

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"**

**9915 39th Avenue
Pleasant Prairie, WI
November 17, 2008
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, November 17, 2008. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz and Mike Serpe. Trustee Allen was excused. Also present were Mike Pollocoff, Village Administrator; Peggy Herrick, Assistant Village Planner; Tom Shircel, Assistant Village Planner; and Jane Romanowski, Village Clerk.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. MINUTES OF MEETINGS - OCTOBER 6, 2008 (CORRECTION), OCTOBER 20, 2008, NOVEMBER 3 AND NOVEMBER 8, 2008

YUHAS MOVED TO APPROVE THE MINUTES OF OCTOBER 6, 2008 AS CORRECTED AND THE MINUTES OF OCTOBER 20, NOVEMBER 3 AND NOVEMBER 8, 2008 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

5. CITIZEN COMMENTS

Jane Romanowski:

There are no sign ups tonight.

John Steinbrink:

Anybody wishing to speak under citizen comments?

6. NEW BUSINESS

- A. Receive Plan Commission Recommendation and consider Ordinance #08-55 to amend Section 420-75 I of the Village Zoning Ordinance related to Official Public Signs.**

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Peggy Herrick:

This item is to amend Section 420-75 I of the Village Zoning Ordinance related to public signs. Official public signs are currently defined as a sign installed or constructed by the Village or some other federal, state, or local government authority or public utility to protect, preserve, or foster the public health, safety, convenience or welfare. The current ordinance only allows these signs in a right of way. The proposed amendment would allow these signs to be located within or on Village property provided the location and size is approved by the Village Zoning Administrator. On November 10, 2008, the Plan Commission held a public hearing and recommended that the Village Board approve the zoning text amendment as presented.

Mike Serpe:

Move to concur with Plan Commission's recommendation.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica in adoption of 08-55.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND ADOPT ORDINANCE #08-55 TO AMEND SECTION 420-75 I OF
THE VILLAGE ZONING ORDINANCE RELATED TO OFFICIAL PUBLIC SIGNS;
SECONDED BY YUHAS; MOTION CARRIED 4-0.**

B. Receive Plan Commission Recommendation and consider the request of Mark Gumbinger owner of the property located at 9928 32nd Avenue to install street lights within the Rolling Meadows Subdivision.

Peggy Herrick:

This is a request of a property owner who lives in the Rolling Meadows Subdivision. He's requesting street lights be placed at the intersections within this development. As you can see from the slide, there are two street lights currently located at the development at the entrances, one at 39th Avenue and 100th Street and the other one at 98th Place and Springbrook Road. Within this development there is one utility pole. The rest have underground utilities so there are no existing poles within the development except the one shown on the overhead located at 100th Street and 37th Avenue.

The criteria the Village uses for installing public street lights in existing subdivisions include at entrances of subdivisions, from heavily traveled State highways, County highways or Village roads. And, as I explained, that's where these are located currently in the subdivision; at hazardous Village street intersections that would present a danger to life and property without a

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streetlight; and at such locations that would mutually benefit Pleasant Prairie and the property owners.

Pursuant to the Police Department, the Chief of Police is not aware of any specific problems in this area that would demand additional lighting. The petitioner also requested since new subdivisions have street lights they should have street lights as well. New subdivisions, as you aware, pay for those street lights for the installation and the monthly cost. Just as an example, in 2007 We Energies estimated installing eight new poles and lights within the Devonshire Subdivision at a cost of over \$40,000 for the installation and a monthly maintenance charge of approximately \$250 per month. That was for eight lights. This would have seven lights in seven intersections so the price would probably be approximately the same.

The Plan Commission and the Street Lighting Committee considered this at their November 10th meeting and they are recommending denial of this request. However, if more than 50 percent of the property owners in this subdivision come forward and are favorable with this request and want to pay for the installation and the monthly maintenance charges, we'd recommend that it come back for a special assessment hearing and a Street Lighting District be created.

In addition, as an alternative to installing lights, property owners can install area lights at their own cost on their property. So the Plan Commission thought that was an alternative, too, if property owners are concerned with the safety out there.

So, again, the Plan Commission and the Street Lighting Committee recommend that the Village Board deny the street lighting request as submitted.

Mike Serpe:

I'm on the Street Light Committee, Wayne Koessl and myself, and we agree this should be denied. My question is do we write Mr. Gumbinger a letter as to why we're denying it?

Peggy Herrick:

He receives the staff memo from Plan Commission.

Mike Serpe:

And is he aware that if he wishes to start a Street Light District amongst his neighborhood the whole neighborhood has to pay?

Peggy Herrick:

Correct.

