

**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  
February 2, 2009  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, February 2, 2009. 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; Peggy Herrick, Asst. Village Planner; Tom Shircel, Asst. Village Planner; Kathy Goessl, Finance Director/Treasurer and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - DECEMBER 18, 2008 AND JANUARY 19, 2009.**

**YUHAS MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF DECEMBER 18, 2008 AND JANUARY 19, 2009 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

**5. CITIZEN COMMENTS**

Dick Ginkowski:

Dick Ginkowski, 7022 51<sup>st</sup> Avenue. I want to thank the Village President in his other elected capacity for keeping me in the loop and communicating concerning legislation that's being worked on to deal with the proliferation of Pay Day Loan stores in the State. It's nice to get the follow up and see that something is in the works. The Village Board in a moment of refreshing unanimity, the old Board, spoke on this particular issue and indicated we did not want to see expanded growth of what we already have of this type of institution within the Village. I wanted to thank John for communicating with me concerning that through his staff, and hopefully the State will be able to move in an appropriate direction in this session of the Legislature.

One other point I'm hoping to encourage the Village Board to act and Village staff with due diligence in making sure that in these economic times and trouble that we have that we don't wind up with vacant storefronts in the Village. One development that was already planned, Circuit City, of course, Circuit City is going out of business so obviously they will not be moving into their new store. I'm hoping that we will hopefully luck out and find an appropriate replacement tenant. But in the process of considering applications for development and also looking at what we have now one of the worst things we can have now are empty storefronts. I know it may sound like an odd point to bring up to the Board, but I do think that's something we

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should keep in the back of our minds for any development proposals, that we want to make sure we keep intact what we have already, and while we can't control all aspects of the economy, certainly it would be a wonderful thing if we could not encourage empty storefronts in the Village. That is a negative sign of economic development. So hopefully the news for us will be good but I just raise that point tonight. Thank you very much.

Jane Romanowski:

There are no other sign ups, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

**6. NEW BUSINESS**

**A. Consider Resolution #09-02 - Resolution authorizing the issuance and sale of \$21,100,000 General Obligation Promissory Notes, Series 2009B.**

Kathy Goessl:

Mr. President, the bond offering in front of you is for three different purposes or three different funds. The first is for TID 2 improvements for \$11.2 million, and then \$1.9 million for general fund capital. That's for 85<sup>th</sup> Street reconstruction mainly, and then \$8 million for the pool expansion at RecPlex. The issue actually sold at a premium thus reducing the actual issue to \$20,700,000 so that's what we're looking at getting approval for this evening. The premium that we sold it at was a little over \$1.5 million. We did pretty good compared to actually compared to a year ago when we went out for a similar type time frame. And our yields for this with the premium calculated in averages \$3.7 about, ranging in actual yield from 1.5 percent in 2010 to 3.68 percent in 2018. We had an issue just a year ago that had the same range and that yield actually was higher. It started out 2.2 and went up to 3.75. So even though the market is still in turmoil, at this time we got better than we did a year ago with this issue. So we're looking for approval to issue these bonds. Any questions? We did go up for a rating again and Moody's and Standard and Poors maintained our rating at A1 for Moody's and AA for Standard and Poors.

Mike Serpe:

Just a question, John. How much debt into the TID, \$8 million for the pool?

Kathy Goessl:

\$8 million for the pool, \$11.2 for the TID and then \$1.9 for the general fund.

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Mike Serpe:

So \$19 million for the general fund?

Kathy Goessl:

\$1.9 million. And our increase in rating on Standard and Poors saved us probably five to ten basis points which ten basis points is around \$170,000. Gene Schulz is here also if you have any questions on the sale or any questions on the bonds themselves.

Mike Serpe:

I'd move approval, Mr. Chairman.

Clyde Allen:

I'll second it with a question.

John Steinbrink:

We have a motion by Mike, second by Clyde.

Clyde Allen:

On the bonds we're coming in at the range from the 1.5 all the way up to 3.6. We just had the bond issuance that we had come in at 3.04 at the premium that was taken into consideration. Why is this rate a little higher?

Kathy Goessl:

It's a ten year, a bigger dollar amount, \$21 million, and we actually have a balloon payment at the end of the ten years of almost \$10 million to be refinanced. So most of the repayments are at the end of the schedule and the other one was more evenly spread out.

Clyde Allen:

Okay, thank you.

John Steinbrink:

Other comments or questions? If not we have a second and a motion and we need a roll call vote.

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**SERPE MOVED TO ADOPT RESOLUTION #09-02 - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$21,100,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2009B; SECONDED BY ALLEN; ROLL CALL VOTE – STEINBRINK – YES; YUHAS – YES; KIMORKIEWICZ – YES; ALLEN – YES; SERPE – YES; MOTIN CARRIED 5-0.**

John Steinbrink:

Thank you, Kathy. Motion carries. Thank you, Gene, thank you, Kathy.

**B. Receive Plan Commission Recommendation and consider Zoning Text Amendments (Ordinance #09-01) to amend portions of Sections 420-59, 420-62, 420-64, 420-67, 420-68, 420-76 and 420-78 of the Village Zoning Ordinance related to Sign Special Exceptions.**

Tom Shircel:

Thank you, Mr. President. On January 26, 2009, which is last Monday, the Plan Commission held a public hearing regarding this proposed ordinance amendment. Currently Section 420-77 of the Village Zoning Ordinance sets forth that certain types of signs need special exception permits. Those are community banner signs that are suspended across the street; secondly, signs for multi-occupant buildings that straddle property lines; and, third, signs for nonconforming uses. Again, those all require currently a special exception sign permit.

