

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"
9915 39th Avenue
Pleasant Prairie, WI
August 21, 2006
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, August 21, 2006. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Alex Tiahnybok, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director and Jane Romanowski, Village Clerk.

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

Vicky Talbert:

I'm Vicky Talbert and I live at 9205 Lakeshore Drive. I'm here to speak against the adoption of Resolution 06-37 and ask you to vote no on this resolution for the following reasons. I'm going to read something that's prepared because my husband told me that would probably be quicker and certainly clearer.

When we bought our house in Carol Beach we wanted to make some changes. We considered these in the context of existing available services. This seemed to us part of the due diligence that one would do prior to buying property. Similarly, it's the responsibility of the property owner to determine what the land will support prior to building a structure and to plan the structural specifications accordingly.

Number two, the implementation of this request will impose undue penalty in the form of excess cost and inconvenience to those citizens to the north of the petitioner's dwelling. Imposition of this special assessment might address the desires of one household, but it will definitely impose disproportionate penalties on the rest of us. For many years of using Kenosha City water, I can say that the quality of water is at best only fair. It's harsh on the skin, it smells like chlorine, and often it smells like mold.

Previously when the question of municipal water has arisen, we've received letters from the Village regarding these proposals. This time we didn't receive any notification. It concerns me that this proposed resolution, one, that if enacted will have significant impact on already highly taxed property owners has not been better publicized. The growth of large homes in Carol Beach over the last few years as jeopardized the fragile wetland's ecosystem which benefits more

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people and other creatures than just the nearby residents. So called development improvements will only increase the stresses on a fragile environment and, therefore, increase the request to the municipality to fix the problems like flooding that the development is causing.

Finally, I have a question. I believe that several years ago the Village and the DNR forged an agreement that there would not be additional improvements such as streetlights, water and sidewalks in this area of Carol Beach and I wonder what the status of that agreement is. I thank you for the opportunity to present my views.

Edith Iverson:

I have something to hand out. May I do it now or after?

John Steinbrink:

Sure, present it to Jane.

Edith Iverson:

My name is Edith Iverson. I live at 9201 Lakeshore Drive. I'm asking also for you to deny the request for City water. Number one, I have excellent well water. Number two, I have a new septic system. Number three, I am a permanent resident having lived here for 30 years, and with the ever increasing taxes I cannot afford additional installation and monthly expenses of City water. Number four, the petition before you indicates the majority of residents in the proposed extension area are against it and that includes the new people at 9155 Lakeshore Drive that Mr. Yordanoff mentions in the letter to the Board.

The petition also includes residents beyond the proposed area. Number five, If Mr. Yordanoff's well isn't sufficient for his needs it would be unfair to ask other residents to bear the cost when he could dig a larger or additional or deeper well. Number six, Carol Beach will never be, quote, built up because The Nature Conservancy owns much of it. Number seven, therefore, we respectfully request a denial of Mr. Yordanoff's petition. Number eight, we have enough people against this so the Village should not have to go through the expense of discovery, time and effort and should cancel the September public hearing. Thank you very much.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. I hate to change the subject a little bit, but the last couple meetings I have not been able to attend, but I publicly would like to thank the Village for the paving job they did on 1st Court. It makes such a big difference. We can sit outside. We can have our windows open without all the dust coming in. On any given day almost you can see a bunch of future voters out there utilizing the road with their tricycles, bicycles and scooters and they all love it, too. One of the best paving jobs I've seen the Village do. Thank you.

Bridget Markovich:

Hello, my name is Bridget Markovich. I reside at 9617 Lakeshore Drive. I'm speaking against Resolution 06-37. I know I'm not in the target area, but I was told there's a consideration to run the water all the way to Barnes Creek so I thought I would come now instead of in the event there is a change and it is ran I can voice my objections now. I have a copy of Mr. Yordanoff's letter and there are many statements that are not substantiated in there. I don't know if there was any additional documentation sent with the letter. But I would like to know who the other residents are. He states in his letter that there are other residents who are experiencing non production of their wells. Did he give you that documentation? Also, he speaks to numerous experts in well construction stating that it's clear that the aquifer that many of the homes in our area draw from are becoming depleted. Did he give you documentation to substantiate that? And, also, has he done anything to remedy his problem. Four to five gallons a minute isn't really that bad, but has he taken steps to remedy it like lower his pump in his shaft or put a resurge tank in his own basement before he burdens his neighbors?

Also, he makes inflammatory statements in his letter that he says we can no longer afford to let the voices of a few stand in the way of improvements that will greatly increase and enhance the health and safety of our neighborhood. To me he's saying there's a risk living there then because of our wells? Also, I have a well and I have great water pressure. I live on the second story of my home. That's where we mainly reside. That's where all of our faucet work is for our washer and our sinks and stuff, and I have great water pressure.

Also, he said some residents are concerned about the old septic mounds in our area. Again, did he substantiate that with a list of residents? Also, he states there's a large number of old and unmonitored septic fields and mounds in our area, and anybody who has a septic field or mound or holding tan knows that every three years the County Sanitarian requires you to have it checked. If it fails then you have to do something about it. So that's just erroneous. So to base bringing water in on unsubstantiated and erroneous claims I would like the Village to ask him to back these statements up before they burden the rest of Lakeshore Drive with his request.

Mrs. Iverson mentioned Carol Beach being built up because of Barnes Prairie and that's never going to happen because it's owned by The Nature Conservancy. Thank you for your time.

Joe Trygar:

My name is Joe Trygar. I live at 9237 Lakeshore Drive. I'm here to petition against the City water also. If you look at my home it's the epitome of the low yield well. We're producing actually one quarter per hour in that well system. There's been three wells on this property since it was built in the '50s. We had five to ten different well companies come out and take a look at it. I also petitioned for City water two years ago. I didn't get anybody to take any interest in what was going on on the property.

