

**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
June 16, 2008
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, June 16, 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. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Mike Spence, Village Engineer and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - MAY 19 AND MAY 27, 2008**

Steve Kumorkiewicz:

Move to accept as written.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica for acceptance. Any discussion on the minutes?

KUMORKIEWICZ MOVED TO APPROVE THE VILLAGE BOARD MNUTES FOR THE MEETINGS OF MAY 19 AND MAY 27, 2008 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- 5. CITIZEN COMMENTS**

John Steinbrink:

We did have a sign up sheet. We ask that you use the microphone at the podium up here and that you give us your name and address for the record.

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Jane Romanowski:

And we do have 13 people signed up so please adhere to the three minute time limit. The first speaker is Dave Buchanan.

Dave Buchanan:

Hi. I live at 11010 Lakeshore Drive in Carol Beach section. And I'm here to speak about the drainage for Unit 2. The ditch plan for in front of my property is unnecessary, but I'll take that up myself by mail or whatever. There are three things I would like to mention. The first is if the ditch in front of my property is unnecessary, are there other ditches, other areas, that have proposed ditches where they're really not needed? And I know the Village is going to come and look at them and I would hope that they would talk to people who live in those areas to find out what the particular problems are year in and year out.

The second thing is there's a low spot on my lot and the water flows into that from the street, from my driveway, from my neighbor's driveway and from the lot itself down toward the street. There's never any standing water there and I don't know why that is when there's standing water in other areas. Is there a way that the soil can be made more permeable to avoid the ditching and the piping altogether, that maybe some other area, some other City, has discovered?

And the third thing is in talking with Gus he said that he presented a petition signed by many people in Unit 2 and that it was pretty much ignored. Now, I wasn't at that meeting so I can't speak to that directly, but if it was ignored I don't think it should be. People have a right to petition their government and some notice should be taken of their feelings and what they've asked for. Thank you.

Gus Hauser:

Gus Hauser, 143 113th Street. Two weeks ago I presented a petition signed by the majority of the property owners of Carol Beach Unit 2. One of the most important and cherished rights of the citizens of this great country of ours is the right to petition its government and seek redress. I respectfully ask you for an answer and the proper disposition of this petition. The residents who have signed it deserve a democratic process. The majority rules. To the best of our knowledge nobody actually petitioned for this project that you want to impose on us. If there was, please disclose the truth. We have the right under the Freedom of Information Act to seek this information.

We honestly believe there is a better and fair and more honest way to handle this storm water issue than the way it was dealt with so far. There is no need to rush this proposal through. This situation lingers already for 20 years and there will be no new health or safety issues to deal with except maybe for me. I already had two small strokes. That's why I didn't come any more for the last year and a half to the meetings. Now I'm forced to have to deal with this issue again.

I love the Chiwaukee Prairie area. It's a special and fragile place and deserves special treatment and consideration. I live here for now over 30 years and it saddens me to see what happens to it.

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With foresight and due diligence a lot of things could have been prevented and done different.
Thank you.

Shirley Warnock:

Hi, I'm Shirley Warnock. I live at 7717 55th Avenue in Pleasant Prairie, Kenosha address. I'm here with a group of neighbors by the way from our neighborhood. I'd like to read you a brief letter, maybe just over the three minutes and then each of the neighbors has a quick comment and a question for the panel. The questions are meant to be left behind. We're not asking you to try to answer them on the spot.

Our neighborhood is under threat to be forever altered by the planned opening of the current dead end at the south end of 55th Avenue connecting it to the new 80th Street extension. Right now we are a tight group of neighbors who are made up of young parents, middle aged couples who have invested every penny of our earnings in our homes and a few retirees who have settled in to a quiet and peaceful life in their final homestead. We all know each other and watch over the many little ones as young as two weeks old who live on both 79th and 55th. Because we have no sidewalks we see our kids every day in the street riding bikes, scooters, roller skating and being pushed in strollers and pulled in wagons. We all know which homes have pets that are too old to listen to their masters and may stray into the street as well.

Our road is bordered by a deep ditch line for water drainage so our kids are only able to step to the gravel just off the pavement while cars pass by. They know each of the drivers will pass them safely because they know who we are. Our residents, like myself and my husband, selected this neighborhood with great care because of the peace and relative quiet. The parents chose to raise their children here because it is safe. The Village of Pleasant Prairie believes that they will do us the favor of giving us quick access to the new 80th Street by opening the south end of 55th. Our residents do not want this change. My neighbors and I have collected signatures from residents living on 79th and 55th on a petition to object the opening. We have signatures from every resident living on 55th and all but two on 79th.

We understand that the 80th Street extension is a done deal from what we understand from the Board members. We are simply asking that 55th remained closed. Here are just a few highlights about why we feel this way. Car traffic will greatly multiply when cars try to beat the lights going from both directions around 80th by cutting through the 55th and 79th Streets that we live on. This is demonstrated hundreds of times a day by the cars that beat the light at Cooper Road and 75th by cutting through the little valley neighborhood behind the Flair Salon. Any perceived improvement for emergency vehicle access as viewed by Pleasant Prairie would pale in comparison to the actual safety risks that would multiply with traffic ripping through our neighborhood every day. What about the limited emergency vehicle access to the homes on Cooper Road while the new traffic at 80th Street and Cooper Road lights blocks their driveways. We would hope Pleasant Prairie would improvise by driving over their lawns to get to their homes. They have our permission to drive on the grass at the end of 79th if you ever need to. This subdivision has been here for many years. We've never had a problem with an emergency vehicle and we don't follow the Pleasant Prairie logic that suddenly anticipates a problem now.

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Currently we have no outlet signs posted at the entry to 79th off Cooper. It does not keep cars from trying to get access elsewhere and occasionally entering our subdivision. When this happens, these cars stand out because they are traveling way too fast and use our driveways to hastily turn around. This is a huge hazard for us. There is currently plenty of room for snowplows, etc., to turn around at the end of 55th. They don't use driveways. There has never been a problem plowing snow at that end.

I have done extensive research on the topic of traffic calming and found that the DOT and U.S. Department of Transportation have published over 100 studies by their department engineers that encourage all forms of neighborhood traffic deterrence and whose objectives are to encourage citizen involvement in the traffic calming process by incorporating the preferences and requirements of the citizens to reduce vehicular speeds, to promote safe and pleasant conditions for motorists, bicyclists, pedestrians and residents, to improve the environment and viability of neighborhood streets, to improve real and perceived safety for non motorized users of the streets, to discourage use of residential streets by non citizens cut through with vehicular traffic.

We don't need or want access to the new 80th. The hazards far outweigh any perceived convenience to our neighborhood. As taxpayers and residents of the Village of Pleasant Prairie we deserve and demand a meeting with the appropriate Village representatives to discuss the safety of our neighborhood. No action should be planned or taken for the connection of 55th and 80th until we feel we have been adequately represented on this issue. Please remember this is a unanimous opinion from the residents of 55th Avenue. So far our residents have been deeply disrespected by the Village Board members, by carelessly or maybe strategically shuffled through the Board meeting agenda. Thank you. And now the rest of our neighbors have some comments and questions for you, and I do have a petition to leave with you.

Suzann Weslager:

Sue Weslager, 7706 55th Avenue, Pleasant Prairie. I think Shirley has said everything in the letter that she's delivered to you. We feel that we have not been notified adequately, and we feel that we would like to have this all re-evaluated as our neighbors, as she has said, are very unhappy about this and would like to see some things changed. We question what policy or policies did the Village of Pleasant Prairie follow when choosing whom to notify about the 80th Street or 55th Avenue modifications. When the Village of Pleasant Prairie prepared the 82nd Street proposal where were the costs and estimates for altering an existing street, 82nd Street, versus creating a new street, proposed 80th, for the comparison for the Pleasant Prairie taxpayers? We are questioning all these things because it affects us, our homes, our families and our neighbors. Thank you.

Tom Weslager:

I don't think this will take three minutes. It will take less than that. I think President Steinbrink knows me.

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John Steinbrink:

I just need your name and address for the record.

Tom Weslager:

Tom Weslager, 7706 55th Avenue. Shirley has pretty much gone through all of really most of our complaints and issues. I don't want to go through that. I will just say this and I think all of us will agree with this. There is absolutely no reason, no reason, to connect our 55th Avenue to a thoroughfare. The issues that have been brought to our attention was it would give us quick access to emergency vehicles. That's incorrect. It will add 35 seconds to an emergency vehicle to go down to the proposed red light and come into our subdivision. That's not an issue.

Number two, snow blowing is not an issue or snow removal. That's been happening and going on for years and years. So basically those are the two issues that have been brought to our attention. We categorically deny those. I work for a company that's going to be spending \$100 million dollars on a new facility in the fall. It's going to bring 1,000, 1,000 new employees to this Village, and I would ask all of you to please consider that. Because when I speak to my friends down at work I tell them how wonderful this Village is and how well we are treated. Thank you.

Jeff Lauer:

I just have a quick handout for Jean. Hi, Jeff Lauer, 3245 124th Street. I just have a one page handout for you. I don't want to mention the company's name because they don't deserve to be mentioned, but I will say it appears to be an adult establishment. And the reason I'm coming before the Board tonight is because I heard this on the news and I thought it was quite interesting what they're trying to do. Long story short they're trying to expand through other states because they say business is doing well, and they've been interviewed how they're going to do it by their certain name changes and what they want to do to get around ordinances and laws in certain states, villages, cities and townships. So I just want to bring it before the Board.

I know there's been ordinances on record regarding adult establishments. So I wanted to give you folks a heads up on this. Because what I heard, and I can't clarify this, I tried to do as much work as I can when I heard about it, this particular establishment actually lets adults bring in their kids and put their kids over in a little play area while they're roaming around this establishment. So I just want to make sure that something like this is covered under the Village ordinance. I did give Jean a copy of it, but since they're trying from when I heard since they're trying to fool the local government bodies I just want to make sure you folks were aware of what they're trying to do if they do come to Wisconsin. Obviously I know a lot of people in the Village don't approve of these establishments and I know we've done a good job setting them up to keep them away from schools and churches and that. So I just want to bring it to your attention. Again, I won't mention their name. They're easy to find out if there needs to be more research done. I just want to make sure something like this is covered under the ordinances. Thank you.

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Heidi Jensen:

Hi, my name is Heidi Jensen. I live at 5464 77th Street. I'm here today to oppose the 55th Avenue extension. I feel that there's no reason why this should happen. No one even gave me any good reason why it should happen. I'm concerned of high traffic through 79th Street and 55th Avenue. It will increase our traffic instead of decrease our traffic.

I have a few questions to ask you. If this does go through, will drivers that use 79th Street as a shortcut around the traffic light at Cooper Road and 80th be ticketed? How often will taxpayers pay the Pleasant Prairie Police to guard this new traffic outlet? My other question is why is the Village of Pleasant Prairie spending \$1.4 million to create six blocks of 80th Street instead of developing and improving 85th Street? Thank you.

