

**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
February 18, 2008
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, February 18, 2008. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Mike Serpe, Monica Yuhas, Steve Kumorkiewicz, and Clyde Allen. 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 MEETINGS - FEBRUARY 4, 2008**

KUMORKIEWICZ MOVED THE APPROVE THE MINUTES OF THE FEBRUARY 4, 2008 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY YUHAS; MOTION CARRIED 5-0.

5. **PUBLIC HEARING**

A. Consider Application for Class "A" Fermented Malt Beverage License for the proposed Ayra's Gas & Grocery, 4417 75th Street.

Jane Romanowski:

Mr. President and Board members, Akil Ajmeri, Agent for Ayman LLC, has applied for a Class A fermented malt beverage license. This is for the property located at 4417 75th Street to be known as Ayra's Gas & Grocery. If you recall this is the establishment where Shawn Thomas did not meet the requirements to renew his license last year, so the owner is leasing this property to Mr. Ajmeri, and he is going to reopen the convenience gas store.

As you can see a Class A license allows for the sale of fermented malt beverages, beer and certain wine coolers that are not wine based, to consumers in original packages. Ayman LLC currently holds three other licenses in the City of Kenosha and they just were granted approval for a license in the City of Kenosha. The Police Chief has approved the agent for this license, and all the other requirements for the application have been met.

If the license is approved there are three outstanding conditions that they would have to meet, payment of license fees and publication costs; they would need occupancy permits from the fire, inspection and community development departments; and there is an outstanding invoice that the

Village Board Meeting
February 18, 2008

property owner will have to pay because we did publish for Shawn Thomas to have a hearing last year and then he didn't follow through. So we do have a \$59.15 invoice outstanding that will be paid.

Liquor license renewals, the paperwork is in the process of going out right now for the July 1st to June 30th licensing year. If this license is granted I would recommend that this license would go through June 30th of 2009 instead of making him do the paperwork over in another month, and then I would just prorate for the rest of this year and then charge him for the whole year starting July 1st through June 30th.

John Steinbrink:

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

Jane Romanowski:

There's nobody signed up for this hearing.

John Steinbrink:

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

Mike Serpe:

Is the petitioner here?

John Steinbrink:

I believe so, yes. Sir, we just need for the record your name and address.

Akil Ajmeri:

Hi, my name is Akil and I live in Racine right now, 2714 4½ Mile Road, Racine, Wisconsin, 53402. Any questions I'm here to answer.

John Steinbrink:

Mike, did you have a question?

Mike Serpe:

No, I just wanted to make sure the petitioner was here in case anybody did have a question.

Village Board Meeting
February 18, 2008

John Steinbrink:

Does anybody on the Board have a question for the petitioner while he's up at the microphone?

Steve Kumorkiewicz:

It was pretty much explained by Jane.

John Steinbrink:

Thank you very much, sir.

Clyde Allen:

Have we in the past set a prorated amount and are we setting a precedent by doing so? This is the first time?

Jane Romanowski:

Any time during the licensing year we do prorate the licenses. It's just a matter of adding by the time he gets this done two more months. Literally, he would have to turn around and do this paperwork and we'd have to republish in three weeks. The fire department and inspection department are currently doing their inspections right now, so they do their inspections and the information comes back to me. I just feel that this would be the best way to handle this instead of making him do it all over again.

Clyde Allen:

Thank you.

John Steinbrink:

Other comments or questions?

Mike Serpe:

I move approval.

Steve Kumorkiewicz:

Second.

Jean Werbie:

Mr. President, I just wanted to make you aware and the Board aware of the fact that the community development staff did meet with Akil to make him aware of the situation and the need

Village Board Meeting
February 18, 2008

for a special exception permit for his signs as well as some outstanding issues with the fire department. And he is right on top of getting those items correct, and he is proceeding through our planning process. We also will be doing the inspection for the liquor license, but he is well ahead of the game with respect to knowing what requirements and what needs to be done in order for him to open.

Jane Romanowski:

Akil has been very easy to work with, very cooperative in bringing any information that I've needed. So he's been one of the best to work with.

John Steinbrink:

That's good to hear. Further comments or question?

SERPE MOVED TO APPROVE THE CLASS "A" FERMENTED MALT BEVERAGE LICENSE TO AKIL AJMIERI, AGENT FOR AYMAN LLC, FOR THE PREMISES LOCATED AT 4417 75TH STREET FROM THE DATE OF ISSUANCE TO JUNE 30, 2009, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

B. Consider the request of Christopher Jackson, P.E. of CJ Engineering, on behalf of JM Squared LLC, owner, for a Variance from Section 395-60 C of the Land Division and Development Control Ordinance related to 120th Street, a proposed 1,374 foot cul-de-sac street, exceeding the maximum 800 foot cul-de-sac length by 574 feet, within the proposed 19 lot single-family The Orchard Subdivision, generally located on the west side of 28th Avenue, south of 116th Street, at the approximate 11900 Block.

Jean Werbie:

Mr. President, this is a request by Christopher Jackson. As you indicated, he is a petitioner for a variance from the Village's Land Division and Development Control Ordinance related to the maximum length of a cul-de-sac, and this is for 120th Street within the proposed 19 lot single family subdivision known as The Orchard which is south of 116th Street in the Village.

Just to give you some background information on this particular request, on February 12, 2007, the Plan Commission approved an amendment to the Sheridan Woods Neighborhood Plan for this particular project. On April 23rd the Plan Commission and on May 7, 2007 the Village Board conditionally approved three items related to The Orchard Subdivision which included the Sheridan Woods Neighborhood Plan Amendment, the zoning map amendment and the conceptual plan. So this petitioner has been moving through the process and this project has been before the Village Plan Commission and the Village Board several times in the past year or year and a half.

On November 12, 2007 the Plan Commission and on November 19, 2007 the Village Board then approved the preliminary plat for the proposed Orchard Subdivision, and this was a conditional

Village Board Meeting
February 18, 2008

approval subject to a number of conditions, and one of which is to continue to proceed through the process and request this variance this evening.

The Orchard Subdivision also has one other major condition, just to bring this to the Board's attention, and that is they must wait until the Prairie Trails East Subdivision moves forward which is the subdivision south of them, between them and 128th Street, because their primary mode or means of access to this site will be from 128th Street north to this subdivision for all their construction vehicles for infrastructure as well as the construction for new homes.

So the Prairie Trails East Subdivision, on the other hand, has recently requested an extension of the preliminary plat while they complete all of the outstanding conditions for their preliminary and final plat, including of which is a FEMA approval that they're waiting for, so while this subdivision will continue to move through the process they will need to wait for Prairie Trails East before they finalize and move forward through the final plat process.

The petitioner requests then this evening is that they have applied for a 574 foot variance from Section 395-60 C of the Land Division and Development Control Ordinance. And, again, this is related to 120th Street, a proposed 1,374 foot cul-de-sac street exceed the maximum length of 800 feet within the proposed Orchard Subdivision. Again, this is something that the Plan Commission and the Board have been well aware of for the last year and a half.

The granting of the variance to allow this cul-de-sac to exceed the maximum by 574 feet would not be considered contrary to the public's interest or the public's safety or welfare. Adequate access for emergency personnel and vehicles and municipal water for fire protection to the site will be available throughout the subdivision, construction activities and post construction activities.

The Orchard Subdivision meets the requirements of Section 395-63 O (1) of the Land Division Ordinance wherein there's fewer--that requires that more than 20 lots be platted with any one subdivision with one means of access. And if I could just show you this slide that gives you a better understanding of how this particular subdivision is connected to the Prairie Trails East Subdivision to the south for access. Again, The Orchard is located north of 121st Street and just to the east of the Kenosha County Bike Trail. Coming out of that subdivision at 120th the individuals could go either north towards 116th Street or south from 28th Avenue toward 128th Street through Prairie Trails East, or they could loop around and go north again on 26th Avenue to 116th Street.

Specifically on that site, again, the variance would be for the cul-de-sac length which would be at 1,374 feet or exceeding the maximum by 574 feet. This is a matter for public hearing if the Board or if the audience has any questions.

John Steinbrink:

Once again a matter for public hearing. We had a sign up sheet?

Village Board Meeting
February 18, 2008

Michael Willkomm:

Good evening. I first want to set the record straight on this density issue as it pertains to this development, more specifically how the developer has addressed our concerns. The Board has been told that the developer has addressed our concerns for the density of this proposal. And when I hear that statement it sounds to me like the developer had made a concession to us and the reality is the developer has not made a concession on the density or any other issue that we've brought to him or to this Board.

The confusion stems from the original neighborhood sketch plan that the Village did in 2001. It showed the new development on the land with the road using my long driveway to loop back to 28th Avenue. With this loop it showed 27 lots on the developer's property and being zoned R-4. Without the driveway, 19 lots are the maximum number that they can fit on the property. So in reality he made no concessions here. This is all he can fit.

Before my wife and I made the difficult decision as to whether or not we wanted to make the biggest investment of our lives to buy our home, we looked at how the apple orchard could be developed in the future. I started to look at the neighborhood sketch plan, and after I saw that without our driveway they couldn't get a loop back to 28th, the only other thing they could do was put in cul-de-sacs. And after finding out the limit on a cul-de-sac is 800 feet, it looked like the most someone could do was possibly put in eight lots. Well, with 16 acres and eight lots, the average of two acres a lot, that sounded okay. So even if a development did happen it wouldn't hurt the value of our land as it would be consistent with the surrounding lots.

If this proposal gets approved it will dramatically change the surrounding lots and it will reduce the value of my land as well as the surrounding landowners. I understand the developer has the right to develop their land but it should only be under the guidelines that the Village has established. So now the developers are asking you to grant this variance to exceed the limit, not by a little bit but by 574 feet. That's 71 percent increase.

This ordinance is an ordinance - it's not a recommendation. It was created for a reason. So my question tonight is what extraordinary circumstances exist here that warrant a variance? The real reason the variance is being asked for is so the developer can go deeper into the property and sell more lots. If that's all that's necessary to get a variance then I ask the Village to change the ordinance, because what it does is it confused people like me when I look at how things could be developed, okay, here are the guidelines, but if the reality is you could just ask for a variance and get it, it frustrates somebody down the road. So if that all is necessary is to be asked for a variance then just please change the ordinance to prevent the next guy so that they're not in the same situation that we're in.

I ask that each of you consider that time is not of the essence on this. This development can't go through until Prairie Trails East happens anyhow, so please take the time necessary to consider how this is going to affect me and my neighbors forever. Thank you.

