

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
LAKE MICHIGAN SEWER UTILITY DISTRICT  
9915 39th Avenue  
Pleasant Prairie, WI  
October 19, 2009  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, October 19, 2009. Meeting called to order at 6:30 p.m. Present were Village Board members Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. John Steinbrink was excused. Also present were Michael Pollocoff, Village Administrator; Peggy Herrick, Asst. Zoning Administrator; Tom Shircel, Assistant Village Planner; Paul Guilbert, Jr. Fire & Rescue Chief; and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING - OCTOBER 5, 2009**

**KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE OCTOBER 5, 2009  
VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY  
ALLEN; MOTION CARRIED 4-0.**

**5. CITIZEN COMMENTS**

Jane Romanowski:

No sign ups, Ms. President.

Monica Yuhas:

Anyone wishing to speak?

**6. ADMINISTRATOR'S REPORT**

Mike Pollocoff:

Madam President, I have a few things. One is an update on some of the road construction projects that are taking place that I'm sure people are ready for them to be done. 91<sup>st</sup> Street - my understanding is they're going to be paving tomorrow, and then 85<sup>th</sup> Street paving it to begin this week on 85<sup>th</sup> Street. That's for the reconstructed portion. Then we're also putting an overlay on the section between Green Bay Road and roughly 63<sup>rd</sup>.

And then the Frontage Road, the west Frontage Road between Q and C, at this point remains closed. We're working with the State on their schedule on that one. It's behind schedule.

Village Board Meeting  
October 19, 2009

There's a chance that that road may remain closed through winter, but it doesn't service anybody right at this time so I don't think it would be the worse thing but we're still working on that.

I'd also like to mention what happened last week. We had a nice groundbreaking, a reopening with GVC Acco Brand. That was really a nice win for everybody. That was a company that was looking to go. We talked to Todd Battle at KABA, the Department of Commerce, and President Steinbrink was also able to intervene and get Commerce to help bring that back in. So what was going to be two empty buildings is now two buildings that are full of people working here and that's a good thing.

We've also had the young lady, a local Pleasant Prairie gal, who is doing well. She was one of our Ms. Prairie Family Days in 2007, Kiersten Gonzales. She's been proceeding in her desire to be in pageants. Earlier this year Kiersten was named as first runner up in the Miss Wisconsin Teen Pageant I believe from Milwaukee. Recently Kristina Smaby relinquished her crown to accept a national title, so consequently Kiersten is now Miss Wisconsin Teen for 2009. She was a member of the National Honor Society, a Tremper High School student, and a young lady that's doing well for herself and she should get our congratulations as well. With that, Madam President, that's all I have.

**7. NEW BUSINESS**

**A. Consider Resolution #09-34 - Resolution declaring official intent to reimburse expenditures from proceeds of tax-credit bonds.**

Mike Pollocoff:

Resolution 09-34, as it indicates, is a resolution declaring our intent to reimburse expenditures from the proceeds of tax credit bonds. What this bond is and what it has to do with is the construction at the RecPlex of the 50 meter pool. As you know, we've received \$8 million from Uline to construct a pool, and in order to make sure that this facility operates as efficiently as possible, we've decided that it should be a LEED facility which is a green facility. And as such we're using geothermal heating to heat the pool and provide air conditioning as well in the summer.

The system that has been designed is a very nice system. And in the interim the Recovery Act money has made available zero percent bonds to pay for improvements to new buildings that are going to exceed 20 percent energy efficiency. This is far exceeding that. And what it's going to enable RecPlex to do is within a period of three years recovery the initial investment on the HVAC system for the pool and be able to do that at zero percent interest. So the proceeds in the first instance are coming from the RecPlex. The tax credit bonds will be retired and the system will be put in. We need to adopt this resolution of intent to start the project before we apply for the bonds and before we spend any to do the work on the system that's in place. We've designed it but we haven't constructed it. So as such this is the first step and I'd recommend that Resolution 09-34 be adopted and placed on file with the Village Clerk and the Director of Finance.

Village Board Meeting  
October 19, 2009

Mike Serpe:

You mentioned an application, Mike. Is there any chance that we will not receive this?

Mike Pollocoff:

No.

Mike Serpe:

So it's good.

Mike Pollocoff:

Quarles and Brady has looked at it and we have a very good application. We meet all the criteria and there are funds available.

Mike Serpe:

I'd move for approval of 09-34.

Clyde Allen:

Second.

Monica Yuhas:

Steve, do you have a comment?

Steve Kumorkiewicz:

Yes, I want to ask how much can we . . . the IRS. I read the letter from Quarles and Brady and it talks about we should qualify for 20 percent energy . . . from the bottom up . . . no limit to exceed . . . . So that's going to be in the way or originally that was for the old building, wasn't it?

Mike Pollocoff:

No, it's for the new building.

Steve Kumorkiewicz:

That includes the new building, too?

Village Board Meeting  
October 19, 2009

Mike Pollocoff:

It's just the new building. At some point we'd like to do the existing building with this, but the system we're looking at now is for the new pool.

Steve Kumorkiewicz:

So only for that then?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

Okay, separate.

Monica Yuhas:

Motion by Trustee Serpe, second by Clyde Allen. Any other comments?

**SERPE MOVED TO ADOPT RESOLUTION #09-34 - RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF TAX-CREDIT BONDS; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

**B. Receive Plan Commission recommendation and consider a Conceptual Plan for the proposed Sheridan Road Storage Facility generally located at approximately the 12600 block of Sheridan Road.**

Peggy Herrick:

Thank you. The Plan Commission held a public hearing at their last meeting which was October 12<sup>th</sup>, and they are recommending conditional approval subject to the staff comments and the conditions that were outlined in the staff memorandum that you have before you. Basically, the petitioner is requesting conceptual plan approval for the proposed Sheridan Road Storage Facility and a stand alone professional office building. Again, this is proposed to be located at the 12600 block of Sheridan Road on the west side of Sheridan Road. There are currently five properties there owned by five different LLC's. They are intended to be combined into two properties, and one LLC is proposed to be created for this development.

There are wetlands on the western and northern portion of the property, and on the slide you can see there is three phases proposed with this development. Phase 1 includes buildings 1 through 6. It's 26,560 square feet, and approximately 800 square feet of building 1 will be used for the offices for the storage facility. With Phase 1 one access to State Trunk Highway 32 is proposed and 14 parking spaces including one handicapped space is proposed to be constructed. Access to the storage units will be secured by a gate and an entry card key system.

Village Board Meeting  
October 19, 2009

Phase 2 proposed buildings 7 through 14 for 43,460 square feet with an additional exit to State Trunk Highway 32 on the south side of the property. Phase 3, which is on the northern portion of the property, includes a 2,089 square foot professional office building and proposes three additional parking spaces. The office building would need to comply with all Village ordinances and requirements at the time this office is proposed to be constructed as part of its Phase 3.

Again, as mentioned before there are five parcels. Two parcels are proposed. In order to accommodate this they need to do some lot line adjustments and record proper documentation with the Register of Deeds office to create these two parcels.

Storm water facilities are proposed to be located underground under a portion of building 5 and a portion of building 7. The Village will require easements over these areas as well as access and maintenance easements so we can get in there and do any inspections that are required to ensure that the facility is working properly.