Dick Ginkowski:

Dick Ginkowski, 7022 51st Avenue. Long agenda tonight, lots of speakers, lots of items. I'll try to be brief and I have to divert attention to another meeting in a few minutes. I wanted to thank the Board for taking the initiative to press for answers concerning the questionable financial dealings involving the Kenosha Unified School Board. Make no mistake about it, we may not come up with the perfect answers or resolve the issue, but had this Board not asked the questions and put this out a little more forcefully into the public agenda it probably would not have gotten the attention that it has. I think the Board deserves credit for that. I think the School Commission deserves come credit. They need to be more on top of this. I disagree somewhat that it's up to the citizens to ask the question. It's actually up to the School Commission. We do have boards and commissions in our community and hopefully they will carry out the missions that they are charged with doing, or we need to evaluate whether or not they continue to be in existence. But in this instance here it was perfectly proper and, as I said, had the Board not pressed this issue it probably would not have gotten the attention that it did. The Board I think is certainly worthy of congratulations for that and I extend that to the Board.

Further, there are a lot of people who are concerned about certain issues tonight, and I just ask everyone to sometimes put things into perspective. I'm a former Iowan. I worked as a police officer in both the Des Moines and Cedar Rapids area. I did my police academy down on Davenport. All three areas are under flooding, 36,000 people plus homeless. You don't get the glitz of New Orleans, but remember that there are many people tonight whose needs and whose issues are far more compelling than whatever it is that bothers us at any particular moment in time and to remember those folks in our thoughts and prayers and even the good things as well. 36,000 people homeless in Des Moines, Cedar Rapids, Iowa City, now Davenport threatened in many smaller communities, and yet so far not one report of looting. That says a lot. So we remember those folks tonight and try to put into perspective the things that we are concerned about. Thank you.

William Mills:

William Mills, 5233 79th Street. I'm here tonight to just support Shirley's comment and the petition that she read to the Board tonight. As a parent of small kids on 79th Street I'm greatly

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concerned of cut through traffic that will be trying to cut the light at 80th and Cooper. And with a neighborhood of approximately 40 homes, and from what I understand only two residents have not signed Shirley's petition, I would ask the Board to reconsider their vote to connect 55th with 80th Street. Thank you for your time.

Marsha Toomey:

Marsha Toomey, 7726 55th Avenue. I'm here to oppose the 55th Street extension. Shirley covered pretty much all the points that we needed to talk about and I support my neighbors to keep our neighborhood the way it is. It's safe, it's quiet. One of my questions is if the Village of Pleasant Prairie feels that's a safety hazard to have a cul-de-sac neighborhood with only one outlet and access point, does the Village plan to modify its safety standards for all the remaining cul-de-sac neighborhoods in the Village? Are there budget dollars to alter every street with single access entry, and are these dollars budgeted from our taxpayers? Thank you.

Joan Palmer:

Hi, my name is Joan Palmer. I live at 5128 79th Street. I have been a resident of 79th Street for the last 40 years. I was one of the original residents there. I've lived the last 16 years there with my five children and my husband. I am strongly against connecting 55th Avenue to 80th. This would greatly increase the traffic to our neighborhood. Presently at the end of our street we have three signs. One says no outlet, one says 25 miles per hour, and the other says slow, children. And as a parent of five children I'm constantly watching the cars coming up and down the road. Cars who live in our neighborhood respect those signs. They drive slowly. They move over for the kids. People who obviously don't read signs and don't pay attention that it's a no through street they go fast up one way and even faster down the other way when they find out they can't get through. Connecting 80th to 55th I can only see that becoming a greater problem in our neighborhood. So I really wish you would reconsider. Thank you.

John Lawler:

Hi, John Lawler, 5409 79th Street. I support everything Shirley has said about the reasons for not wanting to connect 55th Avenue to 80th Street. The safety issues we see with increased traffic are just too much for us to want to handle. People say that there won't be additional traffic on our street. They won't be shortcutting the light. I disagree with that. I know when I take a turnaround at Flair to miss the lights at the corner of Cooper Road and 75th Street the car in front of me and the car behind me are doing the exact same thing, they're missing that light. So a lot of people will be bypassing your intersection with the lights just because it can be done and they will go faster.

The safety issue of snowplows not backing up I think is a non issue. We've had nobody run over in the last 20 years that I've lived there. The people who live near the corner can hear the beep of a truck backing up and they don't get in the truck's way. So that's not an issue for us. I totally support Shirley's statements, and like all the rest of the neighbors, 65 voters voting in a different direction, there might be 130 votes going a different direction come election time. Thank you.

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John Roscioli:

John Roscioli, 11545 14th Avenue. My primary reason was selfish tonight. I've heard two issues that don't deal with me but seem to have a lot of emotion involved. I've always had great dealings with all five of you as well as the staff and you've come to make compromises all the time. I'm not sure how long the engineering plans are in place but I know you guys will make the right decisions for everybody.

My selfish reason is I'm a property owner who is trying to have a cooperative effort with another property owner and you guys are helping us out with that and they're helping us out with that. I just want to see it come to fruition and I appreciate Mike Pollocoff's and Jean Werbie's and their staff's efforts. And I want to let the Village Board know that they did a great job in helping us out in the past week and a half and I hope it continues through July 7th. Thank you very much.

Cindy Pascual:

Cindy Pascual, 7906 55th Avenue. First of all, I just wanted to say thank you for giving us the opportunity to come here tonight and voice our concerns. Shirley pretty much has summed up everything definitely opposing the opening of 55th Avenue. I do have a couple of questions for you this evening. If according to Mr. Clyde Allen the Village of Pleasant Prairie will still pursue the modification of 82nd to reach Highway 31, why spend \$1.4 million taxpayer dollars for a new 80th Street for a distance of six blocks? Is it possible to ever take 80th Street beyond the proposed six block extension to Highway 31? If not, why not?

And I'm not too sure about this one, but when does the Village expect to receive approval to being the actual 80th Street project? What or whom is holding up the construction at this point? And, lastly, a question that I do have for you which I'm hoping to get an answer by the end of the night, I'm on 79th and 55th so I'm right there where the expansion is going to take place. I noticed that there's some blue spray paint that somehow managed to get all over my driveway. On my actual driveway there's dots, probably about 20 of them. I'm not quite sure how they got there but they certainly do match the painting that is out there right now with markings. So I'd like to see what can be done to have that removed because that is my property. Thank you.

Jane Romanowski:

There are no more sign ups, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Maria Tocci:

I apologize that I came in a little late and I didn't have a chance to sign up. Maria Tocci, 7901 55th Avenue. I, too, am definitely with all of my neighbors on 55th on the expansion and the attachment of the 80th Street. As I understand there's going to be a special meeting scheduled

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with the Village residents on this expansion and the 55th Avenue. I'd like to know when this meeting is going to be scheduled, who is going to be notified, and who is going to be representing the Village of Pleasant Prairie? That's about it. I do have the petition here and I don't know if I need to turn it in at this time or wait until the end of the meeting.

John Steinbrink:

You can give it to the Clerk.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. About a month ago there was a bunch of the citizens here regarding the 80th Street extension. They were quite opposed to the scope of the extension, but the Village Board has ignored all of their comments and gone ahead plan as they wanted to do. Two weeks ago citizens of Pleasant Prairie were here regarding Carol Beach Unit 2, opposed to the scope of that, but again the Village could care less and they go ahead and do it the way that they want to. We've tried to talk to some people. The Village Engineer has known that I and some other people have wanted to discuss this ditching problem with them, but he apparently doesn't want to speak to us. So what I'm here to say is it's kind of an embarrassment to see the Village Board up there who does not pay any attention whatsoever to the Village comments. Thank you.

Kevin Hoff:

Kevin Hoff, 7844 55th Avenue. I just want to address some of the comments, not comments but the reasons that the Village Board gave us why they're making the 55th Street connection. We were told it would be for our benefit so we'd have a second entrance out and easier access in and out. By our petition you can see that we don't want that. We've lived there all these years, we don't really need it, we don't care about it.

Another issue is the snow plowing. You've said we had somebody back up and killed. That's not our mistake. Why are you punishing us what another member does. If your son breaks a neighbor's window with his baseball do you punish the neighbor? Do you go yell at the neighbor? As far as for—I lost my train of thought, I'm sorry. As far as garbage removal, I know you have trucks that you say have to back up there, too. If need be I'm sure the four residents that are on the south end there would willingly wheel their garbage out to the intersection there.

And also for emergency reasons you want us to have that for a second entrance in and out. We're not asking to put up a brick wall at the end of 55th Avenue. We're asking to put a little grassy knoll there similar to the one that's on 22nd Avenue and 75th at that little frontage road there. There's a little grass parkway and a couple signs. If need be a fire truck, police car, rescue squad can drive across that five foot patch of grass. Thank you.

John Steinbrink:

Anyone else wishing to speak? Yes, sir?

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Bob Babcock:

Bob Babcock, 11253 3rd Avenue. Monica mentioned at the last meeting about the Carol Beach Unit 2 plan that she received calls from a lot of citizens who were for the plan and they felt intimidated. I'd like to know what you meant by a lot. Gus had a lot of signatures. Did half the people call you? I'd like to know an approximate number. And if you misspoke, when you said intimidated, did you mean they just wanted to be quiet or were they actually intimidated by somebody because that would surprise me and that is a big difference.

Also, I hear a lot of people talking about from Lakeshore Drive that they seem like they feel they don't have water problems. I notice on 4th Avenue there's a lot of water problems. A lot of people have mentioned that they feel the water comes from across the west side of the tracks, it seeps in from there. When you do your new mapping for your topo maps are you going to map over there to make sure that they're not causing some of our problems also.

The folks here from the 55th Avenue I can relate to what they're talking about with through traffic. I live on 3rd Avenue. A lot of people go from 116th Street through our neighborhood on the Lakeshore. I can tell you just from the speed of the car if they live in our neighborhood or not. There's a good 10 to 15 miles an hour difference which is significant when the speed limit is 25. I can tell you for sure that someone is going to get hit. One of our children will be hit by a car before we ever benefit from safety vehicles being able to get our area quicker.

One of the neat things about living in Pleasant Prairie is we have great roads to get to and from different areas, Sheridan Road, Green Bay, 39th, 94, 165, but then we get to go home to our nice little neighborhood that's not a City street. It's secluded somewhat. We don't want the Village to turn into another City with streets going to and from everywhere. We like the quaintness of our neighborhoods and building roads to connect the dots is not why we moved here.

John Steinbrink:

Anyone else wishing to speak? Yes, sir?

Rick Leibahn:

Rick Leibahn, 5307 79th Street. I'd just like to say that in the 14 years I've lived in that neighborhood the only concern I've ever had really was the traffic on 79th Street, the speeding traffic on 79th Street. Most of that probably were mistakes, just people thinking they can get through. If they find out that they can get through, the traffic can only get worse. That's all I'd like to say. Thank you.

John Steinbrink:

Anyone else wishing to speak? Hearing none I'll close citizens' comments and we'll move on. We'll go to the Administrator's Report and if there's additions to that by Board members we'll

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entertain them at that time, because I think you're going to answer a lot of the questions that folks have out there.

Mike Pollocoff:

My recommendation, Mr. President, is we received a petition requesting a meeting and we've received a list of questions tonight. I guess I'd propose having a special Board meeting on this coming Thursday at 7 p.m. to address the issues and concerns that have been raised by residents on 79th and 55th Avenue. It would give the Village an opportunity to address those questions and describe the project in more detail. But if the Board concurs we can send out a written notice first thing tomorrow morning that would be in the mail so they could receive it, and hopefully some of the residents that are here tonight could tell their neighbors that if it's alright with the Board to have a meeting. If you guys want to have one Jane will post a meeting notice so we can be on our way. I think that way in this time in between we can answer the questions that the residents have and have some more dialogue.

