

**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
May 19, 2008
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, May 19, 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; Jean Werbie, Community Development Director; Mike Spence, Village Engineer and Jane Romanowski, Village Clerk.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC HEARING

- A. Consider the 80th Street Extension from Cooper Road west to 57th Avenue and Final Resolution #08-19 authorizing construction of public improvements and levying of special assessments.**

Mike Pollocoff:

Mr. President, before us tonight - before we start - the public hearing is the consideration of the special assessment schedule for the construction of 80th Street. 80th is an arterial within the Village of Pleasant Prairie. It conveys traffic between Cooper Road and 57th Avenue. This has been part of the Village's master transportation plan for quite some time now. With the construction of this project, there's also the necessity to put in the underground improvements for sewer and water. Water would be an item that would be built to the City of Kenosha Water Utility specifications; then upon completion, it would be dedicated in total back to the Kenosha Water Utility.

The sanitary sewer would be a Pleasant Prairie Utility infrastructure improvement that the Village would own and operate and maintain. The storm sewer would, in essence, come back to the detention basin which is owned and operated by the City of Kenosha, although that is a detention basin that's - that parcel of land was never annexed into the City even though it's owned by the City. It's within the corporate limits of the Village.

The sanitary sewer - there's a ridge line that runs through this property. Part of that sanitary sewer is going to drain towards Cooper Road. The other part will drain back towards 57th. There were plans at one time between the Village and the City to extend that sanitary sewer main

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further to the east and eliminate the lift station on 57th Avenue. But after a cost analysis on that was done by the City, they decided not to partake in that one.

The special assessments on this project were determined by eliminating the arterial status of the road. In other words, we determined based on what we've designed, what our residential road construction amount would be, and then the remaining part of the improvements on 80th Street they're going to be a Village expense as opposed to a special assessment on the property. The portions on Cooper Road do not provide really any more roadway to the residents on that project. They won't be assessed. There is additional curb that will be assessed at the east end of the project. Again, that property is within the City of Kenosha.

Our time table is to get this thing put out to bid and be able to have the construction completed such that the intersection of Cooper Road and 80th Street will be completed before school starts and the signals up and operating. That intersection will have signals installed. They will be traffic activated signals in order to move traffic based on where the demand is.

We received some correspondence from residents on 79th Street that are concerned about 79th being a cut through or a shortcut. As part of this, I'm recommending since 55th Avenue does connect to 80th Street that three way stop signals be placed at the intersection of 79th Street and 55th to slow any traffic movement that would want to go that way down. Then no thoroughfare signs will be placed at Cooper Road and at 80th Street for anybody entering the subdivision. And 55th is a dead end or a no outlet street and we'd post that as such.

From the traffic modeling that was prepared for 80th Street, it doesn't appear that the incentive would be to shortcut 79th Street when there's a right turn lane that people could take a right turn on Cooper Road when needed or having to make two extra stops on 79th, one at 55th and one at Cooper Road in order to make just one stop at 80th.

There's one home right now that would have a direct benefit from the extension of sanitary sewer and water. The homes on the corner already have sewer and water utilities. They're not being assessed for the sewer, water or street because they also have a street. Most of these parcels are vacant. They've been created through a certified survey map at various times in the past that allowed people on 79th Street to create their lots. As such, when this road goes through along with the sewer and water, those parcels will become buildable. Those parcels would be assessed as part of this project.

There's also one larger parcel which could be combined into two which would be assessed as part of this based on the parcel being divided into two. There's one other parcel that currently has one single family home on it and it could be divided in the future, and we've provided for a deferred special assessment on that parcel as well as another parcel on the north side of 79th that if someone divided that parcel, created another buildable lot, then they would have to pay at that time.

My recommendation that's presented in Resolution 08-19 is that unlike some of our other special assessments I'm recommending that these assessments are not activated for a two year period. We all know the real estate market is not really good right now, and that rather than getting this

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project done, putting it on the tax roll at the first of October, I'm recommending that we hold that off for two years, give the residents a chance to either build a home if they wanted to do that, market the lot, build the home and market the house and lot or whatever. But I think that would let the real estate market achieve some different latitude rather than where it's at now. If it totally bottomed out, the Board would have the option two years from now to extend that if they wanted. If we did this two years ago, I'd probably be recommending that we assess it out as we're completing it.

That being said, I'm recommending that we do that for a two year period and hold it out, not charge off interest on the project or the principal until two years. Or, if someone does decide to do one of two things, construct or pull a building permit for the parcel or to divide that parcel, once that land division takes place, that parcel needs to be accounted for and paid for. So those would be the two caveats I'd have with it.

With that, Mike Spence, our Engineer, is here, and he can describe the costs associated with the parcels more fully and the nature of the improvements.

Mike Spence:

Thank you, Mike. I'm going to go over how the assessment costs were developed. The assessment costs are based on an engineer's estimate of probable cost of the construction of the facilities, and the total costs are made up of several components. They include the roadway, signage, storm sewer on 80th Street as well as Cooper Road. There's going to be trees planted, street lights. Also, the costs include the sidewalk, water main, fire hydrants and sanitary sewer. Those are the major components.

In putting together the assessment, what we did is we took for the road assessment the total cost of the roadway improvements divided by a total cost of footage. Because this is a project where because it's not real long you don't realize the economies of scale so we were trying to get the costs as reasonable as we could. So when you take the total cost by that footage that's when we came up with the \$197.87 per foot for assessment. Then we took the various properties that we were going to assess and multiplied that by that price per foot to get the roadway assessment.

The roadway assessment that was further reduced because the Village does not normally put sidewalks on a project, we did not assess for the sidewalks. We did not assess for the signals at the intersection because that's an overall benefit. We did not assess for street lighting at the Cooper and 80th Street section. We also reduced the estimated costs from an arterial section to a residential road section. Essentially what that means is the profile of this road is 49 feet. A typical residential profile road in the Village is 37 feet, so we reduced the costs for that. So that's what made up the numbers for the roadway portion of the assessment.

The water main assessment, again, we took the estimated prices for materials and construction and then we reduced that. The size of the water main that's going to be constructed is 12 inches. Typical residential water main requirement would be 8 inches, so we reduced the costs assessable to an 8 inch on that. So then we took that reduced cost by the front footage of the parcels that

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would be assessed, and that gave the price per linear foot of frontage. And that's how the water main portion of the assessment was calculated.

The sanitary sewer it's pretty much the cost of the 8 inch sewer and the laterals and the manholes and, again, the price per foot to come up with the total assessed cost.

Our hope is that these numbers are conservative. What we do when we put engineering estimates together we do our best to try to look at market conditions. We're hopeful because what we're seeing in the market right now is that contractors are very hungry for work so we're hopeful that these numbers will be on the high side. Certainly, we didn't want to come back and say these numbers would have to be increased. So I feel reasonably confident that we are conservative.

Just as a point in putting together these estimates, for example we're using PVC pipe, and PVC pipe is a petroleum product. We've seen several large increases in the cost of that material over the past couple weeks alone. So the fact that we're doing it now and advertising it now hopefully will be positive for the overall costs. With that I guess that's pretty much a summary.

Mike Pollocoff:

Mr. President, one other thing. The assessment schedule we have here today is prior to bidding the project. So when we receive the bids and if for some reason the prices are over we're going to evaluate that. If we feel the prices are justified, we'd have to reopen that in a special hearing and come back and ask everybody for another chance to comment on the higher prices. The engineers make their estimates very conservatively so we're not surprised on this and we don't have to go back again. The Village cannot levy a special assessment when we actually send out a final determination. It's got to be whatever it is. So if the water main ended up coming in at \$80 a foot that's what the assessment would be is \$80 a foot. If it's \$112 then the Village has to make the determination whether or not it's worth going through the effort to reassess it. If it's higher, before we award the contracts we take a look and see if those numbers are actually higher.

We do know that we received correspondence from one of the larger paving contractors in the State, Payne and Dolan, and they put everybody on notice that after the end of May they're not going to be able to guarantee prices that they have and they're looking at 15 to 20 percent increases in asphalt. We've designed this road and set it up for a bed in alternate concrete, and there's a very good chance this might end up being a concrete street rather than asphalt if the concrete numbers are less. As Mike indicated, anything that's related to petroleum, the prices have been escalating.

The one thing we could do if the prices on the pipe were significantly higher on water we could ask the Kenosha Water Utility if they would entertain a ductile iron pipe as an alternative. The soils in the area are a little hot so they tend to not like that, but if you take extra precautions such as wrapping the pipe and sealing it they might take that as an alternative as well. So with that, Mr. President, that's the staff report.

We'll say one thing that the special assessments when they are levied two years from now it will be the principal payment over 10 years at 9 percent interest. Or in October of 2010 if the resident

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chooses to pay the entire amount off, there will be no interest. That's 9 percent over a 10 year period so that would be on their property taxes listed as a special assessment to the Village. So if you want to open up the hearing and after the hearing comments if there are any questions we'll answer those after all the comments are made.

John Steinbrink:

Once again, this is a public hearing and I will open it up to public comment or question. We asked that you use the microphone and you give us your name and address for the record.

Marc Hujik:

Marc Hujik, 8008 54th Avenue. Thank you. A couple quick things. One, though I don't like the road going through, you made the decision and I accept it and we'll move forward and I applaud your decision to put sidewalks in. I think it's very important for all the kids that are going to use that as a thoroughfare that we have sidewalks there.

My question, I have two, is I'm still puzzled. I know we continually call it an arterial but it hasn't carried a drop of traffic ever, and it really is only going from Cooper to 57th. To call it an arterial it would assume it goes somewhere and it really only goes to 60th. I know we'd like to match it. I know we'd like to do different things. But if you would walk and talk to the people on 80th that live in the City and beyond, the people on 47th, 55th and 79th, one of the concerns is that it's going to become a straight run from all the way down 80th to 60th and people are just going to fly straight through there, particularly if we make it a wide road that's conducive to that type of driving. We all see the speed the people carry on 85th Street between Cooper and 39th, and we're going to look to do that right through a residential area there which is actually a very concentrated residential area with the condo/apartments that you have on 60th and 80th.

I question the need for four lanes. We're trying to put something in to divert bus traffic from 82nd. A bus has been driving on 82nd for 30 years. A bus has been driving on Cooper for more years than that. It's a two lane road. You can't say that the bus needs four lanes. We talk about parking or different things, but if you look at realistically the entire side of that road with the exception of the end lot there's really nobody who is going to park on that. So there are no homes that are adjacent to it that would benefit from that road that will use it for parking. If we're creating sidewalks already, the need for that extra lane for bikers or pedestrians walking is something that I question, whether we need to have the expense for it, one, and two, talking with Mike there's a lot of trees particularly on the east end of the property that if we're in two lanes and only one lane is going to go straight from 80th through because there's going to be a left turn and a right turn according to your plans coming out, so only one lane of traffic will go straight, the need for two lanes still escapes me. I think it's an additional cost and you're damaging as much of the wildlife as possible, entirely possible, in that area of the community. And if we went two lanes you wouldn't save all the trees but you'd save some of them and you'd still allow your traffic to flow.

One of the things brought up last time was the speed of emergency response services. Not really true because nothing from Pleasant Prairie is going to come to that area of the City via the east.

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Everything is going to come from the north as it currently does. It will come down 57th to 60th. There's no Pleasant Prairie response that will come up 80th and run down 80th. And a fire truck is fully capable of driving on a two lane road just like it is now in most of the Village. So the rationale behind it other than we want it to match as wide as the street is in 85th or in front of lance doesn't make sense for that corridor. Even if we believe the corridor is necessary to flow traffic through, the fact of four lanes it escapes me.

And one that was brought up a 9 percent, and I believe that because my portion unless I were to subdivide my portion so I would receive a benefit from the road, speaking with Mr. Pollocoff I wouldn't be assessed because I already have sewer and water and hookups. I have the road that's already there so I'm free of assessments. But to charge anybody else on assessments on a 10 year at 9 percent given that the U.S. Treasury is 4 percent presently seems a bit high to throw that burden on the residents of the Village for a road which, quite honestly, all the people on 79th and in that area really don't want. The numbers I used at the last one with 53 out of the 55 homes we stopped at didn't want it. Yes, I did not walk 82nd. I admit to it. It's not a scientific survey of 40 blocks in every direction, but those people didn't want it. They'll accept it but to throw a 9 percent interest rate on them when prevailing rates are significantly less than that seems a bit punitive.

