

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
LAKE MICHIGAN SEWER UTILITY DISTRICT
9915 39th Avenue
Pleasant Prairie, WI
July 20, 2009
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, July 20, 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; 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 15, 2009**

YUHAS MOVED TO APPROVE THE MINUTES OF THE JUNE 15, 2009 VILLAGE BOARD MEETING S PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

5. **PUBLIC HEARINGS**

- A. **Consider request of Steve Schuler, Agent for Truesdell Mini Mart, Inc., for a "Class A" Intoxicating Liquor License for premises located at 8531 75th Street.**

Jane Romanowski:

Mr. President and Board members, Steve Schuler, the agent for Truesdell Mini Mart, has submitted an application for a Class A intoxicating liquor license at the Truesdell store as you indicated. Currently there's a Class A fermented malt beverage license for that establishment. As you know, a Class A beer license allows for the sale of fermented malt beverages for off-premise consumption only, and as well a Class A liquor license would allow for the sale of intoxicating liquor to consumers for off-premise consumption.

Under a Class A beer license, sales may occur from 8 a.m. to midnight, and the hours to sell intoxicating liquor under a Class A license would be from 8 a.m. to 9 p.m. Village ordinance mirror the restrictions of the Wisconsin Statutes with respect to the hours. Municipalities may not impose different hours for on-premise consumption, but they do have the authority to restrict hours more than what the statutes allow for off-premise consumption. There's a statutory quota for regular and reserve Class B liquor licenses, but the Village does not have any quotas established in our ordinances for Class A liquor, Class A beer or Class B beer licenses.

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Six Class A beer licenses currently are issued and those are attached on the sheet that I've attached to this memo. And there are currently two combination Class A beer and Class A intoxicating liquor licenses and those are for Cellar Door Wines at 8501 75th Street and the Target Store at 9777 76th Street.

Previously, there have been requests before the Board for Class A intoxicating liquor licenses at this type of establishment and those have been denied. And the most recent request for this type of license was submitted in May 2004 by the PDQ store located at 8800 75th Street. And at that time the Board's reasons for denial were the adverse impact on the Police Department to provide additional law enforcement services, and also they felt it would set a precedent for every convenience store/ gas station in the Village to secure a Class A intoxicating liquor license thereby affecting the public health, safety and welfare of the community.

Besides that, the application that Steve submitted is in order. The notice of public hearing was published as required by law and a public hearing can be held on this matter.

John Steinbrink:

This being a public hearing I will open it up to public comment or question. Did we have a sign up sheet for this?

Jane Romanowski:

Yes, we did, and Steve Schuler signed up.

John Steinbrink:

Steve, we ask you to give us your name and address for the record.

Steve Schuler:

Steve Schuler, 7831 45th Avenue. We've been in business here in Pleasant Prairie since 1980, and we switched it over to a gas station in 1986 whereas we started doing the full convenience. We sell the beer and now we're looking to expand that and open it up into a liquor-sell liquor. We're not going to make it a liquor store. We just want to have that for an option for everyone. In the convenience store business everything keeps changing pretty much on a daily basis, and it's starting to become a little bit more common where gas stations sell liquor. And as you've seen throughout the years most gas stations even have car washes now, whereas 15 or 20 years ago they did not. We're looking to try to stay ahead of our competition and hopefully you guys will allow us to get that started.

A couple months ago you guys approved this for a new sign which is supposed to be coming in next week. We felt this was a good time to kind of put it all together, and we're also starting to look at expanding a few things inside the convenience store as well. So we're trying to make this a one stop shop, and we feel that with liquor and wine there and selling the beer as well, I think that's a good step for us in the right direction. And also throughout the years we've never sold to

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minors, we've never been found guilty of that which we don't do, but all our employees are trained the proper way. We go ahead and renew our bartending license with our employees whenever that's due. I've been the agent for the store for quite a number of years which I maintain on a yearly basis. So that's kind of where I'm looking for a little bit of help from you guys so we can kind of broaden our horizon at Truesdell and continue on for another 30 years in the community. Thank you.

John Steinbrink:

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

Mike Serpe:

I was a part of the denial on the PDQ store a number of years ago and for the same reasons that Jane just mentioned, that if we allow every gas station to sell liquor I don't think it's a good direction for this Village to go. I understand that you're trying to make a better business for yourself and bring in more revenue, but I think at the same time we have to be able to control the hard liquor sales that are taking place in this Village. And by allowing gas stations now to become full liquor stores I don't think that's the right way to go for this Village.

Steve Kumorkiewicz:

I agree with Mike. I base it on information we got from the Clerk. As you say, in May 2004 PDQ store was denied and the two reasons are expressed clearly. Consequently, I'm going to move to deny the request.

John Steinbrink:

You moved? You made a motion?

Steve Kumorkiewicz:

I made a motion.

John Steinbrink:

Motion by Steve.

Mike Serpe:

I'll second.

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John Steinbrink:

Second by Mike. Any further discussion on the motion and the second?
favor?

KUMORKIEWICZ MOVED TO DENY THE REQUEST OF STEVE SCHULER, AGENT FOR TRUESDELL MINI MART, INC., FOR A "CLASS A" INTOXICATING LIQUOR LICENSE FOR PREMISES LOCATED AT 8531 75TH STREET FOR THE REASONS AS LISTED IN THE CLERK'S MEMO A PREVIOUS CLASS A INTIXOCIATING LICENSE WAS DENIED FOR PDQ - ADVERSE IMPACT ON THE POLICE DEPARTMENT TO PROVIDE ADDITIONAL LAW ENFORCEMENT SERVICES, AND SET A PRECEDENT FOR EVERY CONVENIENCE STORE/ GAS STATION IN THE VILLAGE TO SECURE A CLASS A INTOXICATING LIQUOR LICENSE THEREBY AFFECTING THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY; SECONDED BY SERPE; MOTION CARRIED 5-0.

John Steinbrink:

That's our only public hearing this evening.

6. CITIZEN COMMENTS

John Steinbrink:

Once again, did we have a sign up sheet for citizen comments?

Jane Romanowski:

Yes, we did. And due to the number of speakers the rule is a three minute time limit unless the Board changes that in the midst of it. The first speaker would be Lisa Stichert.

Lisa Stichert:

Hi, I'm Lisa Stichert, 8278 60th Avenue. I'm here tonight to talk about the speeding issue that we have on 60th Avenue between 82nd Street and 85th Street. We actually are formally requesting a stop sign at the corner of 83rd Street and 60th Avenue to make it a safer neighborhood. This is the second time we've filed a petition. We've been actively working with John Steinbrink, Jr., Chief Wagner and Michael Pollocoff and I have spoken many, many times. Unfortunately, the signs that have been put down the middle of the street are not proving effective in curbing speeding.

We have 20 plus children in our neighborhood and it's a dangerous situation, and I'm very concerned that, unfortunately, we're going to find out it's a dangerous situation when someone is hurt badly in the neighborhood. I understand that there are limited resources on the police staff to come out and be able to ticket and to monitor the situation, but we need your help to make it a safer neighborhood. Clearly, nothing that's been done to date is working, so we are formally requesting a stop sign this evening.

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John Steinbrink:

Okay, thank you.

Susan Nelson:

I have no comments at this time. I'm here concerning 85th Street.

Tom Reiherzer:

Tom Reiherzer, 11107 79th Street. Chateau Eau Plaines. I want to just mention to the Board members we had that storm about three weeks ago. You guys were responsible for six inches to eight inches of rain in a couple of hours and also the power going out for 12 hours. But I do have some concerns and questions. I was very fortunate. I was one of the fortunate ones that doesn't have a 20 yard dumpster full of their stuff from the basement. I had about a quarter inch of rain and my friend brought out a generator that saved me. So I was very fortunate.

But a couple of my questions are, are there backup generators on all lift stations in Pleasant Prairie? If not, what would it take to get that done? And does somebody have to be there to turn a switch on to turn that generator on to make it work? Our subdivision is old. It's probably 35 years. I don't know, Mike, how long it's been there, but I know my neighbor has been there 30 years and this is the worst he's ever seen it. His has the Des Plaines River in the back and he was a matter of feet of that overflowing over his foundation. And a neighbor that is two houses to the west of me, the culvert cannot handle the water. They have cattails all year long around that ditch at about ten feet high. The culvert down there cannot handle the water. It's too small for the water when we get in a fairly good sized rainfall. This rainfall the water overflowed and went almost into Ryan's foundation. And also a lot of cars could not get through there. Pleasant Prairie was working down there at the manholes and stuff and they did what they could. Like I said it was so much water that I don't know if anything could be done.

The last thing is is it possible in this subdivision to get a retention pond that we get rid of a lot of this rain water, or what kind of system could be put in to make this better? There is a lot of people with sewage and water in their basement that, like I said, I was very fortunate but they weren't. Thank you.

John Steinbrink:

Thank you.

Douglas Stichert:

Douglas Stichert, 8278 60th Avenue regarding the same discussion that my wife had. We worked with the Village and worked with Chief Wagner. We've not been able to verify whether or not we have a problem. The Chief is working doing what he can, running radar. The cars are relatively visible. I've been told they can't put an unmarked squad out there because it takes

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marked squads off the street. We put the street control device out there and that's great but it doesn't give you enough data to show that we have a problem. Well, you can see the thing from three blocks away. People aren't going 40 miles an hour because they can see the thing. That's not effective and it doesn't help us.

One of the reasons we've been told that a stop sign is not the answer is it's against the guidelines or contrary to the guidelines of the traffic code ordinance or whatever exactly they call it. But, anyway, Mr. John Steinbrink, Jr. and I have had numerous conversations on the phone regarding that. Our position is it's a guideline and it's not a hard and fast rule. I have talked to other traffic engineers in the surrounding area and they have confirmed that, that is not a hard and fast rule that you cannot put a stop sign there. It's a guideline. I've been told by John Steinbrink, Jr. that we are possibly going to have people rolling the stop sign, we're going to have hard braking and acceleration because people are going to be in a hurry. Well, there's the case right there. If they're in that big of a hurry then we have a speeding problem.

Secondly, we're talking about what might happen. We know what is happening now without a stop sign to control traffic. We are supposing that we may create other problems. And as I told John Steinbrink, Jr. if that happens, well, then I'm just going to have to put my foot in my mouth and taste it. Because, you know what, I'm willing to take that chance. Because what we're doing right now is not working.

As far as the speed control sign that the Village has worked with us to put in there to try to help, very effective, quoted by John Steinbrink, Jr. in an article in the newspaper on June 22nd he'd been called and told that they were very effective. I'd be curious to know what percentage of the neighborhood has said they were very effective. I will agree they have been effective. Very effective, I question that. Secondly, the headline reads temporary speed limit signs keep 60th Avenue detour traffic flow calm. Mr. Pollocoff, we've had discussions and the proposal was to put those in there. When I hear the word temporary I'd like a definition of what temporary is. Are you talking about just during the detour which is how this article reads? Or, are we talking about year in and year out coming out in the wintertime for snow plowing, or are we talking about a temporary thing?

Coincidentally, the very morning this article was written John and I had a phone call and a discussion on the phone as I was leaving town to go on vacation. We talked about all these things over again. We've had numerous conversations. He will tell you that he is going to recommend against doing it. I'm asking you, and I agree you all work for the same Village, but you may have to contradict each other on this one because it's a guideline, and although Mr. Pollocoff has done what he can and Chief Wagner has done what he can, it's not working. I would like to put an unmarked quad. I'd like to put a speed control device in an inconspicuous area and get some hard and fast data, but every time I offer that I'm told why we can't do it.

Well, until we get some hard and fast data to support it, we've had the traffic safety officer for the school bus system, we've had her come to that intersection and use her radar gun because we've complained about the City buses or the school buses actually driving too fast. She came out and stated that the average speed she got was in the 38 to 42 mile an hour speed average. If you

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figure that out, that's 50 percent over the posted 25 mile an hour speed limit. And if that's okay there's something wrong.

The manpower of the Police Department is only so much. We understand and we appreciate that. They can't be out there at the right times. It's very odd to me in the last two days I have seen more police running radar at that intersection in the last two days that I have seen in the last six months. It seems kind of odd to me that on a weekend, with the detour, with these traffic control signs, why all of a sudden now we have the availability of officers to come and run radar on a weekend when it's typically going to be reduced traffic at possibly slower speeds. I also believe there was somebody out from the Village today doing some work in that area, maybe taking some pictures, taking down some data. My question is does that pertain to this question and if it does I'd like to know what it's about.

So I've probably gone over three minutes and no one has waived the white flag yet so I'll keep talking as long as I can, but that is the fact. The Village has worked with us. We appreciate the work they've done. But instead of being told why we can't we'd like to try it and if I'm wrong then I'm wrong and I have to live with it. Thank you.

Dick Ginkowski:

Dick Ginkowski, 7022 51st Avenue. I am pleased tonight to speak about Item A on the agenda, fittingly Item A, Resolution of Appreciation to Jim for his 27 years of service to the Village of Pleasant Prairie to the Police and Fire Department. My 30 plus years of experience in law enforcement started as a dispatcher for the City of New Berlin Police and Fire Departments so I have some familiarity with this job and what it requires. Unfortunately, the people who do this job often do it in relative obscurity. They don't get the accolades that other people do. People don't come down to the Village Board meeting and talk about, and fittingly so, about how well their streets have been plowed and they don't talk about the dispatcher like that.

