

**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  
September 18, 2006  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, September 18, 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, Kathy Goessl, Finance Director and Jane Romanowski, Village Clerk.

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

John Steinbrink:

I'm going to ask that we bring Item F before the public hearing because the Petitioner has another engagement he must be at.

**SERPE MOVED TO CONSIDER NEW BUSINESS ITEM F; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**7. NEW BUSINESS**

**F. Receive Plan Commission Recommendation and Consider a Zoning Text Amendment (Ord. #06-43) for the request of Michael McTernan, representing Prime Outlets at Pleasant Prairie LLC, owner, for a Zoning Text Amendment to amend Chapter 420 Attachment 3 Appendix C Specific Development Plans 2. of the Village Zoning Ordinance pertaining to amending the year 2002 Prime Outlets at Pleasant Prairie Planned Unit Development Ordinance.**

Jean Werbie:

Mr. President, this is the request of Mike McTernan, and he represents Prime Outlets of Pleasant Prairie, LLC. They're requesting a zoning text amendment for Prime Outlets as it relates to their planned unit development ordinance sign package. As you will recall, this is a project that has been ongoing for about two and a half years now. The final work getting things under construction most of it was completed this summer with the balance to be completed late this fall and November.

Village Board Meeting  
September 18, 2006

But one of the sticking points with respect to the planned unit development related around two types of signs. You have in your packets, which is about half an inch thick, 17 to 20 different sign types that are going to be allowed as part of the PUD package for Prime Outlets. But, again, two different signs in particular were a great deal of discussion before the Plan Commission and amongst the staff.

Prime Outlets is located in Pleasant Prairie on 108<sup>th</sup> Street just east of the frontage road. And the focus of this PUD really had to do with the Phase V expansion and the pavilions or the food court expansion out there. The freeway signage PUD all of those details had been worked out along with some temporary event signage that had been approved for them to advertise throughout the construction period and throughout the time period that the new tenants were moving in and out. I'm going to go kind of quickly through most of these signs just because this was a matter for public hearing before the Village Plan Commission and we did go into detail with respect to all of these different signs.

There are primary monument signs, there are directional signs, and they're service signs. Some of the things you'll notice that we did change is that they changed out their logo as well as their colors, so some of these signs will be very familiar to you as they were out in their previous phases one through four. They might be just the color and logo changes for one of these signs.

One of the signs that was of some question that was referred back from the Plan Commission to the staff, this is the first one. It's a directory sign with vending. The staff sat down with the attorney for Prime and with Kenosha Area Convention and Visitor's Bureau, and we went through and identified that in accordance with the text of the language of the PUD there would be up to five opportunities for the Village and the Visitors Bureau to use these large director signs for advertising of Village or area-wide or community events. Another sign would be a vending machine and then some other sides of these particular signs would be directory or other purposes for which has been outlined in the ordinance.

So we did specify and put together some pretty detailed language which everyone has agreed to, and this was one of the signs that there was some concern with at the beginning. Some additional signs out at Prime are pretty evident if you've gone out there. You can see all of the Phase V signs are up. Some of these signs are duplicative of what was in the previous Phases I through IV.

The other sign that was of some concern or question had to do with, again, an advertising type of sign, the portable display stand signs. One of the discussions that we had had in order to provide some benefit to the Village with respect to some of these signs is that these portable display stand signs that there would be up to ten opportunities for the Village and, again, the Convention and Visitors Bureau to advertise community events and activities on these signs. The ordinance allows that up to 30 of these signs would be able to be placed out at the center at various locations on the sidewalk in front of the various stores out there.

In working with the Village and the Visitors Bureau we would be inserting certain types of display messages to help advertise the community and the events that are going on. Again, that

Village Board Meeting  
September 18, 2006

was some of the language that we had to work out in detail since the last time that the Village Board has seen this particular ordinance.

Those are the primary areas of concern. Again, the whole PUD is before you. It's been a series of a year and a half or so or two years that we've been working on the PUD as well as the Prime expansion. The last of the expansion activities will be the punching through of the phases so the cut throughs can be installed as well as the food court pavilion which is under construction as we speak will be completed by the end of November.

We have some other issues that have been arising with respect to some directional signage and parking signage in order to get people to the center, and we've been working with Mr. Tucker from Prime on that, and we hope to get all those issues resolved so there's no backups of traffic during the heavy shopping weekends.

With that, the staff and the Plan Commission recommend approval of Zoning Text Amendment Ordinance #06-43. Again, this is for a signage PUD for Prime Outlets of Pleasant Prairie.

Mike Serpe:

The only thing I'd like to say is, Mike McTernan, I think you underestimated the success of this project. As I understand it the parking lot is full almost all the time. I know some of that will be alleviated when the cut through opens up, but that is one heck of a nice place that's been created out there and I commend Prime for doing so. The parking lot is full and that's real good. I move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion on this item?

Alex Tiahnybok:

I'd like to echo Mr. Serpe's comments about the success. My wife and I were meeting some friends at the Radisson and there was a traffic jam in September. That's pretty amazing consider Christmas is quite a ways away. So I wholeheartedly support this. And I have to commend Jean Werbie for the abbreviated version of this item.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND ADOPT ORDINANCE #06-43 FOR A ZONING TEXT  
AMENDMENT TO AMEND CHAPTER 420 ATTACHMENT 3 APPENDIX C SPECIFIC  
DEVELOPMENT PLANS 2. OF THE VILLAGE ZONING ORDINANCE PERTAINING TO  
AMENDING THE YEAR 2002 PRIME OUTLETS AT PLEASANT PRAIRIE PLANNED UNIT  
DEVELOPMENT ORDINANCE.**

**4. PUBLIC HEARING**

**A. Consider Request for the Extension of Municipal Water on Lakeshore Drive, from 9041 Lakeshore Drive south approximately 1750 feet to 9319 Lakeshore Drive.**

**1) Resolution #06-43 - Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments against Benefited Property for the Construction of Municipal Water on Lakeshore Drive, from 9041 Lakeshore Drive south approximately 1750 feet to 9319 Lakeshore Drive.**

Mike Pollocoff:

Mr. President, I'll just start off a little bit and then have Bob describe the project in detail. I just want to indicate that Resolution 06-43, the final resolution authorizing construction of public improvements and levying special assessment against benefited properties is that legal document which enables us to conduct a public hearing after everybody has received written notice as to what's involved with this project. I know there was some discussion at the last meeting that we shouldn't do that or we couldn't do that, but under statute this is the vehicle by which we get everybody a written notice and a letter and the engineer's estimate of what the costs are for the project so that we could proceed.

As painful or unpleasant or people might disagree with the content of what's happening, I think it's imperative, and not only imperative but required by law, that we follow the statutory process in going through the process to put notice out. With that, our engineer, Bob Martin, will describe the details of the project, and after he's completed I've got some additional information that I have to provide based on some research I've done and in response to some questions that I've received. Then we'd like to open it up for the public hearing to hear what the residents have to say.

Bob Martin:

Mr. President and Board members, tonight is a public hearing for the water main extension for Lakeshore Drive, as stated earlier, from 9041 Lakeshore Drive to 9319 Lakeshore Drive. The hearing is at the request of a resident wishing to extend water service to his residence. The length of the project is approximately 1750 feet. There were 43 platted parcels that could possibly see benefit, but 17 of those parcels are owned by the Wisconsin DNR; three of the parcels are in the LUSA or Limited Urban Service Area which accounts for 23 parcels that were not assessable.

The total estimated cost of the water main project is \$160,128.34, which I'd like to talk about that a little bit. The estimate is based on what we normally see in comparable type of projects and what the going price would be from a contracted perspective. Typically the highest portion of that is the water main itself, and in this case we put a unit price of \$53 per lineal foot, and it was

Village Board Meeting  
September 18, 2006

just a little over \$93,000. So for the construction portion of that with hydrants, restoration, driveway repairs and so on, the construction estimate was just a little over \$121,000. So the water main per lineal foot cost is the very highest portion of that.

On top of that we had a 15 percent contingency for unforeseens, and then we had another 15 percent for engineering and admin. So with those two between the contingency and 15 percent for engineering and admin just a little under \$40,000. The estimated cost per lineal foot for those parcels that would be assessed is \$87.26. This is unusually high in that there's only about half of the parcels that are normally assessed included in this assessment. So typically if you go down a street you'll catch parcels on both sides. In this case it was just about half in round numbers.

The actual cost of the project is going to be based on the actual cost of the construction so we try to be a little bit higher and we do put in the contingency. Engineering typically doesn't run that much but we try to be conservative. So what we've seen in the past is the estimates are less than our estimate, but we'd rather be a little high at this point and come down as the project is successfully completed if it starts.

All the assessable residents have one year to connect to the water if the project is approved. Residents may use wells for outside use but they cannot be interconnected with the Village main system. I did receive a call concerning that so for clarification. Again, if the project were approved assessments will be levied on the actual cost, not the estimate, and typically these are higher. That's not to say something couldn't happen but typically they have not.

So the bills could go out September 2007 would be probably—they could go out sooner. The levied portion of it could go out sooner but the bills would go out in September 2007. A resident may wish to pay off the entire amount of the assessment which would have to occur October 31, 2007 in which case no interest would be due. Otherwise there's a 9 percent annual interest charge added to the unpaid balance and added to the assessments of those residents who wish to carry that on their taxes.

The water service that's listed in here is \$1,500 per parcel, and that's that portion of the service that would go from the main to the property line, and then the resident would have to take care of that portion of the service that goes from the property line to and into the house for connection. So that would be an additional cost for completed water from the main inside the house. With that, I'd be happy to answer any questions that you may have.

Mike Pollocoff:

Mr. President, this project was brought to us by petition. This project is not in the utility's five year capital improvement plan. Many of these water mains in the Village are installed by petitions by residents for whatever reason, one reason or another, to petition the Village for water and we conduct a hearing.

As Bob indicated, if the project were to proceed, the cost that we charge, the final cost is going to be the actual cost. We can't include a profit in it. If the project comes in under cost we can't pocket the difference. All the expenses that are attributable to that project are used to create that

Village Board Meeting  
September 18, 2006

final assessment and that's what's paid. If for some reason we thought it was going to come in more, we'd have to stop, hold another hearing, get authorization to increase the project and proceed. But, as Bob indicated, we feel fairly certain that the number we've given is the higher amount.

One of the questions that I've received concerning this project was that the existing water that serves the residents in that area through their wells is from Lake Superior and they would be giving up spring water for chemically treated municipal water. This water doesn't come from Lake Superior in any of the aquifers here. Typically there's a more shallow low draw aquifer which draws from some of the aggregate matter that sits above the limestone shelf that's at about 90 feet. Those wells typically have less draw. You can't pull as much water. That's not to say the water isn't clean. No one really knows what's in the water until they test it and they have to test it on a continual basis.

Municipal water is treated chemically. We buy our water from the Kenosha Water Utility, and the Water Utility's primary basis of treatment is an osmosis where they have a membrane filter and they push the water through that filter which removes the smallest bacteria. Then it goes through a regular treatment process of lime softening and chlorination in the end and it's fluoridated. I don't of a water utility in the country that doesn't treat their water that way and it's monitored on an hourly basis.

There are higher draw wells in the area there but you have to go into the limestone shelf. The problem with the limestone shelf is, of course as the Village has learned the hard way, there's radium in that limestone. It's a naturally occurring element that occurs in the limestone. You get more water but you drag up radium. You can't smell it, you can't see it and it's there. That's what led up to close our Carol Beach well in south Carol Beach.

Will the Village make everyone tap into the new water line and abandon their wells? As Bob indicated, no, we don't do that. We do make everybody connect, but we encourage people to maintain their private wells and use them for landscaping or washing their car. The only rule on that is they have to use that for outside use at least a few times of the year so that that well doesn't in turn contaminate the aquifer.

One of the residents that lives along Lakeshore Drive at 9041, Mr. Spina, his water bill is \$500 a month and that this is just another attempt at raising revenue for the Village. I took a look at Mr. Spina's bill. He did have a water bill that was \$374 in a month, but in that month he used 114,000 gallons of water. The average family uses 6,000 gallons of water in a month, and when I look at the history of that during the summer months he uses a lot of water. I don't know if he has a pool or waters his grass, but water is one of those things if you use a lot of water then you're going to pay for a lot of water. The typical water use by the average Village resident, and that's the 3.6 persons in a household, is 6,000 gallons a month and that bill is \$14.04 and there's a \$10 flat fee associated with that.

The question is does it cost \$20,000 to tap into the new water line and run it back into the homes? There is no cost for connecting to the new water lateral. That is that line that Bob indicated comes from the water main and goes to the property line. That's a public lateral and there's a

Village Board Meeting  
September 18, 2006

valve on the end of that. When people connect to water a plumber comes and taps into that valve and then they run a private lateral, which is the one inch copper line or plastic line that goes back to the footing of the home. I've seen prices at \$11 a foot and I've seen them at \$16. It depends. Some people don't want their yard dug up so they have it tunneled the whole way. Imbedded in that price is typically the inside work that has to happen. The plumber is going to say I'll charge you \$15 a foot and for that I'll do whatever those interior changes are I need to do to make that connection to get the water meter hooked up and have your well just go to the outside wall. So it really depends. We see that average somewhere between \$11 and \$16. It depends on each individual home and how that's set up.

A question was concerning the pressure from municipal water lines would blow out old pipes in our homes. The pressure in the system is going to be running between 55 pounds and 60 pounds. That's well within the State standards for a municipal water system for pressure. I'm not aware of any of the—just the age of the homes in here I'd be surprised if there was some problems. We connected to municipal water we know as Zirbel which is 82<sup>nd</sup> Street and 104<sup>th</sup> roughly, one of the oldest areas of the Village. Those homes date back to 1900 to 1920 and they have galvanized pipes. We had a couple problems in there but not very many. What will happen is the plumber who makes that connection is going to do a system evaluation on the water lines there, because they're not going to want to do a job and then burst a person's pipes. If there is some question whether or not those pipes are going to hold up, they're going to meet with the plumbing inspector and make the necessary adjustments so there is no problems.

The other thing is that City water tastes terrible, smells like chlorine and is hard. All I can say is everybody has different tastes in water. Some people like City water and some people don't. Some people like well water and some don't. It is what it is. If you go to a restaurant and you don't like City water I guess you know that. And if you go to somebody who has got a well and you don't like their water you know that, too. That's somebody everybody has to decide for themselves. There's nothing we can do about it.

Another question is whether the septic systems would have to be abandoned or made larger if municipal water is extended in the area. Since those lots are not really big and they don't have space for large septic fields, they would have to get a hold tank and that's a whole other expense. There really is no relationship between the installation of municipal water and existing private sanitary sewer system. A private septic system either it works and is in compliance with the State code or it doesn't. That determination is not made by the Village of Pleasant Prairie or the Pleasant Prairie utilities. That determination is made by the Kenosha County sanitarian. They don't contact us and ask where we're putting water. Those two functions run completely on separate tracks.

I can say that one of the concerns that the sanitarian typically has is contamination of the well supplies by failing septic systems. And where there is water that problem tends to go away because that municipal system is tight and it doesn't occur. In my time in the Village I've never seen septic systems condemned because water went in. It usually took care of an area of concern.

As far as sanitary sewer being extended in this area, this area is a little bit marginal. The Unit W area is the only area in the Village that will perc for a conventional system or a mound system.

Village Board Meeting  
September 18, 2006

So that was one of the reasons, that plus the fact that nobody wanted it, but it was one of the areas where we didn't have failing septic systems and people were able to make some improvements to their septic system because the soils would perc. I think that's pretty much the case down in this area as well. It gets worse as you go south. The water table gets higher. The modeling of that soil isn't as good as it is in Unit W, but at some point if everything was going into total failure for whatever reason, the Village could bring sanitary sewer into this area but it would be at a—we looked at doing that about 15 years ago and it was a pretty high cost then. I don't even know what it would be now. It would be extremely high.

The last issue is the petitioner, Mr. Yordanoff, has built a large house and he should have done research ahead of time and the residents shouldn't have to pay a penalty for his action or his request for the water. Mr. Yordanoff or anybody else we have no ability to influence their decision to ask or petition their municipal government for the extension of a service. When people build their homes we let them know what's there, if it's sewer or water, or where the closest sewer and water is, but that's a decision—if the lot is platted and it's set for building then that's a decision that Mr. Yordanoff or 100 other homeowners every year make to where they want to build.