I just like, finally if I can, just on the special assessments that we really make clear that people who already have existing sewer and water and aren't benefitting directly from the road by creating land that's available for sale aren't going to pay for anything. As Mike mentioned today there is no assessment for the sidewalks, that I just wanted to make sure that I heard the Board say in the minutes or in the resolution that those things would take place, that nobody who had sewer and water and had road access already would be assessed for a road that runs parallel to their property. Thank you.

Maria Tocci:

My name is Maria Tocci, T-O-C-C-I, 7901 55th Avenue. I'm here, well, I totally agree with the gentleman that was here with the expansion of the 80th Street coming through. I'm here to ask the Board not to connect 80th Street to 55th Avenue. Honestly, I don't see a reason why it should connect to 55th Avenue. You're talking about putting stop signs there. Honestly, that's going to cause a lot of noise, stop and go, stop and go, and also safety is one of my concerns as well. So noise and safety are a main issue for me and for most of our homeowners where I live on 55th Avenue and 79th Street.

If at all possible, and I think we can think outside the box a little bit, if you do not connect 55th Avenue to the 80th Street expansion you don't have to put the stop signs there. So you'll have a continuous flow of traffic going through. And at the same time we'll have a safer place and keep our community the way it has been for many, many, many years. I feel that after all these years of living in this nice community now that you're talking about a four lane road coming through it's going to be a big shock. I think the safety and the noise is what concerns me quite a bit.

Honestly, if you guys can give me a good answer why we need to connect the 55th Avenue to 80th Street I'm here to listen. To me I can't come up with a good enough answer why we need to

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connect those two roads, why we can't just dead end it at 55th Avenue and still have your four lanes without the stop signs and the traffic will flow much better I think if you have to go with this expansion. So if you can take that into consideration I'm sure me and my neighbors as well will be able to sleep a little bit better at night. So if I can ask the Board for that consideration it makes a lot of sense to us. It just makes a lot of sense, period. I just don't see the connection why those two roads have to be connected. So just dead end it right there, keep your road, keep it flowing, don't put any stop signs and we don't have to worry about that. We don't have to worry about the noise and the safety. If you want to keep your four lanes that's fine, but leave the 55th Avenue closed and secluded the way it's supposed to be I think. Thank you.

Kevin Hoff:

Kevin Hoff, 7844 55th Avenue. I'm here to talk against connecting 55th to 80th Street also. I want to thank Mr. Pollocoff to at least take into consideration some of our and come up with some of your plans, although I do think your plan comes a little bit short of solving the problem. Right now we have a no outlet sign right as you turn onto 79th Street. That still doesn't people from coming down our street. They miss the sign. They come down the street they go one way, they get mad, they just speed down the other way, they get mad then they finally go out.

As far as for the three stop signs I believe that's going to cause more of a sense feel of safety. You ask us in the community we're going to go and stop and we're going to obey the stop signs and all that, but I think the people who are going to make that shortcut, and you are going to get some, aren't going to abide with it as much. You know every time you're in a small residential area nobody stops. Everybody slows down and goes through it. We think they're going to stop and they don't. You have one gentleman whose driveway goes right into—79th goes right into his driveway. What's he going to do when he sees a guy coming, wanting to pull out of his driveway and the guy don't stop. I think you're going to cause some more problems.

And as far as not even thinking that that's going to be a bypass, you can just go sit in a parking lot over by the Flair at any time and watch traffic going down 75th to Cooper Road. You'll get the occasional person that goes all the way to Cooper Road and will make a left onto Cooper Road, but I can't tell you how many times you'll get that person that will turn right before the Flair there, go down into a residential area right past the park, right all the way up the other side so they can bypass that stoplight. Right there I think it's close but by not connecting it—like I said there's no reason. The benefit would be, yeah, we have a second exit. We've all been living there with one exit. We're all happy with one exit. That's all we want to keep our little area nice and quiet and safe for years to come. Thank you.

John Steinbrink:

Anyone else wishing to speak on this item? Mr. Crawford?

John Crawford:

John Crawford, 8007 54th Avenue. I just would like to echo the comment to consider less of a wide road. It seems like it's going to be so wide because that's the plan. But when you look at

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the cost of making a road so wide I can't help but thinking of a heating or air conditioning system going through a building and as it gets near the end of its flow route it starts to narrow down because it doesn't have to carry so much capacity. And I don't believe this will be a major arterial because it really doesn't go anywhere except up to the Cranberry Apartments on 60th Avenue.

And I really think it would be aesthetically good for the area to narrow it down. Cooper Road is only 26 feet wide where it has paved shoulders like in front of my office. I think it's even narrower from Whittier all the way south, and I just can't see why a road that carries so much traffic like Cooper Road at 26 feet, another road that will not carry nearly the traffic needs to be 49 feet. I realize you're talking only two traffic lanes and two lanes that will be striped for parking cars. I don't think anybody is going to want to walk on it or take their bikes on it because there will be sidewalks on both sides. So considering the cost of all of this it seems to me the Village could use the money elsewhere if it narrowed down the road.

It could be a beautiful two lane road with sidewalks. There's a potential to be a little bit creative with all those big oak trees. The ones on the west end sit right in the middle of the right of way - probably right in the middle - they were always on the edge of the Lawler field. You could easily have those be right in the middle like a median strip and have the road go on each side of those. Those oaks have been here long before any of us and probably will be here longer than any of our cars, maybe even the source of oil if we would let them live. So I just think the Village has the potential to be creative. In the City when a sidewalk comes up to a big tree they often go around it. It makes for a little bit of aesthetics. Not everything has to be the same from Sheridan Road all the way to 60th in terms of the width.

I accept the fact that the road is going to go through. I applaud the sidewalk idea, but it sure doesn't leave much room for green space when you put in two sidewalks and a 49 foot road of which I think almost 50 percent of that road is not really planning to carry cars. It's just supposedly to park or have a little extra room. So I would ask you to give some consideration to having a little more green space and think outside the box a little bit that it doesn't have to be as wide as other parts of 80th considering what its function is going to be.

John Steinbrink:

Anyone else wishing to speak on this item? Yes, ma'am?

Kathy Gavre:

Good evening. Kathy Gavre, 7944 Cooper Road. I, too, would like to mirror the thought of the roads that we currently drive on how wide they are, and with the 80th extension going through it's more than doubled what cars are currently using. It seems excessive to me and really uncomfortable. The other thing that I wanted to question was that the sidewalks going in because I see kids using the road daily and throughout the day I'm glad to see the provision of sidewalks. But what I'm wondering is I walk that area daily, and when you're taking the road there's not sidewalks on both sides. So I guess I'm wondering do we, in fact, want to put sidewalks on both

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sides if it's not going to go somewhere to match by the Cranberry Apartments and by the retention pond? You may want to check that out. Thanks for listening.

John Steinbrink:

Anyone else wishing to speak on this item? Yes, sir?

William Mills:

William Mills, 5233 79th Street. I would just like to echo the comments of some of my neighbors for the Board to consider not connecting 55th Avenue with 80th Street. We have a nice, quiet community back in that area, and I'm very concerned. I live in the middle of 79th Street and I'm very concerned about people making the cut through. I think with Mike's considerations and changes that he's made I think it will cut down quite a lot on the cut throughs, but it's only going to be those couple of people that come through at a high rate of speed if they're doing something like that that I fear with my 9 year old and 4 year old son who play out in the front yard quite a lot. So just, again, I hope the Board reconsiders that part of the project.

John Steinbrink:

Anyone else wishing to speak? Hearing none, I'll close the public hearing and open it up to Board comment or questions. Mike, did you have some--there were some misconceptions on a few things here.

Mike Pollocoff:

Sure. On the special assessment with respect to why is it 9 percent, there's no doubt that, I'm hoping, I know the debt service on this isn't 9 percent for what we're going to be paying. But the unusual thing about financing a public improvement where there's a special assessment levied, there's going to be a certain number of people that pay the assessment off. They're going to pay it off in full, some are going to pay it off over the ten year period. In every project some people aren't going to pay. They're going to let it go delinquent. What happens is when Kenosha County collects that money we settle up with them. Any outstanding special assessments that haven't been paid by whatever property owners are involved on it, the County won't provide that money to the Village like they would if it was a property tax. If somebody doesn't pay their property taxes Kenosha County provides that money to the Village so we can continue to do the business we need to do, they provide money to the schools and Gateway and what have you. But with a special assessment that doesn't happen.

What happens is our fund to carry shortfalls on the project is that project in and of itself and that's what that 9 percent does. There's been times it's been as high as 12 percent. We've never lowered it below 9. I think that for a number of reasons beyond anybody's control in this room, the interest rates are at a very historic low. In 2010 I'm not sure what they'll be at, but the statutory system of how municipalities reimburse for special assessments that have gone delinquent is probably going to be the same. We encourage people to look for outside financing

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if they're going to be doing anything, in this case improving a lot or what have you, they might want to fold that all together.

With respect to the two lanes, this project has been on the board for years, and we've actually started some design work on this probably five or six years ago. And one of the things we looked at was Mr. Crawford's idea, it was to find a way to maneuver through these trees in separating the lanes. It would involve acquiring a wide right of way to do that almost to make like a boulevard. One of the problems is at that time and point the bulk of that right of way would be to the south, because to go further north it would have made some of those lots unbuildable.

One of the other problems in working around oaks is to the extent that the root system is anywhere close to where the construction takes place that tree may not die while that's done, you might not take it out, and we've had some oaks we've made every effort to save and to be honest with you very few even made it. When they get to that point of being as old as they are they don't stand the stress of root damage like some other trees.

The thing that we're dealing with on the two lane and the four lane issue is probably best exhibited on the map. If you look on the north side of 80th Street right here, there are a number of single family lots about 100 feet wide, and it is an arterial. No matter what we say about it it's an arterial coming from the east and it's an arterial coming from the west. An arterial designates the amount of traffic that it carries. So if this was not an arterial, if we were going to put in a curb and gutter section it would be 37 feet wide. If we weren't going to put in curb and gutter it would be like 55th Avenue here and I think that asphalt is probably 22 to 24 feet wide. The ditches spread out. They're probably all of ten feet from the top of one slope to the bottom on the ditch back up to the slope on the other one, so you're almost building as wide a profile with a rural profile. The curb profile you can not use any more land for the drainage.

So the people that live here on an arterial street they need a place to park. The lots here when these are divided they're going to need a place to park. There's no doubt that there's a big section in here that, barring any future land divisions, is not going to need a place to park, but we don't design the whole road around these two parcels here. It's really designed to make sure that people that live on that north side of 80th have a place when people come over to their house or whatever to park. Cooper Road - we've all seen it when you drive up and down that road on the weekends or whatever there's people that are parking on the shoulder. And on the shoulder they've got a two foot shoulder. They've got the grass they can get on. There's a way for them to kind of maneuver away from the travel path, and even then the road gets tight.

What we want here is a safety zone and that gives some forgiveness to somebody making a mistake getting too close where a car is going to park. If this wasn't an arterial and it wouldn't be carrying the traffic that it's designed to and all the traffic studies indicate it will, it would be a 37 foot wide road. Again, that's the same width we use in a regular subdivision that gives room enough for two cars to park on the side and two cars to squeeze through, and those are tight spaces on a 37 foot wide road. This one is going to be 48 so that with the volume of the traffic that's going to be on there, there's room for somebody to make a mistake and not hurt themselves or hurt somebody else. I think that's probably one of the reasons this is a difficult project because it is an arterial road. It's a major road that—and we're not making it to be wide just because it's

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wide on the other ends. We're making it wide to accommodate the people who have property on that road who are going to need to have more room other than just in their driveway to park their car.