Under citizens' comments we can really just take the information and not engage in a lot of back and forth or decision making since it's not on the agenda. But if we have that as a specific item on the agenda this Thursday night we can address that at that time.

Mike Serpe:

I think it's a good idea, Mr. Chairman. I would agree with it.

John Steinbrink:

There were quite a few questions here, and unfortunately there were quite a few misconceptions about the project. And I think that meeting will clarify a lot of those questions and probably give people a better perspective. The Board has been listening to your concerns and we've been looking at different alternatives. I think we can propose some of those to you Thursday night. Sometimes word of mouth going back and forth between neighbors is not the best way of communicating details of a project. I know everybody likes to keep their neighborhood isolated, but when we go back over the history of this project maybe a lot of you weren't here that night, we can show you in better detail why the project is going through and why we need to have certain things happen in there. And if we don't have them happen what are some of the alternatives available out there. So I think Thursday will be a good opportunity for folks to get their questions answered. As Mike said, you presented it to us and it's not really a Board item tonight. There are quite a few questions. There's a lot of comparison to other areas around, too, on the City when a lot of these questions were posed.

Clyde Allen:

I'll agree with you that Thursday night would be a great idea.

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Monica Yuhas:

Mr. President, I'd like to make a motion to have a special Board meeting on Thursday—

Mike Serpe:

Not an action item. I think Mike sends the notices out.

Monica Yuhas:

And is that going to go to everyone on 79th and 55th and 80th?

Mike Pollocoff:

I can send it to people on 80th. Not a problem.

Monica Yuhas:

So we cover everyone.

Mike Pollocoff:

Yes.

Jane Romanowski:

Did you say 7 o'clock, Mike?

Mike Pollocoff:

I'm requesting 7 if that's alright. We have some meetings that are kind of lagging later in the afternoon. 7 p.m. There were a couple questions other than 79th and 55th. With one exception Cindy Pascual had a quick question she wanted tonight. I can give her a quick answer rather than waiting a couple days. The blue spray paint on your driveway is from the Kenosha Water Utility. And all utilities before construction starts in an area are required to go out and locate where their lines are, so that blue line underneath those dots is the water line underneath that.

(Inaudible)

Mike Pollocoff:

The marks come off relatively quick and it's in the right of way. Even though it may look like your front yard it's the right of way.

(Inaudible)

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John Steinbrink:

Ma'am, could you come to the microphone. It's a quick answer to a short question so I don't know if we want to go into much more detail.

Mike Pollocoff:

The right of way basically comes from the center of 55th Street 33 feet towards your house. So within that 33 feet the water line runs parallel to the street. So probably those lines should have been parallel to the street. That would be where the water line is and they might find your water lateral. They won't be digging in that area, but under the call locate services they have to expand beyond what we're asking for to make sure there's no interference. So those marks they're typically off within a month just from normal weather and wear and tear.

Cindy Pascual:

I guess it just would have been nice to have been communicated that that was going to happen, just to let me know as a courtesy.

Mike Pollocoff:

Hardly anybody does that, and the reason is not to be discourteous but it's all in the public domain in the right of way.

Cindy Pascual:

I guess I just think of it as my driveway. Half of my driveway are where the marks are. I just thought it would have been a nice common courtesy to let me know as the homeowner there not to have to wake up and have spray paint on my driveway and didn't know who did it either.

Mike Pollocoff:

Based on the color it's the Kenosha Water Utility. If it's orange it's WEPCo. If it's green it's us. Everybody has their own. Yellow is gas.

Cindy Pascual:

So your response on that would be that it will disappear in about a month.

Mike Pollocoff:

Yeah, unless we have no rain in a month. It should be gone in a month.

Cindy Pascual:

Okay, thank you.

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Mike Pollocoff:

That's all, Mr. President.

John Steinbrink:

Any follow up by Board members?

Monica Yuhas:

I'd like to thank everyone for coming out tonight and taking time out of your schedule to voice your concerns. As you hear, the Board did hear you and hopefully we'll see many of you Thursday night. So thank you for coming.

7. CORRESPONDENCE

A. Receive correspondence from the Pleasant Prairie School Commission concerning financial investments and the creation of a new school district.

Mike Pollocoff:

Mr. President, attached is a copy of a letter and a report that I forwarded to Dr. Mangi on behalf of the School Commission with a request from the Commission that the School Board entertain the concept of selecting an independent financial expert to evaluate the financial status of their investments and the future risk potential and then report that back to the taxpayers. That's attached. The Commission went through two public meetings where they heard from both the representatives from the District and from Piper Jaffray.

The second item was the Commission received a written report from Quarles & Brady on creating a separate or new school district from Unified. They attached a report or matrix that was presented by the Department of Public Instruction along with a verbal report that was provided by the Attorney from Quarles. Somebody made a comment, and I'm not sure who it was, that we shouldn't be putting this on the citizens to do, but that was one of the things that the Attorney from Quarles & Brady fairly described that this was a very intensive activity in the sense that at some point if it were to proceed 20 percent of all the people within the school district that could vote, not the registered voters but could vote or of age to vote, and that's from DOA, would have to sign a petition approving this. So the efforts that have taken place in other areas have been directed by typically a citizens' group or an action committee to undertake that. It hasn't been a purview under a municipal government to do it because it's a labor intensive and really a grass roots efforts to do one of those.

For the number of people that requested it at a previous meeting no one showed up at this meeting requesting it, so the Commission received and filed the report and also forwarded that the school district as well as back to the Village Board. So I'd recommend the letter to Dr. Mangi be received and filed.

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Mike Serpe:

With a comment, John, if I may. I attended the meetings that the School Commission held and I have to commend the School Commission for holding a very informative meeting. And I want to give special credit to Trustee Clyde Allen for bringing this forward and for the School Commission to actually act on it. Clyde understands this stuff a lot more than I do. I have to give him credit. He's in the finance world and I'm not. Ultimately I would like to hope that enough attention is brought to this matter to either put it to bed and say nothing is wrong or maybe it was something that maybe shouldn't have taken place. But whatever I hope that the citizens of Kenosha, the citizens of Somers and the citizens of Pleasant Prairie finally realize where the majority of their tax dollars or their tax bill is really going. Because we're accused here every year at budget time that we live in a tax hell and Pleasant Prairie is a tax hell. Pleasant Prairie's taxes are not a tax hell. Maybe bringing this forward with a little attention to it might educate the people a little bit more as to where their tax dollars are actually going.

I have to say that I'm in total disagreement on the State and how they reward school districts. And they reward them as I understand it if they expend their entire budget that's how they get reimbursed with more money next year. To me that is the biggest waste of taxpayer dollars around which creates wasteful spending, and I think we're seeing that taking place right here in this district and across the entire State.

Clyde Allen:

I'll second the motion to receive and file.

John Steinbrink:

Motion and a second to receive and file. Further discussion?

Steve Kumorkiewicz:

Quick comment. It becomes more and more known the fact that the CDO is a new type of investment, and not many people are familiar with the details of those procedures. The School Board went to a closed session meeting I believe two weeks ago just for the CDOs. And you look at the report from the rest of the State the other schools included with the CDO they've got the same problem they're looking into. We have four members of the School Board that were in favor of doing an assessment of this issue when it was requested and three were opposed. So I think that it's a good start because we are accountable in this Village to everybody for what we spend, and it's a good way to know also how the School District spends that money for today and for the future. Thank you.

John Steinbrink:

Any further discussion on this item?

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Clyde Allen:

I just want to make a comment. Steve, I believe one of the school districts, and if anybody knows different they can correct me, but I believe it's Waukesha that is now entering into an audit and I believe the *Journal-Sentinel* triggered it if I remember right in the paper reading something on that. I thought it was Waukesha. It could have been West Allis but I thought the *Journal-Sentinel* triggered it and I think they're going into an audit.

John Steinbrink:

Further discussion on the item?

SERPE MOVED TO RECEIVE AND FILE THE CORRESPONDENCE FROM THE PLEASANT PRAIRIE SCHOOL COMMISSION CONCERNING FINANCIAL INVESTMENTS AND THE CREATION OF A NEW SCHOOL DISTRICT; SECONDED BY ALLEN; MOTION CARRIED 5-0.

8. NEW BUSINESS

A. Receive Kenosha Area Convention and Visitors Bureau's 2007 Annual Report.

Mike Pollocoff:

Mr. President, tonight we have with us Dennis DuChene from the Kenosha Area Convention and Visitors Bureau to present the report for the year. It's all yours, Dennis.

Dennis DuChene:

Thank you, Mike. I enclose a copy of the annual report to everybody in your Board packets. It seems like you guys have a pretty full agenda so I'll try and be brief. 2007 was another record year for the Convention and Visitors Bureau. We had \$224.6 million spend in the Kenosha area on tourism. It's up slightly from 2006. And probably more important than that according to our visitors' survey 99.4 percent recommend our community to their friends and families as a place to visit. To us that's a great number. We know that when people come here they have a great experience. They receive great service, and to know that they go back home and tell their friends and family about that is only good for all of us.

I would really like to thank the Village Board and all the members that we encounter, whether it be Chief Wagner at the Police Department, Chief Guilbert, John Steinbrink, Jr., Carol Willke at the RecPlex, and their staffs. They're great people to work with. Many times we're putting an event together and we encounter challenges and they're right there to work with us to overcome those challenges. Our record speaks for itself.

Briefly I'd like to talk about the triathlon events we created. We're going into our sixth year of those events. And just to tie a number to that over 27,000 triathletes have come to the Village of Pleasant Prairie meaning Prairie Springs Park over the years we've hosted those events. I

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mentioned the economic impact but more important is the experience that these people have. They walk away from the Village with memories of a lifetime, and I think that's more important than any amount of money they can spend, because they'll always remember the Village. Those women that finished the Danskin Triathlon that may be the biggest accomplishment of their life and we're able to provide that experience. You being the Board, all the staff people that work on that event, and most importantly the volunteers that come out to support these events. There's over 200 volunteers to support the Danskin Triathlon as well as the Pleasant Prairie Triathlon, and without the support of the community and people coming together these events wouldn't happen. So with that I'd just like to thank everyone for their support, and if there's anything that we can do for you in the future feel free to give me a call and we'll do the best we can to help you out.

John Steinbrink:

Thank you, Dennis. And your group does quite a bit to assist the Village in all of our endeavors, not only us but the City and the other members of the CVV. Without your help I guess a lot of this wouldn't happen because it takes somebody to do the coordinating and that's one of the main things you do there. Recently we had the Governor down and the Cabinet in Kenosha and you were gracious enough to show him around the different areas. We were out at the RecPlex and among the other areas. They split up and went to a lot of the interest points throughout the County which was kind of nice because we got to show off or showcase our Village, our City, our County and these people were pretty impressed with what they saw. And I think we got something really to be proud of here. As more and more people come into the area, as you said, they see it and they recommend it to their friends.

The best part of all this is the dollars that come into the community. It helps the State coffers, it helps the local coffers, and I think the businesses here generally really appreciate it. Whether you're a hotel or a restaurant, that's a big benefit to you. And now that we've got activities spread out throughout the year we're kind of helping these folks with the year long. A lot of times in the wintertime those hotels are kind of empty and it's a tough business and the restaurants. And these activities really help the folks and really bring people and dollars into our communities. So on my behalf and the Village I want to thank you and your group of people.

