matched it when they built their house.

If you've driven down a street where you see gravel aprons, the first thing that happens is that edge of that paving gets busted down at every driveway approach as that car goes back and forth over the edge of that asphalt because sooner or later that gravel shoulder wears out a little bit. But it certainly isn't--that's a choice the Board could make well within the requirements of the

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statute to reduce the assessment by that amount and indicate to the homeowners that they're doing that on their nickel. Well, they're doing all this on their nickel but they would have to contract for that separately.

Mike Serpe:

I would highly recommend we leave it just as it is because we've done hundreds of jobs this way and we've established that practice and I would suggest we continue it.

John Steinbrink:

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

Alex Tiahnybok:

I said it over and over again I believe the majority rules so I think this kind of speaks for itself. But there is a matter of fairness and those comments from 2004 by the property owners of the 470 property it really truly seems unfair that they would have a property that they can't do anything with and they've got to pay for a road that goes past the property that is unusable. I feel for Mr. Hauser because he's got an empty lot that he doesn't use, but his residence is adjacent to that. This 470 property, the last one on the red line on the south that's a property that's literally, unless I'm misinterpreting this is unusable and they're going to get assessed for a street. I find that kind of hard to swallow.

Mike Pollocoff:

Those aren't any fun. I hear exactly what you're saying. I haven't specifically--there was a time where individuals in Carol Beach under a nationwide permit had the opportunity to fill their lots under the Village's permit and it was relatively easy to do. And I believe that was almost a ten year period, Jean, where people could do that, which in effect protected their property rights on that parcel. They were able to get it filled, have it ready to go, but the responsibility of that was for that property owner to do that. As that permit period started to come to an end, the Village sent out notices to the affected property owners and told them that the time is coming where if you intend on filling your property you need to submit for that permit. In fact, in some of these areas we had fill that people could use to raise their lot.

If people didn't do it what happens then at that point they came in under the nationwide or the regular permit and in the intervening time the DNR decided that in conflict with the Chiwaukee Prairie Plan that in an area that is slated for urban development like Unit 2 is that they would still enforce the wetland rules. If there was wetlands there then you're not going to be able to fill them irrespective of what the agreement plan called for.

Now, on that specific lot he might have wetlands on there. If that's precluding him from building it, at that point he's pretty much in a spot. My recommendation is that he would look to the conservancy or the State or somebody that would buy the lot and the value of that lot would be enhanced by the value of the assessment.

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The Board has another option which would be to reduce that assessment on that lot and raise everybody else's assessment by the corresponding dollar amount. We do that on some assessment projects where we identify a lot that can't be built on and then everybody else picks up the slack if there's an area that's not assessable. That adjustment would also be acceptable at the meeting tonight.

Alex Tiahnybok:

One last question I promise. The lots to the south are buildable or are Conservancy already? What's the status going south of the red line?

Mike Pollocoff:

The road as it is is as far as the Village will go. That would be the acquisition area. So at some point when DNR or a conservancy group acquires those lots, 1<sup>st</sup> Court would actually be taken out and removed and that area would go back to wetlands.

Alex Tiahnybok:

South of there.

Mike Pollocoff:

South on 1<sup>st</sup> Court.

**SERPE MOVED TO ADOPT RESOLUTION #06-26 - FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR CONSTRUCTION OF PAVING 1<sup>ST</sup> COURT FROM LAKESHORE DRIVE WEST TO INCLUDE 11350 1<sup>ST</sup> COURT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

## **8. CITIZEN COMMENTS**

Tom Terwall:

I'm almost homesick after listening to this. Mr. President and members of the Village Board, recent action by the Wisconsin Legislature and Governor Doyle to line the pockets of the Wisconsin Builders Association by sticking it to the property taxpayers of this State is just the latest example of how you buy legislation that is favorable to your interests by contributing to the re-election coffers of the incumbents. The building trades donated over \$160,000 to the legislators and \$240,000 to Governor Doyle. This bought them the new law that virtually eliminates impact fees for new construction.

This legislation was authored by Cathy Stepp, a Republican, and ran through the Legislature at breakneck speed with little or no opportunity for public input. As a builder, who do you suppose



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benefits from this bill? Cathy Stepp. I'm sorry to say that Wisconsin's reputation for honest, clean government has all but disappeared. We now have a Legislature whose motto is the best politicians money can buy. The cost of providing additional schools, squad cars, fire engines, rescue squads, garbage trucks and other items required to serve these new residents must now be borne by the already overburdened property taxpayer.

I don't know how or why Pleasant Prairie can or should continue to promote such growth. If it doesn't pay for itself why have it? I realize you can't ban development but you can slow it down. I urge this Board to examine this latest legislation thoroughly and assess every possible fee on new development and set the fees at the maximum allowable rate. When developers appear before the Plan Commission I expect them to be fully prepared with 100 percent of the required documentation. In the past when developers still had unresolved issues the Plan Commission would approve them subject to resolution of outstanding issues with staff. In the future I plan to ask the Plan Commission to table approval until all such issues are resolved to the Commission's complete satisfaction.

I urge you to take whatever steps you can to minimize the impact on existing property taxpayers. They are already paying more than their fair share because of the tax breaks Madison has bestowed on those that contribute to their coffers. Thank you.

John Steinbrink:

Thank you. Anyone else wishing to speak under citizens' comments?

Edward Rich:

Good evening. My name is Edward Rich, and I'm the proud owner of the Culver's in Pleasant Prairie and your community. I'm just here today not asking for anything, I'm not complaining about anything, I'm just here to say thanks. Coming this Sunday will be five years we'll be in business. It was six years ago I had a dream and with that dream you guys helped allow that to become reality. I'd like to publicly and professionally thank Jean Werbie for her patience in helping me work through your sign ordinance and many other things that I didn't understand. I had a vision and had a dream and it's been an incredible ride.

I have a slide show of some things I just wanted to share with you. You've allowed me to maybe get involved and touch many people's lives working with your churches, working with your businesses, working with the RecPlex, working with the IcePlex and many others, the Girl Scout groups. It's kind of unique and it's fun. It's been an incredible experience.

We developed a program with Kris Jensen called the Team Spirit Award Program. It's unique to Culver's. I'm the first one that ever came up with it. If you come into my place you would see television. I wanted to come up with a way that I could interact with the community, with the schools, with the churches and also with our team members. What we did, as you know, about maybe six or seven years ago you heard national news where in an ice hockey tournament there were two fathers fighting. I think someone might have perished because of that. I thought, you know what, there's got to be a better way. We've got to be able to touch the people that are becoming involved in team sports and the Johnny's who are always coming to the games and

never get recognized because maybe they don't have the most athletic ability making it through that they get recognized.

With Kris Jensen's support and Cathi Klaver we were able to put a Team Spirit Award Program where every coach and ref at the end of the game recognizes someone on each side. That child comes into Culver's and we make sure we make a special moment for them. They might get a little embarrassed but we want to make a difference. You can see the little boy on the bottom it really proved the point. The father pulled me to the side and he wanted to talk to me when we first started. I thought, oh boy, what did I do wrong, but he said you just touched his life. He sees himself on TV he just thinks he's the biggest person. So with what you've done in this community we're just tapping off of that and I think it's been an incredible experience.

We also get involved with both young and old and also, as you can see, many different vintages. I don't know how many people can say they have a Model T coming through their drive through. The other thing as well is success is based on the team. You've been recognized last year for your efforts because you have a team, and you've been recognized by the State for your efforts. I think it's the same thing for us. I have some team members that are commuting 20 to 25 miles to work at our restaurant, and all I know is that I'm not the best employer but hopefully the employer of choice and we try to make a difference, and because they like the community efforts and everything Pleasant Prairie has to offer is why I can attract those people.

The other thing we have done most recently is we might be recognized here shortly as the first restaurant not only in the State but possibly in the country that has come up with a system using hot water, I mean using a secondary fuel instead of natural gas but the spent oil as means of fuel. With the support of people and the background, the Fire Chief as well as Ken, we've worked on this program and hopefully maybe in a month we'll have it running. Your team has been very supportive helping me maybe start new trends and actually create the lead in many different areas.

Because of our anniversary I wanted to do something special. This Sunday is our anniversary, and therefore we're going to make sure every day we have a special item that we can offer and we're going to do some of the items that you see displayed.

The last thing I'm going to leave you with and another vision I have, in fact six years ago when I saw the accountant he said you've got to come up with a name for your LLC. I said, oh boy, this is kind of new for me. I said, what kind of name should I go for? We have it DCBR, Dreams Can Become Reality.

And with that another dream I have in the future and something I'd like to incorporate, and I'll be coming to you for your support and help, is my brother-in-law in La Crosse he started a program called NASA. His father in his 90's loved to go and do the outdoors, but he was somewhat physically challenged. He had a walker and they had to help him go out to the deer stand. Or he had a broken hip when he worked at Ladish and they helped in the duck boat but he loved to go outdoors or go in the fishing boat. Well, most recently, about four years ago, he said how about if I can get a pontoon boat and have it so people that are physically challenged, whether it's grandma or grandpa or grandson or granddaughter or the family member that wants to take their son and daughter out on the lake be able to use that lake and go fishing and have 100 percent of

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the money that's generated or donated go right to the program. No administrative costs, just the love in making a difference. Little did he know after the first year he raised not only money for the pontoon boat but as of last year over 350 hours were used on this boat. Three months ago I went to this seminar and he raised over \$54,000, and last year also was recognized by the DNR as the most influential programs for helping the physically challenged.

My idea is if he can do it in La Crosse why can't we do it in Pleasant Prairie on Lake Andrea and get a pontoon boat and have it available for anybody who wants to use it. It's a dream and I think we can make it reality. With your support I'm going to make that happen. So, again, I want to thank you for your help, your kindness and I'm just humbled and I look forward to the next five years. Thank you and God bless.

John Steinbrink:

Thank you. Anyone else wishing to speak?

Gus Hauser:

Gus Hauser, 143 113<sup>th</sup> Street. This is the . . . to that last public hearing. In all fairness I would please urge you at least to take the approaches for the driveway out of the proposal. That's not necessary. The properties that do not have it have to pay for it. Another thing, please adhere to Village ordinances. One of the proposed driveways is 27 feet wide. The Village ordinances state the maximum of a driveway is supposed to be 24 feet, and it also states that at times of alterations it has to adhere to Village ordinances. So I fully expect that that driveway will not be any wider than 24 feet. It's your Village ordinances and please enforce it. Thank you.

