

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
LAKE MICHIGAN SEWER UTILITY DISTRICT  
9915 39th Avenue  
Pleasant Prairie, WI  
June 15, 2009  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, June 15, 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 Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Tom Shircel, Asst. Village Planner; Kathy Goessl, Finance Director; Mike Spence, Village Engineer; John Steinbrink Jr., Public Works Director and Jane Romanowski, Village Clerk.

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

**ALLEN MOVED TO APPROVE THE MINUTES OF THE JUNE 1, 2009 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**5. PUBLIC HEARINGS**

- A. Consider Renewal Application for a "Class B" Intoxicating Liquor License and Class "B" Fermented Malt Beverage License submitted by George Lyons for premises known as Texas Jay's located at 12627 Sheridan Road.**

Jane Romanowski:

Mr. President and Board members, on May 22<sup>nd</sup> George Lyons submitted a renewal alcohol beverage license application as agent for Texas Jays, Inc., for premises described as 12627 Sheridan Road. As you recall, license #08-47 currently issued to George Lyons, agent for Texas Jay's, expires June 30, 2009 for premises located at 9001 120<sup>th</sup> Avenue, which license is not in use and has not been in use since September 1, 2008. Mr. Lyons did not submit form AT-112, which would be the application to transfer a license from place to place, but if the Board approves the renewal of the liquor license with the new premise the form would need to be completed and submitted to my office before that license could be issued. Just a little oversight on that part.

In accordance with Chapter 194-6 which I've attached to my memo, inspections of the premises located at the Sheridan Road address were completed on June 1<sup>st</sup> by the Community Development Department, Inspection Department and Fire Department, and those reports are also attached to my memo.

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From the Clerk's office police check and publication requirements have been completed. There are delinquent utility billings, real estate taxes and personal property taxes and I have those amounts on the memo. If the Class B fermented malt beverage license and Class B intoxicating liquor license is approved by the Village Board to George Lyons, agent for Texas Jay's, for the premises located at 12627 Sheridan Road, license fees, the publication fees and all delinquent billings must be paid before the issuance of the license. The term of this license would be from July 1, 2009 through June 20, 2010. With that, Mr. President, Jean Werbie, the Community Development Director, and Jeff Sorensen, Inspection Superintendent and Paul Guilbert, the Fire Chief, are here today to present their reports that are attached to the memo.

Jean Werbie:

Mr. President and members of the Board, a memorandum was provided to Jane Romanowski, the Village Clerk, on June 11, 2009. The purpose of this memorandum was the liquor license inspection for the proposed Texas Jay's property at 12627 Sheridan Road. It's identified as Tax Parcel Number 93-4-123-314-0225, and this report comes from the Community Development Department.

Specifically, we addressed and inspected the property for zoning and planning compliance for the liquor license. Other attendees at the June 1, 2009 liquor license inspection was the Inspection Superintendent Jeff Sorensen, the Fire and Rescue Department Chief Paul Guilbert, Tom Clark, the Fire and Rescue Department Lieutenant, Tom Shircel, Assistant Planner and Assistant Zoning Administrator and George Lyons who is the agent for Texas Jay's, the property owner.

As some background information a previous Village site inspection of this property was performed on April 16, 2008, and pursuant to that inspection there was no business operating from the property at that time. Similarly, on June 1, 2009, the liquor license inspection for the site, there was no business operating from this property. The existing building and associated land was formerly a vehicle repair facility and was last known as State Line Collision Center.

As part of our liquor license inspection results, I'm going to read the zoning related items that were found to be not in compliance:

- a) The parking lot is damaged, broken asphalt, portions unpaved (gravel), Chapter 420-48 N of the zoning ordinance.
- b) The parking lot and hard surface areas appear to be not meeting setback requirements, Chapter 420-47 E of the zoning ordinance.
- c) The minimum number of parking spaces are not striped or defined in accordance with Chapter 420-48 C of the zoning ordinance.
- d) Handicapped accessible parking spaces are not defined pursuant to 420-48 D of the zoning ordinance.

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- e) The Sheridan Road driveway width is undefined in accordance with Chapter 420-47 D of the zoning ordinance. It needs to be defined to the premise.
- f) Parking lot spaces, maneuvering lanes and aisle widths are undefined pursuant to Chapter 420-48 I of the zoning ordinance. This is a requirement.
- g) The parking lot landscaping and parking lot island and peninsula green space is deficient and this is pursuant to Chapter 420-48 O of the zoning ordinance.
- h) The parking lot is not curbed or guttered in accordance with Chapter 420-48 P of the zoning ordinance.
- i) The parking lot exterior lighting appeared to be deficient, and this is in accordance with Chapter 420-48 Q of the zoning ordinance.
- j) Storm water management and drainage is insufficient and this is pursuant to 298 of the municipal code.
- k) The required primary monument sign for commercial business is missing and this is in accordance with Chapter 420-76 T(2) of the zoning ordinance.
- l) The projecting sign on the front of the building is obsolete, and this is pursuant to Chapter 420-78 P of the zoning ordinance.
- m) The presence of tall grass and noxious weeds on the property, and this is in accordance with Chapter 234-3 F of the municipal code.
- n) Fence is dilapidated, and this is in accordance with Chapter 420-82 of the zoning ordinance.
- o) A portion of the existing building and fence are located off the premise property within the Village-owned 126<sup>th</sup> Place right of way.
- p) The presence of junk and debris. This is in accordance to Chapter 234-13 of the municipal code.
- q) Exterior building materials do not meet ordinance standards in accordance with Chapter 420-57 H(2) of the zoning ordinance.
- r) Existing building exterior and site are not being maintained, and this is in accordance with Chapter 420-119 K(7) of the zoning ordinance.
- s) The garbage enclosure is nonexistent in accordance with Chapter 420-57 H(2) of the zoning ordinance.

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- t) The existing building is a nonconforming structure in that it does not meet the B-2 minimum street setback requirement of 65 feet from the Sheridan Road right of way and does not meet the minimum B-2 side setback requirement of 30 feet from the north property line or the 126<sup>th</sup> Place right of way, and this is in accordance to Chapter 420-119 I(4)(c)[1] & [2] of the zoning ordinance.
- u) The property is a nonconforming lot in that it does not meet the B-2 minimum lot frontage requirement of 150 feet and does not meet the B-2 minimum lot area requirement of two acres. This is in accordance with Chapter 420-119 I(1) & (2) of the zoning ordinance.
- v) It appears that there was the potential for an on-site resident use, the second floor of the living area in the building which is not allowed, and this is pursuant to Chapter 420-119 I(5) of the zoning ordinance.

The Village zoning staff along with the referenced parties earlier met on June 1, 2009 in the afternoon at 1:30 with Mr. Lyons as well as his site designer, Richard Schalk, P.E. And the purpose of that meeting was to have a pre-application staff conference to address some of the concerns from the liquor license inspection and to review the requirements that would be necessary in order to submit a valid and complete site and operational plan application for a subsequent Village review and Plan Commission and Village Board consideration and use of this building as a liquor license holding establishment.

The application materials that were provided by Mr. Lyons on May 22, 2009 were hand delivered to the Village Hall. Only one set of plans was delivered, so there wasn't an opportunity for the entire staff to review the plans prior to the meeting. However, the planning staff did review the plans prior to the meeting and we noticed that there were some deficiencies with the plan, and so the need for the meeting was very important to go over everything that we felt was deficient with the plan with Mr. Lyons and to give him an initial preliminary review of the plans which had only been reviewed by my staff.

There are some required application, permits fees and development related issues that would be addressed by some of the deficiencies that were identified by myself previously. Some of the required applications, permits, fees and development issues that do need to be addressed for this establishment to open:

1. A completed, signed and executed predevelopment agreement which needs to be completed. It was provided to Mr. Lyons and we are waiting for him to submit that document back to the Village.
2. Detailed site and operational plans and corresponding application fees with the required number of copies do need to be submitted in order for us to further consider this property.
3. A adult-oriented use license has not yet been submitted in accordance to Chapter 108 of the Village municipal code.

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4. A valid wetland delineation by a Wisconsin DNR-approved biologist does need to be submitted. The wetland staking that was done on the property was valid for five years and has since expired.
5. In order to open this place as a liquor license establishment a liquor license would need to be obtained from the Village Board.
6. A cabaret license would need to be approved by the Village Board.
7. A State of Wisconsin Department of Commerce-approved commercial building plan application plan and approval would be required.
8. A Village of Pleasant Prairie commercial building permit would need to be submitted and reviewed and approved.
9. An erosion control permit would need to be issued by the Village for the Village building permit.
10. A street sweeping deposit would need to be deposited with the Village along with the building permit.
11. The appropriate sign permits would need to be submitted and yet we have not received any.
12. Kenosha County Health Department approvals would need to be sought if there's going to be any type of food being served at this establishment.
13. Impact fees would need to be paid since this was a vacant building and a new non-residential use is seeking to open at this location.
14. Clean water fees, that we're just basically putting the property owner on notice that they would be due and payable at the time that this place is operational, probably at a much higher than he is paying now due to the increased impervious surface for the parking lots.
15. A Wisconsin DOT work in the right of way and/or driveway access permit would need to be applied for and submitted to the Village prior to any work on the driveway.
16. Sanitary sewer and water laterals would possibly need to be installed based on the type and occupancy of this building.

In addition, once the site and operational plan documents do come to the Village, we would need to have each of the departments review them in detail and we would be working with Mr. Lyons and his architect in order to get them in proper order.

In addition, starting on page 4 of my staff comments is a listing of all of the items that we had identified that were deficient with respect to the initial plans that were submitted to the Village.

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Again, there was some concern by the petitioner's architect that he did not have all the information he was looking for and he wasn't able to obtain everything from the Village ordinances, and so we pointed out the Village ordinances where he could obtain all the information, and if he needed to get any additional details on Village ordinances he could call any of the staff. But the staff memorandum goes on and lists 63 different items that the plans that were submitted are deficient in. I could go through each of them or I could just make it as part of the record but, again, the plans that were reviewed in the meeting it was discussed that they were going to be significantly revising the plan. So these 63 comments are based on the set of plans that we had received at a particular point in time.

Then finally we have some additional general comments with respect to this property given the fact that they're trying to put a lot of things in a very small piece of property. And if there's any lands that are going to be purchased or combined in order to develop this use we will need to make sure that they are legally combined together. The property owner will need to verify anything with respect to nonconforming structures on the property. As part of the operational plan we will need to have some detailed information regarding the extent of their operations and the security and some other things with respect to how they're operating.

And then we just listed a couple of other things that we were concerned about, one of which is an environmental report that probably should be submitted for that property based on its previous use. With that, that completes the Village Zoning Department's staff memorandum for our inspection that was completed on June 1<sup>st</sup> and our follow-up meeting that was held in the afternoon on June 1<sup>st</sup>. I could just keep going through some of the other photos if you wanted to see some of the—we took quite a few photos just to give you an idea of, again, what the use was prior to what their intended use is going to be on that property. But as you can see there's a great deal of work that does need to be done on the property. So with that I guess I'll turn it over to the next inspector that was out at the site.

Jeff Sorensen:

As Jean mentioned, on June 1<sup>st</sup> we did a combination inspection out there, Planning and Zoning, Fire Department and Building Inspection. I gave a copy of the inspection report and it was signed by George Lyons. There were two items on that report which basically said to bring the building into compliance with the Department of commerce code to change the occupancy from an H-2 which is a hazardous repair garage to an A-2 assembly occupancy and to verify that the well had been abandoned.

The subject building is currently unoccupied and was formerly used as a vehicle repair facility. At the front of the building an office area was observed. Upstairs is a kitchen sink and a carpeted area for an unknown purpose. The rear portion of the building was used as a vehicle repair facility which included a paint booth area. To the rear end was a set of stairs that accessed a small, empty room, and this room was above a garage which would be accessed from the east to an overhead garage door.

Upon looking into one of the many electrical panels a breaker was labeled as well. I asked Mr. Lyons if he knew where the well was located but he did not know. While looking at the property

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file permits were issued for exterior water and interior water in November of 2005. There was no copy of the Wisconsin DNR well abandonment form present in the property file. This well must be abandoned in accordance with the DNR requirements. Mr. Lyons stated during the inspection that he would raze this building and build a new one if this building would not be approved for its license.

The building was inspected for a liquor license and the following items were noted. The building was last used as a vehicle repair shop. It's an H-2 occupancy which is a hazard. The building was inspected for an A-2 occupancy which is an assembly occupancy. It was noted on the inspection report that the building must comply with the State of Wisconsin Department of Commerce code to change the occupancy from H-2 to A-2. The following items must be addressed prior to becoming an A-2 occupancy: Need a State of Wisconsin Department of Commerce building permit; have to comply with the accessibility portion of the code relating to exits, parking and sanitary facilities; we need to determine the occupant load based on the use and the size of the building; we need to determine the amount of sanitary facilities necessary for this building and occupancy load and must have both male and female facilities.