Jim spent several years doing that before he went on to do other administrative duties for the Village, the Police and Fire Departments and that's good. But it's something that is well deserved by someone who has devoted nearly three decades of service to the community. These are the people that when someone is having a heart attack in your house they are the first on the phone. When there's a fire, when there's an accident, when someone is calling about a lost dog, when an officer is involved in a chase and sometimes all at the same time with the phone ringing off the hook, an officer needing help, a fire truck to be dispatched, oftentimes it's moments of boredom punctuated by these bursts of terror.

The people who do these jobs tend to unnoticed, underappreciated. They only get attention sometimes it seems when something goes wrong. But day in and day out we rely on them, all of us, particularly our police officers and fire fighters who often place their lives in their hands and that's something that we fail to do an adequate amount of expression for our appreciation for and understanding. Sometimes I would feel that that job is one where you feel like a fire hydrant serving a couple dozen dogs at the same time and it can be that way. And it takes someone who knows—it takes a very special talent to be able to carry those functions out and do it well. And do it well is the operative word. Someone who is good, reliable, who can think ahead to make all the

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difference between a tragedy and being able to avert one by quick thinking, sometimes having to think ahead of an officer on the road to maybe warn an officer of an impending danger. To think ahead.

So it's nice that we have someone with 27 years of service for the Police and Fire Department. I am very, very pleased to see that this is fittingly at the top of the new business, and I certainly extend my best wishes and appreciation to the Village Board for recognizing someone who serves in a position that is often inadequately recognized in our communities. Thank you.

Christopher Straka:

Hi, good evening. Christopher Straka, 5403 85th Street. I'd like to thank the Village for their open communication concerning the sewer issue that occurred on June 19, 2009 along 85th Street as a result of the newly laid sewer line being damaged during construction. I'd also like to thank John Steinbrink, Jr. for his communication during and in the weeks following the event.

As you can imagine, this event has caused a considerable amount of headache, frustration, loss of property and time, time absent from work to meet with insurance companies, contractors and inspectors to remediate and repair damages. As water and sewer problems have not been an issue in our home or in that part of the Village in the past, my wife and I had a finished basement and counted on this area as a main part of our living space. The items that we were able to salvage are now being stored in our living space on the main level of our home until the repairs are completed.

As this incident was not caused by any fault of the homeowners along 85th Street, I would request that the Village and their insurance company take charge and work to handle any legal matters and any litigation between AT&T, their contractor and their associated insurance companies and leave the residents to repairing their homes. Again, because this was of no fault to any of the homeowners, my wife and I would expect full compensation for the damages incurred.

On a related note to the construction on 85th Street, I would request that additional police patrols be added to the area. While understanding there are limited resources available, the sign at the end of both sides of the road clearly states that the road is closed. However, there continues to be a considerable amount of traffic using the road as a thoroughfare that travels at a high rate of speed. While we understand that there will be an issue with dust as a result of the construction itself, this unneeded traffic only worsens the problem. In addition, if possible, some type of additional barricading could be added to slow traffic or posting a speed limit because right now there's no speed limit signs anywhere and people realize that there's no speed limit signs. Some of the neighbors have taken to put up their own signs and move barricades and that, I'm sure you'd agree, is probably not the safest thing. But there are times when there's so many cars going by that we can't even see the homes across the road because of the dust. That's all I have. Thank you.

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Bruce Huibregtse:

Thank you. My name is Bruce Huibregtse. That's spelled H-U-I-B-R-E-G-T-S-E. I am an attorney from Madison. I represent MasTec North American. MasTec North American is a subcontractor of AT&T, and I am here to speak with regard to Item Number 8.C. I understand that on the agenda the Trustees will be considering the resolution to authorize the Village to hire legal counsel to commence litigation against AT&T and presumably MasTec North American regarding what's been described here tonight as, as I understand it, damage done during construction of the sewer lateral.

MasTec welcomes the opportunity to learn more about the foundation or the basis for the statements that have been made or the claims that have been made that somehow MasTec damaged a sewer lateral during construction. Because the evidence as we understand it is that the work was performed by MasTec and completed in that area on June 3rd of this year. Two weeks went by with no problems, over 14 days, and there was no indication that there were any problems or anything that was done wrong. In fact, the area was left and covered up and the work was done as required without problem. It was only as a result of what we've been told about this terrible rainstorm that happened on June 19th and caused problems in other areas of the Village including this area. Shortly after that MasTec and AT&T were informed that somehow AT&T and MasTec are responsible for sewer backups and flooding in 12 homes in the area.

Being a good, conscientious contractor with an experienced and good track record, we at MasTec were very interested in the basis for that claim. The company came out first on June 25th and did some digging in order to determine the depths of the telecommunications conduit that was lowered into place by MasTec. It was determined that that was some 21 or 22 inches above the water lateral and that there was no damage done to the water lateral. It was determined that it was approximately 45 inches above the sewer lateral and that there was no damage done in that area. We thought that that would put an end to the discussion, but apparently the Village felt otherwise and still continued to believe that somehow some damage was conducted or performed or committed by MasTec during the work that it did almost four feet higher than the sewer lateral.

So another excavation was conducted in early July, more digging was done and, again, the sewer lateral was exposed and, again, no damage was found. There was no indication to our experts at our company that MasTec did anything wrong. Yet during this period a publicity campaign was commenced in the newspaper and letters were sent out to various homeowners saying please make a claim for your damage which we heard about and we appreciate and were concerned about what happened. But as I understand it similar things happened at some 600 or 700 other homes during that rainstorm. But all of a sudden MasTec and AT&T are blamed for this problem.

We welcome the opportunity to be heard. This is probably not the correct forum to air everything, but we certainly welcome the opportunity to receive any information, any video proof or photographic proof of the fact that apparently a connection to the lateral and the sewer main some 27 feet to the south was somehow separated or damaged. It's hard for our people, it's hard for our experts, it's hard for people in our field to understand how that could happen during the limited work that we did some two weeks earlier. So we're waiting for the opportunity to

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respond and we ask that the Trustees exercise some caution in commencing litigation because we don't want to get involved in a useless exercise. If there's some evidence, if there's some proof, give it to us, bring it to us, let us evaluate it and understand what, if anything, MasTec did wrong. But at this point we don't have it and, as I said, we're welcoming the opportunity to receive that and evaluate it, and we'll deal with it in a professional manner if and when that's received. So thank you for your time.

John Schlater:

Hi, I'm John Schlater, 5324 85th Street. I pretty much just want to emphasize what Chris had said a little earlier about 85th Street. Everything that he said is what I would say so I'm not going to repeat it. But I am going to emphasize about slowing the traffic down on 85th Street before somebody is dead. I've called the Police Chief, I've talked to the police down there, asked them on numerous occasions if anything, put barricades, stagger them left/right, left/right to slow the people down at least, the ones that are breaking the law. Nothing has been done. I mean the police are out there and then they're not there. Today several cars went down the road and it's just a matter of time before one of them hit one of these ditches and go sideways and kill somebody. That's all I've got to say.

Mike Serpe:

John, one second. Is there a time of day that this happens? Is it morning and afternoon, going to work and coming home from work more than—

John Schlater:

I'd say on the weekends probably most of it is the worst. During the work day when the construction workers are there I've seen them walk out and chew people out. I've seen John here walk out and have a talk and he's pretty intimidating. But once the crews go home it's wide open. I mean there's people that are going through there—I mean it's 35 or 40 miles an hour. They're going through there I think because they're sailing over the holes in the ground. It's getting ugly out there. And the dust we won't even go there. Thank you.

Karyn Gleeson:

Karyn Gleeson, 12068 43rd Avenue. I first want to commend the Village with the response to the flood of June 19, 2009. I have a raised ranch and I received two and a half feet of water on my finished lower level. Because of this I literally had hundreds of bags of garbage filled with flood ruined items as well as ruined furniture items including bookcases, desks, chairs, a mattress, box spring, dresser and piano and, of course, drywall. My losses were immense in the tens of thousands of dollars and I was glad and appreciated that the Village helped its residents by going around the Village and picking up flood damaged items free of charge. I think we can agree it was a devastating event for many, and not having to worry about how to dispose of items was a welcome relief.

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The Village Newsletter stated that six inches of rain fell in less than one hour. Storm sewer systems and drainage ditches were overwhelmed. However, I do think improvements and mitigation can be made in my subdivision which is Pleasant Homes. There were many homes with water as I'm sure Mr. Kumorkiewicz can attest to as he lives in Pleasant Homes.

Over the years the Village has improved drainage in Pleasant Homes including sewers on 44th and 43rd Avenues, curb and gutter on 43rd Avenue, and most recently a bubble storm inlet was placed in my backyard at the recommendation of the Village Engineer. My home and yard have acted as a retention area for storm runoff, and we thought the bubble inlet would greatly help. Unfortunately, the storm sewer system in Pleasant Homes did not function properly during this last flood because of a few factors.

First, a pipe that drains a farmer's field on the west side of 47th Avenue was recently replaced with what appears to be a higher capacity pipe and, therefore, allowing more water to drain quicker. Secondly, a number of residents have graded their yards by adding a great deal of fill and in such a manner as to not allow water to spread across their yards as it has done in the past but create small passageways that force the water to move quicker and with greater force. Thirdly, the first inlets of the storm water were blocked with large amounts of straw. This straw prevented a great deal of water from going into the drains at the point the water should have entered the storm sewer system. This water traversed across yards, went into streets and into basements and lower levels of houses like mine. Since the storm water went into the street the sanitary system received a great deal of storm water and backed up into my neighbor's lower level of their raised ranch.

I believe the Village needs to evaluate the current state of the storm water drainage in the Pleasant Homes Subdivision. I also believe that the situation of loose material such as straw that could possibly block the sewer system needs to be addressed. I would also like the Village to assist me in helping me find the solution to a flooding problem that has besieged my home since it was first built. Homes that were built after mine were allowed to be built at a much higher level and, therefore, their storm water comes into my yard. I'm in the bottom of the bowl in the subdivision due to no fault of my own. The Village allowed my home to be built in such a manner, and my family have done our best to deal with the situation. But my husband and I and our seven children do need the lower level for living space.

We need to find a solution. I understand that some water in the lower level of a home in the Midwest will most likely occur but two and a half feet is intolerable. I offer my assistance to the Village in any way possible to help this address this situation. Thank you.

Jane Romanowski:

There were no more sign ups, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Seeing none, I'll close citizen comments.

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Steve Kumorkiewicz:

Mr. President, this afternoon at 3:40 I received an e-mail from one of the residents in the Village which has a subject of bravo Village of Pleasant Prairie employees. "Dear Village, Just wanted to say Bravo for a job well done after our bizarre storm last month. I know we let you know when things are not satisfactory so I thought I'd take the time to say how extremely proud we were of our Village's response to a critical situation. We have friends and family in many other cities near by who were also affected by the storm and had very different experiences with their municipalities. We've lived in the Village 23 years and never saw such a storm but we were very pleased to know our Village was prepared and acted professionally and quickly under extreme pressure! Our Police Dept. Deserves a hand as well. Thanks to you all! Kindest Regards Mike & Kim Willis & Family."

John Steinbrink:

That will be added into the record. Yes, sir?

Brent Enright:

My name is Brent Enright. I live at 5715 83rd Place in Kenosha. My backyard in Pleasant Prairie. Before they built homes on 83rd Street, I believe it's now 84th Street, we used to call that our backyard which was empty and like a football field for our kids, we used to call it when it rained Lake Enright because the water would just rush in and it would stay there. And we had no idea that there would be a developer who would actually purchase that property and build brand new homes on that property knowing that it just stood there, the water stood there without the improvements that would be necessary for new homes to be built there.

We have lived in our home at 5715 83rd Place for 13 years, and in 13 years we've experienced three bouts of rain and sewage. The first year was six inches, the second time was a year later and it was 16 inches of water and sewage, the very next time was eight years to the month this year, 18 inches of water and sewage. We thought the last time when this happened we heard that the Village was going to take care of this problem, that they made statements that it's a 100-year flood, that the system is designed to do exactly what it's supposed to do and that you guys were on the job to make it better and to work so this wouldn't happen to these nice homes that line 57th Street and 83rd Place.

Again, we see kids canoeing down the street. I can't get to my home. I can't drive to my house. I can't get to my home. I've gone to a wedding reception in Racine and I've turned around and I can't even make it to the reception to get back home because my kids are telling me that water is starting to come through the walls.

In the eight year period of time that I thought it was fixed my wife and I made the decision to finish our basement. So we started to put up drywall, I had a contractor come in, put up studs in the walls, properly insulate it, put up wallboard and we lost all of that. Luckily we didn't lose the brand new leather furniture. Our kids saved that for us. But most of the stuff that was in our

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basement is lost. I work out of my home. I work for Follett Educational Services and my office in my home and I lost everything in my home office, seven years worth of records not to be able to reproduce those. When water comes that fast and there's nowhere for it to go it goes into peoples' basements. So I don't know what action needs to be taken, but I thought that the action was already in place, that discussions were being made and action was taking place for this not to happen to these nice homes that are built in that neighborhood.

So I guess my question is have you, did you and are you working on those things so we don't have these issues in years to come? Can we retire in our home? Can we stay in our home? Should have the home actually been built? Should have the developer actually purchased the property? Should have the builder built the home? These are the questions that are now going through my mind living there for 13 years and seeing this happen three different times. It's very frustrating. These people that have moved to Pleasant Prairie and have only been here for a short period of time they didn't hear the history. They maybe didn't have those experiences but I'm telling you I did.