John Steinbrink:

Anyone else wishing to speak?

## **9. VILLAGE BOARD COMMENTS**

John Steinbrink:

First off, I want to thank Culver's for being the corporate citizen they are in our community, and I think Culver's throughout the State are the same way. I don't think they compete with your giving to the community and being there. Today I was with Steve at the groundbreaking for Prairie Lane and who's there? The gentleman from Culver's. He's everywhere. He's a part of this community, and he's one of the things that makes this community the great place it is to live. We thank you for your participation.

Secondly, in response to Tom Terwall, in the capitol on the rotunda there's a bust of Fighting Bob La Follette think we're going to take that bust out and replace it with an auction block because that's where this State government has gone under some of the leadership there. I voted against this. It's bad legislation. The Village along with other communities sent correspondence against this urging the Governor and whoever would listen not to support this legislation. Unfortunately, this is another one of those that didn't really get a public hearing. There wasn't

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time for public input. It was on the fast track and they bowed to the special interests, and that's what happened and the taxpayers will pay for this again. That's unfortunate. And the dollars that we the communities have to work with keep shrinking because of the tax breaks for special interest groups. Not the taxpayers, special interest groups. Very unfortunate. Every election you hope some of this will change.

Gentlemen such as Joe Andrea and the ones I started with in Madison are gone. Some passed away because of time or age. Other ones said they couldn't deal with it. I do miss them because they were people of integrity that stood for something, worked for the citizens of this State and represented their communities but that's gone.

On one other note the last meeting we had a moment of silence for Eric Clark, a Specialist Fourth Class, who gave his life in Iraq. I want to say I was very proud of our police, fire, rescue. From St. Anne's to his final resting place our department along with other departments from throughout southeast Wisconsin, northeast Illinois lined that route to give him safe passage and show their respect. Along with them countless citizens who showed their appreciation. So, Chief, thank you very much and pass that onto our guys. It was well appreciated by family. Other Village comments?

Mike Serpe:

Ed, thank you for the kind words. I very much appreciate it. I go by Culver's a lot and I just can't get over the amount of business you're doing out there. It's fantastic and it's nice to see. Congratulations.

Tom, on your comments, we spent more time on a \$28,000 sewer project in Chateau Eau Plaines than the State of Wisconsin spent on impact fees. Few legislatures through special interests spend a few hundred thousand dollars to get their way and it's going to cost Wisconsin taxpayers millions of dollars. And the unfortunate about it, the real unfortunate thing about it is the public just doesn't pay enough attention to what's going on, and when it comes down to when we need this equipment and we have to do these projects it's going to fall on the back of the taxpayers and they're going to look at us and blame us. John, I have to give you credit for serving in Madison. I couldn't do it. I don't know how you continue to work with a bunch of gutless wonders that just don't care about the taxpayers of this State.

Steve Kumorkiewicz:

I'd like to make a comment on that, too. If you take a look at Senate Bill SB 681 that was introduced by Senators Stepp, Grothman, Brown and cosponsored by Representatives Suder, Gard, Musser, Vos, Newcomer, Albers and so on, it's a long list. And if you look at the way it was presented and done, no hearings . . . suspended and I wonder how in the hell they can do business over there. And they call us for the tax freeze. Are they trying to kill the communities? That's exactly what they're doing right now. What they are doing, the tax freeze, the famous tax freeze is of the . . . attention from the State government to the local government . . . keep one eye what's going on in the local governments. No one keeps an eye on what's going on in Madison.

I stayed there two weeks ago in a regional conference. Local government serves the residents,

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The Legislatures with few exceptions serve the lobbyists or the big business. Example, we're talking amount it here . . . to say the government . . . when he left we had somebody that became by accident the . . . and that's when the blame was switched to the local governments but with no mention at the time the Wisconsin Manufacturer's and Association spent \$7 million in the campaigns at that time. That money has to be paid back. How? Tax exemptions, special favors and so on. We serve the people. Madison serves the campaign contributors with few exceptions, and I'm never going to change my mind on that because that's exactly what happens. We get a . . . look around what's going on the type of income we have here in this Village, the type of . . . going up, all the money goes to Madison. And what's coming back? Less and less and less. Where is the money going? People are going to have to wake up and. We send them money and we don't know where it goes. Right here. That would be from the State . . .

To start with, Senator Stepp she's a builder with a capital interest. The rule doesn't apply for them. The same rules that hurt us and not for them . . . and that proves it to me it's a break in ethics. They have no ethics. Wake up. They don't have ethics. I better shut up while I'm ahead.

Jeff Lauer:

I'd like to thank Ed for coming, too. I go to Culver's every time I can. I love the patty melts and your raspberry drinks. We'll be there Sunday with my family again, so thank you for all you do for the community.

I know one of the topics tonight was going to be impact fees which is covered later in the agenda. I'm still learning a lot about it. I've called legislators and I've gotten things sent to me. I'm reading left and right. But the bottom line is Doyle signed it. I think the greatest quote I ever heard and I think it will go down in history is the best, and President Ronald Regan said it best when he said government isn't the solution to our problem, government is the problem. I know we all chime in at times that it's the State and the feds and that's why I agree in terms limits. The least amount we have the same people up there to me the better. But the people are going to have to speak out.

Again, I'm learning about the impact fees. I'm not saying it's all bad or all good or all not, but it was just signed and I've made four phone calls to different legislators and I got the same answer, we have to give it to our legal counsel. You guys voted on it, don't you know what it means? So I'm still learning about it and we'll be reviewing it again later tonight. Thank you.

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Alex Tiahnybok:

Tom, I just want to express appreciation to you for explaining the situation. I have to assume the numbers you provided, the contributions from Wisconsin Builders Association to–

Tom Terwall:

They were in the *Milwaukee Journal Sentinel*.

Alex Tiahnybok:

--the Legislators and to the Governor are accurate. Jeff just touched on it. It was certainly contributions went to State Senators like Cathy Stepp, but they also went to the Governor and he did sign it. So I think the simple solution would be that neither one of them run for re-election. That would solve the problem right away. I agree with your other comments elections shouldn't be bought, whether it's federal or State or local elections. It's not the way things should be done. We'll be talking about the impact fees more later.

On some other matters, also kudos to Culver's. My daughter was on the Team Culver's t-ball team last year at Prairie Springs and she was very proud of her t-shirt and her cap. So we really enjoyed that.

Regarding Mr. Hauser's comment about the 24 foot driveway, I think it's essential that we make sure that we follow the Village ordinances when that roadway is installed.

A couple of things digging up from the past, I was contacted again by Tracy Buoy the resident that's complaining about the standing water, etc. I guess for a point of clarification if we were to do something about it would a neighborhood petition of a similar nature for paving and improvements would that be the proper approach? I guess that's my first question.

Mike Pollocoff:

Yes, there would be a petition for paving the road and then there would also have to be a petition for storm sewer improvements. In that case it involves a little bit larger area over to 107<sup>th</sup> Avenue from their street. Everything kind of falls away to the east but those two petitions would be needed.

Alex Tiahnybok:

Okay, we can discuss that. I just wanted to find out if that's the proper approach if she wants to proceed with trying to put an effort like that together.

Two other old issues, one from a few meetings ago, the Clean Water Utility issue. I asked for a response and it didn't come at the last meeting and if it doesn't come today that's fine, but I certainly would like to get some clarification on this. Some of the information that at least I've dug up suggests that cities like Appleton have a fixed amount for residential properties and it

doesn't escalate with acreage. It's either residential or it's multi-family housing, and the Clean Water Utility fees are based on those kinds of increments and not geography.

The last issue is, and we discussed this last year and it was basically shelved because of budget restrictions, but Lake Michigan Park we're obviously coming to the summer months again, and I am once again hearing it from immediate neighbors in that stretch of people coming and using their bushes for other purposes other than what they're designed for. So the porta potty I think is something we need to look at again. We discussed the issue of parking restrictions, and we do restrict the access to public beaches like Prairie Springs. I think we need to look at something like that. I know we don't have jurisdiction in the water, but we certainly have jurisdiction on Lakeshore Drive and the beach next to it.

There is private property being used and abused by people parking assuming that it's public land and it isn't. I'm certainly not expecting to have the Police Department station an officer there all weekend long, but we need to make it less attractive for people, and I think one of the biggest offenders is water craft launching. We talked about this from a liability perspective. But people actually park their vehicles along the side of the road and three or four guys actually pick up a jet ski or a wave runner and carry it from the street across the beach and launch it in the water. That sounds like a disaster waiting to happen. I have to believe that this Board has the authority to restrict such use.

Mike Pollocoff:

I'd like to thank Ed from Culver's. I know from a staff perspective Ed helps out whenever we ask him. We probably ask too much. Tell me if I've got the date wrong on this so I don't get you in a spot, but I think June 11<sup>th</sup> is the Village employees Invest and all employees serving together the employees donate to that out of their payroll checks, we have fundraisers, and one of them is this Wednesday. Wednesday Ed is donating ten percent of his sales that afternoon I think from 11 to 7 to Invest. Invest is a really nice program. We've been able to do a few nice things that have been helpful to the people in the community and Ed is a big part of that.

With respect to Trustee Tiahnybok's questions, we have your request for information on the evaluation of the storm water issues probably about 90 percent done. We'll be able to get that to you before the next meeting and address some of the concerns you have.

And then with respect to Lake Michigan Park, this was jettisoned in the budget. You're correct the Board clearly can define some rules I think along with some Park Commission guidance as to how that park is going to operate. My only comment or concern is that, and we've learned this the hard way in Prairie Springs Park when we first opened the beaches at Lake Andrea, is that unless you structure it physically so that you can control access to the beach and you identify where the parking is going to be, and if there is somebody there to enforce those rules, the rules don't get enforced. At Lake Andrea beach you have to buy a pass. There's a rate for Village residents. There's a rate for State residents and there's a rate for out of State residents. That fee

basically helps cover the cost of having lifeguards at that beach monitoring all the shenanigans that go on in the parking lot, the shenanigans that go on in the picnic area, what's happening on the beach. They do the sampling every day to make sure the water is safe.

