

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
LAKE MICHIGAN SEWER UTILITY DISTRICT  
9915 39th Avenue  
Pleasant Prairie, WI  
August 17, 2009  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, August 17, 2009. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz and Mike Serpe. Trustee Allen was excused. Also present were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Kathy Goessl, Finance Director; Mike Spence, Village Engineer; John Steinbrink Jr., Public Works Director and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING - JUNE 22 AND AUGUST 3, 2009**

**YUHAS MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF JUNE 22 AND AUGUST 3, 2009 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**5. CITIZEN COMMENTS**

William Robinson:

Hello. I live down by Carol Beach. I just want to say thank you first of all. You guys do a great job with the snow plowing and taking care of the neighborhood with improvements like the streets and the bridges and things like that. So thanks for that. The main reason I came today is I live right near the beach down there at 108<sup>th</sup> Street, and I just wanted to bring forward tonight some problems at the beach. I talked to a couple Trustees this weekend. If you came on Sunday it wasn't a good day to come because it was very cold. The water is really cold and a lot of people stay away. But Sunday is the worst day down there. It's very crowded, and we have a lot of people from Illinois coming up. Not that I am against people using the beach but there's an overcrowding problem at the main parking area at 108<sup>th</sup> Street there. The parking area I think needs to be redesigned so that people don't double and triple park there because it's just not a safe situation. It's really out of control with the combination of the jet skiing and the parking together. Either somebody or a kid is going to get run over or somebody is going to get hurt in the water.

There are safety concerns with the jet skiing. I got to talk to some of the people who came up from Chicago, and there's a large group that comes up from Chicago to jet ski. They used to go to Winthrop Harbor and the story they told me was there was an accident between a jet ski and a swimmer at Winthrop Harbor. After that things changed and it became more restrictive there and that's why they're now at Carol Beach. It's kind of known as the best place to jet ski.

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The other concern is from some of the neighbors in the area, bathroom concerns. A lot of the people would go and just use neighbor's yards for bathrooms, or walk down the street and use the woods for the bathroom. So that became an issue. Some of the residents think there should be a restroom there, whatever, but you guys have put up an outhouse which is good in some peoples' opinion.

But I think the bottom line is do we want to be more like a Wilmette or a Winnetka or Highland Park where they have their own restrictions to keep their beaches from being overused or what's the best solution. I really don't know what the answer is. But after talking with some of the neighbors in the area I think maybe the best thing is for the parks department to talk to some of the neighbors in the area and see what the problems are and try to come up with a solution for parking and maybe some of the rules. Because there's also problems at night where people or kids will come and use the beach and drink and cause problems. That led to a drowning two years ago. That's was the first one I've seen for the drowning because people were parking on the side streets and the cops couldn't see in there. Anyway, we would welcome the parks department or somebody to kind of work with us to see some solution to that. Okay, thank you.

Jill Pruyn:

Hi, good evening. I'm here to support--

John Steinbrink:

Jill, if we could just have your name and address for the record.

Jill Pruyn:

Yes, I don't have any notes, but my name is Jill Pruyn and I live at 322 108<sup>th</sup> Street in Carol Beach. I, too, am here tonight and I'm supporting Jay and everything that he said regarding the Carol Beach problems. I have tremendous concerns about that area. One of it is the safety. The one point that I want to bring up is that these wave runners and jet skis are just in many numbers, especially on the weekends. We've lived there for about five years, and when we first moved here there weren't really too many people that would come out to that beach, but gradually I think as the word has gotten out in Illinois more and more people are coming out to spend their Sunday, especially Sunday, when it's nice. But these wave runners, to get back to that, I don't know where they're going into the water because they're not supposed to launch there but I think a few people are. But one of my concerns is that they really park their jet skis or wave runners very close to the beach and where the swimmers are. And there's a lot of kids that do go into the water on those hot days.

And last year when I was walking my small dog along the beach on one of those hot Sundays, there was a man actually pouring gasoline in his wave runner and I know that they do that, and they really are breaking the law. My husband and I, George who is in the back, also are boaters and we've taken two Coast Guard courses, and that is definitely a breach in the Great Lakes waters. So that's one concern.

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A second concern is the parking, of course, as Jay had elaborated on, but a lot of people will bring their dogs. I do not object if the dogs are walking the beaches especially if you have your little litter bags with you, but so many of the people, and this was a week ago this Sunday, just allow their dogs unleashed, and they're just running the beach and children are there. So these are really my concerns of safety and sanitation and things like that. So, I, too, thank you for everything that you've done for us in our area, especially I think in the last couple weeks I notice that they did put up some facility for an outhouse or one of those facilities. But if there's anything that anyone can do.

Jay mentioned Winnetka and Wilmette, and they have definitely restricted their beach areas. And one of the things I think that they do, and Waukegan as well, Waukegan beaches, we've boated in that area, you have to purchase a sticker before you can even like at the Village Hall or something if you want to park and attend their beaches. So this is just one suggestion. I thank you for your time. It wasn't a real well planned speech but I'm glad that you were attentive and listening. Thank you.

Jane Romanowski:

We didn't have any more sign ups, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? You have to use the microphone and give us your name and address for the record.

George Pruyn:

I'm Jill's husband. I live at 322 108<sup>th</sup> Street.

Jane Romanowski:

Your name?