We do have double sidewalks across the entire project - we're going to match up where the City sidewalks end ours will begin. There's going to be a traffic light there with pedestrian guides that tells kids when to walk, when not to walk. There's going to be a timer on there that tells them that there's going to be 10, 9, 8, 7, 6, 5, 4, 3, 2, 1 seconds before the light is going to change so they can see that while they're waiting or while they're going across. It will be painted with crosswalks. The road as 85th Street is, is going to be striped to accommodate the through traffic and the parking traffic. The City doesn't do that. That's something that the Village does because we know it helps funnel the traffic and it actually helps slow it down. We did that on 60th Avenue north of 85th Street. I don't know if it's psychological but it does tend to funnel the traffic and they pay attention to that lane more closely than if the lines aren't there.

I fully appreciate why people on 55th Street and 79th would like to keep a long dead end, and really that's the combination of the two when you add 79th Street together to 55th it ends up being one long and there's a cul-de-sac up here at the end. That road was laid out back when we were a Town with Kenosha County and, again, the County followed the plan that said this should connect to an arterial road. If it hadn't have been we would have needed a cul-de-sac. We would have needed to take out those two lots there and put a cul-de-sac in so that people would turn around just like there is on the other end.

When we have a dead end like that we have to pull our snow plows into your driveways to turn around. The garbage truck backs backwards down the street. The snow plow if it can't turn around it backs backwards down the street. We even killed somebody doing that. Whenever we get a chance, we close those off because eventually they're more dangerous than having them open. There have been more accidents and more injuries occurring from people doing either backwards movements or turning up and going backwards in and out of driveways trying to maneuver around. I think the traffic logic of having another choice for people on 55th Street to get out to go on 80th as opposed to driving down 79th reduces that traffic.

My recommendation to the Board is that we make that connection. It will reduce traffic on 79th. 79th is, of all those roads on Cooper Road to the west, is probably in the worst condition of any of them. It doesn't need any more traffic on it than it has. I think putting the three way stops and signing it as not a through street does a couple things. One, it gives Chief Wagner something to enforce, not that you need some to enforce, but you can enforce that action if somebody does blow the signs, and it makes it uncomfortable to do that. We're not going to put a stop sign on 80th and 57th. Our plan through this whole process is to move traffic through with as little interruption on 80th as possible so that the traffic on 80th won't stop. The traffic on 57th going onto 80th would stop rather than have the east/west traffic on 80th stop.

When this project is completed we're going to want the Police Department to go out there and do some proactive enforcement for anybody that is deciding to cut through there or speed or run the stop sign. Some of that education or monitoring will help. Those tickets for running a stop sign are pretty hefty. Those are my comments in respect to the comments made by the residents.

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We've really tried to put in some additional things on this roadway to make it so it's going to function well to convey vehicle traffic and pedestrian traffic through this corridor and keep them out of the residential areas to the north and south. That's really what we want to focus on. We want to make it as easy as possible for the kids or adults to walk on those sidewalks, get across Cooper Road with the safe signals and get in and through that area, and the same thing with vehicles. The lights, they're not going to sit there for a mandatory three minutes or two minutes or one minute. They're going to be activated based on a car count so we can move that traffic through an intersection and not hold it up and people have a reasonable belief that as they pull up to that sign it's going to turn fairly quickly so they can get through there. With that, if the Board has any additional questions Mike or myself will be glad to answer them.

Mike Serpe:

With reference to the two lane compared to four, let's use 85th Street right now as an example. From 39th Avenue to Cooper Road is four lanes even two are shadowed. Anybody who wants to make a left turn, whether it be a left turn going south, left turn going north from either one of the travel lanes, anybody coming up from behind can safely make a bypass of those vehicles while they're stopped in traffic.

When you go west of Cooper Road on 85th Street you don't have that chance, because if you're stopped on 85th Street to make a left turn onto a driveway, you're putting yourself in harm's way for a rear end collision that could very easily happen. By putting four lanes on 80th Street with two shadowed at least that can be used for bypass and parking you're accomplishing a great deal.

I'm looking at the map, I have to support 55th coming into 80th. I do not see an increase in traffic as a result of making that connection. If I were living on 79th Street between Cooper and 55th I would welcome that connection. I do feel that the people that are south of 79th on 55th are going to get the traffic that would normally go down 79th Street to Cooper Road to go to 80th. There's no real benefit to go down to 79th Street anymore. You're going to have to wait for traffic on Cooper. If you go down 80th you're going to catch the light. As Mike indicated it's going to be a traffic trip, a light that's going to change rapidly and often.

I think the project is going to be good. I feel bad about the removal of some of the trees. Some of those will be replaced. Too bad they won't mature fast enough for some of us, but I think the project is looking good. I think it's well thought and I would support it as it's presented.

Mike Pollocoff:

I might add as well there are street trees to be planted on this project as well along the right of way. You're right, it doesn't replace oaks, but we do that wherever we construct a road is to put trees in even if they weren't there before.

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Mike Serpe:

One other thing if I may, John. I think the biggest fear that I would have with this project is the possibility of increased speed on 80th Street. I hope it doesn't happen, but as sure as I'm sitting here people driving like fools kept me employed for 28 years and that's why we have a police department. And when they make their presence known it doesn't take long for word to get about that as being patrolled.

Steve Kumorkiewicz:

Mike, 55th Avenue ends right in the right of way of 80th, right?

Mike Pollocoff:

That's correct.

Steve Kumorkiewicz:

It's our property or Village property?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

I'm looking at 55th Avenue and I've been there a couple of times and talked to some of the neighbors. I can understand their thoughts. But I'm looking to the future, because as everything in the Village we don't look at today or tomorrow, we're looking 50 years from now and be ready for that. Why? Because I see throughout the Village the problems we get in some of the areas because way back because of the County zoning they weren't looking at was going to happen today. In my opinion, the 80th Street is a good project. That's a project that we were talking of many years ago, 40 years ago when we used to be a township way back. As a 46 year resident I hear about it and I know.

People are concerned about the people speeding, cars speeding on 80th Avenue. 55th Avenue pretty much is that way between 60th and Cooper Road. Maybe a possibility is to have a three way stop sign, one coming from the west and one going east on 80th and one going south on 55th Avenue. That's where we're looking.

Mike Pollocoff:

I think that would encourage traffic to turn on 55th.

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John Steinbrink:

Did you mean 79th, Steve?

Steve Kumorkiewicz:

No, I'm talking 55th and 80th.

Mike Serpe:

You want to move traffic, you don't want to stop it.

Mike Pollocoff:

I think if we put a stop sign at 55th it will make people think that if they stop there, maybe if they see a red light at Cooper Road that's going to give them incentive to turn left. If they go by and they see the red light at Cooper Road and they're still going they have a chance that that light is going to turn when they get there. And after they get to drive it and they know that—the best example of a light that's like this is at 95th Street and Highway 31. As soon as you trip the counter that thing is going to start cycling to turn. As people understand that, once they drive it and they see that the only thing is going to stop that thing from going very fast is that counter that's getting the kids through on the pedestrian walkway. So I think that's better. But if we were to put a stop at 55th that will give somebody incentive when if it's wide open and that corridor goes all the way down Cooper Road then that's where they're going to want to go. They're going to not want to make that stop. They're going to try and beat the light by turning left especially if they've already stopped.

Steve Kumorkiewicz:

Okay, you make a point with that. Thank you.

Monica Yuhas:

I have one question for both Chief Wagner and Chief Guilbert. With 55th connecting to 80th is that going to help improve response time?

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. You know, in terms from my department whether or not it would improve response time it depends upon where the squad car is at any given time. It's possible that if it's in the right position then maybe it's quicker to go north on 55th Avenue. But for my purposes, the thing that indicates to me that this is a good idea is because it gives us another access point to that subdivision. Right now 79th and Cooper is the only access that we have to that subdivision. I know Chief Guilbert and I spoke about that a few minutes ago. We only have one way in.

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And when we look at plans for a new subdivision, at least when I do, and I believe the Fire Chief does as well, that's one of the things that we look for. It's important to us that there be a dual pathway in, that we have two ways to access. Because in the event that one of those ways is blocked, for example, if there were some catastrophe that blocked 79th and Cooper or 79th Street just west of Cooper Road, how do we get in there? There are a lot of people living in there. Maybe there's something going on totally unrelated to what's blocked the road but we can't get to it or for us to get to it it's much more difficult than it would be if we had another way in. So when I look at this that's the first thing that jumps out at me. I don't know if it's as much a question of response time from my department as it is just having better access to the homes back there.

Monica Yuhas:

Thank you. Chief Guilbert, do you have anything you'd like to add?

Chief Guilbert:

I'm Paul Guilbert, Jr. I'm Chief of Fire and Rescue. I'm at 8044 88th Avenue. I've been the Fire Chief since October of 1986, and I've seen the development of many commercial, industrial and residential areas in that time. If you look at the map that's pictured on the wall regarding this project you will see that it basically comes south to what would be a T-intersection of where 55th Avenue would meet the new 80th Street and that was done for a reason. Like I said, Chief Wagner said we did talk just a few minutes ago, and we look for multiple ways in and out of these subdivisions. Many times we're told it will happen in the future. I can't give you the age of Lawler Subdivision, but this is what we looked to happen, that date in the future when we have another way in and another way out.

I just remind you that none of us can look into a crystal ball and predict what kind of catastrophe is going to befall the Village or specifically in that area, but they do happen. We had a tornado here in January. I look at it not only severe weather or an accident would prevent us from getting in, I also am concerned about once we're in getting back out. Yes, maybe we enter 79th Street via Cooper Road, but then maybe something happens and we don't get out. So that's important to us. It's not just in this subdivision, it's as we look at all the projects.

Monica Yuhas:

Thank you.

John Steinbrink:

Chief, before you go, your response to this area where would it be from, Station 1, Station 2, or this actually gives you a better response from either station, doesn't it?

Chief Guilbert:

Right. As we've drawn on the maps the closest fire station to the Courtyard Junction Apartments which we service to the west at almost 60th Avenue comes from the fire station located in this

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building. So that would give us a more direct route by going north on 39th Avenue, a good street, and then west on 80th which will also be an improved street.

John Steinbrink:

And say our ambulance or fire truck from this station is tied up, we would then come from the one over by Ladish. You could come down Highway 50 to 60th because we know Bain Station Road right now there's a lot of traffic on there because of the construction on Highway 50.

Chief Guilbert:

Yes, there is.

John Steinbrink:

But when a coal train comes there we're forced to go to 95th or to Highway 50 which is a waste of time, especially if you've got to back up and go around. But if you've got 50 going and you come to 60th and up we've got a much better response time for rescue and fire, don't we?

Chief Guilbert:

That's true. The point being that fire and rescue attempts not to use Bain Station Road over the railroad tracks for the reasons you mentioned. And it's much more difficult for us to turn a larger ambulance or a fire truck around onto Bain Station Road. However, many of us are using Bain Station Road today because of the construction taking place at H and Highway 50. So Bain Station Road becomes a critical backup.

John Steinbrink:

Any other questions for Chief? Hearing none, thank you, Chief. Other Board comment or questions?

Mike Pollocoff:

I have one more comment regarding Mr. Hujik's request that the Board verbalize that no one is going to be assessed for sewer and water that currently has it or for a road that they don't use. That is implicit in the special assessment schedule which you have as Schedule A on Resolution 08-19. And if there's people whose name just isn't on the resolution they're not being assessed. You can't adopt a special assessment resolution and not include a name on it and come back and levy the assessment. Everybody that we're going to assess as part of this project is on this list. And if those people are going to have a deferred assessment their name is on this list because this is, in fact, the assessment that will occur before the project begins. So that's not only in place but that's in the formal document by which we do this.

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John Steinbrink:

And the trees have been mentioned several times on 80th. We all share that concern over the trees, but one thing we see in the Village is the newer subdivision actually created in farm fields where there wasn't a single tree a couple years ago, now almost look like they were created in a forest atmosphere. For some reason the species and kind we're planting in there grow pretty rapidly and they mature. Whittier is one of them we look at. Some of the other ones in a matter of 15 or 20 years there's mature looking trees in those subdivisions. And the beauty is they're placed where they need to be and they can benefit.

