

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY**

**9915 - 39th Avenue
Pleasant Prairie, WI**

**August 5, 2013
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, August 5, 2013. Meeting called to order at 6:00 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; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Kathy Goessl, Finance Director; Dave Smetana, Police Chief; Craig Roepke, Assistant Fire & Rescue Chief; Rocco Vita, Village Assessor; Mike Spence, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, HR and Recreation Director and Jane M. Romanowski, Village Clerk. Four citizens attended the meeting.

1. CALL TO ORDER

John Steinbrink:

I see we have a couple of veterans in the back. If you'd lead us in the Pledge please. Thank you, guys.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSIDER PROCLAMATION TO WELCOME "THE MOVING WALL" TO PLEASANT PRAIRIE.

John Steinbrink, Jr.:

Mr. President and members of the Board, the Village of Pleasant Prairie has brought in the moving wall, and we're looking to have that in early September. And we do have a couple of gentlemen who are on the committee for The Moving Wall. If they want to step up and say a couple words about the wall it's probably a good time to do it.

John Steinbrink:

Good evening, gentlemen. I'm going to ask you to give us your name and address for the record because I know who you guys are but the poor lady who writes all this out doesn't.

Rich Bowker:

My name is Rich Bowker, I live at 8823 104th Avenue, Pleasant Prairie, Wisconsin. Me and John grew up together.

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Paul Fredericksen:

I'm Paul Fredericksen, I'm the Commander of the Pleasant Prairie VFW Post 7308. I live at 8821 65th Street. I'm also a member of the CAV [phonetic].

Dan Martinelli:

Dan Martinelli, 3811 8th Avenue, Kenosha, previously from Somers, and the President of CAV.

Paul Fredericksen:

First of all I want to thank you for allowing us to get the wall here and the support that you've given us has been -- the support has been tremendous. I'm very proud as the Commander of the Pleasant Prairie VFW Post 7308, not a lot of people know that we have a post in Pleasant Prairie. We're the only veteran's organization outside the CAV which can cross the border. So we're very proud that it's coming, and it's really important to us. And why it's important I can tell you to me it's very important. I have a couple of classmates from high school on the wall. Jerry Anderson, who is from Kenosha and Dan Patrick who is from Salem. I also have lost a few pilots whose names are on the wall also, close friends.

And it's also important because when we got back from overseas we were treated badly. And for a long time we did not even admit that we were veterans. And we're over that now, and things like this and the support that we've been getting have certainly made up for that. Another thing is over 58,000 names are on that wall, men and women, and they're finding more and more as they are able to use DNA, when they find wrecks they can get some bones and DNA and these people come back and we bury them properly.

One statistic you should know about is that of the 2.7 million men and women who served in Vietnam, actually had boots on the ground, there are only one third of us left. Some of us didn't die in Vietnam and we are probably going to die because of Vietnam, things like agent orange and DDT and things that we were sprayed with and things that happened to some of our combat vets who are still alive.

So we're very pleased and proud that the wall is coming to Pleasant Prairie, and we want to thank you for helping us get this done. We still do need some volunteers and we need some money because we figure it's going to cost about \$20,000 to get the wall here and we're not quite there yet. So we would like the further support from the community. So with that I want to say thanks and I'll turn this over to the other two guys if they've got anything to say.

Dan Martinelli:

I think the biggest thing about the wall is I wanted to see it for a long time and I want to read it. I know some of those guys.

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Rich Bowker:

I've got a lot of classmates on the wall that died. John knows some of them, too, because they was in John's grade, too. As being a resident of Pleasant Prairie my whole life it's an honor for me to even thing of getting it to Pleasant Prairie so this is fantastic. I hope it bring joy to you guys, and I hope everyone here gets to go see it because this is something else. This wall is a half scale wall if anybody doesn't know of the one in Vietnam. But everything on it is identical. The names are in identical spots. It's just smaller. You'll be able to get etchings off the wall just like you do in Washington D.C., so everything that you can do at Washington D.C. you're going to be able to do at this wall here. And it's just a pleasure and an honor and a privilege for us to have it here. Thank you.

John Steinbrink:

Thank you guys, and I think you're going to get a good turnout because a lot of people haven't been to Washington to see it. This is a real opportunity. And like you said, Rich, a lot of us here know the names on the wall and we remember those people. First off I want to thank you gentlemen for your service and we have a proclamation.

This is the Village of Pleasant Prairie, the office of Village President Proclamation. Whereas, during March of 1973, the United States officially ended military involvement in Vietnam after participating in what remains one of the longest wars in our country's history; and Whereas, the last American casualties occurred in Vietnam in 1975 during a civilian rescue mission, and more than 58,000 American men and women lost their lives during the Vietnam War; and Whereas, it is important to honor the men and women who served our country and fought against the spread of communism in Vietnam; and Whereas, since their return, surviving veterans of the Vietnam War have contributed tremendously to their communities, their states and the nation; and Whereas, area veterans and community organizations have joined together to bring The Moving Wall to Prairie Springs Park in the Village of Pleasant Prairie between the dates of September 12, 2013 and September 16, 2013; and Whereas, The Moving Wall is a half-size replica of the Washington, D.C. Vietnam Veterans Memorial. The Moving Wall was conceived of and built by Vietnam Veterans as a remembrance and healing tool for all those who may never have a chance to visit the Memorial in Washington, D.C.; and Whereas, the Pleasant Prairie Village Board of Trustees wishes to welcome The Moving Wall to the Village of Pleasant Prairie, to express our utmost respect and appreciation for our country's veterans, and to express gratitude to those helping to bring The Moving Wall to the community.

Now, therefore, I, John P. Steinbrink, President of the Village of Pleasant Prairie, do hereby proclaim the period between September 12, 2013 and September 16, 2013 as the official visit of The Moving Wall to Prairie Springs Park and encourage all in the community to visit The Moving Wall during its time here to honor those men and women who lost their lives in the service of our country during the Vietnam War. Given, under my hand and the Seal of the Village of Pleasant Prairie, on this 5th day of August, 2013.

And, once again, thank you gentlemen for your service. And I think we all have a deep sense of gratitude. It's an era most of us grew up in and we remember what happened then. And we

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remember the treatment you got when you came home and the sacrifice you made. So thank you very much.

Mike Pollocoff:

You want to sign it and present it to them?

John Steinbrink:

Yes. Do you gentlemen want to come up? Hopefully when the wall is here we're going to get the whole Board together with a picture of you gentlemen by the wall and we can put that in our newsletter. Thank you.

5. MINUTES OF MEETINGS - JUNE 12, JULY 1 AND JULY 15, 2013

Monica Yuhas:

Motion to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Any discussion on the minutes?

YUHAS MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF JUNE 12, JULY 1 AND JULY 15, 2013 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY ALLEN; MOTION CARRIED 5-0.

6. PUBLIC HEARING

A. Consider Class B Combination Liquor License for Cheddar's Casual Café currently under construction at 10355 77th Street.

Jane Romanowski:

Mr. President and Board members, we have received an application for a Class B fermented malt beverage license and a reserve Class B intoxicating liquor license as you said for the Cheddar's Restaurant currently under construction at 10366 77th Street. This is the third reserve Class B intoxicating liquor license. It mirrors all the requirements of a regular Class B. What it does have, though, is a \$10,000 initial fee. And this was all done by the legislature back in 1997. With a bunch of calculations, they took some licenses away, made those regular licenses that we had as of then, and then they've added this kind of quota system and called them reserve licenses.

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So what happens is a reserve license is you pay the \$10,000 initial fee plus the original licensing fees which we have for everybody else, and you now have a reserve license. They pay the initial fee, and then once their license is renewed it's back to the regular fees just like any other establishment. And the only reason, as I stated in here, Famous Dave's and Olive Garden have paid this is because our regular licenses are used up, and now we're into our reserve licenses which we have 19 of them.

The way you gain licenses is by population. So if our population goes up over 500 in a given year you get one license. And so you just kind of keep adding that population and you get more licenses. The Village is very fortunate that we have 19 licenses because a lot of these communities don't have these licenses to issue. So we're very fortunate that we do have these licenses since our regular ones are used. So, again, like I said the initial fee is \$10,000 plus the licensing fee for the Class B liquor and fermented malt beverage if the license is approved. And once it's issued that fee would be prorated from the date it's issued through June 30th of next year. \$10,000 is an initial fee. That's not prorated but the license fee would be prorated. Plus they would have to pay as always the publication costs for me to put it in the paper and any other fees as we've done in the past.