As mentioned earlier, there will be two gates with key entries for the facilities. Those are shown with red on the map. There is also a proposal for a 20 foot sanitary sewer easement to provide future access to lands to the west of this with sanitary sewer, and that easement will need to be dedicated. This plan also on the slide indicates the proposed landscaping plan. The Village is recommending that additional landscaping be provided along the west side of the property. Adjacent to this our comprehensive plan indicates that properties to the west would be developed as residential.

This is the professional office building. You can see it's a one story building. There are two offices that potentially could be located within this. Again, this is the Phase 3 building. These are elevations of the storage buildings. In the staff comments you can see specific recommendations as far as building materials and things of that nature. A standing seam metal roof is not allowed. EIFS is not allowed on first floor of buildings, so those recommendations are in your staff report. This indicates additional elevations of those storage buildings.

Here are some photos from State Trunk Highway 32. The first slide on the upper left-hand corner is the north end of the site. Most of this area is wetlands. The trees within the wetland areas and the wetlands will be preserved. The other trees in the front of the wetlands will be removed. Most of this is scrub brush pursuant to the petitioner. This will allow for the access to align with the access on the east side of the street for the future gas station site that is there. And this is the area for the professional office building as well.

The picture on the upper right hand corner is looking southwest from State Trunk Highway 32. The photo on the bottom left is looking northwest from State Trunk Highway 32. And the photo at the lower right is looking from the south end of the site looking north. You can see this is a large piece of land that is vacant, has some overgrown brush on it. There were a number of buildings on these properties that have been torn down by the owners. I think there was a fire and they tore and razed the buildings a year or two ago, so all the buildings on the site have been removed.

Village Board Meeting  
October 19, 2009

There is a residential property directly to the north of this development. The trees in the background are some of the trees in the wetlands. The pole barn and the house you can see in the foreground are what is abutting this property to the north. And this is a conceptual plan for the proposed Sheridan Road Storage Facility. Again, the Plan Commission held a public hearing at its last meeting on October 12<sup>th</sup> and recommended approval of the conceptual plan subject to the conditions and comments in the Village staff report you have before. If you have any questions I'll be happy to answer them for you, or the petitioner is in the audience as well.

Mike Serpe:

Just a couple, Peg. I don't know if I missed it. Is there lighting proposed for the entryway of this development?

Peggy Herrick:

They will have to have adequate lighting, and they haven't submitted a detailed plan exactly where those light fixtures will be. They will need to do that as part of a detailed site and operational plan which will come next. At the Plan Commission meeting they did mention that they will have lighting on the facility and it will meet our lighting requirements.

Mike Serpe:

And secondly, Mark, what is the anticipated time for construction? When do you look at turning some dirt?

Mark Eberle:

Mark Eberle, Nielsen, Madsen & Barber, Racine. It's my understanding that the developer does want to break ground on that yet this fall if possible. The site does need some fill material so that's what they plan on doing yet this fall.

Clyde Allen:

I believe the question came up at Planning regarding access codes for police and fire. Is this a case where everyone has their own access and when their bill isn't paid they're denied access and police and fire will always have their code?

Mark Eberle:

I think possibly Larry the owner can answer that question.

Monica Yuhas:

Larry, can you give your name and address for the record please?

Village Board Meeting  
October 19, 2009

Larry Holst

Larry Holst, 8744 Lakeshore Drive, Pleasant Prairie. The gates all have—everybody has their private code. Police and fire will also . . . .

Steve Kumorkiewicz:

I've got one question. This property, the whole property is going to be next to the gas station, correct?

Mark Eberle:

Across the street from the gas station.

Peggy Herrick:

But it's also north of the existing gas station on the corner.

Steve Kumorkiewicz:

The existing gas station, that's what I'm talking about.

Peggy Herrick:

Correct. That gas station property on the corner and the gas station owns the property directly north of it that has an outbuilding on it, and then this property is directly north of that.

Steve Kumorkiewicz:

So the building and the gas station on the north side is going to stay?

Peggy Herrick:

Correct.

Monica Yuhas:

I just have one question. I didn't see any mention of security cameras anywhere.

Larry Holst:

Yes, the whole site has security cameras . . . 24 hour surveillance . . . .

Monica Yuhas:

Thank you.

Village Board Meeting  
October 19, 2009

Peggy Herrick:

And if you notice in the staff report on page 3 that is covered, the bottom of page 3.

Monica Yuhas:

Hearing no other questions I'll entertain a motion.

Clyde Allen:

I'll make a motion to approve with the comments and conditions as stated.

Steve Kumorkiewicz:

Second.

Monica Yuhas:

Motion by Trustee Allen, second by Trustee Kumorkiewicz. Any further discussion?

**ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A CONCEPTUAL PLAN FOR THE PROPOSED SHERIDAN ROAD STORAGE FACILITY GENERALLY LOCATED AT APPROXIMATELY THE 12600 BLOCK OF SHERIDAN ROAD, SUBJECT TO THE CONDITIONS OUTLINED BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

- C. Receive Plan Commission recommendation and consider Ordinance #09-51 to amend Section 420-48 L. of the Village Zoning Ordinance related to setbacks for parking spaces and parking lots.**

Tom Shircel:

Thank you. On October 12<sup>th</sup>, last Monday, the Plan Commission did hold a public hearing related to this amendment. This amendment 09-51 is to amend a portion of Section 420-48 L. of the zoning ordinance entitled setbacks for parking spaces and parking lots. That section states that parking spaces and parking lots shall be set back a minimum of 20 feet from all adjoining street rights of way, private roadways and lot lines. In general, the proposed amendment to the ordinance inserts language into the ordinance to allow reduction of that required 20 foot setback to internal non street property lines between abutting commercial, manufacturing, institutional, park and rec and multifamily residential parking spaces.

The Plan Commission and staff believe that dual 20 foot setbacks for parking spaces to internal lot lines is actually redundant which results in an unnecessary 40 foot separation between abutting parking lots. If you look at the slide on the wall there is an example there. You can see the green shaded—these are examples of two abutting commercial uses. The green shaded area shows that



Village Board Meeting  
October 19, 2009

reduction down to 20 feet which would be 10 feet on one property and 10 feet on the other for a parking setback rather than the 40 feet as shown in the upper two arrows there. So the amendment is to reduce that down to the green shade area 10 feet on one side and 10 feet on the other for a total of 20 feet between abutting parking lots.

And what that language would read, I'll read the language that's in bold in your packets: "However, for parking areas on abutting properties, the parking area setback to internal, non-street lot lines may be reduced to a minimum of 10 feet in order to achieve a minimum 20 foot wide separation between parking areas upon the development of both properties. In no case shall the distance between abutting parking areas be less than 20 feet. Parking areas shall not encroach into easement areas, without written approval." With that, I'll turn it back to the Board.

Mike Serpe:

Tom, if we adopt this ordinance as is, is any building that has more than the 20 foot span become nonconforming?

Tom Shircel:

That has more than 20 feet, no. They would be over and above the ordinance.

Mike Serpe:

And that's okay.

Tom Shircel:

And that's okay, yes.

Steve Kumorkiewicz:

Move to approve.

