

**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 5, 2008  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, May 5, 2008. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe (6:35 p.m.). Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Mike Spence, Village Engineer; John Steinbrink Jr., Public Works Superintendent and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ELECT PRESIDENT PRO-TEM**

John Steinbrink:

Item 4 is to elect the President Pro-Tem. Usually that honor will go to somebody that's not here, but in this instance we're going to start without Mr. Serpe. Do I have a nomination for President Pro-Tem. I'll nominate Monica.

Steve Kumorkiewicz:

I second that.

John Steinbrink:

Mike, can you explain the duties a little bit first?

Mike Pollocoff:

Sure. It doesn't pay anymore, but President Pro-Tem acts in the absence of the Village President, and primarily that involves the conduct of a meeting should the President not be able to attend, or if the President should recuse himself or step down during an active meeting, or if something were to happen where there was a prolonged absence. President Pro-Tem, just like a President, is a voting member of the Board.

John Steinbrink:

We have a nomination and a second. Any other nominations

Village Board Meeting  
May 5, 2008

**STEINBRINK MOVED TO ELECT MONICA YUHAS PRESIDENT PRO-TEM;  
SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0 WITH SERPE ABSENT.**

Note: Mike Serpe in attendance

## **5. PUBLIC HEARING**

- A. Consider the construction of municipal water on 93rd Street, 250 feet west of 30th Avenue and 445 feet south of 93rd Street along the Kenosha County Bike Trail to Springbrook Road and Final Resolution #08-15 authorizing construction of public improvements and levying of special assessments.**

Mike Pollocoff:

Mr. President, this is a municipal water project that although it's a distance from the TIF District it's part of the TIF project plan because it serves to loop the north end of the Village water system on 93<sup>rd</sup> Street between Sheridan Road and ultimately the ground storage booster tank on 93<sup>rd</sup> and Green Bay Road. If you look at the project on the map there it shows the water main currently ends on 93<sup>rd</sup> Street just before you get to the bike path, and it really picks up again on the other side of Springbrook Road. After performing an evaluation of the project - there's a water main on Springbrook Road - it was more cost effective to come down the bike path with the water main rather than go down 93<sup>rd</sup> Street because there's no one really to service other than one house. We would be involved in the reconstruction of that odd four-way interchange of 29<sup>th</sup> Avenue, 93<sup>rd</sup> and Springbrook Road. So just the pavement restoration costs were considerable.

So in this project, we undertook the project. We were able to, given the location and the lay of it, do a bore rather than an open trench construction which in most years that would have been beneficial to the bike path, but this year's it's been pretty wet and I don't know if people were on it anyway. But we were able to get this done with minimal excavation versus an open trench.

As such, the assessment schedule on this is prepared for the five properties that are involved on it, and should they choose to connect to the water they would have to pay, and other than that the TIF District is paying the cost because it's a system improvement not directed by a petition or a request from a citizen for water.

The assessment rate is \$58.49. It includes the frontage for water mains. It also includes water service at \$1,500. The assessments go all the way from one parcel that only needs a lateral connection to one property that does have over 260 feet of frontage that could be dividable and that would be \$16,713. These assessments will become due and payable should they decide to connect to the water and use it. Other than that it would remain as a deferred assessment that would not need to be paid if the property should change hands or even change use as long as there's no need to connect to the water.

The project is going to be complete, it's virtually complete now. It should be completed as far as restoration and water testing within the next month. We would send out a notice on an annual

Village Board Meeting  
May 5, 2008

basis as we do with all our deferred assessments notifying them they have an opportunity to connect and use the water if they so choose. In as much as it's a deferred assessment, there's not a deferred special assessment or a payment plan with these, it would be something that the entire amount would come due at such time as they choose to connect and use the water. With that, Mr. President, if you'd like to open the hearing, we can see if anybody has any questions or comments that we can address.

John Steinbrink:

This is a public hearing. We ask that you use the microphone because this is being recorded, and that you give us your name and address for the record.

Jane Romanowski:

We didn't have any sign ups, Mr. President.

John Steinbrink:

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

Steve Kumorkiewicz:

I have a question. Being that this improvement is paid by the TIF there is a limit of ten years same as when a private developer does it?

Mike Pollocoff:

Yes, the Public Service Commission does not permit the Village or a developer to go beyond ten years on deferred special assessments. So if after ten years they haven't used it we're unable to carry that on the books, and the utility would have to pay for it, but in this case the TIF District would have to pay for it.

Steve Kumorkiewicz:

Okay, so ten years.

Mike Pollocoff:

And I might add also that this is a larger main than is typically needed by a residential area so the assessment is based on a residential size main which is eight inch. This is a twelve inch main.

Steve Kumorkiewicz:

Thank you.

Village Board Meeting  
May 5, 2008

John Steinbrink:

If there is no further comment I'd entertain a motion for adoption of Resolution 08-15.

Monica Yuhas:

Motion to approve Resolution 08-15.

Steve Kumorkiewicz:

Second.

**YUHAS MOVED TO ADOPT RESOLUTION #08-15 – FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING OF SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF MUNICIPAL WATER ON 93RD STREET, 250 FEET WEST OF 30TH AVENUE AND 445 FEET SOUTH OF 93RD STREET ALONG THE KENOSHA COUNTY BIKE TRAIL TO SPRINGBROOK ROAD; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**6. MINUTES OF MEETINGS - APRIL 21, 2008**

**KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE APRIL 21, 2008 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

**7. CITIZEN COMMENTS**

Dick Ginkowski:

Good evening. Dick Ginkowski, 7022 51<sup>st</sup> Avenue. It's good to be back. A couple of comments on items of interest. Item J on the agenda, the start time for the Village Board meeting, back in 2005 when there was an election and a desire to follow up on that with more citizen participation and Village government, the meetings were moved from 5 to 7:30. That lasted for a few months, and the decision was made that that was a little too late, and after some discussion a compromise wisely suggested I believe by Mike Serpe who is usually good at getting down to the common sense of things came up with 6:30 and that has stuck ever since and has seemed to have worked out very well. All of our neighboring communities have a 7:00 start time. With 30 percent of our workforce in the County working in the State of Illinois, it doesn't make a lot of sense to even think about moving it any earlier plus the fact that people who do work sometimes need to run home and take care of things, grab something to eat and come back.

I'm sympathetic with Village staff having to be at these meetings. I do think that they certainly should be able to receive some flex time for the time that they are here. I see no good reason to tamper with where we are at right now. I do think that we've come up with an acceptable time that seems to work out. Perhaps maybe it should even be 7:00 like the neighboring communities, but 6:30 was an appropriate compromise and I think it ought to stay there.

Village Board Meeting  
May 5, 2008

That said moving on to something else, imagine if you will going into the self-service gas station, pre-pay at the pump, buying two gallons of gas and only getting one. You'd be pretty mad. You'd walk in, you'd express yourself and you'd be absolutely justified in so doing. So some people say what business does Pleasant Prairie have being concerned about what goes on with the School District? We have every business to do that. We are paying one-fourth of the budget to educate one-eighth of the students of the district. So realistically speaking, just like the pension funds that often get involved in corporate affairs of the corporations they invest in, this Board and this community has every reason to be concerned right off the rail just from that.

But also to bear in mind that when we see some questionable financial dealings by our School District we have even more reason. I think the Board wisely utilized the School Commission, which I've often said either we ought to give it some real work to do or get rid of it, to look into this and I think the Board deserves congratulations for that. There has been an undercurrent that's been reported of some interest in the Village forming its own school district. It may not be possible. It may not be feasible. It may be a good idea; it may not be a good idea. It may require a legislative change. In fact, I'm almost certain it might require some of that, but realistically speaking maybe it's time to give the School Commission some additional substantive work to do and look at this issue, study it, report back to the community and say whether or not this is a good idea worth looking at now, worth looking at the worth or not worth looking at, period.

I think it's something we owe the people of this community to take a look at so we can provide a quality cost effective education when we are paying twice for what we receive. And understand at some point we will increase the number of enrollment of children from Pleasant Prairie, we have every right in this community to weigh in on this, and this Board really deserves congratulations for looking at the issue of school finances but, more importantly, we ought to look at the whole picture so that we can have an intelligent discussion and know whether or not this is a good idea. It's been bubbling for a while. It deserves some recognition, and on top of that we ought to express our concern about how affairs of the School District are being run. We, through our Village Board, have a mechanism for doing that through our School Commission. And, quite frankly, when we are paying the freight that we are paying and only getting half of what we pay for we ought to be asking some tough questions and coming up with some good answers. Thank you very much.

John Roscioli:

Good evening. John Roscioli, 11545 14<sup>th</sup> Avenue. Actually I want to comment on both of the same things Mr. Ginkowski did. I don't really care what time you want to have these meetings, whether it be 6 or 6:30 or 7 or 9:00. But I think School Commission, Plan Commission, Board meetings, Parks Commission, Rec Commission should all be at the same time so citizens like myself who have lives, two small children, can come to the meeting and not have to say, oh, wait, I forgot it's the School Commission and it's at 7 and not at 5. That's just ridiculous. So if we can try to get on some even keel. If there's five days in the week and all the commissions don't meet weekly it should be able to be worked out. It's even enough. I don't care what time you pick, just be uniform about it so everybody can know. Thank you for that.

Village Board Meeting  
May 5, 2008

As far as the School Commission is concerned I've mentioned this to Steve today, and we've been trading e-mails back and forth. I don't know what we can mandate as far as our influence with the KUSD School Board, but they're effectively running the second largest employer in Kenosha County, and there's no edict for us to have one seat, two seats or summers for that matter to have a seat. I know we're fortunate enough to have two Pleasant Prairie residents on the Board right now, but there should be something in place where we get equal representation. I'm not saying fiscally or student-wise, but we have to come to some agreement and kind of enforce our will upon them if they're not willing to listen. It's something that this Board should take seriously. I know they have the people in place to do it. I just think they have to be willing to accept tough answers from us because we're worth it. Thank you.

Jeff Lauer:

Hi, Jeff Lauer, 3245 124<sup>th</sup> Street. I'm here on a couple issues. The main one is Item J on the agenda about the start time meetings. I do agree with how Dick explained it. I think 6:30 is a good time. I think it's convenient for the residents. We do have a lot of folks that work in Illinois, Abbott Lab. I know some that work down in Chicago area and that, and I think 6:30 would be a good time. I think the past couple years since it's been changed we've seen good citizens show up here and citizens we haven't met before. So I would encourage you to keep it at 6:30.

I know the other item that's been in the paper does deal with Unified. I'm looking forward, Monica, to that May 15<sup>th</sup> item where citizens can come and hear. I know it's a great task. I know someone that had their own school district, but I think we know that would be a great undertaking and the cost would be quite high. Thank you for your time.

Alex Tiahnybok:

Good evening. Alex Tiahnybok, 8757 Lakeshore Drive. A lot of my thunder has been stolen already but I just want to reiterate some of the comments made. Specifically on the meeting times I was a political football back in 2005. It was moved to 7:30 intentionally to make it difficult. Dick indicated that Mike Serpe suggested 6:30 back then. I think we were in agreement on that, and I also support the notion that that not be changed.

Commission meetings range from School is at 7, CDA is at 4:30, Parks at 6, Plan at 5, Police and Fire at 4, Recreation at 6 and Zoning Board of Appeals at 5 p.m. Mr. Roscioli's comment about uniformity I think should be well taken also. I realize that some of the meeting times are adjusted for peoples' personal schedules, etc., but this is a government for the people, not the other way around.

Also looking forward to the findings of the School Commission. Back in 2005 I think the topic was brought up by some citizens. Specifically, there was a lady, I don't remember her name, she was with the Navy. She was very passionate. She actually came here and read a statement to us. She was very passionate about the concept and I think it's time. I've heard all sorts of notions of absolute fiscal impossibility that Pleasant Prairie would have to take on its share of Kenosha Unified's debt and then we'd have to pay for schools. These are some of the things I heard from

Village Board Meeting  
May 5, 2008

Steve. I want to not hear suppositions but I want to hear facts, and I think it's time that the School Commission dig to the bottom of that.

Lastly, July 4<sup>th</sup> around the corner. Carol Beach Property Owners Association we're having our parade again, and I'm here to formally invite the Board to the parade in Carol Beach. Thanks very much.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. Like Mr. Tiahnybok said, a lot of us are probably repeating the same thing, and I agree with the comments that were started by Mr. Ginkowski regarding the School District. I think it well deserves taking a good look at it from all angles.

A couple other things I'd like to comment on. One is Items G and H. A lot of people get scare of the words police power. The Board has done this in the past and I'd like to ask them again if they could give a very good explanation of the necessity for having this on the agenda item, and that it does not actually mean that the item is a done deal, but these powers only apply if and when there's a done deal. I've had a lot of people ask me questions about it and I'm not good at explaining it as you folks would be.