Village Board Meeting
February 18, 2008

Rick Renzulli:

Rick Renzulli, 12126 28th Avenue. Before I start I'm going to pass some pictures out. I had a house built across the street from me. I just want to show you what I've been living with for the last nine months with one house constructed across the street. And the reason I'm doing this is all this construction traffic is going to go right by my house from 128th Avenue. I'd like you to take a look at the pictures. You see the side of my house and how beautiful it is without My only suggestion is since we are going to be hit with all this development, instead of putting a cul-de-sac at the end of that arrow take out that one lot and let it connect with Prairie Trails East even if it's temporary while they're building theirs. That road has got to be put anyways because if you look at the Prairie Trails East Subdivision there's going to be a road there anyways. If you could do something to alleviate the mess that we've been subject to the last nine months.

I've got a list here but I don't want to take up too much of your time. Even the start time. Due to unforeseen circumstances my two year old granddaughter moved back in with me. Back in July at 5:34 in the morning a semi got stuck in my culvert trying to back into this property with the floor joists. She woke up just screaming. I thought a damn airplane landed on the road. I know you guys have set times, seven o'clock or this time or that time, but nobody adheres to that. Nobody. We've had construction traffic as early as 5:30 and as late at ten o'clock at night. Saturdays and Sundays this has been going on, nine month. I thought I'll let Saturdays and Sundays go so they'd get done with this project. But that wasn't the case. They weren't working on the house. Some of the workers were taking the bobcat and trailer off the job site, going somewhere else, leaving mud all over the road and then bringing it back.

Also, they were using the dumpster there for their own private dumping of tires and brush and everything else. So I asked the owner, I said who is paying for that dumpster? He goes I am. I said those have got to be \$300 apiece. You've got guys dumping here Saturdays and Sundays free of charge. The concrete trucks were washing out into the culvert. That culvert takes all the water from north of us and then it takes it down to the end of the cul-de-sac and then it runs to 26th Avenue. Concrete trucks are washing out in there. Right now it's covered in snow, but some of those pictures will show you how much lumber, visqueen, cardboard, nobody is cleaning it up. Come this spring we're going to have a severe problem there.

If you add this subdivision, if their retention ponds get overflowing, and at first the engineer said, oh, no, everything is going north. The first two meetings he had, no, everything goes north. And I knew from just looking at it that it's going to come south. Now they've changed it. Oh, yeah, our overflow will come south. So that cul-de-sac on the east side of 28th Avenue down there should be addressed. Somebody should come out there and clean that out once the snow leaves. With the amount of snow and rain that might be coming it's going to be a problem. Anyways, that's my suggestion.

If they've got to bring all that construction traffic up and since they're working at Pleasant Prairie Trails East, jog that road over, take out that one lot there, even if it's temporary while they're building that, to alleviate any more mud, concrete, whatever that's on our road. Please think about it. I'll pick up the pictures later. Thanks.

Village Board Meeting
February 18, 2008

Cindy Godbold:

Hi, Cindy Godbold, 12011 28th Avenue. I come here tonight again to ask you to reconsider the subdivision. I didn't even think about putting a road through there, but that would be economically feasible for the developers I'm sure. There was an article in the papers a couple weeks ago about how well the Planning Commission was doing, how well they planned on everything and did a fine job, then it turns around and slaps you in the face and we need another variance. Isn't this the third variance for this subdivision. Is there a certain amount limited for variances? Do variances cost anything or just apply for one and see what happens? Do we decide on it right now if they get it or not? It seems like the Village just doesn't care about us existing residents. I know you need the \$800 and some dollars you need for each house because this economy is really get ridiculous.

I know this subdivision isn't going to happen for at least two years. That gives us time to figure out what we're doing. I don't know. How many subdivisions do we need? The Village doesn't seem like it's doing that good anymore. People moved here because it is a Village. Well, it ain't going to be a Village very long with all these subdivisions going on, 146 there, 20 there and 20 there. It's going to be a city and it's going to have all the problems just like a city does with the overcrowding, the schools, traffic. 116th Street is ridiculous.

I can't wait to see where all the snow goes. This is going to be real interesting. I will be out there along with some of my neighbors with the movie camera making sure we don't get it all. And the purpose of the comprehension plan is to provide guidance and direction to the Plan Commission in doing development proposals in order to accomplish a well coordinated, balance, harmonious development of the community while promoting quality of life. This ain't doing it. You're mixing apples with oranges. You're taking everybody on our block who has over an acre and you're giving them less than an acre, less than half an acre to build a house. That just doesn't seem right. Just not right. People are getting tired of it. . . . of us don't even come anymore because it's like fighting city hall. Why? Well, I'm going to fight until the very end because I think it's right. Common sense should play a game here somewhere. That's all.

John Steinbrink:

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

Clyde Allen:

The first comment I want to make is I did talk to one of the residents. I talked to her last night. Where 120th curves when you come in and it goes to the left you'll see that the road abuts up against their property right there. The questions were asked that is that guttered all the way through and is the gutter away from their lot line where the plowing and they won't be dumping snow into their land coming from the cul-de-sac headed north? Is there a complete gutter all the way around to prevent either dirt bikes, ATVs going into their wooded area there? They have some concerns with the corner there. I guess I'd like that addressed.

Village Board Meeting
February 18, 2008

Mike Pollocoff:

Curb and gutter is required in all Village subdivisions. The reason for the curb and gutter, though, is to manage storm water off the street. It wouldn't deter access for a dirt bike or somebody to go over the curb. A car can drive over the curb. So I'd recommend that if someone is concerned about vehicles going into their property that they would fence their property line.

But as far as when snow removal takes place, when you take a look at the plat that's on the map there, that reflects the right of way. It doesn't reflect where the curbs are going. The curbs are 12 feet in from those lines that are shown on the map there. In fact, where that one kind of raises up to meet that flat piece it's going to be more than 12 feet. So as a plow drives down the road it's like anybody's driveway or in front of your house there's going to be a bank of snow that's going to be left there, but it wouldn't be deposited in any amount greater than anybody else's. Even in the large snows we've had they don't go 12 feet into or beyond the curb line to remove the snow.

Mike Serpe:

Jean, Mr. Renzulli's comment about maybe temporarily opening up the southern end of the cul-de-sac is that at all feasible or possible?

Jean Werbie:

We'd have to get an agreement from Prairie Trails East Subdivision who is in the final plat stage right now, so they would have to agree to that. I mean The Orchard Subdivision we could make that a condition of theirs but we would need to get Prairie Trails East to agree to that as a temporary gravel connection and then obviously The Orchard would have to pay to have the gravel installed as a temporary connection which is not uncommon but, again, we would have to get the agreement of Prairie Trails East. So we would have to have that discussion with them.

Mike Serpe:

I imagine the build out plan would have some effect on doing that. I don't know where they plan on starting or which lot they plan on developing first.

Jean Werbie:

Are you talking Prairie Trails East?

Mike Serpe:

No, The Orchard.

Jean Werbie:

I'm not sure. But if a lot is designated as a temporary construction access then that would have to remain until one of the last lots.

Village Board Meeting
February 18, 2008

Mike Serpe:

Has there been any contact with the developer from Prairie Trails East in recent time?

Jean Werbie:

We had some conversation with them about a month and a half ago.

Mike Serpe:

Anything that we can talk about?

Jean Werbie:

They're continuing to process their applications through FEMA and getting their easements from Kenosha County, but I don't have an exact timing of when they're going to move forward. We certainly can talk to them about this.

Steve Kumorkiewicz:

I've got a question. Mr. Renzulli was concerned with the traffic on 28th Avenue. Is there any way that we can post the . . . traffic over there, because at 5:30 in the morning is ridiculous. I remember that we talked about coordinating with the school district and so on, and I wonder if we can . . . the process and do some marking on the streets to avoid that problem that they've got.

Mike Pollocoff:

One of the things we'd recommend, and if the Board was to adopt Mr. Renzulli's recommendation as part of the final plat for The Orchard, and if a lot was to be set aside for construction access in The Orchard as well as Prairie Trails East, we would post 28th Avenue at 116th Street with no construction traffic. With everybody that would be building in The Orchard, as well as Prairie Trails East, when they pull their building permit from the Village they'd receive a notice along with a permit that says construction traffic access has to occur from State Line from the south, and any construction access used from 116th Street is subject to citation. We've done that in other subdivisions as well. That's for construction of the development as well as construction of the individual houses. That's a possibility. There's usually a subcontractor that doesn't get the word, and typically the residents would call us and we'd send a squad out there and give them a citation and then the word gets out again. So it's not foolproof but it does reduce it significantly by doing this.

Mike Serpe:

Right now we're not in any rush and we have time to look at this. If there's a possibility that we can have conversation with The Orchard's people and with Prairie Trails East to see if we can

Village Board Meeting
February 18, 2008

look at this I think it would be beneficial to the residents that are there and bring it back and let's see what we can achieve on this.

Monica Yuhas:

Mr. President, I have a question. Jean, how many cul-de-sacs in the Village are lengthy like this.

Jean Werbie:

Existing?

Monica Yuhas:

Yes.

Jean Werbie:

We could have 20, 30, 40.

Monica Yuhas:

That we have right now?

Jean Werbie:

That we currently have, sure. Any long dead ended street like 26th Avenue, 28th Avenue exists right now in excess with a dead ended length greater than 800 feet, 24th Avenue, 29th Avenue north of Q. We've got them all over the Village.

Mike Pollocoff:

There are a number of them. And that's why when you look at the ordinance it's not just one thing that controls the length of the street or cul-de-sac. It's a number of things. So although the length of the cul-de-sac is one and the density on that cul-de-sac is And the Land Division Ordinance is set up like the rest of the ordinances where we've adopted a standard that as closely as possible meets the Village's intent for public safety, but also addresses the existing conditions that exist throughout the Village so that a lot of the streets aren't put into a nonconforming or different status. Now, the Village was developed over 150 years and there's some situations that if everybody had been thinking 150 years ago maybe you wouldn't have done things, but they did so we have to live with some of those things. So the ordinance does the best it can to set some standards in light of what we currently have.

So with that being said that's why there's a variance procedure for property owners to use that says take a look at my specific properties, the conditions that exist, and consider a variance for whatever that might be. There are a number of things that variances are granted for because not everything is exact. Not everything is the same. Not all the situations are the same. So when it

Village Board Meeting
February 18, 2008

comes to how long a street is or a cul-de-sac there's a number because a lot of these streets were created before we adopted the Land Division Ordinance in 1989. So I think it's more than 40.

