

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
LAKE MICHIGAN SEWER UTILITY DISTRICT  
SEWER UTILITY DISTRICT "D"  
9915 39th Avenue  
Pleasant Prairie, WI  
June 18, 2007  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, June 18, 2007. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz and Clyde Allen. Trustee Serpe was excused. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING - MAY 21 AND JUNE 4, 2007**

**KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF MAY 21 AND JUNE 4, 2007 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

**5. CITIZEN COMMENTS**

John Steinbrink:

We just ask that you give us your name and address for the record.

Ken Franzen:

Ken Franzen, 3002 South 46<sup>th</sup> Street, Milwaukee. I am here representing Nextel asking for an amendment to be signed to the original lease for the tower up the street there. We are going to be taking up a little bit more property to put some more equipment on the ground so that's why we're asking for an amendment. The amendment is very simple. It doesn't change anything in the lease. It runs with the lease for as long as the lease runs. I had met with Mr. Pollocoff earlier and we did it the simplest way possible, taking the ground space and the rent, dividing it up into square footage, figuring out how much more square footage we were taking which was the 6 by 18, and multiplying it by the square footage that is already there.'

John Steinbrink:

And you were before the Planning Commission. I think most Board members were there to hear your testimony at that time also.

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Ken Franzen:

Correct.

John Steinbrink:

Thank you.

Judy Juliana:

My name is Judy Juliana and I live at 8743 Lakeshore Drive. I'm here as Co-Chair of the Carol Beach Unit W 4<sup>th</sup> of July parade. I'm here to officially invite all the Board members here of the Village and all of the department heads and other Commission members, and you're more than welcome to join our 4<sup>th</sup> of July parade. It's the same venue as last year. There won't be any changes. We have more additions and more children groups that are going to be in our parade this year. It was a lot of fun. Last year was one of the biggest ones that we've ever had. We had over 150 people participate last year in our parade and also for our little ceremony afterwards. So I would hope to see you people there on July 4<sup>th</sup> at 10 o'clock in the morning. Thank you.

John Steinbrink:

Thank you. Anyone else wishing to speak under citizens' comments? Hearing none, I'll close citizens' comments.

6. **ADMINISTRATOR'S REPORT** – None.

7. **UNFINISHED BUSINESS**

- A. **Consider a Development Agreement and related documents between Marilyn J. Kasko of PDD LLC and PDD II LLC; Todd Battle of the Kenosha Area Business Alliance (KABA); Michael Pollocoff of the Community Development Authority of the Village of Pleasant Prairie; and Michael Pollocoff of the Village of Pleasant Prairie; pertaining to the 482 acre property generally located west of I-94 and between County Trunk Highway "C" (CTH "C") on the north and County Trunk Highway "Q" (CTH "Q") on the south further identified as PDD-1.**
- B. **Receive Plan Commission Recommendation and Review and consider Chapter V, "Inventory of Existing Utilities and Community Facilities," of the Multi-Jurisdictional Comprehensive Plan for Kenosha County.**

John Steinbrink:

We have a note here that unfinished Items A and B will remain on the table, is that correct?

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Jean Werbie:

Yes.

John Steinbrink:

So no action needs to be taken there.

**8. NEW BUSINESS**

**A. Consider Request of the Carol Beach Property Owner's Association for a parade in the Carol Beach area on July 4th.**

Mike Pollocoff:

Mr. President, we received a request for permission to block off Lakeshore Drive for the 4<sup>th</sup> of July parade in Carol Beach. We did that last year. There was relatively little problem. They submitted the plan and the map and what they're planning and I'd recommend the Board authorize the parade to take place.

Steve Kumorkiewicz:

So moved to accept.

Monica Yuhas:

Second.

John Steinbrink:

Motion and a second. Any further discussion?

Clyde Allen:

I'm all for good neighbors and I love to see things like this. It's a terrific thing. The more people the better and I think it's wonderful. I do have one question on there. There was a request for I believe to have a police car in the parade. And my question was, and I only raise it because are we setting a precedence that if several other subdivisions requested to have a parade and have a police car there what happens?

Mike Pollocoff:

They did request one, and I think even if available there was an engine from the fire department that would go. We've done this in other subdivisions and it really gives the police department an opportunity to get out and meet with kids and the families in the neighborhood. If the timing is right Rico, the police dog, can sometimes make some of these events, so I think it's just good

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interaction to have the police department there. But, that being said, sometimes Murphy's law invokes and they have to go and in that case we're gone. So we're there as much as we can be there, but if we get busy we get busy.

Sandra Agullera:

Can I make a response? Last year the fire department took the lead in the parade so that if an emergency happened then they were able to just go forth and leave.

Jane Romanowski:

Could I have your name and address please?

Sandra Agullera:

Sandra Agullera, 8724 2<sup>nd</sup> Avenue.

John Steinbrink:

Thank you. If there are no further comments we have a motion and a second.

**KUMORKIEWICZ MOVED TO APPROVE THE REQUEST OF THE CAROL BEACH HOMEOWNER'S ASSOCIATION TO HOST A FOURTH OF JULY PARADE AS PRESENTED; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

**B. Resolution #07-39 Commendations for Glenn Thomas and Bob Heger for Life Saving Assistance to a Citizen.**

Mike Pollocoff:

Mr. President, we have a resolution. Do you want me to read it?

John Steinbrink:

Sure.