Also Item J, again, it's my feeling that our current 6:30 start is perfect. It gives people time to get home from work, get a little bite to eat and get over here to attend the meeting. And probably tonight Mr. Serpe would agree that moving it up may not be the best thing in the world.

Then lastly I had submitted a small ditching plan to begin to alleviate the flooding in Unit 2, and the DNR said it would work, it was a feasible plan, but the Board said that your Village Engineer would not sign off on it. My question is since a form of my plan is in this mammoth item that the Village has come up with, is the Village Engineer going to sign off on your plan? The only thing different between his and mine is his was a pipe and mine was a ditch and the pipe is better, I'll agree with that. Thank you.

Jane Romanowski:

There are no more sign ups, Mr. President.

John Steinbrink:

Anybody else wishing to speak under citizens' comments?

Nancy Washburn:

My name is Nancy Washburn. My address is 5008 Green Bay Road in Kenosha. The Item number J regarding the resolution to change the Board times I do want to just make a couple of comments. I remember from coming to the Zoning Board of Appeals that because of the basis of that committee there actually are people on that Board that are from other areas, and have a lot of multiple commission members. So my concern with trying to find one time, 7:00, 6:00, 5:00

Village Board Meeting  
May 5, 2008

every meeting for that to work I think we have to understand that it needs to work for all those serving and those being served. Personally I would be in favor of the 6:00 start time for the Village Board meetings, but I do believe that there has to be flexibility, and you can't create the same schedule for all the commissions because of the employees involved and the amount of meetings with multiple jurisdictions and multiple committee memberships. Thank you.

John Steinbrink:

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

**8. ADMINISTRATOR'S REPORT**

Mike Pollocoff:

Mr. President, first I'd like to have Rocco Vita address some of the facts and issues pertaining to the upcoming re-evaluation of property in the Village of Pleasant Prairie just to update the Board on what's happening.

Rocco Vita:

Good evening, Rocco Vita, Village Assessor. There was an article in the paper this weekend regarding the revaluation of lakefront properties in the Village of Pleasant Prairie and how the sales that occurred during 2007 hasn't really fared that well with prior years. It also kind of gave everybody an indication that we are going to perform a revaluation for the entire Village this year, and I thought since values should be issued at least by the first week of June this would probably be a good time to just go over a couple points to give an indication of what you may want to expect.

What I've done here is give you a little indication or a little background of the revaluation process. We use sales of properties to perform a revaluation. You can see this here the improved residential sales that occurred during 2005. That's right before the 2006 revaluation. The way we look at data, we try to stratify things, because we know that in the Village of Pleasant Prairie it's a rather diverse community with different types of housing and different shades of desirability throughout. What we can do is we can group neighborhoods by similar characteristics and then take a look at the sales that occur in those neighborhoods to give us an indication on a gross basis of appreciation throughout a community. This is similar to what the Department of Revenue does with the Village in the equalization process, although they don't even stratify it quite to this degree.

The sales that occurred during 2005, and we all recall 2005 was a really good year for residential property sales, not just in volume but also in magnitude, you can see different levels of assessment. This somehow here came out black, that's the word ratio, and that's the assessment to sales ratio. And what that means is that, for instance, on the lakefront properties there were six sales that year. The total assessment was \$3,265,000, but the sales were \$4,605,000, indicating that the sales were far exceeding the assessments at that time.



Village Board Meeting  
May 5, 2008

And similarly in all the different neighborhood groups, with Carol Beach, something we call Rural Character 1, City Associated, South Kenosha, the Modern Subs and the condominiums down here, it gives you somewhat of a sense of overall what those 37 sales in City Associated, the relationship between the sales that were occurring and the assessed value. Now, if you take the inverse of the assessment divided by the sales, it gives you an idea of how much the value in that neighborhood group need to be adjusted so that the assessments reflect the sale prices. And you can see through here Lakefront was leading at the time at a 41 percent adjustment, but most everybody else was in that 14 to 16 percent range, and some of them even in single digits and the Non-Aligned Subs at 12 percent.

Overall, and this is how the Department of Revenue looks at it, it indicated just under 16 percent increase on the residential properties in the Village of Pleasant Prairie occurred during the revaluation. And, true to form, the final report that I file with the Department of Revenue after the revaluation indicated a revaluation increase of 15.82 percent which is probably more coincidental than anything else considering the diversity of the community.

After that revaluation in 2006, our assessments are out there in the public domain, and every property that sells is a test as to what the assessments were like and how well the sale prices perform after the fact. You can see the sales that occurred in 2006, there were 263 of them, again those neighborhood groups and, again, at that point waterfront properties, now these four waterfront properties sold towards the end of 2006, predominantly August, October, November, they were selling for about 10 percent more than our assessments. The other properties, Carol Beach, Modern 1, South Kenosha, they were kind of what you would expect after revaluation, and then some here that were not so much so. Overall you can see in 2006 value appreciation had stalled quite a bit from prior years, on the average of 3.6 percent where in years prior we were closer to between 6 and 8 percent a year.

These are the sales that occurred in 2007. There were 309 sales, although quite a few of them are condominiums, but you can see here at the top is not the Waterfront. The Waterfront is here at the bottom. This is what John Krerowicz had alluded to in his article is that during 2006 the four sales, although it's not a lot, the four sales that occurred were occurring for about 10 percent more than the assessed value, whereas in 2007 we had four sales and they were occurring for about 10 percent less than the assessed value. In between you can see South Kenosha is at the top here, but we have percentages of 3.8, 3.3, 2.7 and some neighborhoods here that have actually on average sold less than their new assessments, the 29 sales in City Associated. It's marginal, but nonetheless it shows some sort of a decline.

So you can see here we're at 3.61. Some of the neighborhoods, Carol Beach, Modern Subs 1 were at 5 percent more, Rural & Highway were 5 percent more, but nobody was selling on average throughout these neighborhood groups less than the assessed values. Now go to 2007. So here we have four neighborhood groups some selling marginally less, one neighborhood group selling quite a bit less, but we're not at a 1.1 percent change from year to year. So it kind of tells you the drag that's been on the real estate market for the last 18 months has been that, it's kind of a drag. As Daneen Smith had said in some of her articles how real estate values are sticky, they're coming down a little bit in some areas and more in others.

Village Board Meeting  
May 5, 2008

My sense is that a lot of property owners in the County, not just Pleasant Prairie but the County, are hanging on. They've endured this for the last 18 months and I think if it goes for another 12 months it could be a different type of market. But when you look at this here, it shows that the Village is 98.86 percent. If you go backwards once, Jean, last year we were at 96.5 percent. Can you go back one more? And, again, in that revaluation in 2005 we were 86 percent.

It really comes down to why do we do a revaluation? In this instance here we do a revaluation to try to retain property tax equity, property tax fairness, property tax uniformity. What this number here shows, which is the inverse of this, is that appreciation changes differently. These benchmarks, the sales that occurred in 2005, had their benchmark in the last revaluation which is January 2004. In those two years you saw different rates of appreciation through different types of neighborhoods, although here it was relatively uniform except for the Lakefront.

Can you go to the next one, Jean? Here again appreciation is 5 percent to 2 percent to almost nominal, but then the lakefront again at 10 percent. But we're only 96.5 percent. Now, that's part of the story, the level of assessment being at 100 percent or close to 100 percent. But the true story, the real value of revaluation is to put everybody at the same benchmark. Because here on a global basis the Village is at 98.86 percent. The number I don't show on here is that co-efficient dispersion. You can see that a lot of the properties are really close, 101 to 96 and some. That's very tight dispersion. This actually has a dispersion of about 7 which is well within the excellent range especially for a community as diverse as Pleasant Prairie.

So, really in all right, you look at it globally the Department of Revenue, who just looks at this slide down here, globally there's no reason for us to perform a revaluation this year. But what we do know that issue of tax fairness, tax equity, these properties here certainly need some sort of adjustment. These properties here certainly could use some adjustment as well, this tier right here. South Kenosha five sales, 91.69. Sometimes the numbers aren't all that telling. There are 288 improved properties in our neighborhood group South Kenosha. One of these sales is a duplex which really doesn't impact many properties other than duplexes in the Village and there's maybe a dozen or two at most. Another one of these sales sold for a great deal more than its assessment because of some illegal improvements in the home that we weren't aware of at the time, but nonetheless it had an assessment and had a sale price.

So what I'm getting to for the most part, we're going to perform a revaluation this year. Adjustments throughout the Village are going to be marginal. There's going to be some increases and some decreases. There will be greater decreases here on the waterfront, and I think this anywhere else in the Village this 4 percent decrease is going to be a pretty large decrease. Otherwise, I think for the most part some neighborhoods, some styles may go up maybe a percent, maybe two, and some neighborhoods and styles will go down a percent and maybe two.

The stratification process that we use when we set the values we'll take apart, for instance, Carol Beach. Carol Beach is comprised of a few different neighborhoods. There's Carol Beach east of the railroad tracks, Carol Beach west of the railroad tracks, Carol Beach north of 97<sup>th</sup>, Carol Beach south of 97<sup>th</sup>, there's Lakeshore Drive and there's Unit 2. And we'll try to look at the sales as best as we can in each of those neighborhoods and by type of home, whether they're one story

Village Board Meeting  
May 5, 2008

or two story, a split level, a bi-level, that sort of thing. So we'll try to stratify it and get it to a finer detail, and there will be pockets.

I think the paper alluded to this weekend Tobin Woods, Tobin Woods will have an increase. I don't recall what was stated in the paper, but the increase will not be as much as that stated. Tobin Woods would be included in Modern Subs 3 as well as Meadowdale Farms and Meadowdale Estates. You can see for the assessment sales analysis there was only four sales. For my revaluation analysis there will be more. For this process here that I report to the Department of Revenue I can only use sales of homes that had a full assessment the prior year. Tobin Woods is a developing neighborhood, and I have a number of sales of homes that were only partially constructed. The increase looked bigger than it really was because the assessments were of only homes that were partially complete. That's about a capsule. Like I said, we hope to have notices out at least by the first week of June. Values shouldn't change dramatically in any one neighborhood other than the lakefront and that will be a decrease.

Mike Pollocoff:

Thank you, Rocco. Assessing some people question how we arrive at it. One of the things that I think that Rocco's staff has been able to deliver with the assessing is looking at everything every two years. Even though the gross number in this case might not change, in order to maintain that equity between the diverse classes that he mentioned, it trues things up quicker rather than letting them get out of alignment. I think if you look at The Municipality which is the newsletter from the League, there's always communities that have become completely out of alignment because they've waited this five year period and pretty soon you have some different classes of housing especially when you have a diverse community. There's no rational reason for what they're assessed.

A couple other things I wanted to mention. We have been, not everybody, John, Jr. and I have been waiting with bated breath to see what the State purchase price was going to be on salt for this coming year. We purchase our salt through the State of Wisconsin contract, and given that nobody has any salt we were all expecting to get smacked pretty good with it. But the price came in at \$36.60 a ton which is up about \$4 a ton. And when you think that this winter people were selling or places were selling salt for \$200 or \$300 a ton, the price is pretty good.

If we couple that with we were able to secure in the FEMA declaration a reimbursement of \$77,000 for the two worst days that occurred in the February 5, 6 and 7 storms, public works has an excellent work order tracking system that's made to prepare the documents for FEMA review for when we have these kind of problems, and we've been able to do this with storm water events or in this case snow, and \$77,000 is pretty good. So we'll be able to purchase in this year's budget 2,200 tons of salt. We have 300 in the barn. That gets us 2,500 tons, and then we'll be budgeting for fiscal year 2009 for another 2,500 tons.

That's pretty much how we've been budgeting it. I guess our chances of getting smacked two years in a row like we did this year hopefully are not that great. But by budgeting and spending that amount no matter what each year we've been able to build up salt reserves for the winter as they come up. That was something we were concerned with, an issue, it would have to come out

Village Board Meeting  
May 5, 2008

of reserves and now we're going to be able to run with it. Our reimbursement from FEMA will be in order to have our salt for the coming year. With that, Mr. President, that's all I have for my report.

John Steinbrink:

Thank you, Mike. I think more than the two of you are concerned about salt especially after last winter. I think everybody got an education on that and have a better appreciation for the public works department and basically for all the municipalities that went through this winter.

## **9. NEW BUSINESS**

### **A. Receive and discuss Annual Report to the Department of Natural Resources for the MS4 General Permit under NR216(Storm Water Discharge Permit).**

John Steinbrink, Jr.:

Good evening, Board and Mr. President. I have included in your Board packet our annual report to the DNR that was submitted by the Village of Pleasant Prairie staff. The annual report summarizes activities undertaken pursuant to the MS4 General Permit under NR216. And the way that I've prepared this was I pretty much took the items that were on the report and put them in PowerPoint form. There were six components of the annual report. The first one was general information, and it asked us to describe what efforts the municipality has undertaken to invite the municipal governing body, interest groups and the general public to review and comment on the annual report.