Dennis DuChene:

Thank you. And just to add to that briefly it's pretty incredible to think back to when Prairie Springs Park wasn't Prairie Springs Park and it was a rock quarry and to what it's become today. Thank you and the rest of the Trustees for the vision you had there in developing that whole facility. Like you said, with the RecPlex we are able to develop events in our so-called off season to try and bring people into the area that normally don't come. So thank you for investing in the community. Again, we appreciate everything you do.

Mike Serpe:

Dennis, you had a good teacher with Mary and a good partner. She's left and you're here and we have a lot of confidence in your ability to keep this going forward. Thanks for your involvement.

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Dennis DuChene:

Well, with great partners like you guys it makes it easy. Thank you.

Mike Serpe:

Move to receive and file.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve to receive and file. Further comments or questions?

SERPE MOVED TO RECEIVED AND FILE THE KENOSHA AREA CONVENTION AND VISITORS BUREAU'S 2007 ANNUAL REPORT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- B. Receive Plan Commission Recommendation and consider Resolution #08-21 to support the amendment to the Village Comprehensive Land Use Plan for the area south of CTH Q and west of IH-94.**

Jean Werbie:

Mr. President, actually Items B, C and D are interrelated, so if we could bring up all three items and then I will address all three and separate action could be taken.

John Steinbrink:

With the Board concurrence we'll do that.

- C. Receive Plan Commission Recommendation and consider Ordinance #08-34 for a Zoning Map and Zoning Text Amendment to correct the floodplain ordinance and related floodplain map as a result of the Federal Emergency Management Agency approving the floodplain boundary adjustment on properties located south of CTH Q and west of IH-94 owned by the Village Community Development Authority, Jockey International and CenterPoint Properties Trust.**
- D. Receive Plan Commission Recommendation and consider Ordinance #08-35 for a Zoning Map amendment to rezone several properties located south of CTH Q and west of IH-94 owned by the Village Community Development Authority, Jockey International and CenterPoint Properties Trust.**

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Jean Werbie:

Mr. President, the first item I will take is the zoning map and text amendments, and this is related to the floodplain boundary adjustment for the area generally south of 104th Street or County Trunk Highway Q and west of I-94. The Village Board had adopted a resolution back in July of 2007 to amend the 100-year floodplain as delineated and shown on the Des Plaines River Watershed Floodplain Maps as prepared by SEWRPC within the Des Plaines River Watershed Study. And at that time the staff in working with CenterPoint Properties had evaluated the property and made a determination that there needed to be some floodplain boundary adjustments in order to have larger usable areas of land for future uses. In this case the future use for this site will be the corporate offices and warehouse distribution centers for Uline.

The project involved the removal of over one million cubic feet of floodplain and the creation of almost 1.4 million cubic feet of floodplain to compensate for the floodplain filled areas on the properties. Now, these properties in looking at the overhead included not only the CenterPoint Properties but also included property that is owned by the Village of Pleasant Prairie Community Development Authority as well as the Jockey International site. The Company in working with the Village actually went through the process of doing the cut and fill analysis, all the work was completed, they applied for their LOMR which is their Letter of Map Revision with the Federal Emergency Management Agency. The work has all now been completed and as built, and they have now received the final official approval from FEMA that the work has been done in accordance with the plans as they were approved and submitted.

So with that we're at the process now that the petitioner is coming forward to actually officially amend the Village's official floodplain maps and floodplain ordinance. This was a matter before the Village Plan Commission at their last meeting, and the staff will be recommending approval of the floodplain map and ordinance amendments as it relates to the work that was done on these properties.

The second item that we have before you was a matter before the Plan Commission at their last meeting as well, and that is Item D actually which is Ordinance 08-35, and this is a zoning map correction and amendment to rezone several properties south of Highway Q and west of I-94. And basically what we're doing here is making some modifications and corrections not only to the 100-year floodplain line but to correct some C-2 Upland Resource Conservancy Areas that are not shown to be in the wooded areas. So we're removing those areas that are not wooded, and we are doing some corrections to the B-4 which is the Freeway Service Oriented Commercial District. And we're making these adjustments in accordance with the modified West Frontage Road. So with those modifications the staff and the Plan Commission are recommending approval of these minor zoning map amendments.

And then finally the third item, which is actually Item B, Resolution 08-21, this is a resolution to support the amendment of the Village's Comprehensive Plan for the area south of Highway Q and west of I-94. Again, our intention is to clean up the Comprehensive Plan so it clearly references and delineates those areas that we've placed in the various zoning categories, whether it is office delineation, freeway service center, industrial, or the isolated natural area which is the wooded area west of Jockey and east of the CenterPoint Properties. And the staff and the Plan

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Commission, again, recommend approval of Resolution 08-21, Ordinance 08-34 and Ordinance 08-35 as presented.

Clyde Allen:

I make a motion to approve Resolution 08-21.

Mike Serpe:

Second.

John Steinbrink:

Motion and a second for adoption of 08-21. Further discussion?

Steve Kumorkiewicz:

It was discussed in the Plan Commission meeting.

**ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND ADOPT RESOLUTION #08-21 TO SUPPORT THE AMENDMENT
TO THE VILLAGE COMPREHENSIVE LAND USE PLAN FOR THE AREA SOUTH OF CTH
Q AND WEST OF IH-94; SECONDED BY SERPE; MOTION CARRIED 5-0.**

Mike Serpe:

Move approval of Ordinance 08-34.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second for adoption of 08-34. Further discussion?

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND ADOPT ORDINANCE #08-34 FOR A ZONING MAP AND
ZONING TEXT AMENDMENT TO CORRECT THE FLOODPLAIN ORDINANCE AND
RELATED FLOODPLAIN MAP AS A RESULT OF THE FEDERAL EMERGENCY
MANAGEMENT AGENCY APPROVING THE FLOODPLAIN BOUNDARY ADJUSTMENT
ON PROPERTIES LOCATED SOUTH OF CTH Q AND WEST OF IH-94 OWNED BY THE
VILLAGE COMMUNITY DEVELOPMENT AUTHORITY, JOCKEY INTERNATIONAL AND
CENTERPOINT PROPERTIES TRUST; SECONDED BY SERPE; MOTION CARRIED 5-0.**

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Monica Yuhas:

Motion to approve Ordinance 08-35.

Clyde Allen:

Second.

John Steinbrink:

Motion and a second for adoption of 08-35. Further discussion on this item?

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #08-35 FOR A ZONING MAP AMENDMENT TO REZONE SEVERAL PROPERTIES LOCATED SOUTH OF CTH Q AND WEST OF IH-94 OWNED BY THE VILLAGE COMMUNITY DEVELOPMENT AUTHORITY, JOCKEY INTERNATIONAL AND CENTERPOINT PROPERTIES TRUST; SECONDED BY ALLEN; MOTION CARRIED 5-0.

Mike Serpe:

Move to consider Items E & F at the same time.

John Steinbrink:

That brings us to Items E and F. Motion has been offered to take these items up together. Do we have a second?

Clyde Allen:

Second.

John Steinbrink:

Motion and a second.

SERPE MOVED TO CONSIDER ITEMS E AND F AT THE SAME TIME; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- E. Receive Plan Commission Recommendation and consider Resolution #08-22 to support the amendment to the Village Comprehensive Land Use Plan to correctly show the property located at 9230 Wilmot Road in the Upper-Medium Density Residential land use designation rather than as the Governmental and Institutional land use designation.**

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F. Receive Plan Commission Recommendation and consider Ordinance #08-36 for a Zoning Map amendment to correct and rezone the property located at 9230 Wilmot Road from the I-1, Institutional District to the R-4, Urban Single Family Residential District.

Jean Werbie:

Mr. President, both Resolution 08-22 and Ordinance #08-36 pertain to a property located at 9230 Wilmot Road. Specifically the Village staff had received a phone call or an inquiry back in May of 2008 regarding the zoning of the property at 9230 Wilmot Road. The Tax parcel Number is 91-4-122-084-0050. At that time the staff responded that the property was zoned I-1, Institutional District. The staff questioned whether or not that was the appropriate zoning district since a single family home was at that particular location.

So the staff did some research on the original general zoning maps that were back in 2006 transferred from paper copy hand drawn to a digital format. And what we did learn at that time was that the information was not appropriately transferred from one set of maps to the other. So we found that this information was, in fact, in error and the property should have been appropriately zoned and placed in the Comprehensive Plan into the residential classification. So the current zoning indicates that it's I-1. The proposed zoning is R-4 for it to closely match and be compatible with the adjacent residential land uses. And the Comprehensive Plan amendment would be appropriate then to convert it from the government and institutional land use designation and place it into a residential land use designation.

A public hearing was held to discuss this modification to both the zoning map as well as the Comprehensive Plan map, and the Plan Commission as well as the staff recommend approval in order to correct this error. So the staff is recommending approval this evening of Resolution 08-22. Again, this is to support an amendment to the Comprehensive Land Use Plan as well as Ordinance #08-36 and this is the zoning map amendment to correctly delineate this property and place it into the R-4, Urban Single Family Residential classification.

John Steinbrink:

Jean, the property to the west, the back portion of that property was added to the school parcel, is that correct?

Jean Werbie:

Yes.

John Steinbrink:

And the intent for the original remainder of that parcel and that is to be R-4 also? There was no intent for that parcel at a later date to fully go to the school? That was the . . . property there.

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Jean Werbie:

There might have been some previous discussions towards that end, but apparently those discussions never panned out at this point. So I know that the property owner was inquiring–

John Steinbrink:

Just so we didn't create an island with the other one.

Steve Kumorkiewicz:

Make a motion to adopt Resolution 08-22.

Clyde Allen:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #08-22 TO SUPPORT THE AMENDMENT TO THE VILLAGE COMPREHENSIVE LAND USE PLAN TO CORRECTLY SHOW THE PROPERTY LOCATED AT 9230 WILMOT ROAD IN THE UPPER-MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION RATHER THAN AS THE GOVERNMENTAL AND INSTITUTIONAL LAND USE DESIGNATION; SECONDED BY ALLEN; MOTION CARRIED 5-0.

Mike Serpe:

Move approval of Ordinance 08-36.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #08-36 FOR A ZONING MAP AMENDMENT TO CORRECT AND REZONE THE PROPERTY LOCATED AT 9230 WILMOT ROAD FROM THE I-1, INSTITUTIONAL DISTRICT TO THE R-4, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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- G. Receive Plan Commission Recommendation and consider the request of Chad Navis, Director of Industrial Development for Towne Investments, property owner, for a Certified Survey Map to adjust the lot line between Tax Parcel Numbers 92-4-122-282-0172 and 92-4-122-282-0183, generally located on 82nd Avenue and 107th Street, south of 104th Street (STH 165) in the LakeView Corporate Park.**

Jean Werbie:

Mr. President and members of the Board, this is a request for a certified survey map from Chad Navis, Director of Industrial Development for Towne Investments. He's proposing to adjust the lot lines between two tax parcel numbers, 92-4-122-282-0172 and -282-0183. These properties are generally located on 82nd Avenue and 107th Street south of 165 in the LakeView Corporate Park.