The Village staff along with the Plan Commission has evaluated the zoning ordinance and is proposing to amend those sections of the ordinance that pertain to sign special exceptions. To be short, the proposed amendment is to remove all reference to the Plan Commission having the authority to review and approve or deny sign special exception permits and instead have that authority granted to the Plan Commission.

The specific sections of the ordinance that are to be amended include Section 420-59, 420-62 C.(11) and (13), 420-64 B. and D.(3), 420-67, 420-68, 420-76 G.(5) and 420-78 T.(6). The Village staff and Plan Commission has determined that sign special exceptions similar to all other sign permit applications can be readily and thoroughly reviewed and/or approved or denied by the staff rather than the Plan Commission.

Again, last Monday the Plan Commission held a public hearing and recommended that the Village Board approve Zoning Text Amendment 09-01 as presented. With that, I'll turn it back to you, Mr. President.

John Steinbrink:

Thank you, Tom. This having been before the Planning Commission.

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Steve Kumorkiewicz:

I make a motion to approve Ordinance 09-01.

Monica Yuhas:

Second.

John Steinbrink:

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

Steve Kumorkiewicz:

It was well discussed.

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #09-01 TO AMEND PORTIONS OF SECTIONS 420-59, 420-62, 420-64, 420-67, 420-68, 420-76 AND 420-78 OF THE VILLAGE ZONING ORDINANCE RELATED TO SIGN SPECIAL EXCEPTIONS; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

- C. Consider the request of Martin Hanley for a 1st Amendment to the Development Agreement for Village Green Heights Addition #1 Subdivision to install curb and gutter and the first lift of asphalt on 98th Street, 99th Street, Main Street, 47th Avenue, 48th Avenue, 50th Avenue, Cooper Road, 55th Avenue and 53rd Court prior to 50% of the homes being completed within the development.**

Mike Pollocoff:

Mr. President, the developers from Village Green Heights have met with the Village staff and are requesting an amendment to their existing development agreement to be able to pave the roads that you've identified. We've included in some language in the agreement in this amendment that would still place the developer with the responsibility of making any repairs to that road before paving was to take place. I'd refer you to Item 6 on page 3 where upon completion of the installation of the binder course of pavement the Village shall inspect and videotape the paved streets, curb and gutter and confirm the binder course and curb and gutter have been installed in accordance with Village specs. When the street is top coursed they're going to have to make whatever repairs are necessary to that binder and they recognize that. In as much as the real estate market is not moving very fast at this point I don't think this amendment is out of line. I'd give the recommendation that the Village Board authorize the President and Clerk to execute the agreement with Village Green Heights.

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Mike Serpe:

Main Street on the east end, Mike, that's quite a distance and there's no cul-de-sac and we're going to be plowing that. I don't know if that's a good—I know there's no houses down there but that doesn't mean you can't have kids someplace down in that area playing around doing whatever. Would it be a better idea to stop short of—to come into that first street going south and then eliminate that little leg going east on Main Street that I'm talking about.

Mike Pollocoff:

We can do that. We can do that.

Mike Serpe:

The plows are going to be taking over and that means they have to back up for over a block.

Peggy Herrick:

But that's also a boulevard - a street with a boulevard is open so the plows can turn around there.

Mike Serpe:

Where are they going to turn around at?

Mike Pollocoff:

There's not enough radius to turn around at the end. I think we're better off just making the turning movement to the north/south street. I agree. Save them some money. It saves everybody.

John Steinbrink:

Give us your name and address for the record.

Preston Kendall:

Mr. President, Board, Preston Kendall, 123 North Northwest Highway representing Marty Hanley on behalf of Land and Lakes Development Company, Village Green Development here. I think our main concern is actually just with letters of credit. If we go in and put in or leave out any sections of the road later on we'll have to come back and those letters of credit I don't see staying out there for long periods of time. So I don't think it's a problem if we do leave that leg out. I have to discuss it with Marty but if you guys think it's for the best we'll half way leave that off. Our concern is there's a certain amount set to put in the road. If we leave certain sections off those are they going to be left out there for many years to come until when, until the area to the

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east gets developed. The idea of putting the roads in now is to get them out of the way and get everything established out there and try to get more people to purchase homes out there to make it look nice. If we leave that section out who knows when we can put it in, then we'll have money staying out for long periods of time. Is it possible to pave that area but then not plow it?

Mike Pollocoff:

One of the reasons that—let's go back to the reason why we required the developer to do this is typically in these subdivisions when you have a street that is now a dead end, and if it doesn't end, then when Mr. Hanley or his successors come in to do the subsequent extension of the street then the people who live in the subdivision say, oh, wait a minute, this is a dead end street and we don't want it to go through even if it's Main Street. So that's the logic in why these streets are continues because if they aren't then people who live there assume that I live on a dead end street, there hasn't been any traffic, I don't want to have any traffic on the street when I was used to it for however many years of not being there. So that's the reason we encourage that to happen.

That being said, we could still direct the plows not to plow there. I think the only thing that would—right now that sanitary sewer isn't going farther west. I think at some point when that sewer does connect from by where the post office is up to that street then at that point we'd want to start plowing that street to make sure we can get in there. That's the reason that we do this because we've seen it. You all know we've seen it before where people said that street ends and don't let it go any farther because we want to have another subdivision.

Mike Serpe:

Are there any homes yet built?

Preston Kendall:

There's currently one that is built with people residing in it and then there's one that's under construction right now.

Mike Serpe:

And how many lots are sold?

Preston Kendall:

There are a total of seven lots out of . . . . If I may make one more comment I believe on the west end there's two areas that aren't quite as long as that whole block that you're concerned about but that do dead end into the vacant property or farmland to the west. I do believe the plow does push the snow up until that property line. I'm not sure if they're turning around all the way or backing out. It's not quite as long as the stretch that you're concerned about. On Main Street on the west side that's already paved now because that's part of the first phase.