We are going to take the report and publish it on line on the Village's website to notify the public of permit compliance activities and will designate its first Board meeting in May, which is this evening, following the completion of the NR216 annual report and present that to the Board and to the public.

Describe how elected and municipal officials and appropriate staff have been kept apprised of the municipal storm water discharge permit and its requirements. Staff meets with DNR representatives and consultants to plan and implement required activities related to its permit. During the budget process each year, staff presents a detailed explanation to the Board and public the operational, capital expenditures and new programs required to meet the permit requirements. The presentation has a historical track, year to date expenditures and projected costs for the following year.

The next thing that the report asks is has the municipality prepared its own municipal-wide storm water management plan? Yes, we have. We did that back in 2006 under the Village of Pleasant Prairie Storm water Plan 2006.

Has the municipality entered into a written agreement with another municipality or a contract with another entity to perform one or more of the conditions of the general permit as provided under Section 2.10 of the general permit? Yes, we have. The Village has grouped with the Root-

Village Board Meeting  
May 5, 2008

Pike Watershed Initiate Network to combine efforts related to public education and outreach. Implementation of specific programs is expected to begin in 2008.

Does the municipality have an internet website to convey information? Yes, we do, which is listed above at [pleasantprairieonline.com](http://pleasantprairieonline.com). If the municipality has an internet website, is there current information or links provided to the MS4 general permit and/or the municipality's storm water management program? Yes, it is, and that link is also available on line.

Talking about public education and outreach, describe the status of developing a public education and outreach program in accordance with Section 2.1 of the MS4 general permit. The Village has produced several educational videos that are available for viewing on local access television which is Time Warner Cable Channel 25, and it's available for viewing on the Village website. The Village has also grouped with the Root-Pike Watershed Initiative Network to combine efforts related to public education and outreach. Implementation of those programs are expected to being in 2008.

Permit conditions, public involvement and participation. Describe the status of developing a public involvement and participation program in accordance with the MS 4 general permit. Implementation of the following activities will being in 2008. We will publish the report on line at the Village website, and the Village will also designate the first Board meeting to talk about the report with the Board and the residents.

Illicit discharge detection and elimination. Describe the status of developing an illicit discharge detection and elimination program in accordance with Section 2.3 of the MS4 permit. We're in the process right now of developing that and implementation will begin in 2008. We are currently working with a consultant to adopt an ordinance to prevent and eliminate illicit discharge and connections to the MS4. The ordinance will prohibit the discharge, spilling or dumping of non-storm water substance or materials into the waters of the state or MS4; identify non-storm water discharges or flows that are not considered illicit discharge; and establish inspection and enforcement authority.

Also, the illicit discharge and detection and elimination. The Village will conduct initial field screening at all major outfalls during dry weather periods, and those outfalls have been identified in our storm water master plan. The Village will perform an on-going dry weather field screen of outfalls during the term of the permit. The Village will identify a schedule of inspection for each major outfall. The Village will develop a response, reporting and elimination protocol for outfalls where illicit discharges are found.

Collect construction site pollutant control. Describe the status of developing a construction site pollutant control program in accordance with Section 2.4 of the MS 4 permit. The Village has an erosion control ordinance patterned after the NR152 model ordinance. The Village's right of way inspector is currently responsible for the enforcement of this ordinance through the engineering department. Erosion control plans are reviewed for ordinance compliance by the planning department, public works and engineering department. During the permit period, the Village will continue to require compliance and enforce the provisions of the ordinance. The Village will

Village Board Meeting  
May 5, 2008

formalize construction site pollution control practices by implementing procedures for construction site inspection and enforcement of erosion and sediment control measures.

Post-construction storm water management. Describe the status of developing a post-construction storm water management program in accordance with Section 2.5 of the MS4 general permit. The Village's Storm Water Management Ordinance was adopted in 2007. The Village requires compliance and enforces the provisions of this ordinance through the storm water management plan reviews performed by the engineering department.

Pollution prevention. Describe the status of developing a pollution prevention program in accordance with Section 2.76 of the MS 4 general permit. Pollution prevention program will begin to be implemented in 2008 and it will include the following components: On an annual basis inspect and perform maintenance as necessary of municipally owned or operated structural storm water management facilities to maintain their pollutant removal operating efficiency; street sweeping of curbed roads at least four times per year; catch basin inspection and cleaning if necessary of all catch basins every other year; dispose of street sweeping and catch basin waste at a licensed municipal solid waste facility.

When road salt or other deicers are applied by the Village, no more will be applied than necessary to maintain public safety. A Storm Water Pollution Prevention Plan, otherwise known as a SWPPP, for municipally owned and operated garages and surface storage areas will be completed and implemented in 2008. The Village will evaluate the application of lawn and garden fertilizers on municipally controlled properties with pervious surfaces over five acres each and in accordance with a site-specific nutrient application schedule based on appropriate soil tests. We are currently doing that for any of the areas in Prairie Springs Park or some of the larger parks in Pleasant Prairie that are larger than five acres. On an annual basis the Village will attend DNR training sessions and conduct training for municipal and other personnel involved in implementing this program.

Storm water quality management. Describe the status of developing a storm water quality program in accordance with Section 2.7 of the MS4 general permit. Development of the storm water quality program is under way right now in 2008.

Storm sewer system map. Describe the status of developing a storm sewer system map in accordance with Section 2.8 of the MS4 general permit. We worked about the last three years on developing this map and it is complete, and updates on the map and changes are included as they occur out in the field.

Provide a fiscal analysis that includes the annual expenditures and budget for 2006 and 2007, and the budget for 2008. Approximate operational and capital expenditures budget information for tasks and programs related to the Village's MS4 permit include 2006 expenditures of \$265,000, 2007 expenditures of \$330,000, and for 2008 we're budgeted at \$585,000. The biggest variance of those numbers that we have between 2006 and 2008 is the amount of money that we put aside as depreciation to replace any major storm water projects or infrastructure that has to be repaired for the Village. Has the municipality implemented a storm water utility? Yes, we have, and information on that utility is available on-line at the website.

Village Board Meeting  
May 5, 2008

Inspection and enforcement actions. As of the date of this annual report has the municipality adopted a construction site pollutant control ordinance in accordance with Section 2.4.1 of the general permit? Yes, we have, and the website to find that is on line at [pleasantprairieonline.com](http://pleasantprairieonline.com) under the ordinance section. As of the date of this annual report, has the municipality adopted a post-construction storm water management ordinance in accordance with Subsection 2.5.1 of the general permit? Yes, we have, and the web address is identified on there and also available at [pleasantprairieonline.com](http://pleasantprairieonline.com).

As of the date of this annual report, has the municipality adopted an illicit discharge detection and elimination ordinance in accordance with Subsection 2.3.1? No, we have not, but it's something that we're working on right now with consultants, and we're predicting to have it done sometime by this summer of 2008.

As of the date of this annual report, has the municipality adopted any other ordinances it has deemed necessary to implement a program under the general permit, for example, pet waste ordinance, leaf management/yard waste, parking restrictions or street cleaning? Yes, we have, and the appropriate websites are available at [pleasantprairieonline.com](http://pleasantprairieonline.com).

Provide a summary of available information of the number and nature of inspections and enforcement actions conducted during the reporting period to ensure compliance with the ordinance described in the past four pages. The Village conducts an erosion control inspection and enforcement actions when necessary at all permitted sites as required in the Village's Erosion Control Ordinance and by Wisconsin DNR regulations. Back in 2007 we issued 20 silt fence violation letters, and staff is working right now on revising the Erosion Control Ordinance to make that even more stringent based on the requirements of the new protocols from the DNR.

Does any part of the MS4 discharge to an outstanding resource water or exceptional resource water listed under the Wisconsin Admin. Code, and we do not. Does any part of the MS4 discharge to an impaired water body in accordance with the federal Clean Water Act? Yes, it does, into Lake Michigan. Identify any known water quality improvements in the receiving water to which the MS4 discharges during the reporting period. It says on here that no new water quality improvement projects were completed in 2007. And the DNR's definition of a water quality improvement would be like a water basin. There were three water basins or retention ponds that were constructed in 2006 with Bain Station Crossing, Ashbury Creek, and some additional basins that were west of the I-94 properties. So we do predict as new development happens in the Village they are required to construct the ponds per the DNR standards and remove 80 percent of the total suspended solids in their engineering.

Identify any known water quality degradation in the receiving water to which the MS4 discharges during the reporting period and what actions are being taken to improve the water quality in the receiving water body. We have not reported any to date. And, finally, does the municipality currently have authority from the Wisconsin Department of Commerce to regulate erosion control at public buildings and places of employment? Yes, we do.

Village Board Meeting  
May 5, 2008

So that was just kind of a summary even though it was relatively lengthy of the permit that we had submitted to the DNR, and I can entertain any questions that the Board may have.

John Steinbrink:

Any comments or questions from Board members?

Mike Pollocoff:

I might add this is similar to the process by the DNR if you think back to the waste water treatment plant compliance and maintenance agreements that we have to go through. This brings this project to their way of having the project come up before the Board and have the public in general listen to the comments and be able to respond to it.

John Steinbrink:

I think it's good to see an example of what we as a Village have to submit and why our projects and our Clean Water Utility and all that is in place. This is what we have to do as far as regulations. Without that we'd be in noncompliance throughout the Village if we didn't have the Clean Water Utility. That's what it does and that's what the money pays for.

Mike Serpe:

John, this is an annual report that you have to do with the DNR, is that correct?

John Steinbrink, Jr.:

Yes, it is.

Mike Serpe:

And this is your first one?

John Steinbrink, Jr.:

Correct.

Mike Serpe:

And now that the first one has been completed can we have an idea of how many man hours went into this reporting?

John Steinbrink, Jr.:

Probably almost 40 hours in compiling all the information.



Village Board Meeting  
May 5, 2008

Mike Serpe:

Will that be an annual 40 hour event or will every year thereafter now be a little bit easier?

John Steinbrink, Jr.:

I would assume there are going to be a lot of things that are going to be very consistent in the report. Even though the first initial years we spend a lot of money and time developing ordinances and protocols based on the information. I would assume that any future reports would have the details of any violations or results of new ordinance.

John Steinbrink:

Other comments or questions? Hearing none, thank you for the presentation.

Monica Yuhas:

Motion to receive and file.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica to receive and file, second by Steve.

**YUHAS MOVED TO RECEIVE AND FILE THE ANNUAL REPORT TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE MS4 GENERAL PERMIT UNDER NR216(STORM WATER DISCHARGE PERMIT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**B. Consider Ordinance #08-26 - Ordinance to Repeal and Recreate Chapter 292 of the Municipal Code relating to Solid Waste and Recycling Collection.**

John Steinbrink, Jr.:

Village President and Board members, the Village of Pleasant Prairie Sanitation Department began solid waste and recycling collection to residential property owners on January 1, 2005. The current ordinance was adopted by the Village Board on December 20, 2004. Over the last three years the sanitation has begun automated collection of recycling and most recently implemented automated collection of solid waste. The Village staff began updating Chapter 292 of the village code to reflect current practices and rate structures in March of 2008, and we just completed it last week.

Village Board Meeting  
May 5, 2008

The existing ordinance was difficult to follow and outdated with the new practices that the department is implementing. It was decided to repeal and recreate Chapter 292 of the code relating to residential solid waste and recycling collection, and I will summarize the major changes that we had in the ordinance.

Under definitions, building and construction materials, and this is probably one of the most drastic changes that we're looking at. Right now when we say unlimited volume collection I think there are some people that are taking advantage of that. And by that I mean there are a lot of people that are doing major remodeling projects that they're going through and putting out enough material where it takes our guys half an hour or 45 minutes just to collect the one stop. And so we are proposing that any construction lumber, drywall, shingles, electrical, HVAC or plumbing materials used during residential new construction or large remodeling projects will not be collected as part of the Village collection services. Small amounts of these materials will be allowed to be placed in the Village's solid waste collection cart, and the property owner will be responsible for securing a dumpster from a private company to dispose of said materials.

We went through and defined what a collection cart is, and since we do have a lot collection carts in the Village, it's defined as a Village owned 65 or 95 gallon cart used as the primary collection container. One of the main advantages of going to automated collection is giving the operator the availability to use the automated collection arm which has to be collected from residents that use the solid waste automated container. So the reason we had this definition in there is to prohibit people from just putting out one bag out on the curb where the operator still has to get out, stop, pick up a bag, or using a container. The Village spent the money distribute and implement all the practices to use the collection carts and we would like to see all the residents use them.