I live in Kenosha. I'll be going to Kenosha meetings as well. I was not able to make it eight years ago because I worked for Hallmark Cards out of Kansas City and I was flying four days out of the week so I could not make any of those meetings. But supposedly, again, the situation was being rectified and I see that has not happened, and here we are living the nightmare once again. So as a frustrated citizen of Kenosha with out backyard being in Pleasant Prairie and Lake Enright still being there I'm wondering is it going to happen again? Thank you.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Seeing none I'll close citizens' comments and move on to Item 7.

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Do you want me to respond to the items that aren't on the agenda?

John Steinbrink:

I suppose this would be a good time as long as people are here. They did raise certain questions and I know there's some history to some of these items.

Mike Pollocoff:

Anything that's on the agenda such as 60th or the issue with AT&T we'll address those at that time. With respect to Mr. Reiherzer's question in Chateau Eau Plaines, there is a standby generator that's at the lift station and it will start on its own and it did. The problem that night was too much water. Everybody lost power in their homes and once their sump pumps couldn't

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keep up the sump pumps drained down the sanitary sewer. The sanitary sewer is not designed to handle that.

In the Chateau Eau Plaines area in 1993 we conducted a storm water management plan in that area, and Chateau Eau Plaines was designed and developed when Pleasant Prairie was a Town and it was approved—the engineering and everything went through Kenosha County at that time, and there really wasn't a very sophisticated level of engineering that took place not just in Pleasant Prairie but everywhere. So what we have is a 36 inch storm sewer that runs along the back lots of houses on 79th Street and eventually outfalls in the floodplain for the Chateau Eau Plaines River. In '93 after we did our engineering studies, for a ten year event storm which has to be 95 percent of the time it's going to take care of things, it was identified that that storm sewer should be 96 inches. And the only place where you can really put that is down the middle of the road. That's still the case today. It would handle a bulk of the storms that occur in that area but that's a big project that at that time in '93 we were looking at the residents contributing \$800 to it and it was turned down for that to happen. So everybody kind of rolled the dice with what they were willing to live with and that's where we were with that.

The storm we had the other night would have overwhelmed that system. I can down there I think about eight o'clock and when I was at about 112th all I could see was water all the way to the river. That's five blocks even before you got to the floodplain. When it gets that bad there's nothing we can do. We are going to take a look at our generator there and make sure that it does everything that it can there. That's a brand new station. But that works on its own.

As far as do we have generators at all the other lift stations the majority of them do have a generator at the station but the ones that don't have an alarm system that calls dispatch. Dispatch then calls utilities and they tow a generator out there. Ideally that time is long enough from when the alarm goes off it allows us time to pull a generator out of the Prange and take it to that site.

Probably for the last 12 years we haven't allowed developers to put in a lift station without a standby generator on site but there are some old stations where that's the case. And we will take a look at that situation out there, and maybe we'll have a neighborhood meeting and kind of remind everybody where we're—the engineering is done. There is a retention basin there that somewhat functions. It's on the back end on the north side of the homes there. It's kind of like a slew really. And you can look at making that bigger. We just have to add in some more project costs and buying some more land.

On 85th Street for the residents who spoke on that we're going to be talking about that later tonight as far as it relates to the sanitary sewer. As it relates to the traffic, I've been watching that. I've been going down that street. I hope I'm not the one that's speeding. If you see a blue van that's my wife that's speeding but she's not going down that road either. That project is running behind because of some utility location problems. Actually once we get going there's going to be nobody that wants to drive on that road. That will be the last place they want to be, and we'll sit down with the Chief and John and see if we can come up with strategies in the interim to keep the people off of it.

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For as long as I've been in this business some people see road closed sign and you can swear they're reading this is a challenge, can you get from point A to point B and they just go around them and go through them and there's no explaining that conduct and I've seen it over and over again. But we've kind of been in this state waiting for the private utilities to get the fiber optics, the gas, the electric, the telephone moved so we can get the undercutting of that road underway. So we normally once that starts no one is on that road. I mean even the people that live there don't want to be on that road because we're cutting a depth in that road to be able to build it up and no one can really drive on it that easily. But we'll take a look at doing what we can in there.

Brent, 84th Street, and it's kind of hard to visualize, actually sits at the top of the hill from a drainage standpoint, 85th Street. All the storm water that comes off 84th, 83rd there's a crest on 83rd that goes to 57th and that storm water finds its way down to the City detention basin on 80th Street. For some of the old timers around here, maybe Mr. Van Wie remembers, but 57th used to be what we called Canal Street. Before the homes that were built there, Canal Street, 57th in fact was a canal. It took water and it drained it to the north or to Jerome Creek. And back in the late '60s or early '70s when it was filled in it started being developed, and there was a storm sewer put in what used to be Canal Street and homes were built there. It was an area where water wanted to go so the City's storm water system collects that water on 57th, and whenever you drive down 57th I want you to think about Canal Street because that's really what it was. It tries to get that water to the detention basin.

The original design of the detention basin was for a 39-year event storm. Nowadays we design these for a 100-year event storm. So when that basin fills up that outfall you can't get any more water into it. It starts achieving—water will seek its own level and that's what happens in that area for those homes that drain into the Canal Street area. The water can't get out fast enough and it can't get in fast enough because a typical storm sewer inlet isn't handling that water. And if the system isn't designed to handle a big enough storm it starts backing up.

There's also a sanitary sewer lift station that's on the corner of 80th and 57th and that station becomes overwhelmed, has water that, again, either gets in window wells and sump pumps fail and electricity goes out. Again, once that water starts going down the sanitary sewer there's more water than the sanitary sewer can accept and then that sanitary sewer starts going back to where it came from because the lift station can't process it. So it's really an optical illusion but from an engineering standpoint if you were looking at those lines from a horizontal—if you were to stand in the earth and look at it the 84th Street line is actually higher than the 83rd Street line, so everything is working it's way—again, this is that kind of crest where everything is in the hill there and draining east and it's working its way north.

The City did do some major work and I believe that was after, about eight years ago, where they deepened the basin. It's not a 100-year basin now but it's a lot better. The Village participated in paying some of those costs because we have residents in areas in the Village that drain down to Canal Street where this all goes but it's still not going to handle it. Again, a storm like we had on June 19th, if it was designed for the 10-year event and you have a 100-year basin it's still not going to happen. I can't promise you and I won't promise you that it won't happen again. I would probably think that the City would say the same thing. At times there's more water than

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what anybody is willing to afford to be able to do to put in a storm sewer big enough to do it. And this is one of those storms.

We haven't heard yet from FEMA how they're classifying this, but we believe it's significantly more than a 100-year storm, but the rainfall isn't even across the entire Village. We caught 5.7 inches in an hour at 104th Street and 83rd at our sewage treatment plant, but the Village is 30 square miles. There's places where it rained more and there's places where it rained less. So we don't know exactly what you had there but that will get modeled. And we'll take a look at doing what we can do. The key thing is keeping everything open as much as possible and making sure the systems on the bottom end are working. That's probably at the lift stations and retention basins.

So the people on 84th Street when they put their homes in there that was engineered to handle the 10-year interval event storm, and the release on the storm sewer was designed to handle a 100 year event. So even though they're holding water in their yards back behind you in that lake that you said, when it does find its way to the inlet their water in coming down the storm sewer line first and probably blocking yours. Things start stacking up and 83rd Street gets stacked up a little bit. 82nd gets stacked up worse. 81st really gets stacked up. So as you proceed north the problem gets compounded. But we'll work with the City and I encourage you to talk to the City because I'm not sure what their design plans are or what they have in mind, but we'll work with them as much as we can within reason to take care of that.

I have one more here. Mrs. Gleeson where did you go? There you are back there. We have done a significant amount of work in that area and it troubles me that it isn't helping you. I've talked with the Village Engineer. One of the things we're looking for at your parcel in particular is seeing if we can get some FEMA assistant to adjust the elevation of your house. I really think at the end of the day that's the fix. Everything in there probably works pretty good. It doesn't work when it gets covered with straw, but on the other hand we've both been fighting the fight, and when I saw we, the Village, and you have been trying to make this thing work on your property, and given your first floor elevation I think we need to find a way to see if we can get some assistance and work with you on getting that elevation modified. Because I really believe that's what needs to happen at your property.

I don't know of any other ones around there that would benefit from that. I think everybody else should be able to live in that area and have it work, but yours isn't the case. We'll see if we can get hold of you by the end of the week and at least let you know what the process is and where we can go and take a run at that and see how it works. You want me to answer that question?

John Steinbrink:

Which one?

Mike Pollocoff:

Brent, he had another one.

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John Steinbrink:

I don't know. We've already spent some time. If you want to give us a call and talk directly to the Administrator I think that would be more beneficial than a back and forth here this evening. You have a specific problem. We were all here eight years ago I believe it was when we had some mass meetings held with the City over this. And if you're still having an issue then that's another issue to be worked out. Anything else, Mike?

Mike Pollocoff:

No.

8. NEW BUSINESS

A. Consider Resolution #09-23 of appreciation to James Klotz for 27 years of service to the Village of Pleasant Prairie.

John Steinbrink:

Jim, you want to come up?

Mike Pollocoff:

We have a resolution of appreciation here from the Village. For the public here you can't say enough about a public servant like Jim. He spent, as mentioned by Dick Ginkowski earlier, he was a dispatcher for a few years and he was Clerk in the Courts department. You haven't lived with anybody until they've come in and wanted to argue about a ticket and pay a ticket or not pay a ticket and Jim was a gentleman always and good with everybody and he's as good a public employee that I could ever hope to have working here.

Resolution 09-23, Resolution of Appreciation to Retiring Municipal Court Employee James Klotz for 27 years of excellent, and I want to underscore that, public service to the citizens of the Village of Pleasant Prairie. Whereas, James Klotz has served as the Town and Village of Pleasant Prairie first as a Public Safety Dispatcher and then as Assistant Municipal Court Clerk for the last 27 years; and whereas, James Klotz having faced considerable challenges in his life beginning at the age of 17 overcame these and went on to complete high school, attend college and along with his wife, Joan, successfully raised a family; and whereas, James Klotz has worked all of his adult life in the service of citizens on Kenosha and Pleasant Prairie communities, and whereas James Klotz prior to his employment with the Town and Village of Pleasant Prairie served the Kenosha area community as a representative and later a store manager for Goodwill Industries from 1961 to 1982;

Whereas, James Klotz while employed at Goodwill was selected from over 75,000 Goodwill employees throughout the United States as the 1975 National Goodwill Worker of the Year, 75,000; whereas, James Klotz is an excellent employee who has provided an important service to the citizens of the Village of Pleasant Prairie, and now, therefore be it resolved, by the Board of

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Trustees of the Village of Pleasant Prairie that on the occasion of his retirement, James Klotz be recognized for his service to the Village of Pleasant Prairie and that he receive the sincerest thanks and appreciation of this Board and the citizens of Pleasant Prairie. He might have been one in 75,000 but for us you're one in a million.

(Inaudible)

John Steinbrink:

. . . whether police, fire or rescue that make sure people get there to get the job done and protect all the citizens of the Village. You've done an outstanding job for all those years. It's hard to believe it's been 27 years already. I guess it says something . . . number of your friends and co-workers here this evening because you've always been somebody special to all of us. We're really going to miss you . . . I don't know what kind of trouble he's going to get into now. So thank you very much. I have one more citation here.

I don't know if Senator Wirch is here or not, but this is a certificate of congratulations on your retirement from public service from the Village of Pleasant Prairie. This certificate is presented by the Kenosha Delegation of the Wisconsin State Legislature to James Klotz. Senator Wirch and Representative Steinbrink commend James Klotz for his tireless service, his dedication to a community that is proud to count James as one of our own, and his commitment to excellence on behalf of his friends and neighbors in Pleasant Prairie. Building on a lifetime of commitment to bettering himself and the community, James has serviced Pleasant Prairie with character and distinction as a public safety dispatcher and a municipal court clerk. James and his wife, Joan, raised three boys in our community, and James has also distinguished himself as an invaluable volunteer to many civic causes and organizations.

Retiring with the distinction of 27 years of service to Pleasant Prairie, James Klotz will be sorely missed. Along with his neighbors and fellow public servants, Senator Wirch and Representative Steinbrink thank James Klotz for his service and wish James the very best on the occasion of his well earned retirement. Presented to James Klotz in honor of his service and congratulations on his retirement July 31, 2009. We're a little bit ahead of it but we want to cut you some slack here. Jim, it's been an honor and I don't think there's anybody that would say differently. So thank you very much.

James Klotz:

Well, I can only say thank you to the Board, everybody. I've been extremely proud to be an employee of the Village of Pleasant Prairie. Again, I've made so many friends through the Village, all the police officers and I want to thank them because at one time or another each and every one of them have helped me either by getting something I can't reach or taking me to the bathroom. Some of them leave me there, but I'm sure that's not on purpose. I just can't thank everybody enough. I do want to thank Karen Ellis the Court Clerk. It's been a pleasure working with her and I have always thought that Pleasant Prairie was fortunate to have her as a Court Clerk and her knowledge of the Municipal Court system. I'm proud to call Chief Wagner my friend. We have been friends for many, many years. And I have to thank Don Wruck. He's the

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one who started me here at the Village of Pleasant Prairie. Don and I had known each other for many years. We were in Snap-on . . . together and he was able to start me here.

But, again, I want to thank everybody. It has been a pleasure, and my wife, Joanie, I have to thank her. I don't have to thank her, I want to thank her. She is really somebody special. We were going together when we were 16 years old, and when I got polio she was there every day at the hospital for a year. She never missed. In fact, I told her a few months ago, she gave me as much life as she did our three boys and daughter. I don't know where I would be. She is really somebody special. So thank you again for everything. Again, it's been a pleasure.