In accordance with the municipal code that's on record, the Board is able to grant this license for an initial period of 90 days until they open. But that time frame could be extended to 180 days if necessary. So obviously Cheddar's is trying to get everything in order. And they plan to right now open sometime early September is what I'm hearing. The police department has completed their checks, publication was done, residency requirements for the agent have been met. And there's just a few other things that need to fall in place if the Board approves the license.

We do need documentation that the agent has satisfied the training requirements, and this is for all licenses, either by completing a responsible beverage server course or holding a license in the previous two years, either an operator license or a liquor license such as an agent for Cheddar's. Just a simple document that needs to be submitted. They need to pay the initial fee which I do have a check that was submitted and an annual license fee prorated, that will be prorated, publication costs which we now have in the *Kenosha News* and, of course, a certificate of occupancy from the community development department, the inspection department and the fire and rescue department, which obviously we wouldn't issue anything until they were authorized to use the building and open for business.

So just as we've done with all the other licenses the payments of taxes or any outstanding delinquencies would have to be paid. I checked and there are none to date. So just the standard licensing fees and the other few items that I mentioned. And the license if granted could be issued once I receive those certificates of occupancy. This is a public hearing.

John Steinbrink:

This is a public hearing. I'm going to open it up for public comment and question. Anybody wishing to speak on this item? Anyone wishing to speak on this item? Anyone wishing to speak on this item? If not, I'm going to close the public hearing and open it up to Board comment or question. Mike?

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Michael Serpe:

Move approval, Mr. Chairman.

Clyde Allen:

Second.

Mike Pollocoff:

I think there might be somebody from Cheddar's that came here. You made a long trip to be here for the hearing.

Richard Pane:

Good evening. Richard Pane, 4901 Dublin Creek Lane, Parker, Texas, 75002. I'll even scare you, I actually went to school in this state.

John Steinbrink:

I have a son that lives down in Texas and he's starting to talk like you.

Richard Pane:

We're very grateful that we've been able to come to Pleasant Prairie, and we will be a good corporate citizen here. We've been around for 34 years. The two founders started this in 1979 in Dallas, Texas. As of today we opened our 144th restaurant. You'll be number 145.

Mike Pollocoff:

It's a nice looking building, very nice.

John Steinbrink:

We're getting a lot of comments from people on the building how nice it looks.

Richard Pane:

It's a nice building. It's real stone and wood unfortunately. If you have any questions I'll be glad to answer them for you.

John Steinbrink:

I just want to add when I was down in Austin I stopped at several of the Cheddar's down there and also one on the way back. I think it was in the northern part. Very good food, and I think

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everybody's going to be very happy with what you have to offer. Very nice interior, very casual dining and great food, so thank you.

Richard Pane:

Thank you.

John Steinbrink:

With that we have a motion and a second. Any discussion from the Board?

SERPE MOVED TO APPROVE THE CLASS "B" FERMENTED MALT BEVERAGE AND RESERVE "CLASS B" INTOXICATING LIQUOR LICENSE TO TINA WESLEY, AGENT FOR CHEDDAR'S CASUAL CAFÉ, INC., CURRENTLY UNDER CONSTRUCTION AT 10366 77TH STREET, SUBJECT TO THE CONDITIONS SET FORTH BY THE VILLAGE CLERK; SECONDED BY ALLEN; MOTION CARRIED 5-0.

John Steinbrink:

Thank you for making the trip up here. What was your alma mater by chance?

Richard Pane:

Actually I went to college in Waukesha.

John Steinbrink:

Thank you for coming.

B. Consider Resolution #13-17 to change the official address of the house at 5029 93rd Street to 5149 93rd Street.

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request for the approval of Resolution 13-17 to change the official street address. On July 15, 2013, the Village initiated the change of an official address at 5029 93rd Street. This is the western most home on Outlot 4 as depicted on the screen of the Devonshire Subdivision. This particular house when Cooper Road is dedicated with a certified survey map this month will make the house at this location the address will not be in the proper sequencing. And so as such we need to modify the address. And it's proposed that it go from 5029 93rd Street to 5149 93rd Street. This is a public hearing before the Board this evening. The changes would be effective August 15, 2013 if the Board approves the public hearing and the change this evening.

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John Steinbrink:

Once again this being a public hearing I'll open it up to public comment or question. Anyone wishing to speak on this item? Anyone wishing to speak? Hearing none I'm going to close the public hearing and open it up to Village Board comment or question. If not a motion.

Monica Yuhas:

Motion to approve Resolution 13-17.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

YUHAS MOVED TO APPROVE RESOLUTION #13-17 TO CHANGE THE OFFICIAL ADDRESS OF THE HOUSE AT 5029 93RD STREET TO 5149 93RD STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

7. CITIZEN COMMENTS

Jane Romanowski:

There were no signups tonight, Mr. President.

John Steinbrink:

Anyone wishing to speak? Rob, if you could give us your name and address for the record.

Rob Zirban:

Rob Zirban, 5406 2nd Avenue, Kenosha, Wisconsin. Thank you very much for the opportunity to speak tonight. And I would like to -- many of the members of the Board should have all received an email from my committee. I have informed an exploratory committee to look into running for U.S. Congress again, and I wanted to come tonight to publically invite you all to please join me for lunch at my office in downtown Kenosha. It's located at 5711 8th Avenue on Tuesday, August 13th. I'd like to take this opportunity to invite you to lunch and to discuss issues before our communities and how we could all work together. Should I choose to run again, should I be fortunate to be the representative for Southeast Wisconsin I'd like to have some existing relationships and understanding of what challenges you're faced with here on the Village Board of Pleasant Prairie and things that you've seen around the community that you feel need to be addressed. So I hope you can attend. Please RSVP to my office number 262-657-7400 or

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RSVP to my committee coordinator al@robzirban.com, just respond to the email. Thank you.
Any questions?

John Steinbrink:

Thank you, no. Anyone else wishing to speak? If not, I'm going to close citizens' comments.

8. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, I have one thing that I'd like to bring to the Board's attention. We've been going through the process with the Wisconsin Public Service Commission to evaluate a proposed rate increase from the City of Kenosha for municipal water. We received notice from the Public Service Commission that the City of Kenosha has approved the Commission's findings as a result of the hearings that have been held over a good part of this year. And so the rate will be -- they're going to begin to bill the Village as of August 1st for the new increase in service.

Originally they'd filed for a request back in October of 2012, and at that time they were looking for roughly a 9 percent increase on average of \$1,052,000. And we got a copy of their service charges and how they allocate that. That would have represented a 16 percent increase to the Pleasant Prairie Water Utility. Based on that the Village Board directed the staff to file an action to intervene in the rate process so that we could have our side heard as to what we thought the rate should be, and in fact we did do that.

Subsequent to the Village intervening on the process, once we intervened Kenosha then raised their rate up to \$11,731,000, and it would have reflected a 34 percent increase on the Village's water rates. We went through a fairly long and lengthy process to demonstrate that the Pleasant Prairie Water Utility aside from buying water at one central point on 7th and 80th Avenue is a self-sustaining water utility. We purchase water in quantities that enable us to provide any of the needs that is required in the Village, and the thrust of our argument is that we're able to store the water that we need, we're able to convey the water that we need throughout the Village. We're able to provide the pressures needed through the elevated storage that we have in that we take care of the entire water system. The Kenosha Water Utility doesn't do any maintenance efforts at all beyond the metering point.

So consequently we felt that we were entitled to a better treatment than we were receiving. In fact under the Kenosha rates we would not receive the lowest cost although we were by far the Kenosha Water Utility's largest customer. And the rate findings that were announced, I got these today, what the Public Service Commission basically on five of the items agreed with the Village and two of the items they didn't. And the two items they didn't agree with was public fire protection. They still felt that Pleasant Prairie relied on the Kenosha system to provide enough water to fight fires. We thought we'd made a good case against that, and we have a little vestige of three metering sites that are still left over that we don't use. And the logic was that those sites could be opened up and used in case we couldn't provide enough water. And secondly it was on the allocation of transmission mains and how that worked.