The HVAC system must be changed from the exposed unit heaters. Many of these things you saw in some of those pictures up there. If food is to be served a Kenosha County health permit must be issued and inspections completed. The Fire Department's requirements must be met and Chief Guilbert will go through those items. Exit and emergency lighting must be provided to ensure safe existing in case of power outage or fire.

Mr. Lyons and his architect, Richard W. Schalk, P.E., met at the Village, as Jean said, for a meeting at 1:30 to review requirements necessary for continuing the review and approval process to use this building as an A-2 occupancy. Mr. Lyons and Mr. Schalk were given paperwork to begin the process to get approval. Mr. Schalk stated that he would not continue with remodeling drawings until the issues of building location had been determined. If you have any questions I can answer them for you or I can turn it over to Chief Guilbert.

John Steinbrink:

Seeing no questions, Chief Guilbert?

Chief Guilbert:

I'm Paul Guilbert, I'm the Chief of Fire and Rescue. I work at 8044 88<sup>th</sup> Avenue. The State of Wisconsin requires each and every fire chief to cause an inspection to occur in every place of employment or public occupancy within the State of Wisconsin and here in particular I have to do that within the Village of Pleasant Prairie. We have to do that once every six months or, if you will, twice a year. So this inspection is also what we would call the spring 2009 inspection of this building at 12627 Sheridan Road.

The building was formerly an auto body repair or body and paint shop, and it's classified by the State of Wisconsin Department of Commerce Safety and Buildings Division as an H-2 or hazardous occupancy. The future intended use is said to be an establishment that will sell

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alcoholic beverages and cause people to assemble and that's classified as an A-2 or assembly. But at the time of the inspection the Fire and Rescue Department felt this building was vacant and not being used for any purpose. When the Zoning Department, the Building Department and the Fire Department arrived the owner was not there at ten o'clock. We waited around about 20 minutes and as we did we inspected the outside of the building and that's evidenced by the pictures that you saw previously.

As we saw the east side of the building, an extension, we found windows to be boarded and this will cause significant problems for persons to exit the building or, in fact, for fire fighters to enter the building. Citing Village ordinance that adopts the National Fire Protection Code called NFPA 1 or the Uniform Fire Code, there's a section on vacant buildings, and that says that the owner must secure the building. If it's vacant it must be secured so people can't get in. So in this establishment it was inconsistent. We can assume that the rear windows were boarded to keep people from coming in, that was the only area of this building that was boarded for such circumstances.

When we entered the building we encountered two birds that had been nesting on the inside, and we had noted previously that there were openings in the exterior of the building. Why that falls upon the Fire Department is it's within our duties to assure that the roof is safe and that weather does not come in and affect the integrity of the building, electricity, etc.

When we entered the owner asked us to wait. He said he had to turn the electricity on. He keeps the electricity off to save money, but that caused the exit lights to be shut off from, if you will, from electric company power and then rely on battery backup. Batteries are only designed to work from 30 minutes to two hours, so we can only assume that within two hours after we left then there would be no exit lights within the building. The question arises, well, do you keep the exit lights on in a vacant building and, again, we don't know what this building is. So it's difficult for us to say.

The building requires emergency lighting. There was none. We found a room on the second floor, the west side of the building, that we can only assume was an apartment. There was certainly evidence that it had once been used as an apartment. There was a smoke detector there. It was not operating. There was a fire extinguisher hook and there was no fire extinguisher. As you saw in the pictures we found combustibles. There were some 22 bales of hay. We were told this was from a party in the fall of 2008. By code the owner must remove any combustibles from the building.

There was evidence of a paint booth. Again, we did not know how to site this. There were five or six automatic fire sprinklers in the paint booth. They weren't designed to any particular fire code, yet the code we've adopted says that if there are fire sprinklers they must be maintained. There was no evidence that they had been maintained.

Fire exits, there are two fire exits, one that exits from the car repair area to the outside and a second that exits from the car repair area into the former office. We don't know how many number of exits are needed because, again, we don't know what the building is classified as, as we work with the building department to assure the proper number of exits should a change in



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occupancy does occur. Fire extinguishers were missing and, again, you see all of this in the report that was previously given to the Village Board and the Village Clerk.

Just in summary, the Fire and Rescue Department can only assume that this building is and will no longer be used as an automobile repair shop. As it currently exists there are numerous fire code issues as a vacant building or as a fit place of assembly. Once the owner files the appropriate applications in the Village then the Fire and Rescue Department will be able to identify the specific fire code violations. We've asked that the owner meet with me so that we can agree upon a deadline when the above noted violations can be corrected.

John Steinbrink:

We're all done with comments. Mr. Lyons was presented with this or his architect a copy of this?

Mike Pollocoff:

Yes.

John Steinbrink:

This was done for the hearing here tonight. This being a public hearing I will open it up to public comments or question. We had a sign up sheet.

Jane Romanowski:

Yes. The first speaker that signed up is Victor Russell.

Victor Russell:

I signed up by mistake there . . . .

John Steinbrink:

That will be changed. Anyone wishing to speak on this item? Yes, ma'am?

(Inaudible)

John Steinbrink:

I will give you an opportunity to speak on that when the time comes.

John Barry:

My name is John Barry. I live at 11114 Lakeshore Drive. I have a question. What is a cabaret application? What does that consist of? I see you're going to issue a liquor license and a cabaret license.

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John Steinbrink:

The cabaret is Item B.

John Barry:

And what is a cabaret? Is that a strip club?

Jane Romanowski:

No. I'll read it to you right from the ordinance. A cabaret license from our ordinance affords the patrons of an establishment the music of one or more musicians and dancing privileges, specifically features or advertises dancing using mechanical devices to produce music or furnish entertainment by a performance of any act, stunt or dance by performers whether such performers are paid or not. This is not an adult use. A cabaret license is not an adult use. Dancing privileges, music—

Mike Pollocoff:

Dance club.

John Steinbrink:

Anyone else wishing to speak on this item? Yes, sir? Once again, give us your name and address for the record. You have to do it with the microphone so we have it as part of the record.

George Lyons:

George Lyons, 2528 116<sup>th</sup> Street. With this building I wasn't expecting to get a license to go right into it right today. I needed approval so that I can remodel the building. If this place is not situated right I'll look for another location in Pleasant Prairie because the State of Wisconsin guaranteed my liquor license would follow me after I sold my property and Jane told them that my license would be—I could have a liquor license anywhere where it was zoned. So if this is what you want me to do just forget that building and I'll go look for new property and start there.

John Steinbrink:

This is a public hearing so we're here to hear your input.

George Lyons:

Okay, thank you for your time.

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John Steinbrink:

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

Mike Serpe:

In all the years that we've been a part of renewing licenses for establishments I've never seen as many issues with one building as I've heard tonight. With what Mr. Lyons has said, I'm not going to support renewal of this license. I'm going to move that we not renew it. What's the process on non renewal?

Mike Pollocoff:

The Board would have to set a hearing in order to consider non renewal of the license and give all the parties an opportunity to prepare for that hearing and come and address the questions. That would be the next step and you'd have to set a date and time for that.

Mike Serpe:

How much time do you think you'd need to prepare for that?

Jane Romanowski:

The license expires June 30<sup>th</sup>.

Steve Kumorkiewicz:

That's two weeks.

Jane Romanowski:

So next week if Mr. Lyons is available maybe we can ask him if he's available next week.

Mike Serpe:

George, are you available for a meeting for next week?

George Lyons:

Yes.

Jane Romanowski:

So my recommendation would be probably June 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, whatever is good for the Board.

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John Steinbrink:

For the record Mr. Lyons was at the back of the room when he answered and he said yes he would be available.

Jane Romanowski:

Yes, Mr. Lyons did indicate he would be available.

John Steinbrink:

Other Board comment or question?

Clyde Allen:

If I may, question for Mr. Lyons.

John Steinbrink:

Mr. Lyons, could you come forward so we could get this on the microphone and once again give us your name and address for the record so we know who is speaking. When she does the transcribing of this they have no clue.

George Lyons:

George Lyons, 2528 116<sup>th</sup> Street, Pleasant Prairie.

Clyde Allen:

Thank you. Mr. Lyons, when did you acquire this building or when did you take ownership and close on it?

George Lyons:

This building now?

Clyde Allen:

Yes, sir.

George Lyons:

I believe it was a year ago. And then we had brought plans here, the architect and he was denied anybody to talk to him. They said call the lawyers.

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Clyde Allen:

That's more than I need to know, thank you. I just want to know when you acquired the building.

George Lyons:

About a year ago.

Clyde Allen:

So it's a year ago that you acquired it. I do have a question for Jean then. Thank you, Mr. Lyons.

John Steinbrink:

You can stay there just in case somebody else has a question and save you some footsteps here.

Clyde Allen:

Jean, have you ever met with Mr. Lyons in regards to what the plans are, what his operational plans would be?

Jean Werbie:

The first time I met with Mr. Lyons was June 1<sup>st</sup> at 1:30 for this property.

Clyde Allen:

So no real plans outside of this meeting here have transpired to—

Jean Werbie:

I have not formally met with George before that.

Clyde Allen:

Okay, thank you.

George Lyons:

You're welcome. Is that it?

John Steinbrink:

Does anybody else have any questions for Mr. Lyons? If not, thank you, George.

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Mike Serpe:

John, I'd move to deny the renewal for the Class B license.

Jane Romanowski:

Mr. Serpe, you don't want to do that until--you have to consider that at the hearing.

Mike Serpe:

Then I withdraw what I just said. What is a good date for a hearing?

Mike Pollocoff:

We have a regularly scheduled meeting on the 22<sup>nd</sup> so I guess part of it depends on what's good for Mr. Lyons. That's his hearing. I think in order to find out where the Board is going to go with the hearing the 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>. What's a good date for you, George?

(Inaudible)

Jane Romanowski:

Mr. Lyons indicated that any time was good for him for the record.

Steve Kumorkiewicz:

How about the 23<sup>rd</sup>, Mike?

Mike Pollocoff:

The Board's pleasure. We have a special Board meeting at the regular time on the Monday, the 22<sup>nd</sup> at 6:30?

Jane Romanowski:

Yes.

Mike Serpe:

So moved.

Clyde Allen:

Second.

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John Steinbrink:

A motion has been made and seconded to set 6:30, June 22<sup>nd</sup> as the time for the renewal hearing. Any further comment or question on the motion?

Steve Kumorkiewicz:

I have a question on this. On my agenda I have a special Board meeting for 6:30.

Mike Pollocoff:

The agenda hasn't gone out yet so we can have the item that we're going to meet on the 22<sup>nd</sup> follow the hearing.

Steve Kumorkiewicz:

Okay, after the special meeting, okay. I'll go along with that.

John Steinbrink:

Motion and a second on the floor. Further comment or question?

John Steinbrink:

I'm sorry, what?

Kevin Longs:

I have a comment . . . for the Village. It's important that if the Village is deciding at this point or not deciding to non renew—they're not voting on non renewal they're saying they're considering non renewing. And one of the things that you need to do with the applicant is tell him what the grounds of the non renewal are. So I think that's important that will go out in the written notice that Jane will prepare but it's also important that this body determine what those grounds are and be stated in the notice.

Mike Serpe:

With the information that was provided this Board tonight by Community Development and Inspection I think that's the reason for the hearing.

John Steinbrink:

And the statement by Mr. Lyons.

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Jane Romanowski:

That was your motion and then a second. (Mr. Allen confirmed) and I'll prepare a notice for the hearing and have that delivered to Mr. Lyons with the basis that was just presented for the consideration of the hearing on June 22<sup>nd</sup> at 6:30.

John Steinbrink:

Any further comment or question from Board members?

**SERPE MOVED BASED ON THE REPORTS PRESENTED TONIGHT TO SET A HEARING ON JUNE 22, 2009 AT 6:30 P.M. TO CONSIDER THE NON-RENEWAL OF THE CLASS "B" FERMENTED MALT BEVERAGE LICENSE AND "CLASS B" INTOXICATING LIQUOR LICENSE TO GEORGE LYONS, AGENT FOR TEXAS JAY'S INC. FOR PREMISES LOCATED AT 12627 SHERIDAN ROAD; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

**B. Consider a new Cabaret License Application for George Lyons for premises known as Texas Jay's located at 12627 Sheridan Road.**

Jane Romanowski:

Mr. President, since the cabaret license is specifically tied by ordinance to a liquor license and since the liquor license wasn't renewed tonight, my recommendation would be that the new cabaret license application that George Lyons has submitted for the property at 12627 Sheridan Road be tabled to be considered immediately following the hearing that was just scheduled for June 22<sup>nd</sup> at 6:30. This is a new application and it is tied directly to the liquor license so my recommendation is that it is tabled for consideration until after the liquor license issue is determined.

Steve Kumorkiewicz:

I make a motion to table at the request of the Clerk.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further comment or question on the motion?