We all share the concern about the oaks. One thing we've learned is some of the oaks are actually dying off, some of these older, more mature oaks. When we forest we can see the inside how the growth has stopped and they're starting to decay from the inside out and that's a shame. We're even afflicted now with some of the diseases that affect oak trees. Really, you talk to natural resources and the only cure to stop the spread of this disease is through the harvesting or cutting the roots that adjoin between these trees which essentially as you said kills them, so there is no cure for some of these older oaks. So I think every effort is going to be made to preserve the mature trees in this area. But when we can't we know that reforestation is going to have a very positive impact on this neighborhood.

Mike Serpe:

Some four years ago the neighborhood got together and begged us to get this project going, and then the levy limits came in and kind of put as top to that temporarily. And with change there's always concern. Every one of us totally understands that. But I think this project is going to benefit a great deal of residents in this area. It's going to move traffic safer than it's moving now. And with that I'd move approval of Resolution 08-19.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further comments or question on this item?

SERPE MOVED TO ADOPT RESOLUTION #08-19 - FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR CONSTRUCTION OF SANITARY SEWER, WATER MAIN, STORM SEWERS, SIDEWALKS AND STREET CONSTRUCTION ON 80TH STREET BEGINNING 346 FEET EAST OF THE CENTERLINE OF COOPER ROAD AND EXTENDING 233 FEET WEST OF THE CENTERLINE OF 57TH AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

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John Steinbrink:

Thank you for attending the public hearing this evening. I hope we answered most of your questions. If you do have further questions, feel free to contact the Village Board, Mike the engineer or Mike Pollocoff and they can probably answer some of those questions. There's going to be more detail coming out in further hearings when this project progresses along. So we will be keeping everybody informed.

Mike Pollocoff:

Once we bid the project and we have a contractor in place we'll be contacting the individual property owners for the placement of laterals and staking will be done so people can see what improvement is going where. So we encourage everybody to give us a call if you have any questions and along the way we'll be contacting you as well.

B. Consider Liquor License and Cabaret License Renewal Applications.

Jane Romanowski:

Mr. President and Board members, before you on the memorandum is the renewals for the liquor licenses and the cabaret licenses. This would be for the licensing year of July 1, 2008 through June 30, 2009. I'll read the name of each license holder and then the trade name and the address of the establishment for the record. Remember, the licenses are issued to a person, not a place. It's the person that holds the license so that's why I'll read the agent or the individual into the record. And the classes of licenses are listed so I won't go into those.

Fred L. Williams, Agent, for BP Connect, 10477 120th Avenue; we have Surendra Singh, Agent, Pantry 41 Citgo, 7511 118th Avenue; Kathy Loberger, Agent, PDQ Store #352, 8800 75th Street; Michael McArdle, Agent for Stateline Citgo, 12720 Sheridan Road; Steve Schuler, Agent for Truesdell Mini-Mart, 8531 75th Street; Parveen Bhardwaj, Agent, U.S. Truck Stop, 9017 120th Avenue; Jose Reyes, Big Oaks Golf Club, 6117 123rd Place, Lizhu Cao, Agent for Honada Sushi & Hibachi, 8501 75th Street, Suite G; Christine Michel, a new Agent that they've applied for at the Chancery Pub & Restaurant, 11900 108th Street; Paul Thompson, Agent for Chili's Grill & Bar, 6903 75th Street; John Willkomm, Agent for Earl's Club, 7529 88th Avenue; Terry Meeks, Agent for Famous Dave's, 9900 77th Street; Linda DeBartolo, Agent for Gordy's Prairie Pub, 3812 Springbrook Road; John Burke, Halter Wildlife, 9626 113th Street; Patrick Palmer, Agent, Holiday Inn Express, 7887 94th Avenue; Ray Radigan's, R. Michael Radigan, Agent for Ray Radigan's, 11712 Sheridan Road; Frank Ruffolo for Ruffolo Special Pizza III, 11820 Sheridan Road; Lorraine Aker, Starlite Club, 8936 24th Avenue; George Lyons, Agent for Texas Jays, 9001 120th Avenue; Dave Schulte, Agent for Uncle Mike's Top Shelf Pub, 10936 Sheridan Road; Susan Neahous, Agent for The Village Supper Club 10909 Sheridan Road; and Joseph Nickel for the Wooden Nickel at 11606 Sheridan Road.

As my memo states and the attachments to the memo, all building, fire and zoning inspections have been completed and there are a few outstanding violations which are noted, and if approved, the licenses if granted will not be issued until obviously all the conditions are met and

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reinspected. Whatever is outstanding will have to be taken care of before the license will be issued out of this office.

And, as I just stated, if these are granted, we always make sure that obviously they're going to pay their license fees, publication fees, any delinquencies of property taxes, personal property taxes, utilities and invoices and we do have some of those. We always have some of those. They're not going to get a license until they pay them and they know that. We have a few people who don't pay all year and then they pay before they get their license and they pay interest all along so they're really kind of hurting themselves, but we make sure those are all paid. So those are the contingencies if the liquor licenses are approved.

Onto the cabaret licenses, obviously you have to satisfy all the requirements for a liquor license before we'd even consider issuing a cabaret license, and we just have three of those in the Village at this time. George Lyons, Agent for Texas Jay's, 9001 120th Avenue; Lorraine Aker, Starlite Club, 8936 24th Avenue; and Dave Schulte, Agent for Uncle Mike's Top Shelf Pub, 10936 Sheridan Road.

I would like to talk a little bit about Texas Jay's. As you can see from my note, the Department of Transportation bought that property last September. Mr. Lyons has a lease with the Department of Transportation right now to use the premises until September 1st of this year. The cabaret licenses cannot be transferred. The liquor license, as I stated before, is issued to a person, not a place. So he is able, pending Village approval, to take his liquor license and go to another premise if he secures one and, again, if he meets all of the requirements for that establishment for him to use his license that was issued to him at a different location. But with the cabaret license I am suggesting that that only be issued from July 1st through August 31st. I do have a copy of the lease – I just received it from the Department of Transportation. I didn't see any extensions of the lease so that is my recommendation at this time. If for some reason he is able to stay on the premise and he wants to come back to us and ask us for another couple months, then the Board can entertain that at that time. But at this time I think it's important that we put a limit on that cabaret license so he realizes he can't take that with him. He knows this but I just want to make sure that the record shows he cannot transfer the cabaret license.

Again, statutes give the Village Board and ordinances allows for a person to take their liquor license and use it somewhere else and we can put a limit on that and the Village has, a limit on somebody using a license or not using it. If they cease to use it for 90 consecutive days for business then the Village can bring that license back for revocation. You have to have a hearing. So this is something we're going to have to watch obviously. I know he's talked to the Community Development Department about different locations, but right now I'd recommend we grant the license through next year because there is no basis to revoke it because it's issued to him, and just because he might lose his premises he still has that 90 days to find another place so if that makes sense. I wouldn't recommend we do anything but issue the liquor license for the whole licensing year to this point, and we will have to watch that once he ceases doing business and where he might take that license. That's all by State law, but we did put the continuation clause in our ordinance.

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John Steinbrink:

Jane, can you tell us exactly what, when you get a cabaret license, what is the establishment actually getting and what are the rules that you have to adhere to?

Jane Romanowski:

A cabaret license is, and I'll read it right from our ordinance because I thought you might ask that, it's the person afford his or her patrons the music of one or more musicians and dancing privileges. Specifically features or advertises dancing in the premise using mechanical devices to produce music, or furnish entertainment by or performance of an act, stunt or dance by performers which such performers or dancers are paid or not. Jean might be able to explain this a little better. A cabaret license, the new license the Board adopted a couple years ago, the adult use establishment license actually supercedes this license to the extent that Texas Jay's operates if I'm saying that correct.

Jean Werbie:

That's correct. If they choose to located to a new place in the Village they do need to seek a special license through the zoning ordinance is where it's referenced, but then it's in the special section municipal code that the Board issues. It's a permitted use in the B-2 District, but they do need to have a special use license. All the provisions are set forth in the ordinance, and it's something that is new for an establishment at a new location. It's not something you can carry with you because it's very site specific with respect to the premise and the site and the location.

Jane Romanowski:

Basically the Texas Jay's property right now was grandfathered in.

Jean Werbie:

Correct.

Jane Romanowski:

The adult use ordinance was adopted after he was in with this license. And he's very well aware that this license cannot be transferred. We've had many discussions with the Department of Transportation, Mr. Lyons' attorneys and whatnot. So I really wanted to make a point of just saying that that license will only be in effect if the Board approves it just to August 31st.

John Steinbrink:

So Starlite Club and Uncle Mike's would have the possibility of having dance floors there with dancing—

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Jane Romanowski:

Yes, if they advertise it.

John Steinbrink:

—with a juke box or with live DJ or band.

Jane Romanowski:

Yes.

John Steinbrink:

And those are the only establishments in the Village that would then do that?

Jane Romanowski:

They must advertise it, yes. There are establishments that have a juke box but they don't have signs saying dancing outside or dancing tonight or something to that effect.

John Steinbrink:

Thank you.

Mike Serpe:

I have a question. Why doesn't the Chancery have a cabaret because they have weddings and dancing?

Jane Romanowski:

That's the Radisson Hotel.

Mike Serpe:

The Radisson.

Jane Romanowski:

Chancery provides the alcohol for the Radisson. Under the State statutes there's a provision to have that banquet facility, but private party, they aren't advertising that it's a dance.

Mike Pollocoff:

It's not open to the public if anybody wants to come in typically.

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Jane Romanowski:

They're not saying come to a dance. It's a wedding, it's a private function. There are special provisions, and I checked with that establishment specifically to make sure that when the premise description is listed on the Chancery's license it includes the rooms if they want a beer sent up to them or something, but they don't have a cabaret license because they're not advertising dancing or dancers performing.

Mike Serpe:

Okay.

John Steinbrink:

This is a public hearing and I will open it up to public comment or question on these licenses.

Jane Romanowski:

We didn't have anybody sign up.

John Steinbrink:

Anybody wishing to speak on this item? Anybody wishing to speak? Anybody wishing to speak? Now that we've read three times and offered I'll close the public hearing and open it up to Board comment or question.

Steve Kumorkiewicz:

Nothing to comment.

Mike Serpe:

John, I would move approval of the licenses that Jane read off including the cabaret with the understanding that Texas Jay's is only good until August 31st is that right?

Jane Romanowski:

Yes.

Monica Yuhas:

Second.

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John Steinbrink:

Motion by Mike, second by Monica. Any further discussion or questions on this item?

Jane Romanowski:

I might just add that at any time if we'd have problems with any of these establishments the Board can always use a revocation condition and bring it back. So the Police Chief did do police checks on all the licensees and they all did come back good.

SERPE MOVED TO APPROVE THE LIQUOR LICENSE AND CABARET LICENSES RENEWALS FOR THE ESTABLISHMENTS DISCUSSED FROM JULY 1, 2008 THROUGH JUNE 30, 2009 WITH THE EXCEPTION OF THE CABARET LICENSE FOR TEXAS JAY'S WHICH WILL BE FOR THE TERM JULY 1, 2008 THROUGH AUGUST 31, 2008, WITH APPROVALS SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY YUHAS; MOTION CARRIED 4-0.

5. MINUTES OF MEETINGS - APRIL 24 AND APRIL 29, 2008

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF APRIL 24 AND APRIL 29, 2008 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY YUHAS; MOTION CARRIED 4-0.

6. CITIZEN COMMENTS

Jane Romanowski:

We just had Maria Tocci but she already spoke. I don't know if she wants to speak.

John Steinbrink:

Is there anyone else wishing to speak under citizens' comments?

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

I have a couple things. One is we've recently undertaken some work within the Village Hall this last fall in order to insulate both this room as well as the offices in the oldest part of the Village Hall, the old Town Hall on the west side of the building. We had a severe winter this year as everybody remembers, and we still ended up spending \$1,700 less on heating than we did in the previous year so that's paid off for us pretty well.