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The upshot was that originally they were looking for a 9 percent increase for the Kenosha Water customers and a 34 percent increase for the Village. The Commission found in many of the areas that the Village prevailed in our case. The Kenosha customers' increase is going to be 17 percent, and the Village's rates are going to increase by 10 percent. So we went from 16 up to 34 now we're back down to 10. It's still an increase. That doesn't mean a residential user's bill is going to increase by 10 percent because even though it's a large number it's not the complete cost to our system but it's all of our water cost. So we'll be getting a notice from the PSC as to what our new rate is. We can't apply that 10 percent rate on all of our customers because we have a bit of an unusual situation because the power plant is in a premium rate class because they take water at such erratic levels that they have to pay a premium for that. Everybody else is on a pretty standard flow measurement.

I really believe it was a good effort. The things that became evident throughout the process one is John, Jr. has done a really good job of getting our system set up on a SCADA, he knows where everything is, it manages really well. He operates the system basically through computer. In Kenosha they have people running around turning valves manually. We were able to really bring a lot of information to bear that before we hadn't been able to do. And it pointed out in the Commission's findings that Pleasant Prairie did bring data to substantiate what we were doing.

Kathy Goessl who is not here our books are in really good order. And the other people on the team that did a really good job for us was Vickie Hellenbrand from Baker Tilly, Paul Kent and Ed Hughes from Boardman a law firm in Milwaukee did an excellent job in preparing the Village's case. So the important thing about us prevailing in this is that the rates that are established now become precedent setting for future considerations. So even though the Village might have only saved probably about \$280,000 a year, you compound that year after year and it really starts adding up into money. And it helps us to make our next change at the next rate request where we can take a look at things like fire protection, taking the standby meters out of service. And we're going to be able to I think really prevail in the fact that we are truly a wholesale customer.

So under this rate order Pleasant Prairie now receives the lowest rate of any of the customers that the City of Kenosha provides service to at \$1.38 a cubic foot. As I say it was a long process but I want to thank our team, they did really good job in putting this thing together. And we also had another guy, Jerry Hartman, who is an engineer out of Florida who is now affiliated with Crispell-Snyder through a common corporation. He really did some unique work for us. If he's still in the business when we have our next rate increase we're going to be able to really break some new ground on rates. So with that that's all I have, Mr. President.

Michael Serpe:

Mike, the next time there's a rate increase that's being asked by the City if it's a reasonable rate increase and one that's understandable, if it's not do we have to go through the whole intervention process again?

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Mike Pollocoff:

Yeah, I believe the next time -- it would be my recommendation even today if they apply for a rate increase six years from now, two years from now, whenever it is that we petition to intervene, because we still have two major areas that need to be resolved. That's public fire and the allocation of transmission expense. That means a lot. Public fire protection under the State's rules it's truly a subsidy. When we pay the City of Kenosha \$86,000 in public fire protection that money doesn't go to the water utility, it goes to the Kenosha general fund to reduce their expenses. Just like the public fire protection fee that we charged our residents goes to the general fund rather than the water utility because it offsets the cost of oversizing mains. So the Village receives no benefit of that money because all it does is it lowers the Kenosha tax levy for what they have to bill for fire protection on their side because they provide no fire protection.

Michael Serpe:

Did our intervention have any effect positive or negative on Bristol and/or Somers?

Mike Pollocoff:

Bristol's rates actually did go down, and part of that is, it's a little deceptive, but they've gotten so much smaller. They have a smaller area of water than they had before at the last rate filing. So mostly that's annexed land in the City. The Town of Somers did go up. I think they went up to 19 percent. They do use a lot of the City's systems because they water -- by and large along the east side of the Town along Sheridan and some of those areas over there.

Michael Serpe:

I tell you I give you guys a lot of credit. You and John, Jr. and the whole team. We've been waiting for this for a long time. Well overdue. I hope the City doesn't try and take it out on us because they got beaten down a little bit if they want to come back at us. We've just got to keep our guard up.

Mike Pollocoff:

It's not a personal thing. We really didn't get into any nasty arguments. Really it's the numbers. Numbers are numbers and dollars are dollars. And we really tried to keep it at that level. I hope that's not the case. I think everybody's going to come out ahead on this thing if we're able to deliver a quality product to the residents here and the businesses so we can grow the economy in this area. I mean that helps everybody. You're not going to grow a local economy by having one entity get rich off water rates. That money doesn't translate back into the economy. Whereas if you have reasonable rates and people can rely on them and have good quality water that helps us bring corporations to the community and creates jobs here. That's the real bottom line, not making another community pay more than what you're paying.

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Michael Serpe:

The reason I mentioned about taking it personal is because you go from a 9 percent increase to a 34 percent increase for no real reason it's more than personal.

Mike Pollocoff:

I didn't take it personally. I thought they were talking about you guys, not me.

John Steinbrink:

I think one thing we need to remember is we're the City's largest water user, wholesale customer, and we've never been treated that way. Unfortunately in the scale of economics that just doesn't make sense. And you'd think they'd want to do that. And I, too, want to recognize everybody for their work on this. Because I know the extra time you guys put in, the late nights, the trips, weekends, you guys were working on this all the time putting this case together for us. Whether the rate payers realize it or not you did a lot to protect the rate payers and to protect future rates. This case laid a lot of groundwork for us in the future and the way we can address things.

And you touched on the economic development, and that's something that is probably more important than the rates we pay is the cost of what water is and how it can hinder or help economic development. Because we've talked to people that want to come into the community and the cost of water, the availability of water those are important issues to a lot of people because water is going to become the next gold of the future. We're very fortunate. With your work on getting the diversion years ago that set the groundwork for what we have here today with the industrial park and everything we have to offer to the residents in this community and part of the quality of life and the reason we can offer low taxes and everything we do. So it's something that kind of hinges with everything else and was an important thing to do. It was a lot of work and you guys did a good job so thank you.

Mike Pollocoff:

That's all I have, Mr. President.

Steve Kumorkiewicz:

I'd like to make one last comment. Going through the dockets, requirements and everything else, if I read properly we've got a 3.2 million gallon capacity in the Village for 20,000 actually, basically. Now, the City's got 20 million for 100,000 people so we've got a better ratio. Also, the fire protection that we've got we built here in the Village separate from the City. We can have fires in the Village to supply the population and we still have plenty, a million gallons left. So I don't understand why the Public Service Commission takes that into consideration.

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Mike Pollocoff:

I think they did, but I'm not totally convinced when you read through the minutes and notes that they really came to grips with it. And I think they would tend to lean more conservative and say we don't want to be in the position where we tell the community they don't have to pay a fire protection fee, and they may be using water in the lowest point in the day when John's getting ready to fill his towers and he hasn't filled the towers yet and you could have a fire there. We hoped they would have dug into the numbers a little bit deeper and see we still have like four million gallons sitting around.

I think back to the biggest fire I've seen in Pleasant Prairie, and that was the Lawter fire, and there were over 30 departments here. Even at that point, that was back in '92, we were fighting a fire, all those fire trucks were drawing water off the system, and we were filling towers at the same time. That's how you have to have the system work. So we had the capabilities do to it then. And even ISO gave us the highest rating you can give a community for water storage because we store so much water. But I just really think that a lot of the decisions were falling Pleasant Prairie's way, and when you read through the discussion there was like, well, we don't want to say, and I'm paraphrasing what they're saying here, but we don't want to be in a position to say that they don't have to pay for it because they might need, and if they can't get it because they don't need it they don't want to have that on the case.

I think between now and the next time this comes about we'll have some of those bypass meters addressed, and John will be able to give them however many years of inventory or how many years of records given how many fires we have and what our use is to show we're able to withstand that. I wish they wouldn't have went that way but I kind of understand why they did it.

Steve Kumorkiewicz:

It's better than 34 percent anyway.

9. NEW BUSINESS

- A. Receive Plan Commission recommendation and consider Ordinance #13-31 to rezone the property located at 11450 23rd Avenue from R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District into the R-4 (AGO), Urban Single Family Residential District with a General Agricultural Overlay District.**

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioner is requesting a zoning map amendment to rezone their property located at 11450 23rd Avenue from the R-4 (UHO) to the R-4 (AGO) District. Specifically they're requesting to rezone 12.4 acres of property so that that vacant property can be farmed. A portion of the property has been identified as being within a shoreland jurisdictional boundary and may also have some wetlands on the property. The waterway is not allowed to be filled or altered, and farming activities cannot affect the drainage on the adjacent or

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downstream properties. It's likely, however, we just wanted to make the property owners aware that when the wetlands are no longer being farmed they likely will revert back to wetlands and would need to be determined whether or not that area could be developed if they choose to develop the land in the future.