As far as collection options there are three different collection options with varying monthly rates and we've gone through those definitions in the past, options one, two and three. We had a definition of what the Village compost site drop off is and that was at the Roger Prange Center, 8600 Green Bay Road. We identified what a garbage container is, and that would be anyone that has option one that wants to use more than what their 95 gallon collection cart can take, that it has to be no more than 32 gallons or weight no more than 50 pounds.

There was not anything in the original ordinance on the leaf collection process and so we updated it with the current practices that we have. And for the solid waste collection, again, we identified it as building and construction materials from new home construction and large remodeling projects are banned from residential solid waste collection. The property owner is responsible to contract collection with a private hauler for disposal. We don't mind picking up one sink or some carpeting or anything like that, but once you fill half your garbage truck up with one stop when someone is remodeling their whole house or putting on a new roof or residing their whole house I think that's really wasn't the intent of the original ordinance.

White goods, antifreeze, cell phones, concrete, stone, dirt and clay were all added to the list of materials not to be allowed as solid waste, and all of those items do have other collection processes available for collection. The new solid waste collection cart and recycling cart must be used as a primary collection container as I talked about before just to implement the speed of the automated collection.

Village Board Meeting  
May 5, 2008

We made a change to the definition of special collection, is that non scheduled special collection was added to a set a billing rate for residents who set out white goods or bulk items without scheduling a collection within the Village boundaries. We've been having a problem over the last couple years where somebody will move out of their house, sell their house, and then on their last day they take their stove, their oven and everything else and just put it out at the curb or mattress. They really haven't called for a bulk pickup or a special collection. The house sits vacant for a couple months and we were kind of in a bind as to now what do we do this. This kind of gives us a little bit of teeth where we can go and charge the property owner for putting that material out even though he has not followed the proper protocol.

Solid waste and recycling containers. Anyone that wants to upsize or downsize their recycling or solid waste collection cart, having a charge that just covers the Village's cost to go out and pick up that. We're looking at doing that primarily for the solid waste cart. But if someone does want to upsize their recycling cart they will be allowed to do that at no charge because we do want to encourage recycling in the Village.

Collection location, we put down an identification of where we thought the best fit locations are for the collection carts, and we like to see them at the opposite side at the driveway where at all possible. Hours of collection were revised to 6:30 a.m. which reflects the actual starting time of our collection crews. It was 6:00 a.m., and so we just made that more current to reflect our practices. Cost of service was updated to reflect the new monthly rates for solid waste, recycling, compost and leaf collection at either the \$13.50 for option one, \$13 for option two or \$12.50 for option three.

And violation and penalties, residents will be charged a minimum of \$20 for each non-approved white good, bulk item, hazardous waste item, compost item which can be disposed of at the compost site found in their solid waste or recycling garbage container. Now that we have handed out these large recycling carts, we're noticing that once in a mile we find a 19 inch TV in there which is a hazardous material. We do have cameras that are inside the hopper and so we can tell out of which cart comes which material. But the problem is that there's a packer inside of that hopper that fills up the rear of the garbage truck and that cycles about every two seconds. So even though we know that it's in there we're not able to jump in there and grab it safely. So we are just going to charge them as if they would have called for it just kind of based on the operator's viewing it. So we have some protocols in place for that. And we're finding some areas where we're finding some leaves and compost in there. It's not happening on a regular basis, but we have noticed a couple, and so just to address any of those cases moving forward we'll have some protocol on the books for it.

That's kind of a summary of the major changes of the ordinance and I can also entertain any more questions.

John Steinbrink:

Thank you, John. One of the benefits of putting that bag of garbage in a cart rather than on the curb is the fact that we get into the summer season where more animals are out there, it's going to

Village Board Meeting  
May 5, 2008

prevent that animal from getting into that garbage waste and creating a real mess that somebody has to clean up out there. By noting some of these abuses and taking corrective action here, it's probably our goal to keep the cost down for all the taxpayers and residents of the Village. As a few people go above and beyond what would be considered normal and customary and abuse the service, that reflects in more costs for the rest of the residents. I think, as John stated, we have places and schedules out there so that you can dispose of all these excessive items. I think in a lot of the remodeling in the buildings we do ask that they put a dumpster at the site and use that dumpster for the purpose intended rather than the abuse of our garbage collection system. Any other comments or questions from Board members?

Mike Serpe:

John, you've had a couple weeks now with automated garbage pickup. Is it working to your expectations, better or not quite? How is it going?

John Steinbrink, Jr.:

You mean as far as speed of collection? It's definitely working as good as we had predicted. We had been using the automated collection arms for the recycling carts since January 1, 2005, and we're pretty much right up to speed at those rates already. One of the main concerns was how much garbage from the residents is going to fit inside that 95 or 65 gallon garbage container, and how many additional containers will be put outside? From talking with my staff, I haven't gone out and done any really hard numbers, but they're saying over 80 percent of all the stops are fitting inside that one large collection cart. So that's 80 percent less time that the operator has to get in and out of the truck. I am predicting to see a lower number in my Worker's Comp claims because of that.

Clyde Allen:

John, thanks for the update. I like the whole process. Recently I've actually witnessed somebody putting a TV in a garbage can. What's the ramifications? That bin is awful big and people are going to be able to hide a lot of hazardous things in there. What happens if we have too much hazardous waste come out of this?

John Steinbrink, Jr.:

When we go to the landfill we are contracted on a five year basis at a set rate for our tipping fees, or that's the amount of money that we pay to dispose of our dump under just residential garbage. If that load would get contaminated and be called a hazardous load, we would have to go and pay the hazardous rate to dispose of that material. That's why we really want to discourage any people placing hazardous materials, white goods, any types of compost in the residential solid waste.

Village Board Meeting  
May 5, 2008

Clyde Allen:

I know you mentioned that you would go and charge someone that would put a TV in the bin. Has there been any thought to also charging them for hazardous waste as well for violating that to really discourage that? Every taxpayer could be affected by too many people abusing the system.

John Steinbrink, Jr.:

I guess one of the things that we were just trying to do was just be as consistent with our numbers as we could. So the Board had it in at \$20, but if the Board would want to raise it up to \$40 or the same as a non scheduled special collection I guess that's something that we could entertain also.

Clyde Allen:

Thank you.

John Steinbrink:

Comments or questions?

Mike Serpe:

John, you mentioned that the packer moves every couple seconds to compact the load.

John Steinbrink, Jr.:

Correct.

Mike Serpe:

In the event that one of your employees witnesses something being dumped that's illegal and wishes to take some type of action, what if the citizen challenges that? Where is the evidence going to come from?

John Steinbrink, Jr.:

I guess it would just be the operator's word versus the resident's word and that's something for the court to decide. We do have a camera but it's not capable of taking a still picture at the time. And maybe that's something during the budget process we can do something where the camera would be able to take a still shot and identify with the RFID tag and the garbage cart and bill accordingly. That's something we probably should put into the 2009 capital program.

Mike Serpe:

We'd have to look at that. That's a good idea. And in the process until that becomes a reality I can't stress education enough on this with the Village newsletter and whatever you can do to put

Village Board Meeting  
May 5, 2008

the information out there. You can put all the fines out there you want but people getting charged have a right to challenge that and I think we have to protect ourselves in that way as well.

John Steinbrink, Jr.:

And I would like to agree that the Village newsletter has been the greatest thing to have out as far as a public education tool. On the front cover of the May issue we did have a picture of good examples on how to place your cart and bad examples, and as soon as that hit the streets we noticed a large increase of people that were doing it the proper way. So the word really is getting out with that. People are using the website. People are using all these. People are watching Channel 25 so all these educational resources that we have are really paying off.

Mike Serpe:

Move to adopt 08-26.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Further discussion?

Steve Kumorkiewicz:

I was going to say that I hear a lot of positive comments about the garbage collection in the Village. The residents are very happy with it. That was an excellent move. More saving in Worker's Comp. We have less people with back problems. If they're going to lift a 30 gallon container and they've got to have their . . . and there goes the back. That's one of the best things that can be done. Very good job, John.

John Steinbrink, Jr.:

Thank you.

John Steinbrink:

We have a motion and a second for adoption of 08-26.

**SERPE MOVED TO ADOPT ORDINANCE #08-26 - ORDINANCE TO REPEAL AND RECREATE CHAPTER 292 OF THE MUNICIPAL CODE RELATING TO SOLID WASTE AND RECYCLING COLLECTION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

Village Board Meeting  
May 5, 2008

**C. Review and consider Chapter VIII, "Agricultural, Natural and Cultural Resources Element" of the Multi-Jurisdictional Comprehensive Plan for Kenosha County.**

Jean Werbie:

Mr. President and members of the Board, Chapter VIII is the Agricultural, Natural and cultural Resources Element of the Multi-Jurisdictional Comprehensive Plan for Kenosha County. This chapter was presented to the comprehensive planning group on Tuesday, but it was tabled by the group just to give everyone a greater opportunity and the local boards and commissions to take a look at it. So we would be considering it before the group has taken the chapter up.

Chapter VIII, the Agricultural, Natural and Cultural Resources Element, is one of the nine elements of the Comprehensive Plan. The Statutes requires that this element compiles goals, objectives, policies and programs for the conservation and effective management of the following natural resources, many of which we have in Pleasant Prairie. Groundwater, forests, productive agricultural area, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources, parks, open spaces and recreational resources, historical and cultural resources and community design.

Within this element there's a series of planning goals that are being evaluated by the County and will be also by the Village as part of our update of this Comprehensive Plan. Promotion of the redevelopment of lands with existing infrastructure and public service and the maintenance of existing residential, commercial and industrial structures; protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and ground water resources; protection of economically productive areas including farmland and forests; encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state government and utility costs; preservation of cultural, historic and archaeological sites; building of community identity by revitalizing and creating main streets and enforcing design standards; planning and development of land uses that create or preserve varied and unique urban and rural communities.

This chapter is divided into four different parts. The first part describes conservation funding programs used to preserve agricultural, natural and cultural resources that apply to our County. There's a very large group of resources and programs that have been identified in the chapter, many of which apply to other parts of the County, some of which apply directly to Pleasant Prairie. These are sources for grant funds for acquisition, preservation and development of park and open space sites as well as trails and bikeways in the County.

Part 2 of this chapter identifies specific issues and sets forth goals, objectives, policies and programs that are intended to promote the conservation and effective management of agricultural resources, including productive farmland and to promote the economic viability of working farms throughout Kenosha County.

The planning goals as part of this section of the chapter are summarized as follows: To preserve and protect agricultural and farmlands; identify and encourage desirable and sustainable agri-

Village Board Meeting  
May 5, 2008

businesses and job development; preserve soil conservation practices to reduce farmland erosion; preserve a sufficient amount of agricultural land to ensure farming remains viable and sustainable in areas of the County; identify productive farmlands and support their protection and management as an economic resource; protect farms and farming.

Part 3 of the chapter identifies specific issues and sets forth goals, objectives policies and programs, and these are intended to promote the conservation and effective management of the natural resources in the County including significant geological sites, areas adjacent to Lake Michigan, nonmetallic resources, watersheds, surface waters, wetlands, floodplains, groundwater, woodlands, natural areas, critical aquatic habitats, environmental corridors, natural areas as well as park and open space areas.

The planning goals within this section of the Chapter are summarized as follows: Preserve and enhance the natural resources; preserve primary environmental corridors including secondary environmental corridors and isolated natural areas; preserve natural areas; preserve critical species habitat sites; preserve habitat for native plants and wildlife by protecting the corridors and preserve significant geological areas; encourage integrated water resource management of surface and ground water and water dependent natural resources; protect and enhance surface water quality; protect, conserve and enhance groundwater quality and quantity; encourage integrated water resource management; protect floodplains from incompatible land uses; protect wetlands from destruction and degradation; encourage urban development to be located on soils suitable for that type of development; again, encourage water resource management of surface water, groundwater and water dependent resources; protect Lake Michigan's water quality and shoreline; ensure an adequate supply of nonmetallic resources at a reasonable cost; protect naturally occurring bio-diversity; reduce the risk of disease, injury or premature death associated or caused by hazardous environmental factors; reduce human and environmental risk posed by hazardous animal waste; preserve and enhance natural resources; preserve rural and natural character and vistas; provide a wide range of outdoor recreational opportunities; preserve and enhance the system of parks, trails and open space; and improve access to recreation opportunities. Again, throughout the chapter, there are very specific objectives, policies and programs that can help us achieve each of these planning goals.

The fourth part or the final part of this chapter identifies specific issues and sets forth goals, objectives, policies and programs intended to promote the conservation of cultural, historical and archaeological resources within our County. Additional goals, objectives, policies and programs are intended to support museums and cultural venues, events and organizations that promote the arts and the heritage of the County and to contribute to the quality of life and economy within our County.