I was forced to look at different avenues that we could take with regard to bringing water into the house. There are several systems out there that actually do the job, that are capable of pumping enough water and enough pressure to do anything from a car wash to an apartment building. I myself put in a well manager system. It's relatively reasonable in cost. It can produce enough water out of that one quarter per hour in a holding tank system to actually feed the house and do

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everything a normal house would do. I have the information on the well manager system. If the gentleman is saying that there's no way to produce enough water in his house, this is an adequate way to do it. We actually have two storage tanks and the tanks hold about 140 gallons, enough to do four showers, three loads of laundry, just about anything you want, wash your car or water the grass. So that's what we're doing with one quarter per hour.

John Steinbrink:

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

5. VILLAGE BOARD COMMENTS

Mike Serpe:

Two things. I want to first mention yesterday the triathlon for Pleasant Prairie. What a beautiful day that this Village sponsored for the whole Midwest area and beyond. Nothing but compliments from everybody that participated. I couldn't tell you how many people from outside of this area that just complimented us and said how lucky we are to have a facility like Lake Andrea and the RecPlex to host something like this. It was a beautiful day.

And my second comment tonight to the people from Lakeshore Drive, I hear what you're saying and I think you're very, very strong in your petition. The only thing is that tonight's petition only sets up the public hearing which everybody has a right to have their hearing. It's like a day in court. And, really, I don't know of any way we can deny the petition tonight to hold that public hearing because I think the petitioner has a right to be heard and anybody else that may want the water has a right to be heard. That being said, we have to listen to everything that comes before us and we have to make a decision on whether we put that water in or we don't. But tonight all we're doing is setting that hearing to take place sometime in the future. I know that sounds a little unreasonable, but I don't want to be a part of or anybody that wants to violate somebody's civil rights. They have a right to petition and I think we have a right to hear them.

You may not like that and I'm not saying I'm voting in favor or against it. All I'm saying is we have to give that person a right to--I'm sorry, ma'am the public hearing is closed. We have to give that person a right to state his case and that's all we're doing tonight with this petition.

Steve Kumorkiewicz:

I have to concur with Mike because today a decision is not to be made. But with the petition is going to serve also as a reference when we have to make a decision in the future. By law the public hearing is to be conducted. There's nothing more right now that we've got.

I'd also like to say the triathlon was excellent yesterday. People came from all over, New Zealand, a lot of people from Chicago and very few people from the Kenosha area. That surprised me. But I really was impressed - the event has put Pleasant Prairie on the map for the

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last five years.

I received an e-mail this Sunday concerning an action that took place in the beach area of the park, Lake Andrea, on July 28th and I gave it to Mike to check on that situation. Thank you.

John Steinbrink:

Mike, maybe you just want to clarify. You've got some other points there, but on the triathlon it was a big event and a big turnout, but there's a bigger purpose here for it. Mike, if you can tell where the monies that are raised go.

Mike Pollocoff:

Sure. The Pleasant Prairie Triathlon is a successful triathlon, but the guidance behind that triathlon is a couple things. One is that we can't operate it at a loss, so when any department that has people who are on overtime, whether it be a police department, fire and rescue, parks, public works, that triathlon has to pay the cost of those people who are providing those municipal services that are needed that day so that doesn't show up as a taxpayer supported service. But the funds from the triathlon go to support the therapeutic recreation department which is a division of recreation that provides people with handicaps ranging from autism to cerebral palsy to you just name it. It's a little bit of everything. But people that have difficulties recreating normally like other people would, a population of people that left to their own devices end up sitting around on couches or being immobile it helps provide funds so they can do some things whether it's at RecPlex or they go to other places, too. They have basketball wheelchair, they have sled hockey for some of the kids so it's a really nice program.

It takes care of a need in the community that isn't fully supported by the County or isn't supported by anybody else. It's supported by the athletes who are able to enjoy an event and really perform at their peak. Then the money from that event goes to support therapeutic recreation for a good part of the year. It's not their sole source of funding, but it's getting to be a bigger and bigger source of funding. So it's a really nice program. When a lot of the parents are out there supporting it and volunteering to do whatever they can to help pull it off. So it's a nice event.

A couple more things. We received a letter from the Kenosha Police Department concerning the actions of one of our lifeguards at Lake Andrea who saved a young boy who was probably 40 feet out at Lake Andrea from the beach. If you're 40 feet out you're pretty deep. That lake drops off quite a bit. And the child was going under. The father was with that child and another child and he was hanging onto one kid. To relay the information by Captain Louis Lindquist from the City Police Department. Jamie Hammell, one of our lifeguards, quickly assessed the danger and responded immediately. She signaled other guards and entered the water covering approximately 40 feet before the adult was able to grab the child in distress and pull him up with Jamie's assistance.

Our goal at Lake Andrea and the RecPlex pool is to make sure that nobody gets to that point where you're going down underneath the water to save somebody and that was, in fact, the case. We've been operating the beach at Lake Andrea since 1995, and this is about as close as we've

come to having somebody--some kids have bobbed a little bit under the water and we have to go get them, but aside from a couple heart attacks that they've gone out and pulled somebody out, or heart problems, we've been really lucky. So it was nice to get a letter from the City commending our guards for their action. The report pretty much said the same thing. Our reports go in the file and that's it. It was addressed to Steve and he wants to commend the guards out there and I do as well.

The other thing is a little more troubling. There's good things that sometimes happen out of terrible events, but our community had a horrific accident last week. It was one of those things that I don't know if anybody at the Village would have been able to do anything about it happened so fast. It's one of those things where our employees see some just awful things, the things that most of us couldn't deal with if we had to face it. Our guys did it and they did a good job of getting out there and taking care of a tough situation. They're to be commended for dealing with something that was that tragic that occurred.