George Pruyn:

I just wanted to second my wife's suggestion on the parking. I had spoken to your son, Steinbrink, Jr. about a year ago. I talked to him on the phone, I didn't get a chance to go and see him, but I had mentioned the idea of the stickers. He said, oh no, we don't want to do that. I said, you know, that Lake Andrea, is that how you pronounce it, the lake over there, that's nice and clean. And Steinbrink, Jr. said, oh yeah, but we spend twice as much time picking up garbage on the beach there at 108<sup>th</sup> Street. Well, the reason they spend twice as much time and there's twice as much garbage there is because all these people from Illinois are coming over on Saturday and Sunday and littering that place so that on Monday morning it's loaded with garbage.

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As William said, this weekend wasn't a good time to look at the parking there, but on a real hot day they triple and double park all down Lakeshore Drive there. And by the time they leave there's garbage all over. I don't see why some restriction on the parking can't be done. You guys give stickers for people that want to dump their trash over there by the police station. You have to have a sticker from the Village and why can't you do something like that, stickers for the parking? Like Jay mentioned Wilmette, Illinois you can't park anywhere near that beach because I've been there unless you have a City sticker identifying that you live in Wilmette. They're very restrictive on the parking. I don't see why something can't be done similarly here. Thanks.

John Steinbrink:

Okay, thanks. Anyone else wishing to speak under citizens' comments?

**6. ADMINISTRATOR'S REPORT**

Mike Pollocoff:

I don't have anything other, Mr. President, than the report on the triathlon yesterday. We had 1,800 athletes. Everything seemed to go off without a hitch. I want to thank the RecPlex staff and all the volunteers that helped put that on, the Police Department, the Parks Department, the Rec Department. Every year it gets better and better. We had a good event and no weather on it.

John Steinbrink:

I was hoping we could answer a couple of their questions but everybody left.

Mike Pollocoff:

I'll add on that. The Parks Commission undertook this at some depth last year. One of the things that happens is that, and somebody may remember this, back in '86 and '87, that most of that roadway was just about to go into the lake when the lake was high. The Town, at that time, spent close to \$1 million, a significant amount of funds, to protect that whole shoreline. But before we started the process, we got the neighborhood together and we said, listen, if we just spend public dollars on this to protect this and recreate land out there to hold the water back it's going to have to be a public park and be used for that because the Town of Pleasant Prairie is paying for it on the general levy as a whole. This is your opportunity to make it, if you guys agree to an assessment district and pay for that assessment, you could enjoy some comfort there in the fact that you could restrict some of the areas that are there.

There are rules as far as access to waterways and people that come to the beach and the water can still get in there, but we could restrict it quite a bit more and they overwhelmingly turned us down. So as the lake levels have receded, and as they correctly indicated there's a lot of Illinois communities now charging for this, people are finding a way to come up to Pleasant Prairie. The Parks Commission did look at closing that beach off, operating it just like we operate the beach at Lake Andrea where you'd have to pay a fee to get on the beach and park in the area. We set up a rate structure similar to what we have at Lake Andrea, and the Parks Commission was

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pretty much uniformly against hiring more people because we would have to hire staff. There's a better than fair chance that we might not recover our expenses because once you start requiring people to pay then they won't come anymore. So that was one option we looked at at least at that time. They were opposed to doing that.

But that is public land that the Town of Pleasant Prairie created and it's now ours. We've been letting everybody use it. It's not as nice as Lake Andrea, and we don't have any improvements there other than the shoreline protection and the areas where people can park. They're really not parking lots. They're just open areas.

John Steinbrink:

And on the garbage issue?

Mike Pollocoff:

We do put garbage barrels up there. That doesn't mean they're going to hit the barrel. We have garbage issues at Lake Andrea and all around there where the Parks Department is picking up garbage. There are a significant number of people that—again, Lake Andrea and Prairie Springs Park is a free park to enter and people from Illinois do come into that park, too, and along with their Wisconsin friends leave garbage there. We have garbage at both parks.

John Steinbrink:

So it's an unfortunate thing of human nature along with speeding and everything else. They just don't get the message on that.

Mike Pollocoff:

If we want to restrict that park and close it down we can do that, but you have to have somebody there to manage that all the time when you're doing it.

Mike Serpe:

When you live next to a park and expect nobody is going to use it that's a pretty high expectation. Now, if the people are disrespectful with the garbage tossing and we're able to take care of that problem that's all well and good. But to try and say that we've got too many people using this area, if they're not breaking any laws or violating any ordinances it's pretty hard to stop the use of a park and that's what it's intended to do.

Mike Pollocoff:

I did go by there on a really busy weekend last weekend and there were a lot of people there, but I didn't see anything that I would consider to be a violation of the ordinances. I also might add that those houses right across the street, before we did that work to protect the shoreline, there was nobody there. Then once the shoreline became protected those people have the best of all worlds.

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They've got an unobstructed view of Lake Michigan and they don't have to pay for the shore protection. But it became a usable area that everybody is enjoying.

John Steinbrink:

It was brought up the unsafe use of the wave runners and jet skis. Is that an issue for the Coast Guard maybe to investigate?

Mike Pollocoff:

My understanding is the Sheriff is the chief law enforcement officer over the waters. And I believe Brian would bring those violations to his attention.

Steve Kumorkiewicz:

Didn't we talk about that they could not launch their jet skis over there? About three or four years ago we talked about it.

Mike Pollocoff:

There are signs up there posted you can't park the jet ski trailers there. It's not too hard to launch one. You just pick it up and carry it down there.

John Steinbrink:

Unfortunately the folks that need to hear it aren't here.

Mike Serpe:

They're right outside. I wish they would have stuck around for five more minutes and they could have heard your responses.

John Steinbrink:

I'm not sure how we respond to them.

Mike Pollocoff:

We've got their addresses from the record. We'll send out a letter to them and give responses like we did tonight.

John Steinbrink:

Alright. Anything else, Mike?