Mike Pollocoff:

Whereas, on December 4, 2006 at 1:00 pm, Pleasant Prairie sanitation workers Glenn Thomas and Bob Heger were stopped at a traffic light traveling to the landfill, employees of public works, when they witnessed a car crash into the front blade of a Kenosha County snowplow. As they watched, the roof of the car was torn off with a grandfather and his 2 two-year old grandchildren inside, and;

Whereas, Glenn, who is also a Captain of Fire and Rescue for Paris Township and has emergency medical training, immediately dialed 911 and went to investigate the scene. Glenn found one boy

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had minor injuries and gave the first boy, while still in his car seat, to Bob Heger. Bob flagged down a passerby to help keep the child warm in their car, and;

Whereas, by Glenn's assessment, the second child had serious injuries. Glenn placed this child, still in his car seat, in his garbage truck under a heater to keep warm. After roughly four minutes, a deputy arrived on scene and Glenn directed him to radio Flight for Life. Within 24 minutes, Flight for Life arrived at the scene, and;

Whereas, after assisting with the rescue, Glenn accompanied the young boy to the Flight for Life helicopter, which took the child to Children's Hospital in Milwaukee. The grandfather and other young boy were transported to St. Catherine's Medical Center in Pleasant Prairie. It was later learned that the young boy taken to Children's Hospital in Milwaukee had sustained both brain and spinal cord injuries, and;

Whereas, thanks to the help provided that day by Glenn Thomas, Bob Heger, and the other responders; all three passengers involved that day are doing well. Our gratitude goes out to Glenn and Bob for taking the time and care to go above and beyond their assigned duties and act quickly to help someone in a time of need. For this call, Bristol was awarded "Call of the Year" which is a call where everything works perfectly, and;

Now, Therefore Be It Resolved, by the Village Board of Trustees of the Village of Pleasant Prairie, that Glenn Thomas and Bob Heger, of the Pleasant Prairie Department of Public Works receive the heartfelt thanks and admiration of the Village Board and from the citizens of the Village of Pleasant Prairie for their bravery and compassion exhibited to citizens in need. Considered this 18<sup>th</sup> day of 2007.

We have people who work for us that actually do this every day in their line of work, fire and rescue, but two people in public works heading out to the landfill it might have been just as easy to keep on going. So not only did they stop and help but they stopped and made a difference. We see the employees in public works do a lot of good things day in and day out but this is something that, as we said, is a commendation for compassion and responding to an emergency. Typically some of these things we don't—even though it happened a while back until it's public because of privacy laws we really don't do anything. But now that it's a public item it's now and it's good that we should honor them for the work they've done. So I'd recommend that the Resolution 07-39 be adopted.

Monica Yuhas:

Move for approval.

Clyde Allen:

Second.

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John Steinbrink:

Motion and a second. Further discussion? It just goes to show their dedication never stops. We're very fortunate some people are in the worst of times to have the right people in the right place and this was one of those times. I do believe we have commendations for them also. First we'll pass the resolution. We have a motion and a second. Any other discussion?

Steve Kumorkiewicz:

One more comment. Not many people know in the Village that we have a lot of employees in Pleasant Prairie that are part of CERT in southeast Wisconsin team. CERT is for Community Emergency Response Team. So we have a lot of people in our community, employees, that are ready to react when necessary. So we have to commend when we've got in this case for the employees and to remember to always be prepared for that. Thank you.

John Steinbrink:

We have a motion and a second.

**YUHAS MOVED TO ADOPT RESOLUTION #07-39 COMMENDATIONS FOR GLENN THOMAS AND BOB HEGER FOR LIFE SAVING ASSISTANCE TO A CITIZEN; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

John Steinbrink:

If we could have Glenn and Bob come up here please. Glenn, congratulations and thank you very much. We're very proud to have a guy like you around. Bob, congratulations. Great job. Once again, thank you to those gentlemen for a job well done.

**C. Consider Amendment to Development Agreement between Village and Regency Hills-Creekside Crossing, LLC regarding Installation of the Required Public Curb and Gutter and Binder Course of Pavement on all Streets in the Creekside Crossing Subdivision prior to the Completion of 50% of Condominium Housing Units within the Development.**

Jean Werbie:

Mr. President, this is a request for an amendment to the development agreement for Regency Hills-Creekside Crossing, LLC. Specifically what they're requesting this evening is an amendment to the development agreement in order to install the public curb and gutter as well as the binder course of asphalt for a segment of Creekside Circle which is located on the east side of their development prior to the completion of 50 percent or more of the units within that particular area. They're very close to that particular number, but they're going to be doing some additional construction and activities with respect to the final plat of a subsequent stage sometime in the next few weeks. And so long as the equipment is mobilized in that area and there were some concerns with respect to a gravel base extending for a longer period of time, they have requested

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an amendment in order to start to get that curb and gutter in and pavement in a little bit earlier rather than later this year for that particular area of the subdivision.

You have before you the amendment to that agreement that sets forth the sections or areas that we're looking for the modifications from. The Village staff and the Village Administrator do recommend approval of this amendment, again, just because it's a very short period of time and this is not intended to be an area that would be substantially damaged due to heavy equipment.

Steve Kumorkiewicz:

A question for Jean. Jean, it's going to be due for final inspection when all the roads are built, right, this particular one? Because if they're going to put the . . . now ahead of 50 percent of the construction done. Normally we do that with 75 percent.