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Mike Serpe:

So the Main Street is the only dead end that we have to worry about then?

Mike Pollocoff:

Cooper Road is a dead end also.

Preston Kendall:

Currently right here . . . at this point.

Mike Serpe:

Will they connect?

Preston Kendall:

I believe the master plan was–

Mike Serpe:

Will they connect with this paving? No?

Peggy Herrick:

Only the items highlighted in that yellow that's on there. That's in the Village Green Heights Addition Number 1 and that's what they're requesting to pave. The other roads on the subdivision plat are already paved in that subdivision.

Mike Serpe:

Right, I understand that. But what I'm saying is the western road that dead ends right there that doesn't connect to another paved road in another part of the subdivision or does it?

Peggy Herrick:

No, it's a different property owned by somebody else. It will eventually connect to there into Doug Stanich's Courts of Kensington development which is put on hold as well. So those roads will connect in the future.



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Preston Kendall:

They're currently barricaded at the property line. Would it be a possibility to pave that area with all the other paved areas we have highlighted and put the barricade at the east end of that intersection to block that paved area off?

Mike Serpe:

Well, as I understand it, the barricades, now this is an older approved subdivision, but we enacted an ordinance that prevents—that we ask now the developer to put a turnaround at the end of the road. This was approved prior to that if I'm not mistaken.

Mike Pollocoff:

Right.

Mike Serpe:

My only concern here is that we don't plow and then have to back the plow up to get out of the subdivision for any length of time and that looks like it's going to happen there.

Mike Pollocoff:

We could definitely keep it open as far as have the road constructed and then during the winter months not plow it. Is there a median turn out anywhere along that corridor where we could break into the median?

Preston Kendall:

I'm not sure, and I apologize. I don't have that off the top of my head. Right now on Main Street on that west side that you see in white, just to the west of the area that we're requesting to pave there is a median. But I know in my vehicle . . . snowplow I can easily get around the turn. I'm just not sure if the snowplow can. And I think, as Peggy said, that there are medians all the way down Main Street.

Mike Serpe:

John, do you have something to add here?

John Steinbrink, Jr.:

John Steinbrink, Jr., 8600 Green Bay Road. I believe that there are some median breaks like you guys are talking about on the rest of Main Street. The plows are able to navigate. I believe it's an 80 foot right of way or a 100 and some foot right of way in there. In the past on the other areas of

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Main Street there has been enough room for us to navigate a turnaround. Like Mr. Pollocoff said we are able to just not plow the section that would be to the east of 47<sup>th</sup> I believe that is. We can leave that open. Historically in the past on newly constructed subdivisions if there's no homes being constructed or occupied on there we end up not plowing that road to save on money. And then as soon as a contractor or a property owner contacts us then we start plowing it at that time.

As far as the dead end we did start installing signs on all the dead ends that we put on the type three barricades to notify people that this road will be going through. That's been a standard practice in the subdivisions in the last couple years, and that would also be included in this subdivision just to notify people that this road will be going through because as Mr. Pollocoff said that has been a problem in the past.

Steve Kumorkiewicz:

The question I've got is if you put a barricade over there and we get a big snowstorm or two or three consecutive snowstorms, you're going to piling up at the barricade. An example is 32<sup>nd</sup> Avenue in Prairie Trails. We've got a problem at 32<sup>nd</sup>. You've got a barricade over there and you can push the snow so far and it keeps piling up unless you remove it.

John Steinbrink, Jr.:

I think that one of the biggest differences between the first addition of Village Green and Prairie Trails is that Prairie Trails is fully developed and there are homes all around there. Here there is vacant land and I'm not sure if there are even homes that are platted or planned east of 47<sup>th</sup> at this time. So by not having homes there that might go away. And if we do put some barricades in there if it is paved we would probably just put those barricades back enough where we could just plow them. Or, we could put them on a temporary stand and sandbag them back like maybe 30 or 40 feet. That would give us enough room to stack snow in case we get an 18 or 20 inch snowfall.

Steve Kumorkiewicz:

So there are no houses in 47<sup>th</sup>?

Mike Pollocoff:

Beyond 47<sup>th</sup>.

John Steinbrink, Jr.:

To the east of 47<sup>th</sup> is where I'm referring to.

Steve Kumorkiewicz:

I'm talking 47<sup>th</sup> south right there there are no homes.

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Preston Kendall:

There are no homes. There are lots right now that are available but there are no homes there.

Steve Kumorkiewicz:

No homes there, okay.

John Steinbrink, Jr.:

We will be plowing 47<sup>th</sup> Avenue. We will just not be plowing the section of Main Street that's to the east of 47<sup>th</sup> that has the . . . .

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

Any further questions? If not, thank you. Do we have a motion with your changes? We're going to leave it as is.

Clyde Allen:

Make a motion to approve as is.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Clyde, second by Monica. Any other discussion on this item?

**ALLEN MOVED TO APPROVE THE REQUEST OF MARTIN HANLEY FOR A 1ST MENDMENT TO THE DEVELOPMENT AGREEMENT FOR VILLAGE GREEN HEIGHTS ADDITION #1 SUBDIVISION TO INSTALL CURB AND GUTTER AND THE FIRST LIFT OF ASPHALT ON 98TH STREET, 99TH STREET, MAIN STREET, 47TH AVENUE, 48TH AVENUE, 50TH AVENUE, COOPER ROAD, 55TH AVENUE AND 53RD COURT PRIOR TO 50% OF THE HOMES BEING COMPLETED WITHIN THE DEVELOPMENT; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

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**D. Consider Ordinance #09-02 - Ordinance to Amend Chapter 348 of the Municipal Code relating to parking enforcement.**

Mike Pollocoff:

If I could, I'd like to call Chief Wagner up here and have him describe this proposed amendment to our ordinances.