The other person that needs to be thanked and another guy that you can't thank enough is the Chaplain for the departments, Don Hackbarth. I don't know if Chief Guilbert or Chief Wagner called him and they knew what kind of call it was going to be, and I think they were more concerned about the aftermath of what our people were going to be facing in dealing with it out there. There was a child that witnessed this, there was family at the site, there were neighbors that were there, and Don was able to kind of corral those people up, get them focused on something else other than what had immediately happened as much as able so that our people could do their work and they could get some focus on this at a time when it's going to be easier for them. That's a big chore. I can't think of a tougher job at that point than trying to get people who witnessed this thing and get them managed and handled. We're really lucky to have a guy that does that and does that very well.

I even know that he's been asked to speak at a conference in New York on dealing with emergency situations and debriefing and counseling, first providers and people who witness those things. Unfortunately probably everybody in that business sees more than they ever want to see. We're not a small community and we see a lot of those things, so hopefully we don't have to see things like that, but that's the business we're in and we're lucky we have quality professional policeman and paramedics and firemedics and we had Don to help them get through that. I've seen him deal with some awful troubling situations and help those guys get their heads on straight after they've seen something that most people are going to lose sleep over for months. He's helped them get past it. If anything good can come out of that at least we were able to do the best we could in a difficult situation. Again, I'd like to thank our guys, the fire fighters and the policemen for responding to a horrendous situation and making the best of it they could.

6. NEW BUSINESS

A. Receive Plan Commission Recommendation and Consider Ordinance #06-37 for a

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Zoning Map Amendment to amend the Village Zoning Map to rezone Outlots 2, 5, 6, 7, of Prairie Ridge Subdivision and Outlots 25, 26 and 28 of Prairie Ridge Addition #1, into the PR-1, Park and Recreational District.

Jean Werbie:

Mr. President and members of the Board, on May 22, 2006, the Plan Commission adopted Resolution 06-12 to initiate a zoning map amendment to rezone non-wetland portions of some outlots within the Prairie Ridge development that were intended to be used as open space within the single family residential portion of their development. The purpose of their request this evening, Ordinance #06-37, then is to rezone these outlots into the PR-1, Park and Recreational District.

Back on November 21, December 5 and 7 of 1995, the Regional Planning Commission conducted wetland stakings within the Prairie Ridge development and specifically located where the wetlands were located prior to the development being platted.

On November 17, 1997, the Board rezoned certain areas into this Conservancy designation, and the balance of the areas were put into R-4 District regulations within the subdivision even though they were intended to be preserved as open space areas.

On March 2, 1998, the development was final platted, the first stage, and the second stage was final platted on June 19, 1999. ON December 14, 2005, the Prairie Ridge Homeowner's Association, along with Dave Meyer, had conducted a field investigation to determine if any changes had occurred with respect to the wetlands within the outlots of the subdivision. And what they found was that one of the outlots, Outlot 7, that was originally staked as wetlands was no longer wetlands. And at that point the current Board was raising some questions with their association as to whether or not they would like to rezone that outlot into a residential lot and then subdivide it for future development.

This created somewhat of a controversy within that subdivision, and so the residents had made the decision in working with the Village of Pleasant Prairie they wanted to request to rezone all of the outlots, including this one, into a certain designation, a PR-1 designation, so that forever these areas would be open space preservation, whether or not there were wetlands on them or not. But they would be preservation areas within their subdivision no matter who was on their Homeowner's Association Board.

So on January 3rd the Village received a letter saying that there were no wetlands, but the Village's policy was to go through the rezoning process, and based on the request of the current Board you have this request before you this evening, and that is Ordinance #06-37. And this is

now to place all of the outlots 2, 5, 6, 7, 25, 26 and 28 into the PR-1, Park and Recreational District, in order to preserve and to protect the integrity of these open space areas as was originally intended by the developer. The staff and the Plan Commission recommend approval of this request.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #06-37 FOR A ZONING MAP AMENDMENT TO AMEND THE VILLAGE ZONING MAP TO REZONE OUTLOTS 2, 5, 6, 7, OF PRAIRIE RIDGE SUBDIVISION AND OUTLOTS 25, 26 AND 28 OF PRAIRIE RIDGE ADDITION #1, INTO THE PR-1, PARK AND RECREATIONAL DISTRICT; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

- B. Receive Plan Commission Recommendation and Consider Resolution #06-38 to initiate a zoning map amendment for the property located at 9335 Old Green Bay Road.**

Jean Werbie:

Mr. President and members of the Board, Resolution #06-38 is a resolution to initiate a zoning map amendment. The Village Board may initiate through a petition the amendment of the zoning ordinance which could be property, change in zoning district boundaries or the text of the ordinance.

The property located at 9335 Old Green Bay Road is known as the Dabbs Farm. This farm has been used for agricultural purposes over the past 100 years, and they are proposing to continue its agricultural uses into the future. Pursuant to the Village's Comprehensive Land Use Plan, the future land use ultimately for this property is Community Commercial. The property is currently zoned B-2, Community Commercial.

The property is still being used for agricultural purposes, and they would like to be able to continue to farm and use the property and expand and utilize any farm buildings that may need to be repaired or replaced in the future, and they can't do that under the current business zoning. They are asking that an agricultural overlay be placed on the property similar to surrounding properties so that they can continue to operate the property as a farm until they're ready to convert it to that commercial use.

The purpose then of this resolution is to initiate the process by which there is a proposed amendment to the official zoning map for this particular property by adding the AGO, Agricultural Overlay District, to the property. The Board is not by this resolution this evening making any determination regarding the merits of the proposed changes, but you're only initiating the process by which the proposed changes in the zoning map can be promptly evaluated, a public hearing can be held, and a determination can be made. The staff is recommending approval of Resolution #06-38 as presented.

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Mike Serpe:

Move approval of 06-38.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike and second by Steve for approval of Resolution 06-38. Any further discussion?

Jeff Lauer:

I have a question, Jean. As I understand it, the Comprehensive Plan is for business?

Jean Werbie:

Correct. In the future.

Jeff Lauer:

How does that eventually go to the business then? Would the owner of that property have to sell it to the Village or would the Village actually say the time as come to make it commercial?