The AGO District requires that lots be a minimum of 10 acres with 300 feet of frontage on a public street. The property meets the minimum requirements. The proposed zoning map amendment is compliant with the Village's 2035 Comprehensive Land Use Plan map. And specifically the map indicates that the property in the future is within this low medium density residential land use designation with an urban land reserve designation. Again, rezoning the property would allow it to be farmed at this time. My understanding is that they currently have a farmer that is willing to farm the land, and they have a current lease with that particular individual.

The staff and the Plan Commission recommend approval of the rezoning of the property which is identified as Ordinance #13-31.

Steve Kumorkiewicz:

Make a motion to approve.

Michael Serpe:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #13-31 TO REZONE THE PROPERTY LOCATED AT 11450 23RD AVENUE FROM R-4 (UHO), URBAN SINGLE FAMILY RESIDENTIAL DISTRICT WITH AN URBAN LANDHOLDING OVERLAY DISTRICT INTO THE R-4 (AGO), URBAN SINGLE FAMILY RESIDENTIAL DISTRICT WITH A GENERAL AGRICULTURAL OVERLAY DISTRICT; SECONDED BY SERPE; MOTION CARRIED 5-0.

B. Receive Plan Commission recommendation and consider a Lot Line Adjustment to add 5,312 square feet of land to Lot 20 from Lot 19 of the Westfield Heights Subdivision for the proposed development of Goddard School.

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioner is requesting to adjust the lot line between Lots 19 and 20 of the Westfield Heights Subdivision. Specifically it involves 5,312 square feet of land to be adjusted and added from one lot, which is Lot 20 to Lot 19. After the adjustment Lot 19 will be 2.507 acres, and Lot 20 will be 1.304 acres. The lot line adjustment is being requested

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so that all of the improvements that are being made for the Goddard School development will be solely on Lot 19 as conditionally approved by the Plan Commission on April 22, 2013. The proposed lot line adjustment complies with all the requirements set forth in the zoning ordinance as well as the land division and development control ordinance, and the staff recommends approval along with the Plan Commission.

Steve Kumorkiewicz:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A LOT LINE ADJUSTMENT TO ADD 5,312 SQUARE FEET OF LAND TO LOT 20 FROM LOT 19 OF THE WESTFIELD HEIGHTS SUBDIVISION FOR THE PROPOSED DEVELOPMENT OF GODDARD SCHOOL; SECONDED BY YUHAS; MOTION CARRIED 5-0.

C. Consider Ordinance #13-32 to create Section 229-13 F of the Municipal Code related to storing of garbage and recycling containers.

Jean Werbie-Harris:

Mr. President and members of the Board, the staff has received several complaints over the last several years with respect to the placement of garbage cans and recycling containers. While the solid waste recycling ordinance does identify that the cans should not be placed to the curbside sooner than 12 hours before collection and then need to be removed, what it doesn't say is where the containers should be stored when the garbage is not being collected on garbage day.

Most if not all of our newer subdivisions have provisions in them that specifically say the garbage cans shall be stored in an inconspicuous location adjacent to the garage, within a garage, someplace so that it's out of public view. In the non-subdivision areas or the areas where there are no covenants and current status in the Village, there happens to be some concern about not having an ordinance as to where the garbage containers should be kept. And so we have some residents that are now putting them in the center of their yard, they're putting them in very prominent locations because other neighbors have been calling because they're upset about it. And some of them leave them at the street because they find it's easier for them to walk from their house all the way to the street to put the garbage in and leave them in 24/7.

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So the staff would like a little assistance from the Board just to have an ordinance in place so that it's clear that the containers should be brought away from the curb up to the house, adjacent to the garage when they're not used on collection day. This should also avoid any concerns and problems with people leaving them out in the street right of way during snowfalls and other times when we have leaf collection.

Monica Yuhas:

Jean, question. What's going to happen when garbage cans are left out for more than 12 hours or 24 hours? Are they going to have someone from CD come out and follow it up with a complaint? Are we going to have the police department, parking enforcement --

Jean Werbie-Harris:

We are doing it now. We are doing it now. We are spending a great deal of time, not only myself, my staff, parking enforcement officer and the police department. And sometimes we're going back two and three times because residents keep calling and calling because they're making shrines in the middle of their front yards with the garbage cans.

Michael Serpe:

When I saw this on the agenda I gave it a lot of thought. I don't think I'm going to support this, and I'm going to give you my reasons. I think a better way to approach something like this is through our newsletter asking people to be just a little bit more respectful about their neighborhoods and where they put their garbage cans and how to put their garbage cans. If we come up with another ordinance like this all we're going to do is give some citizens the opportunity to call the police department or community development and complain about the violation of this ordinance.

We can't enforce everything that we have going wrong now because we don't have the manpower to do it. And this is just going to give unhappy neighbors a reason to call and complain about the neighbors that they don't get along with. I haven't received one phone call about garbage cans that are not placed in the right place. I think in my neighborhood alone somebody goes on vacation, they tell me the neighbor would you do me a favor, put my cans out and put them back when they're empty, so we help each other out.

I don't think this is a good way to go. I think it's going to create problems, and it's going to cause people to complain about the Village not doing the enforcement of an ordinance that they passed, and I don't want to see that happen either. So I'm not going to support this. I think I'd rather go a different route. I'm trying to educate people. I'm trying to say, hey, be a little bit more respectful to your neighbors in your own house and put the cans back where they belong and out of site if you can. I mean there's incidents where peoples' garbage cans would have to go to the back of the house. Senior citizens would have to drag them out in the winter. How is that going to happen? I just think this is a bad way to go at least for right now.

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John Steinbrink:

Jean, I already think you're getting those calls so do you want to comment on that?

Jean Werbie-Harris:

All I can tell you is we're getting the calls now. There's angry neighbors. I mean the purpose of the staff here is not to rely on the Village Trustees to have garbage complains. We're trying to handle them as best we can. But when the neighbors start arguing and screaming and swearing and like verbally abusing my staff I do contact the police department, and then the Chief sends an officer out there to talk to the neighbors. Primarily a lot of this is occurring on the very far west end of the Village and the very far east end of the Village. And it's not in platted subdivisions where, again, there's current restrictions or covenants.

I'm not sure how else to handle it. We certainly have tried the kinder, gentler approach several times and asked them to get along with their neighbors, to work with their neighbors, see if they could bring their neighbors' garbage cans in. I'm sure there are other issues going on between the neighbors as to why they're having these arguments. But if it would just be one neighbor calling on another neighbor but it's not. This is a frequent complaint. And I just need to know where to go with it or how to deal with it from this point forward. Give me some tool to actually get them to stop doing it because it's very disrespectful as to how the residents are treating my staff.

John Steinbrink:

Jean, how are you going to handle disabled folks and elderly that are unable to do this as Mike said? Are we going to have some provision in there for them?

John Steinbrink, Jr.:

Mr. President and members of the Board, we have a backdoor pickup right now, and so anyone that is disabled. We do require an annual doctor's note for that just to make sure that it's not abused. And there's probably 20 residents that we have on the list where we actually go to the back door of their house or wherever they keep their can, take it, roll it up to the curb, dispose of it and bring it back. And so we do have something in place for people that need it. We do require a doctor's note just to make sure that it's not abused, and it is place for anyone that chooses to use it.

Monica Yuhas:

And I would just like to go on the record saying I did receive an email and a phone call from separate residents in the Village. I had to call John, Jr. to ask about placement of garbage cans because they're sitting out or they're seven feet in my driveway. It's neighbor against neighbor and they just don't get along and it's unfortunate. And it puts Jean's department, they're getting the complaints, they're getting the verbal abuse. We need to have something to help her department as well.

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Michael Serpe:

I would rather send out one of us to try and PR this problem.

Monica Yuhas:

I've been out there. I'm not going out.

Michael Serpe:

You know what, sometimes you just can't stop a fight between an uncooperative neighbor. And creating all kinds of ordinance sure as hell is not going to make it better.

Monica Yuhas:

I think in my experience I found that when you're a female people are a lot more combative with you. If you go out they're probably a little bit nicer to you because they'll listen to you because you're a man. But when you're a woman and you cite the ordinance and you explain to them why they're in violation they're rude, they're combative, they're disrespectful, they're threatening, and that's what I've encountered this year. That's my perspective on it.

John Steinbrink:

Would you care to make a motion?

Monica Yuhas:

Yes, I'm going to make the motion to approve Ordinance 13-32.

John Steinbrink:

Do we have a second? I'll second it. Now is there discussion on this?