As the Board well knows, there's been a number of hearings we've had where people petition their government for a number of things whether it's paving or storm sewer or sewer or water or curb and gutter or what have you. That's this jurisdiction's and this Board's responsibility is to listen to those petitions, consider them, and in considering them it's to conduct a hearing as we're going to conduct tonight so everybody is working off the sheet of music. We know what the anticipated cost is going to be and the Board will listen to the comments and you make your decisions based on that. So that's the feedback and the questions I received and the engineer has. We have some comments from residents who are unable to be here. I guess at the end of the hearing Jane can advise us what those are.

The one thing that I'd request is there was a petition that was submitted at the last Board meeting of those individuals who didn't want it. And we found a number of those people didn't live in the project area. So maybe just for the sake of making sure that the Board is getting the input from the residents that are directly affected that are going to have to pay for this if we proceed, anybody who wants to comment that's fine, but let's let the people who have to pay for this thing comment first so that when you guys are making your decision you know who is who. And then if anybody else wants to comment then join in after the residents have their kick at the cat. With that, Mr. President, if you'd like to open up the hearing and we can answer questions afterwards if there's any.

John Steinbrink:

Thank you, Mike and Bob. I think you pretty well went through things. This being a public hearing I will open it up to public comment or question. We did have a sign up sheet and I ask that you use the microphone and you give us your name and address for the record.



Village Board Meeting  
September 18, 2006

Jane Romanowski:

And I might add because there's so many speakers tonight your time limit is three minutes so please adhere to that. The first speaker is Goran Yordanoff:

Goran Yordanoff:

Thank you very much. My name is Goran Yordanoff, 9319 Lakeshore Drive. I'd like to preface my comments tonight with the disappointing fact that instead of residents being engaged in meaningful dialogue in the days preceding this meeting, there have been those who have resorted to panic pedaling and character assassination, namely mine in an effort to thwart this petition. I hope that the truth surrounding this matter come out fully this evening and that residents can consider facts instead of misrepresentations and untruths. My comments will focus on the merits of the petition for municipal water and also on the costs associated with that. My objective with the latter will be to hopefully find a way to find this more economically palatable for those affected.

I believe that this honorable Board of Trustees that I stand before have an obligation to protect not only our health and our safety, but they have an obligation to do whatever is necessary and practical to protect the largest monetary investment probably all of us have in this room and that is our property's value. We needn't look far back into the past to remember Mr. Pollocoff's picture in the paper holding up a vial of water stating, "Pleasant Prairie's water looks like Kool-Aid and smells like eggs." In addition, water bills used to go out to residents with warnings about the known cancer causing contaminant that is in our well water, radium.

Mr. Pollocoff and others in Pleasant Prairie were able to look ahead and realize the importance securing water from Lake Michigan would hold for both the residents of the community and its growth. For those of you who have enjoyed the rise in your property value the securing of Lake Michigan water was a large reason for it. Usually, whenever a proposed improvement project goes up before a public hearing, there are dissenting voices that express their opposition because their property will not benefit from the improvements. These are cases where this is valid.

The issue we are here to discuss tonight, however, and I hope to make this case in my allotted time, is that the benefits of having municipal water run to our homes will benefit all of us equally and substantially. We have the best drinking planet literally in our own back yards that will provide us and our children an entire lifetime of safe water consumption. Yet, there are some that continue to argue that would rather use contaminated water that adversely affects our health and the health of Chiwaukee Prairie according to the DNR's own evaluation, and I believe this will be discussed tonight by another resident.

How important is it? Let's look at another community and Waukesha's desire for Lake Michigan water. There's a quote from a 2005 publication called, Wisconsin Ground Water Association Newsletter. I quote the publication. "To see the future of Waukesha as a beneficiary of Lake Michigan's riches you need only look south to Kenosha County. Plagued with radium in its drinking water, the Village of Pleasant Prairie in 1989 was granted approval of the Governor's Council to pump water from Lake Michigan, one of only two communities in the country

Village Board Meeting  
September 18, 2006

permitted to divert water from the Great Lakes. Today, Pleasant Prairie is a boom town with new subdivisions, wide streets, an industrial park, an expanding outlet mall. And along side it's \$11 million community center the Village has a lake of its own, Lake Andrea, once an empty gravel pit and now overflowing with spring water." In addition, Pleasant Prairie has enjoyed a 34 percent population increase during the decade after it gained access to Lake Michigan Water.

I'd like to now read an excerpt from the Regional Water Supply Planning in Southern Wisconsin that was presented at the American Water Resources Association's 30<sup>th</sup> annual meeting on March 2, 2006.

Jane Romanowski:

Mr. President, his time is up.

John Steinbrink:

Do you want come to a conclusion?

Goran Yordanoff:

My wife, Carolyn, is also on the list right after me so she can give me her three minutes?

John Steinbrink:

That would be fine.

Goran Yordanoff:

Continuing with the quote. "The seven county area that comprises Southeast Wisconsin is a major population and economic center for Wisconsin. Decades of use of the deep sandstone aquifer have created a large cone of depression with over five feet of draw down per year and about 500 feet of drawn down from pre-development conditions. Many of the wells in the sandstone aquifer exceed drinking water standards for radium. Gross alpha and TDS levels are rising as well. These water quality issues will require significant capital investment for treatment systems if the aquifer is continued to be used. Attempts to expand the use of Lake Michigan water are limited by law that limit divergence across the sub continental divide. Many communities are planning to significantly increase the use of the shallow aquifer system which has raised concerns over the long-term impact on surface water." I'm trying to paraphrase. I know we have limited time here. It goes on to discuss that studies have been performed on the declining water levels in the area and the effects on water quality caused by the prolonged over drafting of water from this aquifer.

I want to make it perfectly clear to those who are present tonight to be heard on this matter. This Board is not here to please me. They're not here to please you. You will not be obliged by having the loudest voice and water fear tactics or myths have been used thus far to convince people to oppose this will be negated by the truth. This Board's duty is to make decisions in the

Village Board Meeting  
September 18, 2006

best interests of the public's health and safety. For those of us who have done the extensive research on the current condition of our groundwater and the future degenerating condition of the aquifer which we draw our water from there is no doubt whatsoever that being able to utilize municipal water in our area will immeasurably enhance our health and the health of our children.

All of us have a way of life and priorities that are unique to ourselves. That said, there are those of us who do not have our properties currently for sale and are planning on raising children here and do not want them exposed to known contamination and are concerned about the long-term effects of our water quality. This is an issue of public health of the greatest magnitude. There is no greater substance that affects our health and our everyday quality of life in the water that we drink, bathe with and cook with every single day. This is not a matter of convenience or luxury. This is not a matter of someone trying to enhance their property value at the expense of others. This is a matter of public health and safety that will greatly enhance everyone's quality of life and property value.

The parcel of property that my wife and I live on has been in my family since 1978. Since that time there have been numerous efforts to bring sewer and water to our stretch of Lakeshore Drive only to get struck down in public hearing by individuals who do not want to pay for it because they already have septic fields and holding tanks. Well, guess what? Septic fields and holding tanks don't last forever and neither do wells, storage tanks, pumps and treatment systems.

This area has become and is continuing to become denser. Formerly vacant lots continue to be sold and new homes constructed on them. This is undeniable. Existing residents continue to put additions on their homes. The fact that we do not have adequate fire protection along Lakeshore Drive is absolutely ludicrous. This, too, is of paramount public safety. If you expect the fire department to protect our lives and property what will you say if your house has a fire and you have to watch it burn for 20 plus minutes before the water tanker trucks can load up at another location and then drive to your house? Boy, am I glad I saved that extra amount of dollars to bring fire hydrants near my house. I kind of enjoy watching it burn. Fire happen to other people and never us until it does happen to you and people and firefighters die in fires which is why I believe adequate fire hydrants in our area is absolutely essential.

Jane Romanowski:

Mr. Yordanoff please finish up.

Goran Yordanoff:

Okay, I have a closing. Having done extensive research and having spent hours upon hours reading minutes from meetings both here in the Village and at the State level at meetings in Madison, the whole point of our request for water was an issue of public health and public safety. Is an issue of water levels in the aquifer that we currently draw from being depleted and trying to proactively doing something now before we have a huge problems on our hands. It is an issue of having fire hydrants readily available for our fire department to use. These are not exactly what I would call selfish points of view.

Village Board Meeting  
September 18, 2006

The decision for Lake Michigan water benefiting our community was made by Pleasant Prairie years ago. It's not being made tonight. They made the decision because they knew it would bring growth to the area and enhance the health and safety of its residents. My question is, was there a line drawn through the map with people who would benefit from municipal water on one side and those who wouldn't on the other? Why wouldn't this precious resource be made available to every single Pleasant Prairie resident if it was feasible to bring it to them? Why is municipal water a great thing to have on Lakeshore Drive where Mr. Tiahnybok lives but a terrible thing where I live on Lakeshore Drive?

I respectfully request that the Village of Pleasant Prairie complete what they started when they secured Lake Michigan water and that was to have this invaluable resource available to everyone. This issue has caused a huge rift in our neighborhood for long enough and we need to put this bickering behind us and look to the future because this is not an issue that's going to go away. In closing, I would hope that the Board would at least consider the opinion of the fire department or any officials of the fire department when they consider this issue as well. Thank you for the time.

John Steinbrink:

Thank you, sir. I gave you a little more latitude. You are the petitioner and you made valid points in there. Plus, you didn't leave us any space to get a word in edgewise.

Goran Yordanoff:

I had to race through pretty fast.

John Steinbrink:

I understand. You got ten pounds in a five pound bag there. Thank you, sir.

Mike Traba:

I have some handouts.

John Steinbrink:

Sure, give them to Jane.

Mike Traba:

Good evening and thank you for the opportunity to speak tonight. My name is Michael Traba. My wife, Christine, and I purchased the home located at 9245 Lakeshore Drive earlier this year. While we are lifelong residents of the City of Chicago, we intend to become permanent residents of the community next year. I'm here tonight to express our strong support in favor of Resolution 06-43 to bring municipal water south on Lakeshore Drive.

Village Board Meeting  
September 18, 2006

We are very supportive of this measure for many reasons, not the least of which is the safety and well being of our family. The water in the well presently on our property has levels of radium that exceed the drinking levels established by the State of Wisconsin and the federal government. As we all know, the National Academy of Sciences and the Environmental Protection Agency have concluded that, "A long-term exposure to elevated levels of radium in the drinking water does indeed pose a higher risk of bone cancer to the people exposed."

The DNR estimates that the risk of dying from drinking water with unhealthy levels of radium is about equal to the equivalent of dying from a lightning strike or a tornado. Well, I can't speak for you, but I know I don't tempt fate. I don't go outside or seek cover under a tree when lightning is present, and I go look for shelter in the event of a tornado. Therefore, given the opportunity why would I not try to protect my family from a known carcinogen? Not unlike what the Village did in 1988 when it realized that its water was unsafe and that its future depended on a safe, dependable source of water.

My wife and I are looking for a long-term solution to the concerns about our drinking water. While we could purchase and install filter systems to the well that would hopefully remove the radium present, there will always be a nagging question in our minds about whether or not the system is functioning properly. We could also potentially eliminate the problem by purchasing bottled water, but neither of those solutions seem to be in the long term and they could, in fact, turn out to be more costly than simply bringing municipal water to our home. Certainly, there is no doubt that having the Village bring water to our home would be the most efficient and the most effective way of ensuring that we have safe drinking water.

Another reason why we're in support of the resolution is that it would help protect our lives and property in the event of a fire by reducing the distance from our home to the nearest fire hydrant. Presently we are more than 400 yards from the nearest fire hydrant, a distance that greatly exceeds the recommended distance by the National Fire Protection Association. Consequently, the insurance premium that we pay to ensure our home from damage due to a fire is considerably greater than it otherwise would be if the fire hydrant was closer to our home. While I know that each fire truck in the Pleasant Prairie Fire Department carries at least 1,700 feet of five inch hose so that they can get to our house if necessary, insurance companies prefer that it would be less difficult to deliver water in the event of a fire.

In any event, while drinking water is clearly something that is a benefit that each user should pay for separately, I do not believe this to be the case regarding fire protection. While water and sewer is taxed on a usage basis, fire protection, like all other essential municipal services, is not taxed on a per unit basis. Rather, all residents of the Village pay a pro rata share of this cost based upon the value to their homes. I'm certain that we are not receiving any discount on our property taxes simply because we are not as close to a fire hydrant as our neighbors down the block, but we certainly are not well protected. Therefore, if for no other reason other than to help ensure the health and safety of my family and to provide safe drinking water and providing a closer fire hydrant to help protect us in the event of a fire, we are in support of the resolution whatever the cost may be.

Village Board Meeting  
September 18, 2006

Jane Romanowski:

Mr. President, do you want him to continue?

Mike Traba:

I have one last page.

John Steinbrink:

We have your written testimony. I gave Mr. Yordanoff a little more leeway. We have the written one. Thank you.

Edith Iverson:

My name is Edith Iverson. I live at 9201 Lakeshore Drive. Wow, I feel like we're looking for weapons of mass destruction of which none were ever found. I would like to reiterate my talk from our previous meeting. I have excellent well water and I am against the proposed City water. I have a new septic system which the County checks on and it is fine. 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.

The petition presented at the last meeting indicates the majority of residents in the proposed extension area are against it, and that includes the new residents at 9155 Lakeshore Drive that Mr. Yordanoff mentioned in the letter to the Board. The petition also includes residents beyond the proposal. I have four more but they are beyond the proposed thing. I don't know if you want me to give them to you or not. No. Okay. I have a total then I think of 21 property owners against the City water from 9040 to the Creek. Actually I have 25 but I won't give you the other four.

Barbara and Chris Wotonwitz from 9255 Lakeshore Drive called me from Milan, Italy to tell you that they are against City water and cannot be here tonight as they are in Europe on business. 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 a deeper well. And I understand that he is not interested in a well, period, but you know if you want to live there it goes with the territory. There are other avenues for him to use which he has apparently not yet investigated.

Carol Beach will never be built up because of The Nature Conservancy owning much of it. Therefore, we respectfully request a denial of Mr. Yordanoff's petition. His failure to plan ahead should not be on the shoulders of his neighbors. I do thank you very much for this opportunity to express myself. Thank you. Oh, incidentally, we do know that City water does contain chlorine and fluoride, and just so you know the EPA itself has issued a statement calling for a moratorium on the use of fluoride in the nation's drinking water. Yes, of course the EPA already knew fluoride was harmful. Why else would they have placed a limit on how much could be added to water and call it a "maximum containment level." Fluoride can cause adults to develop an arthritis bone disease called skeletal fluorosis. There are other options, too. Thank you very much for your attention.

Village Board Meeting  
September 18, 2006

Victoria Talbert:

Thank you for the opportunity to speak tonight. I'm Vicky Talbert and I live at 9205 Lakeshore Drive. I'm also here to speak against the request for the extension of the water on Lakeshore Drive. From what Mr. Trygar said at the preliminary meeting it appears that there's another alternative to the extension of the municipal water so that the extension of the water would not be necessary. It also sounded as though that was an efficient and cost-effective way to get adequate water into a household.

In addition, the implementation of this request will impose undue penalty in the form of excessive cost and inconvenience to those citizens to the north of the petitioner's dwelling. As a long-time resident of Carol Beach, my family is fully satisfied with our current water system, and it has tested as safe. We don't want municipal water. The special assessment might address the desires of one household, but it will definitely propose disproportionate penalties on owners of already highly taxed properties.

A few moments ago Mr. Pollocoff mentioned somebody's comments relating to the quality of the municipal water. I lived in Kenosha for quite a few years and can speak to the chlorine smell, often a mold smell and the general harshness. The growth of homes in Carol Beach over the last few years jeopardizes the fragile wetland's ecosystem. This benefits more people and other creatures than just the nearby residents. So-called development improvements will only increase the stresses on this fragile environment and, therefore, increase requests to the Village to fix the problems like flooding that the development is causing. Thank you for considering my request.

Ella Kubica:

Hello. My name is Ella Kubica. I live at 9228 Lakeshore Drive for the past eight years with my family. I just want to say that we are against the City water. We do have very safe and excellent well water and a very good holding tank system which has been tested a couple times already and we don't have any problems. Thank you very much.

Patricia Blumen:

My name is Pat Blumen. I live at 9091 Lakeshore Drive. I recently purchased at house at 9601 Lakeshore Drive. We've been living at the 9091 address for four and a half years. I just wanted to mention that we have at the 9091 house four and a half bathrooms. We've never had any difficult with our water obtaining pressure at any of the bathrooms. We have large parties at our house and many guests and have never had any difficulty. It's my custom to use our well water for our drinking water and I find it perfectly satisfactory. Never had any kind of health problems, and our septic tank has never been any kind of a problem.