The parcels are proposed to accommodate two spec buildings that were recently considered by the Village Plan Commission, the Towne Industrial III and IV speculative buildings. Lot 1 is currently undeveloped property. It has just over five acres of land with 622 feet of frontage on 82nd Avenue and 107th Street. The property is zoned M-2, Heavy Manufacturing District, and it meets all of the minimum requirements of the M-2 District. Lot 2 is also currently undeveloped property. It's proposed to be just over 3.4 acres of land with 553 plus feet of frontage on 82nd Avenue and 107th Street. Again, the property is zoned M-2, Heavy Manufacturing District. Both of the lots meet and exceed the minimum lot size and frontage requirements of the M-2 District.

There are a number of easements that are reflected on this particular certified survey map, as well as we've got some utility areas that have been identified with the easements. The property owner has presented its site and operational plans to the Village Plan Commission, and those site and operational plans were approved subject to the comments as outlined in the staff memo for the CSM as well as the official approval of the CSM by the Village Board. The staff recommends approval as presented subject to the comments.

Clyde Allen:

Motion to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Clyde, second by Steve. Any comments or questions on this item?

Steve Kumorkiewicz:

We discussed it, too, at the Plan Commission.

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John Steinbrink:

Further comments or questions from Board members?

ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF CHAD NAVIS, DIRECTOR OF INDUSTRIAL DEVELOPMENT FOR TOWNE INVESTMENTS, PROPERTY OWNER, FOR A CERTIFIED SURVEY MAP TO ADJUST THE LOT LINE BETWEEN TAX PARCEL NUMBERS 92-4-122-282-0172 AND 92-4-122-282-0183, GENERALLY LOCATED ON 82ND AVENUE AND 107TH STREET, SOUTH OF 104TH STREET (STH 165) IN THE LAKEVIEW CORPORATE PARK; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- H. Consider the request of Ted Pickus, agent for Prairie Trails LLC for a one (1) year extension of the Preliminary Plat of Prairie Trails East and a one (1) year extension to comply with the conditions of the Final Plat for the first stage of the Prairie Trails East Subdivision.**

Jean Werbie:

Mr. President, this is a request by Prairie Trails East. On February 6, 2006, the Board had adopted a resolution to approve the preliminary plat to develop approximately 117.6 acres of property into 146 single family lots and 8 outlots. At that time a one year extension was granted by the Village Board. Again, this property is north of the State Line, north of 128th Street, it's east of the Kenosha County Bike Trail and south of 26th and 28th Avenues. This extension would extend the preliminary plat until February 6, 2010. Again, we grant two year extensions with preliminary plats.

Approximately 32 percent of the entire site is to remain in open space as originally proposed. There would be no modifications to the layout or the lots as already indicated. The developer has presented to us that they would like to develop the project into two stages, but at this point in accordance with their letter and our conversations the market and the economy is a little tough for bringing on 70 new lots of single family. And so they are requesting an extension of one year for that consideration of that final plat for them to satisfy any outstanding conditions, which they have some with FEMA. There are some outstanding conditions with Lake County with respect to just getting the performance bonds and some things put together. But most of all I think what they're waiting for is maybe the economy to turn around for them to move forward with this particular project.

The staff has had a number of conversations with the developer and how his development relates to a development that would like to move forward to the north, The Orchard Development north on 28th Avenue. And there has been some ongoing discussions between the staff and Prairie Trails East, as well as The Orchard, as to what could be done for The Orchard Development which was largely dependent on this development to move forward. The Orchard attorney actually drafted both an access agreement as well as a water main easement agreement in order to satisfy some outstanding conditions of The Orchard for them to move forward.

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With respect to the access agreement there was considerable discussion that in order for The Orchard to develop they needed to have their construction equipment come from another local Village street or adjacent roadway other than 28th Avenue because of the concerns of the residents and the condition of the road. So the petitioner was able to discuss this with the developers of Prairie Trails East and they have been and they are in the process of working out a construction access agreement that would bring construction traffic, and I know this is turned sideways, but take it from 128th Street northward through the development to The Orchard to the southwest corner of The Orchard not even traveling on 28th Avenue.

The second part of the discussion revolved around the need to have municipal water to service The Orchard Development. Again, with Prairie Trails East not moving forward, they needed to obtain their municipal water from another source. And so Prairie Trails East was eventually going to be getting their water from the west underneath the Kenosha County Bike Trail and then eastward into their development. Those permits have now been granted by Kenosha County to go under the bike trail, so what they are seeking to do is to extend that municipal water main under the bike trail and then into 30th Avenue and then along side lot lines and then bringing that into the south to service The Orchard.

Again, I have two different agreements here, an access and water main agreement. I'm not sure if it's 100 percent agreed upon between the two parties, and I've talked to Mr. Pickus today and I indicated to him that we really need to have these agreements in place prior to July 1st or a condition of their extension of their final plat. And they believe they could reach agreement with the developers of The Orchard in order to get the minor issues wrapped up.

The one outstanding condition or the one outstanding issue is that the original permit from Lake County I understand was intended to be for a full cross-section entrance off of 128th Street which is tied to a performance guarantee and bond and letter of credit and a number of things that need to be posted at the time that the full intersection is completed. In talking with the engineer and with the developers of Prairie Trails East, that will not satisfy the concerns of Lake County, that if The Orchard is looking to get access from 128th Street they will have to apply separately for a conditional temporary access permit. They will not have to go through the entire process or procedure that Prairie Trails East went through, but they will have to get a separate permit if it's intended to be a temporary connection or access point. Other than that, somebody would have to build the full cross-section and bypass lanes and intersection at that location. So that is one issue that as of tonight we don't have that worked out yet, but possibly one of the developers could address that particular issue.

But it sounds like we're very close in reaching the other agreements, and with these agreements tied to their extension allowing The Orchard to move forward and Prairie Trails East to remain whole at this point, I just don't think that they're ready to move forward with their development and The Orchard does want to move forward. But I think this is a nice compromise that they are reaching right now in order to get that access and to alleviate all those concerns from the residents on 28th Avenue at least in the first instance.

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Mike Pollocoff:

I guess my concern with one of the statements that was relayed to Jean was the ability of the developers from The Orchard development to be able to secure a right of way access from Lake County onto State Line Road. Orchard doesn't own the property that abuts that property. The Pickus group has had their development review packet at Lake County and it's been either sat on or it's been turned back for non completion. So I think that's probably hanging out there more than anybody really knows. As a government we have no say and really no influence in Illinois to effectuate that permit. From the Village's standpoint we've been relying on the Prairie Trails East development to pursue all their permits and approvals in a diligent manner.

We understand at some point they make a decision on whether or not the market is going to support the development, but the Village is required by Statute to hold onto that preliminary plat for as long as we did, and we've held onto the final plat. It's the developer's responsibility to secure all the necessary permits and approvals short of the letter of credit and those financial commitments that they're going to need from the Village before they do the final plat. I think that I concur with Jean's recommendation that we grant a one year extension, but I think it needs to be contingent on those approvals or those agreements being in place with The Orchard development and they need to get their necessary permits from Lake County Department of Transportation so things can occur.

Other than that the thing starts unraveling. If it starts unraveling then I think we really have to take a look at whether or not the plat is where we want to go at that point. So that would be my recommendation. I think that if they don't have their due diligence and work done now, the question before the Board is to extend or not. I think being fair to Prairie Trails East I'd recommend we vote for an extension for one year, but that's assuming that all the pieces are in place. And if they're not in place by July 7th which I believe is the effective date, then it dissolves. So it's really up to the developer to get that going.

Clyde Allen:

Motion to approve with all terms, conditions and agreements in place. You had said July 7th. Jean I thought said July 1st. Which date was correct?

Mike Pollocoff:

My reading of the packet was the 7th.

Jean Werbie:

I thought it was the 7th. Let me look it up.

Mike Pollocoff:

If you look at the second paragraph, on January 7, 2008, the Village Board granted a six month extension until July 7, 2008.

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Clyde Allen:

That's my motion with a question. Mike, if they don't meet all these agreements by July 7th can you tell us the scenario?

Mike Pollocoff:

Well, if the contingencies that the Board places on the approval aren't in place then the approval doesn't happen. And on July 8th the plat is evaporated.

Mike Serpe:

This is Mr. Pickus' obligation to get this taken care of, is that correct?

Mike Pollocoff:

It's Mr. Pickus' and in some respects it's Mr. Roscioli, et al, for The Orchard. But I think Mr. Pickus has got the standing to get the permits done that they need.

Mike Serpe:

Could we have Ted come up?

Mike Pollocoff:

Can we get a second on the motion?

Mike Serpe:

I'll second Clyde's motion so we can continue.

John Steinbrink:

Motion and a second. Questions for Mr. Pickus. Mr. Pickus, please give us your name and address for the record.

Ted Pickus:

Ted Pickus, 3330 Skokie Valley Road, Highland Park, Illinois. Thank you for letting me come up. I just want to first of all say I am really hoping that we can work something out with The Orchard. I understand their situation. They have 14 lots I believe, is that correct, Jean?

Jean Werbie:

Nineteen.

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Ted Pickus:

Nineteen lots. We have 146 when we're looking at doing 80 and right now the times obviously are not economically proper to go ahead. Why would we want to develop land that's now farmland and have it just sit there? It's my understand from Mr. Foab Saab that he will go and prepare all the information for a temporary access from Lake County, but we will have to present it to them for the temporary access and I am more than happy to do that. I do not have obviously control over what Lake County does in the time frame that they do it. I will do everything possible to get that approved, but I just can't make a promise that it's completed by a specific date and to have that date come and then for this to dissolve our subdivision that we've worked hard. As everyone knows we've been here many a times. We had to change the bike trail crossing a number of times. We reconfigured the subdivision a number of times to make everyone happy, and I think we've got it there. Unfortunately, the times aren't correct to proceed ahead. So I guess my concern is this time constraint of July 7th or whatever the date may be. I'm willing to do whatever it takes to go to Illinois IDOT to get this passed, but I have no control over if and when it's going to be passed.

Mike Serpe:

Where is the date July 7th? How did we come to that date?

Jean Werbie:

That happens to be the date when the final plat extension expires that the Board had granted previously.

Mike Serpe:

If Ted does his submission to Lake County prior to July 7th and Lake County for some reason doesn't respond with a positive or what he's looking for by July 7th, if he has proof of submission are we going to still let this thing expire if we don't know the outcome of this by July 7th?

Mike Pollocoff:

Well, yeah. I guess from my standpoint the Village we worked diligently to do this. We've corralled The Orchard development to make financial improvements to the Prairie Trials East development so they're putting in water. It's good that they're working together and I think The Orchard development has put some money for it, but from my standpoint to be honest with you I'm a little disappointed that the process for the non financial items hasn't proceeded any farther than it has. When the Board gave the extension for six months, six months to July 7th, it was premised on the fact that there were going to be things happening and taking place and to be honest they haven't. That hasn't happened.

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Ted Pickus:

What hasn't been—we're still waiting for FEMA to get one more item back, and we follow through with them. Unfortunately FEMA is FEMA and we have no control. But otherwise everything else is in line.

Mike Pollocoff:

Our discussions with Lake County reflects that there's been submissions that were lacking information for the submission and now you're going to be starting all over again.