**KUMORKIEWICZ MOVED TO TABLE CONSIDERATION OF THE NEW CABARET LICENSE TO GEORGE LYONS FOR PROPERTY LOCATED AT 12627 SHERIDAN ROAD TO JUNE 22, 2009 AT 6:340 P.M. FOLLOWING THE LIQUOR LICENSE HEARING IN ACCORDANCE WITH THE CLERK'S STATEMENT; SECONDED BY YUHAS; MOTION CARRIED 5-0.**



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**C. Consider construction of storm sewer and storm water management improvements in a drainage basin in a plat named Carol Beach Estates Unit 2 Subdivision and Final Resolution #09-22 authorizing construction of public improvements and levying special assessments against benefited property for said project.**

Mike Pollocoff:

Mr. President, this hearing is brought about by resolution adopted by the Board declaring its intent to levy special assessments in the area of Carol Beach Unit #2. If you think back, we had a previous hearing on this project prior to the final engineering being completed, and as a result of that hearing the Board authorized surveyors and engineers to prepare a final plan that would address the problems, go out to bid and be constructed. That was done. If you look at the map that we have up on the screen there, the area did change. Some people fell out of the assessment area based on the surveys in the neighborhood and some came in. The area on the map is defined by the area in blue. The shaded areas that are yellow on the map are the DNR interpreted wetlands. Those wetlands haven't been staked. Then the areas that show up as a little bit of a yellowish-green in there are the staked wetlands that occur in the area.

We have put this project out to bid. We received a firm construction number. The variables in the project at this time are the inspection and administration of the project. We also have one that just recently occurred where there's been a petition for a hearing submitted to the DNR on this project that anticipated costs would be added onto this of approximately \$11,200. We would increase the assessment rate by \$198 on an average per parcel if we end up going with this through to fruition.

The way the assessment works is if the project was to proceed the numbers that we have here tonight which I'll describe here in a second would be the numbers that would be assessed. If the work comes in less than that's the actual number, whatever the completed number is is what we charge for the project unless it's more, then we come back and reopen the hearing for the additional expenses that would be involved in the project.

—:

Excuse me . . . people are and I'd appreciate it if they'd identify themselves.

John Steinbrink:

The gentleman speaking is Mr. Pollocoff. He's the Village Administrator. And we'll have comment on later on.

—:

It's just helpful if you identify people. Thank you.

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Mike Pollocoff:

The project cost, the bids were received, the low bid was \$330,276. We had contingency for anything that could come up in construction of \$49,541.40; engineering in the amount of \$60,758.25; construction and inspection during construction and administration \$59,300 for a grand total cost of \$499,875. Then we came up with two basic methods of levying the assessment which the Village engineer is going to describe. We wanted to look at alternatives that were in search of what was going to be the most equitable way to levy this assessment on the affected property owners. Under the projected method it's based on square footage so not everybody's assessment is exactly the same. The lots are different, there's wetlands on some, there's not wetlands on other ones. Wetlands lots, those wetland areas are excluded from the assessment since they can't be developed and used.

If the project proceeds we'd begin hopefully in the driest part of the summer this year in order to have an expedient construction and minimize our expenses in that manner. The affected residents would receive a notice from the Village that the project is complete prior to October 1<sup>st</sup>, and they would at that point take the opportunity to select whether or not they want to pay the entire assessment off without interest from the Village or finance it with the Village at 9 percent of the unpaid balance. We encourage residents to examine outside sources of financing as well. On some of these parcels there's going to be opportunities for private grading on the parcels to get water to the storm sewer that can't be a public expense that the Village is going to engage in. With that, Mike?

Mike Spence:

Sure. My name is Mike Spence. I'm the Village Engineer. In looking at the area for assessment, the first step was to look at the overall drainage area of Carol Beach Unit 2 and the particular area where the project is. As you can see on the drawings, the blue line represents the drainage area where when rain falls that particular area all drains basically to the south and then to the east. So in determining methods of assessment we looked at a couple different options. Both options looked at the overall watershed, as I said, which is the area in the blue. In the one option we used the total impervious surface area. That's the area that is hard surface where rain water cannot penetrate. We determined that area for the whole drainage basin. And also roof surface areas from the Village Assessor's office plus estimated driveway and other impervious areas were estimated.

A total assessment rate was calculated by dividing the total project cost, which Mike Pollocoff referred to earlier, by the total impervious area. Permanent pervious areas were not assessed and vacant buildable lots were assessed on an average impervious surface area. So that calculation came up with a rate of dollars per square foot. That particular rate was then applied to each parcel or portion of a parcel that's within that area to determine an assessment value.

Another option that was reviewed was, again, using the total watershed area of the project. This area was then reduced by non-assessable area which is public right of way and the wetlands. Wetlands typically include--any storm water that is within the wetland so, therefore, it's not draining outside that area. So we did that and we came up with a net assessable area for the

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whole watershed. Then the assessment rate calculated by, again, dividing the total project cost, which was the roughly \$499,000 by the total net assessable area to get a number of dollars per square foot. Again, that rate was then used to calculate an assessment for each parcel within the storm water area. That was the assessment that was chosen. We believe that that was the most equitable rate for assessment distributing the costs among the contributing properties.

This figure which I apologize is very hard to see but it's just a general. This particular figure north is to the right. The project includes a combination of storm sewer pipes as well as some grading in areas to get the storm water to the storm sewer system. Generally on 4<sup>th</sup> Avenue and 3<sup>rd</sup> Avenue the flows will be to the south/southwest, and then they will intersect another pipe and generally flow to the south/southeast and then connect up with a sewer on 113<sup>th</sup> Street which will then go to Lakeshore Drive. Then there's an outfall about here. The project includes a number of different pipe sizes, 12, 15, 18 and 24 inch storm sewer. It also includes assorted manholes and then inlets for getting the water into the storm sewer system. We sized the system to incorporate a two year storm event. What we mean by that is a two year storm even is an event where there would be no ponding. It does not mean that it would not alleviate storms of a greater magnitude. It just means that it would take longer to get through the pipe system. What we have here is a way to convey the water which is different than what is out there now. So those are some of the aspects.

In many cases the storm sewer is very shallow. We actually have to anchor the pipe because of high groundwater levels to keep the pipe from popping out of the ground. The project, again, is completely within Village right of way or within existing Village easements. Driveway aprons that are affected will be repaired to a condition using the same materials that are there now. The project we have gotten the okay in regards to the wetland impacts from the DNR. We've gotten clearance on that. And as Mike Pollocoff said the job was bid earlier. We had the benefit of the good bidding climate now and we got a very good price for the construction of the project. That's pretty much it. Anything else, Mike?

Mike Pollocoff:

No, I don't think so. With that we're ready to open up the public hearing, Mr. President.

John Steinbrink:

Once again this is a public hearing. I will open it up to public comment or question. We did have a sign up list?

Jane Romanowski:

Yes, we did, Mr. President. And due to the number of speakers there will be a three minute time limit. The first speaker is Lenny Swaney.

John Steinbrink:

Once again we ask that you give us your name and address for the record.

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Lenny Swaney:

I'm Lenny Swaney. I live at 11233 3<sup>rd</sup> Avenue, Pleasant Prairie. A couple things about this. One is that I'm getting assessed for water to be removed from my property that the Village dumps into my property. I have an issue because the reason water stands in my property is because the wetlands across the street from me is dumped into my yard. I've had a problem with that from day one. The Village doesn't seem to care about that. But compared to my neighbors I get a \$3,000 assessment where they get a \$1,500 assessment. The lot to the side of me is a stated wetland according to your map.

So I'm getting a wetland dumped into me to try to flow to a wetland that doesn't work because it just stands in my ditch. My ditch as of today has about four and a half feet of water. I measured it before I came up in here. The ditch across the street from me has got about five feet of water in it, but that water pushes into my yard from the pipe that the Village put in under the road. So I've got to pay to remove the water that the Village puts into my yard. So there's something got to be done, yes, but yet the Village doesn't take into consideration what the Village does itself to the people down there. If this would have been developed properly from the very beginning we wouldn't have these problems now. And that's the Village's fault. That's your Board's fault that it wasn't developed properly. Proper sewage and draining put in down there when they started construction back there in the mid '90s when they developed the land. But yet now it comes down to us to take care of the problem that you created in the first place. I've stated this before.

Now, there's other monies out there now. What about stimulus money or other things like that to help us. We pay our taxes on our properties and everything like that annually, and what about other monies to help us. And when you do the assessments how about considering what the Village is putting into our yard. Has anybody even looked at that? That's all I have to say.

Bob Babcock, Jr.:

Bob Babcock, 11253<sup>rd</sup> Avenue. This isn't the first time obviously we've talked about this. The disappointing thing is that you're going to show us in no uncertain terms again that you're not here to represent the people in Unit 2. That being said can you put it back to the first one that shows the outline?

Jane Romanowski:

Please make sure you're talking into the microphone, okay?

Bob Babcock, Jr.:

Right about here on 4<sup>th</sup> Avenue your field crew—I asked this question before at citizens' comments and you guys chose not to answer me then. Right there the Village field crews have put in sandbags. I assume that they know what they're doing and it's to keep this water from going this way. But from what you're saying today it's actually keeping the water here from

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going this way, so your Village crews either flooded intentionally these homes by putting these sandbags here or there's something wrong with this.

Also, when they pump the water out I notice they go this way toward a ditch and then down this way which is not the direction that you're saying the water goes. In the spring of this year, my house is about right here, and this ditch right here had water in it that was flowing probably from here this way and it drains and empties and seems to go into Lenny's yard. So I don't know where you came up with these boundaries but my own observation and your own field crew if you could explain to me why they put a sandbag right here. That doesn't make any sense from what you guys are saying.

Also, your outfall is about a foot above the high water mark that you're using. I know Barack Obama is now President and he's going to cure global warming and there's a great chance the lake levels are going to rise. What happens if the lake does rise to a new high water mark and goes into the outfall? Does that mean that we're probably all going to get backed up and flooded? Because I assume that our storm sewer in our houses, our sump pumps are going to be pumping into this pipe, and then if the high water mark rises Lake Michigan is basically going to back up into our basements. If you could answer those questions I'd appreciate it. Thank you.

Robert Moreland:

Good evening, I'm Bob Moreland, 144 113<sup>th</sup> Street in Pleasant Prairie. I have two questions for you. My assessment is the third highest on the list at \$9,432.31. I moved here about three years ago in a very dry summer. The following spring I lose about a third of my yard, maybe a third to half of my property in the spring and summer, and most of that is because the five houses to the west, north and east of me all have basements, and in an attempt to keep their basements dry the water has got to go somewhere. If I'm being taxed for their water I'd like to know why. But I'd actually like to know how this was figured. I also have a lot next to me that is now under about four inches of water that is wetlands.

But my biggest question tonight, sirs, is will this work? If I'm going to pay \$10,000 above and beyond what I pay taxes for right now to the City, is this going to work or is my house going to flood? Even as a citizen of Pleasant Prairie who votes and tries to pay taxes and abide by the law, I just want to have what is my right as a citizen here taken care of.

Dave Holden:

Dave Holden, 11220 3<sup>rd</sup> Avenue. As far as the couple meetings I've sat in here I think it's a disgrace to the taxpayers that the Village cannot answer questions at citizen comments. Continually every month I come here and see. Maybe with a different person here from the *Kenosha News* we'll get a different response today. These guys are taxpayers. We're all taxpayers. You guys all sitting up there . . . getting a paycheck or have jobs. I've got to remind you, you guys were voted on here to do stuff for us.

My second thing, the cost of storm water, impervious cost, I'd like to know who came up with that cost. We've got one person three houses down and beside me are \$4,800. The people across

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the street are \$1,800 and \$2,800 and they're both the square footage so I'd like an answer on that, more enlightened on it. There's only two people I know of that thought for sure you guys would come up with an answer and pay for this. I'm not going to insult them but I thought they were in fairyland. I sat there for seven or eight years seeing this water problem. As far as I'm concerned we can just go away today and just let it go. There's a lot of money here involved. We've got right now a bad economy. People can't afford \$5,000 or \$6,000. You guys have jobs, some people don't.

I think the best if this moves forward the best for everybody is to get a collective group together, get an attorney and fight the Village. We've been standing here waiting. I don't think this is going to work. I don't think it's going to work. If it does work I'll be the first one to get an attorney at \$4,800 if it doesn't work. I'm satisfied let's move on and do what we've been doing right now. At the bottom of my heart I don't think it's going to work. I support you guys if it does and I owe you an apology but I don't think it's going to move on. I'm really insulted my intelligence when I asked one of you guys prior to the meeting that was said at a certain party or a certain thing that this was going to go through. The person is here that stated that tonight so we want to man up tonight and talk to the person that said that and I'd like to see him back it up. Thank you.