Jean Werbie:

Part of the Smart Growth planning process we're going through, we will find out exactly what the State is going to be looking at with respect to the ultimate land uses of property and how it relates to zoning. Currently the property is zoned B-2, Community Business, but it has been and continually has been used for agricultural purposes. All of the surrounding land is also zoned B-2, but we had placed an ag overlay, AGO District on it, so that it could continue to be farmed. In this case, if they choose to convert it to a business use, they'll need to remove that ag overlay in the future. But right now the way the Smart Growth law has been written, by January 1, 2010, the Village is supposed to prezone all of the land to reflect what's in our comprehensive plan. In talking with some of the area planners last week, we're not sure whether or not there's going to be any changes in the Smart Growth law, so that we don't have to do a massive rezoning in the Village, but rather have the zoning reflect actual or existing uses in the Village, and that's what I think the community would prefer.

Jeff Lauer:

I'm assuming the owner realizes it's for commercial use in the future?

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Jean Werbie:

Yes, and we have met with them, correct.

Jeff Lauer:

And do you know if they have an issue with that or not?

Jean Werbie:

No. They just want to be able to continue to farm it and remove any farm buildings or repair farm buildings or add on for some sheep or some farm animals that they have at the site. So their concerned with the immediate future, so as long as they can continue to use the farm as a farm. In the future if they want to convert the use the understand that's a possibility as well.

Mike Pollocoff:

I think the other part of Mr. Lauer's question was when the Village was going to acquire it for development and we will not be acquiring this property for development. If it's development it's because the owners decide to develop it themselves under commercial use or they've sold it to someone who wishes to do that. That parcel of land, although we do have a public use that was required for the water storage tank, that's not in a redevelopment area. There's not any plans for the Village to acquire that. So we won't be driving the development on that. It will be a buyer/seller relationship that will be doing that.

Jeff Lauer:

You just can't expand future farming. Okay, thanks.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND ADOPT RESOLUTION #06-38 TO INITIATE A ZONING MAP
AMENDMENT FOR THE PROPERTY LOCATED AT 9335 OLD GREEN BAY ROAD;
SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- C. Consider Resolution #06-37 – Preliminary Resolution declaring intent to exercise special assessment police powers in connection with the construction of municipal water on Lakeshore Drive, from 9041 Lakeshore Drive south approximately 1750 feet to 9319 Lakeshore Drive.**

Mike Pollocoff:

Mr. President, we received at our last meeting from Mr. Yordanoff requesting that the Village consider extending water to his property located at 9319 Lakeshore Drive. On the map overhead and in your packet you can see the extent of that extension from the current terminus of the water main to Mr. Yordanoff's home.

The Village has a couple requirements that we need to be mindful of as we consider these. One is that every citizen has the right to petition the Village for whatever it is they want or they don't want or they're for or they're against. In the case of water, under our orders from the Public Service Commission, anybody who is need of water or requests water we're under the obligation to consider that request and not summarily reject it out of hand.

In Wisconsin the statutes provide a method for considering these requests for public improvements, especially when you're going to charge the people for the improvement, and that's under our special assessment police powers. That's not police we're going to come out and arrest you, but that's the exercise of our authority for health, safety and welfare for the Board to be able to levy an assessment on property owners. That's a significant power. It's a very powerful tool that not only Pleasant Prairie has but every municipality in the State.

Before that power can be exercised there's a series of steps that have to take place. The first is typically somebody asks for the improvement, whether it's a water main, sidewalk, storm water basins, whatever the improvement might be. And usually someone is giving their case as to why they need it when they make that petition. Sometimes the Village itself can be the one that generates the petition. If we feel there's an improvement of whatever nature, if it's a road or a water main then the Village Board can generate that action. Then at that time the petition is filed and then a resolution is adopted and we publish a notice saying we're going to be considering a resolution to hold a hearing where the Village Board will be considering the exercising of their special assessment powers.

The resolution before you tonight is to say we are going to conduct that hearing and consider what the Village Board is going to do. The reason the statutes and the law in Wisconsin is that way is to make sure that there's a level playing field, that everybody in a neighborhood who is noticed about the project gets the same information from the Village because it's going to be the Village that puts the improvement in and levies the cost, that everybody gets the same information at the same time as to what's going to happen. They'll have that information for ten days before the meeting. Everybody at the hearing is going to have an equal opportunity to make statements for or against the project so the Village Board can decide what they want to do.

One of the speakers under citizens' comments indicated this was a little unusual and they were used to getting letters from the Village saying that we were going to do that. We're not to that point yet. If this resolution is adopted it directs the Clerk to notify all the residents in writing and they have to have that notice before ten days before the meeting to say, residents, here's what's happening. Someone has petitioned for water and we're going to conduct a hearing concerning this project, and the project is going to cost whatever the amount of money is determined, and it's going to say how we determined what that assessment is. If we did it on a front foot basis it's going to be based on the fact that the water main costs so much, it's going to cost so much to put it in, where the lateral is going to be put in, what the hydrants cost, all the particular aspects of the project. Then the Village Engineer and the engineer at the Prange Department and the utility superintendent and myself here we're going to be available from 8 to 5 if anybody wants to come in and ask more questions specifically, and we'll be using the same document with each person so that everybody gets the same information.

Then based on that with everybody getting the same information, so we know that the assessment is \$40 or \$70 or whatever that assessment ends up being, we're dealing with the same knowledge base. At that point after everybody has come to the hearing and they've gotten a letter in the mail and we've put a notice in the paper saying when the hearing is going to be, we'll do that twice before the hearing, then the written notice, plus it will be flashed on Channel 25 repeatedly over a ten day period, then everybody comes. And hopefully you get everybody at a meeting. As you can see from the petition that was signed and the people who came here, maybe not everybody but there's definitely people talking about it. Then they come and tell the Board their side.

It's ultimately the Board's decision, of course, because you can't give that authority or that decision making responsibility away, but my experience with the Village Board is they listen intently to what people have to say and then they make their decision based on that discussion. There isn't a requirement by the PSC that we extend water unless someone's health or life is threatened because that water will not be extended.