Ted Pickus:

That's not my understanding. I spoke with Jean today and she had mentioned that someone had spoke to Lake County. But neither my engineer nor I have received anything from Lake County stating that we're just—I've paid the fees up to putting up the bond for the improvements. That's all we were waiting for. We were trying to coincide when we do the subdivision. Obviously we financially can't put up a bond when we're not going to proceed ahead. We're talking half a million dollars.

Mike Pollocoff:

Well then I think at that point that kind of says where we're at. The thing starts unraveling. At some point there's going to be a financial commitment from Illinois to get what you need to get. It's not a half million dollars cash, it's a bond for a half million, right.

Ted Pickus:

Right.

Mike Pollocoff:

Okay, so what's the actual outlay.

Ted Pickus:

Well, you have to put up something to that value.

Mike Pollocoff:

You're not going to purchase a bond, you're going to use a collateral bond?

Ted Pickus:

Right.

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Jean Werbie:

It's a letter of credit.

Mike Pollocoff:

. . . letter of credit. The letter of credit isn't face value, it's a commitment.

Ted Pickus:

I guess this is all being tied to The Orchard which, again, we want to work with, but I don't understand why you're penalizing me for helping him gain access through and put in the water to their property. Otherwise they would have to improve I guess 28th Street to have it work. So in a sense I'm trying to be a nice neighbor and help him and you're penalizing me for doing that.

Mike Pollocoff:

The Orchard agreements are part of it but it's the other items that are out there. I think that—

Ted Pickus:

It really doesn't make sense to start a development right now. You see as I've learned of the Village here there's a lot of vacant lots, and I don't think it helps anyone to start improving farmland and putting in infrastructure and roads and water and sewer when it's not going to go anywhere. Obviously it is going to be a financial burden on us but don't even take that into effect. It's not environmentally correct to do that at this time.

Mike Pollocoff:

I don't believe the Village Board or myself is asking you to start a development prematurely. But on the other hand you're asking the Village to grant a right for development to you and hold that for what could be an indefinite period. If you don't have your improvements, if the market is in place - we've taken and given approval for platting of a subdivision. If this is gone another year we'll have gone almost three years before any of your abutting neighbors have had any chance to comment on that plat. I think that stretches the intent of holding a final plat longer that is necessary. If the market isn't right then people have to face up to it.

Ted Pickus:

We've had enough comments from the neighbors to last a long time. I understand what you're saying, Mike, and I appreciate it. I'm just saying—

Mike Pollocoff:

If the market isn't right then maybe the market isn't right.

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Mike Serpe:

Just a question. If Mr. Pickus' submission doesn't take place by July 7th what's the fate of The Orchard?

Mike Pollocoff:

The Orchard would then have to come back and re-evaluate how their subdivision would be built out. They would still have the opportunity to approach Mr. Pickus for an easement to bring in water, assuming that he wants to resubmit his plat at a future point and have that water main in there. The road construction issue would be significantly different. And I think the other thing is that the FEMA approval seems to be taking an inordinately long time compared to other ones we've seen. And once that floodplain is defined and we've gone another year or two years, we all know what happens with floodplain delineations. They're not forever. So I think there's some rational public policy issues that we have to think about before we keep renewing an agreement when it appears that there's a limited likelihood that it's going to happen in the near future. I guess I, myself, would feel better if there had been more work done on this in this interim period rather than coming up to the due date again and saying let's go for another extension.

One of the options that the Board could take on this is to limit the period of the extension to a smaller period. If Mr. Pickus is as close as he says he is, if the Lake County DOT will turn around on the permit, if the FEMA approvals are as close as he thinks they are, then a tighter time frame on the plat could be in order.

Ted Pickus:

But that won't help economical times. Once I get the approval I have to proceed ahead and start the improvements out there and put in the infrastructure. Then you're tying my hands.

Mike Pollocoff:

I think at that point then that's when everybody has to make tough decisions. Is the marketplace going to support a 100 lot subdivision in this area?

Ted Pickus:

Mike, again, I don't want to rehash old business, but we went in front of the Planning Commission a number of times trying to get the subdivision where everyone was happy. We followed the neighborhood plan. That's where this whole thing stemmed from. Then crossing the bike trail, not crossing the bike trail, that went back and forth for a long time. Now what's happened is it put us into a time economically that we can't proceed ahead.

Mike Pollocoff:

I was at all those meetings and we share your pain, but in that intervening period there was still work with FEMA and those other things that didn't happen.

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Ted Pickus:

You can't do that until you get it approved.

Mike Pollocoff:

The floodplain is a floodplain. You're going to work around that floodplain or work to the floodplain—

Ted Pickus:

We actually had to reconfigure those lots right when you come in off of 128th so that's why we had to wait to specifically show which areas we were delineating.

Mike Serpe:

So, Ted, let me ask what are you asking for here?

Ted Pickus:

For a year.

Mike Serpe:

You got the one year, but we're going to need some July 7th dates here to be satisfied.

Ted Pickus:

That's what I'm saying is I will do everything in my power to do that, but outside my power I have no control. My question is, like you had asked, is what happens when that date comes, I've submitted or we've submitted, me submitting it and The Orchard giving me the information and there's no answer given from them. I just don't want that to—

Mike Serpe:

Is there a possibility to get an update at the first Board meeting in July?

Jean Werbie:

Yes. Again, the staff has the initial concerns of the water easement and the access easement, if those can both be executed by that date, and if an application can be made to Lake County. My understanding is it shouldn't be an excessive period of time, but they may or may not be able to turn it around in two weeks. But if the application is made within a timely manner I can check into it with Lake County myself to find out what the processing time is at that point.

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Mike Serpe:

So there's a possibility we could look at this again at the first Board meeting in July?

Ted Pickus:

As I said, Mr. Saab was going to prepare the information for me to submit so I have to wait. I think he has everything ready is my understanding, is that correct, Jean?

Jean Werbie:

Yes, he does. The other thing is typically if you approve an extension of a final plat it's one year and preliminary plats are for two years. Now, possibly what you want to do is extend the preliminary plat to be the same period of time as the final plat. I mean that was part of this discussion this evening is whether or not you want them to coincide with the same period of time, or do you want to extend the preliminary plat for two years and the final plat for one year? I think that needs to be clarified.

Mike Serpe:

How many years are we talking here? Two years on the preliminary from now to—

Jean Werbie:

Preliminary plats are oftentimes—they're approved for a two year period of time. Extensions that's up to the Village Board. And the request I think was two years for the preliminary plat and one year for the final plat. You may want to just extend them both for one year so they coincide with each other.

Mike Pollocoff:

My recommendation is whatever you decide to extend the final for extend the preliminary for the same amount.

Steve Kumorkiewicz:

I have a question with this. I don't have it clear yet. You say that . . . is missing some information from you?

Jean Werbie:

Steve, it's not missing information. It's information they have not yet submitted because they're not ready to finalize the development and record the final plat. It's no different than any other subdivision that if they don't want to go to that final step to post the letter of credit and submit all the final performance documents that's what has not been submitted. All the other concurrence

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items with respect to the official plans have been approved by Lake County. It's just the final checklist items to get that final permit have not been submitted.

Steve Kumorkiewicz:

So they're getting access from Lake County?

Jean Werbie:

They can't officially get the permit for access until they submit the money and the bond and the performance and those final things. The plans have been approved but they haven't got the actual permit until they submit the financial documents. You understand? It's no different than the Village. We do the same thing. It will be approved by the Village Board subject to all these things coming in within a week period of time.

Mike Serpe:

I call the question.

Jane Romanowski:

Is the motion for each one year or a two year and a one year?

Clyde Allen:

Each one year meeting all terms, conditions and agreements in place by July 7th.

Jean Werbie:

I doubt that Lake County can get that permit out in two weeks. They can maybe do it in 30 days, but I doubt they'd get that permit out in that short of a period of time.

Mike Serpe:

We'll know that in the first Board meeting of July?

Jean Werbie:

Correct, July 7th.

John Steinbrink:

So state the motion again?

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Jane Romanowski:

It appears it's an approval of a time extension for both the preliminary plat and the final plat for one year with the conditions that the agreements that Mike was talking about, and I don't know if it's just the Lake County one that's out there or other agreements have to be—

Ted Pickus:

It would be the Lake County and with The Orchard.

Mike Pollocoff:

With Lake County and The Orchard.

Steve Kumorkiewicz:

So the—

Mike Pollocoff:

We already have the question on the floor.

John Steinbrink:

Motion and a second and that includes an update on the first Board meeting which will be all telling. Comments or questions on the motion?

Steve Kumorkiewicz:

It's all said.

ALLEN MOVED TO GRANT A ONE YEAR EXTENSION FOR BOTH THE PRELIMINARY AND FINAL PLAT APPROVALS FOR THE PRAIRIE TRAILS EAST PROPOSED SUBDIVISION WITH THE CONDITION THAT THE WATER EASEMENT AND ACCESS EASEMENT ARE EXECUTED AND LAKE COUNTY APPROVALS ARE RECEIVED BY JULY 7, 2008; SECONDED BY SERPE; MOTION CARRIED 5-0.

John Steinbrink:

Mr. Pickus will be presenting updates to you, Jean, then on this?

Jean Werbie:

Yes.

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John Steinbrink:

And he understands the time line of the meeting so that we're not uninformed at that time?

Jean Werbie:

That's correct.

- I. Consider the request of Michael Dilworth for an amendment to the Development Agreement for The Settlement at Bain Station Crossing Subdivision to install curb and gutter and the first lift of asphalt prior to 50% of the homes being completed within the development.**

John Steinbrink:

We seem to have quite a few numbers of these here.

Mike Spence:

This is one of a number of requests for expedited paving. We're finding that the economic conditions are prompting a lot of these developers to do whatever they can to make their developments more saleable, and that includes paving ahead of time. In this particular development, it was also the development that had the damage from the water hydrants that were left on this winter. And also the recent rains have affected the existing grading there, so they want to pave ahead of time prior to having 50 percent of the homes being completed.

My recommendation is that the initial base has been in for a while. Even though there hasn't been a lot of traffic there has been some natural settling. I think in this particular case an expedited pavement would be warranted and I would support that.

Mike Serpe:

The normal time sequence is the gravel base for first year—

Mike Pollocoff:

Well, when we get to 50 percent of the homes so it could be a couple years.

Mike Serpe:

And how long has this been here now?

Mike Spence:

This was paved I think—John?

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Mike Pollocoff:

This hasn't been paved. It sat through a winter cycle.

John Steinbrink:

But the one street has been paved.

Mike Pollocoff:

One street has been paved. He's talking about the other.

Mike Spence:

The north/south street has been paved.

Jean Werbie:

85th Avenue.

John Steinbrink, Jr.:

It was paved last year in 2007 and then the gravel so it's been just over one year.

Mike Serpe:

And what's the construction progress on this?

Mike Spence:

Zero. There's very little development. I don't know if there's any building permits.