I know that the petition I signed along with my many of my neighbors was overwhelmingly opposed to having municipal water brought in at this time, and I believe it's the duty of the Board to go with the majority of the homeowners.

Village Board Meeting  
September 18, 2006

Mike Pollocoff:

Ma'am, for the record could I get your house address again?

Patricia Blumen:

9091 Lakeshore Drive.

Carol Mampe:

My name is Carol Mampe. I live at 9259 Lakeshore Drive. I have well water and we've had no problem with it, but getting the Village water I think would hedge the bet that I'll never have to worry about well problems. If the well goes dry you just don't know if your well is going to last forever so I am for getting the Village water. I agree with a lot of the things that Mr. Yordanoff had to say. Thank you.

Joe Horvath:

Hi, I'm Joe Horvath. I live at 9047 Lakeshore Drive. First I'd like to address what Mr. Pollocoff had discussed earlier about the City water and the effects on the septic system. The issue isn't that the water itself is going to destroy the field due to the chlorination in that septic systems are very dependent upon bacteria in order to decompose the matter so that they function properly. The chlorination water going into your field actually is a deterrent and it destroys bacteria which actually would cause septic systems to have a higher rate of failure than you would on a well system. So that's something I thought I'd add to your comments.

I don't know what everyone's well is here. I've had my well checked and I don't have any issues with it. I think if it's a health risk then it's really incumbent on this Board to determine what the risks are in the Village living here. I would assume that most of these people at some point in time have had their water tested. I personally have good well water. My system functions fine so I don't have any reason or desire to have the Village bring the public water to my home.

Secondly, if in fact there was a determination, the other thing that I was wondering is I had checked with Michael's Pipeline which is located here in Wisconsin, and I'm glad that Robert clarified those costs because, quite frankly, when I told him what we were paying per foot versus what they said they could bring water through it was practically double what they had quoted me so I thank you for clarifying that. So my position is if it's not a health issue which it isn't at my home I don't feel a need for it.

Joe Trygar:

Hi, I'm Joe Trygar, 9237 Lakeshore Drive. We were the house that had the low yield well. It was producing one quart per hour which was capable of doing about one medium load of laundry for four hours or one shower before it filled back up. We petitioned to do this extension back in 2004. It never went under the police power. It was just denied by vote. We were forced to look at alternatives because the house was not livable. I'm an engineer by trade. I designed a system



Village Board Meeting  
September 18, 2006

that actually solves the problem but there are now marketed systems that are on there called well managers. Looking at dollars and cents a well manager system put into a house which could actually run a car wash on a basic low yield well costs about \$2,600. Reverse osmosis system which cleans your system and your water out by 77 to 99 percent of the bacteria contaminants costs about 389. And it's about \$126 per year for the fire clause for the distance to the fire hydrant so that's not much of a big deal.

I'm opposed to the extension of the water because of the cost I incurred basically for a real reason. We were in a situation where we had no water in the house and it was not inhabitable. I did actually meet with the Wisconsin Health and Human Services regarding 660703 and in their clauses they say properties especially assessed under police power must be a benefit to some extent and the method of assessment must be reasonable, not arbitrary, in burdening any group of property owners.

I also made some calls to the Wisconsin Department of Natural Resources and they didn't believe that any of the properties involved were cited for impaired water quality. In addition to that, they also have a clause that's cited on the government of the State of Wisconsin that says the City cannot compel residents to hook up to the water service from the street to their home, and that's documented and will be brought up under an action plan.

If this proposal gets passed, the resolution that we're speaking of gets passed, the property owners who opposed this will serve a notice of appeal on the municipal clerk imposing the assessment and cause the Village to show proof of validity of benefit. I myself will not expect to hook up to the City water based under the State ordinances, and then I will personally speak damages for coming up in front of this Board with a hardship case and having it passed by and now we're not talking about a hardship case at all.

We're just talking about a need for more water. This can be done with any kind of storage system. The system in my house can be viewed if anybody wants to come by and take a look at it. The local well service company can actually put the system in, Beach Park Well. I've got all the different documentation and costs and you guys can look at it. Thank you.

Jane Romanowski:

The last two residents who signed up are not in the project area. The first one is Billie Wesley Hoffer.

Billie Wesley Hoffer:

Good evening. My name is Billie Wesley Hoffer. I live at 9505 Lakeshore Drive. I do not want City water. When I chose to live here almost 30 years ago, before I started to build my new home, I discussed with the owner of the Hoover Well Company the size of the house, the number of bathrooms, the size of my family and the fact that during a dry spell I would need to use sprinklers to water my large yard. He said not to worry so I didn't. It's almost 30 years later and I still love my well water. I can run four sprinklers at once, and when my very large family comes to visit I have plenty of water for drinking, bathing and laundry.

Village Board Meeting  
September 18, 2006

We are the Village of Pleasant Prairie. I cherish our natural resources, our Chiwaukee Prairie, our wetlands, our forest animals and our many species of birds who sing to me daily at my feeders and nest in my pines. People who want city living should live in the city. Thank you.

Jane Romanowski:

And as with the last speaker this next one is also not in the project area, Eli Wolf.

Eli Wolf:

Good evening. My name is Eli Wolf. My wife Mary Bishop is sitting over there. She sits on the Board of Trustees of Carthage College and has for the past ten years. We have homes at 9531 and 9521 Lakeshore Drive. These are not our primary residences. We live in Evanston, Illinois. But you're welcome, we're paying for your kids' education and a few more things. The taxes on these two homes exceed the taxes on our primary home in Illinois. We don't know that we won't be living up here permanently. We definitely have well water and have no complaints about the well water, and we have had the water checked more than once and there was absolutely nothing wrong with it. We have no water pressure problems and we actually enjoy the water itself and we don't want to forfeit it.

In the eight or nine years that we've been coming up here regularly we have noticed a social phenomenon on Carol Beach. I would describe it as an Olympic pissing contest where people have built homes that are way beyond their capacities to live the way they would like to live when they find out what the realities of trying to supply water to these castles might be. I also see that there are upwards of 25 for sale signs from the time I enter Carol Beach until I get to my house for people who cannot pay the taxes on their homes because these taxes have gone so high. What is being proposed here is sure to guarantee the sale of more property because many of the people cannot endure what they've presently got.

So I respectfully respect that you seriously consider this, reconsider this issue and take into deep account, heartfelt account the well being and permanence of the people who built the community in the first place. Thank you.

Jane Romanowski:

Mr. President, I don't have any more signups.

John Steinbrink:

Anyone else wishing to speak on this item that did not sign up?

Jane Romanowski:

But I do have three comments.

Village Board Meeting  
September 18, 2006

John Steinbrink:

Hearing none I will close the speaker portion and Jane will read into the record.

Jane Romanowski:

We did receive three transmittals opposed to the project. The first one was from Michael and Constance Besacon at 9043 Lakeshore Drive. The second one was from Alex Popovic who owns a vacant parcel in the project area, and the third one was from a Mr. Daniel Burke who also owns a vacant parcel in the project area. All three opposed to the project.

John Steinbrink:

Those being read into the record I will open it up to Board comment or question.

Mike Serpe:

Mike, a question for you. I heard comments that many of the people had their wells tested and they're fine. What is the procedure and the cost involved to check for radium contamination?

Mike Pollocoff:

There's a couple different ways to do it. One is to provide a sample to the Kenosha County Health Department and request that radium test to be done it. There's really three ways. You can have one of the well companies in the area submit that test for you. Or, you can have a sample taken and this is how the Village does our independent samples. We have it mailed to the State UPS and have that test on it. The last cost on that for private was either \$150 or \$200 for a radium test.

There's a broad range of tests that are done. They're organic, inorganic and then the radium. Most people are going to get sickest early on just like the spinach problem with fecal. Everybody should be testing their wells reasonably frequently for that. It's the inorganic contaminants and radium the ones that are usually the more difficult to test for and typically aren't.

Mike Serpe:

I've been on the Board for quite a few years and I've sat through a lot of public hearings concerning sewer and water extensions. Many we extended, many we denied. But if history is an indication or the past is an indication of what's going to happen in the future, I can just about guarantee that in a year or so we're going to get another petition, maybe not from Mr. Yordanoff but somebody else in the area that didn't want the water extended saying that their well is now bad, I can't get enough pressure for the house or whatever.

At the same time, unless I know for a fact that peoples' wells are contaminated with radium, nobody has presented a health issue that they don't have water, that they can't keep up the water pressure or their wells are contaminated or their wells are going dry. I do believe, and I agree

Village Board Meeting  
September 18, 2006

with everything that Mr. Yordanoff said tonight. I think he's right on the money. I can't say enough about the public safety factor when it comes to a fire. We have an excellent, excellent fire department. We have excellent backup from other communities when things get large, but what we don't have to fight a fire in your area are fire hydrants. They can only supply so much water by tanker trucks. If my house were on fire and somebody said if you give me \$10,000 right now to hook up to a fire hydrant and I'll put this fire out I would write a check immediately. I hope that never happens that anybody has to experience a tragedy like that, but the reality is it does happen.

The cost today associated with installing water in Lakeshore Drive or anywhere are going to be cheaper than what they're going to be in the future. I have to ask are we prolonging the inevitable? Is water going to go in eventually? I went through this, folks, in my own neighborhood right back here. The difference was the majority of the people wanted sewer and water together, and every one of our yards are 150 feet wide. A big expense. But I don't know of a person that lives in Hill 'N Dale or Rolling Meadows that would go back and say I wish we wouldn't have put municipal water in.

Last Tuesday night our neighborhood lost power for over five hours. I have a generator, a portable one, so I hooked it up and I kept water to my sump pump and I kept power to my freezer and refrigerator. When we lost power in the past, and there were times when it was out for 20 some hours, before we had municipal water we had no water because the well runs on 220 and I didn't have a generator large enough to supply water to my home. So for 22 hours no showers, no drinking water and no flushing the toilets. It wasn't a fun situation.

So, yes, there are benefits about having municipal water, big benefits. But as in the past, and I don't want to change my stripes now, when the majority says no unless somebody can come forward with a health reason or show me that there are problems with radium in the wells, I can't support the resolution. Believe me, I think there should be water down there but I will not go against the majority.

I just hope that none of us have to experience a tragedy. I hope there's no radium in your wells. We're constantly supporting fundraisers for the fight against cancer, and here's an opportunity if the wells are contaminated to maybe eliminate one of the possibilities of one of the cancer causing agents. Just something to think about for a while. I'm not going to support this as it sits right now.

Steve Kumorkiewicz:

Is that a motion?

John Steinbrink:

We have other comments.

Village Board Meeting  
September 18, 2006

Alex Tiahnybok:

First off I want to say thank you to everyone that chose to come back for today's public hearing. I know some people thought it was going to be settled two weeks or four weeks ago. So first off I want to say thanks for those that came back. I also want to say thank you to Mr. Wolf for bringing clarity to the situation that's developing in Carol Beach. I live there, too, and the for sale signs are a symptom of a problem and people are in many cases getting taxed out of their houses and I think that's very regretful.

I feel bad, frankly, for the predicament that the Yordanoffs have. They built themselves a beautiful home. I don't know if you've seen it but it's a beautiful place, and I can only imagine how they feel not being able to generate adequate water for their needs. The problem, though, is this is not an insignificant expense. Typical impact as Bob Martin described is something in the range of \$8,500 and that's an estimate not including the interior plumbing changes that would have to occur. So it's not something that can be ignored.

I think the point that Mr. Serpe made about safety I think safety would trump everything personally. If it was proven, if the Village is prepared to certify that the well water in that area is not drinkable obviously it would change the dynamics of this debate entirely but I'm not hearing that. I think Mr. Serpe sort of alluded to that. We're not hearing that the water is not safe for consumption.

I think the hydrants is a very valid point. It was commented that the Village has 1,700 feet of hose per truck which I believe would cover the distance for all these properties affected anyway. It certainly would add some time but it can be covered.

An option Mr. Trygar brought up is the well manager. He did it twice at the last meeting and again today. It's something I would advise that the Yordanoffs look at. I live in Carol Beach and I have friends on both sides of this issue and I know I'm going to make somebody unhappy with the way I vote on this. So it's kind of a lose/lose situation for me. But we get paid for the hard decisions. That's what I hear.

I think it's pretty evident what's going to happen. An idea I'd like to throw out for the future if it's worthwhile considering is we frequently when a new development occurs in Pleasant Prairie and water service goes past properties that aren't asking for it but it just happens to go past them, we enable a developer to recover costs of improvements. So if a new subdivision is built and a water line happens to go past a bunch of residences that never asked for it, didn't want it, are on wells and those people choose not to hook up there's no cost to them. It went past their property and that's it. But if in the subsequent ten years if any of those affected people actually do have a failure of a well or volunteer for whatever reason to hook up, the ability to recover that portion of the cost is there for the developer. Where in this case the owner of a single property. I know \$160,000 is a lot of money and I'm not suggesting anyone pay this, but that could be a creative solution. The Village routinely creates these right of recovery situations and that's the only option I see.

Village Board Meeting  
September 18, 2006

I did my homework. Of the 23 parcels that would actually get assessed out of this number including some comments this evening, 5 property owners, and I'm counting them as properties and not individuals, but 5 property owners indicated they're for this; I have 5 undecided's and you can do the math, 13 said no. As far as I'm concerned, even if you gave the benefit of the 5 undecided's to the yes's it would still lose. I think that makes the decision academic.

Steve Kumorkiewicz:

I agree with Mike and Alex. I do recall a few years ago we got a petition from Carol Beach on 93<sup>rd</sup> Street west of the railroad tracks. There was a big opposition to that. We held the meeting right here. The people got another petition against the project and we denied that petition. Six months after that another petition was filed requesting water and a lot of people that were in the petition against it were for. So at that time the majority wanted to have water run to the property which we did. . . . we know it's going to happen eventually. There's no way out of that. But that's why we have a public hearing. The majority of the people say no and that's how we have to go. There are no health reasons to say we're going to do it anyway. So the residents are happy with the water they've got. I think I'm going to make a motion to deny the resolution.

Mike Serpe:

I'll second that but I have a comment, John.

John Steinbrink:

Motion and a second. Further discussion, Mike?

Mike Serpe:

Mr. Yordanoff came to this Board with a legal petition and a right to do so. From his statements tonight at the podium we're dealing with above average intelligence and affluence in the Carol Beach area, good people. But because somebody exercised his right to petition this Board and was under a certain amount of character attack, to those that were involved in that to Mr. Yordanoff and Mrs. Yordanoff shame on you.

Jeff Lauer:

Just a few comments. I agree Mr. Yordanoff made some very, very valid points and, Mike, you had some good ones. Years ago one of my family member's house burned and there was no fire hydrant around them. I guess it is a risk. There is a risk. I know the cost is heavy. It's \$8,500 but there is a risk involved. It's almost like gambling. You hope your neighbor's house doesn't start on fire and you hope it doesn't spread to the other house and the other house because there's only so many pumper trucks that can move that quickly.

The only question I guess I have because it was brought up by a few of the residents, Mike maybe you might know, is the Village at all responsible for the quality of well water at all meaning if something goes bad and the water bad are we responsible at all as a Village for that?

Village Board Meeting  
September 18, 2006

Mike Pollocoff:

The Public Service Commission requires the Village to address and extend water to any properties who have demonstrated that there is a health hazard that exists. That could be fecal contamination, inadequate supply. If the Board was not to do it, the person could go to the Public Service Commission, the Board would probably be fined and then the Commission would . . . that contract. But we don't have the wherewithal or the people to go out and test individual homes. It's pretty difficult to make broad general statements about well quality water because you don't know where everybody's well is or how deep it is.

We do know, and sooner or later the Village is going to deal with this along with every other municipality in the State, the same clean water drinking standards that we were under to eliminate radium that Waukesha is under will apply to everybody sooner or later. It's just a matter of working out through the cycle. So sooner or later this Board and this community is going to deal with the issue of radium. It's just a matter of when it is. I don't know that's going to evolve or how that's going to be tested for. Again, it wouldn't be surprising if they made us do it, but sooner or later somebody is going to be the agency that's going to test for that level of contamination because it's difficult. You can't pick it up. You don't see it or smell it or anything like that. But that issue will be addressed somewhere down the road.

Jeff Lauer:

Okay, thanks.