John Steinbrink:

Once again, Jim, thank you and congratulations on behalf of the Village Board, the citizens, all our co-workers. You've been an inspiration to all of us. I guess your wife is going to have her hands full now with you around all the time but something to look forward to. Thank you, James. Thank you, Joan.

Mike Serpe:

I think we have to make a motion to adopt this resolution and I would so move.

Steve Kumorkiewicz:

Second.

SERPE MOVED TO ADOPT RESOLUTION #09-23 OF APPRECIATION TO JAMES KLOTZ FOR 27 YEARS OF SERVICE TO THE VILLAGE OF PLEASANT PRAIRIE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

It kind of goes without saying, though. James is an example of the hard working and dedicated folks all throughout the Village that do their job day in and day out and give us the quality of life we have in the Village. Jim, thank you again. We have a motion and a second. Those in favor?

B. Receive Kenosha Area Convention and Visitors Bureau 2008 Annual Report.

Mike Pollocoff:

Mr. President, this our annual report from the Kenosha Area convention and Visitors Bureau. We receive this by ordinance on an annual basis, and tonight with us is Dennis DuChene. Dennis is the President of the Bureau, and I guess I'd like to have him come up and give us the highlights of the report.

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Dennis DuChene:

Dennis DuChene, 8710 36th Avenue. First of all I'd like to thank the Village for their support of tourism. You guys play a vital role in everything we do, and it's a pleasure to partner with the Village whether it be a special event, festival or developing a new facility in the Village.

Some highlights from our 2008 annual report, tourism expenditures in Kenosha County rose to a record \$225.2 million. That's about a \$600,000 increase over 2007. Since 1994 visitor expenditures have increased 147 percent in the Kenosha area. But the number I'm most pleased to report about is 99.7 percent of the people surveyed would recommend the Kenosha area for a future visit, which I think speaks volumes of the communities that we're proud to represent, the Village being one of them.

When people visit the area the first thing you hear usually is how nice the people are, and that holds true with the special events we host in the Village. We just recognized Jim for his service to the Village, and I'd like to recognize the volunteers that play a role for tourism events in Pleasant Prairie. We host a number of triathlon events in the Village, and there's several hundred volunteers, and those truly are the people that make a difference. They're the ones that take time out of their busy lives to take the time and service people that visit our community, allow them to have the experience of fulfilling their dreams and goals. They go back to their communities and talk about that experience they have, and that reflects upon the whole area. And I like to believe that they come back for future visits as well. And I think there's people that have come back to establish their lives here, purchases homes and make the Village their home.

I'd like to specifically thank a few people, Mike Pollocoff for giving us the chance to start the triathlon events seven years ago; Chief Brian Wagner and his team for the support they give all the events; Chief Paul Guilbert and his team; John Steinbrink, Jr. and all the staff he puts forth at these vents; Carol Willke and the entire staff at the RecPlex. It's truly a joy to work with them on the special events that come to the area and, again, the volunteers for whom we wouldn't be able to do anything without them. I'd like to close with that and if anybody has any questions on the report I'd be happy to answer those. Thank you for your support and we look forward to working with you in the future.

John Steinbrink:

Dennis, you mentioned the increases in people coming to the area and tourism and that. What does that do to the bottom line of the entire area and the community for dollars being brought into the community and generating revenue for businesses and hotels?

Dennis DuChene:

Of the \$225 million there's sales tax revenue generated. I guess the biggest example is you take an event like the Trek Women's Triathlon, and last Saturday and Sunday they were in the community, and you see the women walking around in the community whether they're at Target, Panera, Mangia's downtown in Kenosha, as well as out at the RecPlex, Prime Outlets, they come into the community and they spend a significant amount of money which, in turn, impacts local

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businesses. The trickle down effect from there is those businesses are able to employ people. Those employees, in turn, are able to spend money back in the community, and it's kind of a self-fulfilling circle. And I think the biggest impact of tourism is from a personal perspective is it brings all this revenue into our community that allows things to happen. It's one reason that you don't have to increase taxes into the community. We can bring people into the community, revenue is generated so that we can develop projects. A great example of that are the triathlons out at the RecPlex. There's rental fees paid to the facility to help offset the operational costs; we're able to develop our own event out there that benefits the therapeutic recreational program. It's just a great impact to the community.

John Steinbrink:

Other questions for Dennis? Thank you, Dennis.

Monica Yuhas:

I'd like to make a motion to receive the report of the 2008 Kenosha Area Convention and Visitors Bureau Annual Report.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica to receive and seconded by Steve. Any further discussion?

YUHAS MOVED TO RECEIVE THE KENOSHA AREA CONVENTION AND VISITORS BUREAU 2008 ANNUAL REPORT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Monica Yuhas:

Mr. President, I'd like to take a five minute break please.

John Steinbrink:

Alright, a request has been made for a five minute break. We'll do that right now and then we'll move into Item C.

(Break)

John Steinbrink:

I'm going to call the meeting back to order if everybody could take their seats.

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- C. Consider Resolution #09-25 authorizing the Village's legal counsel to commence litigation against AT & T for damages to the sanitary sewer line on 85th Street resulting in damage to Village infrastructure and abutting properties.**

Mike Pollocoff:

Mr. President, Resolution 09-25 essentially describes the problem that the Village's sanitary sewer line from the Village's standpoint, mine and staff, was damaged during construction of the moving or the installation of the duct package when that work was taking place. Although we did have probably the most horrendous night for sanitary sewer backups and flooding that we've had since I've been here, and it's the worst we have on record in the Village, this one location sits in a unique area in that it straddles the subcontinental divide. It's one of the highest points in the Village. It's hard to really notice it, but if you were to be over I think where Mr. Van Wie lives and in that area, that subcontinental divide straddles through there, so it's as high as it can be. Typically if that sanitary sewer line was to fail there's a lot of people downstream that would fail first. And that's why it's unusual that it occurred.

Upon some investigation by the Village and additional work we believe that line was damaged as a result of construction that took place by AT&T's subcontractor on the project. There's two levels of damages. The Village's damages amount to \$12,422.28. The Village has had residents filing claims against the Village for our system failing. We're working with our insurance company. The attorney representing the contractor on there who spoke earlier during citizens' comments, he would like to have all the documents and we're more than glad to provide that information.

What I'm seeking in this resolution is the authority to begin the process so we're able to look at everything and come to a conclusion that we feel is fair to the Village and the residents and we'll by all means do that before we litigate. But I am asking the Village Board to authorize us to run this thing out if we do need to go to court. John was out there a good part of the time that this problem was occurring, and he's prepared some documents, but it kind of describes what we feel the problem is on the lateral that occurred based on our video investigation of the sanitary sewer line. Jean, if you want to take a run on that and, John, if you want to describe what this is showing us while we're looking at it.

John Steinbrink, Jr.:

This is a view of what the lateral looks like at 5218 85th Street. It's not a very exciting picture nor probably does it really show you very much, but we do have a video to follow. Let me preface a little bit. I guess the video is going. About 20 feet in off the main is where MasTec had begun to lower their duct package, and that continues on for about 26 feet north of the main. What this is showing actually, the bottom little square shows, they do a camera that's actually in the main and it shoots another little camera, a secondary camera, up into the lateral. And the main picture kind of shows the lateral.

What they're showing right now is actually the—it really shows the sanitary sewer line under water. So the camera now is actually under water and that represents a sag in the line. You can

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kind of see how the sag ends at around 26 feet and now coming out of the water. So at that point between 19 feet and 26 feet, which is the same location where MasTec had lowered their duct package, is really where we're having the sag in the line.

Village crews had gone through and reconstructed that sanitary sewer lateral on May 20th. And at that time we had an inspector there from Crispell-Snyder that viewed the connection at the main and confirmed that it was a solid connection there, viewed the connection at the property line where it tied back into the six inch clay, and the slope and the elevation and the bedding and the stone and everything else and agreed that it was all done per spec, per code, per standard construction engineering. So on May 20th when that lateral was installed it was connected to the main, it was connected at the lateral, it had good bedding, it had good slope, it had everything done per specification.

Something happened between May 20th and June 19th that caused that sag in the line. And I'm not sure if there was some compaction done over top, some other excavation over top, but something had happened in that time that caused that sag in the line. So when that sag in the line was created it actually now pulled it away from the main. One of the questions that was brought up was that it was about 20 some feet from where MasTec was doing their work to where the sanitary sewer main was. That area originally had six inch clay mains, and so the Village instead of going through and open cutting the road all the way through, we actually shoved a four inch pipe where we had taped the joints all the way from the main to where the water main is, or to where the water service was, which is about the area where MasTec has done their work. So you really have a free conduit in there with no friction from the stone where that pipe can easily slide in and out. So I guess to answer the question of how could that have pulled away so many feet and that's why.

When Village crews went through on the 20th in the morning and started the investigation, we went down and excavated the area out, and this actually shows how the pipe was pulled away from the Y in the main. So this is actually where the main is which is really on the south side of the street, but just to the left of the screen, and I know it's probably hard to visualize without being very familiar with it, but Mr. Van Wie's house, or at 5218, is actually north or towards the top of the screen and this shows how the pipe was actually pulled out of the Y. And so by creating that sag in the line actually pulled that pipe apart. Because any time that you have a sag in a string or anything else actually the pipe itself stays the same length but by having the sag it actually pulls it out of the main.

We have a couple more pictures that kind of show what we had found in the same pictures. Then Village crews went down and actually made a proper connection on the 20th, backfilled everything, and then we had gone through and cleaned all of the stone out of the main and then the sewer had started working properly after that again. That's just kind of a quick synopsis of what had happened over that time. I don't know exactly what happened. There's been some words thrown out that it was damaged. The sewer lateral itself wasn't torn, there wasn't a hole ripped into it, but I'm not sure if they had some heavy equipment on top of it, if they had dug down too low over the top when they were doing it and they were smashing some fill in with the bucket, but something had created a sag in the line after the Village had gone through and completed.

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And I'm very confident that with the inspector that the Village had on that day representing that he witnessed a good connection at the main, a good connection through the six inch tape joints, a good connection at the right of way, proper slope, proper bedding, stone, backfilling all construction material, so I'm not really sure what happened out there but it did happen at the exact boundary limits where MasTec had done their work starting at 19 feet to about 26 feet, as the video shows, is where that sag begins and ends. And then by creating that sag is what pulled that lateral out of the main, and then all of the gravel that was shown or that you don't see on here actually flowed down that Y where the sewer would go, and that gravel actually plugged up the main itself. So any home that was upstream of where this connection is, and there were 12 homes including 5218 plus all the homes that are to the west had backed up with the sanitary sewer in their basement.

So when I received a call from Audrey Ridolfi that morning, my initial response was that this was a thousand year event, everyone is backed up in the Village, as soon as everything starts draining things will be back to normal. And then we found out that the people downstream weren't having a flooding problem. We had gone out and pulled some manholes and we found that the manhole downstream of 5218 was flowing fine, but it was surcharged upstream from there. And so that told the Village staff that there was some sort of a blockage in between those manholes. As soon as we found that out we dispatched the Village vac which is just like a big sewer cleaning machine to run out there and we thought whatever blockage that is in there we'll be able to go through, take the rod and blow it out. And we pulled out a little bit of stone, a little bit more stone, a little bit more stone, so we noticed right away that there was a problem where something was leaking, and we weren't sure if it was in the main or in the lateral. We really couldn't tell at that time.

And then we thought that we would take it from the other side, from the upstream manhole, and start working it back and forth from there. Then we noticed there was a point of maybe ten feet where we couldn't get it from upstream and we couldn't get it from downstream. This was probably like by 10:30 at night. And a lot of my crews were working probably 36 to 40 hours straight. And so we decided to bypass pump from the upstream manhole over the top and we ended up putting Mr. Van Wie up in a hotel because we were not able to make his lateral drain by any means that we had necessary, and it really wasn't safe to excavate it at night with crews having been working 36 to 40 hours.

So then on Sunday morning we went out and started excavating at the location where MasTec had done the excavation. We didn't see a breakage in there. We moved onto the main and that's when we found this lateral where it had pulled apart and all the gravel that was in there. So there was probably about a four foot void of gravel that was over the top. And I'm sure a majority of that came from when we were going through and sucking out with the Village vac there, but that stone in there was definitely what was causing all the sewer blockage of everyone that was upstream of there.

We went through and we made the repairs. And then we went through and as soon as we had made the repairs the next week we ran a video of that sewer line to see if there was a hole in the main or if there was another problem, and that's when we noticed the sag was in that line. And

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the adjusters have been out there and the insurance companies have been out there, and I've been contacted by the MasTec attorneys and adjusters and the Village adjusters, and it's something that's still under investigation. I'm sure it will be in litigation before long.

John Steinbrink:

Questions?

Monica Yuhas:

John, what is the width of the gap from the lateral main? How wide of a distance is that from where the lateral pulled out of the main?

John Steinbrink, Jr.:

You see this picture here, it was about two fingers, so I'm saying based on hand sizes it's probably about an inch and a half. The stone bedding that we use is like a three-eighths chip, especially with all the water that we had on the June 19th rain. When we went and opened this up, even with the two large two inch pumps that we had and the vacs we were running we could barely keep up with the amount of water that was running through that stone bedding. So it's probably about an inch and a half gap that we saw, and it's normally seated about two inches into there. So there's probably a matter of about three and a half inches that that was actually pulled off from where it originally was installed on May 20th.

Monica Yuhas:

Thank you.