Gus Hauser:

Gus Hauser, 143 113<sup>th</sup> Street. I would like to speak on the proposed upgrade of storm water project number 2. Unit 2 was sacrificed in 1985 for the all over good for the Chiwaukee Prairie. It did not contain enough significant wetlands to be preserved but is still there and are wetlands and as such should be respected. And now we all know they should have been preserved. The Pleasant Prairie administration was keenly aware of it and should have exercised good judgment and taken prudent steps like grading of ditches and using its zoning and land use authority in a responsible manner and prohibit basements in wetlands. They have the full authority by State law but chose not to do it and still refused to do it.

Now this administration thinks it has the authority to install a . . . storm water system. This is not true. The passage never made it into the final plan when it was . . . about in 1985. It would be a lot smarter and less costly to regrade the existing ditches, set the culverts at the appropriate height and install new ditches where needed. Ditches do work. The Village of Oak Creek depends almost entirely on ditches only.

This proposed project still fails to acknowledge we are all dealing with pumped up ground water and not storm water. One third force power sump pump alone can pump up to 36,000 gallons a day in 24 hours. That's 36,000 gallons. Three and a half years ago we were promised by the Village we will give ditches a try, purchase the large pumps out of the Clean Water Act and when we get flooded again they will be used to bring relief to us. None of this happened. Instead we are now facing the same problems like last time. Mike, you promised us at that time you'd give ditches a try. What happened? Same thing, shut down our thought again.

If this Board absolutely insists on a piping system then at the end put the collection points where they are needed to collect discharge from sump pumps and charge hookup fees to pay for the

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project. I'm strongly opposed to this project. I will not benefit from this project at all. You guys made sure, the Village Engineer especially, we have water . . . across the street floods my property. I have five properties down there and they get flooded every time the water runs across the street because the Village chose to tear our roads up. That's when the water started running over the street and flooded me.

Now I have to pay \$17,000 for a project you people created. You did never exercise due diligence. Every time when the road grade comes by that guy makes damn sure instead of grading and filling the low spot on the road that got created by washing over, no, he raises the blades, skips over and keeps on going just to make damn sure that the dip in the road stays. I took pictures. I took videos and I think it's time we get a lawyer. I think we've had enough of you people.

Bob Babcock, Sr.:

I'm Bob Babcock, Sr., 11336 Lakeshore Drive. I think you all are pretty well aware of what I think of this whole project. In the past the kindest word I could use is the project is stupid. I have a couple questions. I have thousands of questions but I've only got three minutes so I'll cut them way down. What effect is the water table on the adjoining unit which I think is Unit 1 on the west side of the railroad tracks have on our water table? It seems to me our water table is at one height, theirs must be 20 foot higher adding to our water situation. Is there any drainage coming off of the railroad track hill which is 20 feet higher than our area? I think maybe Mr. Spence could answer those.

In order for the proposed drains to work how are they going to get any water to accumulate in front of the homes on the east side of Lakeshore Drive? I've asked you this before but you've not responded to it. They do have a little minor ditching there now but I've never seen not even a drop of water in their ditches for at least 20 years. So how are you going to develop water to flow into your pipes there? Are you going to have to dig deeper ditches or maybe you can get a pump down to the lake and pump up into the ditch.

Same question regarding this proposed drain on the northeast side of my property. There's never been a drop of water in the ditch on the east side of my property, and now you plan on I imagine digging it deeper in hopes you can get some water to go into the drain on the north side of my property. Also, when you do that whether you're piping . . . kill my—I've got a unique three trunk three that's about 40 foot tall, is that going to be killed and my expense to remove it or will the Village remove that?

Mr. Spence let us know what a two year rain event is, ponding. I don't know if that's much more than when I water my lawn. I'm not sure what this whole project is going to handle. You said at one time you were petitioned to come up with this project. Would you show us the petition? Would you be willing to get hold of—survey all the property owners in the area and see how many people are for it and how many people are against it? I think I'll just kind of end my comments there. Again, you know what I think of this whole project.

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One quick thing, you said \$60,000 in engineering fees. This whole area has been engineered four or five times in the past from the early to mid '90s, and all of those surveys didn't add up to \$60,000. This whole thing was surveyed three years ago, paid for by some government entity. The Village didn't have to pay for it. So basically you had this whole project surveyed to begin with. How can we have another \$60,000 in costs at this point. Thank you.

Renate Hauser:

Renate Hauser, 143 113<sup>th</sup> Street. I have a question. You have five Board members when a decision has to be made and four members are . . . and one is not, the decision will be either not accepted? If four members are for it and one is against it the decision will be accepted. If four members are against it and one is for it it will be dropped. How many times have we been here in front of this Board with petitions that we do not want this expensive project? There were always more property owners against it than for it. Yet, the project gets approved and the owners have to pay for it if they like it or not. I always thought the majority rules. I guess not with this Board. In these hard times when everybody from the highest point down tries to cut their expenses and budgets and tries to do with less, why burden us with such an outrageous expensive project. There are cheaper ways. I am very much against this project. Not that it matters to this Board. Thank you.

Victor Russell:

My name is Victor Russell. I co-own the property at 171 113<sup>th</sup> Street. It's a small little summer cottage. I do not reside there. I reside in Chicago. I've owned the property for 35 years since 1974 so I've seen the development of the 113<sup>th</sup> Street area in the Carol Beach Unit 2 area over those 35 years. I was really surprised when we discussed or the Board discussed 5.A. on the agenda because here we have this elaborate discussion of the zoning requirements for the person who was trying to get a tavern license evidently, it went into great detail, and I was impressed and surprised because the reason we have this problem in the area in which I have my little cottage is because the Board when they should have known better acted irresponsibly and permitted homes with basements to be built in that area. We have two across the street from us, we have one behind us. Incidentally, that's the home that's pumping all that water into the area and helping with the flooding, isn't even on this so-called drainage basin boundary plan. So I think the Board, anything that's done I think the Board should pay for it. They created the problem, they should be responsible for paying for it and not the people who reside in that area.

Secondly, I was a Federal Administrative Judge for 26 years so I'm used to sitting where the Board President is and running things. But just looking at this boundary basin, whatever it's called, drainage it doesn't make sense on its face. The lines seem to be arbitrarily drawn. I don't believe that they're based on any responsible survey or engineering study because they simply don't make sense based upon our personal observations of people who live in that area. Incidentally, my property was not included last fall when the plan was being circulated. I, however, thought it was an irresponsible plan and I signed a petition asking that the Board reconsider and surprise, surprise, coincidence perhaps, my property is now included in the plan and I'm being assessed to help pay for it. Thank you.



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Keith Larsen:

Good evening. Keith Larsen, 152 113<sup>th</sup> Street, Pleasant Prairie, Wisconsin. Where to begin, '93. I think we're here because Mr. Hauser and Joe Chlebek, God rest his soul, came and said you want to start a project to clear the storm water in Pleasant Prairie. He talked about getting a lawyer. We did that for . . . . Now, let's move ahead. We do get water. I pump, we pump, Hauser pumps out of his crawl space, too. We get the water, we've got the ground water, we've got the sump pump water. Ms. Werbie, you brought up an excellent point with the cabaret joint, Texas Jay's, ordinance . . . curb and gutter, should have thought about that in '92 or '91 or '80 or whatever.

Let's go ahead with this. I mean I've got a couple bucks, what the heck, I work, I'm young still, let's go with it and it doesn't work so we haven't all taken . . . right. So let's go with it. Come on, let's do it. The water seeks its level. We put the storm drains in and we put the water underneath in the storm drains. I hope you're going reinforced concrete which would be excellent to keep it up, too, for the storm water coming up. But, yeah, there's a lot of people pumping. There's a few people who have been there a long time getting more water than Mr. Hauser because he's already firmed up. He's got no problem, he dumps on other people, too. Other than that, let's go ahead with this.

Oh, by the way, Mr. Hauser and everyone else on 113<sup>th</sup> Street let's dump in a few more bucks and pave the road so I don't have to breathe in lime dust in all the time because I do believe that's probably a carcinogen . . . I would open my windows more, I would use electricity for air conditioning and I would enjoy the lake breeze if I didn't have people driving down the road like maniacs and kicking up the lime dust. So throw in a couple extra bucks for me and pave the road. You folks have a nice evening. I'll read about it in the morning. Thank you.

Mia Romano:

Hi, I'm Mrs. Romano, 11322 Lakeshore Drive. I think you've had all these people telling you the same thing over and over. I have one question. There's about five properties that I have never seen any water in and that's property 1, 2, 3, 4 and 9. Never seen any water on it and they're included in the drainage. I've been calling Mr. Spence time and time again but this is going to through and it's going to go through but these people that are pumping water which I'm listening to everybody saying it but he's telling me it's not the case. There's a case on Lakeshore Drive where there's a man that pumps water constantly after the fact of the rain and the storm. This gentleman is going to pay less and the man that he's flooding the driveway is paying more. How do you get to these assessments? Everybody said everything else so I'm not going to take your time up. Thank you.

Jane Romanowski:

There are no more sign ups, Mr. President.

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John Steinbrink:

Yes, sir? I was going to ask next for people. Anyone else wishing to speak that hasn't signed up?

Tracy Roszkowiak:

My name is Tracy Roszkowiak. I live at 11283 3<sup>rd</sup> Avenue.

Jane Romanowski:

What was the last name?

Tracy Roszkowiak:

Roszkowiak, R-O-S-Z-K-O-W-I-A-K. Do you have a pointer? The water is going to go here and it's going to go here and it's going to go here and here is my house. All this water is going to go right past. Aren't I lucky and I'm not even in the assessed area so I'm getting all that water for free when my whole backyard is already full of water which this isn't going to help my property. So another question, too, that I've asked the Board is that you have to cement this pipe down. Well, this pipe is going to go right past my house. I'll be looking at it every day. I'll be watching it so if it starts creeping up I will call and I'll be calling and I'll be calling. I want to know if this is really going to work because if we do have a flood am I going to be getting all of this water at my house? If there's a leak is it going to flood my basement?

And I know the City has also asked me if they can come onto my property to do this construction which I own actually the lot here, too, and I own the lot here, to where I don't want them to be on either of my pieces of property constructing this. So if there is somebody who can get an attorney I'm more than willing to go in with them. I definitely don't want all this drainage coming to my house when I'm already in enough water as it is. My whole backyard you go back there and it's swamp. So hopefully you'll wait until August or September to do anything back there because you'll get your trucks stuck back there. Thank you.

John Steinbrink:

Anyone else wishing to speak? The gentleman in the back first.

Tim Roszkowiak:

Tim Roszkowiak, 11283 3<sup>rd</sup> Avenue.

John Steinbrink:

I'm sorry, sir, can you speak up?

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Tim Roszkowiak:

Sure. Tim Roszkowiak, 11283 3<sup>rd</sup> Avenue. My questions are as one of the engineering—of course, as my wife said, the pipe is going through the middle of our yard between both lots. Our question is, has the pipe been studied or has there been any testing done to hold up to the pressure past the two year rain event, and what is the longevity and lifetime of a pipe of that magnitude, and what is the testing event as far as any cracks? Because if it does crack it's my house's foundation within a short distance from that. My other question is have any structural engineers looked at the impact of that? I know when we talked the piping and the ditches was going to run in front of people's houses but nobody mentioned that this pipe is going between my house and the people across the street from 4<sup>th</sup> on the right of way as well. There's two houses there, too, as well. So that's my concern is our structural damage and footings and the possibility of any guarantee from the Village if there's any structural damage to our house. That's what I'd like to know, too, as well. Thank you.

John Steinbrink:

Anyone else? The gentleman in the second row there.

Bill Carmus (sp?):

Hi, my name is Bill Carmus, 11341 Lakeshore Drive. One question, can we go back to the other drawing, the overhead with the boundary. My first question would be that my wife and I are number one on the list here. And if the water is traveling both south and east, not that I want to include my neighbors, but I don't know how they got excluded and I don't also know how the neighbors to the north of me, one of which is this house that a lot of people referred to that is pumping continuously day in and day out. There was a period of time there where we didn't have rain for about a week and the sump pump runs constantly, a very garage-like looking house as we all know.

The other question I have is if they have explored at least looking back to the proper swales, about ten years ago I owned a property out on some farmland. Quite frankly, there was some ponding and flooding and all it took was a matter of people understanding that when they flattened out the land the water didn't move where it was supposed to go.

And I guess the last question is if this was to go through would the Village be willing to at least in certain cases or in most cases put forth some sort of a certification? I, as a lot of people here I'm sure are paying mortgages, and my mortgage lender requires that I carry flood insurance to the tune of about two grand a year, even though FEMA does not take our elevation, our shore protection that cost a whole bunch of money to put in and the other factors that go along with that, that the actual floodplain is on the other side of the street from me. Would the Village be willing to put forth some sort of a letter that would allow us to at least mitigate those costs if possible? Thank you.

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John Steinbrink:

Anyone else? Gentleman in the third row.

