

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"
9915 39th Avenue
Pleasant Prairie, WI
June 2, 2008
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, June 2, 2008. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Peggy Herrick, Assistant Village Planner; Mike Spence, Village Engineer; Kathy Goessl, Finance Director and Jane Romanowski, Village Clerk.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC HEARING

- A. Consider the construction of storm sewer and storm water management improvements in a drainage basin in a plat named Carol Beach Estates Unit 2 Subdivision and Final Resolution #08-21 authorizing construction of public improvements and levying of special assessments.**

Mike Pollocoff:

Mr. President, thank you. Tonight our public hearing, as you indicated, is for the construction of a storm water system of improvements in the Carol Beach Unit #2 Subdivision. This is an area that has an extensive history dating back to 1983 when the Army Corps of Engineers had initially defined a skeletal storm sewer as necessary for the urbanized areas of Carol Beach. In '85 under the Chiswaukee Prairie Compromise Land Use Plan, that plan is the plan that we follow to this day. The recommended plan envisions that the study area will be served by all weather streets and rural cross-sections; that is, with road, ditches, culverts and skeletal storm sewer systems without curbs, gutters and full storm sewer systems.

In '95, the Village Board in trying to come up with a method to determine what would be needed in this area declared a moratorium on issuing building permits in a specific portion of the Carol Beach Estates Unit #2 Subdivision, and in that intervening time, we prepared a topographic map of the area. In March of '96, we completed a storm water study with anticipated improvements of \$789,000 of which the Village would pay half and the residents the other half with a typical assessment rate of \$2,070 per lot.

In June of that year, the Village Board adopted a resolution to extend the moratorium on issuing building permits in Carol Beach Estates Unit 2. We conducted a public information meeting on

Village Board Meeting
June 2, 2008

the subject, and in September another public hearing to present the information concerning a storm water management plan in Carol Beach Estates Unit 2 was held. In February of '97, we adopted a second resolution to extend the moratorium on issuing building permits in Carol Beach. In April of that year a storage alternative plan was submitted by the Village's consulting engineer consisting of a mix of storm sewers, ditches, drainage basins at a cost of \$647,000 which included the acquisition of 18 lots.

So in the intervening period, we designed initially a typical storm water system that would occur almost any place in the Village. That plan was not approved by the DNR and it was not approved by the residents because of expense and the same we can see was true for the alternative plan which was the storm water basins. On April 21st the staff recommended to the Village Board that we reconsider an ordinance to create Chapter 33 related to this specific area, study permit requirements for construction. The Board authorized the staff to start the process to prepare relocation orders for land acquisition, and that's for condemnation of property in Unit 2, and to firm engineering costs in relation to the plans alternative number 2 submitted by our engineer.

The following month at the Village Board meeting a petition was submitted signed by 45 homeowners who did not want storm water retention ponds in Unit 2. In May of that year the Village Board adopted 18 relocation orders to acquire land in Unit 2. On July 7th of that year, the Village Board adopted a resolution to end the building moratorium in Carol Beach Estates Unit 2 subdivision. We needed to end that building moratorium because our basis for freezing building permits had gone by the wayside. We had completed the plans and the study and the evaluation and that was all that moratorium could be used for.

In October of '97, the Village received a design study report for Unit 2 from our consulting engineer. In January of '99, the storm water pond project was denied by DNR, and also in January of '99 the Village Board adopted a resolution to rescind the relocation orders that had been approved for land acquisition. A couple days later a letter was sent to residents in Unit 2 indicating no special assessments and no drainage improvements due to DNR denial of the project.

In May of '01, we requested a Chapter 30 permit for the installation of a storm sewer and outfall to Lake Michigan which is currently in place. DNR approved that. We installed it in '02, and in October of '04 and in May we held two public information meetings on storm water improvements. In December of 2005, our Village Engineer and consultants from Bonestroo, Rosene, Anderlik & Associates completed a study with a proposed construction cost of \$300,000 of which the Village would pay half and the residents would pay half. We used a sizeable portion of our grant funds from the Department of Natural Resources that were allocated to study the entire Village, and we used probably a third of it to study the Unit 2 area.

In December of that year the Village received a petition of property owners at the Village Board meeting that requested flooding be addressed but opposed storm water improvements proposed by the Village. In January of '06 a public hearing was held with an estimated project cost of \$297,774.10 wherein the Village would pay 50 percent of the cost to construct it in 2010 using Clean Water Fees, otherwise if earlier 100 percent of the project would be paid for by

Village Board Meeting
June 2, 2008

homeowners. That kind of gets us through where we've had hearing and meetings and events that lead us to where we are today.

Since 2004 what I've put up on the screen is these are incidences where public works has responded to flooding issues that have developed in Unit 2, and you can see in 2004 we had a sizeable amount. 2005 was a relatively dry year. We only had two cases where we responded to flooding issues. 2006 was a wet year. As you can see we were out there quite a bit. 2007 a fairly wet year, and so far to date in 2008 we've been out six times dealing with the flooding issues.

Tonight we have what's being proposed is the plan that we had looked at last. At the last meeting, the Village Board had indicated that based on the results of the public hearing that the residents in the community wanted the improvements done but they didn't want to pay for improvements and they didn't believe that storm sewers were necessary and that there was some level of ditching that could be completed. We've been at a standstill. The engineers that have been retained by the Village from either Crispell-Snyder, Bonestroo, two of our own Village Engineers that have evaluated have come to the same conclusion that no one is willing to recommend the ditching alternative because the studies don't bear that alternative out as a viable solution, and the recommendation to address the flooding problems which again we have in Unit 2 comes back to the original estimate.

So tonight what we have here is another public hearing. What has changed in the first instance is costs have escalated since our last hearing. We now have a project grand total estimate of \$452,186 that would be divided between the Village Clean Water Utility and the residents in this area, and this would be a project that would proceed this year. At our last hearing we had indicated that that project would wait until 2010. But we feel we're able to juggle some of the expenditures we have in the Clean Water Utility and get this project underway.

With that, Mr. President, I'd like to ask that the Village Engineer, Mike Spence, describe the project and the project expenses and the special assessment schedule before I finish off the staff presentation before we start the hearing.

Mike Spence:

Thank you, Mike. The proposed improvements will consist of a combination of ditch and pipe construction and would use the existing 30 inch diameter outlet to Lake Michigan. The reason why there's a combination, as Mike had indicated, the reason why there's a combination of ditches and storm sewers because of the lack of grade in the particular area. At the minimum grade under the Village's ordinance of .5 percent from the farthest area in Carol Beach Unit 2 to the proposed discharge to Lake Michigan we would need about ten feet of fall which is more than that exists in the area. So, therefore, we would use storm sewers to compensate for the lack of grade and also to prevent draining the existing wetlands.