Clyde Allen:

Thank you, Mr. President. I understand what everybody has said up here. I understand the position our staff is in, what they go through. My first looking at this was, gee, does an ordinance of one size fits all really fit or work in this situation? I lean toward it's certainly far better if we can eliminate some of these neighborly fights, if we can eliminate some of the calls on the staff and the burden on the staff. Because, like you say, we do have something in place for the disabled and elderly. So I agree with passing the motion, I really do.

Steve Kumorkiewicz:

I'm kind of reading the amendment and listen to what Mike says, I do believe that maybe we should put in the Village bulletin a notice that unless the situation is solved by the residents we

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should have to take another measure [inaudible] for example by resolution at that time. Kind of wait. Because more ordinances, more enforcement. I've got complaints, too. I have one neighbor in my neighborhood that puts his garbage in the front, from the curb to the front. And I talked to that person and it did no good. So I think give them fair warning, if it doesn't happen in 60 days and no improvement then pass the ordinance.

Clyde Allen:

This isn't going to eliminate it. If neighbors are going to fight they're going to fight. But the objective here should keep the Village as clean and neat as possible, and that should be the aspect we look at in this ordinance.

Michael Serpe:

Prior to automated pickup when we had private companies picking up our garbage we had garbage all over the place because of crows, animals, and people just didn't care how they put their garbage out. Now we have identified containers for recyclables and garbage. We have virtually no complaints on garbage pickup. Public works is doing a phenomenal job. And we're going to pass an ordinance because one neighbor can't get along with another one in a certain incidence. And I'm telling I think we're creating a bigger burden on this Village by passing this ordinance instead of trying to get the people to get along and be respectful to one another. We can't handle the zoning complaints that we have now and we're going to add to it. That doesn't make any sense to me unless you're ready to hire two more people for about \$120,000 with benefits to enforce putting your garbage cans away. I don't think it's right.

John Steinbrink:

I think we're already doing that? Chief?

Chief Smetana:

I think what this does, and I am by no means in favor of enacting ordinances just to hammer people with citations. I agree with you and based on your experiences as a cop for all those years people are going to fight. What this does, and what it may do is prevent ongoing calls back and forth, back and forth. We go there the first time and we do try to talk to people, and that's our job is to resolve issues. We go out and talk to people. But without some sort of a hammer as to consequences it relies on their feelings as neighbors. And if they don't like each other to begin with it's going to continue. So this may aid in those return calls.

I'm not quite sure how many we have. I didn't research it, but I know I've had frequent conversations with community development on these things, and I have sent officers out. I've been out. I'm in the process now of speaking with a couple of neighbors about similar issues one-on-one with them. So I know these things do happen. I also know based on my experience that if we're able to tell people, alright, if that garbage can doesn't go back there are citations involved sometimes money talks. Thanks.

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Mike Pollocoff:

Jean talked to me about the issues of people putting in the middle of the yard and things like that. And typically there's always a knucklehead who is going to find some way to irritate their neighbor. And there's always going to be a neighbor who gets irritated over the slightest thing. And I think if we put this ordinance in effect, I agree with the Chief it will give you some leverage to deal with that, but then we'll move onto the next thing. People who are bad neighbors are bad neighbors are bad neighbors.

Once we adopt one of these things Jean might take care of -- like she said she's had about 12, so we're average six a year, and I'll be you out of the six a year some of them are the same people. But once we put this on the books everybody that wants to lever somebody, once they get knowledge of it, and Chris does a really good job of publicizing what you have to do and we'll have this out there, my concern is that if somebody doesn't get it moved within 12 hours we're going to get the call. If we're saying the container should be stored in an inconspicuous location, inconspicuous to who? On the side or rear of the garage or inside the garage or in a shed, I mean I guess I'd want this ordinance to either be totally specific that says it has to go here or there and that's it. Or be able to give the staff some latitude to say if it's been raining a lot or it's been snowing and they haven't got it off the curb yet they've got the latitude to say that.

I could think of one neighborhood where we've been dealing with people who are parking five feet in front of someone else's house on a public street, and I can't begin to tell you how much staff time we spend on dealing with people who don't know how to get along with each other. And what I don't want this to be is another reason for people to say I've got something else, that they didn't get it out within 12 hours, or I can still see it when I look out my window or whatever. That's the problem. That's my concern in this thing. In some respects it's vague. It gives some latitude that we're still going to be arguing over the fact of how soon did it get back? Did it get back right at 12 hours, was it soon enough, wasn't soon enough.

On all our ordinances we can try and talk people down from being crazy and say just put those containers back so we don't have to deal with it again, and some people will do that. But if you look at how many of our ordinances and how much staff time is directed at dealing with people who don't know how to be neighbors, we can never create enough ordinances because they're creative and they keep going and going and going.

My recommendation or my request is my initial inclination I wasn't in favor of this because I didn't the problem was as pervasive as Jean described. And technically I think it really gives a lot of latitude. It's kind of vague and I think we're going to have a tough time enforcing it. When you say as soon as possible or inconspicuous we get stuck in this thing where we have to then justify why we're saying what's inconspicuous and what's not and what does soon as possible mean. That's an issue. It's a practical matter. When you're dealing with irrational people to begin with who aren't able to accomplish the common sense of taking their garbage container and putting it back in the garage you've got to think that you're dealing with people who are going to be rational with them when you're trying to talk them into doing something that's right. And it's either got to get real specific which doesn't give us latitude to try and deal with it or we just try and deal with it in other ways.

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John Steinbrink:

Mike, a lot of people put their garbage out the night before. You think 24 hours would give them enough time?

Mike Pollocoff:

Yeah, and we have that ordinance now and we really haven't enforced that. Because, again, 99.5 percent of the people get it. They'll put it out -- I have some people who put it out in my neighborhood because they don't like --

John Steinbrink:

So we have an ordinance that says within 24 hours you've got to take them in, take them out.

Jean Werbie-Harris:

Twelve hours.

John Steinbrink:

Okay, what about 24 hours? That gives everybody enough time, and it takes away this tool for these people to argue back and forth and use the Village as the punishing factor against these neighborhood disputes. Because whether it's garbage cans or anything else they just can't let up on their neighbors, they can't get along. But we don't need the staff through the aggravation of getting these calls over and over and over. So if they had 24 hours that's more than reasonable enough time because then what's the excuse. And if you can't do it in 24 hours you better get somebody to do it for you. Because I don't see a reason why garbage cans sit out more than 24 hours. If you put it out at night have it in by the next night.

Michael Serpe:

We already have that in place.

John Steinbrink:

No, we have 12 hours.

Michael Serpe:

Alright, we have a time element in place. What Mike hit on is very true, to put the cans in an inconspicuous spot and I'll give you a perfect example. My neighbor who keeps an impeccable yard, he's on a corner lot, has his garbage cans on the side of his garage facing 34th Avenue. If he and the guy across the street ever get into an argument the guy across the street is going to say I've got to look at those garbage cans every time I look out my front window and I'm getting sick

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of it. And that's the kind of battle you're going to create by having this ordinance as it is. And I agree, Mike, it's too vague.

John Steinbrink:

Jean, what do you think about that argument?

Jean Werbie-Harris:

I would just get rid of the language in an inconspicuous location. Just say alongside or adjacent to the side or rear of the house. I can tell you we have 22 subdivisions that have this exact language. And they self-police it, and the people have to bring them in. They have to go on the side or they go in the garage. It's not a problem in the newly platted subdivisions since 1989, no problem. It's the ones previous to that. And, again, it's the people who leave them out at the curbside the whole time, who want to put them in the center of the lawn. The situation is we can take the inconspicuous location, I actually took that out of the many, many, many covenants that have been adopted by this Village over the last 20 years. So if you take out the container shall be stored along side the side or the rear of the house or garage, not everybody has a garage, or inside a garage or shed. Like in my subdivision they have to go inside a building. They can't be outside. So to give them an option either way.

Michael Serpe:

And they don't have to be shielded by anything?

Jean Werbie-Harris:

I think that would be a lot more difficult in this Village than at least having them adjacent to the garage or the house.

Mike Pollocoff:

Even the last line says containers shall be properly screened from public view.

Jean Werbie-Harris:

We can take that out if you want to take that out.

Mike Pollocoff:

Well, you have to say public view from the street the front door is on because you're going to have every corner lot that's going to have two public views.

John Steinbrink:

And if we remove that that eliminates --

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Mike Pollocoff:

If you want to just say it has to be on the side or rear or inside a garage or shed.