Mike Serpe:

Second.

Monica Yuhas:

Motion by Trustee Kumorkiewicz, second by Trustee Serpe. Any further discussion?

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #09-51 TO AMEND SECTION 420-48 L. OF THE VILLAGE ZONING ORDINANCE RELATED TO SETBACKS FOR PARKING SPACES AND PARKING LOTS; SECONDED BY SERPE; MOTION CARRIED 4-0.**

Village Board Meeting  
October 19, 2009

**D. Receive Plan Commission recommendation and consider the request to install a street light on 5th Avenue north of 90th Street in the Carol Beach Estates Unit W Subdivision.**

Peggy Herrick:

Thank you. The Village has received a request from Art Maurer who resides at 410 90<sup>th</sup> Street within the Carol Beach Estates Unit W Subdivision requesting to install two streetlights on 5<sup>th</sup> Avenue north of 90<sup>th</sup> Street. The petitioner has indicated that there are five existing residential properties on the east side of 5<sup>th</sup> Avenue north of 90<sup>th</sup> Street, and four new utility poles were installed this past summer. Mr. Maurer and his neighbors are requesting the Village to install one new streetlight on the second pole from the south and another streetlight on the fourth pole from the south.

The petitioner indicates that the street has been used by many people who do not belong in the area due to the dead end road and the lack of public streetlights. The petitioner also requests that these lights be installed at the expense of the Village. As you are aware, the criteria for the Village to install public streetlights in existing subdivisions include entrances to subdivisions on heavily traveled State highways, County highways or Village roads; at hazardous Village street intersections that would present a danger to life or property without a streetlight; and at such locations that would mutually benefit the Village and the property owners.

Currently there are no streetlights at this intersection of 5<sup>th</sup> Avenue and 90<sup>th</sup> Street. Also, at the end of 5<sup>th</sup> Avenue there are large barricades across the entrance of the vacant land which is the former Town Club property so there's no access to that property. And at the south end of 5<sup>th</sup> Avenue there is a sign indicating that there is no outlet and that this is a dead ended street. On October 12, 2009, the Village Plan Commission recommended with the vote of five to two that the Village Board approve a streetlight at the intersection of 5<sup>th</sup> Avenue and 90<sup>th</sup> Street as presented in the Village staff report tonight.

I just want go to through a few photos. This is on 90<sup>th</sup> Street. You can see 5<sup>th</sup> Avenue going to the left. You can see two existing utility poles, one on the south side of 90<sup>th</sup> Street and one at the corner of 5<sup>th</sup> Avenue and 90<sup>th</sup> Street. This is looking down 5<sup>th</sup> Avenue. You can see the residential development on the east side and the utility poles on the west side. This is the barricade at the north end of the road not allowing visitors that don't belong there to get into the old Town Club property.

Again, the Plan Commission and the street lighting committee recommended with a vote of five to two that the streetlight be installed at the corner of 5<sup>th</sup> Avenue and 90<sup>th</sup> Street.

Mike Serpe:

I'm going to concur with Plan Commission's recommendation, but I'm going to add something to this. The request by the property owners was to install a streetlight further north of 90<sup>th</sup> Street and then way north of that light. Now, both of those have been really rejected by the Plan Commission because the criteria doesn't fit where we put streetlights. It would fit at 90<sup>th</sup> and 5<sup>th</sup>.

Village Board Meeting  
October 19, 2009

That being said, and I'll do this if the Board wishes, I think we should re-check with the property owners to see if there's going to be a benefit of what they're looking for for that streetlight to be put on the corner of 90<sup>th</sup> and 5<sup>th</sup> instead of where they're asking it to be further north. They want that dark area lit up. They're not going to really get that with this streetlight. So if they still want to do it and we approve it tonight that's fine. If they want to say, well, maybe we'll invest in a We Energies light further down and split the cost amongst themselves they can do that. Or, they can petition this Board to create a streetlight district and we can do that as well. So right now I'm going to concur with the Plan Commission's recommendation to put that streetlight on the corner of 90<sup>th</sup> and 5<sup>th</sup>, but at the same time before we install I think we should re-check with those property owners. There's only five of them I think and make sure this is going to be okay with them because there's not going to be any more lights put in there by the Village.

Steve Kumorkiewicz:

That light is going to go on the northwest corner?

Mike Serpe:

Yeah, it's going to go on the northwest corner because there's a pole there already.

Steve Kumorkiewicz:

. . . if they want to pay for it it's up to them . . . a lighting district over there I don't know.

Mike Pollocoff:

There is a certain logic. I understand what Trustee Serpe is saying. They don't want anybody on the road. And if you put the light at the intersection you're highlighting the road as a road to go down whereas now it's dark. Maybe the staff could send them a quick survey letter and let them know what the action was of the Plan Commission and see if they concur with a light at the intersection. If not, then I don't see any other reason--from a public safety standpoint it's not a dangerous intersection. There's no drop off or things like that.

Mike Serpe:

And that's a good idea, Mike. If you're going to send a letter then maybe we can include what it would take and what it would cost for a streetlight district to be created for that area.

Mike Pollocoff:

Sure.

Village Board Meeting  
October 19, 2009

Mike Serpe:

There would be one or maybe two lights that they're looking for for a very minimal cost really. But right now would it be wise to approve the light with the understanding that we're going to check, or do you want to table this for a while?

Mike Pollocoff:

Let's approve it and then pending the approval of the majority of the residents on 5<sup>th</sup>.

Mike Serpe:

Then I'd make that motion to concur with Plan Commission's recommendation.

Steve Kumorkiewicz:

I second that.

Clyde Allen:

I guess after listening to Planning Commission and listening what had to be said and reading the petition, I guess my opinion is a light on that corner would be the most I would want to see done by the Board obviously. So I'm agreeing with you but I'm still hesitant to even have a streetlight there. But I will vote in favor of it if they think that that will fix their problems. Then we can go ahead with just the one.

Monica Yuhas:

Any further discussion?

Steve Kumorkiewicz:

I think it's a good idea to start with a light in the corner only. We have a lot of areas in the Village that have the same situation. We can't afford to put two or three lights in a street with a dead end.

Monica Yuhas:

Motion by Trustee Serpe, second by Trustee Kumorkiewicz.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE INSTALLATION OF ONE A STREET LIGHT ON 5TH AVENUE NORTH OF 90TH STREET IN THE CAROL BEACH ESTATES UNIT W SUBDIVISION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

Village Board Meeting  
October 19, 2009

- E. Receive Plan Commission recommendation and consider Ordinance #09-52 to Amend Section 18-8 of the Municipal Code related to the meeting time for Plan Commission meetings.**

Peggy Herrick:

Thank you. At the previous Plan Commission meeting the Plan Commission adopted a resolution to amend the ordinance or amend the times that the Plan Commission meets. They adopted Resolution 09-07 to change the meeting time for Plan Commission to the second and fourth Tuesday of each month beginning at 5 p.m. The ordinance before you, Ordinance #09-52 is the ordinance that amends the current Section 18-8 of the Village's Municipal Code related to meeting times for the Plan Commission, and it represents the recommendation of the Plan Commission. One more thing I'd just like to add, if this gets adopted it would become January 1, 2010.