The wetlands in the area are another issue that needs to be considered in design of this project. In conversations with the DNR most recently today, the DNR does not support ditches through wetlands so that's one of the issues we have to deal with. It's also important to know that the proposed design would handle the most frequent storms and that is storms one, two and five year

Village Board Meeting
June 2, 2008

frequencies, but larger storms would still be an issue. And, again, that's because of the topography in the area. Also, the proposed solution that we are looking at is also dependent on the water levels of Lake Michigan as well as the ground water conditions in the area. If we have a wet year and the levels of Lake Michigan rise to levels that they have in the past, that would also work toward reducing the effectiveness of the drainage system. The map that we have here does show a series of green arrows that represent ditches, and then in those ditches they would connect to a series of storm sewers which ultimately end up to the east and then north to that discharge at Lake Michigan.

As Mr. Pollocoff indicated, the cost has increased for the project as compared to two and a half or three years ago. Steel prices have gone up for reinforced concrete for the steel in there, and there are a number of costs that have escalated. So that represents a big chunk of the increase for the project. In terms of the assessment schedule, we felt that the most equitable way of spreading out the costs on the project - we looked at the drainage areas for Carol Beach in this particular area where we are experiencing problems, and based on the square footage of a particular lot that is contributing to the problem that is the square footage that we used for a particular property owner. We took the overall costs that you see here of approximately \$452,000, divided that by the price per square foot to get the total price, and that in turn gets multiplied by an individual property owner's square footage to get the assessment rate. That, in turn, is divided by two because the Village has indicated that 50 percent of the project cost would be paid for by the Village.

So that's a brief overview. Again, there are a number of issues. Again, because the grade is so flat we felt I believe it's most efficient design to go with ditches and storm sewers. We'd have to have the minimum grade on the ditches, and then we'd be able to have a little bit flatter storm sewers. However, the design also would require maintenance of both the storm sewers and the ditches. One of the problems that we've had over the years is as the lots have developed individual drainage patterns have been disrupted, therefore reducing the continuity of flow on any of the streets. Again, I talked with the DNR today and they would work with us to move this solution forward. I guess that's all I have right now, Mike.

Mike Pollocoff:

Mr. President, notices were sent out to the affected property owners, the schedule of assessments and the schematic of the plan was available. I might mention that in the process here the Village, if the Board authorizes the project to proceed, we begin to design specific and as we do that design specifically the area is a bowl or a saucer. It's pretty flat, more like a saucer. Those residents that live along the rim of the saucer for lack of a better description those parcels can be further defined with field surveys. So to the extent that someone might be on a ridge line such as there is a ridge line in this area, their parcel would be cut in whatever dimension that topography would dictate.

So in the schedule that we have before us tonight it assumes a full assessment of all the parcels. But as we go through the final design and we locate where structures are going to be we'll be identifying those areas of parcels. So some are going to get carved off to take care of that. If the project proceeds, we would move to put it out to bid and get construction started this summer

Village Board Meeting
June 2, 2008

with hopes of having it in place before the falls rain start. If the project does proceed and the work was completed before October 30th or October 1st, we would be sending a notice out to the residents giving them an option to pay the assessment off at that time or before the end of November and they would not be charged any interest on that. Other than that it would go on the tax roll of ten equal installments of 9 percent interest.

The project also, if the bottom line on the project does alter or change with respect to whatever the final bid results are achieved and our actual construction costs, the Village won't and cannot charge more than what it actually costs us to build this. If the project was to come in higher than what we've estimated, and we feel pretty confident that this is a very conservative estimate, but if it were to come in higher we'd have to reconvene another public hearing, notify people of the increased cost and then get their input prior to raising the assessment rate per square foot. We would do that before we awarded a contract to a contractor. As the engineer has indicated costs are increasing. Right now anything that's involving steel or PVC or a lot of trucking where there's fuel costs are climbing at a good clip.

The other thing I would mention there are some roads in this area that aren't paved, and as SEWRPC and both the Army Corps indicated paving some of the roads is going to be problematic until some storm sewer work is done to stop the sub base of the road from being saturated by two things. One would be the high ground water table and secondly would be the flooding whenever that takes place. That flooding saturates what road base there is there, and if we were to put asphalt on that before that case that asphalt would fail. With that, Mr. President, if you want to open it up to public hearing and we'd be glad to answer any questions or address any comments from the staff perspective after the hearing is closed.

John Steinbrink:

Once again this is a public hearing and I am going to open it up to public comment or question. We did have a sign up sheet, and when you come up to pose your question or comment please use the microphone and give us your name and address for the record.

Jane Romanowski:

And, Mr. President, due to the number of speakers there will be a three limit time limit. The first speaker is Lenny Swaney

Lenny Swaney:

Good evening. I'm Lenny Swaney. I live at 11233 3rd Avenue, Pleasant Prairie. My comment is basically what I said before. The Village has let this go on way too long, and they didn't do inter structure when they did the building down there. Now you want to charge us \$3,700 at 9 percent interest to do it. Where you come up with 9 percent interest for something like that I don't know but I think that's outrageous. The Village should do this job, yes, because it needs to be done because I get water standing in my ditch. Last year my daughter fell in the water and I had to take her in and she had to get six shots because of poison in the water. I've got eight inches of

Village Board Meeting
June 2, 2008

standing water in my ditch tonight with about two inches of green stuff growing on it. I don't know what it is on there. Somebody would have to come and analyze it but it's not healthy.

You guys as a Village need to take care of the issue the best way you can without shafting the residents of the area when you guys caused the issue. You allowed the building the way you did down there. You allowed the sumps down there. You allowed the basements. You guys approved the permits for the houses down there without looking at the inner structure down there. That was all done and if you had done it right to start with, like everybody says if you do the job right the first time you don't have to do it a second or a third time, you guys did not do the job right the first time. I'm sorry but that's on your shoulders, from the Village Engineer through the Village Board, the Planning Commission and everybody else from clear back in the 1980s it's been an issue. So finally it's come to this. You guys need to make a decision and get something done and do it right. Thank you.

Robert Moreland:

I'm Bob Moreland. I live at 144 113th Street. I've been a resident here for two years. I don't date back to the early '80s. My house is a cottage that was built in 1953. I have six neighbors around me. Five of those houses have basements and sump pumps. When the water is the worst I have 50 to 60 percent of my yard with standing water. I will tell you we need a solution. We need something that works that's going to take care of this. When I look on your map when you've got your ditches and your pipes I notice that some of these neighbors' houses that are behind me, and actually one on the other side of me to the east aren't there. All those houses that aren't on your plan have basements and they have sump pumps. So I guess my question for the Board is how do you account for new construction? How do you account for ground water versus storm water?

I noticed on the assessments that my 25,000 square feet is the third most expensive out of 60. I want to know how that was calculated and am I paying for my neighbors' groundwater? I don't really believe in suing my neighbors. I know that was something that was suggested at one point. We all try to get along anyway. And, again, we need a solution but we need something that works that's fair and equitable. Thank you.