Steve Kumorkiewicz:

John, Mr. Bruce Huibregtse, the lawyer for AT&T, sorry if I crucify your name, the . . . the number of people affected but they were affected in a different way. This is a case where the lateral pulled out from the name, and the other 700 cases were different because the system was connected or whatever. We don't have that problem. This is the only place where we've got this kind of probably where AT&T worked.

John Steinbrink, Jr.:

One of the commonalities is that in everything except for the twelve homes west of 5218 is that they all started their flooding from the downstream location and started flooding upstream. So anyone that was next to a lift station, two houses up or a block up, that's really how the flooding occurred. One thing that was unique about this area is that the people that were downstream weren't flooded but it was the people that were upstream that were flooded. So I can't say 100 percent for sure, but I assume that it's safe to say that if that blockage wasn't there, if they weren't flooding downstream, that those twelve homes would not have flooded upstream.

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Steve Kumorkiewicz:

I'm familiar with that particular situation being around for so many years and looking at it. The ground was soft, the amount of water that got into the system pulled out due to this whole condition in my opinion and that's where we got the backup in the residents' houses. An inch and a half to two inches is plenty for the volume of water that we got to back up inside the house. Otherwise, we don't have a problem some other places.

John Steinbrink, Jr.:

And actually a lot of the water that probably flowed through this stone into the downstream could have potentially caused some flooding in the homes that were at the bottom of the lift station. Or maybe not the one that was due east of where this happened, but all the way down toward the system, because now you have an inch and a half stone conduit, and you'll be surprised how much water can travel through that stone that was out there during construction. And it's really hard to say how much water was flowing through there, but I do know at the time we were making the repair and doing the excavation that we had a hard time keeping up with two large two inch pumps discharging, and then we had our large vacuum machine pulling out as much water. We actually had a hard time just keeping the water out enough to make this repair and take this picture.

Mike Serpe:

By approving this resolution now our attorneys will get hold of their attorneys, and if it can't be resolved this goes to Circuit Court in Kenosha, is that correct?

Mike Pollocoff:

That's where we would file it.

Mike Serpe:

Okay. I think we've heard from their side and we heard from our side, the Village's side, and I'd move approval of the Resolution 09-25.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike for adoption of Resolution 09-25, seconded by Steve. Any further comment or question?

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Mike Serpe:

Just one other. If this is going to Circuit Court I would imagine it's not going to be any time soon that we'll get an appearance in front of a judge. That's my guess. For the benefit of the residents that are affected and are looking for some type of help here it may be some time out.

Mike Pollocoff:

It would be my hope once we go through the information that's there, we're going to present our information to MasTec and AT&T, because they're going to present information to us, so the first thing we're going to try and do for everybody's benefit is get this resolve as quickly as possible without having to litigate. If we're not able to get to that point then we're going to litigate. I think some of the things that we're working through now with our insurance and counsel is to the extent that our interaction with the residents, how are we going to run with that or treat that, so I'm hoping that—I think a lot of these things speak for themselves but that's just my perspective. So if we can get this thing squared away without going to court I think that's where everybody would rather be. But if we have to go to court then it's not a fast process, you're right.

John Steinbrink:

We have a motion and a second.

SERPE MOVED TO ADOPT RESOLUTION #09-25 AUTHORIZING THE VILLAGE'S LEGAL COUNSEL TO COMMENCE LITIGATION AGAINST AT & T FOR DAMAGES TO THE SANITARY SEWER LINE ON 85TH STREET RESULTING IN DAMAGE TO VILLAGE INFRASTRUCTURE AND ABUTTING PROPERTIES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Mike Serpe:

John, I'd like to make a suggestion. Since a majority of the people here, at least that are still in the audience from 60th Avenue, I'd move that we bring item G forward and hear it next.

John Steinbrink:

A motion has been made to bring Item G forward. Do we have a second.

Monica Yuhas:

Second.

John Steinbrink:

Second by Monica, motion by Mike.

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**SERPE MOVED TO CONSIDER NEW BUSINESS ITEM G; SECONDED BY YUHAS;
MOTION CARRIED 5-0.**

G. Consider request by residents for a stop sign at the corner of 83rd Street and 60th Avenue.

Mike Pollocoff:

Mr. President, we received a petition from residents on 60th Avenue to place a stop sign at 83rd Street on 60th Avenue, and that would be a four-way stop. We've received information—

(Inaudible)

Mike Pollocoff:

Okay, good. Thank you. You've heard comments tonight from residents why they believe this needs to take place. We have been working through various speeding issues and complaints that have occurred in that area. We've done radar. When the radar unit has been placed out there we haven't seen significant speeding. There was some speeding and we have done radar there. This is a difficult problem over here. What it is, it's an arterial road that has residential homes on it, and that's not uncommon and it happens in certain areas. 60th Avenue has residences that come out onto it just shy of the railroad tracks all the way down to 85th Street.

The Village has worked hard in this area, and it's been a little frustrating because we've been addressing problems with circulating traffic from Cooper Road and Green Bay Road from 85th Street north to deal with a problem that occurred over 20 years ago when the . . . subdivision was put in. There's essentially only one way in or out and that was on 82nd Street. We've improved 60th Street to provide access to 82nd. We've improved 80th Street to provide access to Cooper Road and 60th, and the last piece that—there's two pieces that remain to be done, but the major piece that remains to be done is the extension of 82nd Street to Old Green Bay Road so that that subdivision has east/ west access to come out to get to 85th Street.

The right of ways the City owns the land and they have declined to do that. So consequently what happens is it forces more cars that want to go west to come down 82nd from all those side streets there, come down 60th and use 60th as a way to 85th Street. That might not be the case for much longer as we have that road tore up, but as we get it rebuilt it will still be a major access point. And we've had discussions with the City and the City has declined to follow up on the plan that was really in place from the very beginning when that subdivision was built there to extend 82nd Street to Green Bay Road.

My concern is and one of the points that Mr. Stichert brought up is that the uniform traffic code that we're following it's not a State law, it's not a State statute but it's a design standard. If the Village doesn't comply with the design standard and something happens then our only recourse is in every instance to say we followed every sound engineering practice that has been established for our engineers and traffic engineers and designers to follow when we improve road and put up traffic control devices.

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The reasoning on an arterial road not to place stop signs up on an arterial road, especially a block away, is it does intend to increase speed of traffic. People on an arterial road are looking to move through areas. They're not on a residential collector where they're just going to a specific house. They're typically going from one arterial to another arterial and using that arterial to get there. The traveling public it doesn't take them long to conclude that they're coming up to a stop sign that has no meaning. If a stop sign has no meaning, if it's clearly just to make people stop, there's not cross traffic there then they start rolling to the stop or they start missing that stop.

The next worst case that happens in the Village—there's bad cases on both sides, but a bad case is if we don't have a stop sign there and somebody speeds then somebody gets hit. The bad case is if you have a stop sign there and it's not warranted then somebody rolls through the stop sign and the person turning out in front of a car things that car is going to stop and it doesn't stop because they're used to going through it or they know it's not needed or they pay attention to it. At that point we've put up something that's contrary to the standard. Right, it's not a law, but it's a standard that engineers when they draw this up and they put their seal on the plan then we're following adopted safety standards.

We have put up those in-line signs that show—you can kind of see one on this picture here. Right now this road is restricted because of the road construction. There's one there. It's 25 mile per hour. We've had luck with that over on Terwall Terrace. Again, you have people that are walking through that area and there we have a 15 mile an hour speed limit. I've had people call me right after we did this and they felt that it was working. Was it the end all? I don't think we're going to make everybody happy there because I think they're anticipating they're living on a quiet subdivision street and it's an arterial road, but we have had people that either don't like them or are taking them out or running them over or whatever. It's expensive. But it does tend to slow traffic down as people get nervous about driving between that and the white line especially if there's a car parked there and it does slow you down.

I told Mr. Stichert that these are a season solution. You can't have these things out in the winter or when we get close to winter or whenever we think winter is done, usually traffic slows down during that time of year anyway. I think this is the—my recommendation is we continue to use this device. And I think the long-term solution, again, is to get the City to finish up their end of the deal and do 82nd Street. Now, if we thought that the traffic counts adjust down to what we would anticipate with 82nd Street being improved, then maybe at that point 60th Street and 83rd it wouldn't be contrary to the traffic standards to put up a stop sign. But right now we know that 60th Street is taking traffic because it's the only way out unless somebody decides to go down to 55th.

I think we should talk to the City and remind them that the Village has expended some resources to clean up the mess that they've created and it would be nice if they would ante up and do their one last piece of it. Then maybe as a matter of practice this thing would get to be less of a problem because people have another way out of the subdivision. So that's my recommendation. You heard the comments from the residents? John, have you got—

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John Steinbrink, Jr.:

I guess the only comment that I'd like to make is that these signs cost well over \$200 apiece. We have three of them right now in there. It's a breakaway pole. It has a sturdy base that bolts in the asphalt and there's reflective tape on the sign that we have with the high reflectability. It becomes a very expensive traffic control device to have out there. I know you really hate to put a price on safety, but the way that we have budgeted these three signs and I had intended to use these were as part of a temporary traffic control just for the 85th Street detour because we didn't know that we were going to be rerouting much more traffic down 60th than there was in the past.

I guess my one concern of staff from a budgetary standpoint is that if we allow these to be put on year after year residents are going to want to request them on 93rd, 116th, 85th Street, and it really becomes a large budgetary item where my street sign budget is probably around under \$4,000 per year. And I probably spent about \$1,000, now granted, this was charged as part of the 85th Street project as the detour that it does become very expensive to maintain these signs on an annual basis. By setting a precedent here there's a good chance that other residents might want them on their subdivision or in their subdivision or on other arterials also.

Mike Pollocoff:

I don't have a problem with that for a couple reasons. One is that this is a unique area in the sense that it's an arterial that is being compromised by a street plan that hasn't been effectuated yet. To me that's what separates this from other arterials. This is functioning like an arterial, and it's under more pressure now than it should be because 82nd Street doesn't go through. So I'd be willing to leave these out. They are more expensive in the sense that you're going to have to take them in and take them out and some jerk will run them down and you have to go pick them up. That's a problem. But I think the risk—and if you look at this picture here, the person that's in that van, if there's a van approaching—

(Inaudible)

Mike Pollocoff:

If the person in the van, let me finish my statement, if the person in that van was approaching that intersection to make a left turn and they're anticipating the person in that case coming south of the stop line and they did roll into the stop sign or they were used to going through it that way that's where you have the problem. I think in the interim these traffic calming devices which is the 25 mile and hour speed limit signs serve the issue best until we can get the street at 82nd Street opened up. 85th Street we're behind schedule on that as I said. It's not going to carry a lot of traffic this year. I don't know why any more traffic would be going down there now than if it was—it's closed.

Once we really get under way in construction there's going to be very few people trying to go through that. They will be avoiding that street like the plague. Once that happens there will be very little traffic there, and maybe we can use this intervening period to meet with the City again and ask them to do what they need to do on 82nd. Changing the traffic patterns around there so

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they don't have to use 60th is going to be the best thing we can do for 60th, and it's going to be the best thing we can do on 82nd going east and 80th going east. We'll have more ways for people to get in and out of that area rather than just that one street. That's my recommendation on 80th. John, I know I cut you off, but I really believe that this isn't a precedent—it doesn't set a precedent because it's an unusual situation.

John Steinbrink, Jr.:

And there was another traffic study that I received from the Police Department that was done in May of 2008 which is two years more recent than what my Board memo had said. There were just under 20,000 cars that were surveyed over a 13 day period, and the average speed on there was 29 miles per hour, and the 80th percentile speed, which means that 80 percent of the vehicles of those 20,000 vehicles were at this speed or under was at 34 miles an hour. So at least with the surveys that we've seen with the radar trailer, and granted whether people can see them or not, they normally activate as soon as you drive up on to them. You're already being shot by radar most of the time.

Mike Pollocoff:

At that point the speed is established as soon as they see it.

John Steinbrink, Jr.

Correct. People might hit the brakes as soon as they see the number, but by the time that they see the number they've already been recorded on the data that's kept in that traffic counting machine.

(Inaudible)

John Steinbrink:

Just can the Board finish. We've listened to everybody and we're trying to deliberate up here. If I have a lot of back and forth it's going to open it all up.

Mike Serpe:

Just for consideration, they have these signs now that are solar powered and you can create little flashing lights. Maybe sometime in the near future, next year after 85th Street is up and running, maybe one or two of these signs can be put in each direction that would indicate caution. They do get your attention. Springbrook Road where we had all the accidents, the County put that sign up and it's quite effective.

Just to back up what Mike said about 82nd Street, I was in police administration when that came forward and the City was asking about our recommendation as to whether or not 82nd Street should go through to Green Bay Road. The police administration totally supported that that it do go through. There's a lot of traffic coming out of that subdivision that's mostly headed south to Illinois to go to work and they're going to go right down 60th Avenue. I don't like putting stop

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signs in places where, as Mike said, where they're actually not warranted to do a function efficiently. If we were to put one there now they would be violated and there has been no accidents in the twelve months in the last survey. I can just about guarantee put a stop sign there and you're going to have accidents, because people are going to take those as they don't belong here and I'm not stopping and you're going to have problems. So I can't support putting a stop sign there. But I would recommend, and the Chief is here, that on a time available basis have an officer go there and even if it's an unmarked car for a little while to run some radar if that's possible. Whatever the Chief feels he can accommodate this area I'm sure he'll do it.