Monica Yuhas:

And then another question regarding clean up of the road. Judging by the pictures the road was left in quite a state.

Mike Pollocoff:

Right.

Monica Yuhas:

What is the procedure for getting that cleaned up? Obviously we don't have public works people that are driving around checking for dirty roads. Do you expect residents to call? Is it the responsibility of the homeowner?

(Inaudible)

John Steinbrink:

Sir, I understand but could you

Monica Yuhas:

So what is the procedure for construction?

Mike Pollocoff:

The procedure for construction is the building inspector goes out there and they see that the road is a mess; they order it cleaned up before the end of the working day. If someone calls us we'll go out and take a look at it and we'll issue the same order. If it's not cleaned then the Village will send a street cleaning machine down there. We'll clean it and draw that against the storm water maintenance bond that's on the property. Once we get a call we do that. We don't make somebody clean it up right when the mess happens because typically if it's wet and muddy they're tracking throughout the day. But at the end of the day we want it cleaned up, and we want it cleaned up so that through that night or until they get back on the site it's normal conditions.

I think the things from the pictures here that I was troubled with is it's clearly a mess. It looks like it was winter season, spring season construction or wet season construction. But cement trucks emptying cleaning out their trucks in a ditch lines or things like that we chase after those guys all the time. Anybody sees a cement truck doing a clean out in a drainageway, at a culvert or anyplace like that call us so we know who to get after to clean that up. We've got a picture on this one so I know who to go after. I wish we were at all these sites all the time. We have three building inspectors that are covering 34 square miles. But if somebody calls us and snaps a

Village Board Meeting
February 18, 2008

digital picture or snaps a picture then it gives us something to work with then we'll get out and take a look at it and go after it.

But, it could be if the Board wants to take some time and have the staff evaluate what Mr. Renzulli is proposing this might alleviate some of the issues on 28th in that one section there.

Clyde Allen:

Being that Prairie Trails East has an extension I think that runs through '09 and this can't proceed until that is developed I'd like to make a motion to table this for the purpose of pursuing talks between The Orchard and Prairie Trails East to explore the possibility of the road going through.

Steve Kumorkiewicz:

Second.

Mike Serpe:

Could we hear from the engineer?

John Steinbrink:

We have a motion and a second so far. I just have a question, Mike. A concern was raised about this year's snow melt would be affected by this subdivision. Will this subdivision have any effect on this year's snow melt?

Mike Pollocoff:

I hope not. Snow melt even once the subdivision is developed the snow melt is going to go into a detention basin and be held there until it releases.

John Steinbrink:

I guess the question is has anything been done there so far that would change the snow melt and what happens than what normally would have happened before this developed occurs?

Mike Pollocoff:

No, not right now, no.

John Steinbrink:

And we're hoping that any development will actually improve the conditions out there.

Village Board Meeting
February 18, 2008

Mike Pollocoff:

The development as proposed and designed will actually hold more snow melt than the current conditions.

John Steinbrink:

Okay, we have a motion and a second but we'll hear from the engineer first. We just need your name and address for the record.

Fouad Saab:

Good evening, my name is Fouad Saab. I'm speaking on behalf of The Orchard. That proposal about having a temporary access from Prairie Trails East we don't have an objection to that. We've even discussed it among staff at one point. We even discussed it with Prairie Trails East. We're supposed to be working out as an agreement for construction access, water easement and so forth. That's going to be part of our agreement with the Prairie Trails East to bring it into a kind of—because they have to grant that access. If they don't grant us an access we can't use that temporary construction through the site and we think it's a good idea because it alleviates the problem on 28th Avenue, and also it eases the concerns of the neighbors who live there and kids and so forth, schools. We think it's a great idea.

We do like to push ahead with this even though that Prairie Trails East is going forward or on a kind of waiting for their approval. We'd like to get this thing behind us, this variance on this cul-de-sac. We have another—for the final plat we can make it contingent, part of the final plat approval this construction access. So I'm requesting to give us approval tonight on this variance so we keep this—we're going on a slow pace. We still have a lot to iron out with Prairie Trails East but we need to keep these things moving as we can. I think we're here to work with you and we've been working with the staff and the Village. There's no reason to postpone it or table it for another meeting.

Mike Serpe:

To Fouad and Jean, how do you think it would take between The Orchard and Prairie Trails to iron something like this out?

Jean Werbie:

It could be a month or two.

Mike Serpe:

So if we came here at this time next month at the next two Board meetings this agreement could be in place and it could be voted for up or down, right?

Village Board Meeting
February 18, 2008

Jean Werbie:

Could be.

Mike Serpe:

I understand what you're saying but we also have to take into consideration some concerns of the people in the neighborhood. They've been pretty adamant on this thing all along. As long as this subdivision can't really proceed until Prairie Trails is approved, I would feel a lot better if we can get this thing ironed out and then bring it back to us for approval instead of moving on it tonight.

Clyde Allen:

I'll clarify something. I thought I made my motion to table. Maybe it wasn't clear enough that I wanted to explore talks and have talks between the two not for a temporary construction road but attaching the two subdivisions, not the temporary for construction only. So if the second didn't understand that I don't know if we have to take that back but that is my motion.

Jean Werbie:

That may be a problem because the preliminary plat had been approved for Prairie Trails East as well as the final plat with an extension of time, and the developer is entitled to approval of that subdivision the way it was initially approved by the Village without making any alterations to it. We certainly can address it as a permanent situation but he's not required to make any modifications since he's already entitled to a layout that's been approved. So I doubt that he would agree to that, but I certainly think a temporary situation for a period of time while the two subdivisions are under construction would seem to be more reasonable.

Mike Pollocoff:

Mr. President, I think the other consideration on this is not to pass judgment on what Trustee Allen is saying, but the issue before us tonight is the variance. If the Board wants to as a result of that variance replat, say we need to replat the subdivision, I think at that point what we'd be in essence saying is we need to deny this, deny the variance, go back, wait for the final plat to be submitted and then deny those final plats assuming that the developers weren't amenable to amending their plat. I think also to do that we would probably want to re-evaluate the traffic study for the benefit of the developer as well as the benefit of people on 28th because now we'll be directing more traffic out of Prairie Trails East up 27th to 120th creating an intersection on 28th Avenue that would be carrying a lot more traffic. It would be now a through street leading traffic out of the subdivision into that intersection. So that would be a significant change both in traffic and the nature of the plat. So if your motion is that we alter the plat before you'd act on that I think you need a motion to deny the variance.

Clyde Allen:

I'll go forward and make a motion to deny the variance.

Village Board Meeting
February 18, 2008

John Steinbrink:

We already have a motion on the floor.

Mike Pollocoff:

You have to withdraw that.

Clyde Allen:

Do I remove it?

John Steinbrink:

Yes.

Clyde Allen:

Okay, I'll withdraw my motion to table.

John Steinbrink:

And the second?

Steve Kumorkiewicz:

Yes.

Clyde Allen:

I'll make a motion to deny the variance. Do I need to state the purpose for future talks for final plat?

John Steinbrink:

I think if you could clarify it it would help.

Clyde Allen:

I guess I'd like to deny the motion for a variance for the purpose of extending the talks to go forward before they come forward with final plats to look at extending 120th Street into the Prairie Trails East Subdivision.

Village Board Meeting
February 18, 2008

Steve Kumorkiewicz:

I'm not too comfortable with that. In my opinion make it subject to. I don't feel comfortable with that because it's already

Mike Serpe:

Let's back up a bit. We don't have second on Clyde's motion.

John Steinbrink:

We have to have a second before—

Mike Serpe:

And I don't know that there's going to be one.

John Steinbrink:

Is there a second to this motion? Hearing none, the motion dies for lack of a second.

Mike Serpe:

Mr. Chairman, I'd move to table this variance until Prairie Trails East and The Orchard Subdivision can get together and see if a temporary connection can be made between The Orchard and Prairie Trails East for the purpose of construction traffic.

Monica Yuhas:

I'll second.

John Steinbrink:

Motion by Mike, second by Monica. Is the motion clear to all members? Any discussion on this motion?

Steve Kumorkiewicz:

I think it's clear now.

John Steinbrink:

Motion and a second. No further discussion?

SERPE MOVED TO TABLE THE REQUEST OF CHRISTOPHER JACKSON, P.E. OF CJ ENGINEERING, ON BEHALF OF JM SQUARED LLC, OWNER, FOR A VARIANCE FROM SECTION 395-60 C OF THE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE RELATED TO 120TH STREET, A PROPOSED 1,374 FOOT CUL-DE-SAC STREET, EXCEEDING THE MAXIMUM 800 FOOT CUL-DE-SAC LENGTH BY 574 FEET, WITHIN THE PROPOSED 19 LOT SINGLE-FAMILY THE ORCHARD SUBDIVISION, GENERALLY LOCATED ON THE WEST SIDE OF 28TH AVENUE, SOUTH OF 116TH STREET, AT THE APPROXIMATE 11900 BLOCK UNTIL DISCUSSIONS HAVE TAKEN PLACE BETWEEN THE REPRESENTATIVES FROM THE ORCHARD AND PRAIRIE TRAILS EAST; SECONDED BY YUHAS; MOTION CARRIED 5-0.

6. CITIZEN COMMENTS

Dick Ginkowski:

Dick Ginkowski, 7022 51st Avenue. At the last meeting we had a very interesting presentation, a very good presentation, by Kathy and Jean on the restructuring of the segment of the Village's debt to the financial advantage of the Village. I thought that was very good and it really came into good discussion I think concerning debt and the Village finances which is ongoing and needs to be had. I'm a little nervous sometimes when the people use the phrase good debt as I've heard thrown around because from the accounting circles the opposite of that is bad debt which means uncollectible debt, and I'm not so sure there's not a variance between the two.

But I think the Village finances is an intricate and sometimes confusing discussion and it's possible for lots of errors to be made. But nonetheless we are so far in good position and I'm very pleased to have the presentation. And I hope that the Village Board and the Village staff will consider using the website and also the newsletter perhaps to deal with the issue of debt and explain, for example, that some of this is going to be retired in the short term as well and we are going to be in a better posture a few years down the road.