Some of the planning goals include preserve and enhance historic and cultural resources and character; preserve historical structures and sites; preserve historic districts; promote cultural resources and heritage related tourism; preserve archaeological resources that contribute to the County's rural and small town character; preserve archaeological resources that contribute to the County's heritage; and promote cultural resources and heritage related tourism.



Village Board Meeting  
May 5, 2008

A few more goals include supporting the efforts of local historical societies to provide a greater understanding of history and heritage to the public; promote cultural resource and heritage related tourism; support a wide range of artist performances, art exhibits, displays, fairs and educational programs; and to support a wide range of entertainment and recreational opportunities. Again, within the chapter there are some very specific programs as well as activities, goals and objectives that help to support these concepts.

There are a few edits and minor modifications and corrections that the staff is recommending that SEWRPC insert into the document prior to finalizing the document. One area of concern that was not brought up at Plan Commission but it had to do with the creation of tax increment finance districts and the importance of those districts in creating viable economic opportunities within communities outside of the core urban areas of the community but in those areas we can promote economic opportunities within our community such as along I-94. The other minor modifications in here I have sent to SEWRPC, and with that the Plan Commission recommended approval of this chapter, and the staff also recommends approval.

Monica Yuhas:

I have a question for Jean. Jean, on the back of the maps it says under preparation. Are those maps going to come before us when they're finished, or will they just be inserted with the final?

Jean Werbie:

It is our intent that once each of these chapters has gone through their final editing process through SEWRPC, that we are intending to bring the entire document back to the Plan Commission and the Board for their final approval. We will likely get those maps and additional inserts sometime between now and when the final documents are completed, because they intend to try and complete chapters as we go along, so I can either bring them at an interim time or when we bring back the entire document for the Board's approval.

Monica Yuhas:

Thank you.

Clyde Allen:

Motion to accept Chapter VIII.

Mike Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Further discussion, questions?

Village Board Meeting  
May 5, 2008

**ALLEN MOVED TO APPROVE CHAPTER VIII, "AGRICULTURAL, NATURAL AND CULTURAL RESOURCES ELEMENT" OF THE MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR KENOSHA COUNTY; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**D. Consider Amendment to the Development Agreement between the Village and Regency Hills-Creekside Crossing LLC regarding Creekside Crossing Addition No. 1 Condominium Development.**

Jean Werbie:

Mr. President and members of the Board, the Village has received a request from the developers of the Creekside Crossing Condominium Development. They are requesting to complete and install the Phase 2 required public improvements under a more expedited paving schedule prior to the completion of the condominium units within that development where they would have typically needed to reach a 50 percent completion before we would have allowed the required public improvements to be completed for Phase 2. Again, the Phase 2 required improvements include that initial paving and the curb and gutter construction within the development.

The purpose of this amendment is to set forth what the responsibilities would be for the developer should the Village Board agree to this early paving of this particular development. Specifically they, meaning the developer, would need to extend their warranty period for the Phase 1 or the initial improvements, as well as the Phase 2 improvements, all the way until 75 percent of the units are completed or until that final lift of asphalt paving and the final improvements are completed within the development.

The developer understands that this may result in some additional financial cost to them in order to extend that warranty period and to guarantee that all of the improvements that are installed will be in an appropriate condition prior to the Village accepting them. We did add some provisions that the Village will be doing some videotaping of the streets and curb and gutter and status of all the improvements out there, so that upon acceptance in their desire to pave the final lift we will be able to re-examine those videotapes as well as our field inspection crews can go out to see if there's been any additional damages to those improvements.

The developer representing Creekside, and actually the next item on the agenda is in the audience, so if you have any specific questions for Nancy Washburn I'm sure she'd be happy to answer those questions for you.

Mike Serpe:

Is there money set aside from Creekside towards this finishing these improvements?

Jean Werbie:

The Village holds a three year minimum letter of credit in order to complete all the required public improvements within the development, and prior to the expiration of that letter of credit

Village Board Meeting  
May 5, 2008

the finance department works with our staff as well as engineering to request extensions of the letters of credit, and the engineering department also re-evaluates what the cost would be to subsequently complete to make sure there's always enough money on hand in the letter of credit to handle all these improvements. In addition, there's a percentage contingency that's also in the letter of credit. And each year this is re-evaluated just to make sure that as we go forward that there's always enough funds available to complete the improvements.

Clyde Allen:

Jean, I had asked this once in an earlier situation same as this. When they do the improvements early are all the homeowners, future homeowners, made aware that the improvements were made early and should there be problems that it is the developer that requested them to be made early such as if there is a deterioration the onus is on them and it wasn't the Village that installed things early that deteriorated early than the schedule?

Jean Werbie:

The planning staff does not notify new homeowners regarding the developer agreements and responsibilities of the timing of the required public improvements. That would be the developer's responsibility. If the question is asked we certainly will inform them of the situation, but that would typically need to be provided to them at the time that they purchased their home or their condo.

Mike Pollocoff:

I think the sequence, Trustee Allen, that occurs is that if there's a degradation of the paving course or a sub base or the curb, public works will notify the developer that a section is failed and they need to repair it. Sometimes, and I think Meadowdale Estates is a pretty good example, where we've had some significant failures of the asphalt in that they'll have to take care of that when the asphalt plants open up and go and repair that. So what we've done in that intervening time is we haven't accepted the improvement. It's the developer's responsibility to improve it. We notify them of those failures and when they can be repaired they have to do that.

Jean Werbie:

That being said, in the Meadowdale Estates Subdivision, that particular development, the developer has notified every single new homeowner in that subdivision, and they're actually required to assist the developer by posting an additional cash payment with the developer to guarantee that they will help support some of the costs knowing the paving was done early. So in that particular development the developer has taken that upon himself to do that.

Clyde Allen:

Thank you.

Village Board Meeting  
May 5, 2008

Mike Serpe:

John, I'd move approval of the amendment to the development agreement for Creekside.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica. Any further discussion?

Steve Kumorkiewicz:

We have another . . . to that, Prairie Trails West Phase 2, 32<sup>nd</sup> Avenue, the asphalt on 32<sup>nd</sup> failed after being completed by the developer and we went after that and they replaced that. Remember that about six years ago, five years, so there is a precedent . . .

Mike Pollocoff:

Yes.

John Steinbrink:

The bottom line is if it does fail it gets repaired and in the process we end up with better roads in the long run. So fix it now, fix it later. We have a motion and a second.

**SERPE MOVED TO APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE AND REGENCY HILLS-CREEKSIDE CROSSING LLC REGARDING CREEKSIDE CROSSING ADDITION NO. 1 CONDOMINIUM DEVELOPMENT; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

**E. Consider Amendment to the Development Agreement between the Village and Regency Hills-Devonshire, LLC regarding Devonshire Subdivision.**

Jean Werbie:

Mr. President and members of the Board, this amendment to the development agreement is a request from the Regency Hills-Devonshire, LLC Corporation, and they are requesting also an earlier expedited paving for Stage 1 of the Devonshire Subdivision. This Subdivision is located south of 93<sup>rd</sup> Street at approximately 48<sup>th</sup> Avenue. They are also requesting a similar request to pave early and to expedite the Phase 2 required public improvements in order for curb and gutter and paving to be constructed in 2008 as opposed to waiting until 50 percent of the housing units have been completed within that development.

Village Board Meeting  
May 5, 2008

As with the previous request, the developer is by this request extending their warranty and extending their financial responsibilities to guarantee to the Village that any damages to the asphalt paving or the required curb and gutter would be at the developer's cost and that would need to be taken care of prior to any Phase 3 paving out there. The Village's inspectors, again, would be videotaping the improvements upon their installation, and then following up with any additional inspections any time that there are any problems or concerns out in the subdivision or when they intend to move to the third phase of paving in the development. Again, a letter of credit will be on file to guarantee to the Village that the Village has the financial security in order to complete these improvements in the even that the developer didn't.

Mike Serpe:

Nancy, you're working on this Devonshire one also?

Nancy Washburn:

Yes.

Mike Serpe:

You know to do an early paving that sub base on there is less than a year old, is that correct?

Nancy Washburn:

Yes, it is.

John Steinbrink:

Nancy, we just need your name for the record.

Nancy Washburn:

My name is Nancy Washburn and I'm at 5008 Green Bay Road in Kenosha. I'm the development coordinator for Regency Hills-Creekside and Devonshire.

Mike Serpe:

Mike, I'll ask you or Nancy or Mike Spence for that matter. What is the chance of a lot of faults taking place with allowing paving to go that much sooner than what we normally would allow?

Mike Pollocoff:

Typically it's pretty good. I mean I think there's probably going to be some repairs that definitely will occur. I think the one redeeming thing is that given the winter we have that base has been saturated. What really dictates the success of these roads is the amount of trucks that are bringing blocks in or cement or trusses or lumber. Those are the heavier weight vehicles that will tend to

Village Board Meeting  
May 5, 2008

beat down that binder course. That being said, the agreements that we're having is recognizing that's a possibility that the developer is going to have to assume the extended warranty for to make sure that when you get ready to put that final coat on that the binder course, in some cases, will have to be completely removed and base repair take place before they pay.

Nancy Washburn:

I think you want me to comment to that, Mike. I think that Regency Hills historically in the Village Pleasant Prairie we've made numerous requests to pave early from you in the past. I think what really drives this now is, and I think it has a great advantage to the Village for acceptance now is exactly what we were talking about under Rocco's discussion as well and that's market conditions. The binder coat of asphalt in the Village is a very reasonable binder coat. We understand wanting to videotape curb. We understand all of that. When you look at John's storm water management ordinances, when you look at a site where if you look at Mission Hills where we broke ground on 25 to 30 hours a year, to get to that 50 percent completion wasn't difficult. In today's market, as a for instance in Devonshire this year, we hope to break ground on 10 to 15 homes.

We have never had a customer tell us that they were unhappy that we paved too early. Devonshire and Creekside both are very valuable home sites and properties, and as a consideration to the new residents coming into the Village if they were to have to drive through a stone base road instead of one year additionally but now maybe three or four, you are going to be getting the complaints to them that their cars are being damaged by stone chips and when are we going to be able to pave the road. So that's from the service side to the new residents in the community.

From the actually road quality and maintenance standpoint, right now what we're having to protect the road from is rain events, storm water management and erosion, water running into the curb and gutter system which we want to keep clean of stone and debris, now it's very difficult to manage that. You need to have erosion control practices up which we do, but the constant maintenance of those far outweighs in the long term from our standpoint as a cost benefit or as a cost and yours as a cost in keeping up with it having to go in and patch some areas, having to go in and repair areas in the long term the cost is much more efficient for both of us on the side of putting binder now knowing that the extended term of getting to your ordinance and getting to completion of the binder is going to take substantially longer.

We are not going to charge our customers back for that or ask them to take that responsibility on. I certainly have no problem giving them notice that we're paving earlier, but I have yet to have one of them calling to complain about that.

Mike Serpe:

I have to agree. I think for somebody moving in there the paving is more than welcome. My only concern is that there's so many empty lots that are going to be built on that there's going to be a lot of construction traffic coming in there, a lot of cement trucks, and it's just going to tear

Village Board Meeting  
May 5, 2008

the hell out of that road. You're standing behind it and you're the one who's got to make the repairs and spend the money.

Nancy Washburn:

There's advantages to both sides. I think that's why, number one, for the 2008 paving year we do want to pave it as late in the year as possible. We want it to be dry conditions, but we do want to go ahead and let the current traffic in there and pound it down. Creekside has been pounded down pretty well. It's hard as a rock. You could pave that anytime you want and it's not going to move at all. Devonshire is a newer site so we're looking forward to doing that later in this year so we will have this firm a compaction as we can.

John Steinbrink:

Mike, have we changed our base requirements at all, because we're anticipating more and more?

Mike Pollocoff:

No, we haven't, not recently. Probably about four years ago we had a standard which was like the DOT standard, so much stone, so much asphalt. And now it's a design base, because not every soil is the same. So the developer is required to design to the soil characteristics and the bearing capacity of how much traffic or weight that's going to carry. An example I think that probably represents one of the worse case scenarios would be Prairie Trails where the developer had to really take out quite a big run of asphalt of the binder course in order to get the top course in so that was a complete redo of some stone base repair.

Again, this will be a little bit newer than what we're used to and hopefully they have a good year and get their 15 and wear that base down some more. But in as much as we have the financial securities in place and we have a developer that we've done business with before who has been responsive I think we're going to be okay.

John Steinbrink:

Any other questions for Nancy?

Clyde Allen:

Motion to approve.

Mike Serpe:

Second.

Village Board Meeting  
May 5, 2008

John Steinbrink:

Motion by Clyde, second by Mike. Further comment or question? Mike, did you want to add anything to it?

Mike Spence:

Mike Spence, Village Engineer, 8600 Green Bay Road. Nancy mentioned at the end of her talk there that in order to go through another season we had recommended that they wait and pave as late as possible this year, so at least we'll get the traffic this summer accounted for. That was the only other thing.