Dave Tristan:

Dave Tristan. I live at 11114 4<sup>th</sup> Avenue. I moved to Carol Beach in '94, and I bought three lots. Back then it was as if I was in the woods. I'll always remember that. The kids were little, it was like we were stuck out in the woods. We were told you guys bought the last of the properties out here. They're not going to be doing any building. But then they built year after year more houses, more houses right across 3<sup>rd</sup> Avenue, 2<sup>nd</sup> Avenue, all over the place. I'm the tip right up there, the farthest tip that way. But I pay high taxes as it is, \$7,000. Now my assessment I think is over \$13,000. That's a lot of money. I don't understand the engineering of it all. I'm kind of embarrassed to say I can't afford it. It's a lot of money. Where do you come up with that money especially in these times? But that's one thing that always sticks out in my mind that when I bought the place I was told by the Village you bought like the last of the properties out here. You got in at such a good time. Like I said year after year they built and they built and they built. Well, that's all I have to say.

John Steinbrink:

Anyone else wishing to speak? Mr. Barry?

John Barry:

John Barry, 11114 Lakeshore Drive. I think the Board remembers in 1999 the last time you guys tried this there was some opposition from Joe Chlebek who has been mentioned before and Gus here. I'm sure you remember our meeting. John Steinbrink, you were there and I was there. At that time you decided not to proceed with the project based on the facts that were on the table at that meeting. Those facts have not changed. The Village is still responsible for causing this problem in violation of the permit that was issued by the DNR. The problem has been caused by the Village. So now you want the few members of Carol Beach Unit 2 to bear the brunt of the expense for this despite the fact that it was caused by an error by the Village itself. I believe that this is not only wrong but illegal. I did have a long consultation with my attorney who is on retainer now, and I will be—if you decide to take this money from me illegally as I believe it is I will have no choice but to attempt to recover those damages.

John Steinbrink:

Anyone else wishing to speak?

David Belsheim:

I'm David Belsheim at 11226 Lakeshore Drive, owner of that property. I believe that the comments from others about the previous initiatives for this project, 1995 is what I remember. I have a document here from 1997, a solution in 2005. I think that shows that while there are some

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statements of need that there is not urgency for this project and now might not be the best time for us to try and bear the cost as the Village is asking. So this project is not urgent.

The second thing I'd like to say is that the requirements of the Wisconsin DNR have really been tough to balance with, and as the previous speaker and others have said the Village has allowed things to happen that put us in difficulty with that such as allowing basements to be built in that area. Perhaps we should refigure the cost structure for this and maybe the Village should pay based on the number of basements that are there and reduce the total amount charged to others. I think that the previous rejections of this project show that the current plan is not needed. We don't think it's fair and it's maybe an inappropriate time. If there's a way to share the cost with the entire Village as I've proposed I'd like to hear about that. My property I'd be charged about \$5,500, and I'm not going to get any benefit out of it really. There's some pumping water from basements nearby but I don't have a basement and my house isn't flooded. So the idea that benefitted properties are paying for this is not accurate. Thank you.

John Steinbrink:

Anyone else wishing to speak?

Dave Holden:

Dave Holden, 11220 3<sup>rd</sup> Avenue. One more question. I had a lot of things on my mind when I came up here. I know we, Clyde at one time mentioned and I'm not sure about what happened to it about taxing us or assessing us a year after the project. I'd like to see the Board consider that or maybe tax us or give us a break for the first year, give us some confidence that this—give us one year under our belt that this is going to work. I think with the economy the way it is it would be a little bit better grip, too, if we could get a little time to pay this off. Thank you.

John Steinbrink:

Anyone else wishing to speak? Mr. Hauser?

Gus Hauser:

Gus Hauser, 143 113<sup>th</sup> Street. As Mike correctly stated there was an objection, there was a . . . filed with the DNR about the decision to allow that project. Since that's not final I don't think it's appropriate that you vote on anything when you don't know if the DNR will allow it. Thank you.

John Steinbrink:

Anyone else wishing to speak? Mr. Barry, you have to give us your name and address for the record.

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John Barry:

John Barry, 11114 Lakeshore Drive. I have in my hands a letter dated 5/11 addressed to Mike Spence. I'm sure you guys already have this in the public record, but I would point out that the fourth paragraph states that the water quality certification decision becomes final 30 days after the publication in the newspaper. And I know that you guys have taken great pains to cross every I and dot every T in that respect, but it also goes on to state that unless an objection is filed and a hearing requested, which Mike I know you pointed out that that has happened, so this decision is not final yet, and if the Village Board decides to move forward with the project for which they have no final permit I think they will be making a grievous error and wasting our money. That's all.

John Steinbrink:

Anyone else wishing to speak? Gentleman in the back. Mr. Babcock, I'm sorry, I didn't see you back there. All I could see was an arm sticking out there. It's like sitting behind me.

Bob Babcock, Sr:

Bob Babcock, 11336 Lakeshore Drive. Just one little comment. This is a public hearing. I would hope that it is a public listening session as well. Thank you.

John Steinbrink:

Anyone else wishing to speak? Mr. Babcock, Jr.?

Bob Babcock, Jr.:

Bob Babcock, 11253 3<sup>rd</sup> Avenue. Just to follow up on what Dave Holden said. Clyde had also proposed that you'll maybe lower the interest rate which I think Mike Pollocoff said was going to be 9 percent. Loans aren't as easy to come by today as they were a few years ago, and in light of all of the upset citizens here that don't feel this is going to work, they don't want to pay for it, if you're not going to consider pulling the project, you should at least consider trying to throw an olive branch towards the citizens and lower the rate considerably.

John Steinbrink:

Anyone else wishing to speak? Yes, ma'am?

Tracy Roszkowiak:

I have one more question. Tracy Roszkowiak, 11283 3<sup>rd</sup> Avenue. I'd like to know what's the City's plans for the future of maintaining this? Are there any plans for future maintenance of this? Like you said, you had to put in certain pipes to keep it in the ground. I just would like to know what the plans are for future maintenance. Thank you.

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John Steinbrink:

Anyone else wishing to speak? Yes, sir, the other half of the team there.

Tim Roszkowiak:

Tim Roszkowiak, 11283 3<sup>rd</sup> Avenue. In regards just to clarify I guess on my question on maintenance, too, has anything been discussed or written into the plans to do field testing after this has been put in, integrity of piping, the piping raising up above the ground level? And I guess the other thing I want to ask, too, is if the inlet pipe is going to be bigger in the front end to get the water in and as the pipe comes down it's smaller in between our two lots, the pressure is going to rise. Again, I guess that goes back to the question of the pressure rating of that pipe. Can it hold without cracking? Thank you.

John Steinbrink:

Anyone else wishing to speak? Hearing none--

Jane Romanowski:

Mr. President, we do have two submittals here that I should read into the record before the public hearing is closed. This is from Dean and Theresa DuBois. "We received the information about the meeting being held on June 15<sup>th</sup> to discuss the storm water drainage for Carol Beach Unit 2. We have attended past meetings, however will be out of town for the meeting June 15<sup>th</sup>. We still feel the drainage project needs to be completed. We would like to know when the proposed start date is. If you could email and let us know we would appreciate it." There wasn't an address on the email.

The other letter we received was from Thomas Rothacker, 11331 Lakeshore Drive. "At no time does water collect in the front of my house where the proposed drainage pipes are scheduled to be installed. Even after the worst rain, no water ever collects at the low spot near the road. There is also no erosion in my driveway, further indicating that there is not a water movement or collection problem. My property is not in the flood area and is not causing other areas to get flooded. This project proposes to install drainage pipes on my property where no flooding problem exists. It is a waste of taxpayer money and my money to install these drainage pipes. If any engineer has seen water on my property, please show me the proof of that report and evidence of the water sighting? My property should be removed from the proposed drainage plan." And he'd like this letter to be read at the meeting and would like an answer to the questions above. It's sincerely signed by Thomas R. Rothacker.

John Steinbrink:

That's the letters to be read in? Okay, I will close the public hearing and open it up for Board comment or question. I think first I'm going to ask Mr. Pollocoff maybe to answer some questions and give some history here. I was kind of surprised to hear that the Village was actually the developer of this area down there. I didn't know that.

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(Inaudible)

John Steinbrink:

Everybody had their chance to speak.

—:

You should be ashamed of yourselves.

Steve Kumorkiewicz:

Sir, you are not in Chicago.

—:

This is worse than Chicago I can tell you that.

Mike Pollocoff:

Mr. President, Unit 2 Subdivision was platted quite a few years ago and it was platted when Kenosha County had jurisdiction over the area and at the time this was the Town of Pleasant Prairie. Through the process of the cooperative land use plan that the Village, Kenosha County, State, the federal government went through in identifying areas that should be preserved in this area, the Unit 2 area was identified as an area where the wetlands weren't of significance to warrant being in an acquisition area where the State on a willing buyer/willing seller basis acquire the property. And as such the parcels fell into an area which was, again, a result of a compromise. There were a lot of property owners who wanted to have the opportunity to be able to have their property developed and secure the benefit from them being able to sell their property or else build a home on the property.

None of the lots in this area of Carol Beach were constructed with any improvements such as sanitary sewer, municipal water, paved roads, curb and gutter, storm sewers, anything that would be required of a typically modern plat. It was just platted and lots were sold off as is. Part of the outgrowth of the Chiwaukee Plan was is that this area that's to be developed is that there was a recognition that I think it shows what somebody said was an arbitrary or irregular line, it's a line that was identified by surveyors as at the top of the basin, the high points. So in this area here this is—everything inside that basin is the area that drains to the center basically. It doesn't drain out.

Some of the speakers tonight mentioned that we pump water on the other side of that blue line going in a different direction. Well, that's out we get the water out of the basin that doesn't drain on its own. We drain it out of the basin so it finds it's way out to another drainage way. One of the problems in this area that was identified in the comments and the planning that there was no



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way we'd be able to convey water out here without a skeletal storm system. The grades were such that it couldn't happen.

We've gone through two major storm water studies in this area and one kind of almost major. In the first storm water study we undertook a design to have this subdivision function just like other subdivisions in the Village as far as storm water where a storm sewer system we put in it was designed to handle a ten year event, the worst event you'll see in ten years, and I don't remember the exact number but that was a truly expensive project because the pipes get big because it's so flat, there's not enough cover. There were definitely difficult engineering problems to go through.

I know that Mr. Hauser lobbied long and hard to make sure that the DNR denied that permit so that the Village after that engineering study was done we didn't have a permittable plan. And the reason we didn't have a permittable plan was that in the intervening time from when the Chiwaukee Prairie Plan was adopted up until the point we started looking at solving these problems, water quality certification had changed in the State and we had to make sure that the work that we did in the area would not affect the wetlands.

The second plan we did was, okay now, draining all the water out is going to be a problem, let's look at a series of detention basins where we would hold that water, charge those wetlands, and downsize the pipes so the pipes wouldn't be as big draining water out of the basin. That plan also failed. It probably failed for a number of reasons. It wasn't ultimately designed by the DNR I don't believe, but there was not a lot of acceptance of the residents in the neighborhood about having storm water basins within their subdivision that would be holding. These are basins where parcels of land that the Village would acquire and construct a detention basin to hold water and then release it at a rate that could be handled by the storm sewers so that went by the wayside.

All along the way the Village has had whenever there's been drainage problems in the area typically it's another set of people by and large that come in and complain about we need to do something about the drainage in Carol Beach. So we received a grant, a storm water management grant for the entire Village, and I think in partially addressing Mr. Babcock's comment, this has been a fairly engineered development. The engineering we've spent we've learned a lot of things and there's things been done, but basically the end result is that it couldn't be permitted or the residents didn't want to pay for their share of the improvements, somebody else should pay for it and it died on the vine.

There are residents, Mr. Babcock being one, indicating that he had an idea that water could be drained through ditches in another way. So we've spent at the time I think about \$20,000 of our grant money that was really allocated to design storm sewers, and we used it to take a look at this area here, and we looked at Mr. Babcock's alternative for doing ditches and draining water in a different manner. The end result of that work was that the engineers that were involved in that project, both the Village Engineer and the consulting engineers would not sign a set of plans that would involve just ditching alone because they said it wouldn't work. That's one of the things that we found in the public works department is we've looked at ways to drain that area and ditching will not work. We have ditches in a lot of subdivisions in the Village and they're typically not very difficult to use, but we don't have the conditions we have in this area. So we're

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at a stale point because we really can't do much out there without creating more problems than we have.

So we're at the point now where we took the plan that did come out of the grant money that we got for the storm water master plan and we brought that back. Again, it hadn't been as detailed a survey as we have, and the survey that was done now was detailed and it accounted for the topography in the area. And it also accounted for what is going to be the impact of the grading changes that we're going to make as part of this project. So you have existing grading, the grade that exists today, and you have the future grading that's going to be created as a result of the improvements are going to work. And in that work is how the water is going to be drained out of the area.