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. Good evening. The ordinance before you tonight is designed to improve the Village's ability to enforce, process and collect forfeitures for violations in the parking statutes and ordinances. It will make more convenient and expand the options available with citizens to pay parking citations in Pleasant Prairie and it will bring our ordinance into conformity with Wisconsin Statutes with regard to minimal fines and forfeitures for violations.

Currently all citations, including parking violations in the Village of Pleasant Prairie, are directed to and processed by the Pleasant Prairie Municipal Court. Parking violations are issued on a Wisconsin Municipal Court citation form. Parking citations directed to the Court currently must be paid by cash or check either in person or my mail. There's no option for electronic payment. No convenience envelope is provided and the citation does not hold up well to the elements.

The Court is limited in its ability to collect unpaid violations. The Court does send a letter to the violator requesting payment but if a letter is not complied with the Court takes no further action to collect the fine. The Court does not participate in the Wisconsin Traffic Violations and Registration Program, otherwise called the TVRP, which allows for the vehicles registration to be suspended, and because it is unlawful in Wisconsin to physically arrest for parking violations the Court does not issue commitments in these cases either.

The ordinance before you this evening removes the responsibility for processing and collection of parking violations from the Municipal Court to the Police Department. Under this ordinance the Municipal Court only becomes involved in cases where the violator chooses to contest the citation. The proposed ordinance would also establish the Police Department's authority to participate in the TVRP enabling us to suspend the vehicle registrations for nonpayment or, in the case of an out of State vehicle, it would enable the department to utilize commercial collection services for nonpayment.

This ordinance also enables the department to utilize a commercial online payment service that the Village already has a relationship with for receiving electronic credit card payments via the internet. The plan is to make payment as easy and as convenient as possible by placing a link on the Village's website where violators can go to pay their ticket by credit card. The ordinance would also make adjustments to the forfeiture schedule for parking violations raising them to the minimum allowed under the statutes. Since the early 1990s most parking in Pleasant Prairie has

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been \$10 and that no longer conforms to the requirements of the statutes which set the minimum for parking violations at \$20.

The ordinance also introduces a fine doubling payment for nonpayment after 30 days, and the reason for this is to cover the additional processing costs associated with collection of unpaid citations. It is my intent to utilize a custom form for parking violations that is simple, clear and understandable and that includes a remittance envelope for convenience that is designed and intended to withstand the elements.

Again, all in an effort to make payment as easy as possible, it's important to understand that nothing in this ordinance will in any way harm or limit a person's ability to contest any violation. Persons wishing to contest the violation simply must notify the department of their desire to do so in writing and the case will be transferred to the Municipal Court for disposition there. Once a case is transferred to the Court it will not come back to the Police Department and the Court will be totally responsible for the processing and disposition of that citation.

This ordinance I believe will make it easier and much more convenience to pay these citations than it is today. This, in turn, should enhance our ability to collect these fines on behalf of the Village. I would ask for your support of this ordinance. And with that I'll be happy to answer any questions that you might have.

Steve Kumorkiewicz:

Chief, that's going to facilitate, for example, when we have the snows, big snowfall, because I saw the other day on 65<sup>th</sup> Street on 13<sup>th</sup> Avenue, between 13<sup>th</sup> and 12<sup>th</sup> I believe it was, there was a car buried in the snow. I'm surprised the snowplow didn't hit it. With that . . . citation, too, the car should be out of the street when the snowplow is going on.

Chief Wagner:

Right. We have a snow emergency ordinance which makes it unlawful. Once the snow emergency is declared it's unlawful you can't park on the street. And typically the way that's enforced is the snowplow drivers will call the Police Department if they encounter a vehicle that's causing a problem plowing and we'll take care of that making sure that that vehicle gets moved and a citation is issued.

Steve Kumorkiewicz:

Also included in this is going to be the garbage collection? Many times you'll see . . . right here and two feet is a car parked.

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Chief Wagner:

There's an ordinance that regulates how close to these garbage bins you can park. But, again, that's an ordinance that the sanitation department—the only way we enforce that is if they complain to us. And I can tell you that doesn't occur very often.

Mike Pollocoff:

Typically if that happens the guy will get off the truck and move it so that we can get to it if somebody just forgot about it. If there's a chronic violator—

Steve Kumorkiewicz:

That's what I'm going to, yes.

Mike Serpe:

Chief, when you set the forfeiture amounts is this in comparison to other cities with the amount for everything you've got listed here for the four you have listed?

Chief Wagner:

We did some research and we found that some of the cities weren't in compliance either. I think the primary or main cost of a parking ticket in the City of Kenosha I think is \$15. Under the statute it's required the minimum is \$20. I think a lot of municipalities need to go back and take a look at that. But in our situation we were at \$10 and not in compliance. And what this ordinance does is it raises every one of those violations to the minimum forfeiture. We're not going above the minimum. And in any of the cases the only thing would be if the citation wasn't paid within the 30 days and in that situation that minimum would double so it would go from \$20 to \$40.

Mike Serpe:

By participating in this will it cause you to be spending any more man hours for compliance and everything?

Chief Wagner:

There will be some additional time spent by the department clerk because she's going to take on the processing duties for these citations. But by and large I think it will be time well spent.

John Steinbrink:

Handicap parking violations, Chief, do we cover any of those?

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Chief Wagner:

We do. And, again, that's a \$50 fine under this ordinance. And if it's not paid within the 30 days it goes to \$100.