Jean Werbie:

When 75 percent of all the units are completed is when the final lift of asphalt paving is installed. That won't be for some time yet because we don't want to destroy or tear up the roads with respect to that final lift. So we will probably be pushing back that final lift of paving until, and you are correct, that subsequent stages 3 and 4 are completed within this development as well. There's quite a bit of development on the south end and on the east end of this development completed. But, you're correct, eventually they need to complete that northeast corner and then the northwest corner, Creekside Circle, and then 91<sup>st</sup> out to Old Green Bay Road. But we're not looking at that at this time.

Steve Kumorkiewicz:

Thank you.

Mike Pollocoff:

I think, Trustee Kumorkiewicz, really the operative language in this and the next item on the agenda is that they're going to be allowed to pave and hang the curbs before 50 percent is done, but they're also going to have to post financial security so that even before we put that final lift on if the asphalt gravel is coming apart all that asphalt has to come out. That first course has to be relaid before they put the top course in. So the developer has some financial benefit in the beginning because they're not having to put granular material in that trench, but they still have to bear responsibility because that's going to settle. So if you have heavy construction equipment going across that road in this case or the next one, the developer is making the commitment that they're going to do whatever they have to do to replace any curbs that get busted, replace those, before we consider the next lift of asphalt and that money has to be in hand.

Jean Werbie:

And if I could add to that, this particular road area has already sat for two construction cycles, two years already, and they are extending the warranty period which is what Mike was referring

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to until they get to that final lift. So they have to warranty this area and we will go out and do an inspection prior to their request for that third phase of improvement. So we'll inspect the curb and gutter, we'll inspect the paving, and if it's failed in any areas they will have to repair or replace it before final lift is installed.

Steve Kumorkiewicz:

Okay, thank you.

**ALLEN MOVED TO APPROVE AN AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN VILLAGE AND REGENCY HILLS-CREEKSIDE CROSSING, LLC REGARDING INSTALLATION OF THE REQUIRED PUBLIC CURB AND GUTTER AND BINDER COURSE OF PAVEMENT ON ALL STREETS IN THE CREEKSIDE CROSSING SUBDIVISION PRIOR TO THE COMPLETION OF 50% OF CONDOMINIUM HOUSING UNITS WITHIN THE DEVELOPMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**D. Consider Amendment to Memorandum of Development Agreement between the Village and Village Green Condos LLC regarding the Installation of Required Public Curb and Gutter and Binder Course of Pavement on Private Street in the Sagewood at Village Green Condominium Development prior to the Completion of 50% of Condominium Housing Units within the Development.**

Jean Werbie:

Mr. President, this is a similar situation. The petitioner is requesting an amendment to the development agreement. This agreement was between Village Green Condos, LLC, which is Scott Simon's Group, and the Village of Pleasant Prairie. They have constructed condominium buildings 1, the first building 1, and then the second building right at that entrance. I'm not sure if that's building 9, but there are two buildings they've constructed right at the entrance off of 47<sup>th</sup> Avenue. And they are requesting to, again, put in the curb and gutter and pave that particular area at the entrance of their development. Again, this is just north of 165 in the Sagewood Condominium project.

Again, they're just looking to do a short segment of roadway. This is considered a private street area that they're looking to put the curb and gutter and the paving in. Specifically we had a few concerns because through the building inspection and fire departments we do require that roads be paved and driveway area approaches for multifamily buildings be paved, so this was further a consideration. So the intent is that this area is not intended to be a construction entrance for any future condos in this particular area, but we wanted to complete the look, it needed to be finished in order to get occupancy. And, again, they will be responsible for the same extension of warranty as well as maintaining that curb and gutter and paving throughout the life if we ever accept those roads as public improvements. They are private. They've built them to public standards but they need to maintain them and we're encouraging them to protect the road so not to use them as construction for the remainder of the condos.

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Monica Yuhas:

Move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Clyde Allen:

Is this normal to have the request to do this early in the completion process? What is the damage rate or do we know? Has there been damage where they've had to replace the first layer in the past? How often does it occur?

Mike Pollocoff:

We have one major subdivision. Let me take that back. Prairie Ridge when that was developed they almost had to remove everything from curb to curb. We gave approval for Meadowdale Estates, that new addition. If you drive through there that's all coming up. Again, we have an agreement with them to do that. What's happening is that you've got that kind of mix between residents who are moving into the Village, the fact that the developer is taking advantage of not putting granular material in the trenches which means there's going to be some settling but overall you end up with a better road. But most people when they're building their homes they don't understand why they're having to wait so long to get the curbs in. It makes it difficult for them to finish their yards, put their driveways in.

And you have communities around us, the City of Kenosha most notably, where they put in the entire infrastructure at the first pass and then give building permits out and whatever happens with the roads happens. Historically the Village has tried to be prudent with the construction of these roads and what happens afterwards. And now we're at the point where from an economic standpoint most developers are willing to assume the risk in order to bring something to market that's completed at least in appearance, and then if they damage it or the contractors that are on that road damage it in the intervening period they solve it at that point. So it's a change.