So in almost every storm water project that I've ever been involved in, and I can't think I haven't been involved in, one of the biggest issues is that I don't have any water on my property now and never have had any water on my property and I don't want to pay for any water that's on someone else's property. The process of determining a special assessment and determining what the benefit is, the benefit sometimes is the benefit of having in a lot of cases is having your storm water managed once it's drained off your property and goes someplace else. There's always a person at the bottom of the hill and there's always a person at the top of the hill. The person at the top of the hill in certain rain events that water is going to drain off their property. If the rain event isn't that significant it might seep into the soils and drain that way. But when you get enough rain water is going to find a way to get to a lower spot one way or another. It's not going to go back to where it came from and not all of it is going to completely soak into the soils. So everybody within that basin is assessed and it's based on how much square footage they have to drain into the improvements that are going to be constructed.

I've never had a storm water project that we've engineered through good solid engineering principles within the Village that once we were done with that project it didn't accomplish what we wanted to have it accomplish. And I'm convinced that this one has been thoroughly engineered and it's going to work. The Village is going to maintain it to make sure it works. One of the reasons we're doing this project is we can get a storm water improvement constructed in the neighborhood and it's going to be maintainable. Right now we can't maintain what's there because we can't drain the water anyplace because we can't dig the ditches and create the grade and fall we need in order to have it work. So this will work. I'm not worried that it's not going to work.

Is it going to work in a great big rain, if we have a major rainstorm? If we have anything greater than a 100 year storm or these great big rains we have nobody's storm sewer system works perfectly in every rainstorm. Everybody is going to have to either hold some water in their yards or in the streets or in the catch basins until the water can release. But the key thing in this is we've got a place to get the water out when the water comes. Right now we don't have that unless we pump it out or we wait for it to evaporate or we wait for it to sink into the soil. What this project is going to create is a way for the water to get out of that basin that's defined within that blue line.

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The Village is paying for half of the cost. I think a lot of people made comments that the Village should pay for 100 percent of it. The Village doesn't pay for 100 percent of any of the costs. If, in fact, you follow the logic that when homes went up in the subdivision and should have made those people pay, we still had to come back to the people who already there and have them pay. We can't put all those costs for an improvement on someone who is hooking up to or building a home on a lot. So at the end of the day everybody who is going to benefit from that improvement has got to help pay their fair share of the improvement.

Some of these I'm going to have Mike answer. The ones I don't cover, Mike, I guess you can cover them. Cost was determined - I think Mike laid it out pretty well. We now have a fixed cost of what the contractor said it's going to take to do this. What we don't have fixed is how much time the engineers are going to spend out there monitoring the construction. When we were doing the surveying our surveying costs went up quite a bit because we had residents that on a daily basis going out and challenging the surveyors and taking up more time with the surveyors out there as they were doing the survey work. The same thing will be happening with the construction. We want people to have some input in the process and be able to talk about it, but surveying or engineering inspection is a direct result of how long it takes to get something built. The contractor that is the low bid and is a good contractor there's no reason they shouldn't be able to get in and out of there within the contract time frame.

What is the life span of this project? The life span of this project, for us when we look at storm sewers, we look at them as a 100 year improvement. We have storm sewers in parts of the Village that were constructed when we were a town that are still holding up. This is going to be a plastic system. We're doing that for a couple reasons. Price is one of the big reasons to keep the cost of installation down, and when that storm sewer is put in, just like other storm sewers we have in the Village, a flushing truck is going to come by once a year or depending on what we see and flush those storm sewers out so if any sediment, twigs, baseballs, whatever anybody has stuffed down an inlet gets in that storm sewer it's going to get sucked out, it's going to be flushed and it's going to be cleaned, and we do that on an ongoing basis. The catch basins are going to be flushed and cleaned. Catch basins are also going to have at certain times insecticide for West Nile put in the basins because when there's going to be standing water in anyplace we want to reduce that problem.

The fact that the pipe is going to be anchored is recognition of what kind of soils we have in there and it's been designed to anticipate that without those anchors there's a chance that that line could float, so we're addressing it in the front end to put that in. Would we like to have concrete in? I guess concrete would be a nice alternative and we know that doesn't float, but in some places there's not enough ground cover over the bell of the concrete pipe, because it's big, to cover the pipe. Again, we want to be able to come up with an alternative that's going to be the most cost effective for the residents as far as construction and maintenance. And we feel this is going to work and we're not going to have a problem with it.

As far as going by someone's property, when you have flooding, when the system becomes overtaxed by rain water, just like any storm sewer system, water is going to follow the path of least resistance. If you can't get any more water into the storm inlets it's going to go over the road, it's going to go over the yards just like it would anyplace else. That pipe is still going to

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continue to take the same amount of water it was designed to take and that's all it can take. Anything else, it's just going to go wherever it's going to go just like it happens today. But at least there's going to be something that's going to be conveying a good portion of the storm water past those properties out to the relief point whereas now there isn't anything. Now it just goes where it goes.

With respect to mitigating the shoreline protection expenses, I can't remember who brought that up. He left. We'll look into that. I don't know. I don't know if that will work or not.

Did we apply for stimulus money for this? Yes, we did. Do I think we're going to get it? No, I don't think so. We have a number of storm water projects that we've applied for and if we get it— if, in fact, we end up with stimulus and we get money for it, and if it happens next year and people have already paid then we'd pay them back for whatever the stimulus amount is we had. That being said there's one—before I address that I need a change to the special assessment schedule I need to make.

The other one was why are we doing this project when there's a hearing or it's being contested. The project is, my recommendation is and if the Board chooses to proceed with the project it will be contingent on the final release from the DNR and as with the contract with the contractor. The other thing we're going to need to look at is adding that cost down to the cost of the project to go to the hearing and deal with the questions and present the information to the DNR as part of the project cost. Mike?

Mike Spence:

You did a good job of addressing most of those. A couple of the items that I wanted to respond to, there was a question about what happens when the lake level rises and that's a legitimate question. The outfall has a flap valve on it, and what that is it's basically a valve that allows water to only flow in one direction. So the water can only flow from the drainage area to the lake. If there's back pressure from the water, that is if the water level in the lake would rise, it could not back up into the storm sewer.

There were questions as far as the construction of the pipe and structural. The pipe that we've chosen for this project, as Mike had mentioned, is not concrete because the concrete pipe, the thickness and the dimensions of the diameter of the bells were such that we wouldn't be able to fully cover the pipe. But during the construction of the project we require quite a bit of testing to make sure that the joints are secure. We televise the pipe to make sure that there are no cracks or there's no openings when the pipe is installed so there's a lot of field testing that goes on.

Maintenance, it was addressed that the Village will annually flush the pipe, or if there is sediment that is in the pipe that will be addressed. There was discussion about pipe on private property. As I mentioned the pipe is completely in Village right of way. The area that was mentioned that was between two parcels of land is actually a Village easement. That's the purpose of that easement. In terms of exaggerating flooding in that area, it's important to know that this whole system is a conveyance for storm water. So the whole intention technically is to move water out of the area. So the possibility of increasing flooding is really not realistic there.

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Again, a question several people commented on is this going to work? Both the Village engineering and our consultant engineer, this project conforms to standard acceptable technical engineering practices as far as the sizing of the pipe and the flows, so I have every confidence in the world that it will work as intended.

As far as wetlands dumping into people's property, generally wetlands that's the whole reason why there are wetlands because it's basically the area that—I mean a wetland is an area that's fairly self-contained and that's where the water wants to go. I should also mention that discussion of impacts on wetlands this has been thoroughly reviewed with the Department of Natural Resources. We have taken special precautions in the areas of the wetlands as far as directional drilling and trying to not affect the wetlands in any way. The last thing that the DNR wants is for the Village to drain the wetlands. So, again, all these aspects have been engineered in the project.

Again, it was mentioned that certain parcels have never seen water. Again, I just want to emphasize that I can understand that statement, however the parcels that were mentioned are basically, again, at the top of the hill and the drainage is away from their property. So certainly they wouldn't see water and that's why that is. But yet it is contributing to the project.

The other issue I just wanted to also reaffirm a lot has been said about ditches. There is only seven feet of fall from the low point of the area to the high point. And to adequately have ditches perform you need a certain amount of grade or slope I should say. You need more slope than what you would need from a piping system. That's what makes a piping system technically sound because you can drain at a lesser slope. With a ditch because of the sedimentation in the area and the sandy soils it's really suspect that the ditches would adequately work. Plus, we don't have the fall to make those work. I think that's pretty much my response.

John Steinbrink:

Further Board comment or question? Mike?

Mike Serpe:

Just a couple. Every springtime I just regret what might be happening with Unit 2 and this Board. For a number of years it was a heavy rain event and the next thing is we have flooding, we have to do something, and we've been putting it off for way too long. I'm confident, again, at what Mike said and Mr. Spence that this will be a project that will work. It's well engineered. I do have a question, Mike. When do you anticipate the project to be completed?

Mike Pollocoff:

Mike, do you have a date on that?

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Mike Spence:

Well, we are looking to have it completed this year. We were hoping to start sometime in July. We're hoping for good weather conditions.

Mike Pollocoff:

Normally on a special assessment if it's not completed by, what, November 1<sup>st</sup> it goes onto next year's—

Mike Pollocoff:

September 30<sup>th</sup>.

Mike Serpe:

September 30<sup>th</sup>, okay. I also understand that we're in tough times and a lot of people are not doing as well today as they were doing in the past. Would there be a financial burden on the Village if this were assessed next year instead of this year?

Mike Pollocoff:

Well, it wouldn't be on the Village, it would be on the Storm Water Utility. Yeah, it's basically going to be the cost as a carry on of the half million. But that being said I guess we know that we have planned this thing in a couple ways. One to make sure we get in there and do the construction during the driest time of the year, but mother nature can mess with you and you can have a wet August and wet July and we might not be in there. So if the Board chose to adjust the interest rate, and I'd recommend that occur in Resolution 09-22 to direct that special assessments would be—if you levy them tonight that they become due and payable in September of 2010. You have that option to do it. Like I said, there's a chance that given the uncertainties of weather we could be there anyway, but I guess that would give everybody some specific knowledge that it wouldn't be this year, it would be next year.

Mike Serpe:

In light of everything that's happening and for as long as we've been battling this problem, maybe that's the least we can do is just bring it out another year and people would have a 12 month advance notice of trying to save as much as they possibly can.

Steve Kumorkiewicz:

Mike, there is one thing that was not mentioned here tonight is there is an engineer who puts his signature on these plans. He's responsible for the system to work, otherwise the system has to be redone properly. We've got a typical example here what happened in Tobin Creek years ago. Mike, am I correct in that? When we developed . . . if the DNR says it's okay and it's not okay and they redid it then what happens?

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Mike Pollocoff:

The way the Village manages that professional liability is in that case that wasn't a project that we engineered, it was a project the developer engineered. And the developer's engineer, whoever as you said stamps the plans and the company they work for has to stand behind those plans. And in that development the developer's engineer's plans didn't perform as they stated and they had to come back and make the corrections and make it right.

In our plans that we do, we've got in this case an engineer that we've hired and selected, he's been given all the background knowledge that there is on this in this area and there's quite a bit, so he's designed it and Mike has been looking over this shoulder all the way through this project to make sure it's right. So the scrutiny on a project that the Village undertakes is a lot greater than that of a developer. I understand developer's don't do that much, but that's why one of the things we've indicated is a lot of people said you could just kind of ditch it a little bit over here and ditch a little bit over there, so there isn't anybody to hold responsible if that ditching it over here or ditching over there doesn't work. And in this case what we come up with is a set of plans that's been designed and someone is willing to stand behind that design and that's the case here.

Steve Kumorkiewicz:

What about the DNR, do we have approval for the plan?

Mike Pollocoff:

We've had approval. What's happened is Mr. Hauser has petitioned for the DNR to conduct a hearing or an appeal of their approval. The project should be awarded contingent on final DNR approval.

Mike Spence:

And just to comment on that, Steve, the DNR has a certain amount of time to respond to Mr. Hauser's request, and I anticipate that the Village will hear about that in the very near future. So this is not like an indefinite that's going to hold up the project. If they grant a hearing then that's a different story, but if they don't then we'll know that very quickly.

(Inaudible)

John Steinbrink:

Sir, you're out of order and you should know that.

(Inaudible)

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John Steinbrink:

Mike, you want to continue?

Mike Spence:

Yes. The DNR there's a certain amount of time for people to request a hearing, and they have notified me that they've had one request for a hearing and that was Mr. Hauser.

(Inaudible)

Mike Spence:

The time period, there is a certain amount of time period.

Steve Kumorkiewicz:

I need to apologize to the gentleman in the back for the comment I made previously. It was uncalled for and unnecessary and that was my mistake. I apologize, sir.

Monica Yuhas:

I have one question, Mr. President. Regarding the sandbags that have brought up a couple times, can Mike or John elaborate on why the sandbags are being placed where they are?

John Steinbrink, Jr.:

A lot of times we'll go through and we'll try to contain a lot of the flooding to make the pumping more efficient. And so we will go through and put some sandbags in an area to expedite the problem that we have. A couple of the other topics that brought up, I believe it was Mr. Babcock, Jr., was the pumping over the hill and that was addressed by Mr. Pollocoff. But if I can just add one thing—

—:

We can't hear you.