Gustav Hauser:

My name is Gustav Hauser and I live at 143 133th Street. I am probably one of the longest residents in that area. I saw the whole fiasco unfurl since the 1970s already. I've been before the Board I don't know how many times already in the past. I spoke up when the first house came up. I asked why do we allow basements to be built and groundwater. You know that the area was in the 1,000 feet floodplains, that's why you had the whole Plan 88 coming up. That area never would have passed the building of what you have right now.

All those lots along 3rd Avenue, 4th Avenue and 2nd Avenue, too, they would have been declared as wetlands. That area in Unit 2 was practically a sacrificially area for the overall good for Plan 88. But, it still is wetlands and it still should have been treated as wetlands and the Village failed to do that from day one.

Village Board Meeting
June 2, 2008

Each sump pump, I know that the Village Engineer told me that you don't understand much about the storm water, you're just an electrical engineer, and by the way I resent that very much, the remarks like this, each sump pump if it runs on 50 percent only pumps about 36,000 gallons a day. That's a lot of water coming out of the ground. You folks should have realized it and acted accordingly. There was never any maintenance done down there. The culverts were haphazardly set by the builders. Nobody in the Village really gave a hoot how the ditches were installed. You knew there was a water problem down there and you should have taken extra precautions from day one. It never happened.

What the Village Administrator constantly brings up is that skeletal storm sewers were allowed in Plan 88, they were not. Plan 88 was specific on the final version that it is not . . . skeletal storm sewers are only in west of the railroad tracks and north of Barnes Creek. But the Village Administrator said all the time that's only the preliminary plan but never made it into the final. You have a copy of the passage in your package. So I don't think that ever was allowed.

It would be still a lot easier and cheaper to regrade the ditches. The DNR gave you and you applied once for a Chapter 30 permit from the DNR, and the DNR granted you a permit for re-ditching, so you cannot tell me that the DNR is opposed to ditches. It's the preferred method from the DNR. I talked with them as of yesterday and they still stand by it.

Jane Romanowski:

Mr. Hauser, please finish up.

Gustav Hauser:

Two and a half years ago we were promised after the . . . was shut down that the Village buys large sump pumps and whenever we have problems down there they come and bail us out. It happened as soon as we called them and asked them to fill . . . you come up with another storm water project and that's unacceptable. You expect me to pay \$15,000 practically for something that is not going to work and I don't accept it. I strongly oppose the project. I know you guys are going to retaliate against me like you did in the past for speaking up but so be it. Shame on you for treating us like this.

Tom Rothacker:

My name is Tom Rothacker. I live at 11331 Lakeshore Drive, Pleasant Prairie. I looked at this plan when I got it in the mail and my house is the first house on the ditching plan on the east side of Lakeshore Drive, the most southern part of the ditching plan. I was very confused about this because my property never has any water on it. I had Mike Spence out there and I thank him for coming out there and I showed him my property. My property consists of a lot of sand, loose sand-type soil. And I don't care how hard it rains, I don't care if torrential rains come in from the northeast or wherever they come in, there's never any water on my property. My neighbor to the north never delivers any water to my property. My neighbor to the south never delivers any water

Village Board Meeting
June 2, 2008

to my property and we all have the same deal over there. We have that loose sandy soil that sucks up the water.

You can walk out to the west of my property where it goes to the road is a little low area, my grass comes right down to the road. There's never any standing water there even with the most torrential rains. If there were water that would leave my property we would have to build up there and have to run across my driveway and go north. Well, that would cause erosion on my driveway which there is no erosion. There's no indication of any water on my property. There's no studies that show any water on my property, and there's no evidence that shows any water on my property. So I think the ditching should be moved further north.

Now, I was down there with the Village Engineer. It's about 11319 Lakeshore Drive, the purple house. I'm sure you're familiar with it if you've driven down that way. It's got a giant driveway that goes underneath the house. It funnels water into the basement. That place is flooded out several times. You've probably seen the dumpers and the trucks out there a lot of times. Those guys have industrial sump pumps. Gus is talking about a sump pump, these pumps are like three feet around to handle the water that funnels down that driveway. And from that point there might be some water problems. I don't know where those sump pumps pump out but that's something that needs to be looked into.

But I think this ditching plan needs to be re-evaluated, especially going across the front of my property. I have the perfect drainage on my property. I don't need any ditches to wreck the front of my property. Ditches can only cause standing water and erosion on my property. That's the best they can do, because there's a perfect situation there right now. So I would like the ditch eliminated from the front of my property, and I'd like this whole ditch re-evaluated to look and see where it really needs to start because it doesn't need to start on my property. There's no problem there. There's no standing water on my property at any time. And if anybody has any study or any information that shows water standing on my property I'd like to see it. I've been there for nine years, through all the rain, all the snow, everything. Any time of the year there's no water. That's all I've got to say. Thank you very much.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. A couple of weeks ago there was a public hearing here regarding the 80th Street project, and the vast majority of the citizen comments reflected that they thought the plan was way too large and costly for what it was meant to accomplish. The Board seemed to reject every one of the citizens' comments and suggestions, and it appears the project will proceed just the way the Board wants it to proceed. I would hope that that is not going to be the way that this project is considered by the Board tonight.

A couple of weeks ago I asked Mike Spence, the Village Engineer, to get in touch with me regarding the ditching project. As of yet I have not heard from him which leads me to believe that you as a Board and he as an engineer feel that this proposed ditching plan is a perfect plan and does not need any changes or comments whatsoever. I'll tell you right now I would certainly not risk my reputation or credentials by signing off on this project.

Village Board Meeting
June 2, 2008

I do have a question. Do you have all of the necessary permits in place to do this or do you have to apply for them as yet? You all know I'm pretty politically correct so about the nicest thing I can say about this whole project is that it's stupid. Ninety percent of the water problems could be handled by less than 20 percent of the cost of the project. I do have a couple other comments. If the residents are not in favor of the plan and the Village decides to go through with it anyway let the Village pay half of the cost and the Clean Water Utility pay the other half of the cost. The Village started it to begin with, let's let them pay their fair share because we pay the Clean Water Utility anyway.

And if you decide that you're going to go through with this project as proposed, I would like to see the Village issue a ten year guarantee that it will work as proposed. If it doesn't work properly then the Village would return all the assessments that have been paid and cancel any amounts that are still due. Thirdly, if you decide to assess the residents for their share that you hold off the assessments for at the very least two years like you are doing for the 80th Street extension residents. Thank you.

Vince Mosca:

Good evening. Vince Mosca, 6802 368th Avenue, Burlington, Wisconsin. I'm not a resident of the area. I'm a resident of Wheatland Township. We're known for our own Fox River flooding, tornadoes and more recently a rear ended school bus. I've been approached by several of the homeowners to act on their behalf to ask questions and do some fact finding for the project. I'm not here to question any of the specific merits of the project. I understand it's quite a hodgepodge there in Carol Beach, we've all known about it for years, nor any of the specifics of the design.