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Mike Serpe:

Then, I again concur with Plan Commission's recommendation and the Street Light Committee to deny the street lights.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any further discussion on this item?

Steve Kumorkiewicz:

. . . the residents . . . that's fine with me.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND DENY THE REQUEST OF MARK GUMBINGER OWNER OF
THE PROPERTY LOCATED AT 9928 32ND AVENUE TO INSTALL STREET LIGHTS
WITHIN THE ROLLING MEADOWS SUBDIVISION; SECONDED BY KUMORKIEWICZ;
MOTION CARRIED 4-0.**

**C. Consider Resolution #08-37 to initiate an address change for the property identified
as 7968 Cooper Road because the property now fronts 80th Street.**

Peggy Herrick:

Thank you. This is a resolution to initiate the correction of an address. As a result of 80th Street being constructed, this property at 7968 Cooper Road now fronts 80th Street. As you can see from the slide, the existing driveway came off of Cooper Road at the end of 80th. It's a long driveway that serviced this property and that's why it had a Cooper Road address, and now that 80th Street has been constructed we're looking to change and correct the address to an 80th Street address. The Village Board will hold a public hearing to consider this change from 7968 Cooper Road to 5268 80th Street on December 1, 2008.

Steve Kumorkiewicz:

Move to adopt Resolution 08-37.

Monica Yuhas:

Second.

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John Steinbrink:

Motion by Steve, second by Monica for adoption of 08-37. Any further discussion?

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #08-37 TO INITIATE AN ADDRESS CHANGE FOR THE PROPERTY IDENTIFIED AS 7968 COOPER ROAD BECAUSE THE PROPERTY NOW FRONTS 80TH STREET; SECONDED BY YUHAS; MOTION CARRIED 4-0

D. Consider Resolution #08-38 - Resolution authorizing the placing of Utilities and Special Charges on the Tax Roll.

Mike Pollocoff:

Mr. President, before you we have the 2008 tax roll summary. These are charges to be placed on the tax roll for special charges. The total is \$352,692.95. Of that \$37,360.61 are delinquent invoices that the Village has sent individuals. There's \$307,575.87 for delinquent utility bills. There's \$7,756.47 for those residents that live within the Village of Pleasant Prairie but are in the Kenosha Water Utility Service area that receive charges from them. We also have \$86,391.74 for special assessments for paving, storm sewer, sewer and water, a total of \$86,391.74 for a total of \$439,084.69 to be placed on the tax roll as a special charge in addition to property taxes. I'd recommend the resolution be adopted and forwarded to Kenosha County.

Mike Serpe:

Question for you. My guess is that some of these people if not most of them do this to deduct the special assessments on their taxes which is not really a legal right to do, am I correct?

Mike Pollocoff:

Well, definitely the utility charges. If you don't pay your sewer and water and garbage and clean water and those other things when they show up on your tax bill that's not property. That's not to say they can't go ahead and deduct it but it's not deductible.

Mike Serpe:

So they're on their own if they get audited?

Mike Pollocoff:

Right.

Mike Serpe:

So my guess also is that the majority of this money will be collected, it's just a matter of time.

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Mike Pollocoff:

We encourage people to pay before this happens. Because what happens under the statutes under 66.0267 if someone doesn't pay their sewer and water bill or any of those other charges there's a monthly penalty that accrues. And then when it goes on the tax roll there's an additional 10 percent of the charge that goes on the tax roll. So it really does raise your cost for the privilege of putting it on your tax bill when it's not deductible to begin with.

Mike Serpe:

I move approval of 08-38.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica. Further discussion on this item?

Steve Kumorkiewicz:

I look at the last page here who are the people who owe . . . special assessments.

Mike Pollocoff:

Special assessments those are when we put in a sewer main or a water main or whatever that's—

Steve Kumorkiewicz:

I'm surprised they didn't pay this.

Mike Pollocoff:

No, these people are paying. These aren't delinquent. These are just special assessments.

Steve Kumorkiewicz:

Okay, I'm sorry.

John Steinbrink:

Any other discussion on this item?

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SERPE MOVED TO ADOPT RESOLUTION #08-38 - RESOLUTION AUTHORIZING THE PLACING OF UTILITIES AND SPECIAL CHARGES ON THE TAX ROLL; SECONDED BY YUHAS; MOTION CARRIED 4-0.

E. Consider Weights and Measures Assessments from 7/1/07 - 6/30/08.

Mike Pollocoff:

Mr. President, Building Inspection Superintendents prepared a list for you describing the business, what type of device they have that's being evaluated by Agriculture, Trade and Consumer Protection, and the test results, as well as what the State is billing us and our charge back to that business for the services that are rendered in evaluating and checking the calibration of their gas pump, their scale, what have you. So it would be my recommendation that we adopt the list of assessments for services that's been prepared and we continue to contract for the State of Wisconsin for this service. Total fees for this 2008 we're anticipating being \$5,160.