Monica Yuhas:

Thank you. Trustee Serpe?

Mike Serpe:

I'm going to support the meeting time at six o'clock for Plan Commission as well as I'm going to support the meeting time for the Board at six o'clock in the future. If there's been one thing in the past, and I have enough experience with the past to know that five o'clock meetings the biggest thing they've caused us was that so many people cannot make the meeting because of the starting time. There's a perception out there that why are they doing this at five o'clock? Are they trying to run things through without the public being present? We all know that's not the case but the perception is there. You eliminate that by doing something that makes sense and starting a meeting at least when people have a chance to get home from work and get to the Village Hall to listen and see what's going on.

Public service is great but it's not always done at the convenience of the servants. It's got to be done at more of the convenience of the public. I think this is the right move. I applaud Mike for bringing it forward. I think it should have been done a long time ago, but it's here and I'm going to support it.

Steve Kumorkiewicz:

Second.

Mike Serpe:

That wasn't a motion.

Village Board Meeting  
October 19, 2009

Steve Kumorkiewicz:

Oh, I thought it was a motion.

Monica Yuhas:

Would you like to make the motion?

Steve Kumorkiewicz:

Okay, I'll make the motion.

Clyde Allen:

I'll second it.

Mike Serpe:

One second, I'm sorry. The ordinance is to start at six, right?

Jane Romanowski:

The ordinance is at five o'clock. You'd have to amend it.

Mike Serpe:

That will come.

Steve Kumorkiewicz:

What happens here is meeting time doesn't mean date because the dates are changing to Tuesday.

Peggy Herrick:

So Item A would read regular meetings of the Plan Commission shall be held on the second and fourth Tuesday of each calendar meeting at 6 p.m. rather than at 5 p.m. Any regular meeting falling on a legal holiday may be rescheduled. That's the motion?

Steve Kumorkiewicz:

Yes.

Mike Serpe:

Who is going to make that motion?

Village Board Meeting  
October 19, 2009

Steve Kumorkiewicz:

I made the motion.

Mike Serpe:

Okay, good, and I'll second it.

Monica Yuhas:

Motion by Trustee Kumorkiewicz and second by Trustee Serpe. Any other comments?

Clyde Allen:

There was a lot of discussion at Planning Commission and I did struggle with this for a while knowing their wants and wishes, how they wanted it to be, how they wanted us to proceed. Understanding for the sake of uniformity and, again, to make things so it is accessible to as many citizens as possible. After a struggle I also support this even though it came with a different recommendation.

Steve Kumorkiewicz:

It's an issue involved here, anybody who wants to take part in the Planning Commission meeting have to take off work it's a hardship for the individuals, the residents. So I think it's a good idea to change it. They don't have to take time off. In hard times employers are very tough with people that take time off, and this is going to help whoever comes to the meetings to obtain the . . . in their own time without taking time from work. Thank you.

Monica Yuhas:

I would just to reiterate the six o'clock time does allow the public ample time to attend the meetings, but I also think it's important that we have a six o'clock start time for all of our Commissions, that we be consistent through Parks, through Rec, through CDA, through everything. So when someone knows that there's a meeting going on at the Village they know it's a six o'clock start time. I think that would be very helpful. Because in the past we've had five o'clock start times, we've had five thirty, we've had six thirty, and the consistency of six o'clock would benefit the community as a whole.

Steve Kumorkiewicz:

I'm also going to recognize the job that . . . .

Clyde Allen:

That's for the Village Board item . . . .

Village Board Meeting  
October 19, 2009

Steve Kumorkiewicz:

We'll go to the next one, okay. Thank you.

Monica Yuhas:

Motion was made by Trustee Kumorkiewicz and a second by Trustee Serpe.

**KUMORKIEWICZ MOVED TO ADOPT AN ORDINANCE #09-52 TO AMEND SECTION 18-8 OF THE MUNICIPAL CODE RELATED TO THE MEETING TIME FOR PLAN COMMISSION MEETINGS TO BE AMENDED TO READ 2<sup>ND</sup> AND 4<sup>TH</sup> TUESDAYS AT 6 P.M.; SECONDED BY SERPE; MOTION CARRIED 4-0.**

**F. Consider a request for a one year extension of the Preliminary Plat and the Final Plat for Stage 1 of the Prairie Trails East Subdivision.**

Peggy Herrick:

Thank you. William McLaughlin, who is now deceased, was the original owners of the property located east of Kenosha County Bike Trail, north of 128<sup>th</sup> Street for the proposed development as Prairie Trails East. Mr. McLaughlin had conditionally sold the land to Prairie Trails LLC who was represented by Ted Pickus as you may recall over several years of going through the planning process. As a result of the Prairie Trails LLC not meeting the terms of the sale, the McLaughlin family foreclosed on the property.

The property is now owned by Nellie Mac LLC which is a family partnership that includes Joann McLaughlin, the mother, Maureen Harty, the daughter, and Jim McLaughlin, the son. The intentions of the current owner, Nellie Mac LLC is to sell the property, however the existing market conditions is making it hard to sell or find a reputable buyer.

The following time extensions have been granted for this project to date: On June 16, 2008, the Village Board of Trustees granted a six month extension of Prairie Trails East preliminary plat until July 7, 2009 pursuant to the comments and condition of the Village Board Resolution #06-09, and a one year extension of the final plat for Stage 1 of Prairie Trails East subdivision, again, until July 7, 2009 subject to compliance of Plan Commission comments and conditions as specified in the Village staff report of October 8, 2007.

Second extensions were on July 7, 2008. The Village Board granted an extension of the preliminary plat for the Prairie Trails East Subdivision until November 19, 2009 pursuant to the comments and conditions of Village Resolution 06-09, and granted an extension of the final plat for Stage 1 of Prairie Trails East Subdivision until that same date, November 19, 2009, and this was subject to compliance with the Village staff report of October 8, 2007. This extension was granted to follow the same extensions that were granted to The Orchard Subdivision because the two are related.



Village Board Meeting  
October 19, 2009

The petitioner, which is now Nellie Mac LLC, the owner of the property, is requesting a one year extension until November 19, 2010 of the preliminary plat for Prairie Trails East Subdivision and the final plat Stage 1 for Prairie Trails East Subdivision. The Village staff recommends approval of the request for a one year extension until November 19, 2010 for the preliminary plat subject to the comments and conditions of Village Board Resolution #06-09 which is on file with the Village Clerk, and the final plat for Stage 1 of Prairie Trails East Subdivision subject to compliance with the conditions of the Village staff report of October 8, 2007. A copy of this staff report is on file with the Village Community Development Department.

In addition, the new owner shall submit a new predevelopment agreement with the Village by November 19, 2009 for this request. Since the bills will not longer go to Prairie Trails LLC, any bills for time incurred by the Village for this project will need to go to the current property owner. With that the Village staff recommends approval of both requests as presented.

Monica Yuhas:

Thank you. Trustee Allen?

Clyde Allen:

Thank you. I guess my first question, and maybe this is rhetorical and doesn't require an answer, how many extensions do we give and have we given in the past to other developers?

Peggy Herrick:

Several subdivisions have been granted several approvals of recent because of the economy.