One of the things that also ties into Village finances or finances of any municipality is maintaining adequate reserves. I remember it wasn't more than perhaps a year or so ago that there was some discussion about the Village reserves and perhaps they might be a little too generous in having reserves. But I think this past winter shows exactly why they're needed. Many communities, you can't pick up the newspaper today or turn on the television without hearing some story about a community, and there's many of them, oh, we're run out of salt. Oh, this is a terrible winter. We don't have any money. Well, that happens. But also we had a number of mild winters where there were under predictions and there was surplus and some communities unwisely spent it, blew it away. Didn't sock it away for a snowy day. And now they're coming back and claiming that there's a problem. This is Wisconsin, it's winter, get over it, it happens.

And if we didn't have reserves, and they don't just exist to cover a bond rating and make a bond rating look good, if we don't have reserves we can wind up behind the eight ball as some of the other communities. And our Village staff by and large does a very excellent job with snow removal and ice control and they certainly deserve our appreciation. But I think the whole

Village Board Meeting
February 18, 2008

financial pie picture is something that many people just don't understand and it's difficult to understand. It's written in confusing language and oftentimes it's something only accountants can really get into. But I hope that we can make it simple for people, that perhaps we can have more light and less heat on those issues.

Finally, one thing that really has come to fore very rapidly is the potential incorporation in Bristol. And I know there was a special Board meeting on Friday night to discuss potential boundary agreements and agreements with Bristol. I think it's good to have these discussions. I would hope that as much of this very important discussion is held in as much light of public scrutiny as possible. And I say that because these are very important things. We certainly want the Village of Pleasant Prairie to look out for the Village's interests. That's one of the primary things I think that has to be done.

But also these are some very tough times as well for Bristol. These are issues that are very near and dear to them, and anyone who has been through the process probably knows that there's two things floating around there, number one a desire to maintain on the part of some people the community as it now exists and also the understanding on the part of others that there are certain constraints which make it difficult for them to balance the boat so to speak. So there may need to be some adjustments made.

I do not know and I don't have complete confidence that a petition for incorporation will succeed there. Certainly there's a number of things that the Department of Administration and the Review Board does look at in incorporation. It's not an easy process, and I would hope, though, that any discussion that's had, number one, is done with as much public scrutiny as possible in light of day. Just because we can go into closed sessions doesn't necessarily mean we always have to, and also that there's enough lead time to have adequate public consideration of any agreements, certainly several weeks at a minimum, just because of the fact that I think to people in the communities these are so significant and often permanent decisions that one would hope that one would be able to have a consensus, kick the tires, see whether or not there's things that need to be changed and do this at a period of time where people can walk away and say, you know, we've had a chance to look at this and to examine this and be heard. A very, very significant time for this area and certainly one would hope that a good agreement can be reached that is mutually beneficial for everyone. But I also hope that we do it with as much light of day as possible. Thank you.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. An item I'd like to bring up is for the Village to take a very strong look at and put on the agenda in the very near future and that would be the televising of the Board meetings. Our current Lieutenant Governor, as well as the previous Lieutenant Governor are strongly in favor of this being done. They feel it would be a way to encourage the public and introduce them to the legislators and see where they stand on all the various issues.

And it was also brought up of having the high school do this as a service project and she feels that an interesting comment and that I should bring it up to the local legislator. So Representative Steinbrink I'll bring it up to you to look into having maybe the high schools do this as a project.

Village Board Meeting
February 18, 2008

That would be a good way for them to learn their trade in various classes that they have and also to see exactly how city government and government overall operates. Thank you.

Jane Romanowski:

No other sign ups, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Yes, sir?

Alex Tiahnybok:

Alex Tiahnybok, 8757 Lakeshore Drive. I wasn't planning on commenting at all but after Mr. Babcock made his comments I endorse his recommendation. As you can see I've been doing this for four months now and it's technically very feasible. I believe the Village owns more than enough equipment to get the job done. I delivered a copy of one of the past meetings to Jane on a DVD. It could be put in any of the variety of machines that we use to insert video onto Channel 25. It could be easily done. I think it's proven that it's not technically difficult. Audio could be very easily enhanced and this is a service, as Mr. Babcock said, that I think the citizens deserve. And it shouldn't be one guy and a couple of friends helping out occasionally doing this.

It's not anything unusual for a Village or any municipality of this nature and this size and this growth and even issues like were discussed tonight about The Orchard's subdivision access in and out. I think there's plenty of neighbors immediately around there that aren't here tonight that would like to see that stuff. They may read about it in the paper tomorrow and they're going to say, hmm, I wish I was there. This gives them a chance to be here in effect. And I truly hope that this Board follows up on it.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Hearing none I'll close citizens' comments. Any response from any Board members?

Clyde Allen:

If I can address Dick Ginkowski's comments about the debt. I think I do refer to some debt as good debt. And maybe a better comment would be investment grade debt might be better. We did have four issues come before us last meeting regarding the bonding. Unfortunately the news article following and others have pushed saying it was \$100 million without mentioning the slide, probably one of the most significant slides that followed that, and that was what the debt was all about. \$51 million was belonging to the TID's that gets paid through TID revenue. \$38 million is due to RecPlex, sewer, water, utilities paid through fees and services, leaving about \$11 million that is general obligation debt that is paid through the general fund using tax levy dollars, \$11 million.

Village Board Meeting
February 18, 2008

Our bond rating that wasn't presented real clear I don't think. And, Dick, you didn't touch on it but I really think it's important that Standard & Poors raised our rating this year. That was stressed and our outlook remains stable. When they give a rating they give a slash with your outlook and it remains stable. However, Moody's ended keeping our rate the same. They give us an increase a few years prior, or they upgraded us a few years prior, but they upgraded our outlook to positive from stable. If you can imagine that, and this didn't appear anywhere and nobody has repeated it. But in today's economic climate you have a market downturn, you have slow housing, you have unemployment at high levels, and we got an upgrade in the Village for our outlook. Obviously we're doing something right.

Standard & Poors and Moody's cited our fiscal management, fiscal operations, overall managerial operations to raise these levels and that's what led to it. I think it's important that everybody understands and knows it and hears about that. A municipality, again, a few people keep mentioning the \$100 million, a municipality unless they're very rich and can afford it, if you don't carry debt, good debt, investment grade debt, you're not going to be able to attract industry, business, you're not going to attract the developers into the housing market. I just think that's all important and, again, all we heard was about the \$100 million. And you're not going to be able to keep up with your infrastructure costs over the long haul. So investment in our future is very important in carrying that debt.

I'll give you an example of not good debt, throwing good money after bad. How many people are out there, how many municipalities are out there, trying to throw good money, trying to revitalize a downtown area that's going nowhere, it's fruitless. However, we have the opportunity. The timing is right that we're exploring having the downtown area with a vision 30 years down the road, doing it properly, doing it right. There's a reason this wasn't presented before this and now it's coming because the timing wasn't right, investment wasn't right, and now is the time that we're exploring it and it's a credit to the planning, development and financial resources and the staff that we have here and management staff we have at the Village. So timing is everything and it's very, very important that that's understood. I just think things are talked about and they're catching only bits and pieces of it and they're not understanding it real well.

A lot of people that talk about this don't realize ten years ago, they weren't even here ten years ago, and they may criticize the debt, but quite a while ago this Village invested a large sum of money and the production became WE Energies, Lakeview Corporate Park, housing developments. That investment paid off handsomely, and the economic impact with all that debt that they incurred at that time has made a big boon to the Village of Pleasant Prairie. So you need to really look at the whole picture. Thank you.

John Steinbrink:

Just a couple points of clarification. Dick, that meeting was on Thursday the 14th, Valentine's Day. It was noticed. It was an open meeting. The press was there. I think it was Brian O'Connor, and it was a working session basically what it was to go over the Bristol agreement to make all Board members familiar with it and engage in discussion with Bristol.

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, tonight I wanted to talk about something that's been affecting residents throughout the Village since last winter and that's the subject of winter and snowplowing and salt. I want to begin by really congratulating the public works department. I think they've done an excellent job in managing the snow and the ice this year. I think by the time we're done this will be a record winter if it keeps going. Sometimes over time isn't nice but that usually lasts for like a month. They've done a lot of good work out there. There has been guys out there sleeping at the garage trying to catch some sleep between plow runs. They've done a really good job.

We have a 120 centerline miles of roadway that we maintain, and the Village has had a policy as long as I've been here, and it's not the same policy that every community uses. Our policy is we plow down to pavement at all times and we apply deicing material to all Village roadways during all winter events. You can go into communities where they might get to a side street or they might not plow all the way down. They'll take a piece of it off but not all the way. Sometimes you'll see a plow go down the road and you might see sparks flying, but that's how you get that stuff off the road.

When we buy salt, and there's a lot of communities that do it different ways, but we buy salt on a group purchase for the State of Wisconsin under a contract bid. We tell them how much we're going to need for the winter and then we also set some in reserve. This year we're also using treated sand. It's a mixture of 90 percent sand, 8 percent salt, 2 percent chloride and we apply that to gravel roadways. Every now and then it will get on a curb and gutter section, but we want to use that on gravel roadways so it can go off to the gravel shoulder. And we buy our treated sand locally. We don't have to have that trucked in from out of the area.

We also use magnesium chloride. This is something John Steinbrink, Jr. has brought to operations probably five years ago. In the newspaper and in the press you've been hearing about beets. I don't know what 100 percent beet juice is, but beet juice does exist in what we've been using for five years now and it really helps. It helps the salt work better because if it's too cold you can put all the salt down you want and it's not going to operate. It's not going to work. And using the magnesium chloride gets us down to 15 degrees below zero. We monitor it. You can put it down at a bad time and it will make the roads kind of greasy and slippery. But we have equipment on our trucks that monitor how much magnesium chloride goes on the sand and on the salt until we get the right application and it makes it work better. We actually use a lot less salt by using that.

The record amount of salt we've used since we've been keeping records is 3,600 tons in a winter season. You have to remember seasons lapse budget year. We start hopefully not before Thanksgiving and we end in the middle of March usually. The least we've used was 640 tons. That was just a couple years ago. Our average is 2,500 tons a year and it's been growing a little bit as we've been adding roads to the Village. This year we contracted for 2,000 tons of salt and then we put 500 tons in reserve to purchase as part of this winter's salt contract. The State under their bidding process will only let you put 25 percent in reserve. It used to be I can remember

Village Board Meeting
February 18, 2008

when I did the salt contracts about 15 years ago I'd put 2,000 on seasonal and I'd put 5,000 on reserve. Well, you know, if the price was good and we emptied some salt out of the shed I'd get as much of that as I could of reserve and we'd be able to save some money on the next year's purchase. But I wasn't the only one doing that and they got smart to us and they put a cap on it. So that's how we get our salt.