If you look at Sagewood they paved that on their own violation almost two years ago and I had them take it all out because they hadn't had it proof rolled yet, it hadn't been inspected. It wouldn't have held up. I don't know we're at the point where we should draft our development ordinance so that there is a provision that allows this to happen and then just have the security to take place, then it just happens as a matter of business. But right now our ordinance doesn't allow it unless we've come up with some agreement where they're going to be financially responsible. It's a lot easier to catch them from a financial standpoint if it fails of doing it this way than going back for a performance bond or a maintenance bond on the road.

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Clyde Allen:

The follow-up question is what is the resident's response? When they move in all of a sudden they find that there's damage all over the place and they have to have their road torn up again from the very beginning. That's quite a project?

Mike Pollocoff:

Residents typically are upset with us because we're tearing—if anything happens to the road most residents think the Village did something or didn't do something. So we notify people when we're going to be doing it and why we're doing it as it happens. Most residents they want the curbs in and they want it paved and then they want the Village to take care of it no matter what. We're going to do that. It's just that we're making the developer assume that financial responsibility. Then we try and educate them on the process of why we're doing it.

John Steinbrink:

Further comments or questions?

Steve Kumorkiewicz:

Yes. I think, Mike, we have the same situation on 32<sup>nd</sup> Avenue . . . remember about six or seven years ago? Do you recall that one? That was another situation typical . . .

Jean Werbie:

Mr. President, the other thing is that five or seven years ago we had a little bit different standard cross-section for the roadways. We've got a thicker section at this point for both gravel as well as asphalt. And what we're also seeing is many of the newer subdivisions like Tobin Creek, both north and the original Tobin Creek, Springbrook Meadows, Village Green, some of those subdivisions just built out so fast that the 50 percent rule was not even an issue and most of the smaller subdivisions. It's where we have more unique subdivisions or we have larger subdivisions like the Meadowdale Estates. In that particular circumstance the developer required each homeowner to help shoulder that burden by posting cash bond or a cash payment to secure if there's any issues or problems or breakdowns or failures within that curb and gutter or paving in front of their homes because of the amount of heavy construction equipment coming to build their particular homes. So we look at each situation and the facts presented, but for the most part they do fall within that 50 percent rule.

John Steinbrink:

Further discussion or comment?

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**YUHAS MOVED TO APPROVE AN AMENDMENT TO MEMORANDUM OF DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE AND VILLAGE GREEN CONDOS LLC REGARDING THE INSTALLATION OF REQUIRED PUBLIC CURB AND GUTTER AND BINDER COURSE OF PAVEMENT ON PRIVATE STREET IN THE SAGEWOOD AT VILLAGE GREEN CONDOMINIUM DEVELOPMENT PRIOR TO THE COMPLETION OF 50% OF CONDOMINIUM HOUSING UNITS WITHIN THE DEVELOPMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

- E. Consider Resolution #07-38 to re-approve the Certified Survey Map, Final Condominium Plat, Development Agreement and related documents for the request of William Bodner, agent for Vintage Parc, LLC for 3, 6-unit and 12-4-unit condominium buildings proposed to be located on the 14.5 acre property located at the southeast corner of STH 165 (104th Street) and Old Green Bay Road to be known as Vintage Parc.**

Jean Werbie:

Mr. President, actually I request that this item be withdrawn. All of the final documents that we were requesting did come in on time and a closing and preconstruction have been set for this Thursday, so we will not need to reapprove to get an extended period of time. We will go with the previous resolution and we are set to close on this project this week. So I'd ask that this item be withdrawn from the agenda.

**KUMORKIEWICZ MOVED TO WITHDRAW NEW BUSINESS ITEM E FROM THE AGENDA AS REQUESTED; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

- F. Resolution #07-40 Naming the Ball Park from Prairie Springs Park to Veterans Memorial Ball Park and Receive Park Commission Recommendation and Authorize construction of Veterans Memorial at Veterans Memorial Ball Park.**

Mike Pollocoff:

Mr. President, The agenda item pretty much sums it up. The ball park at Prairie Springs is really two ball fields and then the plaza around there. The Board previously had indicated that they wanted to rename that complex right there to Veterans Memorial Ball Field. So the plan up there shows the sign and where the actual memorial is located. We still have people that sponsored each specific field, and right now Johnson Bank sponsors the west field, and the other one at this time has no sponsor. We submitted the plans to the Park Commission. The Park Commission adopted a resolution approving the memorial plan. There's a sign to be located on Terwall Terrace in keeping with the other park signs. This is the memorial itself. It's a brick pattern. I think John, Jr. has the bricks if you want to know what a brick looks like. These are the color bricks that we've placed in there.

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John Steinbrink, Jr.:

The red bricks are the bricks that will actually be stamped and engraved with the dedication. And the grayer colored bricks will be the border on the outside of the memorial.'

Mike Pollocoff:

And we're allowing people to purchase a brick for \$100, and for that they can have it inscribed in the brick.

John Steinbrink, Jr.:

It's up to three lines of 15 characters each.

Mike Pollocoff:

To honor someone - and if somebody wants to get it in before the dedication which will be at Family Days August 5<sup>th</sup>, they would need to get that into us prior to June 27<sup>th</sup>. We have it on the website to get that in. I think we have applications at the Village Hall.

John Steinbrink, Jr.:

We do have applications at the Village Hall, the RecPlex and the Prange Center. I do have some with me if anybody wants to bring some home with them and they are also available online. And we also have memorial benches that we're sponsoring also for \$5,000 for a bench if there's a larger sponsor or a corporation that would choose to be a part of the memorial.