The other one that's paid off for us is we've made some modifications on how we control the pumping through our supervisory and data acquisition system in the Water Utility. With those modifications we've rearranged our pumping times. We're going to be close to through the first

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quarter \$6,000 in savings in electricity. That's really getting the same amount of water just at different times and organizing how it gets into the tanks so we're going to keep tweaking that. So as the energy prices keep climbing we're trying to do some things that are some pretty low output as far as our part to maximize what we're getting for the energy dollars we have. That's all I have to report.

8. UNFINISHED BUSINESS

A. Consider Operator License Application for Joshua Szpek. (Remain tabled)

John Steinbrink:

I believe we want this to remain on the table, is that correct?

Jane Romanowski:

Yes.

John Steinbrink:

Do we need action for that or it can just stay on the table?

Jane Romanowski:

No, it can just stay on the table.

9. NEW BUSINESS

A. Receive report and consider recommendation to Kenosha County to participate in the construction of the new County 911 Dispatch Center.

Mike Pollocoff:

Mr. President, Chief Wagner and Chief Guilbert and myself had the opportunity to visit with Mark Wisnefski last week, and they had sent us a letter inviting us to view the plans for the new proposed 9-1-1 dispatch center. We met with Mark and Sue Marcinkus, the Director of Joint Services, and I've included those plans they've provided us. They're a nice set of plans. They've basically taken a look at what SEWRPC's growth projections are for the entire County, and they've made the assumption that they're going to provide space enough to service the entire County. There's 18 dispatch stations and I think now they have six or seven. So they have provided for some growth.

They did ask us if we wanted to participate in the venture, and I asked them what it would cost. They have a consultant working on the study right now to identify what their costs are, so they really couldn't tell us at this time what the cost would be. The other item I questioned on was just joint services is it's own entity. We've talked with them before about joint dispatch, and from the

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institutional standpoint there's some things that they do that don't work with Pleasant Prairie and one of the reasons we have our own dispatch. In the case of fire we're a . . . department, we have full-time fire medics and we have paid on call fire medics or just firemen or EMTs. We have part-time firemen and EMTs and what Chief Guilbert does is since we don't have a full time department for everybody where we can respond to any call he maintains a roster and a list and a schedule that is constantly being manipulated constantly for, one, who is making themselves available and, secondly, what's going on. So that enables us to maximize our personnel resources to get the most people to a call and not just send everybody. Some departments in the County when they get a call, every call, they send everybody. That's what happens at Joint Services. Our dispatch manipulates that roster so we only send the people we need to send. It keeps our paid on call staff fresher where they're not going all over the place for sometimes on a call they're not needed.

Then the second area is for police dispatch one of our concerns and my concern is in recommending a change in this is that currently the Kenosha County Sheriff has the ability to redirect calls for assignment out in the field. We've had this happen in the past. I think most Board members remember where a squad would come from Brighton because the Sheriff had delayed a dispatch to a Pleasant Prairie squad. We think as long as that condition exists it kind of marginalizes the ability of the Village to determine how we're going to provide police services. So I think there's a lot of work that would need to happen before we could consider it. And I think it's a lot of work that they had to undertake before they really designed their building to make sure that the design matches the expenses and the program as well.

We thanked them. I said I'd bring this back. They requested that the Village provide them a letter whether or not we're declining. My request is that I'd be authorized to send the Kenosha County Executive thanking him for the opportunity to comment on the County wide 9-1-1 dispatch at this time, and that the Village would appreciate reviewing a copy of the consultant's findings which they said should be in August on the costs when they're available as well as any institutional organizational changes that would address the service issues the Village has.

I think it's a good thing to talk about working together. I think we need to kind of fold everything together, not just the floor plan for 9-1-1 but how it's going to work and how it's going to be paid for. If you have any questions I'd be glad to answer them and Chief Wagner and Guilbert, too.

Mike Serpe:

Mike, I'm a very strong supporter of Joint Services and dispatch and fleet maintenance and records because I worked with it for so many years. I have to agree with you 100 percent on a couple of things, and the majority of this Board lived through the time when dispatch calls were arbitrarily changed and how they're going to be handled and how dangerous that is to not only the public but to the police officers responding. I wouldn't want to see that happen again, and I would think that if the Joint Service Board had a little bit more active role I don't know that that would have happened. I think something that major and that drastic of a policy change should not be unilaterally made by one individual. It should go through their Board for consideration and discussion and include everybody that it's affecting. That never happened. So right now I would

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have to agree I think they haven't provided very much information for us to act on, and until that happens I think I would agree that we send them the letter and let us know what the next step is.

John Steinbrink:

Mike, we already operate or we need to operate a 24 hour 7 day a week dispatch and that handles our public works, utilities, and it enables us to provide the best service to all of our residents and it gets the most times the fast response for an emergency whether it's fire, police, rescue. So are they aware of what we actually do with our dispatch and how it functions and the improvements we've already made to our dispatch to make it as efficient and reliable as possible?

Mike Pollocoff:

They're definitely aware of our dispatch. I'm not sure they're aware of what we do, but Pleasant Prairie dispatches all of our police and fire and the fire is a rather intricate dispatching system through a 24/7 dispatch operation that at peak times is staffed with a couple people and the other times it's staffed with one person. That dispatcher also serves our records function. That dispatcher also is the call intake person. So we've developed a dispatch system that will kind of centralize everything in one spot and it's over there at the police station and they do a good job. They also if someone has a sewer backup in the middle of the night they call the emergency number and that's the dispatch and they're able to activate somebody from utilities to come out. If you're the City of Kenosha you get an answering machine and then someone listens to it later on and then they respond from that.

We have a good dispatch. Through impact fees we're enlarging it and modifying the space to accommodate the growth in the area. That took \$80,000. We operate our dispatch and I don't remember the number. I don't want to estimate, I can't remember it, but we get the job done and we have good people over there doing it. But that being said, we do use Kenosha County dispatch for a couple things. One is they convey the 9-1-1 call directly to our dispatch and we send it out, and Kenosha County dispatch also provides medical dispatch. So if somebody is on the line, they make the call, someone is having a heart attack, they send our squad, the squad is on its way, the dispatcher is helping that person through on the line and giving them instructions on what to do to take care of that person until the squad gets there. They do that for us and that's a good service they provide and we don't have to do it and it works well. But that's something that I don't think should be changed and I wouldn't recommend it.

But one thing I did see in this is that they're looking to incorporate within their building a disaster recovery for their data system and we already have that system. I suggested they are welcomed to look at storing their data at our facility which is away from theirs. If something happens to Joint Services, it will take out their data as well. I don't know that they're interested in that but I think there are some things that could be done. I haven't heard any complaints from either Chief about our dispatch and being able to get that work done, but I don't think we can evaluate the proposal from Kenosha County without any financial information or operational information.

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John Steinbrink:

Do we have a motion to receive and file?

Steve Kumorkiewicz:

I move.

Mike Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike. Further discussion if any?

KUMORKIEWICZ MOVED TO RECEIVE AND FILE THE REPORT TO PARTICIPATE IN THE CONSTRUCTION OF THE NEW KENOSHA COUNTY 911 DISPATCH CENTER AND TO WRITE A LETTER TO THE COUNTY EXECUTIVE INDICATING ANY FURTHER PROPOSALS TO BE CONSIDERED WOULD NEED ADDITIONAL FINANCIAL AND OPERATIONAL INFORMATION; SECONDED BY SERPE; MOTION CARRIED 4-0.

- B. Receive Plan Commission Recommendation and consider Res #08-18 for the request of Jonah Hetland, agent for BFU II, LLC owners for approval of Addendum #1 to the Springbrook Place Condominium located at the southeast corner of 91st Street and Springbrook Road.**

Jean Werbie:

I would like to have C and D brought up at the same time.

- C. Receive Plan Commission Recommendation and consider Ord. #08-27 for the request of Jonah Hetland, agent for BFU II, LLC owners to amend Appendix C of the Village Zoning Ordinance related to the PUD for the Springbrook Place Condominium located at the southeast corner of 91st Street and Springbrook Road.**
- D. Receive Plan Commission Recommendation and consider the request of Jonah Hetland, agent for BFU II, LLC owners for approval of the first amendment to the Declaration of Condominium for Springbrook Place Condominium development located at the southeast corner of 91st Street and Springbrook Road.**

Jean Werbie:

Mr. President, there are three requests this evening from Jonah Hetland representing the BFU II, LLC, owners. The first is the Addendum #1, the second is the modification to Appendix C of the

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PUD, and the third is the modification and acceptance of the Declaration of Condominiums, in other words the first amendment to that document.

On February 18, 2008, the Board approved the final condominium plat, development agreement and related documents for the PUD for the Springbrook Place Condominium Development. That development is located at the southeast corner of 22nd Avenue and 91st Street in the Village. The documents were executed and recorded at the Register of Deeds office.

It was brought to the Village's attention a short time afterwards that the floor plans and the elevations that were presented contained some minor discrepancies, in particular the location of the window and fireplace shown on the right side elevation were correctly shown, but the floor plan on the plat did not show the correct location of these features. In addition, the garages were shown correctly on the floor plan on the plat, however the elevations of the buildings did not reflect the change. In addition, the developer has changed the layout of the utility room to make it more functional.

As a result of these inconsistencies, the final condominium plat must be corrected and the PUD must be modified, the text, as well as their declaration of condominium does need to be modified. This is a matter that was before the Village Plan Commission, and the Village staff recommends approval of all three of these modifications, the first of which is the final condominium plat addendum #1, the second is the zoning text amendment to the Springbrook Place Condominium PUD, and the third is the first amendment to the declaration of condominium for the Springbrook Place Condominium.

Mike Serpe:

Mr. Chairman, I'd move approval of 08-18.

Monica Yuhas:

Second.

John Steinbrink:

Motion and a second for approval of 08-18. Further discussion?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #08-18 APPROVING THE REQUEST OF JONAH HETLAND, AGENT FOR BFU II, LLC OWNERS, OF ADDENDUM #1 TO THE SPRINGBROOK PLACE CONDOMINIUM LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND SPRINGBROOK ROAD; SECONDED BY YUHAS; MOTION CARRIED 4-0.

Mike Serpe:

Move approval of 08-27.

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Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second for approval of 08-27. Further discussion?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #08-27 APPROVING THE REQUEST OF JONAH HETLAND, AGENT FOR BFU II, LLC OWNERS, TO AMEND APPENDIX C OF THE VILLAGE ZONING ORDINANCE RELATED TO THE PUD FOR THE SPRINGBROOK PLACE CONDOMINIUM LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND SPRINGBROOK ROAD; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

Mike Serpe:

Mr. Chairman, I'd move approval of the first amendment to the declaration of condominium for Springbrook Place Condominiums.

Monica Yuhas:

Second.

John Steinbrink:

Motion and a second for first amendment to the declaration of condominiums for Springbrook Place Condominium. Further discussion?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF JONAH HETLAND, AGENT FOR BFU II, LLC OWNERS, OF THE FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR SPRINGBROOK PLACE CONDOMINIUM DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND SPRINGBROOK ROAD; SECONDED BY YUHAS; MOTION CARRIED 4-0.

E. Receive Plan Commission Recommendation and consider Ord. #08-28 to amend Section 420-54 A (1) (a) of the Village Zoning Ordinance related to the review and approval authority by the Plan Commission for Site and Operational Plans.

Jean Werbie:

Mr. President and members of the Board, Ordinance #08-28 to amend Section 420-54 A (1) (a) of the Zoning Ordinance relates to the review and approval authority of the Plan Commission for site and operational plans.