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Mike Pollocoff:

No.

**7. NEW BUSINESS**

- A. Receive Plan Commission recommendation and consider Ordinance #09-47 to amend Sections 420-118, 420-119 and 420-121 of the Zoning Ordinance related to Operational Standards in the B-1, B-2 and B-4 business districts.**

Jean Werbie:

Mr. President and members of the Board, the following are some zoning text amendments to Section 420-118 K.(4), 420-119 K.(4) and Section 420-121 J.(3) of the Village Zoning Ordinance. They all relate to operational standards in the B-1, Neighborhood Business District, B-2, Community Business District and B-4, Freeway Service Business District.

Over the last couple of years the Village Board and the Plan Commission has had the Village staff evaluate the types of outside storage uses that could be allowed in the business district. And there had been somewhat of a piecemeal approach that had been looked at with respect to LP storage containers and ice machines. And what we decided to do after it was tables at the Board meeting this past spring is to take a look at all of the business districts and to take a look at what direction was given to us by the Plan Commission and the Board with respect to the number and the type of storage units that could be placed outside of gas stations and convenience stores as well as how they could be best protected.

And so the conclusion was, and the Plan Commission held a public hearing and recommended approval, that one LP storage container could be placed as well as one ice machine, and the final conclusion with respect to the LP storage is that there could be multiple ways of protecting the LP storage and that could include a raised sidewalk. It could include bollards. It could include some type of fencing or guard rail, but it would need to be evaluated on a case-by-case basis by the Village's Fire Chief, and then the property owner if they chose to have an LP storage that they would have to employ some type of protection.

What we've done in the past as you can see by some of the slides is we've gone around the Village to see what we've got out there. We do have some cases where we have some ice machines and some cases where users have wanted to have LP storage. And so any of them that have existing LP or ice we are going to require that they do have protection as part of the LP being located on their site. That was a public hearing that was held before the Plan Commission and that was their recommendation.

Specifically, if you turn to page 3 or 4 of the staff comments, the narrative states that LP storage cages shall be protected by a bollard, raised sidewalk or some other acceptable means to provide protection against accidental vehicle impact or damage. The means of protection shall be reviewed and approved on a case-by-case basis by the Chief of the fire and rescue department or his or her designee. The Chief will have the authority then for determining the location, spacing

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and quantity of bollards or any other means of protection. And he will take a look at it so that the means of protection will not impede upon the travel flow of pedestrians that might be on the sidewalk.

So with that the Plan Commission and the staff recommend approval as presented in the staff report.

Mike Serpe:

On the photo you have on the wall, Jean, next to the ice machine is that an LP storage tank?

Jean Werbie:

Yes, it is.

Mike Serpe:

Okay, can I ask the Fire Chief a question? Is that an approved barrier for you, Chief?

Chief Guilbert:

I'm Paul Guilbert, Jr., Chief of Fire and Rescue. I work at 8044 88<sup>th</sup> Avenue. When we were asked to research this topic, it said a raised sidewalk with no definition of how high that should be but a raised sidewalk, a bollard or some other restraint. In our opinion this would meet the code, this raised sidewalk.

John Steinbrink:

Chief, as long as you're up there. Do those cages meet any standard for impact, crushing, the storage cages for the propane cylinders?

Chief Guilbert:

I can't cite the code, but I know the gas association has established a standard for that. And the NFPA which is the code we use references that standard.

Mike Serpe:

I don't want to carry this on any further than it has to. I respect Chief Guilbert's opinion on this, and I respect the State laws and the codes that are written. Just a personal thing with me I don't think that curb provides any protection whatsoever to those tanks. That's just my opinion. I think every one of us have seen in the past cars jumping the curbs where somebody mistakes the gas for the brake and they go flying. Just up north not too long ago a woman got killed. A car went over the curb into the store. Those are rarities, I understand that, but you try to protect as much as you can. Like I said, I respect the Chief's opinion on this and the codes that are in place.



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I guess we could argue this thing forever and it's not going to get us anywhere. So with that I guess I'm going to move approval of 09-47.'

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Monica Yuhas:

I have one for Jean Werbie. Jean, are there any ice storage bins that are located in the back of any buildings at this time?

Jean Werbie:

Yes. I can think of BP Storage out at the Interstate. Theirs is kind of on the back on the side so it's not at their front entrance, so that's kind of a back or side at that location.

Monica Yuhas:

And once this passes how much time are we going to give them to become compliant with this ordinance?

Jean Werbie:

The staff would like to be reasonable given these economic times with the businesses in the Village, so we will probably give them three months or so, three to six months to comply.

Monica Yuhas:

Okay, thank you.

John Steinbrink:

Other questions? Seeing none, thank you, Chief. A motion and a second has been made.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION AND ADOPT ORDINANCE #09-47 TO AMEND SECTIONS 420-118, 420-119 AND 420-121 OF THE ZONING ORDINANCE RELATED TO OPERATIONAL STANDARDS IN THE B-1, B-2 AND B-4 BUSINESS DISTRICTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

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**B. Consider Award of Contracts for landscaping, carpentry, ceiling, flooring, painting, fire protection, plumbing and electrical for the LakeView RecPlex 50 meter pool addition.**

Mike Pollocoff:

Mr. President, we received sealed bids on Thursday, August 6<sup>th</sup>. Landscaping the low bid was submitted by Kenosha Grounds Care in the amount of \$57,150; rough finish and carpentry was Riley Construction at \$201,170; ceramic tile Lippert Tile \$92,333; acoustical ceiling tile was Postorino Decorating and it was \$17,000. We were a little surprised because we only had one bid on that item. It's not a big number item and there isn't a lot of acoustical tiling in that building, but since this amount is somewhat small we decided to go ahead with it. We had some local companies that for whatever reason didn't bid on it either.