Right now at this time where we are in the winter we have 600 tons of road salt in storage. We've used up our allocation that we bought from the State. The State can't fulfill all the obligations for reserve they had, so on that State contract price there's no more salt to be had. Salt is available from other sources. It's ranging from \$125 a ton to \$200 a ton. We purchased 600 tons of treated sand in February. We always get treated sand because it works good on gravel roads and we have a lot of those in Carol Beach and a few other spots. If you put just straight salt or chloride on the gravel roads they just turn to mud so we use that sand mix.

Right now we've got enough salt to get us through, but we want to make sure—I don't know how this winter is going to play out, so we're being cautious with what we have left. So we're applying treated sand on the plow routes having mostly the gravel roads and that's going to get us through for this year. In fact, we've been doing this since the beginning of February. We're going to take an early delivery for this next winter on this State contract and we'll be letting the State know this summer how much we want to pick up.

The beginning of the winter season we had 3,000 tons of road salt in storage. And we always purchase salt to add to inventory but we can't store more than 7,000 tons. So if you're one of the communities that buys salt from the State, what you're really doing, and John does a really good job of doing this, we manipulate how much storage we have in the shed versus how much we can keep off site through the State contract so that you're taking your shed down over time and refilling it with what's coming up from Milwaukee. The only way you could say you'd want unlimited salt is to be able to either have more storage or have someplace else you could put it because the State won't hold it for you anymore.

So 7,000 tons that is how much we can hold and that's quite a bit. So we took a delivery of 500 tons of seasonal fill in late December because remember John started the season with a good 3,000 tons, and at that ton he was thinking this winter was getting crazy, took 500 tons to get us through that end of the budget then we started a new budget January 1st and we took another 1,500 tons. And, again, we're getting that salt in and we don't want it to be coming out of the barn and you can't store it outside. You want to be able to load it inside. You don't want to have it right at the front door. And we took our reserve for this year in January.

In 2007 we've used 5,100 tons of salt, 2,000 more than we've used before. We've used 9,658 gallons of magnesium chloride to the Village streets. So far to date in 2008 we've used 1,500 tons of salt, 4,500 gallons of mag chloride and 80 tons of treated sand to our Village roads. And we've had 76 inches of snow cover this area. That's double what we normally run at. So in order to preserve our salt supplies beginning in February I had the crews salt the intersections and subdivisions and they do the arterial roadways. Snowplowing and snow removal operations will continue as they have in the past.

Village Board Meeting
February 18, 2008

I think what's key for people to remember is that what really makes snow removal work, I mean you could throw a lot of salt down all over the place, but the mechanical operation of getting the snow off the street is the most important thing, making those routes as reasonable as we can and we did that. And I think this last snow was probably the biggest push we've had. I had people calling me saying you haven't plowed my street yet. Well, you've got to remember in a big snow where you're getting a couple inches an hour a route might be as long as four hours. So you could get eight inches while the truck driver is running through his route catching it up again. So it might look like they haven't been there but the snow is coming down pretty quick.

But nonetheless public works does a good job of staying after it and we don't let the snow any more than possible get packed down on the roads beyond what the plow can move off the roads so you can stay ahead of it. I'm taking shots at the City because they have a different agenda on how they plow the roads, but if you go down a side road in the City that gets packed down, it starts to melt a little bit, it freezes up, it turns to ice and then you can't do anything with it but put salt on it. We've had treated sand substituted for salt in the plow routes I've indicated before.

So we're going to be able to make it through this year. We're going to do an early delivery on the State contract. This winter has been good enough we've already shot through our 2008 budget that we would be using for November and December. You can see what we've exceeded in. We got 500 tons at \$33.89 a ton, 600 tons of treated sand at \$49.20, 2,000 tons that we would have used this fall, that we're going to use this fall, we're estimating that might be \$45 a ton. I think there's going to be some profit taking in the salt industry because everybody is going to be looking for it and we'll use another 4,500 of magnesium chloride. So our deicing we're estimating that we're going to be looking at \$143,000. And that's what we've got to do. My recommendation is we're going to plow and salt and do de-icing. We're going to finish out this year the way we have to and we're going to do it in November and December the way we have to do it.

There's a basic reason why the Village has always done this. We want to make sure that emergency equipment can get down a side street. It's as important on a side street as it is the main arterials so we go after all that. We have more than enough money in reserves to cover it, but we're still, Kathy and I and John, are going to be looking at other accounts that we can work around. Some of the things that we would do normally in the winter when we don't have this much snow we haven't spent money on that either so we have some savings in some other areas, too. There is a push and pull but we're going to be able to get through it. We're ending the season a little bit differently than we normally do it but we're going to be able to get through it and make sure all the roads are clear.

Again, I was happy with this last storm given the depth of it because it was a lot of snow, and at the end of the day the next day you could see that everything was off and cleared up. So that's where we stand on salt. It's been a tough winter on equipment. John's crew has done a good job of keeping everything working. We took the liberty of a new truck just in time so that eased up on one of our older trucks and we're going to be ready to go. A new one was approved in the budget that you adopted this year and we'll have delivery of that one prior to the next snow season so we can be ready for that. So that's where we are on winter operations.

Village Board Meeting
February 18, 2008

Again, I can't say enough for what public works has done. The utility guys have helped out. I know John and the Utility Superintendent and those people have been on the trucks and the graders. We had all of our snowplows out, all of the pickup trucks that have blades, front end loaders, the road grader, everything but a fire engine with a plow on it. The other thing is we didn't have any interruptions in snow removal service during any of these storms. We don't call a day off for garbage pickup because that's why we plow the roads so the municipal vehicles can get on the roads and do their job. If there are any questions I'd be glad to answer them and John is here, too.

Mike Serpe:

Just a follow up - Mike, again, a great job to the highway department. But a number of us received an e-mail from a citizen. I don't know if you talked about this prior or not. He was backing out of his driveway during this big snowstorm and he got stuck. And just as he's calling a couple friends to come and help him here comes the Village snowplow. He figures, uh, oh, now I'm in trouble. The plow stopped, the driver got out, grabbed a shovel and helped the guy remove his vehicle and then went on his way. I don't know if the citizen got the name of the driver of that plow or not. John, I know you know about this. That's just the kind of things that make the Village a Village and a nice place to live. When I read that I got goose bumps. I said here are these guys up for 18 hours a day plowing roads and he gets out of the truck and shovels the guy that's stuck to help him out. I can't say enough about that kind of service.

John Steinbrink:

Mike, some of the State itself is actually draining the supplies out of Iowa, Minnesota. They think they've cleaned every reserve at the Mississippi. I know some of the communities down here had a choice to get it out of Louisville. What was the price of the salt out of Louisville?

Mike Pollocoff:

It was \$200 a ton which is quite a bit more than \$33.89. The real key thing here is to get it when you can. Over the years when we've had lean years we've still bought salt and stored it when we can. I know when we first built the salt barn that was almost 15 years ago and we thought 7,000 tons, I mean how are we going to fill that up? It's still big enough but there may be a day when we want another one.

John Steinbrink:

The other advantage is the fact that we do have a salt shed. It's probably the wisest decision we've ever made in our life was to build that. We look at some of the other communities that have to purchase it from the County which means their trucks have to travel from their municipality out to 45 and 50, wait in line to be loaded, pay that extra price for the salt and then go back to their communities to work. So you have a lot of downtime, and you're paying these folks to do this and putting extra miles on your vehicles and you're not really getting the work done in your community. So when we think back to the way we used to do and how we do it now it was a smart move.

Village Board Meeting
February 18, 2008

Steve Kumorkiewicz:

I have a question for Mike. Mike, this is the first time really I learn about this is the fact that the State regulates how much salt we can buy?

Mike Pollocoff:

No, they regulate it if we want to buy it from them on their contract. We can buy however much we want. The regulation they put on it, though, is whatever you say you're going to buy you have to buy. And in the reserve amount you have to buy that but you can't put any more than 25 percent of your total in reserve. It used to be you give a number and they would pick it up and they would hold it. It was all done at Jones Island. But at one point they were holding onto a lot of salt. So they said, okay you guys, we want more realistic numbers.

Steve Kumorkiewicz:

Did we used to sell salt?

Mike Pollocoff:

No, we've never sold salt.

John Steinbrink:

Anything further, Mike?

Mike Pollocoff:

No.

8. NEW BUSINESS

A. Receive Plan Commission Recommendation and Consider Resolution #08-06 to approve the Certified Survey Map, Final Condominium Plat, Development Agreement and related documents for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue (CTH ML) for the proposed 4 7-unit condominium buildings to be known as Springbrook Place Condominiums.

Jean Werbie:

I would ask that Item B be taken up at the same time as I'll be making one presentation.

Village Board Meeting
February 18, 2008

B. Receive Plan Commission Recommendation and Consider a Zoning Map and Zoning Text Amendment (Ordinance #08-07 and #08-08) for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue (CTH ML) to rezone the properties from R-11 (UHO) Multifamily Residential District with an Urban Landholding Overlay District to R-11 (PUD) Multifamily Residential District with a Planned Unit Development District and a Zoning Text Amendment to create the specific PUD requirements for the Springbrook Place Condominium Development.

Jean Werbie:

Mr. President and members of the Board, the first item on the agenda is Resolution 08-06 and this is to approve a certified survey map, final condominium plat, development agreement and related documents. And this is for a project that is generally located at the southeast corner of 22nd Avenue and 91st Street, and the project is to be known as the Springbrook Place Condominiums. The site is 3.35 acres and it's proposed to be redeveloped with four 7-unit condominium buildings.

As you know, last fall it was brought to the Board's attention that there was a Phase 1 and Phase 2 environmental study that was completed by Drake Environmental. At that time the groundwater as well as the soils were found to be contaminated and the petitioner had been working through the Village and TID 4 was created in order to provide for blight elimination, rehabilitation and redevelopment of the property in order to create an economically viable future use for the site benefitting the Village.

On September 24, 2007, the Board approved the TID 4 project plan. On October 1, 2007, the Joint and Review Board had approved the TID 4 project plan, and the Board conditionally approved the development agreement related to TID 4 and all of the general agreements with the developer on December 3, 2007.

So then we move forward with respect to the condominium plat for this particular development. The condominium development is located, as I indicated, at the southeast corner of 91st and 22nd Avenue within the Barnes Creek neighborhood. The entire neighborhood is shown on the slide and this is in the very north/northwest corner of the site. The project as proposed complies with the comprehensive land use plan as well as the neighborhood plan for this project.