John Steinbrink:

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

Mike Serpe:

This is a motion to deny, is that right?

John Steinbrink:

Motion for denial on Resolution 06-43. Two clarification points here on the City's water. The quality of the water they have one of the state of the art processing things in the country right now with their filtration system, and we may gripe about the cost of it from the City but quality is probably second to none when it's tested against other waters around the country, well or other.

Also, we had the issue of the chlorine in the septic systems that yet has not been a problem because there really is such a minute part of that that gets out there to it. I have nobody that's had a problem with that. I've been on a septic system and most of my neighbors are on the City water there also and no problems with that. The water diversion issue is one of the biggest items around the Great Lakes now and especially in communities such as Waukesha. Of course, Waukesha for the limestone quarries and, of course, they are having that problem with the radium

Village Board Meeting  
September 18, 2006

in their community and surrounding communities and are awaiting approve of the Great Lakes compact so that they can get the diversions to get the water changed in their communities from the well water to the water from Lake Michigan so they can solve their radium problems.

With no further comments we have a motion and we have a second.

**KUMORKIEWICZ MOVED TO DENY THE ADOPTION OF RESOLUTION #06-43 - FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR THE CONSTRUCTION OF MUNICIPAL WATER ON LAKESHORE DRIVE, FROM 9041 LAKESHORE DRIVE SOUTH APPROXIMATELY 1750 FEET TO 9319 LAKESHORE DRIVE; SECONDED BY SERPE; MOTION CARRIED 5-0.**

John Steinbrink:

That concludes our public hearings this evening. We thank you all for attending.

## **5. CITIZEN COMMENTS**

Jane Romanowski:

The first speaker is Doug Snow.

Mike Serpe:

I will say what Doug wanted to say at Board member comments. He had to leave.

(From Audience):

Can I ask one question?

John Steinbrink:

Under citizen comments we'll allow you to ask your question.

Diane Schoen:

Diane Schoen, 6320 109<sup>th</sup> Street. I just want to remind you that there are still a lot of residents paying a large monthly fee for the Clean Water Utility that is based on an estimated engineering formula used to design entire storm water systems, a formula which was never intended to be used as a financial tool. Errors have already been identified on some of these residential properties which brings into question the accuracy of the billed fees. Pleasant Prairie's policy is that there will be no refunds if errors are found.

I personally reviewed nearly 100 other municipalities who charge a water runoff fee mostly in Wisconsin and none of them use the same method as Pleasant Prairie, wisely knowing that there



Village Board Meeting  
September 18, 2006

are too many variables on each piece of property to attempt to address all of them when assessing a fee. Also, all utilities, water, sewer, gas, electric charge a base fee to cover the infrastructure in addition to the actual usage charge. People that pay as little as one cent per month contribute nothing toward the basic system, and the eight percent of single family residents paying the high fees are totally supporting the infrastructure, exempt properties and miles of roadways.

Ironically, the high payers have the least storm water infrastructure in the more rural areas and the least maintenance and repair requirements. These fees certainly do not relate to use. Most municipalities just charge all single family residents the same or have a two or three tier structure. Some use only the impervious area of the property to calculate runoff. That method makes all single family properties very comparable and impervious surfaces do generate the largest impact on storm water runoff. Pleasant Prairie's unique method on the other hand makes the fee more land based than impervious area based.

I hope the upcoming budget review of this rain tax is a comprehensive review which results in a more equitable, simpler method of calculation, or treat it like a tax on the tax roles as the bulk of the funds are for repair and maintenance of the infrastructure. This would make it much easier to bill and identify errors. Perhaps if a simpler method were used you would not need the tacked on administrative fee of 25 cents per month which amounts to \$16,600 annually for the single family residences alone. Thank you.

Herbert Driscoll:

My name is Herbert Driscoll. I live at 10733 122<sup>nd</sup> Street. At the Board meeting of September 5<sup>th</sup> I suggested that the agricultural exemption be removed from the Clean Water Utility ordinance in order to bring in approximately \$60,000 in additional yearly revenue as well as to treat all properties equally. What is the status of this recommendation and when do you expect to make that modification?

At that same meeting, numerous comments were made by the Village officials that they have not raised taxes for some time and now need a tax referendum to fund road repairs, ambulance, snow plow replacements and other items. That the Village has not raised taxes is not, and I repeat not, a true statement. New taxes were, in fact, added to the utility bill and called user fees. The public fire protection fee is based solely on property assessment valuation just as all property taxes are calculated. This fee or tax has raised the mill rate from \$3.54 to \$3.75 for a six percent increase in taxes per year. When clean water fees are added the true tax increase is 7.7 percent per year.

Between February 2003 and August 2006 the Village has collected an estimated \$1.5 to \$2 million in fire protection fees or taxes. From February to August of this year the Village has also collected \$154,000 or approximately in clean water fees or taxes. I want the Village officials to tell the taxpayers what you have done with this revenue. Has any part of it been put aside in interest bearing accounts to fund future capital expenditures? It is very possible that these utility taxes could be challenged in a court of law and found to be illegal. This happened to a similar case in Lansing, Michigan. Where would the Village get the funds to refund these taxes? Thank you.

Village Board Meeting  
September 18, 2006

Jane Romanowski:

That's all the signups I have, Mr. President, unless somebody else wants to speak.

John Steinbrink:

Anyone else wishing to speak? I know the gentleman here was up first. I'll let him speak first. Once again we need your name and address for the record.

Kenneth Schall:

My name is Kenneth Schall. I live on Lakeshore Drive. Don't worry, I'm not going to bring the water subject up. But it occurred to me when one of the Board members a few minutes ago mentioned his concern about fire hazards on Lakeshore Drive, and you were talking about a fire hydrant, if you have such a concern I cannot understand as a resident how you can allow as a Board for your building code to permit new houses, especially the latest large ones, to be built so close to the property line that no fire department could put the smallest equipment in between them to put out a fire, never mind a fire hydrant.

There's one particular one being built right now with an asking price of \$2.2 million. If you happen to go passing by there you can see it. There is about three feet maximum, two feet, of concrete between two houses. No equipment, nothing could go through to put out a fire. Thank you.

Goran Yordanoff:

Gentlemen, ladies. My name is Goran Yordanoff, 9319 Lakeshore Drive. I too, love birds and furry creatures, and heck, I even have friends who voted for George Bush. Firstly, I think it's important to maintain our dignity that people can disagree in such a way that we don't attack one another and I appreciate Mr. Serpe's comments. That's part of being a community. People help one another and I hope we can at least preserve shred of dignity between all of us.

Let me move onto my comments about property taxes. Mr. President, I know you're a Representative in Madison with the State Legislature. My comments are going to be somewhat fragmented because I didn't prepare for this, but what I want to talk about obviously is our property tax situation is not unlike that being experienced in numerous other communities around the country. In fact, I did some research and there is quite a bit of taxpayer backlash occurring everywhere. And what's being done in communities and States such as New Jersey that has the highest in the nation property tax and places like Idaho and other areas is that they are creating ways to slash property taxes and shift financing for school districts to, for example, cigarette taxes and other forms of revenues.

They're raising sales taxes. Idaho for example, the Governor has raised the sales tax to 6 percent from 5 percent to eliminate the local property tax use for the operations of schools. Property taxes for building of schools, however, will still remain on property taxes. So we're not trying to reinvent the wheel here. These are just some ideas.

Village Board Meeting  
September 18, 2006

I hope there are people out there who think of solutions to these problems and not just complaining about it because complaining won't help. I know that Pleasant Prairie, and I've had conversations with Mr. Pollocoff about this, you're in a very precarious situation in terms of the money you do get from the State. You get very little money from the State, and people tend to blame Pleasant Prairie for the property tax situation but it's a lot deeper than that. I'm sure if you had your way of doing things, things would be a bit different. However, they're not solely on your lap. They're in the lap of the State Legislature and the Governor.

However, we need voices bringing this to the attention of our State Legislature and say, look, we have a 5 percent sales tax in this State of which an additional .5 percent is County tax. Adjacent States around us, for example, Illinois has a 6.25 percent sales tax and the counties levy 2.5 to 2.75. Michigan as well a similar situation and Minnesota and Iowa. These counties apply taxes in other states that if we did the same could very much help offset our tremendous property tax burden.

I, for example, know a handful of builders around the Chicago area and in the Gurnee area that come to Kenosha to purchase all of their building materials. They purchase all their lumber, they purchase their drywall, they purchase virtually everything here because they can drive it across the State line for literally 3.5 percent less tax and they buy millions upon millions upon millions of dollars every single year. We're just giving this money away. We have people who drive over the State line to buy cigarettes here because the taxes are cheaper than Illinois. That's money that we're giving away, too.

Bear with me. Let me find a quote here if I have a minute. I'm a little beaten up from the last segment but this is sort of important. I just wanted to bring some of this to your attention. This is what the head of a New Jersey School Board said. Shifting the burden from the property tax to a statewide tax would make it easier for many school district to provide public education without burdening local taxpayers. Texas did the same. Idaho has done the same. New Jersey is in the process of doing the same, however they have obviously political issues there that's preventing the Governor and the Legislature from moving in unison. I just wanted to bring this to your attention.

The fall outs from the property tax rates and, again, it's not so much the tax rates even though our tax rates are high, the assessments have just gone up astronomically. I wonder if they're going to go down once the realization that the market has softened sort of sinks in over the last few years. I think we saw a bit of tulip mania in terms of property values. Let's just hope that \$2.2 million home doesn't sell or I'll be passing a collection plate around the next meeting.

That's pretty much the extent of my comments. I just wanted to bring to your attention that there is precedent around the country of what's taken place in other high tax problematic states where the constituents are revolting and proposing referendums, etc. There's a lot of activity in motion right now for this type of action that I described here in terms of creating monetary revenue streams from other types of taxes, unrealized taxes and also from sales taxes which Wisconsin clearly is lagging in terms of the adjacent states around it. Thank you very much.

Village Board Meeting  
September 18, 2006

John Steinbrink:

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

## **6. VILLAGE BOARD COMMENTS**

Mike Serpe:

Mr. Yordanoff, it amazes that all of us can be talking the same tune as you just spoke, and as soon as you get to Madison, Wisconsin, which is 70 square miles surrounded by reality, everything changes. I can't wait for John's next story to come down next week sometime when some other harebrained idea comes out of that little community. I agree with you 100 percent. We're giving money away. We just went through the impact fee thing where we imposed impact fees for new residents to help defray costs for increased services for the new residents and, wouldn't you know it, they took most of those away from us. And we can't even levy impact fees for the most important aspect of your tax bill and that's the schools. They just won't let us do it. Somebody has to give me a lesson on common sense in Madison because I don't think the word common sense exists in Madison. It's very frustrating to sit here on this Board to try to do the best you can and then you have to deal with the reality of our State. It's unfortunate.

Anyway, Doug Snow got hold of me and he couldn't stay for citizens' comments. Doug has taken the task this Saturday of organizing an appreciation day for police and fire at Prairie Springs Park. It goes from 10 in the morning until 6 at night. It's open to the public and it's hopefully going to be a good time for all who attend. But he did want to take a little time and thank a few people that he worked with trying to put this thing together and getting information and whatever else was needed to make this thing a success. He wanted to thank Jane Romanowski, John Steinbrink, Jr., and staff Ruth Otto, Mike Pollocoff and Jean Werbie. Doug has been working feverishly on this. He's a neighbor of mine. Our hope is we'll have a good time on Saturday and we'd like to see as many people out there as we can.

John Steinbrink:

Other comments?

Steve Kumorkiewicz:

One quick comment. When the revenue share was instituted in Wisconsin in the year 1911, of all the taxes collected in the community 70 percent remained in the municipality, 20 percent went to the county and 10 percent went to the State. I don't want to even think how much the numbers have changed around today. We send a lot of money from here to Madison . . . so every year the State gets more money to spend and less here. That's what I have to say right now.

Alex Tiahnybok:

Diane Schoen commented on the Clean Water Utility making the statement that there are too many variables. I absolutely agree. I'm going to promise again that during the budget hearings—

Village Board Meeting  
September 18, 2006

that's one of my sore points. I think it's absolutely unfair, and I think she hit it on the head by saying the people that get the largest bills don't equal the service received. We often talk about paying for what you get. I don't see how they get what they're paying for.

Mr. Driscoll made a comment that we sort of touched on last meeting and I don't think there was ever a clear answer. I'd like to know the source of why ag is exempt from the Clean Water Utility. If a small house living on a 20 acre parcel isn't exempt then I don't understand why ag property should be exempt.

Steve, your comments about revenue sharing I agree. It's absolutely a joke. I asked Mr. Pollocoff for some data on what Pleasant Prairie sends out and what we get back. It's something of a magnitude of \$20 million leaving Pleasant Prairie and something less than \$1 million coming back. I call that Socialism. I think it stinks. According to the State we're rich and the rest of the State is poor so that's why they're taking money out of our pockets and sending it somewhere else. That's punishing success as far as I'm concerned.

Mr. Yordanoff brought up some excellent ideas. I'd like to learn more from what you've studied already. Putting the burden of government on property taxpayers is one hell of a way of making enemies between I think one of the most essential services that we provide the community and that's educating our students. You make enemies out of taxpayers and school districts. Nobody wants to voluntarily pay more. Those that are already paying too much are less likely to be interested in paying more. And you create enemies out of two factions that I think should be friends. I think it's a big problem that's getting worse and it's got to be fixed. I think a transition to something more sales tax based where you actually contribute to the system based on what you consume is a much better idea than simply property tax.

To the Village staff I want to say thank you for getting the Board contact information on Channel 25. I do appreciate that. Regarding the debate last meeting about whether or not we should have videos of this meeting or any Board meeting, I think Plan Commission's meetings also should be on Channel 25. I think today is just another example of the operation of government and how it should be viewable by the person that doesn't take the time to come here and sit and watch. I turned on channel 20 a couple of days ago and Kenosha Unified had a strategic planning meeting and they literally, from what I could tell, they literally had a camera stuck in the corner of their boardroom. Nobody was handling the camera. It was fixed. Most of the time it was videotaping the back of somebody's head but I got to watch what they were doing and I thought it was very interesting. My wife and I are on one of those strategic planning teams and we saw the results of our hard work.

Again, I do not understand any objection to putting this information on channel 25. We have I called it fluff and I'll call it fluff again. We have nice videos of dogs for Walk and Wag, where we're anxious to inform everyone about running with the turkeys. Maybe we don't want these turkeys to be seen or something like that. I don't know.

But here's an idea that could perhaps offset the costs that we're so worried about. We have Palmen Motors underneath the ice at the IcePlex. We have First Banking Center under the ice at the IcePlex. We have Diet Pepsi everywhere in the Village. You don't find Diet Coke anywhere.

Village Board Meeting  
September 18, 2006

These people pay money. We could have Village Board meetings brought to you by Pepsi. It could be Hexicon, one of our corporate citizens. It could be Rustoleum, one of our corporate citizens. Cherry Electric, We Energies, Prime Outlets. These are all entities that I think would be happy to provide some money so that the people can see what goes on here.

John Steinbrink:

Other Board comments?

Mike Pollocoff:

Just a couple issues. Mr. Driscoll's comments on ag exemption. Ag is split. There's two type of ag. There's other ag as defined by the State, and that would be the site where the homes and the farming operations take place. Those are subject to the clean water fee. By statute we and no other community can touch the other parts of ag for charges or assessment. That's exempt. There was a time in the late 1880s where Pleasant Prairie was one of the bigger users of this. We assessed farmland as we extended sewer and water when it went by it, when the sanitary sewer went by the farmland on 165, when it went down Highway 50. We assessed those farmers the cost of that sewer on a front foot basis because they were going to be able to develop that land with that sewer or water or whatever the case may be.

In 1991 or 1990, I can't remember, I'd have to look and get the statutory cite, the Legislature passed a law that exempted farmland. We have to pretend as though it doesn't exist. We can't even put a deferred assessment on it. It just isn't assessed. The logic in that at the time was that by levying urban charges on agricultural lands you were going to force agricultural land into premature development so it was exempted. That's not a call that the Village makes.

The other thing that Mr. Driscoll brought up was do we have money set aside to reimburse the residents for the public fire protection fee that's found illegal by the State? As a matter of fact, that charge is placed by the State. That charge was established by the Wisconsin Public Service Commission probably about three or four years ago. What that charge pays for is not for Chief Guilbert to put uniforms on his firemen or buy a fire truck.