Carpet and resilient flooring which would be the rubber flooring low bid was submitted by Forever Floors \$29,480; painting and coatings Ruffalo, again, a single bid \$177,486. We're requiring on the inside of the pool we're using a special tmemec product to eliminate the kind of corrosive atmosphere that occurs on the inside of a pool. Not a lot of guys want to work with that type paint because of the fumes it gives off. Even though it's classified as a green paint it's still pretty hefty. I guess on that one there I'd ask authority to award a contract to Ruffalo, but we're still going to see if we can seek some outside bidders on prices. One of the things is we have a painter coming in to do the tower and they deal with that same tmemec coating and see what they would bid for it. The problem is they're in and out of town. We've had this problem the first time around with the original pool, that a lot of contractors didn't want to work on it.

We are having the structural beams that are going to be in the roof those are being painted at the factory because once we put those beams up and we put the roof over them we want to have that paint on there so we don't have an area that's going to be exposed. But as far as everything else we're going to have to pain in place.

The fire protection system the low bid was submitted by U.S. Fire at \$42,769; plumbing Joe Debelak in the amount of \$363,927; electrical Beck Electrical submitted a bit for \$530,000. They left \$130,00 on the table. That was a really low bid. So the bids have been submitted to date on this round of bids roughly \$380,000 below our estimate.

John Steinbrink:

Where is Joe Debelak?

Mike Pollocoff:

Milwaukee.

John Steinbrink:

Okay. Mike?

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Mike Serpe:

I don't know if I understood you correctly, Mike. On Ruffalo Painting they're going to paint what we need painted in this particular area but it's not exactly the paint we would like to see used, is that correct?

Mike Pollocoff:

No, it is the paint we want to see but it's not a common paint and a lot of painters don't want to work with it. He did it in the original RecPlex. We've had other people use tmemec but typically for us we use that in water towers and lift stations and we didn't get another bid. We talked about it at our last construction meeting in taking another look and see if Selergan or some of the other painters might want to give us a number and find out why they didn't bid on it. We know that they don't like the harshness of the paint, but that paint seals the metal and the concrete really well.

Mike Serpe:

I guess my question is then would it be fair to award this to Ruffalo and then turn around and—

Mike Pollocoff:

I guess I'm looking for a contingent award. If we have some discussions and feel like why didn't they bid then we could reject the bid, bring this back, reject it and re-advertise. We won't be painting for another four months. Or, if you want we can withhold approval on Ruffalo pending investigation.

Mike Serpe:

I think that would be a little bit more fair to him if we did it that way and if nobody else comes forward then he's got it. Then with that I would move approval of the bids with the exception of Ruffalo Painting which we'll hold for another month to see what we can achieve with other possible bidders.

Monica Yuhas:

I'll second.

John Steinbrink:

That's a motion to approve all and withhold the one. Motion by Mike, second by Monica. Any further discussion?

**SERPE MOVED TO AWARD CONTRACTS FOR THE LAKEVIEW REC PLEX POOL  
ADDITION AS FOLLOWS:**

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<b>Contract 2.01 Landscaping</b>	<b>Kenosha Grounds Care</b>
<b>Contract 2.02 Rough &amp; Finish Carpentry</b>	<b>Riley Construction</b>
<b>Contract 2.03 Ceramic tile</b>	<b>Lippert Tile Company</b>
<b>Contract 2.04 Acoustical Ceiling</b>	<b>Postorino Decorating</b>
<b>Contract 2.05 Carpet &amp; Resilient Flooring</b>	<b>Forever Floors</b>
<b>Contract 2.10 Fire Protection Systems</b>	<b>US Fire Protection</b>
<b>Contract 2.11 Plumbing</b>	<b>Joe Debelak</b>
<b>Contract 2.13 Electrical</b>	<b>Becker Electric</b>

**AND TO TABLE THE AWARD ON CONTRACT 2.06 PAINTING SO STAFF CAN RE-EVALUATE THE BID; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

- C. Consider Professional Construction Engineering Services Agreement for the 91st Street east of Sheridan Road resurfacing project.**

Mike Spence:

Mr. President, this is for an agreement for construction services for the 91<sup>st</sup> Street roadway project which was awarded a while back. The project, again, includes pulverizing and base preparation of the roadway of 91<sup>st</sup> Street from Sheridan Road approximately 1,600 feet east past the railroad crossing. This is to have Crispell-Snyder inspect the project while construction is under way and do stake out for the survey for the project. The price that they have given is within acceptable standards, and also the inspection is an hourly price. So if the project goes faster the amount of the contract will be less. With that I recommend approval.

Steve Kumorkiewicz:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

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

**KUMORKIEWICZ MOVED TO APPROVE A PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES AGREEMENT WITH CRISPELL-SNYDER, INC. FOR THE 91ST STREET EAST OF SHERIDAN ROAD RESURFACING PROJECT; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

- D. Consider Professional Construction Engineering Services Agreement for the I-94 Tower repaint project.**

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Mike Spence:

Mr. President, this item is also for the services for construction for the coating of the I-94 water tower. This tank is located near the Prime Outlets. It's a 750,000 gallon storage tank that does need to be recoated. The project was awarded to the contractor a month or so ago, and the project is expected to start around the first of September. The services in this contract include review of submittals, field testing of the coatings to make sure that they're properly applied and at the right thickness. Again, Crispell-Snyder had done the specs for the project and they had proficient inspector to do this work. With that I recommend approval.