There were a couple of other questions brought up. The Board could decide to deny the resolution and you'd be contrary to your requirements of the Public Service Commission but that would be your choice. This project doesn't have any relationship to property taxes. That being said no one in Pleasant Prairie, nothing in their water bill, nothing on their tax bill goes to support the water utility. Whether you live in Carol Beach, whether you live in River Oaks, no matter where you live no money is taken, no one provides in their property taxes any money to provide water to anybody. That's covered by your water fees. That being said that doesn't mean that your taxes aren't high but because your taxes are high that doesn't exclude you from one thing or another. Sewer and water are paid for by the people that use it.

Another question was the DNR agreement. I think the DNR agreement, if it's the agreement I'm thinking of, it's the Chiwaukee Prairie Comprehensive Land Use Plan that said sewer and water will not be extended in Carol Beach in any other area other than Unit W and along Lakeshore Drive down to Barnes Creek. Everyplace else we're prohibited from putting water into that area because it's going to disrupt the flow of ground water in the area and it's going to promote development. So the only place we could bring water and sewer in the area is in Unit W and on Lakeshore Drive.

I think it was about 25 or 26 years ago water was brought into Unit W by petition and it's been kind of inching its way down Lakeshore Drive over the years. We had a hearing and discussion on extending sanitary sewer into Carol Beach probably in the late '80s, and most people were against it, and it's the only area, at least in Unit W and along Lakeshore Drive, it's the only areas where the soils are conducive to having a mound system or there's even conventional systems that will perk in there so we've pretty much removed that area from sanitary sewer consideration.

So I don't want anybody to think they're not getting a kick at the cat and we haven't sent anybody letters. That will come. So there's a process if the Board chooses to follow it. If you were to take Mr. Yordanoff's request--legally you can't take Mr. Yordanoff's request at face value and approve it that night. Similarly you can't take the recommendations of the residents and deny it based without giving Mr. Yordanoff a kick at the cat, so that's why the statutes provide that everybody gets the same information at the same time and then you have your

hearing and go at it from there.

The other agreement that may be in place, and it's really not an agreement, it's a zoning district, and that's a Limited Urban Service Area and we arrived at that a few years ago where we put this overlay and most of the land down there is Conservancy or residential, but the overlay says this is a limited urban service area, it's difficult for us to bring urban services into this area because of the unique nature of the land, because of the unique nature of the Chiwaukee Land Use Comprehensive Plan. So when people buy property there they need to pay attention to that because we're telling them up front we just can't bring water in easily. We just can't bring in sewer easily. We can't make storm water improvements easily because it's a difficult area and there's a lot of environmental constraints that everybody has agreed is important to protect. That being said what you have is what you have. There's some places in Carol Beach where getting a storm water project done is next to impossible or getting a road paved is next to impossible. For the people that have been there for a while I think it reflects the reality of what exists that there aren't a lot of improvements in there.

For people that are buying homes today because it's a nice looking day and a year from now they're saying I'd really like water or this or that, that's what that zoning district does. It gives everybody notice that this is not your typical neighborhood. There's nice things about it, but with those nice things comes some of the things you can't have because we're not able to do it.

So my recommendation is that even though this might be causing some anxiety for the people there, it's not unlike when it was heard before, and it could be heard again. People have a right to petition. It's not just because it's turned down once you never get a chance to ask again, but everybody has a chance to ask and we have our hearing and everybody works off the same sheet of music. My recommendation is we adopt the resolution to conduct a hearing and get everybody's input at the same time.

John Steinbrink:

I think the one question that was raised was running the water to Barnes Creek. Mr. Yordanoff came in and his address is 9319?

Mike Pollocoff:

Right.

John Steinbrink:

And then Trustee Tiahnybok asked the question of why not investigate the opportunity of running it all the way to Barnes Creek, the limit of running it in the Chiwaukee agreement there. I'm not sure if you started asking residents.

Mike Pollocoff:

That was the other question. The other advantage is fire protection. The other thing I tell everybody at hearings is there's radium in the water in Pleasant Prairie. Everybody should be

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cognizant of that fact that you're sitting on a sandstone and limestone aquifer that has radium. We've abandoned municipal wells because of it. If you have a private well and if you can find somebody who can do that test for you, you owe it to yourself to have it tested for radium. You can't smell it and you can't taste it but it's out there.

John Steinbrink:

But the petition we're looking at today is only to 9319?

Mike Pollocoff:

That's correct.

John Steinbrink:

It's no farther than that.

Mike Pollocoff:

And if we wanted to go farther we'd have to start the process all over.

Alex Tiahnybok:

I said it repeatedly since I've sat on this Board that I'm a strong believer in majority rules. Yes, I have done some research. One thing we know for sure is that this issue came before this Board some years in the past. Two years ago when Mr. Trygar wanted to get municipal water and then previously before that. And the majority of the homeowners or property owners that would get affected by this have I think very soundly turned it down. So since two weeks ago obviously information about the possibility of this happening has spread like wildfire through Carol Beach. I think there's a very strong opinion based on the petition that Mrs. Iverson produced. I have based on feedback that I've gotten I've gotten a very similarly extremely negative response to the idea of extending this, whether it's to 9319 which was in the range of six to one against, and then south of 9319 100 percent against anyone that I talked to.

If there are statutes that we as a Board would be violating, and obviously I don't want to go to jail for this anymore than anyone else does, but I question if we've tested this in the past and we've been told very clearly that's not wanted, and I think again here we're looking at a very similar perspective. A good point was brought up by one of the speakers tonight is taking the next step is going to cost us some money. We protect our engineering staff and our public works staff time and resources so vehemently on other things, and here we're going to go and cost out this whole project and do all the notices and spend money. We're also going to ask the people that were motivated to come here tonight to come back again to make their case again. I have some other written correspondences but I guess we'll save those maybe for the future. If the statutes require that we take this process, and I suppose calmly minds than this Board will prevail but, again, I believe in majority rules. What are the consequences to us as a Board if we deny this tonight. I understand the Commission requires allowing this hearing to happen, but what if we say no because it's a waste of time and money?