Steve Kumorkiewicz:

I make a motion to pass Ordinance 09-02.

Monica Yuhas:

Second.

John Steinbrink:

We have a motion and a second for approval. Do we have any further discussion? Thank you, Chief.

Clyde Allen:

Question. I don't know if we have ever considered going above the minimum for the handicap parking. That seems awful cheap. Everywhere you go you see \$200 fine. Just my thought is those places are there for a reason.

Chief Wagner:

The reason we set the fine at the minimum is because, and I have to tell you, that they've always been at the minimum and the sense was that that's the Board wanted them and that's why we continued at the minimum. If the Board would like to intervene and change that we can certainly do that.

Clyde Allen:

I guess I wouldn't mind bringing that up at a later date to change that.

Chief Wagner:

We need to do that now because we're going to be printing some citations that are going to have those fine amounts on them. So if the Board would like to have any of those things changed now is the time to do that before we have that printing done.

Clyde Allen:

I guess I wouldn't mind seeing that raised to at least \$100. Anybody else's thoughts?

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Steve Kumorkiewicz:

I'd like to make a comment on that. I saw a sign for a \$200 penalty but they were all in a shopping center which is private property. So we're talking about a public street and private property and that could be a difference.

Chief Wagner:

It still covers that, Steve. If you park in a handicap space on private property it's still a violation of our ordinance and we still issue that.

Steve Kumorkiewicz:

But the cost I'm talking about.

Chief Wagner:

I'm sorry?

Steve Kumorkiewicz:

The cost. The \$200 for example—

Chief Wagner:

It's whatever the Board chooses to set it. Whether it's private property or a public highway it doesn't matter.

Steve Kumorkiewicz:

Clyde, you make an amendment to go to \$100?

Clyde Allen:

Make it \$100. Raise it by \$50 to \$100. I haven't made a motion. I just wanted to get others' input but I really would favor that myself.

Steve Kumorkiewicz:

Should we do that in the motion then?

John Steinbrink:

That would be the Chief's recommendation to do that at this time.



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Mike Pollocoff:

Has the motion been passed? We need a motion to amend.

Clyde Allen:

Alright, I'll make a motion to amend the ordinance to be for the handicap parking violation, the 348-1/346.505 to \$100 rather than the \$50.00.

Steve Kumorkiewicz:

I second that.

John Steinbrink:

Motion by Clyde, second by Steve. Any further discussion on that?

Mike Serpe:

Do you write many handicap tickets Brian?

Chief Wagner:

We do. Prime Outlets and, of course, now with the shops at Prairie Ridge I suspect that will increase as well there.

Mike Serpe:

Do you ever catch anybody falsifying the handicap sticker and prosecuting them?

Chief Wagner:

I'm sure it happens but it's not something that happens very often.

Mike Serpe:

I think it's quite common.

Steve Kumorkiewicz:

A comment on that. Anybody who has disabled plates or disabled sticker they've got to have it in the glove compartment, the notification from the State, in the name of the owner of the car who uses the disabled sticker. Because you cannot go and use mine. If you do you get a fine.

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Mike Serpe:

Trust me, Steve, they do it.

Steve Kumorkiewicz:

I know they do it. Yes, they do it.

John Steinbrink:

Actually if you have that handicap sticker and you have the driver of the vehicle that is not handicapped and you drop that person at the door they are not allowed to use the handicapped spot.

Chief Wagner:

It becomes an enforcement problem.

Steve Kumorkiewicz:

Maybe you can . . . situation many times I see those big pickup trucks . . . need to have a . . . get up to the car and they have a handicap sign.

John Steinbrink:

I think you're going to see some change in legislation this year on handicap because of the abuse that's going on with it right now and the fact that somebody is handing out those stickers like candy. Motion and a second with an amended motion. Further discussion?

**ALLEN MOVED TO ADOPT ORDINANCE #09-02 - ORDINANCE TO AMEND CHAPTER 348 OF THE MUNICIPAL CODE RELATING TO PARKING ENFORCEMENT WITH THE AMENDMENT THAT THE FINE FOR PARKING IN A HANDICAP PARKING SPOT WHEN UNAUTHORIZED IS \$100 WITH IT INCREASING TO \$200 IF NOT PAID WITHIN 30 DAYS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**E. Consider Professional Design Services Agreement with Crispell-Snyder, Inc. for the 116th Street Reconstruction project.**

Mike Pollocoff:

Mr. President, Mike Spence will address this item.

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Mike Spence:

Mr. President, this item is for agreement for surveying, design and the preparation of construction, plans and specifications for the reconstruction of 116<sup>th</sup> Street between State Highway 32 which is Sheridan Road and County Trunk Highway EZ which is 39<sup>th</sup> Avenue. This project will convert the roadway from a two lane rural cross-section to a three lane urban section with storm water drainage facilities. It will also include bike lanes on both sides. Crispell-Snyder was selected for this design because of their previous involvement in the area. They've done some previous work so we get an economy of scale for that.

This project was included in the 2009 capital improvement program. The budget amount for the project that was in the capital improvement program is right at where we had estimated. However, we are recommending that additional scope be included with this project. That includes a traffic analysis, the addition of a storm water pond and also the addition of a roundabout at 39<sup>th</sup> Avenue and 116<sup>th</sup> Street. We believe that these additional scope items will improve the design of 116<sup>th</sup> Street. In addition, a pavement analysis will be done which will be looking at concrete versus asphalt. Again, with the economic climate out there the Village has potential to save some money by looking at different pavements. And then, finally, this additional scope related to storm water pond will help the Village meet its DNR requirements for water quality. We recommend that this be approved.

Mike Serpe:

I have a question for Mike. The roundabout at 39<sup>th</sup> is that going to be lighted? Not signalized, but a lighted intersection so it would be visible?