The Public Service Commission prohibits the water utility from charging the water users, because not everybody in the Village has water, the cost of fire hydrants, the cost of 8 inch to 16 to 30 inch mains, the cost of storage, and the cost of boosters that are required in order to provide public fire protection and supply water to the Village. So what they do is they break that out and there's two ways to do it. One is to have it as a tax, just part of the general tax bill, so that people pay it as part of the—it used to be a line item in our budget and it was the public fire protection fee. It was part of the fire department budget. That covers our oversizing of our water system to accommodate fires. When Bob is working on a project he looks at how much do I need for consumption by the people who are going to use water, drink it, flush it, do whatever they do with it, and then how much do we need to be able to put out a fire in an area. How much water do we need to store so that Guilbert's fire truck that runs 1750 gallons per minute can always pump that water, always have water behind it, have water up in the air so that there's good pressure to be able to fire a fire.

Village Board Meeting  
September 18, 2006

All those charges are separated, and that has to be paid for by everybody as a property tax and that's how we did it for a long time. But by doing that, and in Pleasant Prairie in particular, we have close to a billion dollars of property that is not on the property tax roll. They do not get a property tax bill from us. So at that point that section of the water, that public fire protection fee that wasn't being paid for by the rate payers, it was being paid for by the people who pay a property tax bill, by making it a user charge that was based on the value of your property because that's your benefit, if you have a very valuable piece of property logic goes that it's important to you that if there's a fire there you have more benefit for that being put out than somebody other than that.

So we took a billion dollars worth of value that we weren't taxing before, and under the Public Service Commission rules that is now charged. So our largest fire protect fee account is the Pleasant Prairie Power Plant who pays no property taxes. They pay a public fire protection fee in the \$300,000 a year range. St. Catherine's Hospital they pay no taxes. They pay a public fire protection fee. The Chiwaukee Prairie, the lots that are owned by the DNR they pay a public fire protection fee for each of the lots. Guess what, they have fires down there and somebody has got to fill up the water tanks and go down there and fight the fire. That's the public fire protection fee. It doesn't buy ambulances. It doesn't buy axes. It doesn't buy pumper trucks. That's how the State allocates out that cost of the water system because you don't have two separate water systems. You don't have one for firefighting and one for drinking. You put them all together. The people in the meeting before that we complaining about water, if they did get water that would be not one of the costs they would have to pay for in their water bill that everybody else would benefit from. So that's why that's there. There is no money in that reserve account because that money is spent every year to compensate for the expenses of having that. I guess if the State wants to sue us over a rule that they made us adopt they can do what they want to do. I don't know how to resolve that.

With respect to the Clean Water Utility, all I can tell the Board is we went through it for a couple years evaluating it. We brought it before the Board. We went through it in detail. Had outside counsel review it and go through it in detail. He's comfortable defending it. I'm comfortable with how it's calculated. Based on some of the ones I've seen, I was quite frankly surprised that there are 100 cities that have a Clean Water Utility. I haven't seen anybody that does it in as a precise and I think an equitable manner as we do. So that being said, when we go through the budget later, we'll be starting that next week, you guys can rejugle the basket of fruit however you want.

Kenneth Schall's comments, it's too bad he's not here, but for the record why do we build new houses in areas without hydrants? Normally we don't do that, but the world is upside down in Carol Beach because of the Chiwaukee Prairie Land Use Plan. All things being equal we wouldn't have houses being built there, but that area was platted by Kenosha County from the '20s on forward. It was the subject to a comprehensive master plan where everybody's property rights were juggled and some were determined to have property so valuable that they needed to be acquired and not built on. Some were determined that the wetlands weren't as valuable on those properties and the people should be able to build on them. That's the only thing that made those lots buildable is that the plan life on their lot was not significant.

Village Board Meeting  
September 18, 2006

There's no sewer there. There's no water. There's no storm sewer. There are no roads. There are hardly any municipal improvements there. The only thing that makes those lots buildable is there are not significant wetlands on it. So part of that plan is to make sure that their property rights were not taken away by the government and impinged on and they get to build on the lot. We would never let a plat pass like that today. But that was a plat that the County adopted started in the '20s so we're living with it. They get to build houses that are difficult for us to protect from a fire protection standpoint and we have to live with it because basically we're at the bottom end of the feeding cycle on this. We were one voice out of I don't know how many. That's why that exists.

That's why large portions of Carol Beach are difficult because you have a lot of building down there and you have big houses and they just don't have the full pallet of municipal services and they'll never have them and I don't know how to change that. Unless, all of a sudden, if somebody else had to pay to take care of that stuff the way we did maybe they would think twice about it and say go ahead and let them have sewer and water but that won't be the case.

You as a Board, the Plan Commission as a Plan Commission have not allowed areas to develop that didn't have sewer and water for that very same reason. Why are you going to let an area develop without utilities? In Carol Beach that rule doesn't apply. It's its own different game and that's the way it is. I don't think Jean thinks it's great. I don't think it's great. And the people once they live there they don't think it's great because why can't I have—as Mr. Yordanoff so aptly said why can't I have why everybody has? I pay taxes just like anybody else. Well, trick or treat. It's cruel but I don't know what else to tell them. That's what it is. That's why we call it a Limited Urban Service Area. There's nothing we can do. That's all I have for comments.

John Steinbrink:

We touched on property taxes and, of course, we get compared to other states around the country and it's really not an apples to apples comparison. Wisconsin has a very high property tax. That's probably the most regressive tax there is. We have plenty of opportunity to change that. Unfortunately the majority party keeps pushing the plan of either TABOR or tax freeze. So that's the one that kind of gets pushed to the forefront. We've looked at the Constitution; we've looked at every means possible of implementing it.

Further on tonight we're going to talk about resolutions authorizing the Village to exceed its levy limit. That's by referendum. That's a result of the property tax freeze. Municipalities used to have the opportunity to address this issue on their own and we raised the levy limit to pay for things. We needed a fire truck and we raised the levy limit because we needed a fire truck and that's how you pay for it. We needed a dump truck and we raised the levy limit because that's how you paid for it. These were items we needed. We benefited the taxpayers and we did it at the most reasonable manner possible.

They brought up sales tax. That was one of the plans to increase the sales tax which would have taken almost the entire property tax burden of the schools off the taxpayers but that one wasn't used. There were several other plans out there brought forward but they never got a day in the



Village Board Meeting  
September 18, 2006

sunshine because we kept coming forward with the TABOR and tax freeze. Unfortunately we're under that. We compare ourselves to other states. We look at motor vehicle registration fees. We have probably one of the lowest ones of any other state around but yet we have a higher property tax and other taxes that make up that difference.

So when you compare taxes you really do it apples to apples to really make sure you're comparing yourself across the board. Too many times we want to be like other states but only on certain taxes. Not all the taxes, only certain ones. So it's kind of unfortunate. It's like the old elephant jokes. You'd hear them around the country and the rest of the country has already heard the elephant jokes about the TABOR and tax freeze but we're just getting to it now. Unfortunately we're going to pay for it and it's going to be costly to the communities.

The State isn't taking any less money in. The State is taking more money in and returning less to the taxpayers in the municipalities. That's part of the problem municipalities have is the shortfall that's returned under shared revenue to the local municipalities. Our costs didn't go down. Same as you the property owner your costs don't go down. We have utilities. We have all the same costs you have, health insurance, all those affect us as well as you.

So, yes, we do have opportunity to look at other tax forums. And someday hopefully the party in charge may change and maybe other tax plans will come forward and we'll get a change in the property tax. But all we've done so far is to freeze the most regressive plan into place. We're not changing it. We're just freezing it in place. It's not going to lower your taxes. It's not going to do anything. You're just going to be stuck with it for a longer amount of time rather than really looking at solutions that work.

Hopefully in the coming session changes will be made to that. Brighter minds will prevail and we'll move on to something that's going to address the tax issue and the fairness issue because it is a matter of fairness. If there are no other comments?

**7. NEW BUSINESS**

**A. Consider Resolution #06-44 – Resolution Authorizing the Village of Pleasant Prairie to exceed the levy limit specified under Section 66.0602, Wisconsin Statutes to purchase an ambulance.**

Mike Pollocoff:

Mr. President, at the last meeting of the Village Board we brought up the issue of conducting a referendum for the purchase of an ambulance, plow truck, rescue equipment and a road maintenance and improvement program for the coming budget. In your packet some of these items here are Resolutions 06-44 through 48 that frame and authorize the discussion on this.

Pleasant Prairie's levy limit. Again, levy is the amount of money that is raised by property taxes that the Village collects. The 2006 municipal levy that we're currently operating under is \$6,987,198. We've had new construction in the Village which adds tax base to the community. It also adds demands for services. This year the State has pegged that at 4.734 percent. You take

Village Board Meeting  
September 18, 2006

that, under the statute, our 2006 levy limit, and we come up with the new limit with the new construction of \$7,317,971, so we have an increase of \$330,773.

Levy breakdown. In our operating budget for 2006 it was \$4,383,883, and the budget we currently have in progress for 2007 that we're looking at now we're looking at an operating budget of \$4,679,666 or a change of \$395,783. Our debt schedule is going up a little bit. It's going up by \$42,671. The capital that we have available in the budget is going down by \$108,480. Exempt computer aid is \$799 so the Village levy would be \$330,773. That's the change. That's the increase in the levy from last year to this year.

This is our operating budget, again, in progress. We're going to be submitting those books out later this week and looking to schedule meetings beginning next week. But, as you can see, when we look at the revenues, property tax, other revenues is increasing by \$437,000. Clearly a large chunk of that is property tax. Our expenses, public safety which is fire, rescue and dispatch is an increase of \$241,788. Public works is going up \$88,000; administration \$134,202; CD \$19,000; parks \$5,500. The contingency is going down. If you think back to last year's budget we had set aside a contingency for our health insurance based on some uncertainty as to what our expenses were going to be. That solidified over the year so that's gone for this year as far as the uncertainty. So that \$62,000 contingency comes out. Our total expenses are up \$425,000, so we have a change of \$11,421.

Here are the uncertainties we have right now. We have budgeted in the current budget \$1.2 million in round numbers that represents a ten percent increase in our health insurance premiums, which pretty much trends where we've been going. Based on our quote from our current carrier, they're anticipating a 25 percent premium increase so that increase is not in the budget at \$119,897. Right now we're in the process of securing other quotes and looking at some alternatives to see what else we can come up with.

New program requests. These are programs that departments have submitted and I've prioritized as to what I think are most important. Three are programs that have an impact on the general fund. One is the additional of a firemedic at \$23,761. Another one is the Village calendar. We've had people ask if we would provide a calendar and sell that calendar. We've already sold the ads for the calendar so that's \$20,000 revenue so we're at \$3,000 right there. Next are allocations out of parks and charges to the RecPlex for services we give them, so that ends up being a no change on the general fund. Minor reclassification of the Police Department secretary.

Number 7 is improvements at the Lake Michigan Park Beach. Those are physical improvements. Along with that is staffing that beach for operations with lifeguards and that's \$53,119. Tree plan for CD \$2,000. The IT department is requesting a database administrator at \$79,000. Epoxy at \$2,500, reclassifying two positions to team leaders in parks at \$2,100. Repainting Station 2 \$,6900 and the upgrade of a part-time HR clerk to full-time. I'm only recommending items 1 through 5. So in essence for the new add ons in the budget I'm looking for roughly \$3,000.

Next item is program reductions. These are things that we can deduct from the Village. Eliminate the Village's newsletter. Right now we've had some discussions with the *Sun Times*. They hit every house in the Village and we've looked at finding a way to partner with them to get

Village Board Meeting  
September 18, 2006

information out on a more frequent basis rather than us. It would be another source of information. We do have I think a good website for people to go to, and channel 25. Although it might be a little fluffy, there's information that we're able to get out there and it's a way to get that done. I think number 1 is a viable reduction.

The other one is to support channel 25 and to do the things that we'd want to do in the way we'd want to get it done. It could be a phased implementation of a franchise fee to support channel 25. We're only one of two communities in the State that doesn't implement a franchise fee on their cable bill. Everybody else uses the franchise fee to pay for television services that community requests. Right now we do that internally and this would be money that we could save off the general levy and have it paid for by the people who use it which is the people who watch channel 25.

ComPsych is a service that we use to help us keep our health insurance rates down. Well, they didn't do a very good job this last year. The company has changed somewhat so I'm recommending that we drop that service and just use it minimally for the screenings. We're looking at a parcel creation of a record maintenance fee. That would be a fee that would be charged only to those people that are doing that rather than having that be a fee that the general taxpayers pay for. So if you're creating a parcel and we have to create a new record and establish that, that's a fee that they would pay for.

Number 6 is the fire and rescue inspections that charge for reinspection. That's a significant amount of money. It's \$15,930. It's pretty simple. When someone is going to do some mechanical work from a plumbing standpoint on their site, and they call us out there to inspect it and we arrange the schedule so we can have a crew out there to go do that, because we don't have a fire inspector, the crew, the station, goes in the ambulance and they go out to the site. And if they're not ready and they have to go back out there then we have to go through all this again and shuffle our crews around to be able to come out and do an inspection. So this is a fee where if they didn't do it right the first time, and they really pull the trigger on this as to whether or not we make an inspection, they should have to pay for us to go back out and do it again. Number 6 is really the last one I'm recommending.

We can eliminate the verbatim minutes, but I think that's an important tool for people to be able to go on line. You see the minutes. As much as the transcriptionist can understand what we're saying that's what goes in the minutes and it's a complete document. I'd hate to see that cut. Eliminating software agreements \$1,000. I think we'd just end up having a problem with that later on. These other ones get to be relatively minor with the exception, and again I'm not recommending these, as far as eliminating counter help them you're reducing citizen services. Eliminate attorney fees, gosh darn it, people still get angry with us and sue us and we have to expect that. If we reduce the part-time clerk's hours we're not going to process as many tickets which in turn bring in revenue.

Landscaping costs we can reduce that by \$9,000. We've reduced the parks down in the last four years. Right now we're scrambling to try to find some people to help us mow because the grass has grown so much this fall. The other big one there is eliminating snowplowing overtime. We'd reduce the plowing in subdivisions and just do it on daytime hours. If it snows at night we just do

Village Board Meeting  
September 18, 2006

what the City does and let it sit until we get to it. Eliminate a dispatcher and a police officer. Those are the last things I'm recommending. This total comes to \$429,000, but again I'm only recommending going through item 6.

Capital requests to be considered tonight that we have before us the first one is a Hurst Tool also known as the jaws of life. That's \$40,578. This afternoon we had a corporate citizen offer to give us one that they already have. So if we proceed on this referendum, what I'd like to do is have it be conditioned on the Chief being able to make sure that it is in fact the kind we use, we can get it on the truck, that all things being equal we'll always take a donation. If that's the case, if the Board was to approve that resolution, then we would want a string on that so we could reduce that resolution by \$40,578.

The other one is replace the heart monitors and defibrillators at \$76,580. You heard Chief Guilbert discuss the importance of that. If you can improve the chance of bringing somebody back by 90 percent by having just what is current technology that's important. The ambulance, this isn't adding a new ambulance to the fleet. This is replacing the existing old ambulance. Again, the Chief made that presentation and I'm recommending that one.

The other one is plow truck with side wing at \$148,000. Again, we're taking a 1985 truck out of service. This isn't adding to the fleet. This is replacing an old truck on the fleet. If the Board chooses not to do that we can go with one less truck and we increase the amount of time that we spend plowing roads and not get them all plowed and salted equally.

The other one is on roads for road maintenance. That's \$3,600,000 but on average that \$2.4 million. I'm not recommending that be placed on the ballot. I've indicated in the memo my reasons, but I think that the other items there we're looking at 16 cents increase on the levy. It's an increase but it's not like \$1.05. As I evaluate the road program that we directed public works to come up with, it does in fact get us to the point where over seven years we've completely brought all the Village roads up to spec.

If I go back and I have looked at some of the minutes, we indicated three years ago that our ability, that's why we're doing a freeze on budgets, our ability to do these capital projects was getting more difficult. We had started working with some alternative methods to paving. Some of those projects performed as we wanted them to do. They're buying us time on the road rehabilitation, but people don't like them. My recommendation is that there are some alternatives that we could do to road maintenance. Give some subdivisions and some people more choices. Go in with some alternatives and establish an amount that the Village would be willing to pay for if that's a micro surface instead of a micro pave.