Tom Shircel:

Mr. President?

John Steinbrink:

Yes, Tom?

Tom Shircel:

Just for clarification, the current Section 292-14 hours of collection states collection containers and materials shall not be placed at the curb before 6 p.m. on the day prior to the regularly scheduled collection day and shall be removed from the curb within 12 hours after collection. So that's what's currently on the books.

Mike Pollocoff:

It is 24.

John Steinbrink:

We don't pick up until --

Mike Pollocoff:

Six in the evening and if you don't get home they pick it up -- that's 24 hours.

John Steinbrink:

Then it should be sufficient.

Steve Kumorkiewicz:

Then we don't need an ordinance.

Jean Werbie-Harris:

Tom is going to read the last sentence again to you of the current code.

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Tom Shircel:

Collection containers and materials shall not be placed at the curb before 6 p.m. on the day prior to the regularly scheduled collection day and shall be moved from the curb within 12 hours after collection.

Jean Werbie-Harris:

And that's all I'm saying is shall be removed within 12 hours after collection. The same thing.

Mike Pollocoff:

If you put it out at 6 at night and they collect it 8 o'clock tomorrow morning, if you're not there you've got 12 hours after that point to collect it. If they pick it up at 3:30, the latest we pick something up then it's 12 hours from there.

Clyde Allen:

Correct, but if you say 24 hours in the ordinance, if you put it out at 6 in the morning you now have until 6 in the morning the next day. If you say you have it 24 hours to have it out --

Mike Pollocoff:

We don't enforce the current ordinance because I guess we don't --

John Steinbrink:

Why don't we enforce the current ordinance.

Mike Pollocoff:

We really don't know when they put it out.

John Steinbrink:

How does that language affect if you have a holiday in the week and we're delayed a day? Is that considered an [inaudible] scheduled day?

Mike Pollocoff:

If they knew their scheduled day was being moved a day back then they would put it out a day later.

John Steinbrink:

It will be on our calendar, right?

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Mike Pollocoff:

So we really don't know how long it's been from the time we picked it up.

John Steinbrink:

That's why we have cameras and time sheets.

Michael Serpe:

Could I ask a favor here? We could talk about this all night. I think there's enough information going back and forth. Could we ask that this be heard at the next Board meeting with the refined language so we could maybe make an informed decision.

John Steinbrink:

John, what do you think about the garbage situation?

John Steinbrink, Jr.:

Mr. President and members of the Board, I don't believe that the ordinance revision is about the times that the container is put out or the time that it is collected by solid waste staff. This revision talks about where to store them when they're not out for collection per se. And that's really what it is. Like Jean had said or Mike had stated our collection is done by 2 p.m. every day. Our guys are out by the landfill probably even by quarter to two. It takes an hour to run to the landfill and back. And so you really need to have them in with that 12 hours before 1 a.m. And so I think that if you put it out after 6 p.m., most people come home from work, like you had said, Mr. President, put their cans out the night before. Long as they have them out by midnight you're really covered by the ordinance.

I think what Jean is trying to put together is where do you store these cans when they're not out for collection. And a lot of people are leaving them out at the curb, they're rolling them half way up the driveway, they're putting them right in front of the garage. And so I think her intent, and Jean correct me if I'm mistaken, is just to really improve the look of the Village to make sure that these containers are put somewhere where they're not out for public display.

Jean Werbie-Harris:

And I have a one sentence ordinance for you. Containers shall be stored along the side or rear or house of the garage, comma, or inside the garage or shed, period. Everything else is addressed in the current ordinance.

Steve Kumorkiewicz:

I think I have a problem with this.

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John Steinbrink:

You have a problem?

[Inaudible]

Jean Werbie-Harris:

That will be helpful. That will work for us. I can read it again.

Steve Kumorkiewicz:

Okay, read it again will you please.

Jean Werbie-Harris:

Containers shall be stored along the side or rear of the house or garage or inside a garage or shed, period. That's it.

Steve Kumorkiewicz:

That's better. I can live with that. But still we have to put that in the Village flyer monthly.

John Steinbrink:

We had a motion and a second. Would you care to amend your motion or change it.

Monica Yuhas:

I will remove my motion, I will withdraw if you would like to remove your second.

John Steinbrink:

I will remove the second.

Monica Yuhas:

And I will make a motion to accept Jean's revision. Will that still be Ordinance 32-32 Jean?

Jean Werbie-Harris:

Yes. Well, that would be up to Jane but I would assume it would be.

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Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Any further discussion?

YUHAS MOVED TO ADOPT ORDINANCE #13-32 TO CREATE SECTION 229-13 F OF THE MUNICIPAL CODE RELATED TO STORING OF GARBAGE AND RECYCLING CONTAINERS; SECONDED BY ALLEN; MOTION CARRIED 5-0.

- D. Consider the request of RC Westwood Estates LLC for the Termination and Release from the Memorandum of Development Agreement and the amendment to the Development Agreement entered into by and between the previous land Owner (Westwood Estates LLC) and the Village of Pleasant Prairie for public-related infrastructure improvements in the Westwood Estates Manufactured Housing Addition.**

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioner is requesting a termination and release from the memorandum of development agreement and amendment to the development agreement entered by and between the previous landowner, Westwood Estates, Inc., and the Village of Pleasant Prairie for public related infrastructure improvements in the Westwood Estates Manufactured Housing Addition. The memorandum of development agreement between the Village of Pleasant Prairie and Westwood Estates was recorded on May 18, 1999 with the Kenosha County Register of Deed's Office as Document 1145052, and it was amended by an amendment to the development agreement recorded on May 15, 2001 with the Kenosha County Register of Deed's Office as Document Number 1218834.

All of the public related improvements as referenced in the agreements have been completed, inspected and accepted by the Village pursuant to Resolution 11-46. In addition, all of the obligations referenced in the agreements have been fulfilled, and financial securities held by the Village have been disbursed with the exception of the balance we have of cash on hand of \$2,636.11 which we had held. Six street trees have not made it, the one year warranty they have all been since replaced. The Board can decide whether or not to release that \$2,636.11.

This development in your packets of your information the resolution to approve all of the public improvements was approved by the Village Board in December of 2011 I believe, and a public resolution was adopted at that time accepting all the public improvements. Again, these are public improvements for 80th Street as well as 85th Avenue. So that would be 80th Street and the 85th Avenue. The rest of the development is private, but this only refers to the public improvements, the sewer, water, storm sewer, curb and gutter, infrastructure, as well as the roads, streetlights and street trees. Since we've already accepted the resolution for all these public improvements and this property is being sold, they had requested that the Village release the

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formal development and memorandum agreements for this development similar to what we've done in the past for other projects in the Village.

Monica Yuhas:

I'll make a motion to accept the termination and release of the development agreement of Westwood Estates.

John Steinbrink:

Motion by Monica, second by me. Any further discussion?

Steve Kumorkiewicz:

Yes, how is that going to affect us in the long run?

Jean Werbie-Harris:

It shouldn't affect the Village at all. You've already accepted the public improvements by resolution. They've been inspected and accepted by us. So this just releases any further obligations that they would have, and they have no further obligations because you've already accepted them.

Steve Kumorkiewicz:

So any further problems over there who takes care of it?

Jean Werbie-Harris:

The improvements are owned by the Village of Pleasant Prairie so it will be the Village's responsibility to maintain these improvements.

Steve Kumorkiewicz:

Future improvements.

Jean Werbie-Harris:

Existing improvements that were put in a number of years ago.

Steve Kumorkiewicz:

What about future ones?

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Jean Werbie-Harris:

Futures improvements haven't been constructed yet so we're not releasing any obligations or liabilities. There are no other improvements to be installed in this development.

Steve Kumorkiewicz:

So we have no provision for the future in that.

Jean Werbie-Harris:

There are no future public improvements. There are only private improvements left to be completed, and we'll enter into separate agreements with them for that. But we don't have any obligations because they're private.

John Steinbrink:

We have a motion, we have a second. Any other further discussion?

YUHAS MOVED TO GRANT THE REQUEST OF RC WESTWOOD ESTATES LLC FOR THE TERMINATION AND RELEASE FROM THE MEMORANDUM OF DEVELOPMENT AGREEMENT AND THE AMENDMENT TO THE DEVELOPMENT AGREEMENT ENTERED INTO BY AND BETWEEN THE PREVIOUS LAND OWNER (WESTWOOD ESTATES LLC) AND THE VILLAGE OF PLEASANT PRAIRIE FOR PUBLIC-RELATED INFRASTRUCTURE IMPROVEMENTS IN THE WESTWOOD ESTATES MANUFACTURED HOUSING ADDITION; SECONDED BY STEINBRINK; MOTION CARRIED 5-0.