Mike Spence:

The detailed lighting design we haven't gotten to that, but typically we have put lights at intersections so I would imagine we would probably put a light at each leg going into the roundabout.

John Steinbrink:

That will be a single lane roundabout?

Mike Spence:

We don't know that for sure yet. As part of the engineering contract we will be doing a traffic analysis. But I guess my guess at this point would be that it would probably be a single lane but that would be confirmed with the traffic analysis.

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Mike Pollocoff:

One of the reasons we decided to take a look at the roundabout there's two reasons. One is reduced accidents and the severity of damage in accidents. But, secondly, just to reduce expenditures for construction and maintenance of traffic signals in perpetuity. We have a traffic signal at 80<sup>th</sup> and Cooper Road and soon we'll have one at 85<sup>th</sup> and Cooper Road which is fine. There's really no room to work with any type of roundabout. But a roundabout from the ongoing maintenance is a lot less expensive for the community to operate. And if you look at the master transportation plan 39<sup>th</sup> Avenue was scheduled to be a Village road and downgraded from a County arterial. So 39<sup>th</sup> will wind up being our road eventually. It just seems like it's going through that engineering work now to get that evaluated. It's going to be worth the money we've spent.

Just to add in it was in the *Kenosha News* that we're submitting this for the recovery act for funding. Who knows if we're going to get that. If we do, though, we're going to try to get as much as we can to accomplish as much of a public works project for the Village as we can. If we can't we're still going to want to submit this project for STP funding through the State to get 50 to 75 percent of the funding on that if we can. Given the scope of it, it wouldn't be—if we walked away from this and said let's just do the initial pavement design for the street as it is, we'll be back there looking at storm water and a roundabout anyway if we want to be able to apply for that grant. So given what the potential savings are for the grant or given what the possibility is for stimulus use that's where we want to be.

Now, in Crispell's report and their discussions with the engineer we're looking at this to be bid ready by April 1<sup>st</sup>. If in fact it is going to start under the Federal Recovery Act we'll be in a position to have a shovel ready project. Crispell has designed the sanitary sewer on that street. They've designed water. They're familiar with the soils. So it's not like we're bringing in somebody who hasn't done any design work in that corridor before so we should be able to get this thing wrapped up fairly well.

Steve Kumorkiewicz:

I have several questions on this. . . . property in the corner of 39<sup>th</sup> Avenue.

Mike Pollocoff:

We don't know. That's what the design is going to tell us.

Steve Kumorkiewicz:

How much wider is it going to be compared with today?

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Mike Pollocoff:

Right now the profile we're looking at is—

Mike Spence:

The profile we're looking at, Steve, is 52 feet. That's from back of curb to back of curb. As I said, that includes three lanes and two bike lanes.

Mike Pollocoff:

It's a 66 foot wide right of way.

Mike Spence:

The right of way in most of the route is 66 feet.

Steve Kumorkiewicz:

So we're going to have to cut down a lot of trees over there?

Mike Spence:

Excuse me?

Steve Kumorkiewicz:

Are there a lot of trees in the way?

Mike Spence:

Yes, yes. There definitely will be some effects.

Steve Kumorkiewicz:

Furthermore, what about the ditches? The ditches are going to disappear then?

Mike Spence:

Normally when we go to an urban cross-section we will be grading and putting in storm sewer and inlets on the roadway to collect the storm water.

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Steve Kumorkiewicz:

So we're talking about a four feet diameter pipe in the end?

Mike Spence:

We don't have it designed yet but it will probably be a fairly large pipe.

Steve Kumorkiewicz:

Okay, thank you.

Mike Serpe:

Mr. Chairman, I move approval of the ordinance (sic Agreement).

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

**SERPE MOVED TO APPROVE A PROFESSIONAL DESIGN SERVICES AGREEMENT WITH CRISPELL-SNYDER, INC. FOR THE 116TH STREET RECONSTRUCTION PROJECT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**F. Consider Professional Consulting Services with Crispell-Snyder, Inc. for the 91st Street Resurfacing Project.**

Mike Spence:

Mr. President, this project is for the resurfacing of 91<sup>st</sup> Street from Sheridan Road approximately 1,600 feet to the east past the railroad tracks. One of the reasons for this project is to in order for the Village to meet a quiet zone so we will be putting in a median in the vicinity of the railroad. That will allow us to meet the quiet zone requirements. If you recall, part of this project came before the Board previously in an agreement with the City of Kenosha or Kenosha Public Works. They will be paying for 50 percent of the project.

Again, the project is going to include the pulverizing and repaving of the street and a curbed median at the railroad. Again, Crispell-Snyder was selected for this because they had previously worked on some surveying and design in the area. In addition to that, as Mike mentioned earlier,

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we're trying to get these projects designed in a timely manner so that if stimulus money does become available we'll have a great likelihood of potentially getting funding.

John Steinbrink:

As Mike said, this was a project we agreed to work with the City for and now we're getting down to the part where we actually design it and figure the cost and we'll share that cost with the City on this. This is a City street actually but we've done these projects with bordering street where we get the improvements made and work with the City to do it.

Mike Serpe:

Mike, could you explain this quiet zone again with the boulevard? Where's that going to go?

Mike Spence:

That's going to be in the vicinity of the rail line. And what that is is they try to keep individuals from driving around the gates when the gates come down. So if you have a median there they try to block that off. That's part of the quiet zone requirements.

Monica Yuhas:

Motion to approve.

Clyde Allen:

I'll second.

John Steinbrink:

Motion by Monica, second by Clyde.

Mike Serpe:

Where do they get quiet out of that? I don't understand. That's why I asked the question.