It's a big issue. Every part of the Village has a different angle on it. In Carol Beach we need to do paving there but we also need to do some storm sewer work. We've got soils issues in parts of the Village. My recommendation is that we set up a citizen's technical advisory committee. Have it staffed by myself and the engineer and the street superintendent and go through some methods. Bring in some people and have the Board attend them and come up with a paving plan that between now and when we start the budget cycle next year we've done everything we can to

Village Board Meeting  
September 18, 2006

educate everybody on what the alternatives and choices are before we go out to a referendum because it will take a referendum next year as well.

There are capital requests that are funded within the base that I'm not recommending that we go to referendum on. The most important thing, again, public safety related is replacement of our police fleet. We have basically half of our fleet that we replace every year as we start ratcheting up to 90,000 miles. That's \$100,000. Inspection vehicle is \$16,000. All inspection, parks and public works, the prices that we're putting on those are prices for used vehicles. Typically we've been lucky getting them for \$15,000 or \$16,000, but it's important we keep up especially with parks and public works the use of pickups because if we're not using pickups then we're using snowplows to do pickup truck work and we're using up our—those things are a lot more expensive to replace. We have servers that need replacements and PC's that need to be replaced. That's \$191,700 in capital that I'm not recommending we go to referendum on.

These are all the capital requests that are not recommended and didn't make my list. That's not to say they're not important. In some ways they're going to help us do things better. We might have some other sources of funds such as item 13 to purchase the house at the Pleasant Prairie ball park, a loader, a smaller trunk dump body that does more than a pickup truck but not as much as a dump truck would help us. We're a large community and we have significant capital needs, but under the premise that the State put on us taxes are too high and you've got to hold costs down. This is where we are. Some people are gagging with the fact that we might have a 16 cent increase for new equipment. These are all the things that we're putting to the back, replacing the grass truck. We're just saying we're not going to go with these and we're not recommending them at this time.

When you look at our five year capital plan, the plan that was presented to you in the budget last year, if you take roads out which is a significant part, 2006, these items here are items that are capital needs of the Village aside from roads that we have. Somewhere there in 2008 and 2009 there's a blip for a fire station. Maybe that moves one way or another, but if we're going to develop properties on the other side of the interstate and if we're going to maintain our response times as the Village grows and traffic on the roads gets more intense, we're going to need another fire station. These are just the bulk numbers that we're dealing with. So our capital needs are fairly extensive even without the roads on there.

So the referendum that we're looking at tonight is rather modest when you look at the whole list of capital needs that we have that we're not funding or we don't have the wherewithal to fund. As I indicated at our last meeting and as John indicated, when we needed something we'd raise the levy for it, but we usually would do it over a period of time, two to three years. And over the last four years we've eaten up—all that surplus has been basically used up for the items that we said we were going to buy.

So with that, the issue is before us tonight in order to make the time frame is to what extent the Board wants to consider approving the resolutions specifically for the items before us tonight in Resolutions 04-48. 48 is actually the one that creates the ballot itself for consideration. Are there any comments? Mr. President, we need to take these an item at a time, but if you'd like to go

Village Board Meeting  
September 18, 2006

over them in total or I'd be glad to answer any questions. Kathy is here as well as the staff that's involved in those particular items for anything else you might have.

Mike Serpe:

Mike, you probably answered this once before but I don't recall. On the TIF Districts, any new construction in an existing TIF District that's not paid off how does that levy affect—how does that new construction affect the levy?

Mike Pollocoff:

It doesn't. I mean it affects it but it doesn't affect what we as residential taxpayers see. What it does is that increase in value goes into the TIF fund which is a sinking fund, and it's used to retire the debt on the bond but it's part of the value of the Village.

Mike Serpe:

So if the levy increases so much just in the TIF District every year, let's say two, three, four, five percent because of large construction, we're not going to realize any of that. And let's say the TIF builds out or pays out at ten or twelve years and there's no more construction, then we're not going to realize any increase in levy other than what the value of that property is?

Mike Pollocoff:

Well, if it builds out you'll realize all that value.

Mike Serpe:

But no increases in the process?

Mike Pollocoff:

In the process, no. That's the sacrifice the community makes is the district is going to grow in the TIF and pay off those bonds. So essentially what the community is doing is banking future tax savings. In Lakeview I, the first TIF, we got that thing done in ten years and in one year, the first year it was off, we added \$400 million roughly to our tax base. If you think back we sent rebate checks to every Village resident because we got so much money that first year beyond what we could use, and then that surplus that we had we sent back. The schools and the County kept theirs. Then the following year the tax rate for everybody went down because there was such a massive hit on the tax bill and then it started coming back up from that. They're paying property taxes just like anybody else. It's just going into a fund that nobody is realizing. But we're not hurting in the sense that we weren't getting that money anyway.

It's only an increment over what existed there to begin with. The hurt comes when if you really get successful fast you've got to take care of it with services that everybody else is paying for. That's really what you try to juggle. As the Abbott development comes in that's going to be a

Village Board Meeting  
September 18, 2006

particular challenge. We may take and come up with short TIFs, pay one TIF off quick and then create another TIF that doesn't include that original area so that TIF life span doesn't go out so far. Because otherwise if you make that TIF go out as long as you can that's 27 years and none of us will be here to see that. But the nature of that plan and how it's going to work it's going to really be conducive to setting up small TIFs. So once they get one phase done and you retire that after a few years, three years or four years then you create another one so that the taxpayers benefit from that initial development and then you start on the next one. You can do as many TIFs as you want as long as you don't stack them on top of each other. Even though that's a big TIF district out there, we're right at the peak where last year and this year we're incurring most of our expenses and then we start sliding down in the next year.

Mike Serpe:

I think a lot of people forgot the fact that we did rebate money and then lowered the taxes the following year.

Mike Pollocoff:

They never remember things like that.

Mike Serpe:

I don't know how many other communities can say they've done that. I almost forgot it myself until you just reminded me.

Jeff Lauer:

Mike, questions or comments. Regarding the Village Newsletter, if we were to take that route are we basing what the *News Sun* puts in their paper or do we have the opportunity to put something in there and if we do is it a cost to us? Otherwise we're just banking on what the paper is actually going to put in there.

Mike Pollocoff:

Our discussion with the *News Sun* is if we give them a press release similar to what we have in the newsletter they'll print it. We're not going to dump a whole newsletter on them and say print this in your paper this month. But, if you look at our newsletter, it really is a compilation of news releases that we make and we just save them up. They're news releases that the *Kenosha News* won't print or nobody really cares about except for some of the people in the community. But in the *News Sun* said if you give us a release we'll print it. So maybe what happens is the news of the Village comes out on a piecemeal basis really as it does anyway.

When you look at your newsletter there's stuff that's happened quite a while back. But it is a newspaper that ends up in every Village residence. We know that they do that, and if they're willing to take a news item or press release from us we ought to give them that. And they've

Village Board Meeting  
September 18, 2006

indicated that they're also willing to post some of the Village's contact numbers and things like that.

Jeff Lauer:

And the other question I have you may know or the Chief knows regarding that Jaws of Life that may be donated.

Mike Pollocoff:

He doesn't know anything about it. John just found out tonight. I have to talk to him. First hand you think a jaws of life is a jaws of life is a jaws of life. But, I don't think that's necessarily the case. He's got to be sure it's compatible with the hydraulics. I don't know what it looks like but I think rather than just saying we're going to take it we owe it to the Chief to have him look at it and make sure it works, that it does the things that we want it to do, and then if it does thank you and let's take the donation.

So I think I'd recommend an amendment on that resolution to put a string on it to give him the time to check on it and if it doesn't work it doesn't, and if it does authorize the staff to modify the resolution to reflect that reduction.

Mike Serpe:

I don't know how much discussion there could be on this tonight. I think we've pretty much covered all of this in the past. Now it just comes to adopting which ones we want to see on the ballot. I have to agree with the Administrator's recommendation that we go with the top three and not go with the road construction as yet, the road referendum as yet. It's up to the people what they want to pay for and what they want to have. This is what the State has given us and this is what we have to live with. With that I move approval of Resolution 06-44.

Steve Kumorkiewicz:

I second.

John Steinbrink:

Motion and a second. Further discussion or questions?

Jeff Lauer:

Yes, continuing on I just had a few more comments. It's up to the Board members, but for question number two, it says for the purchase of rescue equipment. Do you think we should put in there jaws of life or heart defib so the public actually knows or is that not allowable?



Village Board Meeting  
September 18, 2006

Mike Pollocoff:

I ran this by our attorney when he was preparing it. The last thing he didn't want to . . . for somebody to come up and give us one of these at the last minute. I think probably if we want to amend the second paragraph to read, "WHEREAS, for the Village of Pleasant Prairie, Kenosha County, Wisconsin (the 'Village'), the 2005 tax levy (collected in 2006) was \$6,987,198 and the valuation factor is 4.734% (or \$330,774)", darn it, I read the wrong paragraph.

The next paragraph down, ". . . in the next fiscal year for the purpose of purchasing defibrillators and a Hurst tool in that said Hurst too shall be removed from the referendum pending the evaluation of a donated Hurt tool by the Fire Chief."

Jeff Lauer:

The only other question I have, I don't know if you have the numbers and I'm sure I read them in the past month somewhere, if it were just these three that passed, 06-44, 06-45, 06-46 and not the roads, we're probably going to get calls or question, well, if they all pass how much would my property taxes go up. Do we have a number on that yet?

Mike Pollocoff:

We just showed it on a previous screen. Right now the levy that we're looking at, and we took the school district's 11 percent increase and added that to this, and of course we don't know what Kenosha County's is yet, but all things being equal we're looking at a mill rate for the Village of \$3.10. This year's mill rate is \$3.54. So you take that \$3.10 and add those items to it.

Trustee, Serpe, that kind of ties back to the question you had about the TIF. One of the things that's been hard on the TIFs is the tax freeze because you're constantly lowering your mill rate in those districts and you're getting less money. You're not growing at the rates that were anticipated.

Steve Kumorkiewicz:

So you're saying \$3.10 is the mill rate.

Mike Pollocoff:

The Village mill rate will be \$3.10 next year not including these items. So take the \$3.10 and then add from that. So if you do the four items there 18 cents.

Steve Kumorkiewicz:

\$3.28.

Village Board Meeting  
September 18, 2006

Mike Serpe:

Do I understand the motions here? Do we have to approve each resolution and then we have to approve the final resolution minus the one we don't want?

Mike Pollocoff:

Right.

Jane Romanowski:

We have a motion and a second for 06-44.

Alex Tiahnybok:

At our last meeting when this topic was discussed, Mr. Ginkowski brought up a point that I think at least needs to be aired, and that is we tend to be very proud of how the Village is managed and a lot of back patting happening. I'm comforted to see that there are some capital expenditures that are actually accounted for in the ongoing budget. But the way I see it, and I think certain people made comments regarding this at our last meeting, is that these items, specifically 44, 45 and 46, I think most people would consider them ongoing expenses of operating a government. I'm still troubled by the planning. We're replacing police cars. That's fine. That's already accounted for in the budget. There were several other items on that one page that have been already included underneath the levy, but then we have these three referendum items. After telling everyone how great things are and how well we're managing and planning we still have to go back to the people and say, well, those rotten people in Madison really screwed us up.

I just don't understand again, and I said this last time and I'll say it again, I don't understand how in one year of tax freeze mandated by Madison that we went from having everything perfectly in line to suddenly the sky is falling and we need to go to the people to ask for more money. That's kind of amazing to me. The first two items, 44 and 45, and public safety related. Mr. Yordanoff kind of brought a concept to this process called character assassination and I know what that's all about. So I would never dream of voting against those two items anyway. And I do believe in the public having a voice and that is called a referendum.

But, again, the planning troubles me. We're replacing, and those were the words that were used, we're replacing equipment. We're not buying new equipment. We're not enhancing the fleet. We're replacing an ambulance that certainly needs to be replaced, a snowplow that needs to be replaced, and I don't see how these things couldn't be anticipated and how previous Boards, including ours, the one I sit on in terms of our budgeting process last year how we didn't forecast these replacement needs.

I had a conversation with the Village President of Silver Lake, and he said on capital items like this they budget one-third, one-third, one-third. So in the third year when something needs to be replaced they've accumulated the funds. I think that's the way it should be. Forget about the mill rate and how proud we are of how we keep taxes down. I'm often told that we have to make hard

Village Board Meeting  
September 18, 2006

decisions and I think it's shameful that previous Boards basically mortgaged the future and now we've got this problem and have to ask the taxpayers for more money. I just don't like it. Again, it's a public safety issue. I don't think anyone can deny the need is there. It's just I don't like the way we got there.

Mike Pollocoff:

Mr. President, Mr. Tiahnybok, I told you and the rest of the Board last year as we went through capital that next year we were going to have to go to referendum. That that's what we're going to do. I'm certainly happy that the Village President of Twin Lakes can set his budget to have one-third, one-third and one-third for capital. Quite frankly, Trustee Tiahnybok if I had the levy that the President of Silver Lakes has I wouldn't be here talking to you about this. If my levy was \$6 a thousand you would not be hearing from me saying that we need more money.

The public cry has been freeze taxes and I've heard it from everybody. That that's what we have to have is a tax freeze. If people want to know what tax freeze does look at Pleasant Prairie and you can look at a community that hasn't frozen taxes and look at where they're going to be four years from now. If I was the City of Kenosha with nine mills I wouldn't be here. But this Village has the lowest mill rate. Quite frankly, I don't know what back slapping you're referring to, but to me it's a matter of public information that you have the lowest taxes. I keep hearing people saying our taxes are too high. Well, where else are you going to go and have lower taxes than Pleasant Prairie? You're not going to go to Silver Lake. You're not going to go to Twin Lakes. You're not going to go to Paddock Lake. You're not going to go the City. You're not going to go to Bristol. This is what we have.

On one side we say it's time to exercise some fiscal constraint and we've done it, and now we haven't planned and we haven't been responsible. We haven't mortgaged anything. We just haven't spent. That's what everybody says is don't spend. So right now we're doing exactly what the Governor and the Legislature said you should do. You should ask the people if you want to spend more money because public officials apparently can't make that decision. Your decision that you're going to make tonight is what trick or treat hours are. That's the level of decision making that's been left to local governments.

I'm not happy about it, but we're not taking care of—if we adopt the resolutions tonight for the capital we're talking about there was a whole list of stuff that isn't getting funded. If you feel that way we ought to roll that up to a referendum as well. We funded as much capital within the base as we could for trucks and police cars. But at the end of the day the majority of the work that's done for this Village are by your employees. They work for the entire Board and the community and we deliver services. We don't make anything. We deliver services. That's where the bulk of our budget goes.

I didn't hear any ideas last year and if I hear some this year, some other items that the Board would like to cut so that we don't have to go back to the public, but that's the only way to get any more money. So if we don't want to mortgage our future as you describe it, we have to go to the public and say, okay, here are the choices because now those choices are landing on the public's lap instead of ours.

Village Board Meeting  
September 18, 2006

I indicated last year, and I believe I said it the year before, in order to comply with what the public is yammering about as far as tax freezes we're depleting our reserves, our capital reserves and that's what gets us to this point. The Village isn't going to go bankrupt. We're not on a fiscal precipice. We're doing exactly what the State wants, asking people if they want to vote for something. That's it.

Mike Serpe:

Alex, I've got to tell you it's easy to take a shot at us for things that we may have not have done in the past. I think maybe we deserve it. I don't know. I don't think we do, but in your eyes we obviously do. That's easy to do. Now, come up with a suggestion on how do you want to plan for the future? Tell us how we want to pay for the fire station that's going to come up in about two or three years. Tell us how we're going to man that fire station. You've said it now. You're in a position now to plan and I'm open.

Steve Kumorkiewicz:

That's what is called bite the bullet that we're talking about.

John Steinbrink:

Mike's right. Further criticism. Last year we had a budget that was too rich at that point for several Board members. They voted against it. We knew where we were at. You've stated you like referendums. You believe in them. That's good. That's what we're doing. And you ask how did we get here. Well, we kept taxes low. If you refer to Silver Lake and we went out with six mills, we just kept stuffing it in the bank taxing you, you'd be here saying what the hell are you putting all that money away for and charging me now for? I can't afford these taxes, because that's what we heard before when we were at the lower rate. And how we did it before and we stated this before when the need arose we adjusted the levy to make the purchase. We spread it out over years. We paid for it. We're responsible. We knew what we needed. We did it, and if you check back those little spikes in the levy up and down that's paying for things and that's paying for things without socking it to the taxpayer all along and saying, hey, I've got a ton of money and I can go buy me a fire truck. People didn't want that. People wanted taxes that were low and good services and we provided both of those. We could have continued to buy it but the State law changed so now the choice is referendum and that's what we're doing here tonight.