Jeff made the comment that the problem is government and government is the problem but I haven't seen anybody else stepping up to administer for the public welfare and safety in those areas unless government gets some money from the people who use it, takes that money and applies those funds to the solution to enforce it. We can put some buoys out there and we can put a porta potty out there. We'll do that. Again, where that goes is a bone of contention, but we need to face reality that we have a park down there that people like to use, and the people that live there like it to be used less rather than more, but it's one of the few stretches of Lake Michigan between here and Kenosha, or probably between Waukegan and Kenosha where you can get in for nothing and go crazy. If we just leave it to happenstance do we catch somebody, we can put some ordinances in effect, but it take somebody down there to enforce it. At Lake Andrea with the guards we have down there we've picked those guards that, one, are strong enough to do lake rescues physically and they have a little edge to them so they can forcefully tell somebody to knock it off or quit doing something. If they don't, they've got a radio with them and they'll call a policeman to get the person squared away.

My experience in recreational areas is if left to their own devices that's what it is. It's everybody's own devices and they'll do what they do and whatever they can get away with. They'll do it when people are watching and you have to tell them not to do it. But I think to be honest with you that's what's needed. At the end of the day they residents will be a lot happier if that was more of a Village beach that even if they had to pay something just like they do for Lake Andrea to get into it, it would have the self-limiting effect that it's not open season and anybody can go in there. I agree we can't regulate what goes on in the water, but I agree that we regulate from that high water mark right back to the road as to what happens and we ought to do that. But we need to have some teeth or somebody to enforce the ordinances there. Other than that we don't have anybody who can nip something in the bud before it happens. I'm not advocating throwing money all over the place, but unless we come up with a way to make money to spend for the enforcement we'll be chasing ourselves and we've been doing that for years down there. That's all I have.

Alex Tiahnybok:

From a starting point, again, I've seen it myself and I've had other residents on that stretch comment to me about this, and that is literally using the beach for--it's become attractive because it is one of those few spaces as you just indicated, Mike, that people can--that the gap between the street and the water is pretty narrow, and it's one of the only places that's not regulated, and it's one of the only places where somebody can actually get away with landing water craft on a public beach and/or launching water craft from a public beach.

I think the first step, and I believe this would be easily enforceable by the Police Department if we had an ordinance prohibiting that if a Pleasant Prairie squad car sees a trailer parked at the beach without something on it that's a dead give away that probably something is in the water that was launched from a trailer that's sitting on the street. So if we prohibited that and people were ticketed enough times I think they'd get the message and at least we'd be able to avoid that



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happening. Again, I think there could be some liability issues for us. I'm not an attorney, but it is Village property and the terrain can be treacherous and somebody is going to hurt themselves and then sue us.

John Steinbrink:

This is not an item on the agenda and we're going into a lot of depth. Maybe we need to bring this back as an item on our next meeting to address it and we can do some research on it.

Alex Tiahnybok:

That would be great. Thanks.

## 10. NEW BUSINESS

- A. Receive Plan Commission Recommendation and Consider Ord. #06-21 to correct the Zoning Map as a result of a wetland staking completed on the property located 3101 104<sup>th</sup> Street and to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District and to rezone the portions of the property that are not wetlands into the R-4, Urban Single Family Residential District.**

Jean Werbie:

Mr. President and members of the Board, you have before you Ordinance #06-21 to correct the zoning map as a result of a wetland staking completed on the property which is located at 3101 104<sup>th</sup> Street. The property is owned by John and Leah Schaut. The property is identified as Tax Parcel Number 92-4-122-252-0013. This happens to be lots 12-22 of the Electric Station Highlands Subdivision.

On July 21, 2005, the owners requested a wetland staking. On November 17, 2005, the wetlands were staked by the Southeast Wisconsin Regional Planning Commission. On March 8, 2006, the plat of survey was approved by SEWRPC, and on March 27, 2006 the Plan Commission approved Resolution 06-09 to initiate the zoning map amendment to correct the zoning map to reflect the wetland staking being completed on the property.

The field delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District. The non-wetland portion of the property would be rezoned into the R-4, Urban Single Family Residential District. This is a matter that was before the Plan Commission at their last meeting, and the staff and the Plan Commission recommend approval of Ordinance Number 06-21 as presented.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND ADOPT ORD. #06-21 TO CORRECT THE ZONING MAP AS A  
RESULT OF A WETLAND STAKING COMPLETED ON THE PROPERTY LOCATED 3101  
104<sup>TH</sup> STREET AND TO REZONE THE FIELD DELINEATED WETLANDS INTO THE C-1,  
LOWLAND RESOURCE CONSERVANCY DISTRICT AND TO REZONE THE PORTIONS OF**

**THE PROPERTY THAT ARE NOT WETLANDS INTO THE R-4, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- B. Receive Plan Commission Recommendation and Consider Ord. #06-22 to correct the Village Zoning Map as a result of a wetland staking completed for the property located in the 900 block of 102<sup>nd</sup> Street and to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District and the non wetland portions of the property will remain in the R-5 District and the entire property will remain in the UHO, Urban Landholding Overlay District.**

Jean Werbie:

Mr. President and members of the Board, this is a request by Angela Maniewski to approve Ordinance #06-22 to correct the zoning map as a result of some wetland stakings that were completed for their property in the 900 block of 102<sup>nd</sup> Street. This property is further identified as Tax Parcel Number 93-4-123-194-0845 also known as Lot 23 of Block 4 of the Carol Beach Estates Subdivision, Unit #7.

On June 30, 2005, the owner requested a wetland staking. On December 8, 2005 the wetlands were field staked by SEWRPC. On March 8, 2006 the plat of survey was approved by SEWRPC. And on March 27, 2006 the Plan Commission approved Resolution 06-08 to initiate the zoning map amendment to correct the zoning map as a result of the field delineations.

The field delineated wetlands on the property are proposed to be rezoned into the C-1, Lowland Resource Conservancy District. The non-wetland portions will remain in the R-4 District which is the Single Family District, and the entire property will remain in the UHO, which is an Urban Landholding Overlay District.

The Plan Commission held a public hearing on this matter and recommends that the Village Board approves the zoning map amendment as presented.

**KUMORKIEWICZ MOVED TO CONCUR WITH THE RECOMMENDATION OF THE PLAN COMMISSION AND CONSIDER ORD. #06-22 TO CORRECT THE VILLAGE ZONING MAP AS A RESULT OF A WETLAND STAKING COMPLETED FOR THE PROPERTY LOCATED IN THE 900 BLOCK OF 102<sup>ND</sup> STREET AND TO REZONE THE FIELD DELINEATED WETLANDS INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT AND THE NON WETLAND PORTIONS OF THE PROPERTY WILL REMAIN IN THE R-5 DISTRICT AND THE ENTIRE PROPERTY WILL REMAIN IN THE UHO, URBAN LANDHOLDING OVERLAY DISTRICT; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

- C. Receive Plan Commission Recommendation and Consider Ord. #06-23 to correct the Zoning Map as a result of a wetland staking completed for the property located in the 11200 block of 3<sup>rd</sup> Avenue and to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District and to rezone the portions of the**

**property that are not wetlands into the R-5, Urban Single Family Residential District. The entire property will remain in the LUSA, Limited Urban Service Area Overlay District and any portions of the property that are located within the 100-year floodplain will remain in the 100-year floodplain.**

Jean Werbie:

Mr. President and members of the Board, you have before you Ordinance #06-23 to correct the zoning map as a result of a wetland staking completed on the property located at the 11200 block of 3<sup>rd</sup> Avenue. This property is identified as Tax Parcel #93-4-123-304-0225 also known as Lot 17 of Block 17, Carol Beach Estates Subdivision, Unit No. 2. The owner of the property is Oscar Biondolillo.

With respect to this property, on July 5, 2005, the owner requested a wetland staking. On December 8 2005 the wetlands were staked by SEWRPC. On March 8, 2006 the plat of survey was approved by SEWRPC, and on March 27, 2006 the Plan Commission approved Resolution 06-10 to initiate the zoning map amendment to correct the zoning map to reflect the wetland staking that was completed.

The field delineated wetlands are proposed to be rezoned into the C-1, Lowland Resources Conservancy District, and the upland areas would be rezoned into the R-5, Urban Single Family Residential District. The entire property will remain in the Limited Urban Service Area Overlay District, and portions of the property that are located within the 100 year floodplain will remain in the 100 year floodplain.

The Plan Commission held a public hearing and the staff and the Plan Commission recommend approval of the zoning map amendment as presented.

**TIAHNYBOK MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #06-23 TO CORRECT THE ZONING MAP AS A RESULT OF A WETLAND STAKING COMPLETED FOR THE PROPERTY LOCATED IN THE 11200 BLOCK OF 3<sup>RD</sup> AVENUE AND TO REZONE THE FIELD DELINEATED WETLANDS INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT AND TO REZONE THE PORTIONS OF THE PROPERTY THAT ARE NOT WETLANDS INTO THE R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT. THE ENTIRE PROPERTY WILL REMAIN IN THE LUSA, LIMITED URBAN SERVICE AREA OVERLAY DISTRICT AND ANY PORTIONS OF THE PROPERTY THAT ARE LOCATED WITHIN THE 100-YEAR FLOODPLAIN WILL REMAIN IN THE 100-YEAR FLOODPLAIN; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**D. Receive Report and Discuss Act 477 relating to Impact Fees.**

Mike Pollocoff:

Mr. President, we've already discussed some of this, but on May 30<sup>th</sup> Governor Doyle signed Senate Bill 681 into law as Wisconsin Act 477 restricting the use of impact fees by municipalities. Senate Bill was introduced by Senator Cathy Stepp of Sturtevant at the request of the Wisconsin Builders Association on April 6<sup>th</sup>.

I took a look at the legislative history on this. It went through pretty quick. I've seen other ones that have gone through quick, too, but it really went through without any public comments. The League and the Alliance of Cities really didn't have an opportunity to comment on it until post public hearing or as we knew it was coming out. I think one of the telling factors is that when legislation goes through the hearing process the Fiscal Bureau makes a statement as to what the financial impact is of legislation. They don't say whether it's State, federal, local, what have you, and in this case it was certainly local, and the guidance from the Fiscal Bureau to the author, Ms. Stepp, and the committee was it was an indeterminate financial impact. They didn't know what the impact was going to be on it. They went ahead and suspended rules and processed it out. So it hasn't had a look at the legislature. They knowingly looked the other way on this one. Consequently you're seeing communities just like us, everybody is grappling to figure out just what the impact is on this and how they're going to deal with it.

The Act limits the types of public facilities that can be funded with impact fees and prohibits municipalities from charging fees in lieu of land dedication as a condition of approving a subdivision plat. The law will take effect June 13, 2006.