Mike Serpe:

I think the last thing that we should be engaging in is to start denying somebody their right to petition this Board and this Village for something they have a right to petition for. Yes, we heard from five speakers tonight against the water project. We have denied water projects in the past because the majority said no. What if on the night we hold this public hearing that four people come forward and say they have a dangerous situation, and no matter what they do they can no longer use a well for their drinking water? I think the law then requires us, or the Public Service Commission then requires us to have to extend that water to that parcel. But we don't know until we hold the public hearing.

I don't think it's fair to anybody to deny the right to be heard on something that they're asking for. I think Section 66.0703 requires us to do exactly what we're doing. And I think we have to be fair to everybody. There's no doubt in my mind if somebody can't come forward and say--if they're going to come forward and say, hey, I don't have a health problem and I just want municipal water, this is overwhelmingly--I'm going to tell you right now it's not going to pass. But we have to hold that hearing. We owe it to these people. If we start with this tonight what's going to be next? Just going to make arbitrary decisions at the Board level saying, no, we're not going to listen to you because it would be a waste of money? That would not be fair to anybody in this Village and that's not what we're about. That would be as close to a dictatorship as we can imagine and I don't believe in that.

John Steinbrink:

I don't think I can think of any community that has denied any petitioner the right to hold a public hearing no matter what Board members or the public thinks of this. It is that persons' right, and I guess if we're going to change the way we do things I think we're going to open up a bigger can of worms. As Mike said, you have to give everybody their day in court. We've been to areas where on a regular basis we get petitions, whether it's for sewer, water, paving, whatever it is that petition comes forward, we hear it, we get public input and we then act on it. But if you're going to decide up front whether you're going to deny or accept without public input then I think you've really shortchanged the citizens and the public.

Mike Pollocoff:

In response to Alex's question, we do guard our engineering time and the time we spend on stuff carefully because we don't have a lot of resources. But this is one of the essential services that a municipality provides, and that's not providing water. That's not the issue. The issue is the essential service that the Village provides for the citizens to know that decisions that are made here and the process to go through is going to get an even shake and we're going to follow a standard process that everybody can rely on. When we accepted the petition and directed the staff to prepare this resolution, that happened in an open environment. It happened at the public meeting. We publicized this resolution in the news to make people aware of it and that we're starting this process.

I think that to say now we're not going to let the process go through to its ultimate conclusion--I

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don't know if every single person was hit on the survey. I don't know if every person was talked to, but the purpose of the hearing and getting that information out to the people is not to say not to sell the project. I'm not going to sleep any better because we do this project. The engineer is not going to sleep any better. We're going to do what the people want to do, but we've got to go through the process so that the people know what it's going to cost. I can't tell anyone in this audience tonight what that project is going to cost. They still might not want it and they might not want it if it's \$5 a foot, but I can't tell them what it's going to cost. It's going to cost whatever it's going to cost, but everybody should have that information and then the Board has made that decision with all the information at hand, good and bad, or on what side of the issue you are and then they can go from t here.

I think I can think of about three times in 21 years where the Board said we're going to take water and you are going to get it and you're going to have it, and the people in those instances were drinking sewage. If the Board didn't do it the State was going to turn right around and do it and charge whatever they were going to charge for doing it. Your responsibility is for the health and public safety. I haven't seen the evidence presented here and we're going to look at that stuff when we get ready to look at it. When we had the hearing a couple years ago I didn't see it then and I don't know if I'm going to see it now. But to get a game together and say let's fight this that's fine and there's a time to do that. But to get everybody worked up and say stop it here before anybody can have anymore input I don't--one, legally we shouldn't do that, and the process is set up to make sure that people don't do that, that they don't circumvent the system and deny other people their opportunity to speak out even if they're the minority. At the end of the day if Mr. Yordanoff is the only guy that speaks up he's had his chance along with everybody else and then the Board makes their decision. So I think the majority does rule but it's got to go through a process where everybody's rights are protected while that decision is being made.

Mike Serpe:

I make a motion to adopt Resolution 06-37 and set it for public hearing.

Steve Kumorkiewicz:

I move to second that because we're going to give Mr. Yordanoff the right of due process, but everything is in the record tonight. So I second that.

John Steinbrink:

Now we have a motion and a second. Other discussion?

Jeff Lauer:

Just for a short comment, on one hand I do agree with Alex the time and money it's going to cost even though there are residents here with a petition not to do it, and yet on the other hand I know the Village over the time I've not only been on the Board but watching it in the past has always followed the process to go through. Whether we all agree with it or not it's a process where if

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there's only one individual that comes up here and says they have it, and it's like Mike said earlier the petitioner here enough shows not speaking for anybody else but it wouldn't pass. It's just a process that we go through whether we should spend the money or not. It is the process that the Board has taken in the past. So if this does pass it doesn't mean that the Board approves this is going to happen, it's just that opportunity to get public input one more time and then the Board will vote on it.

Alex Tiahnybok:

I do believe in process. That's what brings structure to our world in every respect, so obviously the higher authorities than the five of us sitting here have determined that this is the right way to go, and I think it's pretty evident to everyone sitting here. I don't think anything is going to change between now and when this public hearing occurs. The sentiment is probably going to be exactly the same. I'll make your case for you.

SERPE MOVED TO ADOPT RESOLUTION #06-37 – PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS IN CONNECTION WITH THE CONSTRUCTION OF MUNICIPAL WATER ON LAKESHORE DRIVE, FROM 9041 LAKESHORE DRIVE SOUTH APPROXIMATELY 1750 FEET TO 9319 LAKESHORE DRIVE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-1 WITH TIAHNYBOK DISSENTING.

D. Consider Ordinance #06-38 to Amend Chapter 292 of the Municipal Code relating to Solid Waste and Recycling Compliance Assurance Plan.