Clyde Allen:

Correct. I guess what I'm getting at is an extension has come before us ever since I've been on the Board. I'm having a very difficult time going along with this in that at what point in time do you say, especially of these conditions of now changing from prior to developer to finding a new buyer, to say at what point in time do you start over, to start it over and resubmit from scratch again?

Peggy Herrick:

I guess if I could add something. If the new developer or someone that they sell it to does not want to follow the approved plans they can certainly revise the plans and then they would need to come back. But this would allow someone the option to pick up the plans exactly where they were left off. Most of them were approved with the outstanding items for the final plat were providing the financial security which isn't done until they're ready to final plat. They recently received all their FEMA approvals which was being held up the last time they requested that extension. That has now been approved. So the only thing that is still outstanding are their financial obligations pursuant to this plat.

Village Board Meeting  
October 19, 2009

Mike Pollocoff:

Trustee Allen, in answer to your rhetorical question, the Village certainly does have the authority on a renewal to say we really don't like that plat, or maybe there's been a change in the Board or policy or comprehensive plan that we don't like the plat anymore and as such since it hasn't proceeded you may want to consider not approving it. My only caution on doing that is the plat is compliance with the comprehensive plan. The plat from what I know of the update to the comprehensive plan is in compliance with the upcoming comprehensive plan. It's met the requirements that the Village Plan Commission and the Board have put on it through the years, albeit quite a rigorous, lengthy process. And I think a lot of that is not attributed to the plat itself or the concept but probably the lack of candor and straightforwardness that the developer that was developing the plat put on the project himself. I think they created more of their problems than anything.

That aside, if we look at the plat itself, if someone was to ask me or the staff is this plat compliant with all the Village's adopted plans it is. But, if the Board wanted to say we don't want to approve this I think typically we'd also want to ask ourselves do we really believe in the comprehensive plan that's governing this section of the Village and is it supposed to be something other than that. At least over the years the comprehensive plan has been in place for quite a while. It would be a significant change.

Clyde Allen:

I guess my question then as follow up would be if this was denied by the Board, and you certainly don't want to tie the hands of the sellers, I understand they've got a situation on their hands, not their fault, it's the economy, it's the economy, what would it take for a buyer to come forward and say I would like to submit the same plans and come forward with it?

Peggy Herrick:

They would have to do another conceptual plan, new preliminary plat, new final plat, a two year process.

Steve Kumorkiewicz:

Start over.

Jim McLaughlin:

I'm Jim McLaughlin.

Monica Yuhas:

Jim, could I have your address for the record please?

Village Board Meeting  
October 19, 2009

Jim McLaughlin:

206 West Cook Avenue, Libertyville, Illinois. Out of respect for the Village we wanted to preserve all the work that's been done. On our side it's a lot easier to sell a property when everything has been done, and if the new buyer or new developer likes the plan he can come in. It's a great plan. And on the north side there's a gentleman that wants to have an easement come through our property. If this was not to happen it would kind of hogtie him also. We just want to give the opportunity to try to sell it the best we can for a year, and this gives us a better chance. I understand it's been major problems with the past developer, and believe me we're in the same boat with that, because I'm sure we can trade stories about that. Thank you.

Clyde Allen:

Thank you. I guess my question is, Mike, is that right that would be abutting a development that would interfere on that?

Mike Pollocoff:

It would certainly make the agreements and the discussions that were held between the developer to the north and Mr. McLaughlin more difficult because there would be no engineered document that's been approved to use as a basis for making an extension for utilities or for construction access. The Village has given approvals to The Orchard. And as we do with all developments we try to take a look at what's happening in an area and make everything happen in a coordinated manner so that the existing residents aren't impacted any more than necessary. So they've made some expenditures and planning and done some work in reliance on commitments that the Village has made on this plat which, again, is in reliance on the comprehensive plan.

Clyde Allen:

Thank you.

Mike Serpe:

When I think back of the controversy, of the fights that this Village and neighboring subdivisions have gotten involved in, to end up with this as it is with all the compromises that have been put in place and accepted, and for everything that Mike said about the comprehensive plan being adopted this fits right into that. This is ready to go. The unfortunate thing is we don't have an economy that's really going to jump start this thing at least that I see in the near future. I would certainly hope it would happen but it doesn't look real promising. But I'm going to support the extension as we have other developers and hope that someday we start the economic boom again. So I'll make a motion to approve this extension.

Steve Kumorkiewicz:

I'm going to second this.

Village Board Meeting  
October 19, 2009

Monica Yuhas:

Any further discussion? Hearing none, a motion by Trustee Serpe, a second by Trustee Kumorkiewicz.

**SERPE MOVED TO APPROVE A REQUEST FOR A ONE YEAR EXTENSION OF THE PRELIMINARY PLAT AND THE FINAL PLAT FOR STAGE 1 OF THE PRAIRIE TRAILS EAST SUBDIVISION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**G. Consider Agreement with Wisconsin Marathon for the Village to provide services for a race scheduled May 1, 2010.**

Mike Pollocoff:

Madam President, before us tonight we have an agreement between the Village and Wisconsin Marathon to conduct a marathon within the Village. It's really a marathon that's going to be in the City of Kenosha and the Town of Somers and in the Village of Pleasant Prairie. And our understanding is that the Pleasant Prairie portion will actually be the end of the full length of the marathon. There are some people that will only do half of it.

We had this last year without too many problems. We've asked and the organizers visited with the homeowners association, and the one big change on this year's race is where we're looking at having traffic on Lakeshore Drive and then having the runners going up and down on Lakeshore Drive of possibly running them through the neighborhood so that it opens up the traffic lanes on Lakeshore Drive.

As with other events that the Village undertakes, we require that taxpayers not be required to pay for any of the services that are provided, and we're anticipating based on this project that the Wisconsin Marathon would be billed \$3,084.97, but it would really be on actual cost. So whatever we're required to do out there and spend they would be required to reimburse the Village for those expenses. This is a significant event as far as bringing people to the community. Dennis DuChene is here but I want to say they had 1,000 participants last year or 2,000?

Dennis DuChene:

2,000.

Mike Pollocoff:

2,000.

Mike Serpe:

Mike, during the event are the streets totally blocked off?

Village Board Meeting  
October 19, 2009

Mike Pollocoff:

No. We have some directions. We have cones and we're trying to get away from doing as much coning this next year with this plan as we did last year. But we don't close it.

Mike Serpe:

So the residents will have access to their homes.

Mike Pollocoff:

Right. There's going to be runners out there so they need to be cautious of them and the runners need to be cautious of the cars.

Mike Serpe:

This is great. The unfortunate thing is I think in today's paper and in the news today two or three runners at a marathon in the Detroit area passed away during the run. It seems to be a few unfortunate deaths have taken place in these sporting events this past year which is really uncharacteristic of a marathon or of a triathlon. But hopefully our people will stay healthy and enjoy the race and I move approval.

Clyde Allen:

Second.

Monica Yuhas:

Motion by Trustee Serpe, second by Trustee Allen. Any further discussion?

Steve Kumorkiewicz:

Yes, following what Mike said, two of the runners were in their 30s and one was 65. Now, the question I've got for Mike in this, how long is this marathon going to last?