However, some of the things it's hard for the residents to make any kind of legitimate decisions about the project when I'm not so sure that the design has been that advanced at this point, so the individual homeowners don't know how deep the ditches will be on their property, whether they have catchments or beehives in their front yards, etc. The DNR does not prefer ditching in wetlands, but they also don't like storm sewers installed underneath the wetlands that would have to destroy the wetlands to put the storm sewers in. So it is a complicated mix, but the DNR preference I think would be surface drainage as opposed to underground drainage.

It's my opinion that you would need Army Corps permits, DNR permits, several different types, so if those have not been started yet and the design has not been put forth yet summer construction this year I think is very unrealistic. Public notices would be required for those permits which means that these people will be writing letters that we'll need comments on at that point so I think we'll be back in the same place. So I would encourage the Village Board and staff to come up with as comprehensive a solution as possible and that all those questions about permitting and legitimacy and alternatives analysis are come up with as soon as possible as you move into this next step of the design, because now is your opportunity perhaps to fix some of those things as best you can, and at this point I'm not so sure that the details are there that the people behind me can actually make those decisions because it's basically an eight and a half by eleven with some arrows on it at this point. I think there are a lot of unknowns that need to be answered prior to that. That's all I have to say. Good luck.

Village Board Meeting
June 2, 2008

John Steinbrink:

Excuse me, Vince, do you have a title I can attach to your name here of any kind?

Vince Mosca:

Senior ecologist.

John Steinbrink:

Do you work for any firm?

Vince Mosca:

Yes, Hey & Associates. Do you want a business card?

John Steinbrink:

Give it to the Clerk. Thank you, Vince.

Keith Larsen:

Keith Larsen, 152 113th Street. '93 I moved in. You guys are doing a great job, keeping the taxes low, everything is beautiful. So we've got a problem. Water can be our friend or it can be our enemy. The drainage, we can move the water. Water runs downhill. It doesn't take a rocket scientist to figure out if it goes from here to there it runs downhill. Yeah, if we don't have the pressure here. Other concerns. Oh, God. I mean other idea, the drainage, the ditches, I mean, yeah, there was the plans there before the houses were built. Joe, Gus back then what we spent. Petitions, surveys, lawyers, meetings, time is money, people. Now aggregate cost of fuel. What it would have cost in '96 we could have had this done. I mean it could have been beautiful. But, no, we've had people and petitions. I'm sorry I signed any petition to stop anything. Oh, good God, starting, stopping.

I trust you folks will do the right thing, the Village, your engineer. Water runs downhill. They keep New Orleans dry. The flooded and they dried it. We can do this. I trust you guys. We're doing the right things. Let's go with it. I don't mean to rant but I've only got three minutes. So if anyone wants to sue me, sue me. It wouldn't be the first person in the neighborhood to sue me. I won't mention any names. Thank you and have a good night.

Charles Barnato:

Charles Barnato, 11144 Lakeshore Drive. Just I'm looking at the map there and that diagram, and I want to be outside that diagram like some others here. That goes to the allocation of the cost. Just for a point of reference that red line that goes out to the lake that's me so how do you get me outside that diagram? Concerns, why not route to natural waterways? I see on this map there are some natural waterways but they're outside the diagram. I don't understand that. When

Village Board Meeting
June 2, 2008

I look at that I have all these green and red arrows pointing toward me. I'm concerned about erosion and all the pollution that goes into the lake. If there is a large flow of water which that's what would happen otherwise we wouldn't be having this meeting, and if it backs up, if it doesn't work, that all comes on me. I don't have a drainage problem now but that could happen. What about all the pollution that goes into the lake that is forced. It's a forced situation. It doesn't go through the natural waterway. I have a concern about that.

There is a pipe there. This is not the first time there's pipe for drainage. There's one across from me. I don't know when that was put in. Your . . . doesn't go back that far but I understand that was there a long time ago. I don't see any present use of that. And what happens in the future when the landscape changes and how permanent is this fix? The existing drainage system should be maintained. I don't see evidence of maintaining what we have. This would be more maintenance, and if we can't maintain what we have this will just be added on to that.

And then when it comes to the allocation of cost, to me as I understand the arithmetic it's just a simple average based upon some type of square footage. If you happen to be within those lines, those heavy dark lines, presumably on the basis that everybody contributes to the problem. So whether you have standing water or not under this everybody is a contributor. But who is to say where that line should be drawn? Who is to say where it jogs in that if you're outside the line you don't contribute to the problem? I don't understand that. To me it's the whole area. The geography is such or the physics or whatever is such that water drains to the lake and that's how it is. So I think you're taking a simplistic simple way out as to who is in there and how isn't.

From what I heard there's sump pumps and there's basements that are contributing to the water. Maybe someone who has a basement should be assessed more. I don't know, but it just seems to be more than simple arithmetic.

Jane Romanowski:

Mr. Barnato, please finish up.

Charles Barnato:

Okay. And to me this is a Village problem and why isolate it to this particular situation? So why just pick on those that have to be drawn within the black lines? Thank you.

Jane Romanowski:

That's all the sign ups I had on the public hearing sign up sheet. I don't know if some people signed up on the wrong one so you may just want to ask them.

John Steinbrink:

Is there anyone else wishing to speak on this item? Yes, sir?

Village Board Meeting
June 2, 2008

Bob Babcock:

Bob Babcock, 11253 3rd Avenue. The reason I'm here tonight is not to argue for the reasons we don't want the Village to go through with their proposed plan for Carol Beach Unit 2. For the record, though, I am opposed to your plan. What I would like to hear from the Village is why now after 25 years since the Village finally decided to take ownership of their responsibility. By deciding today you were going to follow through with a plan that is opposed by the residents in Unit 2, the Village is essentially saying they are responsible for fixing the water problems our neighborhood plans. If you decide today to admit to this responsibility you are also admitting you have always been responsible for our water problems and what is best for us. This is a huge can of worms you are opening.

For as long as I have lived here I have heard how there is really nothing the Village can do down there. We've always been told the Village can't do this, can't do that, but now you're going to tell us you actually can do something and could have all along. I remember when Dave Holden asked at the last informational meeting why is neighbor could build a house so much higher than his that it cost him to flood. Mr. Pollocoff stated that if a neighbor made changes to the land that caused his home to flood he should initiate a civil suit against his neighbor basically to sue the responsible party. Tonight the Village will vote on whether they're responsible.

Also, if you are going to admit tonight you are responsible, you need to adjust the cost for the residents. As the responsible party, this is something that should have been done 25 years ago. Using an inflationary scale the residents' cost should be about \$300 per lot. We should have to pay 2008 prices just because the Board finally admitted today they have been negligent.