Again, the project is four 7-unit condominium buildings with units that range in size from 1,091 to 1,745 square feet. .16 acre will be dedicated along 22nd Avenue for the future widening of that arterial. 1.6 acres of the site will remain as open space, and the net density at full build out will be 8.8 units per acre. The estimated population projection at full build out could be as high as 76 persons including 17 school age children.

The developer will be installing sewer, water and storm water facilities in the property. With respect to this particular project only water main will be public in this development. Storm sewer

Village Board Meeting
February 18, 2008

and sanitary sewer will be private. The private utilities will be maintained by the Springbrook Condominium Association.

The current zoning of the properties are R-11 (UHO) and a portion is located within the shoreland boundary which is a tributary to the Barnes Creek. In order for the properties to be redeveloped as proposed, the properties will need to be developed as a planned unit development. Portions of the properties that are located within the shoreland boundary will remain unchanged throughout this process.

On the screen for you is an outline of the PUD requirements for this project. There's more than one building per property. The buildings adjacent to 22nd Avenue, which is County Trunk Highway ML, are proposed to be set back a minimum of 40 feet. Eighty percent of the buildings will be owner occupied. A minimum of 50 percent of each building shall be covered with brick. All units shall individual exterior entrances and attached garages. The water mains and related appurtenances within the development will be public. An additional 17 feet of right of way is being dedicated via the certified survey map for a future widening of 22nd Avenue.

Although there's no C-2 woodland conservancy zoning district on this property, they have agreed to preserve and protect the woodlands on the southern end at the southeast and west corners through woodland conservation easements throughout construction and after the project is completed. The sewer and storm water detention basins, access and maintenance areas shall all be located within easements, again, privately maintained but if for some reason that those areas are not maintained the Village will have the right but not the obligation to go in and take care of those areas and then assess the benefitting property owners as a result.

So, again, this is a slide of the Springbrook Place Condominium Development. Again, there are two items on the agenda tonight. The first is Resolution 08-06 which is to consider the approval of the certified survey map, final condominium plat, development agreement and related documents, and this is subject to the comments and conditions as outlined in the resolution. We have actually just made one final minor tweaking to the development agreement this evening which are attorneys have agreed to so we will make that final change. It has to do with hazardous materials because they have not gotten the all clear yet from the State until they complete all the cleanup on the site. So we needed to address that in the development agreement.

The second item is a zoning map and zoning text amendment. Again, that is to rezone the property into the R-11 PUD. Again, that is subject to the PUD ordinance requirements as set forth before you. And the staff will need separate actions.

Mike Serpe:

Mr. Chairman, I move approval of Resolution 08-06 and it's the certified survey map.

Steve Kumorkiewicz:

Second.

Village Board Meeting
February 18, 2008

John Steinbrink:

We have a motion for adoption of 08-06. Further discussion on this item?

Steve Kumorkiewicz:

This was discussed on December 10th in the Plan Commission.

John Steinbrink:

Further discussion?

SERPE MOVED TO CONCUR WITH THE RECEIVE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #08-06 TO APPROVE THE CERTIFIED SURVEY MAP, FINAL CONDOMINIUM PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS FOR THE REQUEST OF JONAH HETLAND OF MILLS ENTERPRISES, LLC AGENT FOR BFU II, LLC OWNERS OF THE PROPERTIES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND 22ND AVENUE (CTH ML) FOR THE PROPOSED 4 7-UNIT CONDOMINIUM BUILDINGS TO BE KNOWN AS SPRINGBROOK PLACE CONDOMINIUMS, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

That moves us to Item B.

Mike Serpe:

Move approval of the zoning map and zoning text amendment 08-07 and 08-08.

Monica Yuhas:

Second.

John Steinbrink:

Motion and a second for adoption of Ordinance 08-07 and 08-08. Further discussion on these items?

John Steinbrink:

You want these taken separate, Jean, or can we do them together as the motion? Probably should be separated, correct? Okay, we're going to do 08-07 first. Those in favor?

Village Board Meeting
February 18, 2008

Mike Serpe:

Is that the zoning map?

Jean Werbie:

No, it's the CSM.

Mike Serpe:

That would be my motion.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Those in favor?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING MAP AMENDMANT (ORDIINANCE #08-07) FOR THE REQUEST OF JONAH HETLAND OF MILLS ENTERPRISES, LLC AGENT FOR BFU II, LLC OWNERS OF THE PROPERTIES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND 22ND AVENUE (CTH ML) TO REZONE THE PROPERTIES FROM R-11 (UHO) MULTIFAMILY RESIDENTIAL DISTRICT WITH AN URBAN LANDHOLDING OVERLAY DISTRICT TO R-11 (PUD) MULTIFAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT DISTRICT FOR THE SPRINGBROOK PLACE CONDOMINIUM DEVELOPMENT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Mike Serpe:

Move to approve the Zoning text amendment 08-08.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica. Further discussion?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING TEXT AMENDMENT (ORDINANCE #08-08) FOR THE REQUEST OF JONAH HETLAND OF MILLS ENTERPRISES, LLC AGENT FOR

Village Board Meeting
February 18, 2008

BFU II, LLC OWNERS OF THE PROPERTIES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND 22ND AVENUE (CTH ML) APPROVING A ZONING TEXT AMENDMENT TO CREATE THE SPECIFIC PUD REQUIREMENTS FOR THE SPRINGBROOK PLACE CONDOMINIUM DEVELOPMENT; SECONDED BY YUHAS; MOTION CARRIED 5-0.

C. Receive Plan Commission Recommendation and Consider Resolution # 08-07 to approve the Certified Survey Map, Final Condominium Plat and amendment to the Development Agreement for the request of Mike Dilworth, agent for Paramount Ventures, LLC owners of the property generally located on the north side of 80th Street and east of 60th Avenue for the conversion of Courtyard Junction Apartments to Condominiums.

Jean Werbie:

Mr. President, I would ask that Item D be taken up at the same time as I'll be making one presentation.

John Steinbrink:

So concurred.

D. Receive Plan Commission Recommendation and Consider a Zoning Text Amendment (Ordinance #08-09) for the request of Mike Dilworth, agent for Paramount Ventures, LLC owners of the property generally located on the north side of 80th Street and east of 60th Avenue to create the specific Planned Unit Development (PUD) District regulations for the conversion of the Courtyard Junction Apartments to Condominiums.

Jean Werbie:

Mr. President and members of the Board, this is a request by Mike Dilworth, agent for Paramount Ventures, LLC, which is the owners of the property to request this evening Resolution 08-07, and this is to approve the certified survey map, final condominium plat and amendment to the development agreement. And the second item is a zoning text amendment which is Ordinance #08-09.

Specifically, the petitioner is requesting approval of the final condominium plat, and this is for a conversion of the Courtyard Junction Apartments that were originally constructed in 1996 to condominiums. The site area for this project is 11.02 acres. There are 96 existing units, seven 12-unit buildings and two 6-unit buildings. There are 197 parking spaces. The net density of this project is 8.71 units per acre. All units have individual entrances, two bedrooms and one car attached garages, and the buildings in range in size from 1,135 to 1,193 square feet. This project is located on the north side of 80th Street just to the east of 60th Avenue and just to the west of the City of Kenosha retention basin.

Village Board Meeting
February 18, 2008

For the certified survey map that's being presented this evening, the sanitary sewer, storm sewer, water as well as the private roadways within the development will all remain private for this development. The developer has granted public easements to the Village, again, for the Village to maintain but not the obligation to maintain the public improvements in the event we do need to, private improvements, in the event we need to come in and assist the unit owners' association. The certified survey map then dedicates all of those public easements over the private improvements.

On April 22, 1996, the property was rezoned into the R-11 (PUD). In 1996 the Village did not write specific PUD ordinance for the developments. However, with the conversion of this project to condominiums, we have now put together specific detailed language for the PUD ordinance which you have before you and then I will touch base on very briefly.

The PUD ordinance allows for nine buildings in the development to be located, requires a minimum of 80 percent of the units to be owner occupied, requires a minimum of 50 percent open space, specifies for the following minimum setbacks: 40 foot for street right of way setback, 25 feet for private street setback, 36 feet between buildings and 30 feet from side and rear property lines. It requires two parking spaces for each dwelling unit plus five for guest parking for a total of 197 parking spaces.

This is an aerial photograph of the Courtyard Junction Condominiums. Again, the way it was built originally constructed in 1996 it does lend itself for a conversion project to condominiums so that units could be sold off individually. This is a matter that was before the Village Plan Commission and the Board in its preliminary stages. All of the items are in order and so the staff recommends approval of Resolution #08-07 and this is for the certified survey map, final condominium plat and amendment to the development agreement. And the second item, Ordinance #08-09 is for the zoning text amendment for the PUD.

Steve Kumorkiewicz:

I make a motion to adopt Resolution 08-07.

Clyde Allen:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPTR RESOLUTION # 08-07 TO APPROVE THE CERTIFIED SURVEY MAP, FINAL CONDOMINIUM PLAT AND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE REQUEST OF MIKE DILWORTH, AGENT FOR PARAMOUNT VENTURES, LLC OWNERS OF THE PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF 80TH STREET AND EAST OF 60TH AVENUE FOR THE

Village Board Meeting
February 18, 2008

**CONVERSION OF COURTYARD JUNCTION APARTMENTS TO CONDOMINIUMS,
SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY ALLEN;
MOTION CARRIED 5-0.**

Monica Yuhas:

I move approval of zoning text amendment Ordinance 08-09.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

**YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND ADOPT A ZONING TEXT AMENDMENT (ORDINANCE #08-09)
FOR THE REQUEST OF MIKE DILWORTH, AGENT FOR PARAMOUNT VENTURES, LLC
OWNERS OF THE PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF 80TH
STREET AND EAST OF 60TH AVENUE TO CREATE THE SPECIFIC PLANNED UNIT
DEVELOPMENT (PUD) DISTRICT REGULATIONS FOR THE CONVERSION OF THE
COURTYARD JUNCTION APARTMENTS TO CONDOMINIUMS; SECONDED BY
KUMORKIEWICZ; MOTION CARRIED 5-0.**

**E. Receive Plan Commission Recommendation and Consider Ordinance #08-10
to amend Sections 420-84, 420-86, 420-87 and 420-139 related to shore setbacks for
accessory structures in single family zoning districts.**

Jean Werbie:

Mr. President and members of the Board, on November 26, 2007, the Plan Commission adopted a resolution to evaluate the shore setbacks for accessory structures within single family residential districts. Currently principal structures within a single family district shall be located 75 feet from the ordinary high water mark of a navigable waterway. However, Section 420-139 B(2)(d) of the Village Zoning Ordinance allows this distance to be reduced to the average shore setback of the abutting principal structures on each site, but in no case shall that setback distance be reduced to less than 50 feet to the ordinary high water mark of the navigable waterway. Furthermore, if one of the abutting lots to be used in the averaging of the setback is vacant, then to calculate the average shore setback the shore setback on the vacant lot shall be 75 feet. This provision would not apply when special conditions do exist.