John Steinbrink, Jr.:

A lot of times when it rains out Public Works is called out on site to go through and pump water in different areas. I've seen water sit in the front ditches. I've seen water in the front yards and I've seen water through some of the lower homes actually go in the front door and go out the back door. I'm not sure why those residents aren't here this evening. I know we have heard from a lot of people that are up at the higher elevation, and these are areas that we're never pumping, but there are many areas that the Village does pump in on a regular basis and spends a lot of money, and that's what we're there for is to provide that service for the residents. But it's



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important for the Board to know there are a lot of homes where the public works department does do a lot of pumping and that's to keep water from going into the front doors of some of these residents. And that's really the main reason why we're having this project is to really protect the people at the bottom of the hill.

Mike Spence:

I guess one other comment that I wanted to make, too, is I have heard from a number of residents that while they're not happy to have to pay for the project they are totally supportive. Unfortunately they chose not to come to the meeting because they support the project so they feel that they don't need to come. But I have had some positive comments.

John Steinbrink:

Further Board comment or question?

Mike Serpe:

I would move approval of Resolution 09-22 contingent upon approve by the DNR.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Mike. Further comment or question?

Mike Pollocoff:

On the question. I know you mentioned you wanted to adjust the date of the assessment.

Mike Serpe:

Thank you for reminding me. Yes, with the assessment coming in 2010.

Mike Pollocoff:

September 2010.

John Steinbrink:

Clyde was going to have that added.

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Jane Romanowski:

Does the second agree to that?

Monica Yuhas:

Yes.

John Steinbrink:

Motion and a second. Does everybody understand this? Further comment or question?

**SERPE MOVED TO ADOPT RESOLUTION #09-22 – FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR CONSTRUCTION OF STORM SEWER AND STORM WATER MANAGEMENT IMPROVEMENTS IN A DRAINAGE BASIN IN A PLAT NAMED CAROL BEACH ESATES UNIT 2 SUBIVISION SUBJECT TO DNR APPROVAL AND THAT THE ASSESSMENTS BECOME DUE AND PAYABLE ON SEPTEMBER 30, 2010; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

(Inaudible)

## **6. CITIZEN COMMENTS**

John Steinbrink:

Do we have a sign up sheet, Jane?

Jane Romanowski:

Dave Holden signed up. I'm not quite sure if he still wants to speak under citizens' comments.

John Steinbrink:

Citizens' comments, you signed up under that, Dave. Do you wish to speak? Okay. Anyone else wishing to speak under citizens' comments?

Bob Babcock, Jr.:

I'm Bob Babcock, 11253 3<sup>rd</sup> Avenue. I still don't think I got a sufficient answer on why you're putting sandbags at the top of the hill. What is the point of that? The parameters you made I assume the blue line is the top of the hill and the middle is the bottom of the hill. You have the sandbag at the top of the hill. It's like the people in the field think that the top of the hill the water shouldn't be coming over it. So I don't understand why the people in the field see this need to put a sandbag at the top of the hill. If you could elaborate?

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Mike Pollocoff:

I haven't talked to them about that, but typically when you sandbag an area you're trying to create a pool from which you can pump from so you have enough water to actually get the pumps to go. So if they need to sandbag there it's either to keep some water out or overwhelming the pump, or it's to create a pool to the pump can draw.

Bob Babcock, Jr.:

If it's at the top of the hill it's like a natural block anyway. The water shouldn't be coming from the wetland over the hill otherwise—

Mike Pollocoff:

I need to remind you the top of the hill here is very subtle.

Bob Babcock, Jr.:

I understand that. But you're assessing a defined area and then you're putting a sandbag at the top of the defined area which should be its own barrier. So the people in the field feel that water is coming over the top of your hill and the assessment area should be larger. Obviously that's wetlands so I don't know how you assess that anyway other than—

Mike Pollocoff:

We don't. We can't assess it.

Bob Babcock, Jr.:

But obviously the border that you've made the people in the field don't feel that's the top of the hill otherwise they wouldn't feel the need to sandbag it. I don't really understand that.

John Steinbrink:

Anyone else under citizens' comments?

Lenny Swaney:

Lenny Swaney, 11233 3<sup>rd</sup> Avenue. I don't think my comment got addressed at all when I asked about the draining from the wetland into my ditch to go into another area. There is a drainage pipe under the road on 3<sup>rd</sup> Avenue that leads from across the street to my ditch, not entering any wetland or anything else. I can point it out to you on the map, from one wetland to my front yard, and nobody addressed it except for saying one little thing about it, that it doesn't happen. Well, it does. And the pipe is there and sloped to my yard. I put a level on it. I'm smart enough to understand how hydrolics works. I work on hydrolic systems for a living. Water always seeks the lowest point and you put the lowest point as my front yard. Like I said earlier there's over

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four and a half feet of water in my ditch right now. Come out there with a tape measure and measure it. And, sir, if you don't believe it you can come and see me tomorrow afternoon when I get home about 1600 or 1700 and you can look and I can show it to you. That's all I've got to say. You want to see on the map where it's at?

Mike Pollocoff:

Yes.

John Steinbrink:

Sure.

Lenny Swaney:

Right there, across 3<sup>rd</sup> Avenue right there. That wetland drains into my yard. There's a pipe just on the north side of my driveway.

Mike Pollocoff:

I think that, Mr. Swaney, the goal of this project as it's designed is to pick up that water that's draining on those wetlands and get it to the conveyance site so that doesn't happen. I think the pipe that's there is indicative of the problems we've had in the past trying to find a way to get water moving. So under the new design, if my recollection is direct, a pipe that directs water to your property doesn't exist. It's going to go into a storm sewer along a street, travel south and keep it away from your property.

Lenny Swaney:

It should have done that from the beginning.

Mike Pollocoff:

But we didn't have anyplace to put it in the beginning, that's the problem.

Mike Spence:

Yes, we're addressing that in the plans.

Lenny Swaney:

I get assessed from removing the water from a wetland that goes to my property.

Mike Pollocoff:

Because your perceived benefit in this is that the water is being taken off your property.

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Lenny Swaney:

It's your water that you're putting there.

Mike Pollocoff:

It's everybody's water. Part ours but it's everybody's.

John Steinbrink:

Anyone else wishing to speak? Mr. Holden?

Dave Holden:

I might have missed how we got this assessment—

Jane Romanowski:

Sir, can I have your name and address.

Dave Holden:

Dave Holden, 11220 3<sup>rd</sup> Avenue. I think it was like a nutshell game, I didn't catch it. How do we come up with my price and two neighbors next to me at \$4,800 and across the street \$1,800 and that. I can see because I'm getting grades in front of my house, I see the spray paint and that, I didn't think to put the grades there and stuff. I think you should have a whole pie and equal up that pie equally. Like you said it's our water, it's their water, and if we all have to be taxed for it I think we should be taxed equally. I still don't know how you come up with that figure? Why is one guy \$13,000 and I'm \$4,800 and one is \$1,800?

Mike Spence:

I'll try to explain that. If one person has, just for putting out numbers, has two acres that are draining as part of the drainage area and another person has a quarter of an acre the amount of storm water from those two properties is significantly different. It would be unequitable to charge them both the same.

Dave Holden:

Okay, property size, get back to what I said. They're all four or five lots the same size. Explain that. That's what I don't understand.

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Mike Spence:

Okay, that's a valid question. If the property included wetlands those wetlands are not part of the drainage area.

Dave Holden:

There's no wetlands. We're talk equal four sections here.

Mike Spence:

I'd be glad to look at the particular numbers with you, but it's based on the area draining and if it's wetlands it's not included. So if you look at that map, if any of those people have green on their property that is not part of the area.

Dave Holden:

I'll show you the four properties and you can explain to me. I've looked at it and I've asked five or six different people and nobody can give me an exact answer how you came up with that number.

Mike Pollocoff:

If you want to after citizens' comments Mike will be here and he can get his map and he can go over it with you.

Dave Holden:

Thank you.

John Steinbrink:

Anyone else under citizens' comments wish to speak?

David Belsheim:

David Belsheim, 11226 Lakeshore Drive. I'm still asking if there might be another way to calculate it other than square feet to determine who is actually benefitting. That was part of the issue with the previous speaker as well. Again, part of the issue of the Village allowing basements to be built in that are and the Wisconsin law or the DNR saying the water table has to stay at a certain level those basements pump out like crazy generating more surface water every time it rains. I'm not saying necessarily they should carry more burden, but can the Village allowing those basements help back up some of this to reduce the cost to others?

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John Steinbrink:

If you want to step out later with Mr. Spence he can maybe address part of that later. Anyone else wishing to speak? Hearing none, I'll close citizens' comments.

## 7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, I only have one thing I guess I'd like to talk about tonight. Today was a good day for Pleasant Prairie and in particular Jean Werbie. She received an award today as a woman of influence in public policy by the Milwaukee Business Journal. It was an event up in Milwaukee. She definitely was recognized along with an excellent group of peers. She reflected something we've known all along that she's the best planner that a community could have. It was recognized by a newspaper in another community and I give them anatta boy for doing that. It was a very nice award and she's very deserving. I know speaking on behalf of myself and the staff here at the Village we're proud of her but we're not surprised.

John Steinbrink:

And if you notice the two pink ties here, Mr. Pollocoff and Mr. Braig you'll notice those are in honor of Jean. That finishes Administrator's report.

## 8. NEW BUSINESS

- A. **Consider an Amendment to the Development Agreement for Hideaway Homes Subdivision to complete the required Phase 3 public improvements within the subdivision prior to 75% of the homes being completed.**

Jean Werbie:

Mr. President, a development agreement was entered into on April 20, 2005 for the Hideaway Homes Subdivision. And that development agreement set forth approval conditions, responsibilities and obligations of the developers for the construction, inspection, dedication and the use and maintenance of all the required public improvements in that development.

In accordance with Section 395-70 F (5) of the Land Division and Development Control Ordinance, the Phase 3 required public improvements usually made during the third construction period in the development was deferred by the Village Administrator because less than 75 percent of the dwelling units were completed. And in order to protect the surface course of pavement from excessive wear and tear in connection with the construction of the units, we did allow that subdivision at that time to do the final lift of paving for the subdivision.

The developer is now requesting to have the Village approve the Phase 3 required public improvements in advance of having the 75 percent of the homes completed. They have, in fact, 67 percent of the homes completed, and with the economy and with things moving as slowly as

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they are in this subdivision, they fear that they do not want to wait another several years before the final lift of paving gets installed within the subdivision. So they're asking for consideration in this development agreement to allow the third year or the third phase of construction improvements to be completed now in this construction season of 2009.

So the purpose of this development agreement then is to move things up in the schedule to allow them to complete their final lift of paving for this development. One of the things that they're going to need to do as part of the agreement is they will need to extend the warranty period for an extra year for the third phase of public improvements. With that the Village Engineer and his staff does recommend approval of this development agreement to expedite the paving for the Phase 3 of improvements.

Steve Kumorkiewicz:

Question for Jean. Jean, if the developer doesn't complete the subdivision five years from now and the streets are already in and five years from now he puts the last house in and we have a problem with the pavement who takes care of that? Does he take care of that?

Jean Werbie:

No, at that point it would be the Village's responsibility. What we're saying is they have only a few more homes to be put into this subdivision. There's less than five that will be completing this subdivision. And if the Village allows the Phase 3 improvements this year then they will extend the warranty an additional year. Typically it's only a one year warranty from the final paving that is granted to the Village. But in this case it would be two years because they only have 67 percent of the homes completed as opposed to 75 which is required by ordinance. So in five years from now if there's still two homes left and there's some type of damage to the roads the Village would be responsible for any maintenance of that road. Unless it can be proven that the home builder that is building is going through some extraordinary measures to damage that road then they would be responsible.

Steve Kumorkiewicz:

Thank you.

John Steinbrink:

Any other questions for Jean?

Steve Kumorkiewicz:

I make an motion to make an amendment to the development agreement for Hideaway Homes.

Clyde Allen:

Second.



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John Steinbrink:

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

**KUMORKIEWICZ MOVED TO APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR HIDEAWAY HOMES SUBDIVISION TO COMPLETE THE REQUIRED PHASE 3 PUBLIC IMPROVEMENTS WITHIN THE SUBDIVISION PRIOR TO 75% OF THE HOMES BEING COMPLETED; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

**B. Consider an Amendment to the Development Agreement for the Westfield Heights Subdivision to assign the Development Agreement to another party, Burco Holdings, LLC.**

Jean Werbie:

Mr. President, we've gotten a request from the Westfield Development Corporation to make a modification to their development agreement. This would be their first amendment to the Westfield Heights Subdivision development agreement. The Village and the Developer executed an agreement on February 9, 2006 for the development setting forth the approval conditions and the responsibility and obligations with respect to matters relating to construction, inspection use and maintenance of the required public and private improvements for the development.