Pat Ginnaty-Moore:

My name is Pat Ginnaty-Moore. I live at 11338 1st Court. Fundamentally I favor some project to finally address the drainage problems we've had. I've lived here about 12 or 13 years now, and as long as I've lived here this has been an ongoing issue. It keeps coming up. It's come from large scale projects to this which is a very small scale project relatively, and still nobody seems to be satisfied. I'm somewhat disappointed myself, and perhaps I don't have all the information I should have, but it's not entirely clear to me how all this works, but fundamentally I think it's time for the Village to finalize some plans and to move forward with this. Because one way or another no matter what the past has been we are at a point where we have a lot of houses in the area. There is ongoing standing water and flooding issues, and I do think it's the responsibility of the Village to address this at long last and to come up with a viable solution. Thank you.

John Steinbrink:

Lady first.

Bridget Hauser:

Hi, my name is Bridget Hauser. I live at 7722 10th Avenue, that's actually Kenosha. But I've lived down in the area all my life, and what I've seen fundamentally causing the problem is the

Village Board Meeting
June 2, 2008

fact that houses were allowed to be built with basements and garages that go deep underground in a funnel shape, and where does that fault lie? I think that's the question that you need to ask yourselves. Were these builders insane when they wanted to put the houses there? Absolutely. But were they allowed to put the houses there? Absolutely. So now the people in a very small area suffer the consequences of houses all around them pumping out constantly. I go down there enough because my parents still live down there. I see the water standing and it's not because those people are pumping. They don't even have hoses coming out of the side of their houses, but the neighbors on either side are pumping onto their property and they have a nesting home for ducks and all sorts of wonderful water things.

I think the Village really needs to accept the responsibility that 25 years ago or however long ago when they came up with Plan 88 that they allowed houses to be built down there that really should not have been. They allowed lots to be filled that hindsight being 20/20 now you're suffering the consequences for it. And eventually people are going to start asking questions as to why were we allowed to build there. And if you set up a drain system now what happens to the wetlands as they are? What is the impact on that area? Does it drain the rest of that out so that more houses can be built down there? I think that's the question that people are asking. Thank you.

John Barry:

My name is John Barry. I live at 11114 Lakeshore Drive. Two problems I see here. One is everyone keeps trying to blame the Board for causing this problem and I happen to agree that I think the Village, the administration has caused this problem, the same administration that's been in place for quite some time I believe. I'm not going to stand here and repeat it because you've heard it enough. But I would like you to address whether or not the Board feels that they bear any responsibility for this problem. If you could please answer that question that would be wonderful.

The other thing I'd like to say about this is that this process is not conducive to feedback. Limiting everyone to three minutes and then having you guys just sit up there and have your say is not the kind of forum that you need to get a feeling for what the residents really think. A lot of questions have been asked in the last half an hour by a lot of different people and I expect about half of them will be addressed. The tough ones will be glazed over by you guys, and I wish you would have a format where we could have some back and forth, more of a town hall meeting type format instead of this silly, structured thing that allows you guys to just go on off your way without any feedback. It's ridiculous. That's all I have to say.

Becky Ladd:

My name is Becky Ladd. I live at 133 115th Street. I want to talk about the 9 percent interest deal. I don't know anything about engineering, but I want to talk about 9 percent interest. When you spring this on people and they have to pay for it by October and they can't, how much are you going to make on this? So my question is, is this more of a financial deal you guys are pushing through because I see you making a ton of money on 9 percent on people who cannot afford any more debt in their lives right now. I'm not involved in this because I'm not in Unit 2,

Village Board Meeting
June 2, 2008

but I will tell you I do watch what goes on because I live on the unit next to it. And 9 percent is robbery. It's making money off of the people who voted you into office.

Dave Holden:

Dave Holden, 11220 3rd Avenue. I apologize for getting here late and not even signing up but I had to close my business. I keep hearing the \$3,000. I don't think this system we've got is going to work still. I have one question. Why is never the DNR ever at one of these meetings? We've probably got six meetings here. I think before you vote on this I'd like to see the DNR here with you guys to get some questions answered. The thing I want to bring across to you is I was told at the last meeting I shouldn't have ditched my ditch the way I did. But after being divorced I had a hard time buying my house, struggling and living in an apartment for two years, my basement flooded twice at this property I bought. The people that I bought it from they didn't have health insurance, they lost their house, five kids so I got in on a good deal. I took a chance on the house. I love the area down there. I love the birds, I love the water. I don't love all standing water, but I lost a lot of my personal twice in my basement twice.

I don't have flood insurance anymore. That's something I live with now because I have a backup pump and a sump pump, but if you guys would come out, I'd like to have somebody come out to my house and see how I ditched my water just to get the situation taken of. I spent probably a good \$7,000 to \$10,000 doing it because at these meetings and stuff nothing was getting done and all the neighbors said just live with it because nothing is ever going to be done with it. So \$3,000 to me ain't piddling nothing, but I'm talking my personal stuff I threw in the garbage, no flood insurance which I've lived with now. We learned to have a backup generator garaged, a battery backup, industrial sump pump to get the water out when we lose electricity. So I wish they would look at it. I would really like to have DNR here. I'd feel a lot more peace of mind. I think a lot of people will here, too, if we hear both sides of the story and not just one. Thank you.

John Steinbrink:

Anyone else wishing to speak? Yes, sir?

David Belsheim:

I'm David Belsheim owner of 11226 Lakeshore Drive. I'm just wondering if there are other examples in which the Village has localized the expenses the way you have by drawing this map in this way and saying potentially these people are responsible for it? Have you done this for other parts of the Village? Is this a standard practice? Maybe you could show us some examples of where that occurred versus the entire Village sharing the expenses of everything. Can the cost be distributed across a broader range? Can they be shared in ways where perhaps some broader group experiences the value from it? If more of the properties build homes then there will be an increase in taxes coming in, tax payments coming into the Village because these properties are now buildable. Is there a way to distribute the costs into the future where the land is improved and the Village makes gains from that? Can those potentially help to pay the cost of this? It would be putting it off for some time but maybe not that far into the future. So I'm just

Village Board Meeting
June 2, 2008

wondering if there are ways rather than localizing the way it looks to be localized at this point.
Thank you.

John Steinbrink:

Anyone else wishing to speak?

John Braig:

John Braig, 4707 84th Street. I'm going to present an unpopular point of view as to who should pay for this, but I think it should at least be said and people should be aware of it. I don't doubt that if all the residents of Pleasant Prairie were aware of this meeting, the details of it and so on, many of them would be down here and would be opposed to it and here's why. There's many subdivision, some are older, some are new, lots are selling for \$100,000 and even close to \$200,000. These subdivisions have fully improved roads, sewer and water, storm sewer, there are no drainage problems whatsoever. The developer is putting it in there. He put the cost of that on the lots that he's selling to the people. By the Village agreeing to pay half the cost of this project you're asking those same people that are paying for their lot and all the improvements in it to now pay for this additional project. I'm not arguing one way or the other but it's a point that should be considered. Thank you.

John Steinbrink:

Anyone else wishing to speak?