Mike Pollocoff:

Mr. President, this ordinance comes to us via the DNR. By statutes we're required to comply with the State's regulations on solid waste management recycling, and we're required to submit a compliance insurance plan to make sure that we are advising our residents and monitoring what gets collected, because if we don't then we end up being the responsible agency to clean it up.

What we have here is our first reading of Ordinance 06-38 which defines the purpose of this, and it's to define who is going to responsible for implementing this ordinance, which is the street and sanitation superintendent and the staff from the public works department. We're working to meet the requirements of the DNR which is the State Regulation Administration Code on our recycling ordinance.

Really what it does is it provides the procedure where by someone is not participating or they're found to be violating the ordinance with respect to land filling recycled materials, then the first offense is we're going to tag their container with a noncompliance sticker and let them know what they did wrong, give them some educational materials. To be honest with you that might go far more times than once because some people have a difficult time understanding it. The second offense we'll tag the container and we'll send a noncompliance letter to get more serious about it. Third, if they refuse to comply then we would have to issue a citation. The same would be true for multifamily apartments and business recycling program compliance. We don't have any businesses that we collect but they're still required to comply with recycling, but it would primarily be the multifamily apartments that would have to follow. The compliance requirements are a mandate from the State and we need to adopt them in order to keep maintaining and receiving the recycling grants that we receive. This is the first reading.

John Steinbrink:

I think overall the Village residents do a great job of recycling.

Mike Pollocoff:

We're really lucky, and we're pushing 30 percent which is up there. That's really high.

John Steinbrink:

It not only saves the environment but it saves us a ton of money when it comes to tipping charges because we don't have to put those recyclable products into the landfill and pay for that space. The more compliance we can get the more our rates are so we only help ourselves. This was the first reading and no action needed on this.

E. Consider Resolution #06-39 - Placement of 4-way stop at the intersection of CTH H and Bain Station Road.

Mike Pollocoff:

Mr. President, this is a resolution requesting that Kenosha County as the responsible agent for the jurisdiction of Highway H consider putting up a four-way stop at the intersection of County Trunk H and Bain Station Road. We have stop signs currently on Bain Station Road. This is our second highest accident site in the Village. And if it's just a big intersection or the cars are misjudging speed or what have you, but we have a significant number of accidents at that intersection. The speed is pretty high. I think they can go 45 which means that they're going 55 or higher, and for those that do the accidents are tough.

The staff is recommending and the Chief is recommending that we request that the County agree that a four-way stop sign should be placed at this intersection, and we pass this on and it will go to their highway committee, their public works, safety committee, intergovernmental committee and then the County Board.

John Steinbrink:

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Let's hope we get to it before we suffer a tragedy there. I think, Chief, we've had three in the last couple weeks here? Four in the last couple weeks there. And we've lowered the speed limit there from 55 to 45, and we're approaching that time of year where the high school kids and everybody else are going to be using that intersection as a means of getting to Tremper from the western end. With the increased traffic from the industrial park we're opening ourselves up to some real tragedy there.

Mike Serpe:

Because this is such a high speed area and because it's so dark, and for what it's worth if we're going to suggest this to the County that they put those stop signs on there, I do like the idea of those solar powered little red lights that they circle the stop sign and get your attention. There's no electricity cost with it. It may be a little more expensive to buy the unit but it's a lot safer as well because you're going to see it. So if we can suggest that to them, oh, by the way if you can consider finding a way to put the solar powered lights on this that would be that much nicer.

John, you have to be witnessing half these accidents over there, and you're probably the first one on the scene, too, I would imagine. So with that this makes sense and I think we should move forward. I move to adopt 06-39.

Steve Kumorkiewicz:

I second.

John Steinbrink:

Motion and a second. Further discussion?

Jeff Lauer:

I guess more of a question than a comment. I know when I read this I thought why in the world do we want stop signs there and I go there all the time. But it is the second highest rate in Pleasant Prairie, Bain Station? I guess I'm lucky because I drive that a lot so I must be the fortunate one that misses it. If it's that high do you think we should maybe--when it gets dark out there it does get dark because I go down there at night, too. Would a stop light be better or is that a whole different ball game?

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. If I might explain. The thinking here is--let me back up a little bit. If you look at all of the accidents that we've had over this intersection over the course of the last three or four years one thing jumps out at you, and that is the vast majority of these occur not because people are blowing the stop signs and not because people are speeding through there. The vast majority of these accidents I would say upwards of 80 percent are occurring when people stop at that stop on Bain Station road and then pull away from it into the path of either a northbound or southbound vehicle on Highway H. I don't know what it is about

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that particular intersection that causes people not to see. There are good sight lines there, but there is something about that intersection that causes people not to be able to connect with the fact that there's traffic coming and they end up pulling out in front of that traffic.

It's remarkable when you go through these accidents and you see the number where the contributing factor is failing to yield from the stop sign. So the thinking here is that if you're got a four way you're not going to have that northbound and southbound traffic at speed as they come through the intersection. They're going to stop. And I believe by doing this we will eliminate the vast majority of the accidents at that intersection.

Alex Tiahnybok:

Two weeks ago I think it was during Village Board comments I brought up the accident that occurred on Sheridan just north of Russell and Sheridan. I'm glad you're standing there, Chief, because a question to you. Is a four way stop the most I guess from a safety perspective the most efficient way to get people to stop, or is a lighted intersection? I can understand how a two-way stop creates a problem, so a four-way stop you just mentioned sounds like a huge improvement over the two-way.

Chief Wagner:

It really depends on the situation. Everybody intersection is different and there is no one size fits all. It really is a function of looking at each individual intersection and the circumstances there and then making a judgment. In this particular case it's my belief that by doing this we stand a very good chance of really putting a serious dent, no pun intended, in the number of accidents that are occurring there.

Alex Tiahnybok:

I like Mike's idea about the lighted stop sign. I think it's effective north of there.

Steve Kumorkiewicz:

Chief, who put the lighted lights in the stop over there in C and H? After a big accident over there . . . the County put that solar light system over there?