Mike Pollocoff:

I guess Dennis can you come up to the mic and answer that question? The question that Trustee Kumorkiewicz has is how long will the marathon last? We need your name and address.

Dennis DuChene:

Dennis DuChene, 8710 36<sup>th</sup> Avenue. The marathon will start at 7 a.m. in the morning down at Celebration Place in Pleasant Prairie, and they anticipate the race ending about 1:30p. As Mike said, the portion of the course we use in Pleasant Prairie is for the full marathon, so I would anticipate probably about three hours that we'll be on the roads in Pleasant Prairie.

Village Board Meeting  
October 19, 2009

Steve Kumorkiewicz:

Okay, thank you.

Dennis DuChene:

We had 2,000 participants. I believe it was like 70 percent did the half marathon. So it considerably thins out when it gets into the Village. So as far as access in and out for the residents as long as they're careful they can get out. And one of the reasons we chose to modify the course is so that there wasn't two-way traffic on Lakeshore Drive as much as possible, again, to ease people getting in and out of the neighborhood.

Steve Kumorkiewicz:

Thank you, Dennis.

Monica Yuhas:

Okay, I have a motion and a second.

**SERPE MOVED TO APPROVE AN AGREEMENT WITH WISCONSIN MARATHON FOR THE VILLAGE TO PROVIDE SERVICES FOR A RACE SCHEDULED MAY 1, 2010; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

**H. Consider Professional Consulting Services Agreement with Crispell-Snyder, Inc. for the Pleasant Homes Water Main Relay project.**

Mike Spence:

This item is for professional consulting services. The Village construction crew is going to be relaying old water mains in the Pleasant Homes Subdivision. And this contract is with Crispell-Snyder to provide inspection services as well as as-built information on the project. The survey services are to make sure that it's constructed properly by Village crews, and the as-built information is part of the Village's program to get accurate construction records ultimately for future maintenance and also for GIS. I recommend approval.

Steve Kumorkiewicz:

Motion to approve.

Clyde Allen:

Second.

Village Board Meeting  
October 19, 2009

Monica Yuhas:

Motion by Trustee Kumorkiewicz, second by Trustee Allen. Any further discussion?

Steve Kumorkiewicz:

Yes, I've got a question for Mike. Mike, this is the last section that we've got to replace in Pleasant Homes, the old one from 122<sup>nd</sup> to 125<sup>th</sup>?

Mike Pollocoff:

Yeah, this job that they're working on now will be the last.

Steve Kumorkiewicz:

Will they also do 124<sup>th</sup> west to the other road?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

So . . . 43<sup>rd</sup> or 44<sup>th</sup>?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

Okay, thank you.

Monica Yuhas:

Okay, we have a motion and a second.

**KUMORKIEWICZ MOVED TO APPROVE A PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH CRISPELL-SNYDER, INC. FOR THE PLEASANT HOMES WATER MAIN RELAY PROJECT; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

Village Board Meeting  
October 19, 2009

**I. Consider Resolution #09-33 to dispose of surplus police vehicles.**

Mike Pollocoff:

Madam President, this resolution allows the police department to dispose of vehicles that are being taken out of service. As you can see there's a picture of them. There are three 2007's, one 2005 Chevrolet Impala, the 2004 Intrepid. The mileages range from 94,000 to 66,000. Those are hard miles not to mention the hours that they're running. And then there's one great dirt bike that's in there. We haven't had anybody break their neck on that recently so now is the time to get rid of it. We're recommending it just go off to Auction Associates where they can find their way to be a cab someplace. We've had really good luck on disposing from a price standpoint through Auction Associates. So I recommend that Resolution 09-33 be adopted.

Mike Serpe:

Move adoption.

Steve Kumorkiewicz:

Second.

Monica Yuhas:

Motion by Trustee Serpe, second by Trustee Kumorkiewicz. Any further discussion?

**SERPE MOVED TO ADOPT RESOLUTION #09-33 TO DISPOSE OF SURPLUS POLICE VEHICLE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**J. Consider Ordinance #09-53 to amend Chapter 180 of the Municipal Code relating to outdoor wood-fired furnaces.**

Mike Pollocoff:

Madam President, this is an ordinance that we've been working on quite a while in large part because there weren't a lot of trails that have been blazed on this before. So the Chief of Fire and Rescue, Paul Guilbert has been working on that, and I'd like him to go over Ordinance 09-53 and make his presentation on it.

Chief Guilbert:

Good evening. I'm Paul Guilbert, Jr. I'm the Chief of Fire and Rescue. I'm at 8044 88<sup>th</sup> Avenue. The work on an amendment to Chapter 180 came as a result from a complaint from a very concerned citizen. It's a collaboration between building, community development and fire/rescue that helped develop the product that's before you tonight.



Village Board Meeting  
October 19, 2009

Outdoor wood fired furnaces and boilers is any furnace, stove or boiler designed to burn wood where the unit is not located within a building intended for habitation by humans or domestic animals. Outdoor wood fired furnaces and boilers is an alternate heating device. If I can cause some of you to drift backwards, about 30 years ago we had a significant oil crisis in this country, and people didn't have oil, didn't have electricity, so they were seeking an alternative heating device. We saw wood burning stoves being brought into homes, coal fired furnaces being brought back into homes, kerosene heaters being bought back into homes. And this has some similarity to that. People today trying to save money on the purchase of oil, natural gas or electricity have resorted backwards to using wood.

They're growing in popularity because they're marketed as a method to reduce heating costs. From a fire safety standpoint if they're going to burn wood the wood is going to be burned outside. That's a positive. People don't have the mess in their house of brining wood in, burning the wood, cleaning up the ash afterwards. It's being marketed as environmentally friendly, and tonight as you'll see that's what the complaint came about, is it truly environmentally friendly. And we've found that it requires a significant capital investment by the homeowner. These units start maybe in the area of \$3,000 as just the infrastructure and it grows more expensive from there.

The problems and concerns that come with these devices, they burn during the heating season 24 hours a day, seven days a week, so there's excessive smoke for prolonged periods of time, and in a few seconds to minutes I'm going to explain where that smoke comes from. It can produce unpleasant odors. It's a nuisance for neighbors and neighboring properties. We've had these throughout the Village. I think some people maybe are more tolerant, and I'm certainly not painting this citizen as being intolerant. I think h came forward after exhibiting a lot of tolerance.

We found that there's no statewide regulatory standards. We worked from a model open burning ordinance produced by the Wisconsin DNR. We've used that ordinance in the past the Village Administrator at the time. We've adopted Village wide collection of trash and recyclables. I'm sure he used the same model ordinance, and it's been revised to reflect outdoor wood fired furnaces and boilers. So that acted somewhat as a template for us.

There's some operation and maintenance issues that contribute to these becoming nuisances. And I would just call to your attention the last comment. They were originally intended for use in nonresidential structures and to be used in large open areas, not densely populated areas. The basic design includes a fire box and a water jacket surrounded by insulation. So it's a fire box similar to what you would find in a wood burning fireplace in a house. The heat heats the water jacket, causes the water to grow upwards of 180 degrees, and then it's moved through a system of piping into a house to provide either domestic hot water for showering, bathing, dishwashing, and it's also used for hot water heat within the house.