Alex Tiahnybok:

Alex Tiahnybok, 8757 Lakeshore Drive. I've had an opportunity to view this problem very up close and personally as past President in Carol Beach Property Owners Association and also a member of this Board. I feel the pain of the residents that live down there. It's a real problem. Nobody can deny that. I'm not going to rehash the history. But this hybrid system that continues to pop up as a solution, I'm not a civil engineer but I am a chemical engineer and I can tell you water or fluids do not flow up hill without a pump. And the question I had back a couple of years ago still remains, and that is the outfall is a bottleneck. If I understand things correctly, unless it's been modified dramatically, the outfall is the drainage point of the entire system. If it can't drain at that location then the system is nothing but a holding tank.

The question I had back then, again, wasn't answered then and I sure would appreciate an answer now, is what happens—first off, what's the elevation of the outfall? What's the elevation of Lake Michigan today? And what's the potential elevation of Lake Michigan down the road? There are dramatic swings. I didn't live here when the lake was at its highest point, but based on whatever little bit of recall I have of two or three years ago I believe the outfall is below the maximum lake level. So what happens when the system is most needed when the lake is at its highest and flooding potential is at its maximum the outfall is going to be submerged and then what do you do?

Village Board Meeting
June 2, 2008

So I don't think there's an elegant solution to this, but I think there's a lot of skeptics in this audience. I heard nobody really support this plan except for one person and he had to leave really quickly. Listen to these people. They've got a serious gripe. They've seen development where there probably shouldn't have been. You've got a problem on your hands. I felt like I had a problem on my hands a couple years ago. But just from a pure technical perspective will it work when it's needed the most?

John Steinbrink:

Mr. Tiahnybok, one quick question. As a resident down there and an association member who do you think should pay for this project? We've heard a lot of opinion on that and you're pretty close to this project.

Alex Tiahnybok:

That's a fair question. I don't know if I should answer it. But it's a complex problem and I'm not saying that there is a simple solution. I already said that. It's a problem that probably should have been seen foreseen and reacted to properly a long time back. Now you've got an ultimate dilemma, because the people that should pay for it are probably gone and not reachable, and the people that are being saddled with the burden, if you're going to do a 50/50 split, I don't think anybody deserves to pay for it. So you've got a problem and it's your problem.

John Steinbrink:

Do you feel 50/50 is unfair?

Alex Tiahnybok:

I'm not saying that. Do you think it's fair?

John Steinbrink:

It's fair for the Village. Basically that's how we've done all our projects. You were a member of this Board and you were a part of the decisions made here at that time, so I guess I'm just trying to figure out where you want us to go with this project as a homeowner/association person in that area.

Alex Tiahnybok:

I think I clearly stated . . . problem

John Steinbrink:

Because a lot of people have said they would like to see the Village pay for the entire project—

Village Board Meeting
June 2, 2008

Alex Tiahnybok:

No, I'm not saying that.

John Steinbrink:

—and no responsibility at all to the area.

Alex Tiahnybok:

I'm not saying that.

John Steinbrink:

And you offered your opinion on the flows and other things down there, so I just wanted to have your opinion on that—

Alex Tiahnybok:

I have a lot of opinions on flows.

John Steinbrink:

—on the payment of it there.

Alex Tiahnybok:

I think you've got a problem and you've got to deal with it.

John Steinbrink:

As you've put your input in as to how to question the engineering down there and that and then the other problem of the financing of it and the paying for it we'd just like your input on that.

Alex Tiahnybok:

As I said, I question the engineering. I want to hear an answer to that. I didn't say I had an answer on the funding.

—:

Can I talk again?

John Steinbrink:

No, sir. Anyone that hasn't spoken? Ma'am?

Village Board Meeting
June 2, 2008

Pauline Chlebek:

Pauline Chlebek, 11360 Lakeshore Drive. The people at fault are the builders and Pleasant Prairie. I don't think we should be the ones to take the fall for the builders. Those homes were spec homes. They were not made to order homes. I'm sure if somebody came and said I want to build a home here and you explained no basement I'm sure they would have bought the house anyway. But they were told, oh, you need a basement, you need a basement, they won't buy the home without a basement, so now that's the problem we have now. Those homes were spec homes. They were not homes built for a person, and now we have this problem. I'm upset because I'm on the outer perimeter. I don't flood. I don't have standing water. I don't pump water but I still have to pay \$5,000. Thank you.

John Steinbrink:

Anyone else wishing to speak? Hearing none I'll close the public hearing and open it up to Board comment or question. We've had a lot of-

Mike Pollocoff:

Before we close the public hearing, Mr. President, we received written correspondence.

John Steinbrink:

Jane, I'm sorry. Can you read those into the record?

Jane Romanowski:

Just quickly, Barry Lamb, 11103 4th Avenue is behind the implementation of the plan. John and Mia Romano, 11322 Lakeshore Drive would like to go on record that they are against the new proposal. Dean and Theresa Debois are writing to encourage the Village to take the necessary steps to improve the drainage in Carol Beach Unit 2. And Steve Domain, 11200 3rd Avenue he supports the plan if it has a direct on me and then he goes on to explain a few other things that were passed along to the engineer.

John Steinbrink:

That being read into the record I'll close the public hearing and open it up to input from the Board. There were a lot of questions here and Mike I think can answer a lot of them. A lot of them may have been answered in the initial presentation but that may have been glossed over a little bit there.

Mike Pollocoff:

Thank you, Mr. President. I'll get the ones I can and then hand off some of the other ones to Mike Spence. Regarding Mr. Swaney's comments that the Village should do it and not charge

Village Board Meeting
June 2, 2008

the residents, it also ties into comments made by Mr. Hauser. The Village for the last quarter century if not longer has been doing storm water assessments where it's an area that's defined by topography. So the people within a specific area that are benefitting from the improvement, and a benefit legally is not the people only at the bottom of the hill but the people at the top of the hill, so people that contribute water to the problem and people that receive the water, so those type of area assessments happen with storm sewers all the time.

The residents in that area, whether they bought a home from a speculative builder, whether they bought a home from an existing landowner who might have had a home there for a long time, they bought a home that didn't have storm water improvements. That was unimproved property. And Mr. Hauser indicated that it's land that should be wetlands and it is wetlands and I don't disagree with that. I agree with that 100 percent., but you can't look at the Chiwaukee Prairie and say, well, because it's wetlands it shouldn't have been built on. That process was a painstaking procedure that started in the early '80s, came to fruition in 1985 and it was a compromise. That compromise said that there was going to be numerous areas that were going to be protected because the wetlands in those areas were very significant and should be protected. And the other part of the compromise was that there are also some wetlands that aren't as significant that the environmental groups agreed that, well, if we're going to save some wetlands we want to save the best ones, and the ones that aren't that good should be built on.