Mike Pollocoff:

This shows the granite memorial that would be placed. Just from a historical perspective we started this project when a former Trustee, Ed Kauffman, passed away, and he left funds to the Village to undertake this project. And Ed, for the people that don't know him, he was a Purple Heart veteran from World War II. He lost a leg and he served as a trustee for almost six years. That's where this thing started off originally. As we sell the blocks and bricks and with other contributions, that money is going to be used to pay for the entirety of the memorial.

Again, this is just a view of it from above with the granite memorial and the bricks and the benches once the benches are all completely based in. They'll be the same flags that we have out at Andrea Plaza or RecPlex or at Prange, same formation and plaques. It's going to be located directly somewhat east and south of the ball field pavilion if you want to flip back to that site plan. It's right there in red. So I'd recommend that, unless there are any questions, to adopt Resolution 07-40 naming the ball park Veterans Memorial Ball Park.

Clyde Allen:

Make a motion to approve.

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Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Clyde, second by Steve. Further discussion? Comments or questions?

Monica Yuhas:

I'd like to thank John for meeting me at Bosman Monuments to show me the granite that is going to be used for the monument. Serving on the Park Commission I saw it on paper but I needed to see it in person. We spent about a half hour looking at the different ways that they can polish granite, cut granite and the choice is beautiful. It's going to look amazing when it's all put together.

Clyde Allen:

First a comment that working for the Department of Veteran Affairs it really does my heart good to see this. It's a wonderful thing. The first question is will we lose the Johnson Bank endorsement for sponsoring the one field?

Mike Pollocoff:

No. We've indicated we're naming—it's really not the field that we're changing the name on it's that complex inside the Prairie Springs Park. So it's still going to be Johnson Bank at Veterans Memorial Ball Park.

Clyde Allen:

The next one is I believe there are several examples of what you can put on there in memory of or in honor of.

John Steinbrink, Jr.:

That's correct.

Clyde Allen:

Does it need to say that or can it be ad lib, thanks veterans for keeping us free?

John Steinbrink, Jr.:

As long as it's done in good taste I think it would be appropriate.

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John Steinbrink:

I think we've been very fortunate throughout the Village. We've had some very good people serve us. I think back to Roger Prange and Ed Kauffman and we did do the Prange Center at that time. We noted that he was the veteran also and served his country well as well as the Village. It's good to see we're finally getting this project done. It's taken a long time but I think we've done it right. And not too far from here is Andrea Plaza which, once again, honors Senator Andrea. I think a lot of his friends who were veterans will go out there and sit on those benches and reflect about Joe. And I think with the prominence by the ball field we're going to allow a lot of young people to actually see that we still care about veterans and that they should also care. I think this is a good undertaking for us. Good job by your guys.

Clyde Allen:

I just want to say thank you for the job you did.

John Steinbrink, Jr.:

Thank you very much.

Steve Kumorkiewicz:

Mike, if I recall correctly originally when we talked about this issue . . . going to go in 95<sup>th</sup> Street to the entrance to the park, didn't we? That was the original thought we had next to the lake?

Mike Pollocoff:

Right. One of the original places was over south of 95<sup>th</sup> Street as you came into the park. But as you come around the corner we thought about having parking rights there, which we still have some parking, but the Park Commission I think really directed it more towards where there's going to be people congregated. That's why the ball field was originally selected because it brings the monument in touch with the people who are out enjoying themselves or families are together. So that's why we took it away from what kind of would have been maybe spectacular once you were standing out there taking a look. But I agree with what the Park Commission came up with. I think it was a good idea to get it in an area where there are always a lot of people who can enjoy it.

Steve Kumorkiewicz:

An excellent idea. Much better than the old site proposed.

John Steinbrink:

And one more time the dates, Mike, engraved on it?

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Mike Pollocoff:

June 27<sup>th</sup>. If someone would like to have an engraved block before Family Days when the monument is dedicated, they would need to have what they want engraved on the brick along with a purchase price of \$100 to the Village so they can get them engraved. The bench is July 6<sup>th</sup> and a bench is \$5,000. I think we have a couple that we're putting in to start off with, four. The other ones if someone wants to donate those and have that be part of the dedication it would have to be by July 6<sup>th</sup>.

John Steinbrink:

Thank you, Mike. We had a motion and a second. Those in favor?

**ALLEN MOVED TO ADOPT RESOLUTION #07-40 NAMING THE BALL PARK FROM PRAIRIE SPRINGS PARK TO VETERANS MEMORIAL BALL PARK AND RECEIVE PARK COMMISSION RECOMMENDATION AND AUTHORIZE CONSTRUCTION OF VETERANS MEMORIAL AT VETERANS MEMORIAL BALL PARK; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**G. Consider Resolution #07-37 - Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers for the Construction of Municipal Water to the proposed Bain Station Crossing Subdivision on Bain Station Road beginning on CTH H east to the Canadian Pacific Railroad.**

Mike Pollocoff:

Mr. President, as part of a subdivision development water will be extended on Bain Station as reflected on the map. The developer is required to pay for the initial construction and installation of that main. But if the abutting property owners along Bain Station on the south side choose to connect to it, they would be required to pay their fair share of the water assessment at that time. In order to put everybody on notice that that's occurring, a preliminary resolution declaring the Boards intent to levy that assessment so that they know that obligation is out there is adopted and then we will conduct a hearing.