So if it wasn't for this we'd be making one of those hard choices and adjusting the levy to make the purchases needed to make our community safe and workable. But that's been taken out of our hands. As Mike said that's unfortunate, but we're here tonight and this is what we're doing and we're going to present it to the public. If you think that's too rich you can vote no tonight, too. Nobody is saying what you have to do. But don't say we didn't tax enough before and what are we doing here today because we've explained what we did before and we explained why we're here today.

Village Board Meeting  
September 18, 2006

Jeff Lauer:

A couple comments. When we vote on 06-47 I'll chime in regarding the road maintenance. The question I have and I'm sure it's a legality issue, but for each of the referendums I'm assuming we have to have the \$7.4 million figure there which may scare some voters? Just a comment.

Mike Pollocoff:

The State structured that language. We're getting an opinion from the Elections Board, because there was some thought process that the Legislature didn't want the people to know what they're voting for so the language should say should we raise taxes by \$178,000, and that would be a disincentive against voting for a referendum. Then the Elections Board said you really should tell people what they're voting for, whatever it is. So we've gotten that letter from them. But counsel wants the Board to know that there's some question where the intent was if the Legislature didn't want residents to know what they were voting on, just the amount of the increase and how much their taxes were. Us and a couple other communities are struggling through how you put this thing together because no one has done it before. The Election Board is saying you should tell them what you're voting for. It was amazing that was left out of the discussion that you've got to tell people what it is they're voting for, but the language in here is directed by statute.

Jeff Lauer:

And a last comment on these before we vote one-on-one, and I'll include this in the road maintenance one. On any referendum I think what we have an opportunity here, obviously we all know it's education, and here's a solution I have for these referendums. I think we should use Channel 25 if these pass, however it goes, as soon as we can. All we've got to do is educate them on 25 on the referendums, what each one means. We don't have to have the other stuff that's normally on there, the garbage pickup and all that stuff. Strictly use it for referendum items. I think that would be a great tool because that's all they're going to see. I think it would also be good on the internet website maybe to have a special things saying referendums, jot down ambulance, snowplow and whatever else we have on there. I think that would be good because they can click on it. I'm sure it's going to be in layman terms, they can read it.

The other idea I have maybe we could hold a couple listening sessions here at the Village, maybe one in the morning, maybe one later on. That way, I don't know, if they don't have cable or they don't have internet, whatever, at least it's an opportunity they can come, they can hear it from staff and us if we're here. So those are hopefully three options we have we can look at. But I think we could use Channel 25 to our advantage as well.

Mike Pollocoff:

One of the things I'd recommend is we have an open house or two and bring the equipment that we're planning to replace to people could see what it is. Or, probably of more interest to some people might be the heart defibrillators. Not that we're going to defibrillate anybody, but how the

Village Board Meeting  
September 18, 2006

monitors work. That's really a part of what we're looking for is the monitor part or they come together.

Jeff Lauer:

We might need to defib somebody if they see the \$7.4. That way we can explain it to them.

Mike Pollocoff:

Your point is well taken and we plan on doing that.

John Steinbrink:

So the question is how many people have cable, get cable.

Mike Pollocoff:

Quite a few. I don't know what that number is right now.

John Steinbrink:

How many get the *Kenosha News* and how many will attend these sessions. We need a culmination of them all to try to reach the broadest spectrum.

Steve Kumorkiewicz:

I don't have Channel 25. I have to go to the internet. Some people don't have the internet either so how do you get those people?

**SERPE MOVED TO ADOPT RESOLUTION #06-44 – RESOLUTION AUTHORIZING THE VILLAGE OF PLEASANT PRAIRIE TO EXCEED THE LEVY LIMIT SPECIFIED UNDER SECTION 66.0602, WISCONSIN STATUTES TO PURCHASE AN AMBULANCE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**B. Consider Resolution #06-45 – Resolution Authorizing the Village of Pleasant Prairie to exceed the levy limit specified under Section 66.0602, Wisconsin Statutes to purchase rescue equipment**

**SERPE MOVED TO ADOPT RESOLUTION #06-45 – RESOLUTION AUTHORIZING THE VILLAGE OF PLEASANT PRAIRIE TO EXCEED THE LEVY LIMIT SPECIFIED UNDER SECTION 66.0602, WISCONSIN STATUTES TO PURCHASE RESCUE EQUIPMENT, WITH THE AMENDMENT TO ELIMINATE THE HURST TOOL IF THE PROPOSED DONATION IS ACCEPTABLE; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

Village Board Meeting  
September 18, 2006

**C. Consider Resolution #06-46 – Resolution Authorizing the Village of Pleasant Prairie to exceed the levy limit specified under Section 66.0602, Wisconsin Statutes to purchase a plow truck.**

**SERPE MOVED TO ADOPT RESOLUTION #06-46 – RESOLUTION AUTHORIZING THE VILLAGE OF PLEASANT PRAIRIE TO EXCEED THE LEVY LIMIT SPECIFIED UNDER SECTION 66.0602, WISCONSIN STATUTES TO PURCHASE A PLOW TRUCK; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**D. Consider Resolution #06-47 – Resolution Authorizing the Village of Pleasant Prairie to exceed the levy limit specified under Section 66.0602, Wisconsin Statutes to perform road maintenance and construction.**

Mike Serpe:

Mr. Chairman, I'd move denial of 06-47.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second on 06-47. Discussion?

Jeff Lauer:

I know the road maintenance issue is a hot topic. I know we were going to do something last year and we put it off to this year and this year we didn't do it and we're putting off to next year. I think these are one of the items that the people should vote on as well. Yes, it's a big amount, but we just mentioned 25 and listening sessions and the internet where we can help educate the people. My fear is if we put this off what's going to happen is cost is going to go up again. If costs go up again that mean the figures we have here, just like what we talked about earlier about Carol Beach, they don't want the water, they want it two years from now it's going to cost more. My concern is given the cost of goods and labor that's going up, this figure could go high sky.

I know we've talked about possibly other ways of funding it, but I think the classic example is we saw some residents here tonight who wanted municipal water and how didn't, and my fear is if someone petitions to have their subdivision blacktopped or worked on, guess what, what if the majority says no? And it really needs to be done. So I think this is an opportunity, again, since we're going to be education the public I would just recommend we do have this on there.

Mike Serpe:

Village Board Meeting  
September 18, 2006

Jeff, I'd agree with you if the vote was six months out. It's five or six weeks to election. I think the education process between now and when people are going to vote on this is too short of a time for them to understand all this and quite a large figure for them to really accept without proper education. I think we would be hurting our effort on the entire referendum process, and that includes fire and all the rest, if we were to include the road project. I think referendums as they stand are not easy to take, but I think you're going to create an uphill battle if you include something like the roads this year. If we had more time to educate I'd probably agree with you, but I don't think there's enough time to do that right now.

John Steinbrink:

I agree with Trustee Serpe. Probably one of the tougher ones because if you have a good road in front of your house you're going to say why do I want to pave a road down here? It's like drainage issues. If there's no water standing in front of your house why do you want to pay for drainage issues for the guy at the bottom of the hill? We've collected a lot of data on the roads, we've got all the numbers. I guess we have to work out the details and the presentation. Like you said, it is an education thing to really educate the taxpayers what the benefit is of this and how it benefits everybody by being timely with it rather than putting it off. You're going to see the costs increase.

I think if we look at road projects what they cost us ten years ago and what they cost us today and what we know they're going to cost us ten years from now, it's hard to predict those things but the increase keeps going up and the amount of work you have to do. A lot of it is infrastructure work, rebuilding and more than just repaving. So there's a lot to explain to folks on what this does.

Alex Tiahnybok:

Trustee Lauer brought up three vehicles using the website, using channel 25 and information town hall kind of meetings here. I think when you ask a person what's the biggest problem in Pleasant Prairie as far as infrastructure, frankly they don't think about ambulances. They talk about roads. Certain spots are pretty bad. This was kicked around last year. We said we're going to delay it another year and here we are next year and now we're talking about delaying it again.

If we're going to use those three channels of communication, the website, channel 25 and meetings here to cover the other referendum items, frankly I don't see how this road item is so complex that the people that are interested in hearing about it can't figure it out. It's not that complicated. So I don't agree that it's too short of a time. People have been complaining about roads. It seems like we pretty resoundingly believed in giving people the right to state their opinion via referendum, and I'm kind of surprised that all of a sudden we're not interested in doing it on this when I think the sell job is not all that different than the other ones. Obviously, the magnitude is much higher in terms of additional cost under tax bills, but I still think it's something that should be addressed and the people should be given a chance to voice their opinion.



Village Board Meeting  
September 18, 2006

We touched on this last time that people potentially will take the perspective that if it's not in my front yard it's not benefiting me. That's a risk I think that's going to exist regardless of when we bring this to referendum. The number of projects are only going to get bigger and the dollar cost is only going to get larger, and you're going to have more and more push back in terms of people agreeing to fix the roads in front of somebody else's house.

If this whole concept is weak and it's doomed to fail for whatever reason, then the petition route could wind up being the best route to go. If people want their roads replaced in front of their homes then petition the government to do it. If the majority of homeowners agree the job gets done. This way it's very tangible because it's right there in front of your house instead of somewhere else in the Village on a side street that you never see.

John Steinbrink:

That's kind of the way it used to work. People used to petition us to have a road done and we'd take that hard choice and raise the levy because of the road project. We can't do that anymore because we're doing referendums now which means everybody votes on it, not this Board. So you have to convince everybody that it's a good idea. If you don't do it properly it's going to get harder to do it the next time.

Alex Tiahnybok:

Did I misunderstand that a particular neighborhood or a series of a couple of blocks couldn't come to us and petition to have their road fixed and that the police authority would give us the power to assess those affected properties?

John Steinbrink:

How you going to pay for it?

Steve Kumorkiewicz:

Where would you get the money?

Alex Tiahnybok:

By an assessment—

John Steinbrink:

We don't print money here. We have to tax it and we can't raise the levy to tax it.

Alex Tiahnybok:

The same thing we were going to do with water. We were going to charge the people for those improvements directly.

Village Board Meeting  
September 18, 2006

Steve Kumorkiewicz:

One time.

Mike Pollocoff:

Just to answer Alex's question. We used to do that and it would be put into the road project list. If we wanted to re-prioritize our paving list which we always had a list of paving we were going to do and that would go into it. Then we would set our levy the following year to adjust it correspondingly. The water project the rate payers are going to pay for that bond interest that until you start getting assessments. But here unless you want to issue debt for the roads you could do it that way.

The reason I'm recommending that we put the road maintenance program off, and I'm not worried about any political heat or people screaming about it, but I really think as we've looked at one of the treatment methods we've used on one of our roads this last year with the micro surface on 95<sup>th</sup> Street, we've done a series of different treatments in the area. There's boiler slag, there's chip and seal but the micro surface really we had a full year of it where we got to see how it performed. At the power plant it's on 95<sup>th</sup> Street between H and 31 for probably six months last year Wisconsin Power had 80 semi loads a day dragging coal across it. We've plowed it through a winter cycle.

I just think there's some ways that we may be able to structure this where we're able to accomplish two things. One is to lower the bill so we're not spending as much to get this done. And, secondly, give neighborhoods a choice where we could say we'll pay for a baseline of surface that will put a micro surface on your road. If you want to pave it or micro pave it then you as a subdivision could decide that difference.

I think the other thing we need to look at is taking a look at our major street projects, which are 80<sup>th</sup>, 116<sup>th</sup> Street, 85<sup>th</sup> Street, the people that live on those streets I guess they chose to live there, but it wouldn't be fair to go after them on an assessment for an arterial road reconstruction, and maybe we could take a look at putting those into a bond. If we did a ten year bond and it's a twenty year street that might be the best way to do it. That's one of the problems with this cute deal of referendums is that somebody who lives on a County road or a State highway more than likely is not going to vote for paving a Village road because they don't live on one. That's why you trust, this isn't a democracy it's a republic, you trust on the elected people to make those tough decisions for you and now we're not in that environment.

I think the Board does have the ability to bond, and over the next coming years the Village's level of—we could do it this year if we wanted to, but our level of bonded indebtedness is going to be shrinking rapidly for the general fund portion, and look at structuring some debt for those larger roads, because that's what's really driving that road maintenance up is the road reconstruction portion. Structure that out and have that done by a bond and carve up this other area. The reason I'm recommending it be different is it gives people a choice. There are choices in life and they

Village Board Meeting  
September 18, 2006

get to help make those, and if they want to go with a surface treatment which is going to accomplish what we want to accomplish as far as protecting the road base, do that. If they want more they can do it. But at the end of the day the Village will spend less than \$2.4 million a year.

My concern is we go out there and try to sell—what public works did is they gave us what we asked them for. We said what's it going to take to get the roads in shape in seven years and that's what gets us to that point. But the other question is can we get to that same point spending less money and giving people input on the process. I think if we got some people together and put this plan together and started meeting with subdivision that would be on that front line and get some input from them I don't know that that would hurt. But if the Board wants to get all the roads done and spend the \$2.4 and have that go to a referendum that's fine. I just think that as your Administrator, given what we know now that we didn't last year we have a product that can do it for less and we owe it to ourselves to give it a try and let people decide if they want to have that on their streets in their subdivision.

We could have Whittier Heights come in and show it to them, give them some streets they could drive on and say what do you think. Do you want to do that and not get charged anything, or do you want to pay the difference to get something blacker and smoother. This other stuff is pretty smooth, but if you want what looks like a brand new blacktopped road and you're willing to pay for it, and we heard people in Foxmoor say that. If I would have known I could have paid for asphalt I would have been willing to pay the difference. Now we get the chance to find out if that really is the case.

But I think if we jam this thing as a referendum and say, here, the question is do you want to do it all at once, you will find out if they want to do it all at once, but I'd hate to be telling them all along we knew of another way that could save you some money that wouldn't have been as expensive. I don't think that's good. I think it's a little bit more difficult issue to educate on than the other stuff. Your call.

Jeff Lauer:

Obviously I'm open to hear all sides, and while everybody was talking I was doing math in my head at the same time. I was just taking what my taxes would be based on my assessed value. It is quite a difference, obviously. You're talking almost, at least for me, \$41 for just the three. If not it's about \$250 because you have to take \$1.23, you said at 18 cents it's \$1.23, does that mean we'd lose all the referendum questions or not? That to me is a good possibility.

I am concerned about the roads. What I would like to suggest, if the road isn't going to be on the referendum, I know in the write up there's talk about having committee members. I would say we should have—I don't think we should have a lot of folks. I think we all know the more people you have that could be problematic. I think we should have five committee members, and I think there's five Board members and I think each Board member should pick somebody who may be interested to being on the committee. I think that would be a good start as far as the road maintenance program. I think if it's not going to go on the referendum and we have a committee on it, we definitely need people in the community who are familiar with roads, working with roads and the whole shot that way.

Village Board Meeting  
September 18, 2006

I know I'd like to see this on the referendum, but if I'm going to be truthful and honest it could go all down or people would just say, no, I don't want the roads and I want these three items. Again, that's like going to Vegas and rolling the dice. So it is one of these tough issues when I was just doing the math on what mine would be, and I could just imagine what somebody else's would be whose home is definitely assessed higher than mine. It is a tough call I guess. I guess the question is if it doesn't pass we go to the committee I would really like to see the Board involved to an agreement of who would be on that committee and overseeing it.

Mike Serpe:

If everybody looks at this whole referendum issue logically they're going to look at the emergency services with reference to ambulance and defibrillators and jaws of life as something they may need in an emergency and we have to have that. We are bragged about by everybody in Kenosha County has having the best snowplow removal around. They look at that logically. You know it's going to snow in the wintertime; you want your streets to be plowed, fine.

We are also basically a very young Village with reference to development. So all the new subdivisions that we have, and there's quite a few of them now, have very nice roads. I can't imagine for the life of me people in Foxmoor, people in Mission Hills, people in Village Green Heights, people in Meadowdale Farms voting in favor of a road referendum when their roads are perfect. If you throw it out there it's going to fail so don't throw it out there. Go on the things that you really need that are going to benefit the people the most and that's emergency services and being able to get to where you want to go in the wintertime with the snowplow. I think our chances of selling this thing is much better.

The road maintenance, Mike has indicated, he's got some different ideas. I trust his judgment on that and I think that's the way we should go. I agree with you, Jeff, let's set up some groups and however we get there fine and we'll work that way. But I call the question on this one.