The feeling at the time was there was a number of people who were concerned about their rights as property owners that their land was being placed into a conservancy zoning without being purchased or acquired, and they were going to lose the use of their property by zoning. So that's why all things being equal there's areas in the Chiwaukee Prairie that are buildable not because the soils are great or they have sewer and water or they have good streets, their buildable because it's the outcome of a compromise and a land use plan that said these areas within the Chiwaukee Prairie area can develop. And Unit 2, the topography hasn't changed since that finding was made.

We were a Town at the time, we were under Kenosha County zoning when that occurred, and when we incorporated in 1989 it became the responsibility of the Village of Pleasant Prairie to administer that land. We've lived up to every aspect of that plan, and if there's been a time we haven't, we've corrected it but we're the only agency that truly has. There have been times where conservancy agencies have bought land that should be developed. There's been a time when the DNR has bought land that was supposed to be developed and they purchased it outside of the agreement. But the end discussion is that in the case of Unit 2 that area was identified for urban growth. And, respectively, Mr. Hauser, your comments about the final plan indicating that storm sewers should not be in that area only is attributed to the sewer areas that are west of the tracks. That's not the case for the unsewered areas east of the tracks. So you've got to look at the whole document in its entirety.

The Army Corps recognized that this area needed to have storm sewers and so did SEWRPC. Because if this area was going to be developed from an urban standpoint there needed to be a way to get the water out of that area. Regretfully neither Kenosha County, the DNR, the Army Corps, The Nature Conservancy, any of those groups that signed off on the plan and the town of Pleasant Prairie, when that plan was developed and approved, there was no set of engineering plans that

Village Board Meeting
June 2, 2008

said here is how storm water is going to be managed. All it said was is if someone wants to exercise their property rights in this area they're entitled to build, that that land will not be zoned conservancy unless they don't fill it and it's zoned by their choice into conservancy. So that was the elements of the plan that we as a community are having to live with and we did that.

So as time went on people were buying lots in the first instance for \$4,000, \$6,000, \$8,000, putting a home on it with no sewer, no water, no storm sewer, no paved roads, and they were putting the houses in there and the only improvement on the lot was the house itself. If that subdivision had been any other subdivision in the Village and not under that plan, Chiwaukee Prairie, we would have had an assessment hearing, we would have assessed the people in that basin half the cost of the storm sewer and the Village would have paid the other half. In fact, back then the Village would have assessed 25 percent of the cost and we would have paid 75 percent. That policy changed in the late '80s.

So it is wetlands, and the residents bought unimproved lots. And at some point in the Village we don't require someone who lives in the Village, they have to pay for their own improvements, and then after that point going forward the Village's obligation is to maintain those improvements forever. But the property owners who are going to get an improvement in that first instance they have to bring something to the table if it's not there, and that's bringing those improvements. So if it was an existing home that was there since the '40s they didn't have improvements and they're going to have to pay for that improvement in part to be there and the Village will pay the other part. And if it's a new home they should pay that in part to be there.

Now, what's been difficult is - I guess I take exception that we haven't done anything because we've done more storm water evaluation and evaluation of this area than any other area in the Village. I think the Board has gone out of their way to listen to the residents' desires to no have those improvements put in just by the simple fact that we've been discussing this for years, looking at various alternatives, rejecting those alternatives because the people felt they were too expensive and, in part, because at the time DNR wouldn't approve them.

When we set the invert elevation for the outfall on Lakeshore Drive that was set above the most recent records for high water so that it will outfall at that level. Now, if it goes above that we're going to have problem, but if it goes above that we're going to have significant problems throughout Carol Beach. At that level No Name Ditch starts backflowing from Lake Michigan. Tobin Creek starts backflowing from Lake Michigan. It's a different world. And for the people who were in that area in '86, when we were regularly running snowplows down the road to get the rocks and debris off the road from the lake coming up, all bets are off. We'll just work when the lake starts topping over the jetties that are at the park. Yeah, it's going to be difficult, but that will be the least of anybody's problems because we're going to have water all over the place.

There are two issues, and Mr. Hauser raised it and I think it's been a common theme through a lot of comments, is that there are sump pumps discharging a lot of water from basements into—if there's no ditch it just goes to the front, or if there's a ditch it sits in the ditch. That's one issue. And the second issue is there's general flooding in the area. The project that's proposed takes care of both. And in the first instance it does an excellent job of getting rid of minor water that would occur from just ground water coming into the area or light rain. The second problem that

Village Board Meeting
June 2, 2008

comes about is when we do have a significant amount of rain and water cannot get out of that basin until it reaches a certain level, it will take that water, too, eventually. So at the end of the day if there wasn't any houses built there maybe you'd be able to hold more water, but the nature of that area is still a bowl no matter how many houses are in it. So if you want to be able to drain the water out of there in a peak storm event there's got to be a storm sewer to get it out of that basin. You can't get that out without a storm sewer.

We, as I indicated before, have done some significant design in this area, and when we received our DNR grant for our storm water master plan for the Village Carol Beach Unit 2 was one of the components of that plan. The DNR did review this plan as part of our storm water master plan. They gave us the permit for the outfall, and they indicated this would be an acceptable permitted system. They're still going to want to review the plans just like they review our sewer and water plans that goes on a constant basis, but before we spend any more of the Village's money for a system that is complicated and it's been difficult to address for the residents, we needed to have this hearing to authorize the project to proceed, and we will do that. That will happen. But this hasn't happened without comment from the DNR, seeking advice from them, getting input, having them look at the original storm water master plan, having them approve the original outfall, the invert elevation or how high that is that's going to go in the lake. The DNR has reviewed all of that. And they've indicated they could support this limited system that we have. Otherwise, we wouldn't even be starting on this path. But we will go down, as we do on all our project, we're going to get our permits and that process will move through the regulatory maze the way it needs to.

With respect to the comments along Lakeshore Drive, I think for Lakeshore Drive as I indicated before, Lakeshore Drive is at the top end of the saucer. We're going to need to identify how far that line goes into the properties to determine how much area is draining back into Lakeshore Drive. And we'll do that, and as the surveyors are out there we'll let everybody know and they can be out there with the surveyor and see the elevations and the markings as they take place. If the residents have their own survey instrument they can look at it along with ours and see if they believe that the Village's is correct.

Mr. Bornato's comment about why not route to natural waterways, again, it comes from the nature of the layout. You have Tobin Creek to the north and you have No Name to the south, but when you look at this map here the topography doesn't go to either one of those waterways naturally. And as Mike indicated to get it to go to a natural waterway we need ten feet of fall and there isn't ten feet of fall to be found in Carol Beach. Anything less it might sound like the next best alternative or a lot less expensive but it won't work. My counsel to the Board and that of the Village Engineer, previous engineer, and they've looked at those plans is that that will not work. The only way we can guarantee to get the water out of this area is to control that grade with a storm sewer. That's what's going to get the water out of the area. The studies have been done to date. People might disagree with them but the engineering behind it reflects that that's what it's going to take to do this.