Under the Public Service Commission rules that we have, the main would be installed and we'd have a ten year period where the Village would be responsible for acting as a conduit for the developer if someone on the south side develops and connects to be able to collect the money that's been identified as part of the final resolution and forward that onto the developer so that the developer is only paying for his fair share as will the people on the south side. If after ten years there's been no connection to the water main, then the Village's obligation to pay the developer for that water main ceases and the water main ends up being an asset of the Village without a lien on the abutting properties. So it gives the developer an opportunity to collect on this.

The developers know up front that this could be a project that they won't see any assistance in from the neighbors but if they do that's money they receive and this is the process by which it happens. So this initial resolution or preliminary is merely declaring out intent to exercise special

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assessment police powers and to conduct a public hearing which is probably a month from now. I'd recommend that the Resolution 07-37 be adopted as presented.

Steve Kumorkiewicz:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

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

Steve Kumorkiewicz:

I'm surprised at the price of \$29.99 a foot. It's usually \$60 a foot for water.

Mike Pollocoff:

Yeah, in today's market that's a really good price. There isn't a lot of obstruction as far as in the way.

**KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #07-37 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS FOR THE CONSTRUCTION OF MUNICIPAL WATER TO THE PROPOSED BAIN STATION CROSSING SUBDIVISION ON BAIN STATION ROAD BEGINNING ON CTH H EAST TO THE CANADIAN PACIFIC RAILROAD; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

**H. Consider Resolution #07-35 - Resolution Certifying the Creation, Review and Adoption of the Compliance Maintenance Annual Reports for the Wastewater Treatment Plant in Sewer Utility District 73-1.**

Mike Pollocoff:

Mr. President, this resolution is our adoption of the waste water performance standards that have been prepared by the Sewer Utility in this case for 73-1. There's a scale of 4.0 as the top and it goes down from there. This treatment plant is operating well within its design and under limits. So we're at 4.0.

As an aside to kind of put some of this in perspective, there's been some recent reporting in the *Milwaukee Business Journal* on diversion of water, and it's been getting a lot of play in some places. But this treatment plant, as well as the next item on the agenda, Sewer D, both of these treatment plants have been slated for abandonment. And the reason we're going to abandon them

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is back in 1990 in order to get Lake Michigan water out to Pleasant Prairie we had to agree that up until 2010 that we would at 2010 both treatment plants would be abandoned, thus the waster water that comes from those plants would be in turn rerouted back to the City of Kenosha's wastewater treatment plant so that the water we buy from Kenosha goes back to Kenosha eliminating the diversion.

With the upcoming compact consideration that's being considered it changes how these permit diversions are granted. Pleasant Prairie and Akron, Ohio are the only two communities in the country that have a legitimate permit to divert water. Our ability to treat the waste water at both 73-1 and Sewer D and keep it within standards and as we've been doing since 1990 incrementally building out our sanitary sewer system so that as we came up on 2010 we'd be able to have that diversion completed, it does two things for us. One, it keeps our diversion permit in good working order and we depend on that permit from the State of Wisconsin for the development of LakeView Corporate Park, Prairie Woods Corporate Park, the CDA lands, the Abbott development, all of that comes under our diversion permit and we're doing a good job on it. One, the treatment plants operate well within limits and, secondly, we've been making steady progress on the plans for abandonment.

73-1 will be the first plant to be abandoned. That plant will be starting on our acquisition of right of way this year to build the forced main which is going to take waste from this plant at the State line at roughly 78<sup>th</sup> Avenue if it existed and pump it up to 165 and 64<sup>th</sup> Avenue. The next one will be D and D will probably be abandoned-73-1 will be abandoned by the winter of 2009 and Sewer D will be abandoned on December 31, 2010 at the last possible minute. The down side is that both these plants cost us far less to operate for waste water than it does to buy waste water treatment services from Kenosha. But the upside is we get clean drinking water that doesn't have radium.

So that's the envelope that this comes in. There are a lot of people erroneously saying that Pleasant Prairie might not be able to do things because of our discharge permit, but our permit from the State gives the Village forever diversion of water in the sense that that diversion is completed in 2010 and we're going to be fine. I frankly don't think you could get a diversion permit like that again today. With that, I'd recommend that we adopt Resolution 07-35.

Clyde Allen:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

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Steve Kumorkiewicz:

How many states involved in this?

Mike Pollocoff:

Ten.

John Steinbrink:

I think we've always done well with these.

Mike Pollocoff:

We've never come close to failing.

John Steinbrink:

I think we're pretty fortunate now with the people we have working with the Village in this division. I can think back to where we were a town and we had to go out and hire part-time professionals from other districts to come in and work for us because we didn't have the size or the economy to do our own. So once we're reaching that scale of economy it makes a big difference especially in compliance and other things we do.

**ALLEN MOVED TO ADOPT RESOLUTION #07-35 - RESOLUTION CERTIFYING THE CREATION, REVIEW AND ADOPTION OF THE COMPLIANCE MAINTENANCE ANNUAL REPORTS FOR THE WASTEWATER TREATMENT PLANT IN SEWER UTILITY DISTRICT 73-1; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

**I. Consider Resolution #07-36 - Resolution Certifying the Creation, Review and Adoption of the Compliance Maintenance Annual Reports for the Wastewater Treatment Plant in Sewer Utility District D.**

Mike Pollocoff:

Mr. President, this plant operates at a 4.0 which is the top rating. I'd recommend adoption of the resolution.

**KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #07-36 - RESOLUTION CERTIFYING THE CREATION, REVIEW AND ADOPTION OF THE COMPLIANCE MAINTENANCE ANNUAL REPORTS FOR THE WASTEWATER TREATMENT PLANT IN SEWER UTILITY DISTRICT D; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

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**J. Consider Ordinance No. 07-27 - Ordinance to Amend Chapter 250-3 of the Municipal Code relating to Firearm and Weapon Regulations.**

Mike Pollocoff:

Mr. President, we received correspondence from Don Mayew, the Village's prosecuting attorney in municipal court requesting that we bring the municipal ordinances and further define them on fire arms. Chief, if you want to discuss this. We have some statutory changes that we've incorporated as well.

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. Mr. President, the Village attorney made us aware of some issues involving the existing firearms ordinance that the Village had which dated back to when the Village was a Town. Specifically, his concerns were that the ordinance itself was not specific enough, it was too broad and it made prosecution difficult. So we worked with the Village attorney, Mr. Mayew and the Village Clerk and we drafted an ordinance that was satisfactory to him and certainly enforceable as I read it. We would ask that the Board approve this ordinance.

John Steinbrink:

Before we go to that, Chief, one of the more popular things out there today is paint ball. That is something that sometimes they look very realistic and they fire a single projectile it being a paint ball. Is there a provision in there for this?

Chief Wagner:

Right, in fact recognizing that's the case, and it wasn't the case obviously back when the old ordinance was adopted when Pleasant Prairie was a Town. Paint balls are specifically mentioned as being prohibited. In the past the old ordinance just kind of very generally prohibited single projectile weapons except in certain circumstances, one of those being the gun deer season when you could hunt deer with slugs from a shotgun. What this does is this goes in and takes some of the broadness out of the ordinance. It's much more specific with respect to what is and what is not prohibited and what is and is not defined as a single projectile. If one reads this proposed ordinance you'll see that a bow and arrow is defined as a single projectile in addition to a firearm or an air weapon which is something we didn't have before.

John Steinbrink:

We need a motion.

Clyde Allen:

Motion to approve.

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Monica Yuhas:

Second.

John Steinbrink:

Motion by Clyde, second by Monica. Further discussion, comments or questions?

Steve Kumorkiewicz:

I like the provisions you have here, six provisions in which they are accepted for . . . . I like that. It clarifies when it can be used. Thank you.

John Steinbrink:

We're seeing more and more specialty hunting licenses especially for disabled people, even hunting for the blind in which cross bows and other small steel shafted. That's all going to be addressed. Of course that comes under statutes if the law's already been made for it to be used in that area or not to be used in that area. Here it wouldn't.

Chief Wagner:

Anyone complying with the DNR regulations relative to hunting would be exempt under this ordinance. So if it's legal to do it via the State regulations, the hunting regulations, then it would not be prohibited by this ordinance.

Steve Kumorkiewicz:

They have to comply also with the ADA, it's all tied together, right?

Chief Wagner:

The ADA is not specifically addressed here in this ordinance. I think that's something that's addressed at the State level better than here locally.

John Steinbrink:

That's in the separate statutes for the seasons and permits. No further questions for the Chief? Thank you, Chief. We have a motion and a second.

**YUHAS MOVED TO ADOPT ORDINANCE NO. 07-27 - ORDINANCE TO AMEND CHAPTER 250-3 OF THE MUNICIPAL CODE RELATING TO FIREARM AND WEAPON REGULATIONS; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

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**K. Consider Amendment Number One to the Tower Lease with Nextel West d/b/a Nextel Communication to Modify its Installation at 10415 Sheridan Road by Adding Additional Antennas and Other Equipment to the Facilities.**

Mike Pollocoff:

Mr. President, as I indicated or was indicated by Mr. Franzen during citizen comments, this is a minor modification in the sense of the site. Basically if you were to look at the proposed site of C2 they're kind of building out into what would be the landscaped area at the water tower, Sheridan Road. We calculated out the square footage. As you can see its 108 square feet. It's not very big. So based on our lease rate we're recommending an increase of \$229.50 a month. We currently collect \$1,700 a month on the tower, so it would bring the final rent up to \$1,929.50. The money from this is per our existing Board resolution. It's directed towards therapeutic recreation and there will be more money in that budget. It would be my recommendation that the Village President and Clerk be authorized to execute the amendment with Sprint and Nextel.

John Steinbrink:

We need a motion.

Steve Kumorkiewicz:

I make a motion to adopt the amendment.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion?

Steve Kumorkiewicz:

One question that came up during the Plan Commission, how often are you going to do a test of the emergency generator.

Ken Franzen:

The testing of the generator is going to be no more than once a quarter, four times a year.

Steve Kumorkiewicz:

Thank you.

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John Steinbrink:

No. We had a motion and a second.