John Steinbrink:

We have a motion and a second.

**ALLEN MOVED TO APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE AND REGENCY HILLS-DEVONSHIRE, LLC REGARDING DEVONSHIRE SUBDIVISION; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**F. Consider an HVAC Preventative Maintenance Agreement with Martin Petersen Company for the Village Hall and Fire Station #1.**

Mike Pollocoff:

Mr. President, we put out to bid maintenance work for the Village Hall and Station 1 which is this building inside here. Four bids were submitted. Low bid was submitted by Martin Petersen in the amount of \$2,550. As you can see the bid was pretty tight. It's my recommendation and that of the building superintendent that we award a contract to Martin Petersen.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any further discussion?

Steve Kumorkiewicz:

That's a bid for \$6, that's pretty close.



Village Board Meeting  
May 5, 2008

**SERPE MOVED TO ENTER INTO AN HVAC PREVENTATIVE MAINTENANCE AGREEMENT WITH MARTIN PETERSEN COMPANY FOR THE VILLAGE HALL AND FIRE STATION #1; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- G. Consider Resolution #08-14 - Preliminary Resolution declaring intent to exercise special assessment police powers for the construction of storm sewer and storm water management improvements in a drainage basin in a plat named Carol Beach Estates Unit 2 Subdivision.**

Mike Pollocoff:

Mr. President, this resolution is our initial resolution declaring the Board's intent to levy special assessments and to conduct a hearing of the proposed project in order to make that final determination. We had a public information meeting a short while back. At that time staff was directed by the Board to prepare this resolution which starts the process. We'll be putting a public notice in the *Kenosha News*, preparing the necessary plans and specifications along with estimates of the proposed improvements and a schedule on how those improvements are going to be assessed.

One of the questions during citizens' comments was why to we say police powers. One of the 66.07603, one of the types of assessments with police powers is not that we're going to use police officers to levy this but it's for the public health, safety and welfare of the residents which is an exercise of police powers. So that's the basis by which the project would be proceeding under rather than a special assessment that would be based on the value of the property. With that, Mr. President, I request that Resolution 08-14 be adopted. We've set a tentative hearing date for Wednesday, June 4<sup>th</sup> at 6:30.

Mike Serpe:

Move to adopt 08-14.

Monica Yuhas:

Second.

John Steinbrink:

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

Clyde Allen:

Mike, from what I understand the assessment is paid within the first year in full or ten annual installments and the interest rate is 9 percent?

Village Board Meeting  
May 5, 2008

Mike Pollocoff:

That's correct.

Clyde Allen:

And that 9 percent has been established that cared for anyone who defaulted basically to use that as your fallback if somebody defaults on any assessment, that that would be used to cover that, is that correct?

Mike Pollocoff:

Correct. When someone defaults on their special assessment Kenosha County when they pay us taxes they don't pay us special assessments that have gone delinquent. The Village has to come up with that money ourselves. So the 9 percent rate establishes a pool that we use those funds for.

Clyde Allen:

I guess a follow up, one, I would assume, and I think it's been mentioned in the past, that although there's a lien for the properties currently, the treasurer doesn't sell these properties for us to get our money back on a timely basis. So obviously that hasn't helped the problem when a default occurs. Without precedent setting because this problem has lingered for so long is there any reason to consider a different payment plan than what we've normally adopted as the 9 percent, something to get creative or maybe if they form their own association or something to share payment somehow for guarantee to reduce their cost? I don't know if that's allowable?

Mike Pollocoff:

Well, the Board can set the interest rate and the payment methods within some latitude. That would be done at the time of final determination when the final resolution is adopted and it's placed on the levy which would be typically after we finish the work. We've gone out to bid, we've built it, change orders, have it come in so we have a final number. Maybe 98 times out of 100 we're under our estimate of what we think it's going to be. If it's any more than what we've determined then we have to come back for another hearing. So if the Board chooses at the time that they adopt that final resolution for assessments, at that point that sets forth the payment schedule and terms.

You could certainly discuss it if you want the residents to know that they're going to get a discount on their interest rate or there's some kind of different treatment that you're looking to do to provide that, let them know that ahead of time. But when that decision is finally made is at the time of final resolution.

Village Board Meeting  
May 5, 2008

Clyde Allen:

I guess kind of what triggered it is 9 percent with rates dropping like they are. Yes, you do need some assurance on the assessment and it's not your typical return on investment type, you need to recoup the costs, however with money being tight it just seems like that might be something to consider.

John Steinbrink:

Mike, as with any other project out there with the Village, there are other options for the homeowners, home improvement loan or home equity line.

Mike Pollocoff:

Yes, we encourage people to look at other financing sources that might be better for them in their financial picture whether it's a home equity loan or something else. Especially in some cases, even in this project, it's more typical in sewer and water where there's going to be some type of improvement on the private property that the Village will not be undertaking because we can't work on private property. But, if someone was looking to have some grading take place on their property to modify the grades on their property to the extent that they could drain water to the storm water improvement that would be something that they'd be doing themselves and paying for themselves. If they wanted to take that to the bank and finance that whole package together they could do that. Those are what we've typically done.

There are some projects where the Board has gone out 20 years because the amounts were significant. I think in this case on the typical assessment we're looking at \$200 a year or \$250 a year at the 9 percent. I know on the next project we're going to be looking to or I'm going to be recommending to the Board that we defer the initial assessment similar to what we do on municipal water with deferred assessments on parcels where they can't use the water. We could be in that same position on 80<sup>th</sup> Street where there's now a number of lots that are on 80<sup>th</sup> Street that could not develop, could not be built on because there's no street. But we're at the point where we're improving the parcels, they get sewer, storm, water, sanitary sewer and it's all happening in probably the worst development market you could imagine. Some of those people might want to sell those lots. So staff will be coming back and making a recommendation that those assessments don't activate for two years to give them the time to see what the real estate market is doing. We think we're going to be able to on our bids absorb that.

But every project is different. And I think with Carol Beach understand it's been a long time coming, but this is a project that's going to take care of a public health problem down there. In the scheme of projects it's not the most expensive project that we'll be undertaking by a long shot compare to some other ones. But, again, if you guys have any ideas that you'd like me to incorporate to consider in that final determination the staff would be glad to look at that.

Clyde Allen:

Thank you.

Village Board Meeting  
May 5, 2008

John Steinbrink:

We have a motion and a second. Further discussion, comment, questions?

**SERPE MOVED TO ADOPT RESOLUTION #08-14 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS FOR THE CONSTRUCTION OF STORM SEWER AND STORM WATER MANAGEMENT IMPROVEMENTS IN A DRAINAGE BASIN IN A PLAT NAMED CAROL BEACH ESTATES UNIT 2 SUBDIVISION; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

**H. Consider Resolution #08-16 - Preliminary Resolution declaring intent to exercise special assessment police powers for the construction of sanitary sewer, water main, sidewalks and street construction on 80th Street beginning 346 feet east of the centerline of Cooper Road and extending 233feet west of the centerline of 57th Avenue.**

Mike Pollocoff:

Mr. President, this resolution comes to the Board based on a direction at the public meeting that was conducted the week before last concerning the construction of 80<sup>th</sup>. We'd be looking to conduct this hearing I believe within the next ten days. It involves the special assessment of a number of parcels as indicated on the map that have frontage on 80<sup>th</sup> Street that were divided by either CSM or a plat at some point in the past. There are parcels in here that also are going to be deferred because they don't have access to the road, or they have a parcel of land that can't be divided where they could put a house to front on 80<sup>th</sup>. So it's a relatively mixed bag of improvements there. As such, it's going to be a little bit of a unique hearing. I'm recommending that we adopt this resolution and begin the process to have the special assessment hearing for this project.

Clyde Allen:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Clyde, second by Steve. Comments or questions?

Village Board Meeting  
May 5, 2008

Clyde Allen:

Mike, there is a woman on the corner of 80<sup>th</sup> and Cooper I believe on the northwest side that was concerned about an assessment. Did that get straightened out? Do you know if her questions were answered or not?

Mike Pollocoff:

Yes, the individual you're speaking of has her access point of Cooper Road. She already has access to a public road. She already has sanitary sewer service, she already has water service. So there will be no assessment on her parcel. And the same would be on the southwest parcel across 80<sup>th</sup>. They already have their access. They'll actually have two access points but their residential access is off of 80<sup>th</sup> and they do have sewer and water.

There are some parcels in here, the two larger parcels on the south side do not have access to the road, already have sewer and water from 54<sup>th</sup> so there's nothing we're going to provide them although we will be assessing those parcels and that assessment will be deferred. So at some point in the future, some of those are large parcels, they decide to subdivide them then at that point they would have to pay the assessment.

Clyde Allen:

Also, this project goes to the center line of 57<sup>th</sup> Avenue. On 80<sup>th</sup> Street you'll see that probably the north one-third of 80<sup>th</sup> Street west of 57<sup>th</sup> Avenue is unfinished and it's all gravel. Will this project extend to link all of that together?

Mike Pollocoff:

This will complete that portion of 80<sup>th</sup> Street that's not completed. That's in front of a City detention basin that's located in the Village of Pleasant Prairie. So the City of Kenosha will be assessed for that frontage on 80<sup>th</sup> Avenue (sic "Street").

Clyde Allen:

Thank you.

Steve Kumorkiewicz:

I have a question. Mike, the water and sewer, sanitary sewer and water, are they going to be the City utilities or ours?

Mike Pollocoff:

The water will be part of the Kenosha Water Utility System. It will be built by the Village to the City of Kenosha specs. At the time the project is completed it will be dedicated to the City of Kenosha and they will maintain that water main. This is north of the Public Service

Village Board Meeting  
May 5, 2008

Commission's water service area so it will be part of the Water Utility. The sanitary sewer, again, will be constructed to State standards and then it will be a Village sanitary sewer that will be draining two different directions, part of it is going to go east and part of it is going to go west. The area that's going west is going to go a lift station on the corner of 57<sup>th</sup> and 80<sup>th</sup> Street.

Steve Kumorkiewicz:

And the storm sewer will go right to the pond?

Mike Pollocoff:

Correct.

Steve Kumorkiewicz:

Okay, thank you. I make a motion to adopt Resolution 08-16. Oh, we made it.

John Steinbrink:

Further comment or question? -

**ALLEN MOVED TO ADOPT RESOLUTION #08-16 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS FOR THE CONSTRUCTION OF SANITARY SEWER, WATER MAIN, 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 5-0.**

**I. Consider Commission Appointments.**

John Steinbrink:

We have a list presented to Board members there. In our Planning Commission we have five people, Mike Serpe, James Bandura, John Braig, Judy Juliana as Alternate 1 and Andrea Rode as Alternate 2. And their terms would then run to May 1, 2011 and then 2009 and 2009. You want to go through all of these first?

Park Commission, Rita Christiansen her term May 1, 2010, Michael Russert and Kathleen Burns and they would go to May 1, 2010. We need two alternates and this is for a one year appointment in the Park Commission so we're going to be looking for folks in that category there.

Recreation Commission we have Steve Kumorkiewicz, Robert Marfechuk, Dino Laurenzi is Alternate #1 and terms run to May 1, 2010 and Dino runs to 2009. We also need one member for a two year term which would be 5/1/08 to 4/30/10. We need one Alternate 2 for a one year appointment.

Village Board Meeting  
May 5, 2008

Police and Fire Commission Roger Mayer, his term would then run to May 1, 2013, and he is the Chairperson.

Board of Appeals Mark Riley would run to May 1, 2011. Tom Glassman May 1, 2011. David Hildreth Alternate 2 2011.

Board of Review, Lena Schlater that would run to May 1, 2013.

School Commission Steve Kumorkiewicz May 1, 2010, Linda Chiappetta 2010 and Carol Budwick 2010.

Kenosha Area Convention and Visitor's Bureau, Paul Whiteside 2011, Margaret Hodge 2011, Kathy Jalensky 2011.

And Kenosha Area Chamber of Commerce Jean Werbie and she's filling in an unexpired term and that runs to August 31, 2008.

Mike Serpe:

John, I'm going to ask a little favor here. Before we approve the list could I ask Mike or somebody to just, because this is going to take me into the next agenda item, just go through this and tell me the starting times of the meetings. I just want to write them down. Plan Commission is 5 o'clock.

Mike Pollocoff:

Plan Commission 5 o'clock, Park Commission is 6, Rec Commission is 6, Police and Fire Commission is typically at 4 but of all our commissions their meetings times are adjusted sometimes for the schedule of the members and Chief. Their sessions are closed sessions. The Commission does hiring and firing so those are personnel sessions. Board of Appeals is 5 o'clock. Board of Review is typically two to three days a year so they'll be here all day as they work so they don't have an evening meeting. School Commission 7 o'clock. Kenosha Area Convention and Visitor's Bureau is 7:15 in the morning. And the Kenosha Area Chamber of Commerce is 7:30 in the morning.