John Steinbrink, Jr.:

One of the things I guess that maybe has changed over the last couple years is when we enacted the 50 percent it was back in the mid to late '90s, and that's when our cross-section was eight inches of stone and three inches of asphalt. So it was an inch and a half of binder and an inch and a half of a final lift. So we were trying to find ways to keep that binder from breaking up. So we thought if we can keep a lot of the construction traffic off of it by waiting until half of the homes were hooked up to sewer and water that might kind of be a help. And then also since that time we've increased our cross-section from three inches of asphalt with an eight inch stone base to twelve inches of stone with five inches of asphalt which is almost doubling the bearing capacity on a lot of these roads. So there is a lot more structure with our new cross-section because I believe our binder is three inches of binder where ten years ago it was only an inch and a half of binder with eight inches of stone. One of the things that we have done in the past also is have the developer write a letter of indemnification. I'm not sure if we talked about that already.

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Jean Werbie:

It's in the agreement.

John Steinbrink, Jr.:

So in case something happens and the binder does break up then it's not on the shoulders of the taxpayers.

Mike Serpe:

For how long is that letter in effect.

Mike Pollocoff:

Until they . . . top coat

Jean Werbie:

Until 75 percent of the homes are completed and they do their third year or their final lift.

Mike Serpe:

And what's the size of that lot as far as the amount of homes or sites or condos?

Jean Werbie:

How many lots are in this?

Mike Serpe:

Yes.

Jean Werbie:

40 or 44.

Mike Pollocoff:

Mixed use.

Jean Werbie:

43.

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Mike Spence:

The other thing I'd like to mention is that I've checked around with some other municipalities and it's not uncommon—most municipalities will allow that first layer of asphalt. As John said, we've increased our section so that that helps to alleviate some of the concerns with the heavier traffic.

John Steinbrink, Jr.:

And we also have a lot of problems in the summertime on gravel roads with the dust control, especially when we have more and more homes when it's not quite at the 50 percent, but once we start having some homes in there they're calling for dust control and then we're watering or the developer is watering and we're getting calls and then there's potholes. Then we have a harder time with snow plowing and running the garbage trucks over that. I would definitely like to see it expedited if at all possible. It makes my job a lot easier.

Mike Serpe:

One question for you. Assuming we authorize this, the developer signs all the letters necessary to make the repairs and financial conditions come forward where the developer maybe goes bankrupt and walks away from the project and there's 15 homes built. Who is responsible for the repairs of that road now?

Mike Pollocoff:

The developer is through the letter of credit.

Mike Serpe:

He has to come up with the letter of credit?

Mike Pollocoff:

Right.

Jean Werbie:

Each year the letter of credit is examined and looked at by engineering and finance. We ask them to review to make sure that there are enough funds in order to complete the project that year and in a subsequent year.

Mike Spence:

Basically when we do this we do like an audit to make sure that there enough funds available to redo it if it has to be done.

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Mike Pollocoff:

Probably these letters of credit—there's a requirement they have to agree to enrich it because asphalt prices aren't going down. So each year as we true up the actual cost of asphalt that letter of credit is going to have to be enriched to meet the current price of asphalt.

Mike Spence:

And I think quite honestly that's probably another factor that's in this, too. A number of these developers are trying to pave before the asphalt prices go any higher. A number of them I think have indicated that.

Steve Kumorkiewicz:

July 1st it went up 20 percent, you mentioned that.

Mike Pollocoff:

July 1st is a major event in the asphalt community. I think it's 20 or 15 percent. That's why we have our asphalt plan later on the agenda.

Monica Yuhas:

Move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Clyde Allen:

I know I mentioned this before. Is there anything we can do to assure that prospective buyers or anyone that comes in to purchase, especially early, that the developer requested the early asphalt laying so that they know that it wasn't the Village that required it and so they don't come back at us and say why did you lay this early and now we've got problems here, we've got potholes, we've got all these problems, when indeed it is the developer who is the one that requested it and is responsible for it?

Mike Pollocoff:

Well, I think there are a couple of things that will happen with that, Trustee Allen. One is that the developer plats it out, sells the lot, and with that lot he's going to say, okay, XYZ builder you're

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going to build that parcel. What we've seen on some of these subdivisions is the developers are requesting a bond, a payment to be set aside for repair of the pavement. Not all cement trucks or drywall trucks or trucks delivering trusses are paying attention to the curbs getting busted or driving in when there might be frost in the ground. So that money is set up for a lot of those lots to pay that when it occurs so the developer can handle it.

We can put that on the list when the permit is gathered and when people do their due diligence to see what's going on. We had a room full of people here tonight said they didn't want 55th to go through but on their very plats it said that 55th was going through. So as property transacts from buyer to seller we can have that information out there and it's really the diligence of the homeowner or property owner to pay attention to it. Some people just go to closings, initial here, initial here, sign here, sign here and they don't really look at what they're agreeing to. But those assurances are in the documents. We put them in there but to get them to read it is a difficult thing. You've got typical closing with a couple hundred pages of information regrettably it doesn't get read.

Clyde Allen:

I was just kind of looking for an assurance that they wouldn't come back.

Mike Pollocoff:

We're responsible for everything.

Clyde Allen:

The one I was going to bring up was Bentz where it then sold and it's on there but they're responsible, they have the homeowner's association but were ever told about it. It would be nice to have something that they wouldn't come back and say, gee, why did you have this done early.

Mike Pollocoff:

At that point usually the source of frustration is there's nobody left to blame and they end up on your doorstep.

John Steinbrink:

We have a motion and a second. Further discussion?

YUHAS MOVED TO APPROVE THE REQUEST OF MICHAEL DILWORTH FOR AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE SETTLEMENT AT BAIN STATION CROSSING SUBDIVISION TO INSTALL CURB AND GUTTER AND THE FIRST LIFT OF ASPHALT PRIOR TO 50% OF THE HOMES BEING COMPLETED WITHIN THE DEVELOPMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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- J. Consider the request of Mark Bourque for an amendment to the Development Agreement for Ashbury Creek Subdivision to install curb and gutter and the first lift of asphalt prior to 50% of the homes being completed within the development.**

Mike Spence:

Mr. President, the Ashbury Subdivision, again, is asking for expedited pavement. Again, staff would recommend, again, because of our cross-section and further reasons that we just talked about for Bain Station Crossing.

John Steinbrink:

We need a motion.

Clyde Allen:

Motion to approve.

Mike Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Further discussion?

ALLEN MOVED TO APPROVE THE REQUEST OF MARK BOURQUE FOR AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR ASHBURY CREEK SUBDIVISION TO INSTALL CURB AND GUTTER AND THE FIRST LIFT OF ASPHALT PRIOR TO 50% OF THE HOMES BEING COMPLETED WITHIN THE DEVELOPMENT; SECONDED BY SERPE; MOTION CARRIED 5-0.

- K. Consider the request of Quinton Ackerman for an amendment to the Development Agreement for the Kings Cove Subdivision to install curb and gutter and the first lift of asphalt prior to 50% of the homes being completed within the development.**

Mike Spence:

Again, Kings Cove they've asked for expedited pavement. This particular layer, John, how long has that been—do you recall when this was—

Jean Werbie:

Two years.

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Mike Spence:

Two years?

John Steinbrink, Jr.:

Kings Cove has been in for probably at least three years, two and a half or three years.

Mike Spence:

And I guess the reason why I ask that question is there's two things going on. One is the natural settling when you do your first gravel, and then, of course, the truck traffic and all that. But as far as natural settling after three years it should be in pretty good shape. Two years. So, again, I would recommend that this be approved.

John Steinbrink:

Do we have a motion?

Monica Yuhas:

Motion to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

YUHAS MOVED TO APPROVE THE REQUEST OF QUINTON ACKERMAN FOR AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE KINGS COVE SUBDIVISION TO INSTALL CURB AND GUTTER AND THE FIRST LIFT OF ASPHALT PRIOR TO 50% OF THE HOMES BEING COMPLETED WITHIN THE DEVELOPMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- L. Consider the request of Doug Stanich for an amendment to the Development Agreement for the Westfield Heights Subdivision to install curb and gutter and the first lift of asphalt prior to 50% of the homes being completed within the development.**

Mike Spence:

Again, this particular subdivision is a smaller subdivision. There are a number of homes that have been constructed although they have not reached the 50 percent. The original gravel lift was

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installed well over two years ago so, again, there's been a lot of natural settling, and recommend that this expedited paving be approved.

Clyde Allen:

Motion to approve.

Mike Serpe:

Second.

John Steinbrink:

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

Steve Kumorkiewicz:

Yes, Jean, it looks to me like the agreement here we've got nine conditions. Number four explains actually everything including for several years until 75 percent of the units are completed. That means that the surface course could be deferred for several years.

Jean Werbie:

For up to five years.

Steve Kumorkiewicz:

Here it says several years.

Jean Werbie:

The ordinance says five and my interpretation is several is five. It could be five.

Steve Kumorkiewicz:

The other one has the same point?

Jean Werbie:

Right, I wrote them all the same.

Steve Kumorkiewicz:

Okay, thank you.

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John Steinbrink:

We have a motion and a second. Further discussion?

ALLEN MOVED TO APPROVE THE REQUEST OF DOUG STANICH FOR AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE WESTFIELD HEIGHTS SUBDIVISION TO INSTALL CURB AND GUTTER AND THE FIRST LIFT OF ASPHALT PRIOR TO 50% OF THE HOMES BEING COMPLETED WITHIN THE DEVELOPMENT; SECONDED BY SERPE; MOTION CARRIED 5-0.

M. Consider Engineering Services Agreement for the Carol Beach Estates Unit 2 Stormwater project.

Mike Pollocoff:

Mr. President, we have a proposed agreement from Hey & Associates of Brookfield to provide engineering services for the Carol Beach Unit 2 stormwater project. Hey is a well recognized engineering firm in the area of water resources, wetlands and ecology services. They performed other projects for us as it relates to storm water very well in the Village. They're well attuned to requirement for State and federal waterway permits which are anticipated to be an instrumental component for this. The scope of services is attached, and the fee that Hey & Associates is proposing is \$49,800.

Mike Spence, our Engineer, and I have reviewed the proposal and we feel that Hey is the right firm to bring into this project given the difficult nature of the interaction of the existing wetlands and the water issues in there. Again, based on our previous experience in working with Hey on some other difficult and more challenging storm water projects they've performed very well. So it's our recommendation that I be authorized to enter into a contract with Hey & Associates for an amount not to exceed \$49,800.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Monica Yuhas:

I have a couple questions, Mr. President. Preparation of assessment schedules is that something your staff—who will be putting the assessment schedules together?

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Mike Pollocoff:

We've already done the assessment schedule that was utilized in the assessment. Then as Hey completes the project, as we go to bid on the project and we have our actual construction, the Village will modify the assessment schedule to reflect the actual cost of construction at that point, so we won't need Hey to prepare that.

Monica Yuhas:

Okay. And then the other question is assistance during construction phase. What assistance would they need?

Mike Pollocoff:

This is a design services contract, so we would probably later on enter into a—get another proposal from them for construction-related services that would entail the inspection that would take place at that time. I'd rather have the design completed. Once they've had their interaction with the citizens in that area, they've worked between DNR and the Village to come up with a plan that works, and then we've got a nice, tight scope of work that's going to take place, then from that point get a bid for the construction-related services.

Monica Yuhas:

Thank you.

John Steinbrink:

Further comments or questions?