While some portions of the law are clear, and I think they're fairly easy to understand what's allowed, some areas, especially pertaining to parks are particularly unclear. Our consultant that we're using who prepared our impact fee study, Virchow Krause, is preparing an analysis on this and they'll have that for us this week and that's about as quick as we can get it. I would hope there's a chance we can get it tomorrow before the Park Commission meeting. I'm not sure that we will make it. Also, the attorney who prepared our impact fee ordinances is also reviewing it, and he said in his comments to me it was very clear that a good number of the people in the legislature that voted in favor of this didn't understand what they were voting for. Not that that stopped them, but there isn't a clear consensus to just exactly specifically what they did. They knew what some of the broad strokes were but not the entire bill.

But based on what we know, based on guidance, again, from counsel and the League and our review of it these are the following changes that we see. It prohibits municipalities from using impact fee revenue to fund the purchase of vehicles. And in the case of Pleasant Prairie that's fire fighting rescue apparatus and snow plows. If you think back to our needs analysis we identified those as specific areas that growth was having a direct impact and that the use of impact fees would allow us to build a fund to provide for these as we grew. In the case of snow plows we know we get about, depending on the layout of a subdivision, between 15 and 25 miles, you're going to need another truck.

The people who are paying the taxes in those homes, as those new subdivisions come in, those

tax dollars if you think about our budget is not capital intensive at all. Those tax dollars pay for the guy to drive it, for the sodium chloride, the mag chloride that gets sprayed, but it doesn't pay for that initial truck. What we would normally do under other situations in previous years is we massage the levy a little bit. As you get growth you ramp up and you get it, and then as those taxpayers show up fully on the tax rolls, because it can take between one and three years for a home to become fully assessed depending on when they build and complete in relation to the assessing cycle, it can take a while for that to happen. So those are two direct impacts on the Village that are pretty clear.

The next one is it deletes other recreational facilities from the list of public facilities that can be funded with impact fees. For Pleasant Prairie that would eliminate the impact fee charge for the additional pool that would be needed at RecPlex for growth. That's pretty clear.

This change also likely prohibits municipalities from using impact fees to fund the construction of soccer fields, volley ball courts, basketball courts, baseball diamonds, tennis courts and other recreational facilities that are typically found in municipal parks. There is a provision where the land can be acquired within a development and you can use impact fees for that, and this is one of the areas that Virchow and Attorney Kent are specifically winding down, because it's apparent they didn't spend a lot of time as they were zooming this thing through to walk this thing through. But his guidance to us at this time is that it isn't.

The Act expressly allows municipalities to use impact fees to purchase land for athletic fields. The Act specifies that impact fees must be collected from the developer or property owner within 14 days of the issuance of a building permit. Prior law allowed a municipality to require payment of impact fees at the time other required approvals were given such as plat approvals. Pleasant Prairie has already chosen to collect the fee at the time of the building permit. This is probably our Achilles heel in this whole deal.

When we first levied impact fees, when there was a school impact fee, that fee was levied at the time of the plat. What happens is a lot of times you're dealing with two different entities, the developer that's creating the plat, he gets the deal put together, puts the money for the improvements, goes through the legal work to get the plat set, and then sells those lots. The next guy that comes in is the builder. Now, sometimes the plat guy and the builder is the same. Take a look at MasterCraft. They're doing one and the same. But a lot of subdivision in the Village, the guy who develops it sells it off to a number of different builders and then that's the person who is paying for the impact fees. So our span of control typically has been at that plat and that's where we've exercised some control. We had the ability to do that.

Now, it goes back to the building permit, and what happens is the developer who might be causing the opportunity for the Village to be stressed for added improvements he's gone. That guy is out of here. And the guy you're talking to is the builder, the people who supported getting this bill put in, those are the people that we're dealing with. They're the ones that are probably more resistant to any rules that come out because that's the one we have to deal with. The guy who developed it he's going to be out of here.

The Act requires municipalities to collect impact fees to establish separate accounts for each impact fee collected and also requires that the revenue and expenditure totals for each impact fee

imposed by a municipality be reported in the municipal budget summary that must be published annually in advance of the budget hearing. Currently, the Village of Pleasant Prairie has already complied with that. We have full and separate accounting of all our impact fees.

The Act makes significant changes to municipal land division approval powers. It adds new language to sec. 236.45 of the Statutes expressly prohibiting municipalities from imposing park land or other fees on developers in lieu of requiring land dedication as a condition of land division approvals. According to the League of Municipalities, it has been well established law in this State since at least the 1960s that under sec. 236.45 municipalities could charge developers a fee in lieu of land dedication to fund purchase of land for parks, bike trails or other improvements. This legislation eliminates that option and forces municipalities to use the impact fee process to fund the purchase and improvement of park land necessary to serve new development.

This one provision here almost singularly guts the entire park plan. If you think back to the park plan that we've approved, and it's gone through the Plan Commission, the Park Commission, a year's worth of citizen meetings, we made a conscious decision that what the Village wanted for a master park plan was a series of trails that would interconnect larger park areas. We deliberately strayed away from having parks in each individual subdivision. It was determined that those got to be nuisances for the people that lived around them, and we'd be better off if we could identify a park area, control the growth around that park area and when I say control the growth get some streets between the residents and the park, and be able to do more things in those parks. It's easier on maintenance costs for the future in the Village. You've got one area you're maintaining. You can use the existing Kenosha County Bike Path. Another bike path that would be run through the Village Green would also be used. And people would be able to get to those bikes by street or they'd be able to get there by a system of trails.

Those parks are being developed--by doing it that way then you're telling a number of developers you don't have to give us any park land. You can develop every lot in your subdivision and fill it up, but you're going to need to pay us. Since you don't have to give up any land, we need a payment in lieu of development to go back to that bigger park, to go back to that trail, so that we can get this thing done. And then additionally there's an impact fee so that when we do get those parcels acquired, that we don't go back to the taxpayers and say now we need to raise taxes to pay for grading the park, installing whatever improvements are needed whether it's a ball field, bouncie bugs or whatever amenity is needed by the particular park.

So we had really strayed away from the model that you see in the City of Kenosha where they have a lot of individual park areas. This statute says you're going back to that. You can get each developer to give you whatever size their development is that amount of land and that's what you're able to do, and then you improve that area and that's that subdivision's park. The next subdivision they get a park. So if you think about Tobin Creek, we'll just take that as an example, Tobin Creek Phase 1 give us land for a park. Tobin Creek Phase 2 give us land for a park. King's Cove give us land for a park. Southshore Development give us land for a park. Within an area of a half a mile you have four parks. Four separate parks that together aren't big enough for a bunch of kids to play flag football or whatever, but they're going to meet the intent of the statute. That's where this puts us back to. That was planning pre-1960. Any major comprehensive or modern post 1960 has gone away from that kind of park plan because those

park don't get used. They get maintained. That's what you end up with. As I indicated before, Virchow Krause is preparing an evaluation to the extent of the changes particularly as it relates to the fee in lieu of dedication that report shortly.

The financial impact upon the Village of Pleasant Prairie's capital fund will be significant. For example, additional fire and rescue equipment will now have to be paid for by the local property tax. The Village has collected through May, and we started this in August so it's not a full year, \$39,492 from new development to pay for additional fire trucks and ambulances over the last nine months. And I think it's important for everybody to realize we're not using this money to replace any equipment. That gets paid for, just like we bought a fire truck this last year, the existing taxpayers are paying to update the equipment we have. The equipment we need is going to go in Station 3. Station 3 is going to be needed somewhere down the road when the population grows to a certain level and the response times are not possible between Station 1 and Station 2 to serve that southwest area of the Village. So we have one component of the impact fee which pays for the building. We have another component which pays for the trucks. We don't have any extra trucks to stick in there. The trucks we have take care of what we have now. What we need when we open that station up it's going to be all we can do to pay to put the guys in the station. That's the tax expense. But hopefully we keep doing what we're doing, the tax base will be there to put the guys in the station, but we need to have a station and equipment to put in there.

What this law does is it says, yeah, we'll let you have the building but you can't put the equipment in there. The equipment you should already have money for that or you should take your existing equipment. I don't know where they think it's coming from. The Chief is sitting back there, but an engine tanker is going to be \$450,000, rescue squad is going to be \$160,000, grass truck \$20,000. There you are. That was going to be paid for my impact fees and now it's going to have to be paid for by the taxpayers.

The impact fee ordinance anticipated that each new station is added, and we've already as a community really taken the long view with respect to fire and rescue. We already own all of our station sites for maximum development of the Village. We have five sites for stations. We already own the land. We know where they're going to go. All the response time circles are all set up so that once these are in place it's the maximum response time. We've done our work in getting the land acquired. This was going to be the other part. Do we need this now but we're going to start slowly building the money up so that when it comes time to do it we're not going into a bond or going to the taxpayers and say we need to raise your taxes.

The Department of Public Works we've collected \$30,547.84 for additional snow plows as new development created more roads to maintain. The impact fee ordinance anticipated that each additional 15 to 25 miles, and again the reason it's kind of a big spread it really depends on what kind of subdivision it is, if you've got a lot of cul-de-sacs in it, so it's not so many miles get you so many trucks. It really depends on what the subdivision looks like, that we would add equipment. Not replace equipment but add equipment to our fleet so that those new areas can be plowed. The existing budget as those people move into subdivisions and their property taxes are going to go to pay the guy that drives the plow, put the salt in the back of the truck, put the mag chloride on the truck, those are expendables. Taxes are going to go for that. We don't have that down stroke for the initial truck.

The pool impact fee means elimination of any pool addition that would have to be funded solely by donations, user charges or taxes. Until the pool is expanded current users will have their access diminished by growing numbers of people that are using the pool facility. The Village has collected \$70,693.43 in fees for additional pool facilities. Again, we already have a pool and we're using the pool, but at some point when that pool is fully maxed out, incrementally everybody is going to have less and less access to it until we build another pool. That's pretty easy to understand.

The impact on the property taxes on the average residential property taxpayer, these numbers are little deceptive. For fire and rescue, the average household, and this is based on our current mill rate, is going to pay \$4.74 more a year. DPW \$3.67. Those in themselves are not big numbers, but you've got to remember the impact fee is set to collect out to the future. You multiply it by ten and you don't get any interest income on it and you balance it against all the houses in the Village, pretty soon you're talking about a lot of money. And you can see within eight months we've already collected \$39,000. Again, with the fire and rescue, you're looking to pick up at least \$700,000 in capital for equipment. Same thing for DPW. A little bit smaller amount and shorter amount of time. A business in WisPark is going to pay a lot of money. Big roads, wide roads to take care of, we collect more money annually from them, but this is solely based on value. So the average household that's what they're paying.