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On April 14, 2008, the Plan Commission had adopted a resolution 08-09 to initiate the zoning text amendment process. This was for the staff to review the process for which all new uses that occupy 50 percent of a commercial building in the Village are reviewed, whether by staff or by the Village Plan Commission. This section has since been reviewed by the Village staff, and in the staff comments and as listed on the slide, all of these provisions that are listed describe when the Plan Commission is to review and approve site and operational plans. It covers practically all the different circumstances, but what we were finding is that in those circumstances where the building is greater than 50,000 square feet, then it still should go to the Plan Commission, but where it's smaller than 50,000 square feet and we've got a number of tenant changes, for example, whether it's in Prime Outlets or out in the Corporate Park and it's just a tenant change but not a change by the construction of a brand new building, we're recommending that that item be handled by the staff in an administrative review. It still goes through the Village zoning department, inspection department and fire department, but we're recommending that that extra step not be needed or taken so that has to go back before the Plan Commission. So the purpose of the amendment then is to allow tenant changes in buildings greater than 50,000 square feet remain with the Plan Commission but for less than 50,000 square feet would go to the Village staff.

Mike Serpe:

And that would never come to the Plan Commission less than 50,000?

Jean Werbie:

Right if they're less than 50,000.

Mike Serpe:

As long as you're here that's fine.

Monica Yuhas:

Move for approval of Ordinance 08-28.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

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Jean Werbie:

Mr. President, I just want to clarify that if it's a brand new building regardless of its size it always goes to Plan Commission. These are just minor internal tenant changes.

John Steinbrink:

Seeing no further discussion we have a motion and a second.

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #08-28 TO AMEND SECTION 420-54 A (1) (A) OF THE VILLAGE ZONING ORDINANCE RELATED TO THE REVIEW AND APPROVAL AUTHORITY BY THE PLAN COMMISSION FOR SITE AND OPERATIONAL PLANS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- F. Receive Plan Commission Recommendation and consider Zoning Text Amendment (Ord. #08-29) and Zoning Map Amendment (Ord. #08-30) for the request of Neil Guttormsen, counsel for Dean Trafelet, owner, to 1) Create specific Planned Unit Development (PUD) Ordinance requirements for the existing Timber Ridge Mobile/Manufactured Home Park (MHP) pursuant to Chapter 420-137 of the Village Zoning Ordinance and 2) Insert the new PUD Ordinance into Section 420 Attachment 3, Appendix C, entitled "Specific Development Plans", and 3) Amend the Village Zoning Map by adding a PUD zoning designation to the existing R-12, Manufactured Home/Mobile Home Park Subdivision Residential District zoning designation for the property commonly known as the Timber Ridge Mobile/Manufactured Home Park located at 1817 104th Street.**
- G. Receive Plan Commission Recommendation and consider a Development Agreement and Related Documents for the request of Neil Guttormsen, counsel for Dean Trafelet, owner, for private water improvements within the existing Timber Ridge Mobile/Manufactured Home Park, located at 1817 104th Street.**

Jean Werbie:

Are we taking Item G as well? Both F and G?

John Steinbrink:

F and G. I gave a condensed version of F and the full version of G.

Jean Werbie:

Mr. President and members of the Board, the following is a recommendation for consideration of zoning text amendment Ordinance 08-29 and zoning map amendment ordinance #08-30. These two items are related and we'll be discussing them at the same time.

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On April 28, 2008, at the request of Attorney Neil Guttormsen, the Plan Commission had voted unanimously to table the zoning map and text amendments related to the Timber Ridge Mobile Home Park PUD until May 12, 2008 due to some continued drafting and fine tuning of the proposed timber Ridge Mobile Home Park PUD.

Specifically, the property owner, Dean Trafelet, is requesting approval of PUD ordinance, an associated PUD overlay zoning designation for the Timber Ridge Mobile Home Park, and a development agreement and related documents for the private water improvements to be completed in the park.

The Timber Ridge Mobile Home Park, referred to as Timber Ridge MHP, is located at 1817 104th Street. It's approximately 18 acres with about 452 feet of frontage on 104th Street. The mobile home park can accommodate 144 manufactured or mobile housing units. Both single and double wide mobile home units are found within the park. Sole access to the mobile home is through a driveway entrance at 104th Street. The Timber Ridge Mobile Home Park is serviced by a system of interior private roadways which form blocks within the development. The mobile home units are serviced by a system of private water and private sanitary sewer mains which are extended from public utilities in 104th Street.

As part of some background information, the Plan Commission had started the process back in 2007 in order to prepare a planned unit development for the Timber Ridge Mobile Home Park. Back in 2007 we learned as we started to go through the process that there were a number of additional concerns and interests that both the park and the Village had, and we found that the original version of the document did have some conflicts with some other ordinances of the Village. So, as a result, we really needed to go through it with a fine toothed comb and go through it page by page and evaluate exactly what we were seeking to do with this PUD.

And so we eventually came up with this planned unit development. We've identified the community benefit to the Village by having this planned unit development. One of the things that was necessary in order for us to get a handle on exactly what was needed by the developer or the owner was that we needed to have a very detailed comprehensive plat of survey completed for the entire mobile home park that actually surveyed every single structure in that park. Again, this park is a number of years old so it had not had a complete detailed survey I don't believe ever, and so it was a very monumental task for them to undertake.

What they learned after they completed this detailed survey was that there were a number of structures and units that not only encroached onto the setback but over the setback line. And so the beginning part of our process with the owner was to discuss the fact that we can't even have a legal situation here until you've acquired some additional land to the east and to the south. So once that land was acquired then we had a basis and this map was a basis for determining exactly what we could put together as part of this planned unit development.

There were a number of concerns that had been raised as to exactly where accessory structures could be placed, could they have new ones in the park, where the single wides and double wides could be located, could they bring in larger units, how could we actually deal with this existing nonconforming situation and try to create more of a legal conforming situation for them. So,

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again, what we did is basically we looked at unit by unit and then we put together tables and charts and we looked at overall how we could accommodate the future of this development in the Village.

In addition, there were a few location where there were some vacant lots, and so we wanted to try to address where new units could be placed within these vacant lots. And so that's what we've been working on for about a year and a half to two years up to this point. We have finally reached agreement on all the different details of the planned unit development. One of the things that came to light last fall was that one of the concerns that the Village had from a community benefit standpoint is that we wanted to make sure that the water supply system within the park was adequate, size and capacity wise, with fire hydrants to service the needs of the park when the fire department came to the site. And so part of the community benefit and part of the granting of this PUD was to expand the water system and replace some of the lines, the mains, and add some additional fire hydrants to provide that additional capacity. And all of those plans now have been reviewed and approved by the Village. The owner is intending to install those improvements this summer. Just like with all of our other developments, he's posting a letter of credit, financial security to guarantee that those private water system improvements are completed in a timely manner to service the park.

At the Plan Commission meeting, there was a question that was raised last week as to whether or not the individual tenants within the mobile home park were contacted, and by ordinance we are obligated to contact the owners of the park and the adjacent property owners within 300 feet. But we are not obligated to contact the individual residents within the park. It was brought up at last week's meeting that Judy, who is the manager out at the park, had been in contact with all the residents in the park to explain what we were doing and what we were going through. But what we also did as a staff is we sent notification directly last week to all the residents in the park to see if they had any additional concerns or questions. Again, knowing that we recently adopted a new manufactured housing code or provisions in the municipal code and what we were trying to accomplish here, we kept an eye towards both ordinances as well as the rights of the property owners when we drafted this new PUD. I have not received any phone calls from anyone in the park since those notices went out as well. But I'm not sure how you'd like to proceed with respect to that.

We do have a representative here from the mobile home park. The attorney is here as well. Actually, all of the exhibits have been provided to us for the closing of this development and the approval of this PUD. With that, the staff and the Plan Commission did recommend approval subject to the comments as outlined in the staff memorandum.

Mike Serpe:

Mike, a while back we had a surcharge of sewer use during heavy rain events. Is that problem taken care of?

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Mike Pollocoff:

I think they went through and they remedied some areas. Still in a good rain event there's a good flow coming out of there. They're billed for it accordingly. I think to the extent that they're doing some work with their water lines that's another source of water in there, but there are really hydric soils in that area. Our system hasn't been damaged by it. Like I say, they have to pay for whatever goes through. That might get to be more of a problem once there's subdivisions that are downstream of this, the Southshore development or anything else, there might be some problems, if they're surcharging to any really great degree. Since they've done that initial round of work probably five or six years ago I haven't been advised of any major failures.

Steve Kumorkiewicz:

I have a question for you, Mike. In the same line that Mike Serpe asked, I do recall there used to be a lot of infiltration in that part years ago. I remember seeing holes in the ground where the water was going down to the sewers in the south side of the park, inside the park. Comparing the amount of water we sell to the park, we've got to meter the water that we sell to them. Also, we've got to meter to make sure of the sewer going out. There's a big difference over there indicating that that infiltration was not corrected?

Mike Pollocoff:

Like I said, it jumps during rain events or rainy cycles and it comes down. But you could say that of just about any business. A sewer system is not perfectly tight. You're always going to get more sanitary discharge which includes clear water than you are for what you sell. Again, I'm not aware of any major problems at the park there with inflow and infiltration like they had originally. I think even some of the disputes that might have occurred over time was really the park coming to grips with how much their infiltration was costing them, more so than there was a service interruption. And if it gets to be bad, infiltration works just like we do with our utility, you have to do it non stop. You can't just do it every five or ten years. It's something you have to stay after. I don't believe they're any worse or better than any other similar use where you have that many lateral connections that come into their private system that ends up in ours.

Steve Kumorkiewicz:

I recall that Pleasant Homes used to have one million gallons in infiltration. And after the new system was put in it was cut by 100 percent.

Mike Pollocoff:

No, it was cut 100 percent.

Steve Kumorkiewicz:

Okay.

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Monica Yuhas:

Is the park manager here?

Jean Werbie:

Yes, she is.

Monica Yuhas:

Could you please come to the podium?

Judy Domine:

Judy Domine, 1817 104th Street in Pleasant Prairie.

Monica Yuhas:

Judy, my concern is that I was at the Plan Commission Monday night, and I believe Commissioner Braig brought up the fact that he felt the letter should go out to all the residents. So the letter went out on Tuesday, they probably received it on Wednesday, which gives them approximately five days to review the letter and contact anyone with any questions. Did you go door to door and talk to every resident in the park about this?

Judy Domine:

No. We had our annual lease signing. We sign leases throughout the month of March and into April and I meet with every resident to sign their new lease, and I went over the whole scope of the project with each and every one of them.

Monica Yuhas:

And no one had any concerns about the PUD?

Judy Domine:

No.

Monica Yuhas:

Okay, thank you.

Jean Werbie:

If I could just mention the letter that did go out to the residents it specifically identified these benefits to the residents as well as to the Village and to the owner of the park. It specifically very

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simply said the purpose of this PUD is to limit the location, designate specific setbacks and separate distance regulations for both the units and for detached accessory structures, therefore creating safety and uniformity. It sets forth exterior building materials, limits exterior colors for the units and detached accessory structures to create a more aesthetically pleasing environment. Again, not the existing ones, they're not going to force existing residents to paint or to change their siding, but as these units change over and new units or accessory structures are located in the park that these modifications need to be made. It basically allows for the eventual over time elimination of the nonconforming accessory structures out there which is in the best interest for the fire department, the building department and anyone who needs to provide services out to those residents out in the Timber Ridge Mobile Home Park.

Mike Serpe:

Mr. Chairman, I move approval of the zoning text amendment Ordinance 08-29 and the zoning map amendment 08-30.

Steve Kumorkiewicz:

Second.

Mike Pollocoff:

Mr. President—

John Steinbrink:

We need those separately, correct?

Mike Pollocoff:

On the motion, the staff did send a letter out indicating that the meeting was going to be held tonight, if they had any comments that they could make those comments tonight. In fact, I'd request that before the vote is taken on the motion that for the record that that opportunity be afforded to anybody that came to make a comment on the proposal based on the notice that they received from the Village.

John Steinbrink:

Is there anybody here wishing to comment or speak on the items before us on Items F and G?

Neil Guttormsen:

My name is Neil Guttormsen, and I live at 6749 50th Avenue, Kenosha, Wisconsin. I personally have been involved in this process for I believe close to two years with Jean Werbie and her staff, and I think is a very positive result based on the terms and provisions of the PUD. Frankly, it started off with a question from us to the Village that we wanted to improve the accessory

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buildings that were located at the park and, frankly, we were looking for uniformity and the Village was looking for uniformity.