Steve Kumorkiewicz:

There are two issues here that we're looking into. First, we don't even know how we're going to work the referendum. And the other one is you talk to the people and the first thing they tell you is I paid taxes already for the roads or paid taxes for this or that. They don't understand the budget process. There's going to be a time . . . six or seven weeks. That's why we have to wait until next year because if we put it in and it's going to fail then it's going to fail again. Why? We've got to do it right. Why do it twice?

Alex Tiahnybok:

Again, I think the taxpayers of Pleasant Prairie are fully capable of understanding this in five or six weeks. But I did hear something that is intriguing. We're talking about \$2.5 million. My personal impact if this passes would probably be somewhere around \$1,200 or \$1,500. So, believe me, I think I pay enough already and I don't feel like paying any more. I'm always in favor of the people having a chance to voice their opinions, but Mr. Pollocoff commented that we

Village Board Meeting  
September 18, 2006

have some technologies that seem to be holding up that could be less expensive alternatives and \$2.5 is a lot of money. I'm willing to see this thing ride for another year assuming that number is going to go down. If it's not realistically going to go down and we're certainly all aware of world petroleum prices and the price of asphalt and all that kind of stuff, putting this off is only going to make the situation worse I think we're going to be sitting here the next year or the year after that regretting that we didn't do the right thing when it was time to do it. It makes a tough choice. So if we're confident that there's innovative ways to save money I'm willing to roll the dice. Okay.

John Steinbrink:

We have a motion and a second. Further discussion? I guess we just have to be like Silver Lake and have six mills and just keep setting it aside and that's the way to do it. But then taxes would be even higher.

**SERPE MOVED TO DENY THE ADOPTION OF RESOLUTION #06-47 – RESOLUTION AUTHORIZING THE VILLAGE OF PLEASANT PRAIRIE TO EXCEED THE LEVY LIMIT SPECIFIED UNDER SECTION 66.0602, WISCONSIN STATUTES TO PERFORM ROAD MAINTENANCE AND CONSTRUCTION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**E. Consider Resolution #06-48 – Resolution providing for a Referendum Election on the Questions of the Approval of Resolutions Authorizing the Village of Pleasant Prairie to exceed the Levy Limit Specified under Section 66.0602, Wisconsin Statutes.**

Mike Serpe:

Now, your last resolution, Mike, is going to include everything but Item D, is that correct with the amendments. I'd move approval of 06-48.

Jeff Lauer:

Second.

Mike Serpe:

Minus Item D and with the amendments.

**SERPE MOVED TO ADOPT RESOLUTION #06-48 – RESOLUTION PROVIDING FOR A REFERENDUM ELECTION ON THE QUESTIONS OF THE APPROVAL OF RESOLUTIONS AUTHORIZING THE VILLAGE OF PLEASANT PRAIRIE TO EXCEED THE LEVY LIMIT SPECIFIED UNDER SECTION 66.0602, WISCONSIN STATUTES, WITH THE DELETION OF ALL REFERENCES TO QUESTION IV REGARDING ROAD MAINTENANCE; SECONDED BY LAUER; MOTION CARRIED 5-0.**

Village Board Meeting  
September 18, 2006

**G. Receive Plan Commission Recommendation and Consider for a Zoning Text Amendment (Ord. #06-44) to amend Sections 420-119 B (2) and 420-119 D (2) (u) of the Village Zoning Ordinance to allow restaurants with outdoor seating as a permitted use within the B-2, Community Business District.**

Jean Werbie:

Mr. President and members of the Board, on July 24, 2006, the Plan Commission approved Resolution 06-15 to initiate a zoning text amendment to re-examine the uses in the B-2, Community Business District. In particular, what we looked at was the outdoor seating for restaurants as a permitted use rather than a conditional use. The B-2 District is intended to provide for cluster retail service and office uses of a type and a scale designed to serve the entire community. The B-2 Districts are located at the intersections of two arterial streets or highways and shall be at least five acres in size.

Based on the comprehensive land use plan for the Village, we have a number of B-2 District areas primarily along Highway 50 or 75<sup>th</sup> Street, along Highway 31. There's some along County Trunk Highway ML and Sheridan Road. The specific locations are identified in your staff comments. At the time the business districts were updated, we talked about putting outdoor seating as a conditional use because we just didn't know what the impact might be to the surrounding potentially residential areas.

What we have done since that time is we have made a modification in the B-3 District and have allowed it as a permitted use rather than a conditional use and that would be for the Prime Outlet Center. Since that time, we've had a number of inquiries by B-2 related uses for outdoor seating such as Famous Dave's and Pepper Kings and some others.

So what the staff and the Village Plan Commission are proposing is to modify through Ordinance #06-40 the zoning text to allow for outdoor seating as a permitted use in the B-2 District. What we're not saying is that the Plan Commission is still going to be getting an opportunity to review the outdoor seating, where it's located and how it relates to the adjacent land uses, but that will take during the site and operational plan procedure and approval process rather than scheduling a separate public hearing for that matter to be considered by the Plan Commission.

The Plan Commission and the staff recommend approval of the zoning text amendment which is Ordinance #06-44 as presented.

Steve Kumorkiewicz:

That issue was very well discussed at the Plan Commission last week. Consequently, I move to approve Ordinance 06-44.

Alex Tiahnybok:

Village Board Meeting  
September 18, 2006

Second.

John Steinbrink:

Motion and a second. Any other discussion? Jean, when we talk about outdoor seating, often we get to where we get the permits for serving alcoholic beverages outside and we require fencing. So are we talking two different things here?

Jean Werbie:

They can have a restaurant outside certainly without serving alcohol, and we will still require it to be there will be some type of demarcation, fencing or walls or something that helps to define that space. But at the time that the liquor license is considered by the Village Board, you'll have that opportunity to identify or define that specific outdoor area where alcohol can be served. And that would be when that liquor license is applied for.

John Steinbrink:

So the outdoor seating doesn't automatically extend that license to the outdoor premises as it didn't before.

Jean Werbie:

Right. Again, it will be a separate consideration by this Board.

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #06-44 FOR A ZONING TEXT AMENDMENT TO AMEND SECTIONS 420-119 B (2) AND 420-119 D (2) (U) OF THE VILLAGE ZONING ORDINANCE TO ALLOW RESTAURANTS WITH OUTDOOR SEATING AS A PERMITTED USE WITHIN THE B-2, COMMUNITY BUSINESS DISTRICT; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**H. Receive Plan Commission Recommendation and Consider the request of James and Peggy Concannon for approval of a Lot Line Adjustment between the properties located at 9580 39<sup>th</sup> Avenue and 4081 96<sup>th</sup> Street.**

Jean Werbie:

Mr. President and members of the Board, James and Peggy Concannon are requesting a lot line adjust between the property that is located at 9580 39<sup>th</sup> Avenue and their property located at 4081 96<sup>th</sup> Street. Specifically, they're looking to adjust the rear portion of the lot abutting 39<sup>th</sup> Avenue. The end result would be a lot line adjustment that would transfer just over 20,655 square feet from the Wirch property along 39<sup>th</sup> Avenue and attach it or combine it to the Concannon property which is located in the Meadowdale Estates Subdivision.

Village Board Meeting  
September 18, 2006

Specifically they are requesting this in order to extend their backyard to create a larger outdoor yard for their family. The property owner at 39<sup>th</sup> Avenue was approached by the Concannons and finds no objection to this. Many of the lots that are along 39<sup>th</sup> Avenue are legal nonconforming right now. They meet the area requirements, and even with this adjustment will still meet the area requirements but they don't meet the width requirements of the R-2 District. So the lot is not being made any less nonconforming. Both lots will still conform to the respective zoning districts that they are located. So the full lot line adjustment does comply with the land division and development control ordinance as well as the zoning ordinance of the Village.

The staff and the Plan Commission recommend approval of the plat of survey lot line adjustment subject to the recording of the document within 30 days.

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF JAMES AND PEGGY CONCANNON FOR APPROVAL OF A LOT LINE ADJUSTMENT BETWEEN THE PROPERTIES LOCATED AT 9580 39<sup>TH</sup> AVENUE AND 4081 96<sup>TH</sup> STREET, SUBJECT TO CONDITIONS SET FORTH BY STAFF; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**I. Consider Resolution #06-42 to initiate a zoning map amendment to rezone several properties on the west side of 39<sup>th</sup> Avenue between 93<sup>rd</sup> and 97<sup>th</sup> Street from R-2, Urban Single Family Residential District to R-3, Urban Single Family Residential District.**

Jean Werbie:

Mr. President and members of the Board, Resolution #06-42 is a resolution to initiate a zoning map amendment. The Board may initiate a petition to amend the zoning ordinance which includes the rezoning of property, change in zoning district boundaries or changes in the text of the ordinance.

There are 16 properties that are located on the west side of 39<sup>th</sup> Avenue between 93<sup>rd</sup> and 97<sup>th</sup> Streets. They're currently zoned R-2, Urban Single Family Residential District. This district requires that all of the lots be a minimum of 40,000 square feet in area and have a minimum of 150 feet in road frontage. These areas were put into this zoning designation back at the time of the comprehensive wide rezoning by Kenosha County back in 1983, but as you can see all of the lots with the exception of one or two are nonconforming.

A couple of the residents had approached the staff as to what it would take to down zone these properties and put them into the same designation as the adjacent Meadowdale Estates, the R-3, Urban Single Family Residential District. I said what it would take would be a petition and a resolution that would be initiated by the Plan Commission or the Village Board to study this matter and to find out if there would be any type of negative issues that would arise or if this would be a favorable situation.



Village Board Meeting  
September 18, 2006

A couple of the issues that have come up, just so you know, is that the R-2 District requires much greater setbacks to the lot lines as well as to rear lot lines than the R-3 District. Basically what we have here is one single family home on each of these lots and they could not subdivide these lots other than detaching a portion, but they can't create a second lot to their existing lot on 39<sup>th</sup> Avenue. But they wanted the flexibility to be able to put additions and modifications on these structures and still meet the guidelines of the zoning ordinance.

So with this resolution we're initiating the process to evaluate and study and to present a zoning text amendment back to the Plan Commission and the Board for consideration. There is no formal determination being made by the Village Board this evening on this particular matter, just to initiate the process to bring it back before the Plan Commission and the Board. The staff recommends approval.

Mike Serpe:

Move to approve 06-42.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Further discussion?

Alex Tiahnybok:

Jean, can you comment and if you don't have the exact number that's fine, but of these 16 lots how many of them are vacant and how many of them are developed? Any guess?

Jean Werbie:

I don't think that there's more than two that might be vacant. This aerial that shows the adjacent lands I think that there is a possibility for a vacant lot to be created just south of Genesis House, and there might be one or two further south but not many.

Alex Tiahnybok:

The reason I'm asking, you said the rear yard setback would be change, correct, the requirements?

Jean Werbie:

The side yard setback and I think the rear yard is 40. Side yard I believe is 25 feet as opposed to 10 similar to what it would be in the Meadowdale.

Village Board Meeting  
September 18, 2006

Alex Tiahnybok:

So the adjacent lots in Meadowdale could view this as adverse to them because somebody could build on those lots closer to theirs, correct? I mean it could be viewed that way.

Jean Werbie:

They could, but there's actually a few of those situations now. At the top of the slide you can see there's a huge pole barn. Because of the R-2 District they could build a much larger pole barn in that particular district than in the R-3 District. Even with a little bit greater setback it's still a pretty large pole barn back there.

**SERPE MOVED TO ADOPT RESOLUTION #06-42 TO INITIATE A ZONING MAP**

**AMENDMENT TO REZONE SEVERAL PROPERTIES ON THE WEST SIDE OF 39<sup>TH</sup> AVENUE BETWEEN 93<sup>RD</sup> AND 97<sup>TH</sup> STREET FROM R-2, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT; SECONDED BY KURMORKIEWICZ; MOTION CARRIED 5-0.**

**J. Consider Ordinance #06-45 – Ordinance to Amend Section 242 of the Municipal Code relating to Contracted Professional Skating Instructors.**

Mike Pollocoff:

Mr. President, this comes to us from Ken Knight at the IcePlex who unfortunately this afternoon had his gallbladder removed so he's doing something else tonight. What he's looking to do is he's bringing our figure skating and the fees that we pay the professional skaters in line with some of the other arenas here. What we're looking for, the essence of it, is the learn to skate coaches would have no fee as far as contracted professional skating instructors, and rink professionals would have a \$20 a month fee. But if they were to bring 10 hours of private lessons into the place then they would have that fee waived because those people are pay \$10 apiece to come. Right now the ordinance doesn't let us do that. Kathy, you helped Ken put this together.

Kathy Goessl:

Just recently Ken had interviewed a lot of the pros around the area to see what their feelings were, and pros fees were one of the things that came to the top of the list in terms of things. Currently other rinks are paying either non fee or a minimum fee so our pro fees were kind of deterring them from coming to our rink. We had an initial pros coming to our rink because it was a new and novel rink, but once that novelty wore off they were looking at the money in terms of pro fees, so we saw a drop in freestyle revenue to our rink. So that's why we went out and interviewed and talked to the pros. This is one of the things that came up.

Village Board Meeting  
September 18, 2006

We want to be competitive with other rinks in the area so this is why we're bringing this to the Board at this time. Currently we are charging \$45 a month or 10 percent for our learn to skate coaches that are on staff. And for the professionals that are not on staff we're charging \$65 a month or 15 percent of their revenue. But we're recommending, and this is similar to other rinks in the area, just to have no fees for our learn to skate coaches and to charge our rink professionals \$20 per month. And if they bring the equivalent of ten hours of private lessons to our rink, which currently the students are paying \$10 to \$11 depending on whether they're a RecPlex member or not, the majority of our money comes from the actual skaters that the pros are teaching and not from the pros themselves.

So we're recommending this change to the ordinance to hopefully bring more pros back and, therefore, more students will follow them and bring us more revenue on our free style buy ons.

Alex Tiahnybok:

Move approval.

Jeff Lauer:

Second.

John Steinbrink:

Motion and a second. Discussion?

Steve Kumorkiewicz:

Question. Do we have a minimum of students, ten or no?

Kathy Goessl:

It was ten hours worth of instruction so it doesn't matter if it's one student just buying ten hours worth of ice or ten students buying an hour each. It's just ten hours worth of ice time that that pro brings with them.

Steve Kumorkiewicz:

Okay, thank you.

**TIAHNYBOK MOVED TO ADOPT ORDINANCE #06-45 – ORDINANCE TO AMEND SECTION 242 OF THE MUNICIPAL CODE RELATING TO CONTRACTED PROFESSIONAL SKATING INSTRUCTORS; SECONDED BY LAUER; MOTION CARRIED 5-0.**

**K. Set Trick or Treat Hours – October 29, 2006 3 p.m. – 6 p.m.**

John Steinbrink:

Village Board Meeting  
September 18, 2006

I presume that's a Sunday.

Jane Romanowski:

It mirrors the City of Kenosha's again.

Steve Kumorkiewicz:

So moved to approve.

Alex Tiahnybok:

Second.

John Steinbrink:

Motion and a second. Discussion?

Alex Tiahnybok:

In a previous item Mr. Pollocoff brought up this is one of the most significant choices we're going to make tonight. I just want to say I do believe that's the case. And he also commented that 27 years from now none of us will be around when one of those TIF Districts is retired. I hope to be here 27 years from now making the same decision on trick or treat hours.

Jeff Lauer:

We've got to go back to the old days of 6 to 10.

John Steinbrink:

There is a choice. You could be like Silver Lake then. That draws the ire of some people. Tough choice.

**KUMORKIEWICZ MOVED TO SET THE TRICK OR TREAT ON OCTOBER 29, 2006 FROM 3-6 P.M.; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.**

**L. Consent Agenda**

- 1) Approve Bartender Licenses on file.**
- 2) Approve Letter of Credit Reduction for the Springbrook Meadows Development**
- 3) Approve Letter of Credit Reduction for the Meadowdale Estates Addition #1 Subdivision.**

Village Board Meeting  
September 18, 2006

- 4) **Approve Letter of Credit Reduction for the Kings Cove Development.**
- 5) **Approve Letter of Credit Reduction for Johnson 60<sup>th</sup> Avenue Cul-de-sac Development.**
- 6) **Approve One night Camping and Amplified music for Power Boat Race event at Prairie Springs Park.**

**KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-6 AS PRESENTED; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**8. ADJOURNMENT**

**LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 10:00 P.M.**