Mike Spence:

I think the other issue is the actual elimination of I believe the horn so that—

Mike Serpe:

The railroad blowing the horns? They've got an order they're supposed to blow the horn at every intersection now.

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Mike Spence:

I think that's what the whole point is they're trying if the horn isn't blowing you're making sure that you have a barrier-

John Steinbrink:

For certain hours of the day.

Steve Kumorkiewicz:

Mike, when you're talking about noise, I think it's a good thing this project is going in here because the noise is coming from the people who believe that that street belongs to the Village and we're getting the complaints on that.

John Steinbrink:

That should make it a quiet zone now. We have a motion and a second. Further comment or question?

**YUHAS MOVED TO APPROVE A PROFESSIONAL CONSULTING SERVICES WITH CRISPELL-SNYDER, INC. FOR THE 91ST STREET RESURFACING PROJECT; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

**G. Consider Professional Engineering Design Services Agreement with Bonestroo, Inc. for work to be performed at the LakeView Lift Station.**

Mike Spence:

Again, Mr. President, this agreement is for engineering services relating to survey, design, construction, plans and specifications and bidding and construction services for work to be performed at the Lakeview Lift Station which is on 88<sup>th</sup> Avenue near the RecPlex. Back in 2008, the firm of Bonestroo prepared a report which evaluated the current pumps and controls at the lift station. This was necessary because we are trying to make sure that we address capacity requirements in a timely and a proactive manner for future wastewater flows.

In addition, we were looking at the controls to see if we could do improvements which could make the station run more efficiently. There are issues with how we're charged for energy. So with that said, we had this report done which has recommended improvements. As this project proceeds the capacity of the station would be firmed up at 10.25 million gallons per day. It's one of the Village's bigger stations.



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The project itself includes a more detailed analysis to expand on what was previously done and some field investigations, and then subsequent to that construction plans would be prepared for bidding to go in there and modify the controls and pumps as required to meet the recommendations of the proposal.

Once this project is done, like I said, the goal is to have a more efficient, a better run station and save on energy costs. And, also, from a long-range planning perspective we'll allow for the inclusion. This station is downstream from where Sewer D will be connected in so, again, we're trying to make sure that we have the adequate capacity in the future.

Steve Kumorkiewicz:

So we are going to keep pumping north or east?

Mike Spence:

This station pumps south on H to State Highway 165 into our main interceptor there and then ultimately east.

Steve Kumorkiewicz:

So that's going to take . . . 73-1 . . . .

Mike Pollocoff:

That's a different a different project.

Steve Kumorkiewicz:

This is not included with 73-1?

Mike Spence:

No.

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

Motion by Clyde, second by Steve. Further discussion? Once again, for the record, motion by Clyde, second by Steve. Further discussion?

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**ALLEN MOVED TO APPROVE A PROFESSIONAL ENGINEERING DESIGN SERVICES AGREEMENT WITH BONESTROO, INC. FOR WORK TO BE PERFORMED AT THE LAKEVIEW LIFT STATION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**H. Consider Supplemental Agreement No. 1 to the original 73-1 and South Central Lift Station Design Contract with Bonestroo, Inc.**

Mike Spence:

Mr. President, this supplemental agreement is to assist the Village in meeting the regulatory requirements associated with what we're calling the South Central Lift Station that's currently under design. This lift station is part of the overall redirection of wastewater flows back to the City of Kenosha and the abandonment of 73-1. The reason that this agreement is needed is the location of this lift station is in an area that was previously used as a landfill. There have been some preliminary borings done, but in order to get an exemption from the DNR to construct in this area, we have to do further borings and laboratory analyses. We're confident that with this analysis and so forth we can get the exemption and continue with the design and the construction of the South Central Lift Station. With that I recommend approval.

Mike Serpe:

So moved.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Further discussion?

**SERPE MOVED TO APPROVE A SUPPLEMENTAL AGREEMENT NO. 1 TO THE ORIGINAL 73-1 AND SOUTH CENTRAL LIFT STATION DESIGN CONTRACT WITH BONESTROO, INC.; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

**I. Consider Resolution #09-03 - Resolution to continue to receive the distribution of the lottery and gaming property tax credit and the school levy credit.**

Mike Pollocoff:

Mr. President, last Legislature an act was adopted that will allow the counties to receive the lottery and gaming property tax credit and the school levy credit rather than the municipalities. The total credits to be received is \$3 million or more in a year. The Village can authorize that

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distribution continue to be made directly to the Village. In 2009 the payments are \$4,197,029. The Village earns interest on those credits for 23 days at a modest 1 percent interest which is \$2,554 and at 3% \$7,661. The Village Treasurer and myself recommend that the Village Board adopt this resolution authorizing us to continue to collect these credits and then forwarding them onto the other taxing jurisdictions as required.

Monica Yuhas:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion?

Steve Kumorkiewicz:

Yes. Do we get the full amount that's due to us through the County or the County keeps part of that for whatever?

Mike Pollocoff:

What this resolution does is what's happened in the past where the Village gets the full amount and then we invest it and then we have to distribute it to the entities that get it. So that's the way it's been. With the passage of this resolution it will continue to be that way. What the Legislature did is they gave it to the counties first unless you made these changes. And in the case of some smaller municipalities it made sense.

Steve Kumorkiewicz:

So in case that the County doesn't pay in 21 days we've got to pay—

Mike Pollocoff:

No, the County doesn't pay. This is money coming from the State to the Village. We invest it before we make payments to the County and the School District and everybody else.

Mike Serpe:

Mike, do we have to pay the interest out as well?

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Mike Pollocoff:

No.

Mike Serpe:

That we keep?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

I was confused on that. Okay.

John Steinbrink:

We had a motion and a second. Further discussion?