Clyde Allen:

Mike, I agree with you that 82nd Street not extending to Old Green Bay Road as it was originally planned it is a major contributor to the problems we have. Not just that area on 60th Avenue headed toward 85th Street, but now 60th Avenue headed all the way to 75th Street. I use the intersection of 60th Avenue and 80th Street at least once a day. There's a temporary stop sign there on 60th Avenue. I didn't take a sample, but my guess is one out of every four cars goes through that stop sign without even slowing down. That's how bad it got. So I can't see a stop sign at 83rd doing anything better than what the temporary one there is doing.

To go on even further is that the traffic on 60th Avenue there are days it's backed up from 75th Street to the railroad tracks. That's how bad it has gotten, and a lot of the contributing factors to that is the 82nd Street extension that I really believe that if we can do anything we can that would alleviate a great deal of the problem.

Mike Serpe:

One last comment. The reason that 82nd Street didn't go through to Green Bay Road is because the neighborhood west of 60th Avenue came out in mass and City Council crumbled under the pressure. It should have happened, it didn't happen, and good luck on it happening in the future. I did talk to the Mayor today, we had a little meeting, I even brought that up. I told him, Keith, that should really take place. He agreed, but whether or not it does take place is another matter.

John Steinbrink:

Just before we move on from that, Mike, how many homes do you estimate are in that area west of 60th Avenue? That is the only outlet in and out of there.

Mike Pollocoff:

Yes. It's not even homes, you've got apartments in there, too, so you're probably looking at 300 units, 225 to 325. I can find out for sure but it is a lot. Now that people find out that—it's a good thing 85th Street is closed because if 50 is backed up, that intersection, then they'd start wanting to go south to avoid that. I think it's imperative that we call a meeting with the City and I'll call the City Administrator and see if we can get them to include on their five year plan. They own the right of way. We're talking about a stretch of road that's not even 200 feet long to connect.

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John Steinbrink:

And that would take them directly out to 85th on the Frontage Road to a signal I envision?

Mike Pollocoff:

To a signal, yes.

Steve Kumorkiewicz:

Just looking at the picture right there, you look at one side and the east side is not in the Village, it's in the City. Looking at 83rd over there, if we got—assuming that you put a stop sign right on the corner which is the northwest corner, what's going to happen is they are going to run it because we cannot put a sign on the east sign either because it's the City and the City is not going to agree with that. So the only place is one side of the road because half is City and half is Village. And knowing how the City operates . . . it's an impossible solution right here with that.

Mike Pollocoff:

I'm assuming the City would allow a stop sign on 83rd. It's not unusual to stop side street traffic from going on an arterial. It's unusual to stop arterial traffic from moving through. I think they would—I don't think they would have a problem with doing that. That would not be an unusual sign to allow would be the stop at 83rd Street traffic at the arterial and allow the arterial to flow.

Steve Kumorkiewicz:

If they open 83rd Street that's a different story. Right now it's closed.

Mike Pollocoff:

Right.

Mike Serpe:

Right now 85th Street—when is completion estimated on 85th? What are we looking at? When can we look at completion on 85th Street.

Mike Spence:

It's supposed to be November, but as Mike had indicated we're running behind.

Mike Serpe:

December? Okay, we have some time before this opens up. I don't want these people to think that we're just totally shutting them down. I think we should look at some help here, some alternatives that we can possibly put in place. Whenever Chief Wagner has a chance to put a

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squad out there to do some traffic control. But just throwing a stop sign up for no real reason is not the best answer and I would move to deny the petition.

John Steinbrink:

A motion by Mike for denial. Do we have a second?

Clyde Allen:

Yeah, I'll second it.

John Steinbrink:

Second by Clyde. Any further question or comment on this item?

Steve Kumorkiewicz:

I think that probably what we should do, we've got one of those squad cars in the Village-Chief, if we've got some squad car that we don't use out of service-

Mike Pollocoff:

No, we don't.

Steve Kumorkiewicz:

No, we don't? The State does that. You go to I-94 and when you see a car parked right there-

John Steinbrink:

Decoy cars.

Steve Kumorkiewicz:

Yes, they have the light flashing and you slow down automatic right there.

Clyde Allen:

I seconded the motion not because I don't recognize there's a problem there. It's basically backed up by the fact that people are going to go through it as witnessed on 60th Avenue and 80th Street, and I don't think it's going to serve a purpose. I really don't. But there is a problem and I do want to see it resolved.

(Inaudible)

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John Steinbrink:

Ma'am, if you could come forward and use the microphone and keep it brief.

Lisa Stichert:

Very briefly, I appreciate what you're saying about the stop sign, and we understand that that is not the ideal solution, but we're really frustrated and we've been going through this for four years. So I will tell you the Village has worked with us, Chief Wagner has worked with us, you've worked with us and you guys have been helpful, but we have to do something more permanent. So if I can appeal to this Board tonight to help us find a longer term solution for the safety of the kids in the neighborhood I would really appreciate it because ultimately that's the issue. We brought the kids with tonight. There's over 20 kids. It's a safety issue and we're concerned.

John Steinbrink:

Just to be quite candid with you this is a problem not in the Village on your street but a lot of streets in the Village, a lot of streets in the City, the County, throughout the State. I think every board or committee hears the same arguments because of people and the thoughtlessness when they drive and they're not considerate to their neighbors. It's just a fact people just do not know how to drive properly.

Lisa Stichert:

I'm smiling because you will never catch me speeding through a residential neighborhood.

John Steinbrink:

There's irony to that statement because one constituent called and said I want something done and guess who they caught speeding and running the stop sign.

Lisa Stichert:

I know. But I will say that we also as a neighborhood have tried to address this by calling the bus company, by calling the pizza delivery guys, by doing what we can and we've had good response by calling Ocean Spray, so we've been very proactive in trying to handle it. But we are at the end of what we can do and we need your help.

John Steinbrink:

And we have several items here we are going to be looking at.

Lisa Stichert:

Okay, and I appreciate it. Thank you.

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John Steinbrink:

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

SERPE MOVED TO DENY THE REQUEST BY RESIDENTS FOR A STOP SIGN AT THE CORNER OF 83RD STREET AND 60TH AVENUE; SECONDED BY ALLEN; MOTION CARRIED 5-0.

D. Consider Agreement between the Village of Pleasant Prairie and the Pleasant Prairie Professional Firefighter's Association Local 2785 for 2009-2010.

Mike Pollocoff:

Mr. President, we've completed our negotiations with the professional Firefighter's Association on their contract. We started these discussions in October I believe of last year. Needless to say, it's a different world now than it was in July of last year, and it was a difficult negotiation only in the sense not that the firefighters were fighting with us or arguing with us, but as we worked to find some ways to make sure that the Village stays on sound financial footing as we deal with our employees. Personnel makes up about 80 percent of our expenses. We provide services. We don't make things for people. We take care of things.

So what we wanted to be able to do was to provide a contract that one recognizes the worth of the employees here. We saw one tonight here with James Klotz, and it's true in the Fire Department and it's true in all of our other departments that our employees do good work for us. If you could you'd give them all a million dollars, but on the other hand I don't believe they're all in it for the money either. You've got to like doing this work.

So we found some things that we could do to make some things easier for them. But one of the things that I'm doing in this contract agreement, and I've put the non represented employees on notice as well as the management employees, is that for this coming year, given the financial downturn in the economy, what we've negotiated in this contract is we're looking to hold payroll increases to zero percent increase in 2010. This agreement reflects that. It's going to be in place in non represented classifications, and we're starting negotiations with two other unions that we are going to be working towards the same end.

But given the fact that we've lost State aid, basically the revenues that are derived from the Village from economic development that's tied to home construction or building construction or things like that have been diminished significantly. To be honest with you there's really nothing in the pipeline coming up right now. I think to build in a three percent or whatever you negotiate as a salary increase over 80 percent of your budget and not know you have anything more coming in, in fact you know you have less, it just doesn't seem responsible. The firefighters recognized that and they worked with us on that, and I'm counting on the rest of the employees as well.

We did do some things as far as helping them with changing or trading tours of duty, their vacation selection. We did make a change on hospital and surgical care where they're going to

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allow us to have more flexibility as we pick plans. But the other thing we did is to address the Village's ongoing post-employment retirement benefits expenses. We came up with a process where employees that are hired beginning this year need to contribute the equivalent of 96 hours of holiday pay plus any holiday pay that's unused, 100 percent of any sick vacation accrued upon termination, 1 percent of their ongoing salary per calendar year. And once they achieve that maximum of 2,912 hours, anything over and above that would go—from all these items that those monetary contributions would go into a trust that would be held and paid at the time they retire for their health insurance. So right now the Village pays that cost as we go forward. In this case here we're agreeing on a mechanism where that trust is created, the money is invested, the employees put that money in and we don't own it. They have it and they spend it for their insurance when they're done.

I think this is a responsible manifestation of the issue of post-employment retirement benefits. Unified chose to borrow that money and invest it, and I guess that's one way to approach it, but this is the way we looked at doing it. We're going to work it with any employees that have started as of a certain date. Then we're going to start working with our existing employees finding another way for them to take advantage of being able to put their funds into retirement for their healthcare. There are people in the system now who haven't had the opportunity to have that, so we have this two worlds we need to carry here for a while. But I think this is where we need to go.

(Inaudible)

Mike Pollocoff:

Educational incentive to provide tuition to a State school, three course per calendar year. We'd reimburse them for their expenses, \$200 for their books. They must achieve a grade of B minus or better to be reimbursed, and the subjects they would be able to study is fire science and emergency medical not including doctors, no MD's, public administration, mechanical engineer and emergency management and the chief would approve those courses.

Some minor changes on the commercial procedure we would address some consolidation language should that occur, and we've made this a two year agreement, again with a three percent increase in 2009 since we really budgeted for that. We budgeted that three percent increase, but we'd also made some changes in all the departments to lower our budgets. We saw at the end of 2009 we had problems, but for 2010 we have a zero percent increase and then we'll take a look at where we're at for 2011 and 2010. Inflation right now is not significant but that could come back in coming years and we need to be able to address it at that time.

I want to thank Carol and the Chief on the negotiation team and Todd Blazer and Tom Clark from the department for helping to really make this as good an agreement as we could. Carol, anything you want to add?

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Carol Willke:

Nope, I think you covered it all. It was a pretty smooth process and I'm happy that it turned out that way.

Clyde Allen:

Make a motion to approve.

Mike Serpe:

Second.

John Steinbrink:

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

ALLEN MOVED TO APPROVE AN AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND THE PLEASANT PRAIRIE PROFESSIONAL FIREFIGHTER'S ASSOCIATION LOCAL 2785 FOR 2009-2010; SECONDED BY SERPE; MOTION CARRIED 5-0.

E. Receive Recreation Commission recommendation and consider Ordinance #09-45 relating to LakeView RecPlex fees.

Carol Willke:

Mr. President and members of the Board, the Recreation Department and the Recreation Commission would like your approval for a few of the fee changes that we are recommending, most notably the facility fee for our corporate members. Currently they pay \$10. It's a one-time fee, and every other member who comes in as a new member pays \$100. We are asking for that to be increased to \$50. What we use the facility fee for are some capital purchases, most notably equipment. And since the corporate memberships are our greatest growing membership type and we're starting to kind of see some of that deficit. So we're trying to recoup a little bit of those funds and those fees.

Other than that we have just some minor adjustments to some day camp and some childcare, mainly just bringing us up to the same level as our competition. There's some fee changes for swimming, again, just some minor changes. We're not increasing anything more than \$3. Then the other large group would be our ice skating. We are currently changing our ice skating association from the ISI which is more of a recreation to the United States Figure Skating Association which will give us a little more credibility and we'll get some more talented skaters. So we're just following the classes and the patterns and the fee structure that they already have.

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Monica Yuhas:

I will move approval of Ordinance 09-45.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

YUHAS MOVED TO CONCUR WITH THE RECREATION COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #09-45 RELATING TO LAKEVIEW RECPLEX FEES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Receive Plan Commission recommendation and consider Ordinance #09-44 approving several Zoning Text Amendments related to Commercial Communication Structures.

Jean Werbie:

Mr. President and members of the Board, the Village staff is recommending several zoning text amendments related to commercial communication structures. On June 1, 2009, the Village Board had adopted a resolution in order to initiate these changes in order to clarify some of the ordinance requirements. These amendments update the ordinance so that Section 420-89 B which sets forth the specific standards for commercial communication structures is consistent with the requirements listed in the specific zoning districts.

So as listed in the staff comments, the first is to modify Section 420-89 B related to commercial communication structures, and this is to allow them in the B-1, B-2, B-3, B-4, B-5, M-1, M-2, I-1 and PR-1 or PR-3 Districts. The second amendment is to clarify the definitions for commercial communication structures and specifically note that they are different from utility substations and, again, that they are allowed in specific districts. Then, finally, the third change is a series of various wording changes in a number of areas in order to clarify, again, that commercial communication structures are specifically listed as conditional uses in certain districts of the Village.

With that the Village staff and the Plan Commission recommend approval of the changes as presented to clarify the sections in the ordinance.

Steve Kumorkiewicz:

So moved.

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Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further comment or question on this item?

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPTED ORDINANCE #09-44 APPROVING SEVERAL ZONING TEXT AMENDMENTS RELATED TO COMMERCIAL COMMUNICATION STRUCTURES; SECONDED BY YUHAS; MOTION CARRIED 5-0.

H. Consider award of contract for solid waste disposal service.

John Steinbrink, Jr.:

Mr. President and Board, our contract with Waste Management expires on August 16, 2009 within the next couple weeks. Village staff went out this past summer and put out a request of proposal for a request of land filling and tipping fees to all of the area landfills that we have. One of the things I guess that caused the Village for potentially looking at a new landfill this year was that the State had raised the State tax on land filling from \$5.90 a ton up to \$13 per ton. So we wanted to go down and just make sure that we were getting the best tipping fee rates that was available for the residents of Pleasant Prairie.