Monica Yuhas:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

**YUHAS MOVED TO APPROVE A PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES AGREEMENT WITH CRISPELL-SNYDER, INC. FOR THE I-94 TOWER REPAINT PROJECT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**E. Consider Relocation Order for the Sewer Utility District D By-Pass line.**

Mike Pollocoff:

Mr. President, this relocation order begins the process by where the Village Sewer Utility will begin the process to acquire the property or the land required to construct the relief line that's going to bring the sanitary sewer service out of the Sewer D District are over to the Lakeview Lift Station on 88<sup>th</sup> Avenue. On the map there Mike's showing the path that this line is going to run. You can see some shaded areas that are south and in one case west of the line. What we're doing is putting in that line as far south as we can, but we don't want to leave an uneconomic remnant left for the owner that has those kind of jagged pieces. So we'd be proposing to acquire easements for the line as well as those kind of irregular boundaries. Those irregular boundaries that land with it would be attached to Prairie Springs Park in an area to the south, and then to the west it would also be attached to Prairie Springs Park but have a little bit different look in the legal.

The sanitary sewer is a gravity main and we're going to have to construct a path. To say it's a road is probably too much but it's a path over the line because we need to be able to have sewer cleaners go up and down that line at least once a year to make sure that any solids that build up in there are flushed out. So it has to be heavy enough to carry the sewer cleaning truck to go in

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there. And as such we're proposing that a path be constructed there similar to the Kenosha County Bike Path. It would be a granular path and people could use it to ride their bikes on and eventually find their way up to Sewer D and then travel up the road by the treatment plant next to Prairie Springs Park and connect up there.

We'd be looking down the road for some assistance from the State and grant applications for park development and eventually that might be paid. But it would be one way from pedestrian or bike bath standpoint to connect that portion of Pleasant Prairie to Prairie Springs Park. So the relocation order our statutes require that the Village adopt this and file it with the Clerk for Kenosha County and notify both the property owner as well as any public that may be considering the purchase of this property who wouldn't know what occurred in this meeting that there is an intent by the Village of Pleasant Prairie to acquire the property for this use.

With the adoption of this, the Village would then order out an appraisal and contact the property owner and begin negotiations to acquire it. It's part of our requirement to close down the Sewer D plant in order to keep Lake Michigan water coming into the Village. So we'd be looking to have this project completed by the end of next year. It would be my recommendation that the Village Board authorize and approve the relocation order and that the Village President and Clerk be authorized to sign it.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

**SERPE MOVED TO ADOPT A RELOCATION ORDER FOR THE SEWER UTILITY DISTRICT D BY-PASS LINE AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**F. Consider Resolution #09-08 - Adoption of the VantageCare Retirement Health Savings (RHS) Plan.**

Kathy Goessl:

Mr. President, this is actually part two of our retirement health savings plan. About two months ago we brought forward an agreement with International City Management Retirement Corporation and we created a trust on the Village's behalf to put the money that we need to put away for our liabilities to pay for our current employee's retiree health benefits. This is actually part two looking at helping to reduce our future liability for the Village.

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How we plan to do that is to offer this savings plan to our new employees that we hire on. As you all know health costs are a major concern for all of us, and to control the Village's cost of providing retiree health benefits we want to create this savings plan from the beginning for all of our new employees. And this will be--what happens is you create groups. You take our employees and you divide them into groups. Our first group which we have negotiated with is our fire and rescue association, and the group that's been created is any employee in the fire and rescue employee base that is hired after January 1, 2009.

For that group, that whole group has to follow the plan. They don't have a choice. They need to have a mandatory tax free investment to this plan. The employees will actually determine in that group, each employee will determine how they will invest their own money. Just like you do for a deferred comp or a 401(k), they will determine how they want to invest their money. And this money then will be used when they retire to provide or cover costs of healthcare, either paying their health insurance premiums or paying for other costs, drug costs or--anything that's like covered under our cafeteria plan right now of a working employee would be covered and the dollars can be used from these plans to pay for that.

There are actually three documents that need to be approved tonight. One is a resolution, and then we have two agreements. The adoption of the resolution establishes the retirement health savings plan. It's like the umbrella part of it, and we'll put all the groups underneath it as we start to establish and determine what these groups become. We want to negotiate with all our represented employees, and we're also in the process of evaluating non represented employee retirement benefits also. We are looking at using the same company that we set our trust up for our liability, International City Management Association Retirement Corporation, and the name of this plan is called VantageCare Retirement Health Savings Program.

The Village Administrator, Mike and myself, will jointly serve as trustees for the plan, but the actual benefits are for the plan participants, and the participants will actually determine what they want to invest their money in, not like in the trust where Mike and I determine how we want to invest the money for our portion of the liability for our current employee base. So Item F is the actual resolution to adopt the VantageCare Retirement Health Savings Plan. So I can continue and explain the other two agreements or look for approval on this part.

John Steinbrink:

Why don't you go ahead and explain the rest of it and we'll act on each of these individually.

Kathy Goessl:

Okay. The next slide is actually the administrative service agreement that we would have between the Village and International City Management Corporation. This agreement puts on International City Management they'll actually manage and make available the funds. So we send the money to them just like we do a deferred comp, and the employee works with them to determine where they want their money. International City Management will send them statements on a quarterly basis to see how their money is growing and what kind of returns

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they're doing. So they do all that administrative end of stuff similar to what our deferred comp provider provides. This is a five year term and it renews automatically for every year after that. That's the administrative services part of the agreement, and that would be for all the groups that we would add underneath this umbrella.