The basic design encourages a slow cooler fire to maximize the amount of heat transferred from the fire to the water. However, the slower, cooler fire burns inefficiently and creates more smoke and creosote. That's where the problem comes from. If the fire were allowed to free burn there would be little or no visible smoke. There may be some odor. In fact, it may be pleasant. But it would create such a high temperature that would cause the water to boil. It would be unusable for

Village Board Meeting  
October 19, 2009

washing your hands or showering or bathing, and it would overheat the house. So to control the temperature of the water there's less air introduced into this furnace, and when that happens then smoke is created.

So, as I just said, the low temperature at which the stoves operate produces thick smoke and creosote. The smoke is something that you can readily see. The creosote is something that typically coats the inside of the stack and can become a fire problem. The smoke can enter homes and doors even when the windows are shut. The complaint came during heating season when good weather allowed a neighbor to open windows. So if you can picture back, this is a very cool October. People have already turned on their heat, and I know these devices are being used already in Pleasant Prairie. So they're up and they're fired. Now you have a nice day like today and people say, well, I'll have one more chance at opening my window. And if you're a neighbor to this device now you open the window and this smoke drifts in. The people wanted to keep this boiler furnace fired because it's going to get cool tonight. So this is where the conflict arises. Smoke can hang close to the ground given changes in weather conditions, and outdoor wood fired furnaces are said to be only 45 to 55 percent efficient.

If I can give you an example to where the problem comes, I'm just going to back up once slide so you can see the picture of the smoke coming out of this stack. If I can give you an example of the power plant, when you have one of those postcard pretty days in Pleasant Prairie, the sky is blue, there's no wind, you look at the power plant, the emissions from the power plant are going straight in the air. When that happens there would be no issue with this outdoor wood fired boiler or furnace. But when the wind picks up like it did today and starts to flatten that plume coming out of the power plant the same issue would take place with this wood fired boiler furnace. So instead of this smoke rising and not being a nuisance, it layers the neighborhood and creates problems. Couple that with a rainy, gray day and that smoke is going to stay even closer to the ground and becomes more and more of a nuisance. So the smoke emanating from this picture versus this picture is the problem.

Smoke fills neighborhoods and adjoining properties with smoke and, again, that becomes an issue. All our research has shown and we know this when we issue our burn permits for open burning to cause the least amount of problems dry wood is what we require and what is best for this unit. But green wood is sometimes burned. As people get to the end of the burning season and they run out of wood and they need to continue to fire this they go out and they cut any kind of wood they want or they can find, and if it's green it's going to create more smoke.

Our open burning ordinance and this ordinance talks about not to burn treated wood or other things that are combustible that would create heat but would feed a hazardous environment. The stove must be continuously fed. It requires work. The creosote can build up in the stack creating smoke and/or fire hazard. They have to remove ash, and the wood requires extra treatment.

Originally the staff met with the Pleasant Prairie resident to hear his history and concern. Research was performed. We contacted many communities, and several communities responded to us providing their recently enacted ordinances. The most common solutions are to allow these types of units on large, open parcels of land of which those are somewhat limited here in the Village. Or, other communities enacted a complete prohibition. Our first draft of the ordinance

Village Board Meeting  
October 19, 2009

recommended use in the large open areas of the Village, and then once the three departments got together again, we felt it was best to recommend a complete prohibition of these units.

Concurrently with the need to draft an ordinance and to address this complaint, I was also approached by people that want to construct and use outdoor wood fired ovens. Now, an outdoor wood fired oven is a wood burning oven constructed of clay, adobe, refractory fire bricks or concrete. This is basically an outdoor cooking device. It resembles an outdoor barbeque or fireplace. We feel they're growing in popularity but maybe even more rare, but nonetheless people want to use those in the Village. Where they can create a problem is if they're installed without regard to the prevailing wind direction or if someone starts a fire improperly or the fire is not properly attended. In both those cases they can create excessive smoke, or if the fire is just allowed to cool down and self-extinguish and not be taken care of it can produce smoke. But we feel that there are benefits to that.

So it's the recommendation for a proposed amendment Chapter 180 that within the ordinance it prohibits the installation and use of new outdoor wood fired boilers and furnaces. It authorizes the building inspector and fire chief to manage and/or eliminate existing outdoor wood fire boiler furnaces. And what we mean is by managing is we would work with the homeowner to assure that the unit is operating in compliance with the manufacturer's recommendations and specifications. We'd make sure that the stacks are clean and he or she was using the correct material to burn.

A nuisance citation can be written. If multiple citations are written and they're successfully prosecuted in the local municipal court, the ordinance would empower the Building Inspector and the Fire Chief to prohibit the further use of that existing legal nonconforming outdoor wood fired boiler or furnace. Third, we would adopt an annual fee structure for the use of existing nonconforming outdoor wood fire furnaces and boilers, and the reason for that is so that we know where they are and we can inform the owner of the intent of the new ordinance. And, finally, it would cause the outdoor wood fire boilers and furnaces—it's going to allow the use of outdoor wood fire ovens, but it's going to cause both the boilers, furnaces and ovens to be subject to Chapter 180.13, open burning and regulated when deemed a nuisance.

With that I offer an amendment to Chapter 180 and I recommend approval of this new ordinance.

Monica Yuhas:

Thank you. Trustee Serpe?

Mike Serpe:

Chief, that was an outstanding presentation. I can't add anything more to it. I think the Chief has covered it all and very well I might add, and I'd move approval of the 180 ordinance amendment.

Clyde Allen:

Second.

Village Board Meeting  
October 19, 2009

Monica Yuhas:

Motion by Trustee Serpe, second by Trustee Allen. Any other comments or questions?

Steve Kumorkiewicz:

Yes, to the Chief. Chief, you asked for a 15 foot high stack for those, correct? We have to be at least to the next building maximum height.

Chief Guilbert:

Right now we're recommending that there be no new furnaces installed. We would go back and work with the owners of existing units to assure that their stack was of such a sufficient height that the smoke would not affect the neighbors.

Steve Kumorkiewicz:

So you're going to make sure that they are at least 15 feet high or at least the same height as the neighbors?

Chief Guilbert:

What's got to be balanced is what the manufacturer says. If we just go out there and say make the stack 15 feet, it may have negative impact on the furnace and may cause more of a problem.

Steve Kumorkiewicz:

Negative pressure.

Chief Guilbert:

Exactly.

Monica Yuhas:

Chief, how many of these furnaces are in the Village?

Chief Guilbert:

We know of three, right now two installed and one about to be installed.

Monica Yuhas:

And regarding the permit what type of fee are you looking at for the permit?

Village Board Meeting  
October 19, 2009

Chief Guilbert:

It's a \$25 annual fee.

Monica Yuhas:

Okay, thank you. Trustee Allen?

Clyde Allen:

Chief, what's the penalty if they don't come forward and get a permit?

Mike Pollocoff:

The penalty of noncompliance to a permit the fine could be subjected to \$625 a day.

Steve Kumorkiewicz:

Pretty heavy.

Monica Yuhas:

We have a motion and a second.