The proposed ordinance that you have before you, the amendment, would allow for required shore setback for a deck or a porch including the associated steps or stairs, swimming pools including hot tubs and/or detached accessory garages, gardening, tool or storage sheds and gazebos under 600 square feet located within a single family residential district to be decreased in

Village Board Meeting
February 18, 2008

any shoreland jurisdictional area as follows: To the average of the existing shore setback distance of the abutting principal structures on each side, but in no case shall the setback distance be reduced to less than 50 feet. So what we're saying is the ordinance amendment would allow the averaging principle to be applied to accessory structures in addition to the principal structures which is allowed by ordinance currently.

In addition, the setback of the existing principal structure provided that the structure was legally constructed, so again we need to make sure there was legal construction of the principal structure then the accessory structure would be entitled to this averaging principle.

The slide shows just an example of how the averaging principle works. Again, if you have a vacant property on one side and then you've got a house that's set back 45 feet on the other side, again, the average principle would apply but, again, no less than 50 feet could that be set back to the ordinary high water mark for the new house as well as any accessory structures.

So in this example as shown on the slide there is a home that was built in 1952, legal nonconforming structure, but has setbacks of 66 and 54. The area identified in yellow is an area where an accessory structure could be placed because the averaging principle would be applicable but, again, no less than 50 feet could that accessory structure be located to the ordinary high water mark.

I think there was a little bit of confusion at the Plan Commission that swimming pools as accessory structures don't have that 600 foot requirement tied to them. The accessory structure applies, the 600 feet applies to buildings, structures, gazebos, sheds and so on and so forth.

John Steinbrink:

Is there a setback from the primary structure then?

Jean Werbie:

It's 75 feet to the ordinary high water mark but the averaging principle can be used so it can be 50 feet insofar as there are homes or structures on either side that--

John Steinbrink:

But a setback from the primary structure is--

Jean Werbie:

Is 75 feet. Oh, between the two? It varies depending on what it is. It could be five or ten feet depending on what that accessory structure is.

John Steinbrink:

But there is a minimum?

Village Board Meeting
February 18, 2008

Jean Werbie:

There is or it needs to be attached. For example, decks don't have to be set back from a principal structure because they're attached.

Mike Serpe:

If there's an area that has an identified floodplain, not necessarily the ordinary high water mark, but we wouldn't allow a building to go there regardless?

Jean Werbie:

Correct, no structures will be allowed within a 100 year floodplain which includes the floodway or the flood fringe. Our zoning ordinance prohibits that.

Mike Serpe:

One question. Is there anywhere in the Village on any navigable waterway, whether it be Lake Michigan, any creek that we have that has a significant cliff or drop to the waterway that that waterway will never rise to the banks or go over the banks of the creek or the lake?

Jean Werbie:

Possibly on the very north end of Carol Beach Unit W. In Barnes Creek there's some substantial height.

Mike Serpe:

In other words, the water as long as we have been here has never, ever come over the top of these?

Mike Pollocoff:

In Carol Beach . . . (inaudible) . . .

Mike Serpe:

What goes through my mind, and the reason I ask this, is you look at Milwaukee and you look at Chicago, Chicago River the buildings are right up to the edge of the river and Water Street the same way. I don't know, maybe they've got a different set of DNR rules up there, and they don't have a flooding problem. So I don't know how all this stuff is interpreted and maybe it's a little bit beyond me, but when you have an area that I was referring to that there will never be a chance, at least not normally, that water will ever rise over the banks of that river or waterway, are we kind of pushing that a little bit, keeping somebody from maybe pushing a little bit closer to and utilizing their property a little bit better?

Village Board Meeting
February 18, 2008

Jean Werbie:

Your question is really unrelated to the ordinance that's before us this evening. Is it just a separate question that you're looking for direction?

Mike Serpe:

I guess I am. But you're talking 50 feet or the averaging, no closer than 50 feet, right? That's the ordinance you're proposing here.

Jean Werbie:

Well, that's what it is today for principal structures, and we're proposing that the same consideration be given to accessory structures.

Mike Serpe:

But no closer?

Jean Werbie:

Correct.

Mike Serpe:

And what I'm saying is if this property has a 20 foot drop to the waterway we still have to hold that accessory structure to within 50 feet of that?

Jean Werbie:

That's correct. I would have to do some research with the DNR to find out if there's any consideration with respect to bluff situations. We just have not had that issue come up here in Pleasant Prairie.

Mike Pollocoff:

(Inaudible)

Jean Werbie:

If I could also add, Trustee Serpe, that floodplains are treated differently in some communities in Wisconsin. Our ordinance itself is much more restrictive than other community's ordinances. Some communities do allow development in the flood fringe as long as the structure is flood proofed. Our ordinance expressly prohibits a structure from being located within the flood fringe. And we have taken that position with us since our incorporation in 1989, and Kenosha County's

Village Board Meeting
February 18, 2008

had that same restriction since 1983. So with respect to floodplain we are more restrictive than some other communities. But with respect to the shoreland jurisdiction and the ordinary high water mark it is what Mike says it is for the State of Wisconsin.

Mike Serpe:

Thank you.

John Steinbrink:

Did we have a motion then? Looking for a motion.

Clyde Allen:

I'll move Ordinance 08-10.

Steve Kumorkiewicz:

I'll second that.

John Steinbrink:

A motion by Clyde, second by Steve.

Steve Kumorkiewicz:

I know we use 50 feet average because it happened in Carol Beach. By the lake one of the pieces of property somebody called me, one of the neighbors, it was in two points and the average was below the 75 feet. Actually it was 50 feet . . . at one point it was here and the property was right here, so it could not be 75 feet because it would be right in the area of 50 feet so that's where the 50 feet came from, the average between the two points.

Jean Werbie:

But we're talking setbacks from the ordinary high water mark, we're not talking elevation.

Steve Kumorkiewicz:

No, not elevation. I'm talking about the setbacks . . . more in the lake compare with the properties. In that case it's 50 feet the maximum it can be.

Jean Werbie:

You're talking about shore protection?

Village Board Meeting
February 18, 2008

Steve Kumorkiewicz:

Shore protection, yes.

Jean Werbie:

That's regulated by the Wisconsin DNR as to how much land can be reclaimed as part of a shore protection project. Again, we follow what the State requires with respect to how much land can be restored and reclaimed and filled in order to restore that lot back for buildability. So if you have a question with respect to that then we can follow through if there's a particular lot that you have an issue about. We follow the State DNR regulations and they have to get State Chapter 30 permits before they can fill in lots for building.

John Steinbrink:

We have a motion and a second on Ordinance 08-10. Further discussion

ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #08-10 TO AMEND SECTIONS 420-84, 420-86, 420-87 AND 420-139 RELATED TO SHORE SETBACKS FOR ACCESSORY STRUCTURES IN SINGLE FAMILY ZONING DISTRICTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Consider Award of Contract to purchase tone alerting pagers for the Fire & Rescue Department.

Mike Pollocoff:

Mr. President, in the operating and capital budget for this year the Board authorized replacement of the pagers for the fire department. Sealed bids were received on February 1, 2008. In the fire department three bids were received. The low bid was received by Milwaukee 2-Way of West Allis, Wisconsin in the amount of \$28,446.27. The next low bid was General Communications of Menominee Falls of \$28,763. We've done business with Milwaukee 2-Way before and it would be my recommendation we award a contract to Milwaukee 2-Way not to exceed \$28,446.27. The amount budgeted for this purchase was \$35,255.

Mike Serpe:

What was the budgeted amount?

Mike Pollocoff:

It was \$35,255.

Village Board Meeting
February 18, 2008

Steve Kumorkiewicz:

So we're below.

Monica Yuhas:

I move for approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Monica Yuhas:

Are these replaced every five years? When are these replaced because there's a five year warranty.

Doug McElmury:

Hi, Doug McElmury, Assistant Chief, Pleasant Prairie Fire and Rescue. We've replaced the pagers in groups over the years. We have some pagers that are well over ten years old now. And actually some we're replacing are even beyond where we can routinely get parts. We purchased used pagers so we have a cache of parts. So these should last us for quite some time, at least five years obviously.

Monica Yuhas:

Are the 55 pages replacing all the pagers?

Doug McElmury:

Yes. With this we would get rid of all our existing pagers and replace them with this model.

Monica Yuhas:

Thank you.

John Steinbrink:

Just a question, Doug. Why did we go with more carrying cases?

Village Board Meeting
February 18, 2008

Doug McElmury:

It's a wear item.

John Steinbrink:

So you just have them available to get a good price.

Doug McElmury:

Very good price.

John Steinbrink:

Thank you. We have a motion and a second. Further discussion?

Monica Yuhas:

I made the motion.

Steve Kumorkiewicz:

And I seconded.

John Steinbrink:

Motion and a second.

YUHAS MOVED TO AWARD A CONTRACT TO MILWAUKEE 2-WAY OF WEST ALLIS, WISCONSIN IN THE AMOUNT OF \$28,446.27 TO PURCHASE TONE ALERTING PAGERS FOR THE FIRE & RESCUE DEPARTMENT AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

G. Consider Award of Contract for Engineering Services for design of the Barnes Creek Bridge located in the 9800 block of Lakeshore Drive.

Mike Pollocoff:

Mr. President, this project was again funded in the Village's capital improvement program. It involves a replacement of the Barnes Creek Bridge on Lakeshore Drive. We sent out an RFP to three engineering firms, Bonestroo, Clark Dietz and Crispell-Snyder. The Superintendent of Public Works, the Village Engineer and his assistant interviewed the respondents. The low proposal was submitted by Bonestroo in the amount of \$29,970. The staff's recommendation based upon the interviews and evaluating the competency and experience of the personnel involved indicated that Bonestroo would be the most successful firm in preparing this project to

Village Board Meeting
February 18, 2008

get it out to bid. So my recommendation and that of the street superintendent is that we award a contract to Bonestroo in the amount of \$29,970 for this project. We had a separate breakout I believe on the budget and we're well within where we needed to be. This engineering was considered as part of the total cost of the bridge replacement.