So the bids have come back with Veolia coming in at \$38.50 per ton including all the State taxes and fees. Kestrel Hawk which is located up in the South Milwaukee area at \$42.80 per ton with all their fees, and Pheasant Run which is where the Village is currently bringing their material at \$39.58 per ton which is \$1.08 more per ton than where we're at right now. So one of the advantages also of bringing the materials to Veolia is that it takes about an hour and a half to make a round trip out to Pheasant Run in Paris, where it would only take about half an hour per run, and if you go through and add all of those savings up over the course of the year I believe it's over \$56,000 just in labor and transportation costs, fuel and everything else that we might have.

So staff recommends to move forward with Veolia which is actually based on Highway 31 just over the State Line to the south for \$38.50 per ton in a three year contract.

Mike Serpe:

So moved.

Monica Yuhas:

Second.

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John Steinbrink:

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

SERPE MOVED TO AWARD A THREE YEAR CONTRACT TO VEOLIA FOR SOLID WASTE DISPOSAL SERVICE AT A COST OF \$38.50 PER TON; SECONDED BY YUHAS; MOTION CARRIED 5-0.

I. Consider award of contract for recycling transfer and processing service.

John Steinbrink, Jr.:

Mr. President and Board, staff went also out for an RFP in recycling. The Village was in a long-term contract with One Source Recycling. They had breached their contract once in November and then again in April and May, and they are on the verge of filing for bankruptcy right now. So the Village went out and did an RFP for recycling. The recycling was broken up into three components. Section number 1 was the transfer and processing of single stream recycling which is residential recycling that the Village staff takes from the households on a daily basis once a week.

Section number 2 was the transfer of televisions, personal computers and computer monitors which residents either drop off at the Roger Prange Center or staff picks up at the residence and stores them at the Prange Center. And then the section number 3 put out was for white goods which are air conditioners, boilers, dish washers, dryers, freezers, anything that you really can't dispose of that needs a special way to either take the freon out or has something else in there that has to be disposed of properly.

We had stated in the RFP that we would go through and take whoever gave us the best proposal for Sections 1, 2 and 3, and it did work out where we had three different companies that I am recommending to have award. For the electronics recycling which is something new for the Village that we have not done in the past, but ever since the TV broadcast change we have been acquiring a lot of TVs at the Prange Center with the new hours of the compost drop off site, Dynamic Recycling had a proposal of sixteen and a half cents per pound on TVs, 15 cents for computer monitors, actually giving us 5 cents per pound on the actual CPUs, and a transportation fee of just under 3 cents per pound. They came in at the lowest that I'd recommend for section number 2, electronics recycling, to enter into a contract with Dynamic Recycling.

The section number 3 for white goods we had two proposals, one for Intercon at 17 cents a pound and two and a half cents per pound with transportation with Intercon Solutions, so for a total charge of white good products which I have identified at nineteen and a half cents per pound, staff recommends for section 3, white goods, to enter into a contract with Intercon Solutions.

And then section number 1 for the single stream recycling, I guess one of the things that made this a little bit more complex to evaluate was that we're looking at doing a revenue sharing agreement with one of the different—with all of the companies that we had received proposals from. On the spreadsheet that I handed out Veolia had given us a structured tier of between 50

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and 80 percent of the fair market value, Resource Management 100, Green Valley 80 percent and Waste Management 80 percent, but they all had various processing fees, transportation fees.

So if you look at the market analysis we broke it up into four different areas. One of them the value has actually zero value whatsoever with what the monthly charge would be as indicated with the brackets. The current market which we have was the second analysis was at \$50 per ton, and what the breakdown was the average market is around \$75 per ton and then a high market at \$110 per ton. After going through an analysis of all four of the markets staff said that Veolia was the best value for the residents of Pleasant Prairie and recommends entering into a three year contract with them.

The processing plant where the Village disposes of this is located just off of Highway 31 in the 4600 block. One of the other advantages is that it is a very short run, and the Village does not have to budget to build the structure to actually transfer the material, pour the concrete, build anything else. And so there is a lot of capital savings involved in this also. So staff recommends for the single stream recycling entering into a contract with Veolia, for the electronics recycling section 2 Dynamic Recycling, and then the white goods Intercon Solutions.

Steve Kumorkiewicz:

I make a motion to award the contracts.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further comment or questions? The State is very close to doing an electronic supplier of 80 percent they're going to pay for recycling and bringing back this stuff. It didn't pass in the spring but it will probably come up in the fall which will hopefully ease a little of our burden out there. We're trying to bring schools into it and the authors are trying to work all that out right now.

John Steinbrink, Jr.:

We'll definitely be working with any agencies that can reduce our costs over the year.

Mike Pollocoff:

(Inaudible)

John Steinbrink:

Actually it's coming from the electronic people, Samsung, Apple, all the computer people they're going to be paying a fortune. They have to collect 80 percent of what they sell in the market.

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The big problem is a lot of them don't want to be collecting other peoples' recyclables because . . . higher quality and there's more value to it when it goes to recyclers. We have a motion. Any questions? Those in favor?

KUMORKIEWICZ MOVED TO AWARD CONTRACTS FOR RECYCLING TRANSFER SERVICES AS FOLLOWS: SINGLE STREAM RECYCLING TO VEOLIA; ELECTRONICS RECYCLING TO DYNAMIC RECYCLING, AND THE WHITE GOODS RECYCLING TO INTERCON SOLUTIONS; SECONDED BY YUHAS; MOTION CARRIED 5-0.

J. Consider Resolution #09-24 to dispose of a surplus Public Works video van.

John Steinbrink, Jr.:

Mr. President and Village Board, the Public Works Department currently has two video vans. One of them has historically been primarily used for the video of the storm sewer which has a little bit larger carrier on the base that can handle going through some of the larger storm sewer pipes. And the other one is a little bit smaller carriage on it but yet a newer software and newer piece of machinery.

Back about ten years ago when the Village was really growing and expanding and it seemed like we were bringing a new subdivision on line pretty much about every month, public works crews were out videoing the new construction on a regular basis. Recently with the lack of development the vans are really sitting a majority of the time. One of the video vans that we're looking at disposing of this evening, the camera itself is pretty much obsolete. It's a 1999 so it's about ten years old. The hardware on the inside, the camera itself, the product manager is actually not even supporting the camera that we have. So it would cost about \$20,000 to get a new camera.

Staff thinks that it really does not warrant keeping both of the video vehicles, so we're looking at disposing of that vehicle for \$18,500, but then taking \$9,700 of that money and updating the software in our sanitary sewer van to make it store automatically on the network. It will give the Village engineers and the public works management staff much better access and a way to find all of these videos if we ever need to go back. Right now everything is stored on either a VHS tape or somewhere on a CD that's stored wherever they store everything, and the new one will interface under a GIS and make it much more user friendly. And then balance of just under \$9,000 will be put into the internal service fund for future capital replacements. Staff recommends disposing of this video van for \$18,500.

Mike Serpe:

I have a question. The vehicle is not of any use to you at all?

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John Steinbrink, Jr.:

Not really. There's really more value in disposing of it at this time. I really can't use the van for—I mean it's probably worth more, it is a 1999 van, it's ten years old, and it's probably worth more with the video equipment in it right now and then receiving the rest of the money to pay for those upgrades. It's really kind of a specialty van.

Mike Pollocoff:

In this case we don't have those upgrades that John's talking about, this funding. This thing here is ten years old. It looks good and it doesn't have the mileage added on it, but if we can get those upgrades what it's going to do is it's going to enable us to process that video library . . . a lot faster . . . so we're looking at what we can get for getting rid of this while it's still got some value to it. But, you're right, usually we run stuff until . . . this we can get something and not affect the budget . . . right now we get those things but they're not organized digitally. Somebody has to go through the entire tape to find something, where now we'll be able to just pick it out

Mike Serpe:

By our standards this looks brand new.

Mike Pollocoff:

Yes, by our standards this is big living.

Mike Serpe:

I'd move approval to sell the video van to Envirotech for \$18,500.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Clyde Allen:

Just a question. Is this 1999 van is that in the fleet fund?

John Steinbrink, Jr.:

Yes, it is.

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Mike Pollocoff:

We'll be looking at doing a transfer from the fleet from that fund to the sanitary sewer

Clyde Allen:

In addition to—I guess I'm thinking of this would set an imbalance into the fleet fund then, correct, if you're going to—if the sale was to pay past depreciation and things like that accrued for this year? Especially if you're setting aside all of the money for future capital purchases, you're not recovering any of the depreciation that's in that fleet fund for the year.

Mike Pollocoff:

Right. We'd be taking \$9,700, roughly a little over half, to buy software. I guess it's how you classify it. Not all that van is . . . value of it . . . also the equipment. I'm not sure how Kathy has it allocated it out what's van and what's equipment.

Clyde Allen:

I guess what I'm getting at is theoretically this will create a deficit.

Mike Pollocoff:

It would create an imbalance in the fleet fund, but we have to take a look and see what the allocation is for the video equipment, how much is allocated for that.

John Steinbrink, Jr.:

I guess one of the other things that I did not mention is that van probably sits in the garage about at least 340 days out of the year and we are paying insurance and everything else on it. So there will be a savings on that. I'm not a big proponent of selling vehicles very often. It's probably the only one hopefully I'll ask to be doing something like this on, but I really had a hard time keeping two of the same vehicles and really never using them that often.

Clyde Allen:

I agree, John. I understand that fact. Technically the proceeds of the sale should cover the insurance you've paid on it for the year. So that savings in theory is not really in existence because it's not there and you're creating an imbalance to start with by selling it and keeping the money in future capital. So it's a deficit you have to look at.

John Steinbrink:

Is that one of those items that just sits there on the job and runs without moving?

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John Steinbrink, Jr.:

Right, that's correct.

John Steinbrink:

So it has a lot of engine time.

John Steinbrink, Jr.:

It has a lot of idle time which is probably about the worst you can have on a motor.

John Steinbrink:

We have a motion and a second.

SERPE MOVED TO ADOPT RESOLUTION #09-24 TO DISPOSE OF A SURPLUS PUBLIC WORKS VIDEO VAN BY SELLING IT TO ENVIROTECH FOR \$18,500; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

K. Consider award of contract for 91st Street resurfacing project from Sheridan Road east approximately 1,600 feet.

Mike Spence:

Mr. President and members of the Board, sealed bids for this project were received on July 9th. This project is for the pulverizing and resurfacing of 91st Street from Sheridan Road approximately 1,600 feet east which is just to the east of the railroad tracks. And it also includes the construction of a median. This project is also, I should have mentioned in the memo, is also we're partnered with the City of Kenosha. The City is paying for half of the costs on this project.

So the bids that were received we received two bids. The low bid was from Payne & Dolan for \$157,180.06. The second bid was Black Diamond Group. The low bid is consistent with what we had estimated the costs to be, and we're recommending that this contract be awarded to Payne & Dolan for this work. This work would start sometime probably around the middle of August. I've been in contact with the City of Kenosha, and one of the things that's been key on this project is to coordinate with the 75th Street construction, trying to make sure that—because that 7th Avenue is a link there as well. So the recommendation is to award the contract to the low bidder, Payne & Dolan.

Steve Kumorkiewicz:

So moved.

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Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion?

Mike Serpe:

Mike, is the median the entire or just at the tracks?

Mike Spence:

Let me see if I can show you. It's hard to see on here, but it's that black line there and then right about there. We actually had to work with the property owner with the storage facility on the north there to move the entrance further to the west because it was in the middle of the—the current entrance would be blocked by the median. So for a small project there was a lot of coordination, but I think it will be a good project. The other thing is somewhere down the road we want to look at, if we can get some funds, we would like to look at some additional safety recommendations for the curve there.

Mike Serpe:

What's the purpose of the median?

Mike Spence:

The purpose of the median is for a quiet zone. And what it is, it's supposed to keep vehicles from crossing or trying to cross around the gates when the train is coming. So that's what those are for.

Mike Pollocoff:

They're not blowing the horn at night, and because they're not blowing the horn it makes it harder to see them coming.

Mike Serpe:

Is that why it's quiet?

Mike Spence:

Yes.

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Mike Serpe:

Good.

Steve Kumorkiewicz:

That's a good idea.

John Steinbrink:

So who is going to mow the—is it a solid median?

Mike Pollocoff:

It's solid.

Steve Kumorkiewicz:

Good.

John Steinbrink:

Do we have a motion and a second on that?

Mike Pollocoff:

No, not yet.

Monica Yuhas:

Move for approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further discussion?

YUHAS MOVED TO AWARD A CONTRACT TO PAYNE & DOLAN IN THE AMOUNT OF \$157,180.06 FOR THE 91ST STREET RESURFACING PROJECT FROM SHERIDAN ROAD EAST APPROXIMATELY 1,600 FEET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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L. Consider Professional Consulting Services Agreement for the Cooper Road resurfacing project from 85th Street south to 93rd Street.

Mike Spence:

Mr. President and members of the Board, this item is for professional engineering design services for the firm of Crispell-Snyder. It's for surveying, design of the segment for the reconstruction of Cooper Road or repaving of Cooper Road from 85th Street to 93rd Street. This project is being funded by the American Recovery and Reinvestment Act of 2009. We are getting, and I correct what's in the memo, we are getting \$312,000 for this project of which approximately \$250,000 is for the actual construction and the rest of it is for the DOT for their management of the contract under the local program.