**SERPE MOVED TO ADOPT ORDINANCE #09-53 TO AMEND CHAPTER 180 OF THE MUNICIPAL CODE RELATING TO OUTDOOR WOOD-FIRED FURNACES; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

**K. Consider Ordinance #09-54 to amend Chapter 242 of the Municipal Code relating to Village Park and LakeView RecPlex fees.**

Mike Pollocoff:

Madam President, before you is a report from the recreation enterprise concerning fees in Prairie Springs Park and LakeView RecPlex. Carol Willke is here to describe those fees for us.

Carol Willke:

Good evening. The RecPlex staff, as well as the Rec Commission, would recommend amending this ordinance, Chapter 242 I believe it is. What we would like to do is make a few changes on some program fees which is our basic skills sessions which is hockey and ice skating, increase it by \$3 for nonmembers. Indoor triathlon would increase by \$5. The adult basketball, soccer and volleyball will increase by \$25 per team. Adult softball increase of \$15 per team. Youth sports will increase between \$2 and \$10 depending on the different sessions. Babysitting class would increase by \$5 for members and \$10 for nonmembers.

Village Board Meeting  
October 19, 2009

These aren't very large increases. They're basically just bringing some of the programs up to where they should be as far as our competitors. And most of them we're just increase for nonmembers because we're trying to get a certain percentage of the fees to be higher than member rates to encourage more members.

And then as far as the day pass fees, we would like to mirror the same membership structure that we have now which is currently just a resident or a nonresident. So the Village resident fees would not change. And then the out of State fees would completely go away, and then the nonresident fees would be youth day passes \$9 or \$11 depending on weekday or weekend, and the adults would be \$12 or \$16, both of which are \$1 increases, and then the adult day pass is a \$2 increase. Beach pass we go from \$60 to \$70, and then the daily rate would be \$7 which is a \$1 increase. Again, minor changes. We're basically doing it to make it easier for staff and just to have a two tier rate instead of a three tier.

Clyde Allen:

I make a motion to approve with the comment that this came with a unanimous backing of the Rec Commission.

Mike Serpe:

Second.

Monica Yuhas:

Motion by Trustee Allen, second by Trustee Serpe. Any further discussion?

**ALLEN MOVED TO ADOPT ORDINANCE #09-54 TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO VILLAGE PARK AND LAKEVIEW RECPLEX FEES; SECONDED BY SERPE; MOTION CARRIED 4-0.**

**L. Consider Ordinance #09-55 to amend Chapter 98 of the Municipal Code relating to the Village Board meeting schedule.**

Mike Pollocoff:

Madam President, this Ordinance 09-55 is to amend the portion of the code governing Village Board meetings. In this I'm recommending that we move from first and third Mondays to first and third Tuesdays of each month and set a uniform time of 6 p.m. Any regular meeting that would fall on an election day, some years there's one, some years there's three or four depending on primaries, we would move that Election Day meeting back to the Monday before it. Any regular meetings that would fall an existing legal holiday would then be rescheduled at that point.

I know the Board discussed on the Plan Commission item the desirability to have all meetings at the Village be at six o'clock. This would do this. Every Commission, the Rec Commission has moved to six o'clock on the second Thursday. The Parks Commission has moved to six o'clock on the first Thursday. CDA we'll be considering an ordinance to go from four thirty on the third

Village Board Meeting  
October 19, 2009

Wednesday to six on the third Thursday. The other Commissions would meet at six would be the Board of Appeals, but they only meet upon an appeal. I think they've gone for like a year without a meeting. The Police and Fire Commission meets as needed as well. Most Police and Fire Commissions are in executive session. They meet I believe at four. And, of course, the Board of Review meets all day long under the statutes as they sit and review assessing cases.

So the bulk of the meetings that are going to be meetings that citizens look to attend would be at six o'clock. We're recommending that this ordinance be dated today but become effective on January 1, 2010. We'll be putting out a calendar that reflects the new dates and times for all the meetings that we send to each household in the Village so they can take a look and see when is a meeting and where they're meeting and at what time and reflect these new times. So I'm recommending adoption of Ordinance 09-55.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

Monica Yuhas:

Motion by Trustee Serpe, second by Trustee Kumorkiewicz. Any further discussion?

Steve Kumorkiewicz:

Yes, what we're going to do now that I tried to do before I'd like to recommend Jane Romanowski to make the list for us . . . time to investigate the time that the Boards meet in different areas of the State. I don't see Kenosha here, but everybody meets after five o'clock definite. Thank you, Jane.

Monica Yuhas:

We have a motion and a second. A question, Trustee Allen?

Clyde Allen:

Just comments. About a year ago this came before us to change the meeting time, and people had their comments, had their say and it was voted to stay at six thirty. I used my basis because a meeting was held that affected the 82<sup>nd</sup> Street at the time or 80<sup>th</sup> Street, 79<sup>th</sup> Street. And many of the people that were in attendance made a comment about not being able to get here until six thirty. I used that for a basis to vote which passed unanimously to keep it at six thirty. Some of the people—for uniformity sake I can see why this is being done. I agree with the uniformity part and I wholeheartedly endorse it. How do I say changing my mind is the right thing to do? I kind

Village Board Meeting  
October 19, 2009

of struggled with it a little bit. People that couldn't make a six thirty meeting might not be able to make the seven o'clock meeting as well. There were people who just could not make it at all.

With that in mind and the sake of uniformity and people will know this, I'm going to support this but it is tough. It was a tougher decision and I put a lot more thought into it than I really expected. The other item that needs to be considered is when July 4<sup>th</sup> falls on a Tuesday that would also have to be changed as well. I don't know if you want to mention that in there. It just makes the change for Election Day. That's it.

Monica Yuhas:

If my memory serves me correct, last year we didn't vote on six thirty. We tabled it. We tabled it. It never did get a vote. It stayed the same.

Steve Kumorkiewicz:

For lack of a second.

Monica Yuhas:

So it will be nice to have everything at six o'clock. We have a motion and a second.

**SERPE MOVED TO ADOPT ORDINANCE #09-55 TO AMEND CHAPTER 98 OF THE MUNICIPAL CODE RELATING TO THE VILLAGE BOARD MEETING SCHEDULE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**M. Consider Operator License Applications on file.**

Jane Romanowski:

Just one tonight for Barry Cable and I recommend approval.

Steve Kumorkiewicz:

So moved.

Clyde Allen:

Second.

Monica Yuhas:

Motion by Trustee Kumorkiewicz, second by Trustee Allen. Any comments?

**KUMORKIEWICZ MOVED TO APPROVE THE OPERATOR LICENSE FOR BARRY CABLE; SECONDED BY ALLEN; MOTION CARRIED 4-0.**



Village Board Meeting  
October 19, 2009

**8. VILLAGE BOARD COMMENTS**

Mike Serpe:

November 7<sup>th</sup>, St. Therese's from 5 until 7 there's a steak and fire dinner. I've attended the last two. I think this is the third one, Chief? For \$15 you can't beat the food, the atmosphere and the money raised is for a real good cause. So just a reminder everybody November 7<sup>th</sup>, a Saturday night at St. Therese's. Enjoy the night.

Monica Yuhas:

Any other comments? I'd like to wish Steve Kumorkiewicz, our Trustee, a happy 73<sup>rd</sup> birthday today.

**9. ADJOURNMENT**

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 7:50 P.M.**