The effect of the levy limits and the elimination of impact fees I think is where this all starts to come together. You take all the money we raised this last year and just assume that's what you're going to get every year, that gets you close to \$60,000. This year the Board froze the budget so that peoples' taxes weren't any larger for this year than they were in the previous year. We had levy limit capacity of \$69,000. That's how much room we had in the budget to raise. So under levy limits that's the most additional you can raise taxes without having a referendum. If we take and we decide we still need to fund this equipment like we did before, that's \$70,000. We're already over our spending limit. That assumes there's no increase in salaries, there's no increase in gasoline, there's no increase in health insurance, any increases at all. We keep everything flat. And if we're going to fund what we need for equipment we'll be right there. We'll be right at the line.

That keeps us in a position where the Board is able to live with the policy that they've had that we're not going to borrow, we're not going to go into debt, to get capital. We're going to pay for it as we can. This means that we're not going to be able to set money aside and earn interest on it to pay it when it's ready. If we want to do it we're going to borrow the money and pay interest or debt service on it as an entire community to pay for a equipment that before a developer would have paid for incrementally on a pay as you go basis. So when Madison made this change just for two small items and these aren't big, every municipality in the State is under levy limits. We



only had \$69,000 to spend. It's gone. It's gone with what we lost in just equipment alone not including the park portion of it. We're just kind of holding that off in abeyance. That's not there.

What has impact fees collected to date meant? This is really hard to read, but I can tell you that the total is \$414,915. We had interest earnings of \$4,000, so the total paid and we've spent some money on the police facility study, so through pretty minor fees and none of these fees are very large, we've collected almost a half million dollars in nine months. Some of these fees we won't spend them for a while. The police station \$98,000 that's a big ticket item. That station is meant to start cranking up as we start approaching 35,000 or 40,000 in population. Ideally we weren't going to have to go to the taxpayers for a penny. The existing property taxes were not going to be raised. That was going to be paid for by impact fees. The guy who was greasing the legislature on this and the Governor he came right back and said we're coming back. This is a good start and we're coming back for more. So I don't anticipate that if you had the same cast of characters I don't know that this is going to change. I think this is going to get worse.

I'm not looking for an action tonight. I'm looking for some guidance. As you can see, we've been able to structure a modest impact fee. In the case of Public Works it's \$124 for equipment. For fire and EMS it's just under \$400. The pool, and I think that's a quality of life issue and I know it's a split issue with the Board as to whether to do it or not but it doesn't matter because that's gone. All things being equal I'd rather have cops and snow plows and firemen being able to do what they've got to do. But with just a modest investment by developers, you look at Somers it amazes me the *Kenosha News* keeps looking at their payment to the city, Somers has an \$8,000 impact fee per parcel. They've got one of the highest ones around and we're in the \$1,800 range. So these are pretty modest. They're generating some significant revenues. A good part of this stops.

The part up there that says Village parks where we raised \$40,000, that's where we identified in the Park Master Plan the money that was going to go to those areas that were going to be parks of Village significance, that bigger are where we were going to get that payment in lieu of fees and then use that park impact fee to improve those. My suspicion along with Attorney Kent's is that's gone. That will be out of there. So we would be going back to neighborhood parks, and even then the neighborhood park would probably be modified to be just--when we say neighborhood we're talking about a ten subdivision area. When they say neighborhood they mean King's Cove Subdivision. They mean just a little subdivision. So that could change but still the language from the legislature is not clear.

So the issues and alternatives that the Village needs to deal with is we have some conflicts. Currently the Village Land Division Ordinance specifically prohibits the Village from subsidizing new development. Based on the numbers that I've showed you, just in a couple cases we are going to be directly subsidizing new development. So when new development comes in we're going to need to provide that equipment and get everything ready for them so when they're there and need service we've got the equipment to take care of it. We're going to need to modify the Land Division Ordinance so we're not in conflict with that where the Board would say yes we are going to, and I think the legislature has made that a legal requirement that you will subsidize new development.

Number two, impact fees are now only legal at the time a building permit is issued. This makes it

difficult to negotiate with the land developer for contributions to assist the Village of Pleasant Prairie. And what I'm saying is say VK Development, and I'm just using his name because everybody knows it, we go to VK and say, listen, you're putting a plat forward. As we look at our budget and you're going to be putting in X amount of roads and X amount of units, we're under a levy limit and we can't increase our taxes in anticipation of development, we need for you to contribute some money to the Village so that we can make these payments. He could do it, but it's kind of skirting the issue because really you're saying I want an exaction for that plat and we can't approve this plat unless you give us that. But the law requires those payments to be made at the time of the building permit. That's a different person than VK. Under the old law, the Village could go either way. This time the State Legislature has specifically taken that flexibility away from the Village and says you will collect it at the building permit.

Sometimes from the time you've approved a plat or a parcel until it's built on that can be years. Look at Carol Beach. That thing was platted in the '20s, '30s and '40s and they're still building down there. So the amount of time that happens from the plat when the lot is created and when you actually get that building permit can be anywhere. Sometimes in a new subdivision it's pretty tight but it might not be. So that makes that span of control as to when we've approved a lot and we've incurred that financial responsibility to take care of that parcel and when we can actually collect it. We can't get it from that guy because he doesn't have to pay it, and the guy who might be interest in doing it we legally can't go after him for the impact fee.

The Village could issue new debt to pay for equipment and parks when needed spreading the cost which would be principal and interest for these items across the entire tax base. That could be a policy that might be a fate of accompli but that the State has really put on us because that's really where we don't have any cash. We have \$69,000 to play with as a community. The State has decided that that's all we need. So if we need more money we have to issue debt. And the State in their wisdom also they've allowed through the levy limits we can issue as much debt as we want. There's no levy limit on debt. If we want to issue more debt we can do that without violating the levy limits, incur as much as we can physically incur and that can be put on the property tax bill without any referendum or any consideration.

Again, and I know it's been an issue for some of the Trustees about how much debt we have, but the debt that the Village has incurred we have not issued any general fund debt for general property tax purposes in the last five years. And it's 13 percent and shrinking and in the next couple of years it's going to be well below 10 percent, assuming that we're able to stay with the same policy. So the property taxes that residents pay on their property tax bill the portion that's allocated to debt is getting smaller and smaller. There is a lot of debt out there, but that portion that we're relying on setting on that annual levy every year is only 13 percent. In order to comply with the State Statutes and keep our tail ends out of court, we may be faced with saying we are going to have to issue new debt for development.

The next alternative or issue is that in the planning process we could modify the planning process such that when Jean meets with somebody and they want to bring a preliminary plat in or a conceptual plant or preliminary plat, one of the steps would have to be that the developer could go to a certain point, we get enough information to determine what's needed, and then he would have to wait for the results of a referendum as required by the levy limit legislation to determine whether or not the voters will support an increase in taxes to accommodate the new development.

If we don't want to issue debt, if we don't want to eliminate existing Village services so that we can go over that \$69,000, then we would have a referendum to say we have X amount of new development in place, it can require whatever that number is we determine to support that and we have a referendum to see whether or not that's supported. I don't think anybody has any illusions of what that would look like, but that is an option.

I was at a meeting with Representative Gard and he indicated to me at that time that I shouldn't be shying away from that because democracy works and the people will see the truth and what's out there and they'll vote their conscience. So that's why you see that specific alternative under levy limit legislation is that let's take everything to a vote.

The last one is to consider a moratorium on all new development while the comprehensive land use plan is updated to reflect changes to the park and open space plan. Right now we have a big hole in the park plan. We really don't know what to tell anybody that they're going to do because what we want them to do isn't legal. And we're going to talk about this at the Park Commission meeting, but one of the options would be to craft a moratorium and we have to be careful with this, that it would affect upcoming plats, upcoming in some cases commercial development so we could put everything on hold because the statutes do permit you to take and kind of like call it a time out for everybody while you get your plans in place so we can figure out what we want to do. Right now if we go the way we are we're going to be in a position where we're not going to pick up any funds for parks, we're not going to be able to implement our park plan. We're not going to be able to apply for any grants for the park plan because we're not going to be living by the--we can't show that we're implementing a park plan. That's a gap. That's a true gap.

I think another option that's not up there, and this is one we are going to do, is for each and every development that comes through with impact fees we're always concerned about it, and we evaluate subdivisions on how the layout of the subdivision was presented, how it was going to work, to see what the financial impact was going to be on departmental operations, whether or not we could serve it. We knew that the capital end was taken care of. We knew that the operational end would be taken care once the tax bills were being paid for by the residents. Now, we have this complete brick wall for capital, and all we have is property taxes and we only have \$70,000 to take care of new development. So I'll be preparing a fiscal statement on each and every development proposal saying what it's going to cost. So before the Plan Commission sees it and the Board, everything is going to have the full review from the planning and land development standpoint, but also we're going to have to make a fiscal recommendation so that if the Board approves a subdivision plat that we know going into it what it's going to cost. If it exceeds the amount we have available, we know we either have to plan a referendum or we have to cut Village operations in order to make the thing work.

This is a mine field. I think if anybody is under the delusion that we're not going to be under levy limits after this year that's a dream. This Village has imposed a levy limit on itself for the last four years. This is the first year we have a State imposed one. Before we were trusted enough to be able to modify the levy for our needs. Now we don't have to worry about those decisions anymore. The State's made that. So if this levy limit is extended in the future, and I think the same guys that gave us this impact freeze are going to do the same thing with levy limits, we have no room to move. The Village is getting bigger. There are more people

demanding more services and we're living within the cap.

We didn't take advantage of the \$69,000. We had some members of the Board who wanted to go backwards to freeze the actual levy. We haven't even come to grips with whether or not we're as low as we want to go, let alone addressing how high we can go. I guess I'd like to hear from you guys if there are things you want us to explore. I'm going to slow the staff down to a very deliberate and incremental process to make sure we don't get ourselves overexposed on some of this stuff.