The developer has requested and the Village staff is recommending that in accordance with Paragraph 46 of the agreement the developer may assign the agreement to another party, but that approval is subject to prior Village Board approval but that approval should not be unreasonably withheld.

Specifically at such time that the developer assigns the agreement to another entity and with the prior approval of the Village Board, such approved assignee shall become the new developer. All of the obligations and responsibility of the developer as set forth in the agreement shall then be assumed by the approved assignee, and the assignor/developer shall be released from any and all obligations upon the assignment. The Village will look solely to the new approved assignee for the future performance of the obligations arising under the agreement, and the new assignee will be the new developer.

In this case. Westfield Development Corporation is requesting that the new developer for this subdivision be Burco Holdings, LLC, and they would assume all the obligations from Westfield Development Corporation under the agreement. And Burco Holdings, LLC has acknowledged and agrees that pursuant to Section 46 of the agreement that the new developer will be the new developer that is responsible financially for the completion of the improvements to the satisfaction of the Village.

The one thing I want to mention is that all other conditions and everything else that's set forth in the development agreement will be and shall remain in full force and effect for the development,

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and financial security does need to be posted with the Village in the form of an irrevocable letter of credit to secure the new developer's financial obligations to complete the required public improvements. The staff recommends approval of the request for the assignment.

Clyde Allen:

I'll make a motion to approve the amendment of the development agreement for Westfield Development Corporation.

Mike Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Further comment or question?

Steve Kumorkiewicz:

One quick question to Jean. That used to be Stanich's project?

Jean Werbie:

Yes, he was part of the—

Steve Kumorkiewicz:

Owned by Burco now?

Jean Werbie:

That's correct.

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

Further comment or question?

**ALLEN MOVED TO APPROVE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE WESTFIELD HEIGHTS SUBDIVISION TO ASSIGN THE DEVELOPMENT AGREEMENT TO ANOTHER PARTY, BURCO HOLDINGS, LLC; SECONDED BY SERPE; MOTION CARRIED 5-0.**

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**C. Consider release of storm water drainage easements for 919 92nd Place and 925 92nd Place.**

Jean Werbie:

Mr. President, the Village of Pleasant Prairie obtained two drainage easements a number of years ago in July of 1997 as part of a certified survey map when there was a land division on the south side of 92<sup>nd</sup> Place between 8<sup>th</sup> and 11<sup>th</sup> Avenues. At that time it was believed by our engineering department that a 20 foot wide drainage easement was going to be needed along the rear portions of these two lots.

Since that time a substantial drainage study had been completed by Crispell-Snyder, and what we have found is that the area that's been identified for the dedicated storm water drainage access maintenance easement was no longer needed. They used additional lands to the south and to the north for drainage in this area, and so in reviewing this particular dedication that was provided to the Village and going through the Village's records and speaking with the engineers and our current engineers, we find that this drainage easement is no longer needed and the property owner is requesting that the easement be released or vacated on the two parcels that have been identified. Again, the first is Tax Parcel 93-4-123-184-1166, and the property address is 919 92<sup>nd</sup> Place. And the second property is identified as Tax Parcel Number 93-4-123-184-1164, and the property address is 925 92<sup>nd</sup> Place. Again, this would be a release of the storm water easements on the rear portions of the lots.

Monica Yuhas:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion?

**YUHAS MOVED TO APPROVE THE RELEASE OF STORM WATER DRAINAGE EASEMENTS FOR 919 92ND PLACE AND 925 92ND PLACE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**D. Consider Professional Construction Engineering Services Agreement for the reconstruction of the West Frontage Road North of STH 165.**

Mike Pollocoff:

Mr. President, this is an engineering contract with Crispell-Snyder to provide construction-related services, staking, inspection and construction administration. The estimated amount for this

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project for Items 1 through 3 which is construction-related services is \$51,000. The staking services which is basically surveyor is \$77,700, and the inspection itself is \$101,100. This is a contract that has been going through Payne & Dolan for the reconstruction of the Frontage Road. So Crispell Snyder was the design engineer and the Village Engineer and I recommend that they also do the inspection on it. I'd recommend that a contract be entered into with Crispell-Snyder and the Village President and Clerk be authorized to execute the document.

Mike Serpe:

Just a question, Mike. Is that going all the way to C?

Mike Pollocoff:

No, primarily from that project that we did at C ended all the way up to 165. But on C there is additional work that's taking place in the widening of C and we're putting bike lanes in. The State will be taking that road over.

Mike Serpe:

But the four lanes is not going to go all the way to C?

Mike Pollocoff:

Yes.

Mike Serpe:

So that's going to be widened then, that section we just worked on?

Mike Pollocoff:

Right.

Mike Serpe:

Okay, I move approval.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike and second by Clyde. For a note of interest they're doing that right now. They're excavating out for the other lane.

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Mike Pollocoff:

Right. The State is doing that on their part of the contract.

John Steinbrink:

We have a motion and a second. Is there further discussion on this item?

**SERPE MOVED TO APPROVE A PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES AGREEMENT WITH CRISPELL-SNYDER, INC. FOR THE RECONSTRUCTION OF THE WEST FRONTAGE ROAD NORTH OF STH 165; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

**E. Consider Professional Construction Engineering Services Agreement for the reconstruction of 85th Street west of Cooper Road.**

Mike Pollocoff:

Mr. President, we've awarded a contract for this project and the Village Engineer and I are recommending that we award a construction engineering contract with Crispell-Snyder, again, for construction-related services of \$40,100, staking services of \$52,700 and inspection at \$78,700. This job is being under construction funded one half by a State grant. We can't start this soon enough and get it going. I recommend that the Village President and Clerk be authorized to execute the document.

Clyde Allen:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Clyde, second by Monica. Further discussion?

Mike Serpe:

Just a comment if I could. We have Chief Wagner here. Chief, I know you've been getting inundated with calls on 85<sup>th</sup> Street, but any ideas of what else we can do besides ticketing the people that don't want to comply?

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Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. You know, it's a combination of a number of things. We're putting squads in the area when we can, and enforcement is certainly an issue. I've been working with public works and John has agreed to put some barricades in there to try to slow traffic down. That's to make it so it's not a straight shot as you drive through it. You kind of have to drive around stuff as you go down the road and that should help keep the speeds down as well.

Mike Serpe:

No easy answer, I understand. I think one of the complaints, and I'm sure you're well aware of this, is between 7 and 8 in the morning and 4 and 6 at night.

Chief Wagner:

Sure, drive time. And I can tell you that we've written citations there. I've had and I continue to have officers in the area on a time available basis and when we can do that we'll do it.

Mike Pollocoff:

Once the construction starts and they've actually ripped out half that road it's going to be really hard to get through there. In a way it will take care of itself. Once the road construction gets actually under way it will be like if you go on 75<sup>th</sup> Street in the City between 22<sup>nd</sup> and wherever the only people that can really get through there are the people that live there. Otherwise I don't know why you'd want to wait because it would be a holdup. We need to get that project under way and constructed and then it will really be hard to get through there.

Mike Serpe:

The quicker we vote on this thing I guess the quicker we can start.

John Steinbrink:

I believe we have a motion and a second. Further discussion? Thank you, Chief.

**ALLEN MOVED TO APPROVE A PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES AGREEMENT WITH CRISPELL-SNYDER, INC. FOR THE RECONSTRUCTION OF 85TH STREET WEST OF COOPER ROAD; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

**F. Consider award of contract for the Carol Beach Estates Unit 2 storm water improvement project.**

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Mike Pollocoff:

On June 10<sup>th</sup> at 2 p.m. the Village opened sealed bids for Phase 2 of our paving program–

Jane Romanowski:

No, we're on the Carol Beach project.

Mike Pollocoff:

I'm sorry, Carol Beach. We opened bids on May 12<sup>th</sup> of this year for the project. The lowest bid was submitted by Wanasek Corporation of Burlington, Wisconsin in the amount of \$330,276. The second lowest bid was submitted by Reesman's Excavating in the amount of \$417,247.45. I know, and it's too bad the people aren't in here, but these prices are incredibly good. If we're ever going to—it's a market where the contractors are looking for work but it's also a market where it's hard for people to pay for it, but these are very good prices. Wanasek is a qualified contractor in the Village, and the Village Engineer and myself recommend that the contract be awarded to Wanasek in the amount of \$330,276.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further comment or question?

**SERPE MOVED TO AWARD OF CONTRACT FOR THE CAROL BEACH ESTATES UNIT 2 STORM WATER IMPROVEMENT PROJECT TO WANASEK CORPORATION IN THE AMOUNT OF \$330,276; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**G. Consider award of contract for Phase 2 of the 2009 Paving Program.**

John Steinbrink, Jr.:

On June 10<sup>th</sup> at 2 p.m. sealed bids were opened for the Phase 2 of the 2009 paving program. As shown up on the screen now it was broken down into three sections based on the geographical location. Phase 1 is pulverizing and grading the existing roadway, installing asphalt and lane striping on 93<sup>rd</sup> Street east of 39<sup>th</sup> Avenue to Springbrook Road, very similar to what was just completed from Dabbs Farm Drive to Cooper Road. Phase 2 is pulverizing and grading the existing roadway and installing asphalt on 48<sup>th</sup> Avenue between 85<sup>th</sup> Street and 85<sup>th</sup> Place. And Phase 3 is a project that is going to be paid for and funded by the developer of the Tobin Woods

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Subdivision, which includes installing a final lift of asphalt on the existing areas of asphalt and then constructing curb and gutter asphalt and some drainage on the cul-de-sac at the end of 119<sup>th</sup> in the Tobin Woods Subdivision.

One of the contingencies in this work is that especially on section one of 93<sup>rd</sup> Street is that it either needs to be completed at its entirety or not begin before July 12<sup>th</sup>, because 93<sup>rd</sup> Street is going to be used as a detour for our truck triathlon. I still have not received any confirmation on when the contractor will be having it completed before or after. I'll find that out as soon as this week probably.

Two bids were received, one from Payne & Dolan, the other one from Black Diamond. Payne & Dolan came in cheaper at \$274,417.85. Black Diamond came in high at \$305,141.25. I recommend a contract be awarded to Payne & Dolan to complete the 2009 paving project Phase 2 in the Village in the amount of \$274,417.85 with \$91,078.35 being funded from the developer of the Tobin Woods Subdivision.

Steve Kumorkiewicz:

So moved to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde.

Mike Serpe:

John, a question on 48<sup>th</sup> Avenue, 85<sup>th</sup> to 87<sup>th</sup> on the map. How far--

John Steinbrink, Jr.:

That's actually a typo in there and I apologize for that. It's actually to where the asphalt changes and I believe that that is 85<sup>th</sup> Place and not 87<sup>th</sup> Place so I apologize for the error in the memo.

John Steinbrink:

We have a motion and a second. Further comment or question?

**KUMORKIEWICZ MOVED TO AWARD A CONTRACT TO PAYNE & DOLAN TO COMPLETE THE 2009 PAVING PROJECT PHASE 2 IN THE VILLAGE IN THE AMOUNT OF \$274,417.85 WITH \$91,078.35 BEING FUNDED FROM THE DEVELOPER OF THE TOBIN WOODS SUBDIVISION; SECONDED BY ALLEN; MOTION CARRIED 5-0.**



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**H. Consider disallowance of claim by Todd Artac for property damage on April 25, 2009 at 11024 Lakeshore Drive.**

Mike Pollocoff:

Mr. President, we've received a claim for damages to a door at the property owned by Todd Artac at the address 11024 Lakeshore Drive. We've provided the insurance company with a report of the police action that caused the window to be broken. They reviewed it and they felt that there was grounds for the Police Department to use force to enter the residence, and they're recommending that the Village formally deny the claim and I concur with their recommendation.

Clyde Allen:

Motion to disallow the claim.

Monica Yuhas:

Second.

John Steinbrink:

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

**ALLEN MOVED TO DISALLOW THE CLAIM BY TODD ARTAC FOR PROPERTY DAMAGE ON APRIL 25, 2009 AT 11024 LAKESHORE DRIVE; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

**I. Consent Agenda**

- 1) **Approve Bartender License renewal applications on file.**
- 2) **Approve Bartender License applications on file.**

Steve Kumorkiewicz:

Move to approve it.

Mike Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike.

**KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1 & 2; SECONDED BY SERPE; MOTION CARRIED 5-0.**

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**9. VILLAGE BOARD COMMENTS**

John Steinbrink:

I think we brought it up. Congratulations, Jean.

Jean Werbie:

Thank you.

John Steinbrink:

And I think we all feel the same way. You're very deserving. So that is very inspiring to see you with that group of people or that group of persons included with you, because that was quite an accomplishment. So you should be proud and we're proud.

Mike Serpe:

Very much so.

Steve Kumorkiewicz:

Mike made the right choice.

**10. ADJOURNMENT**

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