We asked for a price from Crispell-Snyder to do this work because they're very familiar with this area. In addition, they've got a lot of DOT experience. Because this is an AR funded project which comes with strings, which means we have to go through the DOT process in doing this, that means an environmental report, a design report, so there's a lot of things that we have to do to make this happen. So, again, Crispell-Snyder is very familiar with this procedure. We have to move pretty quickly because the project has to be what they call a PS&E which is a term that DOT uses for plans, specifications and environmental document by December 1st of this year. And then it will be let or bid by the DOT in February of 2010 for construction next year. So with that I am recommending that the contract for design be awarded to Crispell-Snyder.

Mike Serpe:

Is this proposed to be a little bit wider than its present state?

Mike Spence:

Not at this point. We're looking at pretty much within the same right of way. However, we will be looking at drainage in the area, looking at the ditches. It's going to be for a small project a more challenging project because the DOT has a lot of criteria, and we're probably going to be having to ask for a lot of exceptions, because they have like five foot shoulders. We have a very limited right of way in this area. So I think there will be a lot of things that we'll have to address.

Mike Serpe:

It's unfortunate we can't get that widened when we're doing this because garbage day there's no room. People walking on Cooper there's absolutely no room. It's too bad that we can't get this just a few feet wider now when we're reconstructing it or resurfacing it. It would be safer.

Mike Pollocoff:

I'm going to meet with Don and Mike tomorrow. We've made some storm water improvements over the year there. We just need to do some . . . on Cooper Road . . . the ditches . . . and maybe we are going to be able to squeeze a little bit out of it on the shoulders or what have you. If we

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want to make it wider . . . and actually the . . . the utilities have in place for quite a while . . . hold up for quite a while longer. But, you're right. The other thing we might look at, too, to be honest with you is . . . maybe that's one of the things we can look at . . . schools . . . if we can work on that grant. I think Whittier is right up there

Mike Serpe:

What's the time frame for the use of the money here?'

Mike Spence:

We have to meet the stipulated schedule which it has to be designed by December 1st of this year, and then it will be advertised for construction and bid by the DOT in February of next year.

Steve Kumorkiewicz:

(Inaudible)

Mike Spence:

Yes.

Mike Serpe:

Whatever you can do to make this a little bit safer would be great and I'd move approval.

Steve Kumorkiewicz:

I second.

John Steinbrink:

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

Steve Kumorkiewicz:

Yes, I wish we could make it wider because eventually that's going to come all the way to 165, right?

Mike Pollocoff:

(Inaudible)

John Steinbrink:

Those in favor?

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SERPE MOVED TO APPROVE A PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH CRISPELL-SNYDER, INC. FOR THE COOPER ROAD RESURFACING PROJECT FROM 85TH STREET SOUTH TO 93RD STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- M. Consider Amendment 1 to the Engineering Services Agreement for the Carol Beach Estates Unit 1 stormwater drainage design.**

Mike Spence:

Mr. President and members of the Board, there have been a number of storm water drainage issues that have been identified in the Carol Beach Unit 1 area, areas that have been subject to frequent flooding. Previously the Board approved a contract with Graef USA, Inc. to do some preliminary storm water design work in this area. That work has been completed and they have done an overall analysis of the storm water needs of that area. This contract would be for the design of a storm water system for the area that's basically outlined in blue on the presentation there.

The selected alternative is approximately 4,300 feet of new storm sewer and ancillary features on 8th through 11th Avenue as well as 111th Street. The agreement would include the permitting and preparation of the contract documents. The other thing that's part of the agreement is a public meeting. We have talked about having, after this contract is approved and before we actually start the final design, we were talking about having a public meeting to get feedback from the residents in Unit 1 about the plan.

But, again, this plan would be a combination of storm water pipes and then also just making sure that the ditches can drain to the inlets of the system. This is a little bit different than Unit 2 in that there's a little bit more relief than in Unit 2 so we can drain a lot of this by ditches. But we still need a storm sewer system to convey the flow. So, again, I'm recommending that the contract to do the final design for what we call the Phase 2 design be approved.

Mike Serpe:

And this is a 50/50?

Mike Pollocoff:

Correct.

Mike Serpe:

Move approval.

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Monica Yuhas:

Second.

John Steinbrink:

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

SERPE MOVED TO APPROVE AMENDMENT 1 TO THE ENGINEERING SERVICES AGREEMENT WITH GRAEF USA FOR THE CAROL BEACH ESTATES UNIT 1 STORMWATER DRAINAGE DESIGN; SECONDED BY YUHAS; MOTION CARRIED 5-0.

N. Consider award of contracts for asphalt, structural steel and roofing for the LakeView RecPlex 50 meter pool addition.

Mike Pollocoff:

Mr. President we've opened bids and they've been reviewed by Riley and they're recommending that a contract for the asphalt parking lot and the bike path be awarded to Cicchini Asphalt. Structure steel for the pool is Cardinal Fabricating and roofing to Van's Roofing. Cicchini's price is \$159,831. The price for steel for Cardinal Fabricating is \$575,000. Waukegan Steel, although it's lower, they didn't respond correctly to the bid request. With Van's Roofing their quote was \$231,000.

Mike Serpe:

Are we doing okay as far as the projected cost of this thing and the bidding coming in?

Mike Pollocoff:

We're spending money. Actually we're doing really good. We're ahead. We had a really low bid on just the pool itself and they're looking through those. We do have some issues that are cropping up, and probably the biggest unknown right now is the HVAC with the geothermal. That one is going to be higher and we're going to have to weigh out. We won't know what our grant is going to be . . . until a little bit later so we've been focusing in on what we can actually be doing. Then we have to take a look at what our payback is. But the geothermal on the HVAC system in the first design here, and we'll probably be modifying it, we'd be heating all the pool water, the air, showers, sinks, that would all be run through there. Right now the last meeting we had they were thinking they might take the showers off them . . . get that water from 86 degrees up to 110 for a shower or 105 or whatever that is would really cost them a lot of money. So we're waiting to see how that breaks out.

Our new dilemma is there are zebra mussels in the lake and we don't know what that's going to do the unit and the heating chamber. Anyway, the good thing is we want to get this thing done and we're working in a deliberate process but we're not trying to meet a deadline . . . work out the problems until we've got it the way we want.

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Steve Kumorkiewicz:

(Inaudible)

Mike Pollocoff:

You've got the wakeboarders, you've got the water skiers, you've got people who empty their wells . . . birds

John Steinbrink:

I believe we had a motion and a second.

Mike Pollocoff:

No.

Clyde Allen:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Clyde, second by Steve.

ALLEN MOVED TO AWARD CONTRACTS TO CICCHINI FOR THE ASPHALT PARKING LOT AND THE BIKE PATH; STRUCTURE STEEL FOR THE POOL TO CARDINAL FABRICATING AND ROOFING TO VAN'S ROOFING FOR THE LAKEVIEW RECPLEX 50 METER POOL ADDITION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- O. Consider Agreement between with the Wisconsin Department of Transportation for requirements for the use of the American Recovery and Reinvestment Act for the 2010 paving of Cooper Road from 85th Street south to 93rd Street.**

Mike Pollocoff:

This is the actual agreement with the State to do the work that we've identified that we're going to have Crispell-Snyder be our engineer on. I'd recommend that I be authorized to execute the agreement with the State.

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Monica Yuhas:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Further comment or questions?

Steve Kumorkiewicz:

Question. This American Recovery . . . is that a fancy name for stimulus money?

Mike Pollocoff:

Stimulus is the shorthand version.

Steve Kumorkiewicz:

Yes, some lawyers wrote this

Mike Pollocoff:

You want to send it back?

Steve Kumorkiewicz:

No, keep the money.

John Steinbrink:

We have a motion and a second.

YUHAS MOVED TO APPROVE AN AGREEMENT BETWEEN WITH THE WISCONSIN DEPARTMENT OF TRANSPORTATION FOR REQUIREMENTS FOR THE USE OF THE AMERICAN RECOVERY AND REINVESTMENT ACT FOR THE 2010 PAVING OF COOPER ROAD FROM 85TH STREET SOUTH TO 93RD STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

P. Consider Ordinances #09-41, #09-42 and #09-43 to amend the Municipal Code relating to license and permit fees.

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Jane Romanowski:

As you can see from my memo and then I did a notation under each item just so I could explain the changes easier than trying to explain them tonight. It's just minor adjustments because of the Governor's budget bill recently passed. The police check fee was increased from \$5 to \$7 effective July 1st. That's the first increase in that fee in over a decade. So we did have to make a few minor adjustments to our ordinance.

Just quickly, Ordinance 09-41, provisional operator license, that's changed actually since a few years ago. We now collect the fee when an operator's license is applied for. That is before provisional. You have to apply for a regular license. We actually collect the police check fee at that time now. We used to take the application and then they'd get a provisional and then we'd have to get the fee and whatnot, so we've changed administratively how that works. Can't charge more than \$15 for a professional operator's license fee under the statute. So just change that. Temporary operator's license. I've never issued one of these yet. These are just for fundraiser-type events, picnic licenses. I just raised it to \$20 just to cover part of that fee.

09-42, a peddler's license, as you can see I was trying to get rid of that \$5 fee in the ordinance so if they change it again we don't have to keep doing that. So right now I proposed raised the peddler license from \$25 to \$30 which more than covers our fee for that license. Then 09-43 just incorporates all those changes plus the modification to G which we have been doing to get that ordinance to Chapter 214 so they all coordinate together. One motion can approve all of them.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Clyde Allen:

Jane, I've got a question about these. I assume it would be a temporary peddler license for these ice cream vendors. Do we have anybody that's currently licensed in the Village for the ice cream trucks?

Jane Romanowski:

We do. There is one license.

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Clyde Allen:

One license?

Jane Romanowski:

Yes, I can't think of-

Clyde Allen:

In the past two weeks I stopped two in our neighborhood, two different drivers, and they use a map that shows our whole area being Kenosha. They both shut off their music and didn't go up 82nd. I told them what was City which was deviated from their route. But I suggested they come and see you.

Jane Romanowski:

Did they have a license on them?

Clyde Allen:

No, they did not. Neither one did.

Jane Romanowski:

Call the Police Department. We ticket those guys because they know better. But they'll give them a warning first and then they'll ticket them. But there's only one license in the Village right now and that was a three month license that started six weeks ago. It goes through the end of August.

John Steinbrink:

We had a motion and a second I believe. Any other comment or question?

SERPE MOVED TO ADOPT ORDINANCES #09-41, #09-42 AND #09-43 TO AMEND THE MUNICIPAL CODE RELATING TO LICENSE AND PERMIT FEES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Q. Consider reappointments to the Community Development Authority.

Mike Pollocoff:

Mr. President, it's time for the annual reappointments. By ordinance it needs to be the Village President and a Trustee. We have yourself and Monica Yuhas. I'm recommending that both reappointments be made.

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Mike Serpe:

Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Steve Kumorkiewicz:

Yes, John Steinbrink junior or senior?

John Steinbrink:

Does it say junior?

Steve Kumorkiewicz:

Senior, okay.

SERPE MOVED TO REAPPOINT JOHN STEINBRINK SR. AND MONICA YUHAS TO THE COMMUNITY DEVELOPMENT AUTHORITY TO AUGUST 5, 2010; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

R. Consent Agenda

- 1) Approve Bartender License applications on file.**
- 2) Approve Letter of Credit Reduction for the Devonshire Subdivision.**
- 3) Approve Letter of Credit Reduction for the Hwy. 50 - Shoppes of Prairie Ridge development.**

John Steinbrink:

Consent Agenda Items 1 through 3. Item 4 has been removed.

Clyde Allen:

Motion to approve.

Monica Yuhas:

Second.

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John Steinbrink:

Motion by Clyde, second by Monica.

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

S. Consider Resolution #09-26 to rescind approval of a draw on the Devonshire Subdivision letter of credit.

Mike Pollocoff:

Mr. President, I request that this resolution be adopted. We had a Mr. Duerrwaechter from Regency Hills make a cash payment or a check payment after the fact that we authorized the draw so this would rescind that authorization and we'd just use the check we have.

Steve Kumorkiewicz:

Make a motion to adopt 09-26.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde. Further questions?

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #09-26 TO RESCIND APPROVAL OF A DRAW ON THE DEVONSHIRE SUBDIVISION LETTER OF CREDIT; SECONDED BY ALLEN; MOTION CARRIED 5-0.

9. VILLAGE BOARD COMMENTS

Mike Serpe:

I have one. Last week the Trek Triathlon, Carol, you, John, Tommy, Brian, everybody who was involved just a very, very good job in light of the construction and the repositioning of the finish line and everything worked out very well. So good job. When is the next triathlon? August 16th that's ours, okay.

John Steinbrink:

Keith, did they keep rescue busy? One other item. We all remember the big rain event and we know that we had numerous basements flooded both with water and sewage. I just have to commend the staff and all our workers for the great patience and professionalism they showed

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dealing with the public. They had to go out there and talk to some pretty heated people. I've got to tell you my contact with those people later on, a lot of them from subdivisions and that, whether it was on the street or calls to my home was positive. Yes, they were upset about the flooding and the damage they had, but every one of them said the way they were treated was remarkable, and the job that our people did cleaning up and helping out really made a difference in kind of easing over the pain they kind of went through here. So you folks have a lot more patience than I do. Sometimes people get hot and you want to respond to them. But it was done very professionally and only good comments back. So thank you all of you. And Monica looks good in blaze yellow.

10. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 9:30 P.M.