If we had a mill rate of \$5 mills, if the Village's mill rate was the average, if we were just average, I wouldn't be so worried about it. Or if we were at \$7 mills like some of the higher ends, but we're at \$3.54, and the average Village resident is paying \$750 a year for Village services. To do more and take care of an additional group of people I don't see it. If there's some items in the budget that you have recommendations that we could cut in order to facilitate development, I guess we'll put those on the table, too. The budget is so tight now that it's a little bit odd that you have a \$9 million budget and \$65,000 is putting us up against the wall, but that's what a freeze in the budget for four years will do for you.

Any questions? Again, any suggestions or things you want us to investigate for dealing with this. Again, I think the park thing is probably more than a little gray. Jeff has talked to a lot of people. I don't know if he's got any specifics on exactly what the implementation strategy is for park ones, but I think the equipment ones that's black and white. That's right there. It's there for everybody to see and read.

John Steinbrink:

You're right, Mike, that's the unfortunate part. A lot of people vote for these bills and have no clue what they do, how they affect their communities. They do it on the word of leadership. You stated Somers' impact fees are far higher than ours. I think Bristol may even be higher than ours. A lot of these communities are higher than ours and the impact is going to be bigger on those because these communities are growing. A lot of them aren't growing quite the way we are, they're growing all over, a lot here and a lot there. Not a subdivision and not as organized as we are and that cost of service increases when you do that. So it's going to be quite an experience for a lot of people when they start figuring this out and start saying, oh, wait. That's the difference between honest and open government.

Mike Serpe:

Since the builders and developers were the ones that sponsored this nightmare, I don't think this Village can put itself in any position to do anything with moving forward any projects with out knowing the costs involved. I like your number four alternative with wait and see and see what happens with the referendum. I don't believe that we should be borrowing more money to pay for all these things. I don't think that's a good way to go to add to the debt. And I also think we should consider your number five, a moratorium. If the builders and developers don't like it dig in your pockets to pay these guys again to change this law otherwise live with it. What does this do to the TIF, Mike?

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Mike Pollocoff:

I'd recommend that the TIF be exempt from it. We've got a contract with the TIF to develop that. By and large most of the TIF already has its roads. It's in. It hurts us on the equipment side, but that one there I think if we put a moratorium on it, given the fact that that debt and that district is dependent on that TIF District continues to develop, it would end up sliding that debt back to the property taxpayers. So you end up in the same place as you started. Typically when they need services they need them big time. A single family subdivision that's a big--I don't care what you say. You get a big group of people in one spot they're demanding services. I want this. They're fighting with each other. They're complaining.. They're having a good time. They're having yard parties. I mean there's always something going on in subdivisions. We don't experience that same level of activity in a corporate park.

And I think in the TIF District we've already created it exists and that's there. We're not going to get that money for operations anyway. That money goes to pay off the TIF bonds. So it's a little bit different cat. But commercial development outside the TIF District isn't--there is going to be more demand on police and fire. I think if we do a moratorium we need to craft how that moratorium--some areas I think legally have to be extended or allowed to develop and other areas can't. The only reason we can do a moratorium is that just the reason is to allow us time to get the comp plan to make sense. We've always been serious about following our plans here in the comp plan, and now the plan that is for parks is totally dysfunctional and that's an integral part of the comp plan. When Jean sits down with a developer she's got to have the real documents that justifies why we want a park where we want it. Now, we might want it there and we may decide as a Park Commission as they run that through the process plan and the Village Board to say, yeah, we like our plan and let's take it to a referendum and have the people vote on taxing themselves for it. Even if we can't get the money from developers we like this plan better than doing it the other way. Or, maybe we find some other way to do it. But that's the only reason we can put the moratorium on.

The other part, and it's been probably the last six or seven years that developers and real estate interests have controlled Madison is we really can't say no to development. The laws have been structured in such a way that we could be sued and litigated against successfully if we say just no, we're not going to have any more development. And for us to do that now we'd be open to buying a lot of land because our comprehensive plan has shown for many, many years, even as a town, where residential development is going to occur. And if we're going to take away a property owner's rights to be able to realize a return on their investment for no reason other than for us to say we've decided we don't want any development we're going to be in a spot. So the developers are playing with the cards. They've bought those cards over the last six or seven years and they've got them. We just can't say no for no reason other than crafting something around getting a plan cleaned up.

Alex Tiahnybok:

I'm a former Illinois resident, and I'm glad to live here, but independent taxpayers groups have rated Wisconsin the fifth worst State to live in in terms of taxation. And even worse if you're a retiree it's been ranked the worst State to retire in. This legislation I scanned it and it seems to have targeted counties specifically, removing them even more so than villages and the cities and

the towns from the ability to have impact fees, so there's got to be some story there in terms of abuse I would think on the part of counties assessing impact fees.

But what you have is I think this is a classic reaction. People have basically put this Republican majority in the State Legislature because they're tired. Again, I'm from Illinois, and my flat income tax was three percent in Illinois. In Wisconsin I'm guessing my income tax is somewhere around seven percent. My property tax on a per thousand basis was lower. So somewhere in the process the money is flying out the door and I don't know what we're getting back from it, because it certainly doesn't seem like municipalities are getting anything back. So there's a big problem somewhere. But the bottom line is you have taxpayers that are saying enough is enough. And for lack of control of where that money was spent over the years and decades has now finally caught up with us and people are saying enough.

There was a survey done on migration patterns in and out of the State of Wisconsin and people tend to leave Wisconsin in their peak earning years. That's because they're tired of high taxes whether it's income tax or property tax. I kind of agree with Mike. If the Builder's Association was behind this sort of bought and paid for, then I guess the best thing we can do is to create a moratorium on new development. I can guarantee you myself as a taxpayer I'm not going to subsidize somebody else's construction to pay for their impact on their community. I would never vote for that, so four you might as well forget about that one because I don't think anyone is going to voluntarily pay more taxes so that somebody else can build a house here.

This comes back to a more basic issue that I've been harping on for a long time. That is I've had very little criticism of the Village itself in terms of how we spend our money and where we spend our money. I think it's for the most part very tightly run and I respect that. But one of the big tax burdens that residents of this community face is property tax. Nineteen percent of that tax bill goes to the Village and the other 81 percent goes somewhere else, including Kenosha County and Kenosha Unified and all those things. Again, I think people are tired of it. What I was arguing for last year which I guess I'm not going to be successful with this but was for the Village to slow down our revaluation process, because all we do is we put ourselves on the cutting edge of getting taxed by Kenosha Unified and the County and Gateway Community College and the library and everything that has nothing to do with the Village government. Again, people are tired. I don't like what's happening either but we got what we deserved.

John Steinbrink:

Madison did have a choice. They could have worked on healthcare. They could have worked on retirement, making it plausible for people to live here after they retire to save some of that money. But instead we locked in a tax plan. We froze it in place, one that's the most aggressive tax plan we have, the property tax. There were other options out there we could have looked at to do better for the taxpayers, when you're looking at a sales tax or other options. Everybody compares--these studies, these are wonderful. Everybody has got a study that shows either we're good, we're bad, we're awful, we're terrible, yet they look at one tax and say, well, property tax in Wisconsin is awful. But then look at that other State and look at their taxes, see what their cost of registering a vehicle is. See what their sales tax is. See what their other taxes are.

I keep hearing the same comment from the folks in Madison who say my folks can't afford to live

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here anymore. They're leaving in droves. Well, how many people have moved into Southeast Wisconsin, to Wisconsin? Drive around, look at all the new homes. Those ain't cows building those. Those are people moving to Wisconsin. Why? Quality of life, jobs, schools, something they couldn't get someplace else. But those things cost money. It costs money to have roads that are decent, schools that are decent, parks, everything we have in Wisconsin, a clean environment. You were one of the people that moved here how many years ago, Alex?

Alex Tiahnybok:

Five.

John Steinbrink:

Why? Why did you move here? Wisconsin is such an awful place. Why is everybody moving here?

Alex Tiahnybok:

You don't want me to answer that question.

John Steinbrink:

No, answer it. We need to know. There must be some reason. Were you bamboozled?

Alex Tiahnybok:

It's the view tax. I wanted a good view tax. That's what I was looking for.

John Steinbrink:

When you look at our taxes in this community, Pleasant Prairie, compared to communities around us and what we offer those are some pretty lame arguments as to why this is such an awful place and why are people leaving here. I don't know. I guess we've got to count the cars going and coming because right now I see more people coming here than going and we can do more. It's the people in charge in Madison that can make it happen. But they put the agenda forward. They tell us what we're going to vote on, what comes up, and what will never see the light of day. And this Act 477 is one of them.

So direct that frustration to Madison to those in charge in the Senate and the Assembly and say do something. There's bills out there for retirement. They don't get acted on. This one came forward. In a matter of weeks it's up, it's gone, it's paid for. We're paying for it now. Welcome to the real world of politics. This is what you get. And I hope somebody makes a choice to replace some of these folks so we can get back to healthcare and actually looking at taxes and how we can lower them and how we can lower the cost of living. This is Wisconsin, it's quality of life and we pay for it, but we get a lot for our dollar here, too. And the folks that move here are proving it. Police protection, fire protection. You don't get those from other places. And that's why they're moving to Wisconsin. Schools, I think we've got some pretty fine schools, pretty fine parks. We can do a lot more but it's the people with Act 477 they're the ones in charge to make sure the good things don't happen here. Because apparently the taxpayers don't pay enough as the special interest groups do and we get the short end of the stick.

It's been a battle on local government for the past how many years? Simply because I guess local government doesn't have lobbyists that pay good money. So we can't get the good bills forward and this is what we're left with. Fireworks. Did you ever see how fast a fireworks bill can move through that State? Man, they can grease people like you never saw. This is what we get. These are the hot issues. This is what we need. Fireworks. Take away local control. This is it. So better stand at the border and keep them out because I don't know how they're getting in and you better inform them this is an awful place to live. I haven't found those people yet, though. But that's all I keep hearing about Madison is can't afford to live here but they're still coming. So somebody better warn everybody. Get on the internet and warn them all this is an awful place, don't come. I made a bad mistake. Don't come. I'm putting my house up for sale. Don't come.

It gets frustrating to me because I've got to deal with the jamokes that put this crap forward and this is what I deal with all the time. When you see suspension of the rules and other things it's because they won't let amendments on the bills to make them right, to make them decent, to make them work because they can't screw up a lobbyist. They paid for that. That's got to go just like it is with no improvements and we'll fix it later. That's life in Madison. We're still there trying. We'll put amendments on the bill to try and fix things. We'll try and get healthcare out there. We'll try and get real property tax relief. There's one out there, Hope, they gave money back to the taxpayers. Took some of it away from special interest groups but that bill never saw the light of day. But warn them. Tell them not to come here. It's an awful place. Jeff?