**KUMORKIEWICZ MOVED TO APPROVE AN AMENDMENT NUMBER ONE TO THE TOWER LEASE WITH NEXTEL WEST D/B/A NEXTEL COMMUNICATION TO MODIFY ITS INSTALLATION AT 10415 SHERIDAN ROAD BY ADDING ADDITIONAL ANTENNAS AND OTHER EQUIPMENT TO THE FACILITIES; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

**L. Consider Bartender License Applications and Renewal Bartender License Applications on File.**

Jane Romanowski:

There are three new applications and you have all the information on those as we normally do. For the renewals they did all complete applications, but since there were 45 of them we decided not to copy everything for you. Police checks were done on every single one of them and there weren't any problems. The Police Chief has looked them over. We have three new applications for Rachel Christman, Kristin Phillips and Austin Thrasher. And then 45 renewals and that's a two year renewal and they've had previous two years and some of them many, many years. So those applications are all in order.

Steve Kumorkiewicz:

I reviewed the applications and they seem to be in order. So I make a motion to approve them.

Monica Yuhas:

Second.

**KUMORKIEWICZ MOVED TO APPROVE THE THREE NEW BARTENDER LICENSES AND THE 45 RENEWALS AS PRESENTED, ALL FOR TWO YEAR TERMS; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

**M. Village Board Comments.**

Monica Yuhas:

I received an e-mail that I'd like read into the record from Mr. John Roscioli. His address is 11545 14<sup>th</sup> Avenue. "Dear Board Members: The homeowner association in Tobin Creek has an issue regarding some shoddy work done by the developer, Steve Mills/Bear Reality. There is a current lawsuit which the Village has no standing in, but Jean Werbie has put their trust bond for phase 2 on hold. We are looking for recourse within the legal system but want to make the Village Board aware of something that could be avoided in future developments. The mailboxes were put up incorrectly with the bases and construction both being substandard. Neither the

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Village nor the U.S. Postal Service has an inspection process for the construction of these boxes, but when they are missing important structural pieces, in other words the steel support beams were not used, they don't last one full Wisconsin winter. I know it's asking a lot but I also know how well the Board is at helping people in the Village. If some of you could take a few minutes out of the next week to come and see what I am referring to the residents within our subdivision would appreciate it. We have had our annual homeowners meeting this morning," which would have been Saturday morning, "and based on my experiences with the Board I let the homeowners know that you would take into consideration our issues. I don't expect all five of you to come running, however, it would be great if some of you would come out and look at what we're talking about. You can either contact me by e-mail or by phone and I will make time for any and all of you that are willing to help in this minor situation. Sincerely, John Roscioli."

Before the Board meeting I did stop out at Tobin Creek to look at the mailboxes. Mr. Roscioli was there and they are falling apart. He and a couple other residents did want me to know that they did pay a lot of money for these mailboxes to be installed and they were not installed properly. There is no rebar in the mailboxes or a two by four. Something should have been in the middle and there wasn't. He doesn't know if it's a Village issue but he would like it read into the record and would like some direction on what to do next. So I told him I would read it into the record and bring it forward for discussion.

John Steinbrink:

I think you can properly refer to staff and staff could properly report back to us at the next meeting.

Mike Pollocoff:

Jean has been working on this quite a bit. Maybe she can give you an update of where we're at.

Steve Kumorkiewicz:

I visited every mailbox in the area yesterday morning after church, and two of them are missing complete. Several of them are cracking in the base. So there is a problem over there with the mailboxes definitely.

Jean Werbie:

What I can tell you is we did receive that complaint. Unfortunately, it is a matter between the property owners and the developer. The property owners were obligated and required to pay a substantial amount of money, over \$700 each for these mailboxes. The mailboxes needed to be installed by the developer, not by the homeowners, and based on the information that they provided to me it does not appear that they were installed per manufacturer's warranty. And for that reason I don't think the manufacturer is going to guarantee these mailboxes. But it is a situation where it's based on a series of fact. I believe that they have filed a lawsuit against the developer, and both of them will need to present their case probably in court to determine exactly who is liable. The Village does provide rights to property owners to place mailboxes and

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developers to put mailboxes in the Village's road right of way, but we don't guarantee and we don't inspect their installation. So it really does come down to a proper installation and then maintenance and responsibility to be turned over to the property owners. It's kind of a unique situation. We do have documentation and pictures and so on and so forth, but we've not inspected anything out there for anybody with respect to mailboxes. Actually this is the first time that we've run across this type of issue in the Village.

Another thing, just to clarify, the Village is not holding the refund of a letter of credit to Mr. Mills because of the situation with the mailboxes. We're not obligated to do that and it's not linked or tied to the funds he put on deposit for the public improvements that were installed in the subdivision. There are some other minor things that do need to be completed in the subdivision to fulfill his public improvement obligation and that's why we're holding the letter of credit until those obligations have been satisfied. They really do need to work this matter out.

Monica Yuhas:

I have one other comment. I would like to thank Chief Guilbert and the Pleasant Prairie Firefighters for allowing me to attend a control burn last Tuesday night. It was very insightful. I did learn a lot for the three or three and a half hours that I was there. I'm truly amazed at what the firefighters do. They put out a fire, but until you're there and you feel the heat when you're standing in the road and the house is 100 feet away and you're all red it was just amazing to me. All the firefighters when they were working in their groups and when they would come back to take a drink of water or Gatorade it was interesting to see them interact with Village residents and the public. They were answering questions, they were talking to the residents, and it was interesting and it was wonderful to see the interaction because everyone was just so excited about a fire. It brings everyone out. I thank the Chief for allowing me to come and I enjoyed my fire truck ride also.

John Steinbrink:

Other Board comments or questions?

**9. ADJOURNMENT**

**KUMORKIEWICZ MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS;  
MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 7:40 P.M.**