And then the next slide is the actual agreement which is the part that sets up the employees, the firefighters group. As part of the contract that was negotiated and was approved at I think the last Board meeting or the meeting before that, this is what the union has agreed with us on. So any employee that's hired after January 1, 2009 this is the firefighters association, they will put into this plan a minimum of 96 hours of holiday pay plus any unused holiday hours. Right now the current firefighters get paid out the 96 hours of the pay and also the unused, but our new group will be required to actually put it into this plan. It's not going to be a choice. If you're hired after January 1, 2009 you need to put the money into this plan for your future retirement benefits.

And then vacation in excess of 216 hours they'll also need to put that in the plan if they don't use those and 100 percent of their sick and vacation at termination. So when they leave right now sick is not paid out at all to our current firefighters. They build a bank of sick leave, and when they leave it's gone. With these employees whatever they accumulate will then get put into this plan for them to pay for future retirement health benefits. And also vacation currently our employees do get paid out for vacation, but these employees if they have any vacation left when they're terminated or they leave they need to put their vacation in there also.

And then the employee and us as the employer will contribute one percent of their salary on a regular basis. So we'll put one percent in and they'll put one percent in. Our portion, the one percent, will not be vested or not be there until they put 20 years of service in. That 20 years came from our current contract. If a firefighter is employed 20 years and is a certain age then they get retiree health benefits. But if they work less than 20 years they don't get any retiree health benefits from us. So we took the same 20 years to figure out our percent that we're putting in if they can keep it or if they have to return it back to the trust.

Then anything over 2,912 hours of sick leave must also be put in the plan. Our current firefighters can earn up to 2,912 hours of sick leave, but anything after that that's the max they can do. With the new firefighters once they get to that max if they continue to not use it those additional hours will also get put into the plan. So we'll be evaluating this on a regular basis to determine whether enough money is being put aside for these new firefighters to be able to let them pay for their premiums and some of their healthcare costs once they retire because they will not be getting any retiree health insurance paid for by the Village. Our current employees actually when they retire if they meet certain criteria, 20 years of service and a certain age, they get their retiree health insurance premiums paid for by the Village. So what we're doing is we're switching from a defined benefit-type plan which is very uncertain for the Village to a defined contribution plan where we're putting money away or having the employees put some money away and we also put money away to create this fund for them to pay for their retiree health benefits themselves.

So there's the resolution and then the two service agreements. Every time we add a group there will be a new service agreement, this third item. The two other resolutions and the other



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agreement, the administrative service agreement goes over everyone, all the groups that we have. So this is our first group and we'll continue to negotiate as well as evaluate unrepresented employees.

Mike Serpe:

I think this is a great plan. The one thing that hangs in my head right now is the controversy on healthcare, and what if this country went to a socialized healthcare system?

Mike Pollocoff:

It would still be planned dollars that they would be able to take. I'd be surprised, but if you say socialized by no one pays anything, then I think we would stop having the plan. But I think what's going to happen is people are still going to—even if there's a single payer system, everybody gets their health insurance from Medicare, there's still going to be retired people, for these employees we pay something towards Medicare. So once they're not employed anymore by the Village of Pleasant Prairie and especially this is true for firefighters and policemen, they're not of retirement age yet so they've got that gap to fill and this would pay their Medicare premiums if we went to a single payer system. It just seems for all the smoke and the fireworks about healthcare I haven't heard anybody yet with a lick of sense say that we should be get this and nobody should have to pay.

Mike Serpe:

This would act as a supplemental insurance policy at retirement, is that—

Mike Pollocoff:

At retirement it would be like your 401(k) or your deferred comp plan and you would draw on it to make your monthly payments. Or, if you had more than enough money for payments if you have any co-pays or anything that would qualify for an . . . you can draw money out for that.

Mike Serpe:

I'm not real sharp on healthcare. I don't know if anybody else in the country is either right now. But at age 65 when you're eligible for Medicare isn't that an automatic deduction out of your Social Security check?

Mike Pollocoff:

Right. You reimburse yourself.

John Steinbrink:

Your shirt gives the impression you are a healthcare expert.

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Mike Pollocoff:

As we transition our workforce over everybody is going to be rolling into this and it reduces the Village's exposure to the post employment retirement benefits.

Kathy Goessl:

And one difference with this with deferred comp is when you withdraw deferred comp you're actually paying taxes on that. With this plan, the money that goes in there grows tax deferred and you don't have to pay taxes on it when you pay your qualified medical expenses. So it has an additional benefit over just a plain deferred comp or 401(k) plan.

Mike Serpe:

And this money cannot be taken out while they're employed, is that correct?

Mike Pollocoff:

Right.

Mike Serpe:

I think that's a great thing. Sometimes as a young employee myself at one time it's difficult to just sock away that little bit of money for the future and we're forcing that to happen. All these employees are going to be thanking you for that in the future.

Mike Pollocoff:

They can thank my picture. I won't be here.

Steve Kumorkiewicz:

I've got two questions. One is Kathy you say that it's automatically renewed every five years. Assuming there is a problem with them, is there any provision in which we can switch over to another plan because . . . they're going to be the administrators of the plan, correct? So that could we switch over to another company with the same provision to get out of the contract or give a notice . . . no more and we're going to go to a different group for example? Can we do that?

Mike Pollocoff:

Yes.

Kathy Goessl:

Yes, I believe so if we have an issue—

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Mike Pollocoff:

Unless there's a breach.

Kathy Goessl:

Unless there's a breach we can get out earlier. But at five years if we are not happy with the type of investments they're offering to our employees or the service they're offering to us and our employees then we can switch to a different carrier.

Steve Kumorkiewicz:

That's a very good idea.