Jeff Lauer:

Alright, hard to follow that up. I look forward to seeing you on the front page. I guess the McCane Feingold bill doesn't work in Wisconsin either. A couple things here. First I have some notes as far as impact fees. Somerset, Wisconsin \$11,000. And Elkhorn not too long ago it used to be \$500 and now it's \$6,469. So theirs went up quite a bit. In reviewing I have some questions and comments. I know number four, Mike, under recommendations, require developers to wait for the results of a referendum, but I think as it was mentioned before even if the people said no wouldn't the developer still have the opportunity to sue the Village then even though the people said no because they can't develop that land?

Mike Pollocoff:



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No, because the levy limit legislation requires us to do that. In that legislation that is our relief valve. We've got no choice but to do that. We couldn't be litigated because we had a referendum because we can't spend the money without a referendum so we'd have to--the only thing we could do is go borrow the money to make it go.

Jeff Lauer:

Obviously let's assume everything is 100 percent right in what we know about it. So far the major issue obviously is the equipment, and equipment like fire trucks and ambulances obviously are big ticket items because you have to have the equipment on that. What happens, for example, if the interpretation you've been told that we can't use the impact fee for the pool what happens to that money that was already collected for it.

Mike Pollocoff:

We use it for the pool.

Jeff Lauer:

Can you still use it for the pool?

Mike Pollocoff:

Yeah.

Jeff Lauer:

But from what the attorney told you--obviously nothing was grandfathered in, that's one thing I haven't found in. John, was anything grandfathered in? If you've already collected impact fees for something you can still do it or no?

Mike Pollocoff:

No. What counsel is telling us is that we're by statute able to collect these fees until the 13<sup>th</sup> or 14<sup>th</sup>, I can't remember, of June. That's what our ordinance says. We can't not collect it because that's what the ordinance says that the staff has to do when someone applies for a building permit. With respect to the pool, the pool impact fees were only going to cover half the cost of the pool. The other half was going to have to be fundraising. So now we take that \$70,000 and it goes towards the pool and we either downsize the pool or we fundraise more or whatever, but that's what that fee was collected for and that's all we can spend it on. We just don't spend as much.

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Jeff Lauer:

Okay. We're fine with the brick and mortar meaning police stations and fire stations. We're fine with the brick and mortar. Parks as the way I understand it you can use it to buy land but you just can't put nothing on it, right, like equipment?

Mike Pollocoff:

Right, kind of like Alex's park. You get a park and now what do you put on it? Who's going to pay?

Jeff Lauer:

I know the Village for a long time has put a lot of time and effort into the master park plan, so obviously we may have to look into your suggestion for number five on how to revise that. Obviously I'm not a fan of park in every neighborhood because it just is not cost effective and that would be a huge problem. I didn't hear who you mentioned, but who was the Village Attorney that was working with us on this?

Mike Pollocoff:

Paul Kent.

Jeff Lauer:

So I assume with all the impact fees that were collected that we may not collect past June we can still use for that source but we just have to get the money elsewhere if this stays as is?

Mike Pollocoff:

Right. For example, we're roughly a third of the way there for a truck or plow or spreader. So the decision process you're going to have going forward is we're not getting that money from new development, do we want to fund that in the budget as we do it, because we know we have to spend it, or do we borrow for it and have everybody pay for it? Or, have the referendum. You'll have to have a referendum probably we have an ambulance that's do, and we're just getting ready to start the budget process. I don't know. We don't have enough money in the budget just to replace an existing ambulance and we might have to have a referendum. Then you might want to say, well, let's get two. We're going to need two. But we don't need another ambulance--we need to replace the one we have but we don't need that next one yet because we don't have a place to put it. The whole plan on this was to just build that fund up so that we'd be saving responsibly and have the money there when we need it.

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Jeff Lauer:

I think that's all I have for now. Obviously hopefully more information will come out positive because I know this is a big thing. Like I said, I just got word of it, too, so all of us were trying to figure out what is and what isn't. The other item I know there can't be any arm twisting, but let's say everything stays as is. Let's say it's the worse case scenario. Can the developer, and I've seen this across the State and other places and actually not that they would, but they could say, okay, here we'll give you this for part of your master park plan. Can that be done? Or, would that be construed as-

Mike Pollocoff:

We take contributions from anybody if somebody wants to do it.

Jeff Lauer:

It just can't be part of you for you to develop you have to do this.

Mike Pollocoff:

Right. I guess the way that scenario would lay out is Jean would meet with the developer and says, well, you're in this neighborhood and the park plan calls for a major park here with part of a trail. That's what we need. We can't afford to do it right now. We can't afford to pay your share or what would have been your share so we'll have to deny your development because we don't have the money. And then the developer has a choice then to contribute the money to development, sue us for not letting them development and there's a 50/50 chance he could win that one, because the park plan is technically out of compliance with the State statutes under this new law. That's some of the thought process you go through, or does the developer want to risk waiting while we fool around in court or fool around trying . . . what to do. Some developers are- we've been pretty lucky. We have a lot of developers that have been pretty community minded. We haven't really had to twist arms that hard, but we also have some that we're fighting over nickels and dimes on every development.

Jeff Lauer:

I know that's a part of the problem in closing. I know the State requires you do a comprehensive plan and you do a comprehensive plan, you do all this, and then it's like changing the rules in the middle of the game. I see that's a problem and that's what I don't like. You're changing the rules. You asked us to do the comprehensive plan and we've done it and now you're switching.

Mike Pollocoff:

I just signed the voucher for the second payment on the comprehensive master park plan. It wasn't even finished being paid for yet and it's shot. Under this law it needs major rework and we really didn't budget to go back and do a plan. That's one of those sneaky unfunded mandates. I might add in response to some of the things Alex said, and it's not that they're wrong, you do pay and we all pay a lot in income tax. We pay a fair amount in sales tax. And originally that

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income tax money and the sales tax money a good portion of it is supposed to come back to the Village. Well, the Village has a pretty wealthy profile, and we get \$300,000 back of all the income tax and sales tax money that's spent here. So when people are frustrated, like you said, people know they're paying taxes like banshees. They're paying them like mad. Income taxes, sales tax, property tax to us and we get 19 percent of that. They know they're paying taxes but where does the money go. It goes to Madison and it rolls around wherever it goes there. But, yes, we do get quite a bit back.

And with respect to assessing I don't think that ratchets it up a level. I think equalization, I know equalization makes sure that people don't pay more than anybody else for school taxes or County taxes. What does happen is you get that equity that when you bounce or do the reassessment so that properties are assessed equally, but that doesn't mean that if there wasn't an equalization formula then what you're saying is true. But with equalization that stops that from happening. But that doesn't soothe the pain that out of all the corporations and homes and everybody that pays taxes here we only get \$300,000 back. You've got to go a long ways to make that up. Madison is one of the few states in the country where we spend as much effort as we do to send money to the State and then figure out a way to send it back to whoever can get it.

So if I'm hearing your feedback, the Board is looking at requesting the staff to find a way to structure a moratorium that would allow us to deal with the changes in the comprehensive or the park plan and that portion of the impact fees. That doesn't help us with the equipment. We could try and request donations. Maybe we can get Palmen to sponsor a truck. It's a big deal at IcePlex. Put ads on the sides of our fire trucks. I don't know.

Steve Kumorkiewicz:

We have developers that came here to the Village and refused to bid because we didn't pay for the infrastructure as Mike can tell you. Why should I pay for this? The Village will pay for that so they didn't build here. We've got those, too.

John Steinbrink:

Okay, if there are no further comments on here we're looking for direction.

Alex Tiahnybok:

I thought you were going to ask me to leave the State.

John Steinbrink:

No, I want your input.

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John Steinbrink:

We need to move on here. You don't want to get me going again, Steve. Needless ranting and raving.

Jeff Lauer:

So there's no vote or motion?

Mike Pollocoff:

No, nobody has really had enough time, you or me, but I guess we need some direction for the staff to put together a response plan. That's what I got at least for the park portion is to take a look at how we craft a moratorium.

John Steinbrink:

But it creates a great deal of frustration for people that do a good job of planning, really lay things out, and have somebody come in and micromanage them in the wrong way. We're all about creating homes, safety, protection, jobs, sense of community.

Mike Pollocoff:

Representative Kerkman said we'll be alright. We'll be okay.

Mike Serpe:

Let's just hope in November we have some necessary changes that take place in Madison that can reverse this roll.

**E. Consider Resolution #06-26 – Resolution for Outdoor Recreation Aids.**

Mike Pollocoff:

Mr. President, this is a resolution authorizing the staff to prepare on behalf of the Village of Pleasant Prairie an application to the DNR for a grant for acquisition of a single family home at 8348 104<sup>th</sup> Avenue which is surrounded by the Pleasant Prairie Ballpark. This enables us to apply for a grant for that acquisition. I request I be authorized to do so upon execution of the resolution.

**STEINBRINK MOVED TO ADOPT RESOLUTION #06-26 – RESOLUTION FOR OUTDOOR RECREATION AIDS; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**F. Consider Ordinance #06-24 - Ordinance to Amend Chapter 348 of the Municipal Code Relating to Official Traffic Signs.**

Mike Pollocoff:

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Mr. President, we had a discussion with some residents at a meeting a few weeks back or a month back in Mission Hills about our signage ordinance, and we talked at that time about making some changes to the ordinance relating to official traffic signs and signals. In the ordinance here the changes are in bold where we modified the ordinance to read that signs on roads designated to carry traffic as arterial or greater in capacity shall be erected in locations as the Board determines. All other streets and roads shall be provided signage in accordance with a review by and approval by the Village Administrator, Street Superintendent, Engineer and Police Chief. I recommend that Ordinance 06-24 be adopted.

Steve Kumorkiewicz:

So moved.

Jeff Lauer:

Second.

John Steinbrink:

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

Alex Tiahnybok:

Does all other streets require approval of all those individuals or any one of those individuals?

Mike Pollocoff:

All of them.

Alex Tiahnybok:

It's a little ambiguous.

Mike Pollocoff:

Do you have recommended language?

Alex Tiahnybok:

Yes, change to approval by all of the following, Village Administrator--right now it seems like anyone could if you ask me.