E. Consider Ordinance #13-33 to amend Chapter 360 of the Municipal Code relating to Weights and Measures regulations.

Mike Pollocoff:

Mr. President, we've had a responsibility from the State of Wisconsin to either monitor weights and measures for scales and gas pumps and things like that ourselves or contract with the State to do it. In 2004 we started the process where we allocated \$5,000 a year which was passed on by the Village to people who needed this service for what the State charges us. At that time we had a yearly license fee of \$25, and it was a 20 percent administrative fee for us to monitor and keep track of the calculations.

But what's happened over time is we really don't have a good list of the businesses. We don't have a business licensing system. So as time went on there was some businesses that might have had a requirement for weights and measures, then they changed how they operated, and we still billed them but they didn't have anything to monitor or a scale to do anything. And under the new State budget we can't charge anything more than what it actually costs to do it, let alone charge them for something we don't do at all.

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So this ordinance places how the fees are collected, the notices of invoice and how payments are going to be made. It's basically being made within 30 days once we determined that they actually do need that service and they received it. And it's going to be based on an administrative fee of 10 percent, not 20, and any fraction thereof of anything that we have to spend to take care of that. Since the State is getting involved in everything I would just be as happy that as long as they're going to do this they would just do the whole thing but that's not the case. So we've still got this end to do and it just makes us a cleaner operation for us.

Jane Romanowski:

And actually it's just going to be actual cost, not 10 percent or 20 percent, it's calculate the cost of prorating the fees out that Mike gets from the State and sending invoices and postage and staff time, and it will be right down to the dollars we spent and just recouping our costs. There's no reason for it to come to the Board for anything.

Mike Pollocoff:

You've been hearing this every year, but to be honest with you we've been billing people that didn't get the service, and I think there might be some people that needed the service and we weren't getting them.

Michael Serpe:

Move approval of 13-33.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

SERPE MOVED TO ADOPT ORDINANCE #13-33 TO AMEND CHAPTER 360 OF THE MUNICIPAL CODE RELATING TO WEIGHTS AND MEASURES REGULATIONS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Consider Resolution #13-18 to authorize the disposal of surplus lab equipment.

John Steinbrink, Jr.:

Mr. President and members of the Board, on May 6, 2012 the Village Board of Trustees approved a contract for CT Labs to perform sanitary sewer surcharge and water sample testing to meet DNR requirements. This service has been running very successful and has allowed lab personnel to be assigned other essential maintenance duties within the utility department. The Pleasant

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Prairie lab is no longer permitted by the DNR and no longer serves as a useful function. The utility department would like to dispose of the following unused lab equipment, more equipment than I can probably pronounce or know exactly what it's used for. But it was purchased in the '70s. There's been some minor upgrades to it, but there is still a value to a lot of the equipment that's out there for doing the testing. We would dispose of the equipment on e-Bay, and I recommend that the above laboratory equipment be disposed of. I can answer any questions.

Monica Yuhas:

Motion to approve Resolution 13-18.

Clyde Allen:

Second.

John Steinbrink:

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

Mike Pollocoff:

I have one question. Are we going to put up the cabinets?

John Steinbrink, Jr.:

Yes we are.

Mike Pollocoff:

Okay, because they're not on the list.

John Steinbrink, Jr.:

Yeah, we are going to put up the cabinets, the beakers, the flasks, everything. This is just the major equipment. But I will make sure that the revised list shows all the cabinets and ovens and everything else is listed.

Mike Pollocoff:

Thank you.

Steve Kumorkiewicz:

Question. Mike or John, would it be better to advertise in the League magazine that other communities may use or need this time of equipment.

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John Steinbrink, Jr.:

We can go through and do that also. We can run it through the League for a promotion and put it on e-Bay also. There's a lot of private labs. Most of the labs that are municipally run would probably not be interested in this. It's more of the other labs that have equipment very similar to this. But we'll take your recommendation and post the information for the League also. And then whoever comes up with the highest bid would be selected.

Mike Pollocoff:

Most municipal labs are like us, they don't have any money. So we're going to have better luck selling in the private sector rather than relying on one of our --

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

We had a motion and a second, didn't we?

Jane Romanowski:

Yes, we did.

YUHAS MOVED TO ADOPT RESOLUTION #13-18 TO AUTHORIZE THE DISPOSAL OF SURPLUS LAB EQUIPMENT; SECONDED BY ALLEN; MOTION CARRIED 5-0.

G. Consider Ordinance #13-34 to amend Chapter 214 of the Municipal Code relating to dog park fees.

John Steinbrink, Jr.:

Last year as part of the five year CIP for the parks department the Board had authorized a dog park for the Village of Pleasant Prairie and other residents within the community. We're looking at having that dog park in Ingram Park, and it's actually shown just to the left side on the screen of the pond. It's probably about two acres. We're looking at having a large dog park and a small dog park. The ground has been graded. We actually have a milk bone pond within the large dog park. There would be some paths in there and some trees and even a couple of fire hydrants we're going to put in there just for display and use by the dogs.

And so this evening we're looking to establish the dog park fees for the dog park. Currently if you want to go to a dog park they're all maintained and run by Kenosha County. We're looking at just doing our own dog park license, having our own fees. One of the concerns as I talked with Mr. Pollocoff was having it overrun by too many people, by too many dogs in the area. And so we thought if we just kept our own tags and our own management of the park we would be better

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off. And it would be a better park for anyone that uses it. And so we did parallel the Kenosha County fees because it is going to be a very nice park. It's going to be very popular. The fees for an annual Village resident for first dog of \$20. If you're a Village resident senior or disabled it's \$10. A non resident for first dog \$25. Additional tag for each dog up to two additional \$5 each, and annual tag replacement fee of \$5.

Those are just the annual fees where you would go -- there's going to be a little blue tag with a milk bone shape to it, have some wording on it, so you would properly identify that the dog has paid the correct fees. There's also going to be a drop box very similar to what you would see at the DNR State parks or boat launch areas where you can just do a daily pass. So for Village resident per dog per day is \$2, and for non resident per dog per day of \$5.

We are looking to start constructing the fencing probably within about the next three weeks. Some other minor improvements, and we're hoping to have some sort of an open house ribbon cutting for the park in October. It is on the Park Commission agenda to work on the agenda for this dog park, and we are very excited to host the opening of this. So I can answer any questions on the dog park fees for Ingram Park at this time.

John Steinbrink:

John, have you considered naming rights for it? Say some person wanted to call it Wrigley Field or something.

John Steinbrink, Jr.:

We have not done it yet, and that's something that we can bring up at our Park Commission meeting. I know we've done that with other trails and parks as Prairie Springs Park in the past. And it's really a good way to promote the new park. So that's something I can probably work with Chris Lopour on and the Park Commission to have a name for our first dog park. Because it really is a very exciting time for Village residents.

Michael Serpe:

John, is there going to be a separation for big dogs and small dogs?

John Steinbrink, Jr.:

Yes, there will be.

Michael Serpe:

There will be.

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John Steinbrink, Jr.:

Yes. We're going to have a four foot fence around the entire perimeter and separating the large dog park and small dog park. And there are going to be separate openings for the large dog park and small dog park.

Michael Serpe:

Great, thank you.

John Steinbrink:

Will there be a limitation to the breeds allowed in there?

John Steinbrink, Jr.:

There are quite a few rules. It's not really by breed but it's by temperament of the dog. That's really how we address that. I will be working with our Police Chief and parking enforcement as he will be monitoring the dog licenses or day passes at that park the same way that he's doing the parking enforcement.

Steve Kumorkiewicz:

I have a question. Are you going to have a grand opening for the owners or for the dogs? Are you going to have dog treats or what? Is it for the owners or the for the dogs, the grand opening?

John Steinbrink, Jr.:

The grand opening we are still working with local businesses to solicit any type of goodie bags, and we are taking any sorts of donations for the event. So if you would like to be a part of it we would definitely welcome any support that you could give for the program.

Steve Kumorkiewicz:

I will bring my dog definitely.

John Steinbrink, Jr.:

That would be great.

Clyde Allen:

Great job in putting all this together. I have a question unrelated. I get conflicting answers. Do we have Village wide leash ordinance? In other words if I have a dog does that dog have to be on a leash in my yard? In my yard?