**YUHAS MOVED TO ADOPT RESOLUTION #09-03 - RESOLUTION TO CONTINUE TO RECEIVE THE DISTRIBUTION OF THE LOTTERY AND GAMING PROPERTY TAX CREDIT AND THE SCHOOL LEVY CREDIT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**J. Consent Agenda**

- 1) Approve a Letter of Credit Reduction for the Village Green Heights Development.**
- 2) Approve a Letter of Credit Reduction for the Village Green Heights Addition No. 1 Development.**
- 3) Approve Bartender License application on file.**

Monica Yuhas:

Move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Any discussion on these items?

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Clyde Allen:

Just a brief comment. I know we get it quite routinely, but once again we're issuing a bartender license for someone that has a recent driving while intoxicated. While it's not a reason to turn them down, I just think it's my obligation to say we need to take note of this and keep our eye on it. It's a serious thing and now they're handling it on the other side. I just want to make note that she did have a DUI recently.

John Steinbrink:

Further comment or question?

Steve Kumorkiewicz:

I want to remind everybody that this coming Thursday we have a-

John Steinbrink:

This is the consent agenda.

Steve Kumorkiewicz:

I'm sorry. I jumped ahead.

John Steinbrink:

We have a motion and a second.

**YUHAS MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

## **7. VILLAGE BOARD COMMENTS**

Steve Kumorkiewicz:

We're having a forum this Thursday for the candidates for School Board. We have seven candidates. Six are going to be here. So I invite everybody to attend. It's a very important election. We're here and the candidates are going to be here. It's a chance for the people in the Village and in the District to come and meet the candidates and talk to them. Thank you.

Clyde Allen:

I've recently had the experience of a tree service come by saying that WE Energies has contracted with a tree service going along 56<sup>th</sup> Avenue, the power lines back there. First time through they

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put a note on the door and wanted to contact me. We did finally get together. My neighbor did talk to a gentleman who has two trees in the back who told them they wanted to take the trees completely down. I told him wait. I finally was in contact with the tree service and they told me I had three arbor vitae back there and they're about 21 or 22 feet tall. They said they wanted to take them out completely, several of them at the ground. And I said not a chance. So we're talking and he said you're in violation of the easement and they're contracting to do everybody's and they would like to mine and I said no.

So in our discussion I asked him how high I could have it. What's the maximum? He said, well, you're into the easement. I said tell me how high my tree can be. He said 15 feet. So I said when do I have to have it done by. He said June 1<sup>st</sup>. I said I'll have it down under 15 feet by June 1<sup>st</sup>. He said I would like it down to fence high level by June 1<sup>st</sup>. I said you just told me I had 15 feet. He wanted to push it down that far and he wanted to do the work. So apparently they are getting paid maybe by the foot, how they're doing the service.

How many of my neighbors and people along there are paying for that service to be done or having their trees taken out when they don't have to be done. This is something I think I'm going to go around the neighborhood and ask people because I don't think this is quite right. I know that what he told me he changed his story on. So it's just a concern of mine that people might be getting buffaloed and having trees taken down completely and that shouldn't be.

Mike Serpe:

Could I ask a question? I guess to you, Mike. Clyde brings up a point about growing things or building things and an easement which many of us have. What's the rule on that?

Mike Pollocoff:

Depending on the easement, but I know at our easement you do so at your own risk. We'll allow landscaping to be done in our easements, but in that we state that we reserve the right to remove that landscaping when it becomes necessary for us to go in and do something. And the owner has got the opportunity at that point to revegetate the easement with something other than grass. But there is some difference, and especially between ATC and WE Energies how they treat their easements. You can drive around town and see all sorts of trees that have been topped. They haven't taken it all the way down to the bottom and they're okay with that. Their long-range goal is to make sure that trees don't get into the wires. And then there's other areas where they've cleared it to the ground.

Just from my perception and dealing with easements they are all over the place a little bit. But a lot of times when you have an easement you've basically given away X amount of rights to the utility or whoever to do what they have to do. So it's really a matter of what do they need to have and what do they want to have. Sometimes it's not just a matter of the power lines. It can be a matter of them being able to get a piece of equipment in there and drive through that easement to

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do whatever work they've going to do. If it's to restring them or put up new poles, or if they want to bring the chipper in the backyards to be able to do that.

But I would think in the blocks that Clyde is discussing there's a street right adjacent to the easement where they could drive their equipment on the roads. It's chippers they're using to get them out. So it would seem there's some common sense reasonable rules or opportunities for a common sense solution to this. A lot of times tree trimmers are paid by the circumference of the trunk or they're paid by the linear foot of what they cut. So they have a different motivation.

John Steinbrink:

They've been given a set of guidelines to follow. This is a very old line. That was there long before any of those houses were and we've seen sheds built back there, swimming pools built under the lines and a lot of vegetation planted. This is probably one of the first times they've been through to correct the neglect of the right of way there. So I think they're working on a reliability factor to make sure there's nothing that can fall and hit the trees or the lines. So there's going to be quite a bit of cutting going on in that area.

Mike Pollocoff:

I guess I'd encourage you to maybe one of the calls to make is I've got a contact and I can help you contact ATC. The gap between the utility and their tree contractor might be wide.

Steve Kumorkiewicz:

John, you mentioned the swimming pools. There is an ordinance in the Village that actually comes from the power company. Any swimming pool installed in the back of the property the minimum distance between the vertical of the wire to the side of the pool is ten feet. So the wire is here and there is ten feet. I think we've got it in the ordinance here.

John Steinbrink:

We're under Village Board comments. Any further comments?

**8. ADJOURNMENT**

**YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY SERPE; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:40 P.M.**