SERPE MOVED TO APPROVE AN ENGINEERING SERVICES AGREEMENT WITH HEY & ASSOCIATES FOR THE CAROL BEACH ESTATES UNIT 2 STORMWATER PROJECT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

N. Consider Award of Contract for the 2008 Paving Program.

Mike Pollocoff:

Mr. President, the Village received sealed bids on June 11, 2008 for our 2008 paving program. Three bids were received. The low bid was received by Black Diamond in the amount of \$176,086.40. The second low bid was submitted by Payne & Dolan in the amount of \$191,499.65. The Village Superintendent of Public Works and myself both recommend that the contract be awarded to Black Diamond Asphalt in an amount not to exceed \$176,086.40.

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Mike Serpe:

To John or Mike, Tuckaway Subdivision, I think the sump pump, sewer line that we were going to make a connection to out there has that been completed?

John Steinbrink, Jr.:

That was completed last year in 2007.

Mike Serpe:

It was done?

John Steinbrink, Jr.:

Yes.

Mike Serpe:

Okay, thank you. With that I'd move approval of the project.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica. Further comments or questions on this item?

Monica Yuhas:

One quick question for John. I'm not familiar with Black Diamond. Where are they from and have we used them before?

John Steinbrink, Jr.:

Black Diamond is actually the contractor that's doing the paving for 80th I believe. We have used them for paving programs in the past. They are a large company and they do very good work.

Monica Yuhas:

Out of Oak Creek?

John Steinbrink, Jr.:

Yes.

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Monica Yuhas:

Thank you.

John Steinbrink:

Other comments or questions?

SERPE MOVED TO AWARD OF CONTRACT FOR THE 2008 PAVING PROGRAM TO BLACK DIAMOND; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- O. Consider Ground Lease Agreement with Denali Spectrum Operations, LLC d/b/a Cricket Communications, Inc. for an antennae and equipment shelter at the Sheridan Road Booster Station.**

Mike Pollocoff:

Mr. President, this agreement between the Village and Denali doing business as Cricket s to provide for the installation of a shelter for equipment, and then they'll be putting their antennas on top of the existing Nextel tower that's located at the Sheridan Road booster station. They're proposing to pay \$1,000 a month per rent. That will escalate over basically a 20 year period in five percent increments in blocks of five years.

We've required those companies that place towers on Village land to provide space on towers to accommodate additional users so we don't have a proliferation of cell towers all over, but we want to be able to provide as much cell service to the residents of the community as possible. This item, this ground lease is in compliance with the site and operational plan that the Plan Commission approved at their last meeting, and I'd recommend that the Village President and Clerk be authorized to execute the lease on behalf of the Village.

Clyde Allen:

So moved.

Mike Serpe:

Second.

John Steinbrink:

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

Steve Kumorkiewicz:

What company is this, Denali Spectrum?

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Mike Pollocoff:

Denali is a telecom and they're marketing name is Cricket. They've been in the market for some disposable phones, but they're just now making an entrance into this area.

Steve Kumorkiewicz:

So they were already in disposable phones?

Mike Pollocoff:

They did disposable cell phones when they first started off.

Steve Kumorkiewicz:

So actually they have a market for this?

Mike Pollocoff:

They're marketing it as Cricket, and once they get their antennas up in the Kenosha area then they're going to begin marketing their services.

John Steinbrink:

Further comments or questions?

ALLEN MOVED TO APPROVE A GROUND LEASE AGREEMENT WITH DENALI SPECTRUM OPERATIONS, LLC D/B/A CRICKET COMMUNICATIONS, INC. FOR AN ANTENNAE AND EQUIPMENT SHELTER AT THE SHERIDAN ROAD BOOSTER STATION; SECONDED BY SERPE; MOTION CARRIED 5-0.

P. Consider Lease Agreement with Denali Spectrum Operations, LLC d/b/a Cricket Communications, Inc. for an antennae and equipment shelter at the Village's Water Tower located in the vicinity of STH 165 and 57th Avenue.

Mike Pollocoff:

Mr. President, this is slightly different than the previous item. It's the same company. In this case there's not an antenna that's going up. There's another tower, the Village's water tower that they're going to be using along with a ground site for them to use. In this case the annual rent payment to the Village would be \$19,837 which is \$1,653 a month. Because they're going to be using more of our facilities we're going to be charging more rent. The agreements here are more specific because we want to have no interruptions or damages to occur to the Village water facility. That's the primary reason that's there.

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So there are two other users on the tower, that's Nextel and Sprint. This is probably the last one unless there's a different technology that reduces the cabling that would go up in the tube inside the water tower. So it would be my recommendation that the Village President and Clerk be authorized to enter into an agreement with Denali for this lease agreement for the water tower on Highway 165 and 57th Avenue.

Steve Kumorkiewicz:

Question for Mike. We have already two parties in that location so we're going to have a third one, right?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

So that means we've got cables going inside the base of the tank.

Mike Pollocoff:

The access tube.

Steve Kumorkiewicz:

What diameter are the cables? Are they going to affect accessibility to the top or not? You don't see any problem with that?

Mike Pollocoff:

Is it going to affect the stability?

Steve Kumorkiewicz:

No, the accessibility.

Mike Pollocoff:

Accessibility, no. We have to be able to climb that ladder and get to the top. So they have to have their cables out of the way. If it's in the way then it won't work.

Steve Kumorkiewicz:

Okay, thank you.

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Monica Yuhas:

Move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion?

Clyde Allen:

Mike, in our other agreements when Nextel will no longer be needed, those antennas be needed, what happens? I'm assuming the revenues go away, the antennas go away and we'll have space for a new provider?

Mike Pollocoff:

Right, they need to remove their shelter, their fixtures on the tower, their appurtenances, everything goes.

Clyde Allen:

And this will not have any cost on us? We won't bear any of that cost?

Mike Pollocoff:

No.

Clyde Allen:

Do we know when Nextel will end up removing those or what kind of notice do we get so it's included in the budget numbers?

Mike Pollocoff:

There's a six month notice that we get. But right now Nextel has no intentions of moving. So we have Nextel and Sprint there and Cricket will be the third.

Clyde Allen:

Correct, but I'm assuming Sprint is going to—it's going to be one accessible phone very soon.

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Mike Pollocoff:

Yes, but they still need the number of trunks to handle the calls.

Clyde Allen:

They'll still use all that. Thank you.

John Steinbrink:

Motion and a second. Further discussion?

YUHAS MOVED TO APPROVE A LEASE AGREEMENT WITH DENALI SPECTRUM OPERATIONS, LLC D/B/A CRICKET COMMUNICATIONS, INC. FOR AN ANTENNAE AND EQUIPMENT SHELTER AT THE VILLAGE'S WATER TOWER LOCATED IN THE VICINITY OF STH 165 AND 57TH AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Q. Consider Resolution #08-23 - Resolution to dispose of a surplus vehicle.

Mike Pollocoff:

Mr. President, we have a 1992 Ford Diesel Econoline 350 in our utility fleet. It's in excess of 200,000 miles. When you're driving you don't have to look out the windshield to see what kind of street you're driving on because you can see it below your feet. Typically we send these vehicles to the auto auction but they wouldn't take this one. My recommendation is, and we've done this before, is park it out at Prange in the parking lot with a for sale sign and have bids submitted with a starting price of \$500 and see what we get.

John Steinbrink:

We can hope Fred Flinstone is in the market then.

Mike Serpe:

With the for sale sign leave the keys in it, too. We need a motion to let this happen? Good luck.

John Steinbrink:

Motion by Mike.

Monica Yuhas:

Second.

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John Steinbrink:

Second by Monica. Any other discussion on this item?

Clyde Allen:

A question. Do we have anything in the budget for sale of this vehicle?

Mike Pollocoff:

In the utility budget there was a disposal of equipment budgeted. I don't think—we had more than one vehicle go but this is the one they wouldn't take. I have to look and see what that amount is.

Clyde Allen:

Just curious if we had that in the budget.

Mike Pollocoff:

I don't think this will be a big windfall.

John Steinbrink:

Motion and a second.

SERPE MOVED TO ADOPT RESOLUTION #08-23 - RESOLUTION AUTHORIZING THE DISPOSAL OF A 1992 FORD DIESEL ECONOLINE VAN; SECONDED BY YUHAS; MOTION CARRIED 5-0.

R. Consider Resolution #08-24 - Resolution Certifying the Creation, Review and Adoption of the Compliance Maintenance Annual Reports for the Wastewater Treatment Plant in Sewer Utility District 73-1.

Mike Pollocoff:

Mr. President, each year we're required to do these resolutions where we evaluate the treatment plant's efficiency and effectiveness. Again, this year in this case the 73-1 treatment facility scored a perfect rating of 4.0. So the plant is operating well within its parameters established by the State. This next year will be the last year that plan will operate. As part of our diversion permit to obtain Lake Michigan water this plant will be abandoned. As a matter of fact, Village crews are currently constructing forced mains to bring sewage from this plant and bring it up to State Highway 165 where it will go into the Pleasant Prairie interceptor. So we'll have one more of these to do next year and that will be it. This plant will be gone. So I'd recommend that the Village Board adopt Resolution 08-24 and forward it back to the Department of Natural Resources.

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Monica Yuhas:

Move to approve Resolution 08-24.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve for adoption of 08-24.

YUHAS MOVED TO ADOPT RESOLUTION #08-24 - RESOLUTION CERTIFYING THE CREATION, REVIEW AND ADOPTION OF THE COMPLIANCE MAINTENANCE ANNUAL REPORTS FOR THE WASTEWATER TREATMENT PLANT IN SEWER UTILITY DISTRICT 73-1; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

S. Consider Resolution #08-25 - Resolution Certifying the Creation, Review and Adoption of the Compliance Maintenance Annual Reports for the Wastewater Treatment Plant in Sewer Utility District D.

Mike Pollocoff:

Mr. President, this is for our D plant which on the west side of the Village. This plant also will be abandoned but it will be in 2010 so we'll have a couple more years on it. This plant has also operated well within the parameters set forth by the State and has a perfect score of 4.0. I might add with this plant and with the other one the employees that operate that plant in the utility department are to be commended. These plants don't operate by themselves. It takes a lot of work and our employees have been diligent in monitoring and working the lab to make sure we've always met our discharge limits and standards. So they're to be complimented for the good work they've done. I also recommend this resolution be adopted and forwarded back to the Department of Natural Resources.

Mike Serpe:

Move to adopt 08-25.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?

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Steve Kumorkiewicz:

Yes. It's interesting to see in the last page of the report, same as the previous item, the financial management grade A collection system grade A is greater or equal to . . . required.

Mike Pollocoff:

It's doing well.

John Steinbrink:

Motion and a second.

SERPE MOVED TO ADOPT RESOLUTION #08-25 - RESOLUTION CERTIFYING THE CREATION, REVIEW AND ADOPTION OF THE COMPLIANCE MAINTENANCE ANNUAL REPORTS FOR THE WASTEWATER TREATMENT PLANT IN SEWER UTILITY DISTRICT D; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

T, Consent Agenda

- 1) Approve Renewal of Keno Outdoor Theater License.**
- 2) Approve Bartender License Applications on file.**
- 3) Approve appointment of new agent for the Class "A" Fermented Malt Beverage License for BP Amoco.**

Monica Yuhas:

Move to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde.

YUHAS MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3 AS PRESENTED; SECONDED BY ALLEN; MOTION CARRIED 5-0.

9. VILLAGE BOARD COMMENTS – None.

10. ADJOURNMENT

KUMORKIEWICZ MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 8:40 P.M.