In the process if we were to proceed, I think the recommendation of the Village was to use the PUD as a forum to allow us to proceed with some of these nonconforming setbacks between the accessory buildings and the actual mobile home units. In that process we got the survey as Ms. Werbie mentioned. We realized we had a problem with the size of the site. Had to purchase additional land. Now, I think all of you are all experienced when you try to purchase land that you need it's not as easy to negotiate than purchasing land that you're not sure you need. Mr. Mills and the Riley family and Mr. Cicchini took us a while to do that but we did it. And in that process that gave us some additional land so that we didn't have, shall I say, encumbrances going forward to the Village.

Of course, at that time we thought we had a final resolution on the PUD, and I think we came before the Plan Commission and Mr. Serpe was not chairing it but I believe Mr. Terwall was, and I think the words out of his lips were something to the effect have you checked with the fire department to see if there's adequate supply of water for fire protection. That, of course, got us all somewhat concerned and we said, no, we didn't. The Village encouraged us to do so. We hired an engineering firm, Nielson firm, they went through it, sought the input of Paul Guilbert our Fire Chief and came up with a solution to install a private waterway to accommodate the fire protection needs of the Village. Judge Trafelet did not have any problem with doing that. He understands the necessity of being concerned for safety, and we had to incorporate that into our planned unit development ordinance and, of course, get the specifications, get the drawings, get the estimates and that takes time but we did it.

We're here tonight to I think put a finishing touch to this final project. I think it makes sense. I think it's for the betterment both of the Village and the mobile home unit lessee because they will, frankly, have a better park and it will be more uniform and attractive I think for the Village. I would appreciate your support and approval of this. I know that the Plan Commission did unanimously recommend it, and I do believe that the staff also is recommending it. Thank you very much.

John Steinbrink:

Thank you. I know the Plan Commission was very impressed with the final product and commended yourself and the park and Jean and her staff for the work they did. I think after reviewing it I'm impressed with it also and I'm sure the rest of the Board is also. It was a lot of time, two years, but I think in the end you achieve quite a bit there and you made improvements that are going to really pay off in the future. So thank you for your work on this. We have a motion and a second on both ordinances. Further discussion?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING TEXT AMENDMENT (ORD. #08-29) AND ZONING MAP AMENDMENT (ORD. #08-30) TO 1) CREATE SPECIFIC PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE REQUIREMENTS FOR THE EXISTING TIMBER RIDGE MOBILE/MANUFACTURED HOME PARK (MHP) PURSUANT TO CHAPTER 420-137

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OF THE VILLAGE ZONING ORDINANCE AND 2) INSERT THE NEW PUD ORDINANCE INTO SECTION 420 ATTACHMENT 3, APPENDIX C, ENTITLED "SPECIFIC DEVELOPMENT PLANS", AND 3) AMEND THE VILLAGE ZONING MAP BY ADDING A PUD ZONING DESIGNATION TO THE EXISTING R-12, MANUFACTURED HOME/MOBILE HOME PARK SUBDIVISION RESIDENTIAL DISTRICT ZONING DESIGNATION FOR THE PROPERTY COMMONLY KNOWN AS THE TIMBER RIDGE MOBILE/MANUFACTURED HOME PARK LOCATED AT 1817 104TH STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

Mike Serpe:

Move approval of the development agreement.

Monica Yuhas:

Second.

John Steinbrink:

Motion and a second for adoption of the development agreement and related documents. Further discussion?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS FOR PRIVATE WATER IMPROVEMENTS WITHIN THE EXISTING TIMBER RIDGE MOBILE/MANUFACTURED HOME PARK, LOCATED AT 1817 104TH STREET; SECONDED BY YUHAS; MOTION CARRIED 4-0.

H. Consider Ordinance #08-31 - Ordinance to impose a 90-day temporary moratorium relating to certain provisions, permits and approval with respect to the Municipal Code Ordinance regulating solid fuel-fired outdoor heating devices.

Jean Werbie:

Mr. President and members of the Board, Ordinance #08-31 is an ordinance to impose a temporary 90-day moratorium relating to provisions, permits and approvals with respect to regulating solid fuel-fired outdoor heating devices, in other words, regulating outdoor wood burning furnaces. The Village has received over the last couple of months some complaints and some concerns for residents regarding these types of furnaces that are being installed in exterior of homes in basically accessory structures. They're used to fuel or provide heat for water and for furnaces and homes, but they're also causing what we believe potentially to be a public nuisance based on the results of the amount of smoldering smoke that emanates from these types of stacks from these accessory structures and these units.

These devices could have some potential health hazards which could result from these outdoor heating devices based on where they might be placed within the community. So what the staff

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would like to do is to do some research with respect to various ways that these are regulated and permitted across the State and in this area and how we would like to address them in the future.

So the purpose of this ordinance then, again, would be placing a 90-day moratorium, and the three main provisions would state that no application for request for any permit, inspection or approval provided for by the Village municipal building and mechanical code, which is our building code, for or relating to the construction or operation of a solid fuel-fired outdoor heating device or equipment. The second point would be that no application for any permit, inspection or approval provided for by the building code for or relating to the construction of any building or structure for the purpose of housing a solid fuel-fired outdoor heating device. Or, no application for an erosion control permit shall be issued for or relating to any land disturbance activities for any real property for the purpose of preparing the land for the construction or operation of a building or structure that is intended to house one of these solid fuel-fired outdoor heating devices.

So, in effect, there would be a moratorium that would be placed that would prohibit any new units or structures from being located in the Village. There would be no permits that could be issues. Notwithstanding those three comments I just made, if there is an existing system that has been already permitted, valid permit received from the Village, that they can call for the proper inspections, they can call for proper maintenance inspections, they can obtain permits to repair their existing facilities, so we don't want to prohibit anything that is existing in the Village to be properly maintained or serviced or completed if it's been started.

We believe in talking to the Fire Chief and the Chief of Building Inspection that an ordinance can be put together and brought back to the Village Board within 90 days.

John Steinbrink:

If this was a permitted existing there's no problem, but if it was installed without a permit?

Jean Werbie:

Then it would not be considered a legal structure or unit.

John Steinbrink:

So then it would become subject to the new guidelines and rules?

Jean Werbie:

That's correct.

John Steinbrink:

Do you know if we have many of these around which we probably do?

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Jean Werbie:

I'm aware of at least three that have been permitted but I have not had the Chief Inspector go through the records to find out how many we've actually issued in the Village.

John Steinbrink:

Chief, did you have a comment?

Chief Guilbert:

I'm Paul Guilbert, Jr. I'm the Chief of Fire and Rescue, 8044 88th Avenue. I think your question was about ones that are currently existing and permitted. That's where the concern arose was from a neighbor who has been subjected to the smoke that's being emitted from this outdoor furnace. A letter came to the Village Hall addressed to whom it may concern. It was given to Jean, to Jeff Sorenson, the Chief Building Inspector and myself. We agreed to meet, and prior to that I sent e-mails to no less than 12 fire chiefs in the State, explained about the meeting I was going into and have they had any experience and how they handled it. I received about six or eight responses up to and including their ordinances and how they've dealt with it.

In the literature that was sent to us, if you allow these furnaces to free burn to where all you would see is the flame and you would not see any visible smoke, it would be far too hot for the enclosure and it would just boil your water rather than heat your water. So it has to be adjusted to where the flame creates a smoldering fire and when you have a smoldering fire you have smoke. The neighbor who complained or who has a concern said that during the very cold weather months it doesn't bother him because his house is sealed. Where he became concerned is where the temperature started to warm and his neighbor was still continuing to use this furnace and now the smoke comes drifting into your house.

So what we as appointed officials and you as elected officials need to balance is how are we going to keep one neighbor who wants to use some wood efficiency to heat his water and yet keep the other neighbors happy when they want to open their windows.

Mike Serpe:

Chief, in just listening to your explanation here and imagining what these things do and what they look like and how they function, is there really any ordinance that we can put into effect that's going to control this?

Chief Guilbert:

Right now in the open burning ordinance there is language that says you will not produce anything that will bring harm or discomfort to those in the surrounding area. That's one. Although in what we've looked at it may not belong in the open burning ordinance. So we haven't got into the thick documents that I've received. We didn't do a study, we just did a quick

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review in preparation. The neighbor who we met with was a very cordial individual. He came looking for some help. He was a very pleasant person to meet with. So we're looking to see if we can—

Mike Serpe:

I understand. Is this unit, this furnace type unit, really any different than a fireplace?

Chief Guilbert:

I think the answer to that is yes it is different, because the stacks don't go as high as a typical chimney.

Mike Serpe:

A fireplace will go above the home -this will go probably next to it. So I'm going to guess that in some of these ordinances there's a certain amount of distance that has to be maintained from your neighbor to whoever has one of these functioning.

Chief Guilbert:

Including minimum lot sizes. You know Pleasant Prairie has some very large lots and has some, quote unquote, smaller lots. That's the case here. That's the case these people live on smaller lots and has a faster impact on their neighbors than it would if they—these were basically designed for large open areas. I think it was intended to be in a more rural area where you're on several acres and it doesn't matter, you don't have neighbors. But as people are looking for alternatives to reduce their utility costs this became something that attracted these peoples' attention.

Mike Serpe:

I can see these becoming more popular and I also can see them becoming more of a burden on this Village, a serious burden in the future.

Chief Guilbert:

And I believe that's why we've reacted as quickly as we did.

Mike Serpe:

I'm just wondering if there's really going to be an answer to the problem.

Mike Pollocoff:

In Colorado in the last big energy crunch there was a big push on wood burning fireplaces. They were burning everything they could to heat water or heat space. It got so bad they started having air problems in the winter. In the wintertime you can seal your house up, but you get some of

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those days where you have an inversion of weather so they were restricting—it was the worst of all worlds. These people have spent money to heat their houses and abandon their other systems, then finally the local governments there were having to issue an order saying the air quality is so bad we're not going to allow wood burning heating today. It was something to see. There's less air there, there's some things going on, but when the economy starts tipping towards getting away from the more traditional ways of heating water or your house people start doing some strange things. Are we really ready to accommodate it?

Chief Guilbert:

And, again, what creates all the unhealthy atmosphere is people damper it down because they couldn't live in a house where the fire was free burning. If it was free burning you wouldn't have that much of a pollution problem.

Steve Kumorkiewicz:

One of the concerns I've got with this is people who burn wood paint the wood or compounded wood. It's not just pure wood, you know what I mean?

Chief Guilbert:

Yes, some people are burning natural firewood and others are burning scrap wood.

Steve Kumorkiewicz:

Yes, they use scrap wood or painted wood or lacquer. I got a complaint once about three years ago right here . . . a neighbor was complaining because these people were using that for heating . . . combustible and produce a lot of smoke but not just regular smoke. That is unhealthy. Can we make sure that they are using just plain wood, clean wood, that's where I'm going to. No particle board, for example. Particle board has glue and when you burn it it smells different. It produces heat but burns different. That's my concern.

Monica Yuhas:

Jean, one quick question for you. What if this is their only way to heat their home or heat their water? Is that the case in any of these things that you know of?

Chief Guilbert:

From what we understand it's been permitted as an alternative, and that's basically as it cools through the night then a more traditional heating system would take over in the house.

Monica Yuhas:

But do we know for sure that there's a traditional heating system in that house?

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Chief Guilbert:

Yes, the house is quite modern.

Jean Werbie:

These were permitted recently, some of these.

Chief Guilbert:

And the houses were built recently.

Mike Serpe:

Move adoption of Ordinance 08-31.

Steve Kumorkiewicz:

Second.

John Steinbrink:

We have a motion and a second for adoption of 08-31. Further discussion?

SERPE MOVED TO ADOPT ORDINANCE #08-31 - ORDINANCE TO IMPOSE A 90-DAY TEMPORARY MORATORIUM RELATING TO CERTAIN PROVISIONS, PERMITS AND APPROVAL WITH RESPECT TO THE MUNICIPAL CODE ORDINANCE REGULATING SOLID FUEL-FIRED OUTDOOR HEATING DEVICES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- I. Receive Recreation Commission Recommendation and consider Ordinance No. 08-32 - Ordinance to Amend Chapter 242 of the Municipal Code relating to Parks and Recreation Fees.**

Mike Pollocoff:

Mr. President, before you we have an ordinance to amend park and recreation fees at LakeView RecPlex and the IcePlex. Kathy Goessl and Carol Willke are here to go through this with you. Ladies?