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Mike Pollocoff:

Alright.

Alex Tiahnybok:

Well, it does say and so that suggests. I withdraw. I'm fine. I take it back.

**KUMORKIEWICZ MOVED TO ADOPT ORDINANCE #06-24 - ORDINANCE TO AMEND CHAPTER 348 OF THE MUNICIPAL CODE RELATING TO OFFICIAL TRAFFIC SIGNS; SECONDED BY LAUER; MOTION CARRIED 5-0.**

**G. Consider Ordinance #06-25 - Ordinance to Amend Chapter 254 of the Municipal Code relating to Peddling and Soliciting.**

Jane Romanowski:

Mr. President, as you can see this ordinance is my recommendation to change the licensing term from one year to three months with a \$25 fee giving a solicitor a year to go door to door when most of the time they're from out of town. It gets hard to keep track of. We've received quite a few complaints, probably the most complaints on any type of licenses of solicitor's complaint or complaint from residents that have people knocking at the door all the time. We can't deny a license if they're in compliance with the ordinance. So I did some research to see what other municipalities in the State were charging and they're all across the board. We have communities charging \$75 a year, \$10 a week, \$25 for three months, \$100 per month, \$25 per day, \$350 a year. So my recommendation would be to change the term of this license from a one year to a three month and they can always renew it. But at least we can keep track of them a little better between the Police Department and I.

They come and go and I get complaints and it's easier just to tell them you've got three months and if you want to come back then I know they're still around and we can renew it at that point. We have a lot of people that don't get permits but I can't do much about that unless they call the police.

**SERPE MOVED TO ADOPT ORDINANCE #06-25 - ORDINANCE TO AMEND CHAPTER 254 OF THE MUNICIPAL CODE RELATING TO PEDDLING AND SOLICITING; SECONDED BY LAUER; MOTION CARRIED 5-0.**

John Steinbrink:

In a somewhat related matter we ran into this last year these going out of business sales. These guys come in and splash these thousands of signs around the right of ways. Many residents were irritated by it. They woke up with them in their lawns and everywhere else. Along with that we see these guys with sandwich boards standing in the middle of intersections such as 31 and 50. We develop those intersections and try to keep them clean and as little distraction to drivers as we

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could and yet we're faced with these guys standing with huge sandwich boards in intersections blocking the view and distracting motorists. So I think that's something the State needs to look at to see how we can eliminate this without infringing upon somebody's rights. But this is a good step for the Village right now.

Alex Tiahnybok:

John, can I just make one quick comment about the last item. Perhaps in our next newsletter we can have a blurb so that people can understand that they can actually demand seeing a Village license to solicit. Most people don't have it on them or aren't displaying them.

John Steinbrink:

That could go in the newsletter and on Channel 25.

Alex Tiahnybok:

Just so people know they can actually say go away.

John Steinbrink:

The Police Department has put out a lot of good information as far as to neighborhood watch and everything to watch for. This comes under one of those things almost.

**H. Consider Ordinance #06-26 - Ordinance to Amend Chapter 355 of the Municipal Code relating to Municipal Water Cross Connections.**

Mike Pollocoff:

Mr. President, we had our annual inspection by the Department of Natural Resources of the Village Water Utility. They go through our ordinances, and one of the things that the utility's charged with monitoring is cross-connections. That's to make sure that private wells do not connect into the public water supply and there's no chance of untested, unexamined water coming into the public water supply. They made some recommendations as to changes to our ordinance. If you look on the back side basically we're taking the cross-control sections and we're citing new Administrative Codes from the DNR under cross-connection control and also on private well abandonment.

In private wells, people can operate a private well and continue to do that provided they get a permit to operate the well for a period not to exceed five years if conditions are met and the key one is that no physical connections should be made between the piping of the public water system and theirs per the code and that would be the amendment. The other thing they need to do is provide samples that show they have a safe water supply at their own well. It would be recommendation that the ordinance be adopted as presented.



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**TIAHNYBOK MOVED TO ADOPT ORDINANCE #06-26 - ORDINANCE TO AMEND CHAPTER 355 OF THE MUNICIPAL CODE RELATING TO MUNICIPAL WATER CROSS CONNECTIONS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**I. Consider Ordinance #06-27- Ordinance to Amend Chapter 348 of the Municipal Code Relating to Restricted Parking on 24<sup>th</sup>, 26<sup>th</sup> and 29<sup>th</sup> Avenues south of 89<sup>th</sup> Street.**

Mike Pollocoff:

Mr. President, as you know Anderson Field is the site of a lot of youth soccer activity which is a good thing. One of the problems is, though, that there are parking areas designated as you can see on that map at Tremper and they also park over on the other side by the pool and on some of the side streets in the City. But people who have games on the south end of Anderson Field are parking in the Village on 29<sup>th</sup>, 26<sup>th</sup> and 24<sup>th</sup> and those are narrow streets. The asphalt is about 18 feet wide. The shoulder is about a foot wide if that. And what we're recommending is just at the times of games from 750 feet from 89<sup>th</sup> Street north that those areas be posted as no parking during soccer games.

The City has posted their streets that way so that tends to push most people into the Village. This would alleviate that problem. I doubt seriously that people would be parking farther than 750 feet south of that. That kind of gets you to that circle area on the map.

Mike Serpe:

Do you want to just leave it to soccer games, Mike, or any special event that might be held at Anderson that may cause problems?

Mike Pollocoff:

Soccer is the big thing.

Mike Serpe:

That's a good idea and I agree with you 100 percent. The roads are too narrow for parking on both sides of the street so I'll move approval.

Jeff Lauer:

Second.

Steve Kumorkiewicz:

. . . city soccer games and I know definitely it's a problem with that.

John Steinbrink:

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Because of the narrow streets there's parking on the grass and some damage to the grass in that area and littering. Residents have complained about this for quite a while now.

Steve Kumorkiewicz:

Actually if I can make a comment on that, the City could make parking places right at Anderson Field because there's plenty of space between the street and the fields, so it's a problem that the City could take care of and should.

John Steinbrink:

Probably something somebody is going to have to look at.

**SERPE MOVED TO ADOPT ORDINANCE #06-27- ORDINANCE TO AMEND CHAPTER 348 OF THE MUNICIPAL CODE RELATING TO RESTRICTED PARKING ON 24<sup>TH</sup>, 26<sup>TH</sup> AND 29<sup>TH</sup> AVENUES SOUTH OF 89<sup>TH</sup> STREET; SECONDED BY LAUER; MOTION CARRIED 5-0.**

**J. Consider Rejecting bids received for the 1971 Surplus Fire Truck.**

Mike Pollocoff:

Mr. President we received two bids for our 1971 Hahn. There it is on its way to the shop on a previous trip. We received one bid from Bill Check for \$308, and \$400. Honestly the Chief tells me the tires are worth more--we've got decent tires on it. In discussions with him and given what the market looks like this was a good truck for us when we needed it and it really started showing its age. We've done some engine work on it. It's got good tires, but there's just so many newer trucks out there given the lease market that it flooded it that the Chief believes and I concur with him that this is not a competitive vehicle. ON the other hand, we're recommending that the truck be turned over to the Department of Public Works. It can carry water for watering for the Parks Department. We might be able to rig it up for watering the roads, carrying equipment or things we need. It wouldn't get a lot of use but we could try to find a delicate way to say we can run it into the ground, but we could run it until it just isn't cost effective to take care of it anymore. We would get a lot more use out of it than we could get for \$400.

John Steinbrink:

I think the folks over there are pretty creative in that department and we'll put it to good use. We'll achieve far more than the bids we received so we'll get the value back.

Mike Serpe:

Mr. Chairman, I move approval of rejecting the bid and allow the Village to take control of this for better use.

Steve Kumorkiewicz:

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Second.

John Steinbrink:

Motion and a second. Any further discussion?

Alex Tiahnybok:

Chief, what would be an acceptable bid? I'm just curious.

Chief Guilbert:

I would say \$3,000 to \$4,000. The example I gave when Port Washington sold their fire engine for with great difficulty I might add, they received \$6,100 for a fire engine eight years younger with a better pedigree than the one that we offer here.

Alex Tiahnybok:

So we were off by a lot.

Chief Guilbert:

When I came here we owned five International Harvesters. All of those had some resale value to collectors. Unfortunately this one does not.

Mike Serpe:

Does that have a pump on it?

Chief Guilbert:

Yes.

Mike Serpe:

How big?

Chief Guilbert:

1250 per minute.

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Mike Serpe:

Park it down at Carol Beach and wait for the rainfall.

Chief Guilbert:

That was talked about.

**SERPE MOVED TO REJECT BIDS RECEIVED FOR THE 1971 FIRE TRUCK AND RELOCATE THE TRUCK TO THE DEPARTMENT OF PUBLIC WORKS FOR ITS USE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**K. Consider Appointment of Alternate Member to the Plan Commission.**

Mike Pollocoff:

Before you is the recommendation from the Village President to appoint Andrea Rode, 10211 80<sup>th</sup> Place as an alternate member of the Plan Commission. I've attached Mrs. Rode's resume. It shows an executive position at Abbott Laboratories. She has extensive experience in the Winthrop Harbor Planning and Zoning Commission. She understands the planning and zoning process. She's extremely involved in our community and was when she was in Winthrop Harbor as well. She visited with myself and John and Jean Werbie and we found her to be eminently qualified. Her name is before you.

John Steinbrink:

A knowledgeable person with a lot of experience and she still chose to move to Wisconsin.

Steve Kumorkiewicz:

Twenty years in the Planning Commission.

Alex Tiahnybok:

Knowledgeable and skilled isn't always a good idea.

**SERPE MOVED TO APPOINT ANDREA RODE TO THE PLAN COMMISSION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-1 WITH TIAHNYBOK DISSENTING.**

**L. Consent Agenda**

- (1) Approve Bartender License Applications on file.**
- (2) Approve Letter of Credit Reduction for the Westfield Development.**
- (3) Approve Letter of Credit Reduction for the Village Green Heights Subdivision.**

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- (4) Approve Renewal of 2006-2007 Towing Licenses.**
- (5) Approve Renewal of 2006-2007 Keno Outdoor Theater License.**

**LAUER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED;  
SECONDED BY SERPE; MOTION CARRIED 5-0.**

**11. ADJOURNMENT**

**KUMORKIEWICZ MOVED TO ADJOURN THE MEETING; SECONDED BY LAUER;  
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 9:40 P.M.**