Both those last bodies were one of an occasion of the CVD, for one of four communities that meet together and the members are business people that want to meet in the morning. And the Chamber of Commerce, again, is a very large Board of people from all over the County.

Mike Serpe:

Thanks, Mike. With reference to the Commissions, first, I appreciate all the citizens that volunteer their time to do this and they get paid a small amount for their time. It's appreciated. And I move approval on all the appointments.

Village Board Meeting  
May 5, 2008

Monica Yuhas:

Second with a comment. Mr. President and Mike Pollocoff, I notice that there are some vacancies that need to be filled regarding alternates. What is the procedure for someone who would like to apply to serve on a commission? Do we post it? Maybe we could use Channel 25 or the newsletter to get a bigger pool to encompass more residents and get more input?

Mike Pollocoff:

We would use Channel 25, the website under employment probably with a news release so it gets up on the front page and then also with our newsletter. Once we get the applicants in at that point the Village President and myself and the Board members want to sit down and interview. We ask people to submit a resume or a letter of their interest so we've got a basis for discussion when we meet with them. Then the Village President will make his recommendations to the Board for appointment.

Monica Yuhas:

So will we see this now on Channel 25? Will we see the openings posted?

Mike Pollocoff:

Yes.

Mike Serpe:

Mike, I don't see anything for the CDA.

Mike Pollocoff:

CDA is a statutory committee that is on a different cycle. They're on August.

Jane Romanowski:

August and October because that's when it was formed.

John Steinbrink:

We have a motion and a second.

Mike Pollocoff:

But they do meet at 4:30.



Village Board Meeting  
May 5, 2008

John Steinbrink:

We have a motion and a second, and I appreciate the vote of confidence on the members selected here. As was stated these are all residents of the Village and they have expertise in the commissions and boards that they serve on and they have a willingness to serve. We definitely encourage citizens to apply for any openings we have. We're often pleasantly surprised by the people that come out and show an interest and have that expertise because that adds to the quality and the positive work that these commissions and boards do. In some of these you're kind of specialized in them when you get into the Board of Review and the Board of Appeals. Those are special people that do that job. You're not dealing with always the happiest of public at that time. They have that expertise and understand the numbers and figures, and all of them have served the community well. So if there is no further discussion we've got a motion and a second.

**SERPE MOVED TO APPROVE THE RECOMMENDATION OF THE VILLAGE PRESIDENT WITH RESPECT TO THE COMMISSION APPOINTMENTS AS LISTED ABOVE; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

**J. Consider Resolution #08-17 - Resolution to Change the Start Time for Village Board meetings to 6:00 p.m.**

Mike Pollocoff:

Mr. President, this resolution requests—all I've done on this one is address the time of the Village Board meeting to bring it to 6 p.m. I think it can be cussed and discussed a lot of different ways.

John Steinbrink:

And it has and it has over the years, and tonight is another example. Jeff was here earlier and quarter to eight he had to leave. We've had a lot of public hearings and workshops and different things. We've started them at 6 o'clock and we've had a really good turnout. And we find as the hour goes a little later, actually by 8 o'clock, we lose that audience. They want to get home. They have families, children, they want to be there. The majority actually appreciate being a little bit earlier. But then again we have people that disagree with that. So if you look back over the Board history and the times and they've all fluctuated, the point was brought up look at all the different commissions and make uniformity. You look at all the other communities around us there's no real set time. You look at the City, for example, and we've looked at some of the morning meetings. The Plan Commission meetings are early in the afternoon or late in the afternoon. The City Council meets at another time. The County Board meets at another time. The committees meet at a variety of times.

To nail it down to one exact time is almost impossible. You have to kind of feel your way through this and find out what works best and where you get the majority of the folks that have business to conduct and can make it here and can also get home at a reasonable time. So it's not an easy decision. It's a changing decision. Sometimes in the winter people like one time, sometimes in the summer they like a different time. Of course, today we have 6 p.m.

Village Board Meeting  
May 5, 2008

Clyde Allen:

I received several phone calls on the topic as I'm sure others have. I'm not exactly sure when it was brought up again at this time. If it's for the Village employees I understand their burden, I really do. I probably average 55 hours a week so I know what they're going through and I empathize with them. Six o'clock would be good for me. It would get me out of the office earlier. However, being we're the third largest municipality, County Board meets at 7, City Council meets at 7.

Probably the biggest item that swayed my decision and really made this I would call a no brainer, we just had a meeting that was emotional, highly sensitive and of high importance to a lot of people, the 80<sup>th</sup> Street, 82<sup>nd</sup> Street discussion. I spoke to almost everybody in that area personally and they said they'd be here. And as we saw many of them were. Many of them said they'd get here as soon as they possibly could. Many made the comment they'd have to leave work early. Many of them, as you saw, knowing they were trying to get here by 6, some came in just before 6:30, some even came in for something that important after 6:30. If it was that important and it was that difficult to get here I have a hard time seeing why we'd move it up to 6 o'clock. I just think it would be an injustice to the taxpayers to do something like that. There's just too many that could not make it and that was a convincer for me.

Mike Serpe:

Personally I can meet any time. I don't care what time we meet. I'm retired, I'm available any time. I think the best suggestion was from Mr. Roscioli to just standardize some of these meetings the best we can. Mike, the reason I asked for the times is I sit on the Plan Commission, and the Plan Commission agenda can sometimes go for a good number of hours. That's where most of the public hearings are held. If we were to standardize a starting time, let's say we pick 6 o'clock just for the sake of argument here, the Plan Commission would run sometimes until 10:30 or 11. That's a little bit long.

The Board I was here when we started at 5, I was here when we started at 7:30, I was here when we started at 6:30. The proposal when we changed it to 6:30 came when we started at 6, and Mr. Tiahnybok and Mr. Lauer asked for 6:30, and it was my suggestion in the spirit of cooperation that we do it at 6:30. It was their suggestion that the Board meeting started at 6:30 and that's fine. I don't have a big problem with 6:30. I don't have a problem with 6 o'clock. I don't have a problem with 5 o'clock. If somebody legitimately tells me that they have a hard time making the meetings because of the starting times I feel bad for that, but I don't know that there's any time that we can pick in a 24 hour clock that's going to be good for everybody. It's just not going to happen.

I also give serious consideration to our department heads for the long hours that they spent. Now it's quarter to nine and they're still here from 8 o'clock this morning. Dick Ginkowski hit it in the head, flex time would be appropriate if that's there. I don't know if we allow that. If we do, fine, if we don't we should consider it. Could we try it at 6 and see what happens after six months or a year? I don't know. Whatever decision we make tonight, whether it be keeping it at 6:30 or starting it at 6, I would recommend that we review the rest of the starting times of the

Village Board Meeting  
May 5, 2008

Commission meetings and get them as close to what's going to work for everybody and standardize them as much as we possibly can so we have a uniform starting time and there are exceptions. The Plan Commission would have to be one of them. I believe the City Plan Commission starts at 5 o'clock.

Jean Werbie:

Four thirty.

Mike Serpe:

Four thirty, okay. That's because of the long agendas. But the School Commission is at 7. We have a whole litany of starting times here. I'll hear other comments.

John Steinbrink:

If a citizen with an item on the agenda were to call in and say could you move my item back on the agenda so it would be more convenient for me to make it do we do that for them?

Jean Werbie:

Yes, we do.

John Steinbrink:

I thought we did that. We've always tried to be accommodating to folks. So we have the folks that can make it early but we're accommodating for them to move items back. We've got the folks that can't stay late and can't be here for the meeting because they have to go home, they have responsibilities, so it's a mixed bag. So somewhere you try and make a compromise. I think with the flexibility of adjusting the agenda for those folks that need a later time it kind of serves everybody well because you have the folks that need to get here earlier and get their business done, and you've got the folks that need to have a later time to get their business done.

Mike Serpe:

John, that's an excellent idea. Is there a requirement as to when a public hearing has to appear on our agenda?

Mike Pollocoff:

No, you just cannot start a public hearing before it's posted on the agenda. So if you were to publish a Plan Commission agenda and the meeting was to start at say 6 o'clock, and that hearing would not commence until 6:30, then you would end up reversing your agenda order so you'd take the administrative actions or the ministerial considerations up front, and there could be a time where you have to go into recess for a little bit to allow the hearing time to occur. Typically for the Village Board at least there's usually a significant amount of items that take place before a

Village Board Meeting  
May 5, 2008

hearing or take place on the agenda that could go before a hearing. But you could take and adjust the hearing items on the agenda so no hearings would be until 6:30.

Mike Serpe:

There's a number of items on our agenda, you're right, Mike, that require just a motion to approve and they could go first and we could push these things down a little bit. That way if all public hearings are set to start at 6:30 or later—

Mike Pollocoff:

We would need to amend our ordinance that governs at least for the Village Board the order of the agenda to do that, but that could be done.

Mike Serpe:

Would it be a prudent decision right now to maybe consider doing something like this instead of taking an action tonight just to look this over and see if we can adjust our agenda a little bit that would be more compatible to anybody that really can't make it here until after 6 o'clock, and it is a public hearing or something of consideration that would appear on the agenda at 6:30 or later?

Mike Pollocoff:

If you have staff prepare a report for you on how that would appear and what we would need for ordinance amendments we'd have to make to do that.

John Steinbrink:

You have items such as Items A and B and C and we've had that all along. For a lot of people that's not an interest to them, but yet we're going to provide that information to them on the website, on Channel 25. It's going to be available to folks in a lot of manners. But it gets presented to the Board and have to be done up front earlier and we can use the later time to address the needs of the public.

Monica Yuhas:

Mr. President, I received a few e-mails and a couple phone calls from citizens asking that I refer to the Board to keep the time at 6:30 because they do work in Illinois and there's time constraints on them. When I read the resolution it clearly states that the Village Board will not present a hardship to a majority of those who regularly preside and attend Village Board meetings. That's the struggle I have right now is that many people that have contacted me say keep it at 6:30 because I can barely get there in time to attend that meeting. So that's why I'm in favor of keeping it at 6:30.

Village Board Meeting  
May 5, 2008

Steve Kumorkiewicz:

I've got the same problem. I'm not concerned for myself. I'm retired like Mike so to me it could be 3 o'clock in the morning or 3 o'clock in the afternoon and it wouldn't make no difference. Now, I . . . at this point for several days and Monica put it just right that we've got a lot of residents working in Illinois. I like to get out of here early, too, but we have to take into consideration some of the people who can't make it at 6 o'clock. Even if it was at the end of the agenda I don't know that would be enough. I have a problem with that because in some ways looking at going home early . . . or stay half an hour later. To me that makes no difference either. But I have the same problem, what's better for the residents according to the . . . for 6:30 . . . . I cannot make up my mind exactly what I'm going to do with this. The tendency is to 6 but 6:30 should be more practical actually. When we changed it three years ago and Mike made the motion in that it was a good move because we used to take . . . early to 6:30.

I think we should take into consideration, too, the opinion of not just us here on the Village Board but from the members of the other commissions how they feel about attending. They're giving their time once a month or whatever to be here. Sure, they are not here for the compensation. They are here to serve the community. And I do believe that we should give them a chance to give their opinion in the change of times for the meetings before we come to a final decision what we are going to do with the time.

John Steinbrink:

So we have a motion to that effect? We've heard a lot of suggestions both for and against and ways we could massage change or alternate to make it palatable for a lot of different people. Maybe we need to look through those suggestions and see what it comes out as.

Mike Serpe:

Do you think it would be advisable that we maybe just look this over and see how this would fit into a 6 o'clock meeting with getting the Pledge of Allegiance, Roll Call, like you said, John, Items A, B and C, and these are items, at least A and B, that have to be said but I doubt that there would be any interest in it as far as the public is concerned. Then we get into the areas where the public would have an interest and that would happen at 6:30 or later. I think it's worth looking at. Whether or not we do it at least let's look at it.

Monica Yuhas:

But as a Board member how do we dictate what we find interesting to the public? The public should have that right to determine whether A is important to them or not. It may not seem important to us as a Board member to have citizens here, but citizens may feel that they need to be here for Item A.

Village Board Meeting  
May 5, 2008

Mike Serpe:

I understand exactly what you're saying, Monica. You're already doing that with a consent agenda. If you adopt the consent agenda you have two items on there tonight that there's not going to be—if you adopt a consent agenda as is there's no discussion. So you're already—

Mike Serpe:

But you're not listing Items A and B as consent.