Chief Wagner:

They did. That's a County trunk highway. It's two County trunk highways there.

Steve Kumorkiewicz:

Two County highways over there. Because our concern especially with C . . . resolution for Bain Station and C. That's a very dangerous part, too. They are flying and you look at both side . . .

Chief Wagner:

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It's funny that you would think that because of the angle there, but I'll tell you the accident data doesn't bear that out. We don't have near the number of accidents at C and Bain Station Road that we have at H and Bain Station Road. A much more dangerous situation at 88th Avenue.

Steve Kumorkiewicz:

I thought it was the other way around.

Chief Wagner:

You would think so.

Steve Kumorkiewicz:

Or the speed over there.

John Steinbrink:

Thank you, Chief.

SERPE MOVED TO ADOPT RESOLUTION #06-39 - PLACEMENT OF 4-WAY STOP AT THE INTERSECTION OF CTH H AND BAIN STATION ROAD AND FORWARD IT TO KENOSHA COUNTY; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Consider Resolution #06-40 - Placement of 4-way stop at the intersection of CTH H and 93rd Place.

Mike Pollocoff:

Mr. President, this is one that's being requested both by staff and by Kenosha Unified and Lakeview Tech. Right now on 93rd Place it's that northern road that goes around Lake Andrea and it ends up being Park Drive as it goes around to the south. But the RecPlex and Prairie Springs park is where the children that go to Lakeview Tech have their gym. So if it's inclement outside they walk through the snow to the field house, or if it's nice outside they do something out there. Well, that happens a number of times during the day, and the problem is that, again, even at 35 and that's the speed limit there, the kids are hustling to get across the road and at that point it's three wide lanes to get across H. The teachers there have indicated there have been close calls, and they're high schools kids on top of it so some are shuffling, some are running and they're all doing something different.

What the district and we're looking at is that yellow flashing school zone light, stripe it as a school zone so that there's a crossing there. What they do is cross at 93rd Street and then they jump on the trail and they're off the road that way. They're on the trail inside the park and they go down into RecPlex from there.

Our initial discussions with the County was we're not going to do it and if you want it you pay for it. So we're going to try this formally and see if we can get them to look at it. On that picture there you kind of get a good feel for how wide that space is that the kids have to traverse to get across. So the other option is to bus the kids over to the park and that's a lot of money to do that. So all things being equal it's one place for a crossing. It's similar to what we have at Whittier Elementary and Prairie Lane and we haven't been successful with the County there either. But this one carries significant traffic into the area, so I'd request that the Board consider Resolution 06-40 to request those flashing signals on H at 93rd Place.

Mike Serpe:

I agree with the flashing signals, Mike, instead of the stop sign. And I also think it would be a good idea if we put the crosswalk in. I think everybody has been to Lake Geneva at some time or another, and in the middle of the street they have these little standards, pedestrian walkway and you have to stop for pedestrians and whatever. Nobody may stop but it gives the warning that there is some pedestrian traffic going across here and to be a little bit more cautious. I'm glad we're talking about the flashing yellow lights instead of the stop sign because the school is in session for seven or seven and a half hours a day, and 17 hours a day there's nothing going on there and Saturday and Sunday there's not much going on and in the summertime there's not much going on. So why should we hinder traffic instead of trying to keep it moving. This whole thing could be controlled if the County agrees to it, which I hope they do, by the school. The janitor can turn the lights on and he can put the standard in the street to indicate that there are pedestrians here and use caution. So I think it's a good way to go and I'm glad you brought that forward.

Alex Tiahnybok:

So this is a modification of Resolution 06-40? Because the third paragraph does say four-way stop.

Mike Pollocoff:

No, the title is right. We didn't get it right in the resolve, so that should be a signal unless you want to amend it to include a barricade or what is that?

Mike Serpe:

A caution standard. If you hit it, it's going to fall over and pop right back up again. It's spring loaded. If you're a kid you won't pop back up. He's going to stay down.

Alex Tiahnybok:

There are a lot of intersections to this nature where either the flashing yellow or flashing is actually actuated by a button or something like that, otherwise it could be wide open and we could have it triggered by some action, students.

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Mike Serpe:

The school could turn it on. The janitor can flip the switch on that and shut it off at the end of school day, whenever the pedestrian traffic times are at. And if you have a special event on a Saturday or Sunday you can activate it then as well. If there's going to be parking at Lakeview Tech and some kind of an event in the park turn the lights on. It's a warning for everybody that's going through just to take it easy.

Alex Tiahnybok:

I motion for approval of some kind of trigger system, not a regular four-way stop sign, so the third paragraph needs to be changed. Motion for approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

We have a motion and a second. Maybe with both of these we can send a notice to the County Board Supervisor. I know they've started taking interest in highway projects so maybe this is one we can really do something with.

Mike Pollocoff:

The District, too.

John Steinbrink:

Both of them?

Mike Pollocoff:

One of the, yes.

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John Steinbrink:

If that's okay with Board members. We have a motion and a second. Any other discussion?

Steve Kumorkiewicz:

. . . when we dealt with County C to lower the speed we tried to get 35 at the time and the County said to do 40. You remember that issue, Mike . . . the least we can do

TIAHNYBOK MOVED TO ADOPT Resolution #06-40 - Placement of 4-way stop at the intersection of CTH H and 93rd Place AND FORWARD IT TO KENOSHA COUNTY; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

G. Consent Agenda

- 1) **Approve Letter of Credit Reduction for the Westfield Development**
- 2) **Approve Letter of Credit Reduction for the Tobin Creek North Development.**
- 3) **Approve Letter of Credit Reduction for 47th Avenue-Stanich Development.**
- 4) **Approve Letter of Credit Reduction for Crestwood Development LLC.**
- 5) **Approve Letter of Credit Reduction for Woodfield Estates LLC & Jerry Freeman.**

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

H. ADJOURNMENT.

TIAHNYBOK MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:45 P.M.