Mike Serpe:

Mr. Chairman, I'd move approval of 09-08.

Monica Yuhas:

Second.

John Steinbrink:

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

**SERPE MOVED TO ADOPT RESOLUTION #09-08 - ADOPTION OF THE VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

**G. Consider Administrative Services Agreement with the International City Management Association Retirement Corporation for the VantageCare Retirement Health Savings (RHS) Plan for employees.**

Monica Yuhas:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

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**YUHAS MOVED TO APPROVE AN ADMINISTRATIVE SERVICES AGREEMENT WITH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION FOR THE VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN FOR EMPLOYEES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

- H. Consider Employer VantageCare Retirement Health Savings (RHS) Plan Adoption Agreement for the Pleasant Prairie Professional Firefighters' Association Local 3785.**

Mike Serpe:

Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. And is there any discussion further on this item?

**SERPE MOVED TO APPROVE THE EMPLOYER VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN ADOPTION AGREEMENT FOR THE PLEASANT PRAIRIE PROFESSIONAL FIREFIGHTERS' ASSOCIATION LOCAL 3785; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

- I. Consider Venue Rental Agreement for the Danskin Women's Triathlon.**

Mike Pollocoff:

Mr. President, Danskin, which traditionally is held in July broke away from the race directors so that became the Trek event. The Danskin SheROX event requested that they still wanted to have the event in Pleasant Prairie and they're looking at having the event on Saturday, September 26<sup>th</sup> of this year. And they would be setting up the park ahead of time beginning on Thursday, the 24<sup>th</sup>. This agreement has been presented to them and they've signed off on it. It's very similar to the one we had with Trek.

It identifies unit prices because we want to be compensated if we're out there a long time or whatever actual time it is. So we don't want to have a fixed number in case we're out there and they have a big turnout. We're anticipating a cost for Village services of \$20,513, assuming that the event kind of tracks along that 1,800 participant level. The charge to RecPlex that RecPlex is placing on the facility is \$10,302.

The other thing that these events do is those are just the direct expenses that we have. The Village receives a lot of program receipts, people train for these events. They buy into programs at RecPlex. All these triathlons we're having are good for small businesses in the area, whether

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you're a Culver's or Panera. I know in any of these events you go out the Saturday night before the event and you can see the people all marked up that are all over town going to restaurants or shopping at Prime or anywhere. So I think it's a good business opportunity for businesses in the area.

We're just doing a one year agreement. We want to see how it works with them, and then we'll think about next year. So I'm recommending we adopt the venue agreement with the Danskin She Rocks which is really Philadelphia Triathlon, LLC is the operating agent.

Steve Kumorkiewicz:

I make a motion to adopt the agreement with a question.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Comment or question?

Steve Kumorkiewicz:

Yes. I was talking to Lyn yesterday that we're going to send a memorandum or e-mail with a suggestion of what to do in the decision . . . for many, many years. There are some issues that have to be ironed out before we have the next. They finally got it corrected in my opinion. I was there at four o'clock in the afternoon when the competition ends at eleven o'clock because there are bikes in the place and somebody has to watch them and I don't want the Village to get stuck with that. Because if they call . . . here are the bikes and what happens.

Mike Pollocoff:

Once we remove the bikes, people are told they have to get their bike out when the race is over and when the event is over. Basically once we've announced the winners, they've gotten their prizes and they're out of there, then at that point once the event manager has determined that the fencing can come down those bikes are still in the lot at the risk of the bike owner.

Steve Kumorkiewicz:

Because of them say we'll leave the bike here because we cannot take it out now and we'll come by later on with the car and pick it up. Consequently you see about 20 or 30 bikes left in the parking lot. We stick around and I've got to call . . . the Trek Triathlon and say somebody has to pick up those bikes. We don't want to be responsible for that. The Village can be responsible because they make a provision for that.

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Mike Pollocoff:

All we can do is we operate the triathlon within the rules we have. But once we take down the fencing around the parking lot everything in there is open—

Steve Kumorkiewicz:

To them.

Mike Pollocoff:

It's their personal responsibility for their bike to manage it. It's not ours.

John Steinbrink:

The motion on the floor is for the agreement. This is something we can work out with the sponsors and people at a later date. Other comments or questions? If not, we have a motion and a second, correct?

**KUMORKIEWICZ MOVED TO APPROVE A VENUE RENTAL AGREEMENT FOR THE DANSKIN WOMEN'S TRIATHLON; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

**J. Consider Ordinance #09-48 to amend Chapter 194 of the Municipal Code relating to limitations on "Class A" Intoxicating Liquor Licenses.**

Jane Romanowski:

Mr. President and Board members, staff is proposing an amendment to Chapter 194 relating to that limitation as you discussed on the Class A intoxicating liquor licenses. Recently and in the past with the Truesdell denial of a Class A intoxicating liquor license which is for the sale of intoxicating for off premise consumption, we feel that this ordinance reflects the Board's current position on these types of licenses. So what the staff has drafted is that no Class A intoxicating liquor license would be granted for convenience stores, other stores where commodities are sold such as gasoline, pharmaceuticals, cosmetics and other non-food products or drug stores and pharmacies.

Within the past one and a half or two years we've issued two Class A intoxicating liquor licenses. One was for the Cellar Door Wines and the other one was for Target. But previous to that if I'm not mistaken it's been 15 or 18 years since we had a Class A and that would have been the Town and Country Liquor Store and we don't currently have a liquor store in the Village. So those are the only two Class A intoxicating liquor licenses that we have issued to date. So I think this is a proactive ordinance because we just had another application. The Board has denied PDQ a license in 2004 and I know there previously have been other denials.