Steve Kumorkiewicz:

I have a question for Mike. . . . on this second page rejected for 30 days for the . . . what does that mean?

John Steinbrink:

There are several of them and that's the . . . gas stations.

Mike Pollocoff:

I'll invite the Inspection Superintendent up to describe that as long as he's here.

Steve Kumorkiewicz:

I want to make sure I don't go to a gas station that shorts me on what I buy, that's why.

Jeff Sorensen:

I can't tell you that they're shorting you. I can just tell you that when they did their measuring and they go out there and measure do you get a gallon for a gallon. You might be getting more but you're only supposed to get a gallon. So if they reject it that means they have to come back and re-test.

Steve Kumorkiewicz:

So that doesn't specify whether it's over or under?

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Jeff Sorensen:

That's correct. This is the only information we're sent from them and that's what we base our weights and measures on.

Steve Kumorkiewicz:

Okay, thank you, Jeff.

Jeff Sorensen:

Any other questions?

John Steinbrink:

Anything you'd care to add?

Jeff Sorensen:

No.

John Steinbrink:

Did we have a motion on this yet?

Steve Kumorkiewicz:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion on this item?

KUMORKIEWICZ MOVED TO APPROVE THE WEIGHTS AND MEASURES ASSESSMENTS FROM 7/1/07 - 6/30/08; SECONDED BY YUHAS; MOTION CARRIED 4-0.

F. Consider Agreement with City of Kenosha for Improvements to Boundary Line Street - 91st Street from Sheridan Road to Union Pacific Railroad.

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Mike Pollocoff:

Mr. President, this is an agreement between the City of Kenosha and the Village of Pleasant Prairie to make improvements on 91st Street from Sheridan to the Union Pacific Railroad. For those Trustees, and I think you've all been over it, that's probably one of the rougher roads around. The road is in the City of Kenosha. The Village of Pleasant Prairie fronts on the south side. The entire right of way is in the City of Kenosha. And we've kind of been waiting for their road improvement program to go forward to address this. We have an agreement with the City of Kenosha overall that when there are boundary streets we'll share 50/50 in the cost of improving those streets when the Village is on one side and the City is on the other.

So this agreement effectuates that. It talks about in this case the Village will be the lead agency to resurface this. The Village ordinances will allow a rural profile road to be constructed. The City ordinances will not. So we'd be constructing this as a rural profile road and then designing it, putting it out to bid and awarding a contract administering the project. This is the first step, and as we get the design completed and Mike will approve it as well as Ron Bursik from the City, and if the specs are the way we want them then we'll put it out to bid and see what we have for a cost. So it would be my recommendation that we enter into this specific agreement for that boundary line street to get that thing taken care of once and for all.

Monica Yuhas:

So moved.

Mike Serpe:

I'll second with a comment. There was considerable amount of repair that was being done on that section of the road. Who is digging up that street and repairing it, the City or us?

Mike Pollocoff:

Both of us. We've probably had the bigger lines that were going in there and actually those trenches are pretty stable. We've resurfaced—one we went on was the City south side and that held up better than the one on the north side.

Mike Serpe:

Whoever, it's good that's being addressed because that is a very heavily traveled area and very, very rough.

John Steinbrink:

This is probably one street that is credit given to the Village when it's not our street, and we've even seated and repaired this or whatever that column was multiple times plus the phone calls. Anywhere you go people say when are you going to fix that street but it's really a City street.

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Steve Kumorkiewicz:

Actually it's part of our project at 50 percent so that's good.

John Steinbrink:

But it will get repaired. Motion and a second. Any further discussion?

YUHAS MOVED TO APPROVE AN AGREEMENT WITH CITY OF KENOSHA FOR IMPROVEMENTS TO A BOUNDARY LINE STREET - 91ST STREET FROM SHERIDAN ROAD TO UNION PACIFIC RAILROAD; SECONDED BY SERPE; MOTION CARRIED 4-0.

G. Consent Agenda

- 1) Approve Bartender License Applications on file.**
- 2) Approve Letter of Credit Reduction for Prime Outlets.**

Steve Kumorkiewicz:

Move to approve.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica.

KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2; SECONDED BY YUHAS; MOTION CARRIED 4-0.

7. VILLAGE BOARD COMMENTS – None.

8. ADJOURNMENT

YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY SERPE; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 6:50 P.M.