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Mike Pollocoff:

I think the way the ordinance reads is the dog has to be under your control. If you can do that without a leash you can do it without a leash. But if you can't then you need a leash. It's been a while since I've looked at that, but that historically has been what we've said. Some people can control their dog by yelling at him or doing whatever and the dog will do what they want. But if not then they need to have him on a leash.

Steve Kumorkiewicz:

Okay, the control the ordinance says.

Monica Yuhas:

Motion to approve Ordinance 13-34.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Any further discussion?

YUHAS MOVED TO ADOPT ORDINANCE #13-34 TO AMEND CHAPTER 214 OF THE MUNICIPAL CODE RELATING TO DOG PARK FEES; SECONDED BY ALLEN; MOTION CARRIED 5-0.

H. Consider Ordinance #13-35 to amend Chapter 242 of the Municipal Code relating to RecPlex program and rental fees.

Chris Finkel:

Mr. President and members of the Board, we have in front of you for your consideration Ordinance change 13-35 as it pertains to the ice arena. We're updating the ordinance to remove the annual skate pass as it is covered under the membership currently. And we have made small increases to rental and skate programs. One note I need to tell you is that in the Board packet skate rentals went from \$3 to \$6. That's incorrect. Skate rental is going from \$3 to \$4 and the ordinance has been changed to reflect that. Birthday parties and rental fees have not gone up significantly. More on the non member fees. And each season all of the RecPlex staff looks at their program, compares it against the community and offers these recommendations for program fee changes. There are no significant fee changes in this ordinance, and the RecPlex staff is recommending approval.

Michael Serpe:

Who are comparisons, Chris?

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Chris Finkel:

You look at the basketball programs at CYC and around Kenosha area. So those are the ones we look at. We look at the YMCA and Kenosha Ice, the Gurnee Ice Skating Rink. As far as birthday parties all the kids' birthday parties whether it's Chucky Cheese or Monkey Joe's. So those are the comparisons that we're making.

Michael Serpe:

What are the amounts we're looking at for changing here? Do you have those handy? I didn't see it here.

Chris Finkel:

For example, so basic birthday parties for members are currently \$130. There's no increase for nonmembers. They're currently \$150. There is a \$15 increase. So that follows suit for most of the nonmember birthday parties. We find we have more nonmembers utilizing our birthday parties, and we're still very economical for people to enjoy our facility.

Michael Serpe:

You're just talking a small amount or increase.

Chris Finkel:

Very small, insignificant increase, yes.

Michael Serpe:

Okay. I move approval.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Any discussion? What is the mascot that's up there?

Chris Finkel:

That is Dazzle the Starfish. And you can add him to your birthday party for \$50. But, yes, he is seen around the RecPlex on the weekends.

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John Steinbrink:

Okay, I was just hoping it wasn't a snowflake.

Mike Pollocoff:

And if you're an employee in trouble you get to be Dazzle because it's hot in there.

John Steinbrink:

We have a motion and a second.

SERPE MOVED TO ADOPT ORDINANCE #13-35 TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO RECPLEX PROGRAM AND RENTAL FEES; SECONDED BY ALLEN; MOTION CARRIED 5-0.

I. Consider an amendment to the Employee Handbook regarding residency requirements.

Mike Pollocoff:

Mr. President, since this is something we're not capable of determining anymore, we're bringing our handbook in compliance with State budget since it's a budgetary item to release all employees from their residency requirements from the Village. The only ones that will be excepted are the ones that are covered under existing contracts. No, we're not even going to do that anymore. So the full-time police and fire would be exempt. The only people we're recommending following the 15 mile limit is paid on call personnel. And if we're not able to do that what it really means is an end to our paid on call program after a while. A lot of these people -- I mean a number of people do it because they're interested in doing it and in they're in the community [inaudible]. It's really an opportunity for young men and women to get fully trained up to be a firefighter or a paramedic. They're going to still be under that 15 mile jurisdiction. But everybody else if they want to live in Joliet or they want to live in Timbuktu as long as they show up for work every day they're legal.

Monica Yuhas:

I'll make a motion to accept the amendment to the employee handbook regarding residency requirements.

Steve Kumorkiewicz:

I'm going to second it but I don't like it like that.

John Steinbrink:

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

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YUHAS MOVED TO APPROVE AN AMENDMENT TO THE EMPLOYEE HANDBOOK REGARDING RESIDENCY REQUIREMENTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

J. Consider an Agreement to perform billing services for the Fire & Rescue Department.

Mike Pollocoff:

Mr. President, the Chief is negotiating an agreement with Fire Recovery USA to perform the billing that we do on fire calls. We bill for rescue service, and that's not that complicated. I mean it's complicated but the basis for the charge is pretty well established. And we generally are fairly successful in collecting in. In Wisconsin cities get reimbursed by the State for going on fire calls on a State or County highway. Towns get reimbursed by the State government if they go to a fire call on a State or Town highway. Village's don't. And that makes a lot of sense because that came out of Madison. That's how they decided it and that's what we do.

Consequently one of the unintended consequences is that a lot of the billing services that do the collection are not good at collecting fire fees because nobody's asking them to do it. They're not collecting those fees because cities and towns don't care, they just bill it to the State and they get their money. The service we did, although they did our ambulance billing, they were not getting the same return on what we were collecting. Now in Illinois the State doesn't pay anything for anything down there, so the fire departments and fire protection districts are responsible for using a service to go out and get all their collections put together.

The Chief is recommending that we enter into an agreement with Fire Recovery. Our previous company had a collection rate of 40 to 50 percent, collection rate on fire billing, versus 70 to 80 percent is what Fire Recovery is getting. Now, they're charging more but our net would actually be higher. The Chief has been working on this for a while and he's been with other Chiefs in Illinois. And given the fact that there's probably a healthy percentage of the fire calls that are rescue related on a road or a highway are from Illinois and we can't put it on a tax roll, we have to chase it, I think this is a good way to deal with it to get us reimbursed. I don't see the State giving us the ability to do that anymore. In fact I probably see the State saying they're not going to pay the cities and towns anymore after a while and they're just going to tell everybody they're on their own. But since we've been that way forever and we haven't been able to change it, I'd recommend we contract with somebody who really actually does it all the time and is successful at it.

Clyde Allen:

Motion to approve.

Steve Kumorkiewicz:

Second.

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John Steinbrink:

Motion by Clyde, second by Steve. Further discussion?

Monica Yuhas:

I just want to point out two items. The first one is that the billing that we would be doing with this company is also integrated with the Firehouse software that the fire department currently uses. So it integrates, it's going to be quick, it's going to be complete. And I actually got to see that software firsthand with the detailed reporting when I was at Station 1. The other thing I like is that there's a 30 day notice that either party can give to get out of the contract. So we're not locked into it for a year or six months which keeps everyone on their toes. So hats off to the Chief for negotiating the contract.

Mike Pollocoff:

Anything we missed, Craig?

Craig Roepke:

No, sir.

John Steinbrink:

Anything to add?

Craig Roepke:

No, we've had real good luck with A&B from a medical billing perspective. And that's not the business they're in anymore. So A&B does a wonderful job for us from a collection rate and a followup. But the fire recovery for the fire side as I understand it is one of the larger in the nation, and they seem like they have a good track record.

Steve Kumorkiewicz:

I have a question for Craig. Craig, who will recover the fees for the fire department for the insurance company or the [inaudible]?

Craig Roepke:

Yes.

Steve Kumorkiewicz:

Which?

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Craig Roepke:

Both. A lot of times if the insurance company doesn't cover it, and that even is from the medical side as well.

John Steinbrink:

We have a motion, we have a second. Any further discussion?

ALLEN MOVED TO APPROVE AN AGREEMENT TO PERFORM BILLING SERVICES FOR THE FIRE & RESCUE DEPARTMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

K. Consider Operator License Applications on file.

Jane Romanowski:

There's five of them tonight, four renewals and one original. The original is for Richard Lebbin. Renewals for Thomas Christy, Mary Debish, Mary Harper, Nicholas Kulinski. I recommend approval for all five.

Michael Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Any discussion on any of these?

SERPE MOVED TO APPROVE OPERATOR LICENSES THRU 6/30/15 TO FOR RICHARD LEBBIN. THOMAS CHRISTY, MARY DEBISH, MARY HARPER AND NICHOLAS KULINSKI; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

10. VILLAGE BOARD COMMENTS – None.

11. ADJOURNMENT

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