The exception to the ordinance would be if a premise is connected to a retail grocery or similar facility limited to the general sale of food products or to any commercial retail establishment over

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100,000 square feet in size. Target is 126,000 square feet. So what we wanted to do was set that limit so you might have had a smaller store but they might not be a grocery but they might not sell—drug stores and pharmacies and things like that. Other cities have adopted an ordinance like this. The City of Glendale just recently adopted an ordinance. I think if I'm not mistaken it presents what the Board has voted for in the past. I think we're being proactive for future applications.

Mike Serpe:

We have no quotas on Class A licenses do we?

Jane Romanowski:

No.

Mike Serpe:

I think this is absolutely the right way to go. I don't want to see every gas station, every convenience store, every little nook and cranny in the Village having the ability to sell hard liquor. I don't think that's the right vision that we put out to the Village and that's definitely an irresponsible move if we were going to do that. I move approval of 09-48.

Steve Kumorkiewicz:

I second.

John Steinbrink:

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

Steve Kumorkiewicz:

Yes, I want to see I just can't see selling liquor in a gas station.

John Steinbrink:

And we've seen that request come forward in the past here not too long ago.

**SERPE MOVED TO ADOPT ORDINANCE #09-48 TO AMEND CHAPTER 194 OF THE MUNICIPAL CODE RELATING TO LIMITATIONS ON "CLASS A" INTOXICATING LIQUOR LICENSES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

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**K. Consent Agenda**

- 1) **Approve Bartender License applications on file.**
- 2) **Approve Letter of Credit Reduction for the Shoppes at Prairie Ridge and Target Store development.**
- 3) **Approve Halloween Trick or Treat Schedule - October 25, 2009 3 p.m. -6 p.m.**

John Steinbrink:

Of course, three is setting the infamous Halloween trick or treat schedule. We're getting a jump on it this year, right?

Jane Romanowski:

Which is the same as the City of Kenosha's.

Steve Kumorkiewicz:

When is it?

Jane Romanowski:

October 25<sup>th</sup> from 3 to 6 p.m.

Monica Yuhas:

Motion to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

We have a motion by Monica, second by Steve.

**YUHAS MOVED TO APPROVE CONSENT AGENDA ITEMS I-3; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**8. VILLAGE BOARD COMMENTS**

John Steinbrink:

I have one. On Sunday I was at St. Joseph's Nursing Home. There was a party there for a former Town employee, Catherine Stowe. She celebrated her 100<sup>th</sup> birthday. Pretty sharp lady yet. Her friends and family were there. Of course, at the time I mentioned the fact that Steve had told me



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she was the first secretary for our School Commission the Town had and held that position. I believe she worked for the Village then up until 1965.

Steve Kumorkiewicz:

More than that.

Mike Pollocoff:

She worked for the Village I think until 1981.

Jane Romanowski:

She was also a poll worker for many, many years.

John Steinbrink:

So to see her there on Sunday she was sharp as a tack. I said we had checked around the Village and we found nobody with anything bad to say about her. She said, well, you didn't look very hard, did you. So maybe there are a couple out there yet. The Mayor was there and Senator Wirch and myself. It was just amazing to see somebody at 100 years old that lively, that responsive. It was like she could go back to work as a poll worker tomorrow.

Steve Kumorkiewicz:

It's good to know that . . . for many years I warned her . . . and you wonder where she went and now I know.

John Steinbrink:

Then the other item was we had received news that we are in the emerald ash borer are now. If you were lucky enough you caught Howard Cooley I believe on Channel 6 talking about his ash trees down there. So he's keeping an eye on it out there. It's a serious disease and it could have a great impact on a lot of the trees in the Village and Kenosha County.

Mike Serpe:

Just a special thanks to a few people on yesterday's event or the weekend's event on the triathlon. To the RecPlex staff, John, Jr., Tommy Patrizzi, Carol, and a special thanks to the 120 or 130 volunteers that show up faithfully at every triathlon and every Village event. It just brings to mind that now we're doing three of them this year. And it's fun to do, it is time consuming, you have to get up at 3:30 in the morning, be at your station by 5. It's a little bit of a long day but very, very worthwhile. I'm just thinking no action on it tonight but maybe there's something that we can do for these volunteers that show up all the time, something in the way of a day pass at the RecPlex that they can do with it as they wish for themselves, give it to a grandchild, a sister, a

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brother, a friend. Out of that, who knows, somebody might just get acquainted with the RecPlex and say, you know what, I'm going to join this thing.

So I think show a little appreciation for their efforts that make these things run smooth, we're complimented all day long by the participants thanking us for showing up, thanking us for watching their equipment, thanking us for making things run smooth. Maybe we can look at this some day and show a little appreciation towards all the volunteers that are there faithfully. But it was a great day yesterday. I enjoy it all the time and I'd give my day pass to somebody who could really, I mean I'm in perfect shape.

Steve Kumorkiewicz:

I'd like to add to that, too, at my station, Mike was on the other end, but usually when they take the bikes out we have several . . . they said you can go but the bike can't go because they don't have a number and please wait inside. Not one person complained. They just thanked us for doing that because they were really happy with that, very secure. That's encouraging. And the comments you get from the people as Mike says . . . . Thank you.

**9. ADJOURNMENT**

Monica Yuhas:

Motion to adjourn.

Mike Serpe:

Second.

John Steinbrink:

Before we do that, Mike brought up the volunteers. We do have a part at the end of the year don't we for volunteers?

Mike Pollocoff:

We do have a volunteer party.

John Steinbrink:

Motion to adjourn by Monica, second by Mike.

**YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY SERPE; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 7:35 P.M.**