Monica Yuhas:

Mike, why the difference of 192 hours from Crispell-Snyder to—

Mike Pollocoff:

I think they were going to do some more thorough, not thorough, but more extensive research along the stream bank of Barnes Creek. We feel that's been done. That's my understanding on it. Bonestroo one of the reasons we went with them is one of the people on their staff has done extensive prefab. This isn't going to be a stick built bridge. We're going to haul in sections of this bridge, and one of their staff members is experienced in that. So we just felt there was not that much more to be gained by having . . . especially when Bonestroo had somebody with significant direct experience with the prefab construction.

Mike Serpe:

Is that the length of the project as well, Mike, 276 hours? What's that bridge going to take to complete?

Mike Pollocoff:

In total dollars?

Mike Serpe:

No, in time. How long is it going to be?

Mike Pollocoff:

Mike, do you remember?

Mike Spence:

Mike Spence, Village Engineer. The estimated time we want to get the bridge designed so it will be constructed prior to the school year, the beginning of the school year at the end of August. So the actual design will be within the next two months with bidding after that.

Mike Pollocoff:

Mike, do you remember what—one of the things we're going to be doing is getting a letter out to everybody in Carol Beach because there's going to be a period where you're not going to be able

Village Board Meeting
February 18, 2008

to go from one end of Carol Beach to the other. Do you remember what they had indicated they thought the construction time would be?

Mike Spence:

The construction time is overall about a month and a half, but one of the things that we're going to work on it to minimize the amount of time that it's going to be closed. The other thing that the contract includes is public involvement. We will be holding a public involvement meeting with any concerned residents in the area to discuss alternate routes and the time when the bridge is out of service.

Mike Serpe:

I'd move approval of the award to Bonestroo.

Clyde Allen:

Second.

John Steinbrink:

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

SERPE MOVED TO AWARD A CONTRACT TO BONESTROO FOR ENGINEERING SERVICES FOR DESIGN OF THE BARNES CREEK BRIDGE LOCATED IN THE 9800 BLOCK OF LAKESHORE DRIVE; SECONDED BY ALLEN; MOTION CARRIED 5-0.

H. Consider Engineering Services Agreement with Crispell-Snyder, Inc. regarding the CTH Q improvements west of I-94.

Mike Pollocoff:

Mike is going to describe this project, but again this project here is part of the Tax Incremental District and the work that's being done out there. And so Mike prepared an evaluation of the contract with Crispell on this. Mike?

Mike Spence:

Sure. As Mike said this is part of the TID improvements west of the Interstate, and it's also part of our projects related to the development out in that area, specifically Uline. This project will include the expansion of Q to four lanes. We would be expanding the City's water system to the western Village limits, and these improvements would be designed and constructed by September of this year, which is what had been indicated to the Uline development people.

We are proposing to go with Crispell-Snyder because they had already done much of the work. They had already surveyed the route, had put some preliminary alignments down for the water

Village Board Meeting
February 18, 2008

main, and the fact that they're doing the west frontage road really helps in economies of scale for them to be doing these projects together in terms of coordination.

Mike Serpe:

That's \$116,600?

Mike Spence:

Yes.

Mike Serpe:

Move approval.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica. Further discussion? Seeing none, thank you.

SERPE MOVED TO APPROVE AN ENGINEERING SERVICES AGREEMENT WITH CRISPELL-SNYDER, INC. REGARDING THE CTH Q IMPROVEMENTS WEST OF I-94 AS PRESENTED; SECONDED BY YUHAS; MOTION CARRIED 5-0.

I. Consider Disallowance of Claim filed by Walgreens Co. regarding property assessment for 7520 118th Avenue.

Rocco Vita:

Mr. President, Village Board, Rocco Vita, Village Assessor. Walgreens is a tenant of the facility of the Walgreens store on I-94 and 75th Street, Parcel Number 91-4-122-072-0032. They filed a timely claim of excessive assessment for the 2007 assessment year. The insurance company, the insurance carrier the Village has again this year recommends the award to deny their claim. One of the many reasons for denial is that this process that Walgreens is asking, is going through the courts and asking the Supreme Court to take a look at how all assessments done for commercial properties in the State of Wisconsin are accomplished, and they're looking to have alternative methods put into place.

Walgreens' claims will be heard by the Supreme Court in February, February 26th and a determination by the Supreme Court sometime this year to give an indication as to whether the Wisconsin property assessors' manual is still applicable in cases of income producing properties or whether they'll instruct the Department of Revenue to advise assessors to use a different approach to valuing income producing properties.

Village Board Meeting
February 18, 2008

Interesting to note on their claim they claim that the assessed value for the Walgreens should be \$2.7 million. The current assessed value is \$4.1 million. The \$2.7 million would be less than the assessed value from 2004, and maybe some of you have seen in the paper this weekend that a new Walgreens store just transacted in Kenosha on the north side for \$5.5 million. It's more of an indication as to the true value of that kind of an asset. I think when we determined the value in 2006 of the \$4.1 million there still were not a lot of Walgreens sales throughout the State, but in the last two years there's been a number of them all attaining that kind of sales price.

John Steinbrink:

I think as you stated when this first came before us Pleasant Prairie isn't unique in this situation of this legal action. In fact, I talked with a gentleman from New Berlin today and for some reason this came up that New Berlin is in the same situation of the legal action with Walgreens.

Rocco Vita:

The impact throughout the State there's 400 and some Walgreens stores, but there's a few dozen communities that have the claim and the number of claims are in the multiple of dozens that Walgreens is carrying right now.

John Steinbrink:

We have a motion and a second?

Clyde Allen:

I'll make a motion to approve the disallowance of the claim filed by Walgreens.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Further comment or questions, questions for Rocco? Thank you, Rocco. Further discussion on this item?

ALLEN MOVED TO CONCUR WITH THE RECOMMENDATION OF THE VILAGE'S INSURANCE CARRIED AND APPROVE A DISALLOWANCE OF THE CLAIM FILED BY WALGREENS CO. REGARDING PROPERTY ASSESSMENT FOR 7520 118TH AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Village Board Meeting
February 18, 2008

J. Consent

- 1) Approve a Letter of Credit Reduction for the Hideaway Homes Development.**
- 2) Approve Bartender License Applications on file.**

Clyde Allen:

I'd like to have the first item under number 2 pulled for separate action please.

John Steinbrink:

You want item number 2 pulled for separate action?

Clyde Allen:

Just the first item or do we need to take them all separately under number 2? There's three of them. There's three items under number 2.

John Steinbrink:

So you want item 2 pulled and acted on separately?

Clyde Allen:

Sure, fine.

John Steinbrink:

Then we'll do them separately as there's only two items totally. The first one is to approve the letter of credit reduction for Hideaway Homes Development.

Mike Serpe:

Move approval.

Monica Yuhas:

Second.

John Steinbrink:

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

Village Board Meeting
February 18, 2008

SERPE MOVED TO APPROVE THE LETTER OF CREDIT REDUCTION FOR THE HIDEAWAY HOMES DEVELOPMENT; SECONDED BY YUHAS; MOTION CARRIED 5-0.

John Steinbrink:

That brings us to item 2 to approve the bartender license applications on file.

Clyde Allen:

On the first applicant we have an application filled out where on page 2 it asks if you've been convicted of any alcohol beverage related offense, and it appears—it says circle the answer. Apparently they misunderstood because no is checked or crossed off on all of them. Assuming that's a no, and that's really the answer, number 6 is checked as being yes, operating a motor vehicle under the influence. Down below the bottom portion says if you've answered yes to any of the questions list the nature to the offense and that is completely blank. So I don't see any reason to approve a blank application.

Jane Romanowski:

Not a problem. We can make him come back in and fill it out and bring it back to the Board. You want to table that one and approve the other ones?

Clyde Allen:

I'd like to table the first item, the first one.

Mike Serpe:

Second.

John Steinbrink:

So we'll be acting on two of these applications.

Clyde Allen:

Or just for the record it's the Hoff application.

Jane Romanowski:

The Hoff application is tabled and approval of the Mack and Shupe.

Clyde Allen:

Correct, approval of Mack and Shupe.

Village Board Meeting
February 18, 2008

Steve Kumorkiewicz:

Approve those.

John Steinbrink:

Motion by Steve. Do we have a second?

Monica Yuhas:

Second.

John Steinbrink:

Second my Monica.

KUMORKIEWICZ MOVED TO TABLE THE OPERATOR LICENSE APPLICATION OF JAMES HOFF DUE TO AN INCOMPLETE APPLICATION AND APPROVE THE APPLICATIONS FOR MICHAEL MACK AND MATTHEW SHUPE; SECONDED BY YUHAS; MOTION CARRIED 5-0.

9. VILLAGE BOARD COMMENTS

John Steinbrink:

We had a very good discussion on the road salt and it seems to be the hottest topic out there right now. That's going to be followed, of course, by the conditions of the roadways. The State engineers are predicting this is going to be the worst pot hole season we're ever going to see in this State. Unfortunately, you can tell that now by driving just down Highway 50 into the City and farther west and you see that deterioration. And all of our Interstate highways are in a failing mode also there with that. So I think once our crews finish up with the snow removal and salting as soon as it warms up they're going to be out there patching pot holes and keep everybody busy.

Mike Serpe:

At the last Board meeting I wasn't here, I was in Florida, because my flight was delayed because of the weather. But in the south they have a very interesting setup on their roads. And with all the snow that we have in this area right now a lot of our fire hydrants some of us are digging those out and keeping those exposed but a lot of them are buried. In the road they have a blue reflector somewhere in the middle of the road. It's buried so the plows don't hit it. They don't have many plows down there anyway, but that would be something to consider. Anywhere there's a fire hydrant in the Village that a blue reflector be put into the road and when the fire department shows up they know exactly where to stop. If that fire hydrant is buried for some reason, snow or whatever or covered with brush or overgrowth, at least they know one is there somewhere. Just something to think about.

Village Board Meeting
February 18, 2008

John Steinbrink:

Those hidden hydrants also pose a challenge for the crews when they start winging back snow there also. So any way to identify them - whether it's a pole marking at the side of the hydrant. I know the firemen love it when they put that pole right next to the hydrant and that wrench won't go around. Further Board comments or questions?

10. ADJOURNMENT

**YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ;
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 8:35 P.M.**