Mike Serpe:

Before you start, Carol, I strongly suggest that if there are any golf cages you maybe take advantage of their use just for the protection of the people in front of you, on the side of you and in back of you.

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Kathy Goessl:

There are a number of changes in the ordinance related to different fees. Some of the stuff is just cleanup. This first one is more of a cleanup one with outdoor equipment. There used to be a three hour minimum for the ball field rental and we have eliminated that and dropped it down to one or two hour increments. So that should help with the rentals, increasing the rentals. People are not obligated to take a three hour spans.

For the non-motorized water craft rental at Lake Andrea, again, there was a limit or a maximum. There was a four hour rental and that has been eliminated because that's not usually the way the boats were rented in the past. It's been usually one to two hours so we've eliminated the four hour rental rates.

In terms of LakeView RecPlex rental rates, this section eliminates the \$100 refundable deposit at LakeView Studio. The process has been not to collect that and, therefore, we're eliminating this from the ordinance. It wasn't necessary for that room at the LakeView RecPlex.

We have a number of program rate changes. They're actually attached to the memo. There are actually different attachments that are included in the ordinance. Most of this is like \$1 or \$2 increases in different fees like through fitness classes, learn to swim classes. There's a \$25 fee increased here but what they're doing is combining the completion card with actual lifeguard training program.

Then you have a couple new fees. We have a demo week for fitness and they're adding a daily pass for that demo week for non members. A couple other fees here for additional fees of \$1 for dance. A couple different fee additions for sports training, for soccer. Everything is marked in red on your handout. Those are all the changes. We also have martial arts going up \$1, some additional longer martial arts programs being added. An increase in the indoor soccer for men \$25 to help try to get the kick ball leagues off. We reduced the fee actually by \$100. Increased the fee for softball leagues by \$10. We have some new sports camps, dodge ball being added. We're increasing, again, the TR program by \$1.

For summer camp it's a new way that we're pricing the summer camp. Before we used to have the summer camp run from 8 a.m. until 5 p.m. If parents wanted to drop their children off earlier or leave them later they had to pay an a.m. or p.m. additional fee. They've eliminated that and increased the actual weekly fee and daily fee to include from 6 a.m. to 6 p.m., so we've incorporated that fee into the actual base weekly fee.

And then days off we've increased some of the pricing on their days off programs, school age also. Then we have Preschool U, we're actually recommending a change effective January 2, 2009. We haven't raised our rates in that area for a couple of years, and we're still competitive even with the increase in rates for the Preschool U.

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Again, youth and family programming levels we increased \$1. So that's pretty minimal different changes that we've made in terms of the program rates. Birthday parties and field trip rates—

John Steinbrink:

You folks in the back can feel free to move up to the front at any time.

Kathy Goessl:

We don't bite.

Steve Kumorkiewicz:

A little like church, they all sit in the back.

Kathy Goessl:

We also have birthday parties and field trips that is actually adding a field trip combo package, so the field trips they can buy a swim, skate, gym-type combo package. We've eliminated a section in this ordinance concerning memberships actually covered in detail in Section 242.9 A. 21.

This is a clean up. We no longer have an ice arena director so that has been changed to reflect the director of recreation. Also, learn to skate instructors it's more of a clean up. We had learn-to-skate instructors and learn-to-skate coaches so we just combined the definitions together.

Then we have the ice facility fees. We start out with birthday party rates. And in this section they recommend removing the ice birthday party fees from this section. They're actually included on the attachment 5:1 along with the Rec birthday parties. So we're combining stuff together and eliminating the Ice/Rec division. This is one of our bigger changes. It's to do with the rental rates for the ice facility. Carol will be talking shortly about a partnership with our user groups, our major user groups. So we have separated our rental rates for ice. Currently we only have one rate for ice. Now, we're going to have a partner rate and a non partner rate. The non partner rate is listed here at \$260, and the actual partner rate will go up from \$240 to \$245. Late nights we're actually dropping the fee from \$150 to \$130 to encourage our late night rentals. That's 12 midnight until 5 or 6 in the morning. Also, we've increased our prime time non seasonal up from \$190 to \$200 for our non partners, and left it at \$190 for our partners and late night, again, in the non season we have dropped our late night to \$130.

We've changed some stuff in terms of rental cancellation policy. We have changed it from \$20 per hour to \$25 per slot. Rescheduling of ice time there's some language in there concerning, again, from \$20 an hour to \$25 per slot. Rental adjustment policy we recommend changing the notification for our rental or price adjustment from 60 days down to 30 days. Then contracted professional skating instructors - this recommendation is to change the verbiage in that area. In that area it's the discretion of the ice arena managers that private lessons may be permitted during open skating sessions, so if you have a real dead skating session, open skating session, it's up to

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the ice arena managers to determine that they can have a free style or private lesson on that time frame.

Then we have ice facility fees, rental rates, I went over that already in terms of reducing the late night and implementing the partner rate. And public skating and family skate fees, this is more of a house cleaning issue. We're currently charging \$8 per hour and the ordinance had stated \$7. We missed that when we changed our rates last time. And we're recommending with our new lock ins to change that from \$12 to \$15.

Carol Willke:

What Kathy had mentioned about the new user group policy, over the past couple years we've had several user groups that have been coming in and renting space at the RecPlex, IcePlex and ball fields on a regular basis. And we currently have three groups that are out at the facility a lot. One is the Wisconsin Juniors Volleyball Team, the Cutting Edge Figure Skating Club and the baseball Predators. They've all come to us at various times asking for different accommodations. So we figured this was a good time to sit down and try to put together a partnership agreement that we could fairly and equitably then treat everybody the same.

So what we've come up with is that any user group that has a minimum of ten members who currently hold a family membership can come to us and request that they become a partner with us. In exchange for that each of their members, everybody who is in their user group has to become a member of the RecPlex in some fashion and we have three different ways. They can have a family membership at corporate rates which are the best rates that we have; they can have a youth membership with facility usage and that's for kids who are 14 to 18 because you have to be 14 to be in the facility by yourself, and that would be \$240 a year and they could use the entire facility outside of their practice times or they can use the facility like any other member would. And then the third option would be a youth membership without facility usage and that would be \$75 a year. That's just covering the cost of the wear and tear on the facility and the toilet paper we're using in the bathrooms, the soap, the water, just to cover our basic costs.

Everybody who joins at any of these levels will receive member rates for all programs. Then the group itself will receive the partnership rate that Kathy has already talked about. The user group in itself will get the member or partner rates. They can use the RecPlex. We will do the registration for them if they so choose. They can call the RecPlex their home. They've asked for banners or signs being put up saying home of the Wisconsin Juniors or home of the Predators Baseball Team. They can have two fundraising events a year which we have to approve. They will get the promotion of their group on the website and Play by Play. We're going to have a separate half page or so with all of our corporate memberships or corporate partners. They will get limited first choice of prime time rentals after, of course, our programs have been already scheduled. They'll get to use the RecPlex logo on their team apparel and banner. They will also be getting a small storage space that they can keep some of their supplies that they use on a regular basis. A free rental room for some meetings, coaches' meetings, limited use of the copier, a couple of other small items that are listed in your packet.

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What we receive beside the membership and the partnership agreement is they are going to be providing one free annual clinic or program that we will promote as our own. We will also have the RecPlex being promoted on their websites. All of them have pretty developed websites. We get the advantage of having them in the building and hopefully them purchasing family memberships or at least a youth membership. And then all the user groups will be encouraging their groups to use the RecPlex facility and all the other options that we have as far as the rental rooms.

John Steinbrink:

Thank you.

Mike Serpe:

I'm going to sound like a broken record. Have we given consideration to a Monday through Friday let's say from 9 until noon senior citizen membership even if we could utilize some of our transportation vehicles to go to certain senior housing complexes and pick them up and take them back?

Carol Willke:

We have been programming some senior activities. We're kind of waiting for the bus that we're going to be getting this summer so that we can go to some of the assisted living facilities and actually transport. That seems to be the problem with a lot of the seniors is transportation. But we have already developed some of those relationships.

Mike Serpe:

I'm glad you're doing that. And I also would highly recommend this partner thing that you have going with this, that may be very, very popular. I think if you can get that out to as many people as possible I think that's going to be great. It's a nice program to have. Kathy, revenue from the beach operation - that would be the boat rentals, the pavilion. What did we do last year on that?

Kathy Goessl:

The boats, and I don't have the exact dollar amount with me, but the boats are very limited use of the boats since they moved them from where they used to be by Froggy's. Where they were very prominent over by the beach it seems they reduced in terms of rentals. But the first year was also a novel year in terms of their being new and stuff. We just have to do some advertisements and promote the boats. On the pavilions and stuff in the summertime they're rented almost every weekend and the picnic areas and different areas but I'm not sure exactly of the revenue. I don't have that in front of me.

Mike Serpe:

How about the beach itself?

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Kathy Goessl:

The beach itself in terms of revenue is around \$20,000 annually that we bring in for that. It's also a RecPlex member benefit at this time. So a lot of the people that come there are RecPlex members that don't have to pay the additional money to get into the beach area.

John Steinbrink:

Mike, it might be good for you to organize a regatta or something like that where we could utilize the boats and get public awareness and people functioning and using those. Further comments or questions?

Monica Yuhas:

Move to approve Ordinance 08-32.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion?

YUHAS MOVED RECEIVE THE RECREATION COMMISSION RECOMMENDATION AND ADOPT ORDINANCE NO. 08-32 - ORDINANCE TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO PARKS AND RECREATION FEES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

J. Consider Resolution #08-20 - Resolution to dispose of surplus pagers from the Fire Department.

Mike Pollocoff:

Mr. President, this is a resolution authorizing disposal of equipment by the fire department to replace because of the surplus from replacing our existing 30 Motorola Minitor II's and 26 Motorola Minitor III pagers. So I'd request that the resolution be adopted and the Chief be authorized to advertise for a likely subject.

Mike Serpe:

So moved.

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Monica Yuhas:

Second.

John Steinbrink:

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

SERPE MOVED TO ADOPT RESOLUTION #08-20 - RESOLUTION TO DISPOSE OF SURPLUS PAGERS FROM THE FIRE DEPARTMENT; SECONDED BY YUHAS; MOTION CARRIED 4-0.

K. Consent Agenda

- 1) Approve a Letter of Credit Reduction for the Ashbury Creek Development.**
- 2) Approve Bartender License Applications on file.**
- 3) Approve the request of Tim Hackbarth for a Street Light to be installed at the west end of 82nd Street west of 104th Avenue.**

Steve Kumorkiewicz:

Move to approve.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica.

KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3; SECONDED BY YUHAS; MOTION CARRIED 4-0.

10. VILLAGE BOARD COMMENTS

Monica Yuhas:

I would like to thank Rocco Vita. A couple weeks ago I spent Friday morning with Rocco going over revaluations. And he simplified it and broke it down and spent a lot of time showing me the process and I really do appreciate it. I wanted to thank Rocco and he's not here tonight.

Mike Pollocoff:

I'd like to recognize the IcePlex staff and the RecPlex for putting together a really good ice show. If anybody got a chance to make it out there it was a really good performance. They brought in some guest skaters that were really high caliber. I told Carol and Jody that just from sitting there

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looking at the capabilities and performance levels of the skaters now versus a few years back you could tell it's getting better. As they get older they're skating through the system and they're actually skating better than they were in the earlier programs. So it was a nice program. I think everybody who was there liked it. It was a ton of skating. I think we were there over three hours with the program. I had a tired cold butt and that was a lot of freezing.

John Steinbrink:

Will that be carried on Channel 25 sometime?

Mike Pollocoff:

I think excerpts will be, yes.

11. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 9:05 P.M.