Mike Serpe:

No, you're not, but you could also—you're right, this may not work at all, but I think it's worth looking at. There may be a provision in the recommendation that would allow a Board member to say Item A I would prefer to hear that after 6:30. Maybe there's something in there that somebody has contacted you on or me or John or Clyde or Steve that wants to talk on that item. Then we pull it and rearrange it.

Monica Yuhas:

Then what if we only have a few items at 6 o'clock and now it's ten after 6 and we have nothing until 6:30.

Mike Serpe:

We'll sit here and talk. That's not going to happen that often but it could happen.

Steve Kumorkiewicz:

I'd like to make a motion to table this item.

John Steinbrink:

Motion by Steve to table.

Steve Kumorkiewicz:

I make a motion, yes.

Mike Serpe:

For the purpose of what I said to look at this, is that what—

Steve Kumorkiewicz:

To look at all the points that you presented and what I presented.

Village Board Meeting  
May 5, 2008

Mike Serpe:

I'll second it.

John Steinbrink:

Motion by Steve and second by Mike. Further discussion?

Mike Pollocoff:

I guess just so staff knows what we're doing, because I can pretty much tell you what's going to happen as we go back and look at it. My recommendation is if the Board wants to meet at 6 we would rejuggle the ordinance so that the administrative work came first and that hearings would land at 6:30. That being said, you're always going to find somebody who is going to say that the Board was conspiring to shield something between 6 and 6:30 even though it might have happened in public. I don't know. I think that the premise of the resolution and as far as the staff is concerned we're your servants in this case and we'll be here whenever you want us to be here, but I think the policy decision is do we accomplish everything we need to accomplish for the viewing of the public business at 6 or at 6:30? I think the Board should be comfortable with meeting at 6 and feel that they can accomplish what they need to accomplish as far as providing a time for people to appear once every two weeks if there's an item that they're interested in or they want to come on the agenda, can that happen at 6 or can it happen at 6:30. The other comment that I'm hearing subsequently is the resolution could be amended to include other commissions.

I don't know. The 82<sup>nd</sup> hearing there were a lot of people here at 6. As we got closer to 8 people were filing out because at 8:30 they had to do what they had to do. There's all sorts of ramifications going one way or another. But I think for us to come back and do some more work you can do it. We can set the agenda up so it appears in any way, and I've seen communities that have done that, have done their housekeeping first and put the other items off to about one-third of the meeting, but I think the Board has to deal with the concept of when do you want to meet. Because if you do that at 6 you'll have somebody saying without a doubt that you're trying to hide something other than being efficient with the public's time on this.

Mike Serpe:

I understand what you're saying, Mike, and I'm going to somewhat disagree because we're not meeting without a notice that we're meeting. We'll meet at 6 o'clock and it's an open Board meeting. All we're saying is any matters of public interest are going to really be heard after 6:30. But, I also feel that what you just said is going to be thrown about that we are probably going to try to do something shady and I don't want to be accused of that. I'm going to withdraw my second.

Steve Kumorkiewicz:

You withdraw your second? I withdraw my first.

Village Board Meeting  
May 5, 2008

Clyde Allen:

I'd like to make a motion to keep the meeting at 6:30.

Monica Yuhas:

Second.

John Steinbrink:

Motion and a second to keep the meeting at 6:30. Further discussion?

Jane Romanowski:

That's a motion to deny the resolution then.

Clyde Allen:

Correct.

John Steinbrink:

This is our annual kick at the cat. You've even seen nights where the press had to leave to write their story and not be here. Everybody has a different opinion. For most of us we can meet at any time so whatever works for the majority. Motion and a second.

**ALLEN MOVED TO DENY RESOLUTION #08-17 - RESOLUTION TO CHANGE THE START TIME FOR VILLAGE BOARD MEETINGS TO 6:00 P.M.; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

**K. Consent Agenda**

- 1) Approve a Letter of Credit Reduction for the Meadowlands Condominium Development.**
- 2) Approve Bartender License Applications on file.**

Steve Kumorkiewicz:

Move to approve.

Mike Serpe:

Second.



Village Board Meeting  
May 5, 2008

John Steinbrink:

You had a question, Clyde?

Clyde Allen:

I was waiting for a second. Yes, I do.

John Steinbrink:

Motion and a second. Clyde?

Clyde Allen:

Jane, I'm not sure who answers the question. Some of these bartender licenses that have come before us raised a couple of concerns in the past. If you look at the two that are before us I don't know if we have any say or recourse or what we can do or if we can not recommend approval. But if you look at staying open after hours in their history, both of them have operating while intoxicated amongst other items. I just have a concern. You can let me know what we can and cannot do. Is there a reason not to approve?

Jane Romanowski:

The Wisconsin Fair Employment Act indicates that the arrest or convictions or whatnot have to substantially relate to the licensing activity. And unless you put stricter policies and provisions in place to do it for all licenses rather than just one or two or somebody has got a few more than the other ones, that's really what you have to be looking at when you're looking at denying somebody the right to work as a bartender.

On the other hand, it also goes on to say that if you're a habitual law offender, and they say habitual being more than one arrest or conviction that relates to a licensing activity, in this one case she's got one open after hours in Kenosha four years ago I wouldn't call her habitual. I think she got hit and it's on her record. And maybe the Police Chief can talk more. We discussed in length the first one and he did further research on it, and after we talked at length about it we decided to recommend approval. So he might want to come up and talk to that.

We have in the past, and you've seen them come through, if you have an OWI they weren't serving anybody, so you're not saying--there's quite a few of these. It's the business. They could have been out with their friends rather than working. There's quite a few of our applicants that do have that violation. But when you get into the obvious felonies and, again, the Chief and I talked about this. We did talk at length about this and maybe you can add what we looked at with this applicant, the first one.

Village Board Meeting  
May 5, 2008

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. With respect to the applicant I believe his name is Mr. Szpek, there were some things that came up with respect to his record that concerned me, and we did some additional investigation. And we obtained investigation reports and incident reports from the jurisdiction involved. Upon further review my judgment was that in particular the criminal trespass to dwelling charge was something that was not—in retrospect was something that would not be of a great concern to us and in no way—it's going to be difficult to demonstrate that that's in any way related to the activity that we're licensing. If you'd like me to go further into the substance of that I will, but I think at this point it might be better for the Board members to have the reports if they'd like to see them.

Clyde Allen:

So the follow up is you are comfortable with both those being approved?

Chief Wagner:

I think in the context of how we've done this and been doing this all along my answer to that question is yes. The larger question is whether or not the Village needs to revisit the process and look again at how we intend to do this. But in the context of what's happened in the past my answer to that question is yes.

Clyde Allen:

Thank you.

Mike Serpe:

I don't totally agree with this. When a person makes an application to this Village for a bartender's license and gives his past record and what arrests he's had and convictions that he's had, that decision to grant that license rests with this Board. If you're uncomfortable with granting a blanket approval you can ask that that applicant come before this Board and he can justify what he has done or how the arrest took place or what was involving the incident and how his arrest came about.

I'm not talking out of school. Jane and I have had this argument in the past. I don't agree and it makes it sound like unless the guy committed a homicide during the commission of his serving a drink you have to give him a license. I don't agree with that. I don't agree with that at all. I think you have a right as a Board member to deny if you suspect that this person is going to take that job and use it for the wrong reasons. If he's got drug convictions on his record of four or five years ago that would be a red flag that this person applying for a bartender's license might engage in some drug distribution with this new job and you're giving him a license to do that. I don't agree with that.

Village Board Meeting  
May 5, 2008

I could be way wrong. We have an attorney in the audience that might be able to help answer that question while we're here. But I don't agree with we have the right to blanket because what he's done in the past had nothing to do with serving of a beverage.

Jane Romanowski:

I totally agree with you, and that's why we took this one step further and Brian did his investigation. If you want him to go into detail on what that included he could. But we did talk at length about it and we look at each and every applicant. If something shows up we look at it and then we revisit it when it's renewal time, too, so if something would show up in two years.

Mike Serpe:

I agree and I appreciate that, but I think I caught out of Clyde's comments that we just automatically grant these licenses.

John Steinbrink:

Right now we're working on the consent agenda, so if there's an item or a portion of this we should be looking at we should be bringing it up at a later date to act on it as a separate item and discuss it and get the legal—

Mike Pollocoff:

You can pull off the consent agenda tonight to do something with it, but if you want to pull it off the table and have a report back. We have an opinion from counsel that I'll make sure we get another copy out that kind of lines out the responsibilities of the Board as it relates to what you feel good public policy is, the position of the Tavern League and how they've structured their impact on this. I think the Board is put in a difficult position in having to administer these bartender licenses under the Fair Employment Practice law that pertains to this. You have an ex-police chief that's talking about practical experience with what happens when you put these people out in the field. So if you want to remove it from the consent agenda, table it, and then we can bring it back.

Mike Serpe:

I didn't want to sound like I was picking on this person that's applying. I was kind of answering Clyde's inquiry as to how we grant or who we can grant.

Clyde Allen:

With that, showing the pattern, I'd like to pull Item 1 and have it tabled.

Monica Yuhas:

Second.

Village Board Meeting  
May 5, 2008

John Steinbrink:

You mean Item 2?

Clyde Allen:

I'm sorry, the first applicant.

John Steinbrink:

A motion was made to remove the first item of Item 2, the first application. That would be for who?

Clyde Allen:

Mr. Szpek.

John Steinbrink:

Do we have a second?

Monica Yuhas:

Second.

John Steinbrink:

Second by Monica.

Jane Romanowski:

And the direction is to table it for him to come and explain himself or to table it—because I have to give him some direction here.

Mike Pollocoff:

I think what I was recommending is we provide the Board with the legal opinion we have on reviewing these licenses, take a look at that, and then if we feel that we need to bring Mr. Szpek in before the Board then we can do that at our next meeting.

John Steinbrink:

Okay. On that did we vote on that?

Village Board Meeting  
May 5, 2008

Jane Romanowski:

We have to vote on that one and then we can do the consent agenda.

John Steinbrink:

Then we can do the remainder of the agenda.

**ALLEN MOVED TO TABLE THE BARTENDER LICENSE APPLICATION OF JOSHUA SZPEK; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

John Steinbrink:

That leaves the remainder, Item 1, and the other bartender license.

Clyde Allen:

Motion to approve.

Mike Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike.

**ALLEND MOVED TO APPROVE CONSENT AGENDA ITEM 1 AND THE BARTENDER LICENSE FOR JENNIFER MENGOCUTTS; SECONDED BY SERPE; MOTION CARRIED 5-0.**

## **10. VILLAGE BOARD COMMENTS**

Mike Serpe:

I apologize for being late tonight. I had every intention of being here on time. I was in West Bend and came across the horrendous accident on Highway 45 and North Avenue, and traffic was backed up for about four or five miles almost stopped dead. But what I'm getting to is I wanted to be here to vote on Monica and the President Pro-Tem. I think very deserving.

Monica Yuhas:

Thank you.

Village Board Meeting  
May 5, 2008

Mike Serpe:

I think this Trustee has done things in this last year that I have never seen anybody do as far as taking the time to work in every department the entire day to learn what takes place in every department. I think she'll do a fine job at her job and then whatever the future may bring to this Village. Monica, I wish you well. I appreciate what you're doing and how you're doing it. Congratulations on the appointment.

Monica Yuhas:

Thank you.

John Steinbrink:

I think she goes down in the record books as the first female President Pro-Tem.

Mike Pollocoff:

That's correct.

John Steinbrink:

So you have achieved a first.

Monica Yuhas:

Thank you. And I have comments.

Mike Serpe:

I have one last comment and I did not golf well today.

Monica Yuhas:

Since it is a new year I have started my spending my day or half a day in a department and finance was my first department this year. I'd like to thank Kathy Goessl and Sue Zagata for allowing me to spend a few hours working at the finance counter collecting tax bills, utility bills, speaking to residents and helping them answer questions. It was an interesting afternoon. It's amazing to hear the questions that are asked behind that counter because it's not just about finance. It could be general questions and that person who is working the counter has to be able to direct that person to the right department. Everyone was helped in a timely fashion, so I appreciate, Kathy, you letting me spend some time there.

And also to Chief Wagner, I stopped at the police department yesterday morning to check out the construction process and how things are going. It looks like it's maybe a third of the way there.

Village Board Meeting  
May 5, 2008

Mike Pollocoff:

Yeah, a rough third.

Monica Yuhas:

But it looks different without the cubicles being in there. You see the drywall up and you see the windows that are in there now to give you a full view from one side to another for dispatch so they can look like this without having to get up and move around. So it's nice to see the progress going, and I'm interested in seeing the finished product.

Steve Kumorkiewicz:

Funny to see the empty room.

Mike Pollocoff:

It's going to really enhance our ability to handle the increase in call load we've had.

John Steinbrink:

Which may be a good time to get our County Board Supervisors out and give them a tour

## **11. ADJOURNMENT**

**YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ;  
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 9:10 P.M.**