John Barry made a comment does the Village Board feel responsible? I guess the Village Board they can speak for themselves. But what I will say is that the responsibility of the Village government in this matter is fairly set forth in State statutes. The Village Board has the

Village Board Meeting
June 2, 2008

responsibility and authority to conduct and to cure land and projects to benefit the public good when it's been determined that there's a necessary problem that needs to be taken care of that would affect the health, safety and welfare. Mr. Swaney had indicated that there's standing water in his ditch. His daughter has fallen in it. Water that's standing tends to get an odor and algae in it. It causes all sorts of problems. That's a responsibility of the Village Board to correct and mitigate those problems.

As I indicated before, previous Village Boards have dealt with this and they've heard the complaints and the issues about dealing with it, and there's been always all sorts of alternatives that haven't had any sound engineering behind them to fix the problem, but we as a community have expended the money, used grant monies to get that engineer done and resolved. And that engineering will take care of this problem and solve it over the long haul and solve it in a compromised area, in an area that's difficult to drain, has difficult issues to get water to the storm sewer.

Ms. Ladd's comment on 9 percent interest is too high. I think it's high, too. But one of the reasons we set the interest at 9 percent, and the Board has the authority to adjust that, but if this project proceeds we're going to levy an assessment in round numbers for \$425,000, \$400,000, whatever that final number ends up being. And there's going to be an assessment that's levied against all the property owners. And your responsibility as a property owner when you get your property tax bill is if you decide to pay it off all at once you're going to be done with no interest. If you decide to pay it off over time it's going to be in ten equal installments with 9 percent interest on the unpaid balance. That doesn't mean that everybody is going to make that payment. That doesn't mean that everybody is going to make that payment. In the intervening time what the Village does is that 9 percent pays the spread. Because when the taxes with special assessments go to Kenosha County and aren't paid, the County does not pay the Village for those special assessments like they do for delinquent taxes. So the Village ends up holding those notes. So what happens is that interest is what covers the spread until the house is either acquired at tax deed sale or eventually that it's paid.

The Board can decide that. That's something that they're going to have the rest of the taxpayers in the Village pay for rather than delinquent property owners in the project because the money comes from one place or another. So it's been the standard practice that a project area pays for its own delinquencies. We encourage people if they want to do better to seek outside financially especially if they're going to do anything else in conjunction with this project like doing any regrading of their property or if they want to bring some water to the street that might not get there. Because this project will take care of all the storm water that gets to the street. We're not going into anybody's property to get water. We're doing it in the public right of way because we can't work on private property with public funds. But that's a decision that the Board ultimately makes.

Why does DNR not come here to see what's going on and how this is happening? DNR is a reviewing agency and, like I said, we have had them review this project as part of the Village's master storm water study. Those comments are on file. We'll get those for anybody that wants to review them. But, given the number of communities that are either engaged in sanitary sewer

Village Board Meeting
June 2, 2008

work, water work, storm sewer work, well and restoration mitigation, there isn't enough DNR people to run to every municipal meeting and see what's going on and they just don't do that.

Mr. Belsheim's question is have you done similar assessments? We've done numerous similar assessments. This is a real common method. It's been tested in the courts. There are some people that say do it on a lot-by-lot basis. You have 60 lots, assess everybody the same, but the guy with the smaller lot ends up paying more than the guy with the big lot, and the big lot may be discharging more water than the small lot. If you do it on a front foot basis so however wide the lots is, then if somebody has a lot of frontage they're going to end up paying a proportional amount of money based on the frontage. Again, that doesn't relate to area and storm water is affected by area. How much area are you draining into a basin, how much area are you using your property to absorb drainage that's coming from other areas? So the square footage basement in defining an area that is within a drainage basin the top end and the bottom end has been the accepted method.

With respect to Mr. Tiahnybok's comments, I wouldn't say this is a holding tank, but as I've indicated before it is a basin with no outlet. We've constructed an outlet and we're using the topography to get that water there the best we can, and we've designed that outfall to be above the highest lake levels we've seen.

As the records indicate that we showed earlier, we've been out there numerous times doing pumping. One of the questions we asked the DNR was should be put in a lift station and just keep lifting water out of that area and have a direct line and just put it into the lake and keep pushing that water as it goes out? The problem is when you do something like that you're constantly sucking the groundwater around that storm water lift station and it has the effect of drying the prairie out. So we're trying to move water through the prairie without draining it but getting enough of the water out there that we can mitigate the problems that occur in the area.

Mrs. Chlebek's comments, again, I've got to say when we get to the final design and the surveys are going to take place, we'll define that specific area exactly and we'll know how much of somebody who has a partial lot is going to be in and how much is going to be out. Mike, do you have any other comments that I haven't picked up on?

Mike Spence:

You've got most of them but I'll add a couple things here. Again, there was a comment on the size of an assessment based on square footage. Again, in putting together this project we looked at it as a basin. And it's very important to note that although a lot of though and engineering has gone into the project to this point, there is more work to be done, and when we do the final survey the specific elevations would be determined and certainly to make the project work.

In terms of permits, typically we don't apply to the—we get general information, but we don't apply for permits until we have a final design, so we would do that this year. And there was a comment made that the Corps and the DNR would most likely be involved and that is correct. And the Village would coordinate with them.

Village Board Meeting
June 2, 2008

In terms of, again, why some people are in the project and some people are out, again, that goes back to the best information we currently have in terms of drainage patterns in the area. So while someone may feel that their neighbor in back of them should be assessed, based on the information that we have right now in that particular case if they're not on the assessment it would be our understanding that their drainage is to another basin.

Regarding the outfall being a bottleneck, the outfall does have capacity, and the problem is that at this point we need this project in order to get the storm water to the outfall. The other issue there's been a lot said about ground water versus storm water. And I think it needs to be understood that this project is a combination of both of those items. There is ground water that's a result of sump pumps, but there also is the surface water. And in times such as this past spring/late winter when the ground becomes saturated or it's still frozen and even though there's sandy soils, there is the potential for standing water and this design would handle that.

And also it was mentioned that, and I had mentioned that this design would handle smaller storms. It also means that during some of the bigger storms while the water may not dissipate right away, it will have a conveyance path to go to, where in the past water would sit until it's either pumped out or evaporated. This design would allow that water a conveyance path.

Again, it also needs to be understood that the overall success of the project is also affected by factors beyond anyone's control, and that's the ground water in the area and the levels of Lake Michigan which nobody can predict with ultimate accuracy. The best that we can do is use historical information in our design and use that to set our final grades. I think that's about all I have, Mike.

Mike Pollocoff:

I guess one thing just on the assessment logic, too, that I want to indicate is that the Village's assessment practice of assessing 50 percent and having 50 percent paid for by the Village is probably more generous than a lot of communities. A lot of communities just have 100 percent. No one in the audience has paid for storm water improvements to be constructed in another subdivision. Everybody who has wanted storm water improvements in an existing subdivision have had to pay for half of it and the Village paid the other half. If someone lives in a new subdivision they had to pay for 100 percent of the developments in their subdivision. So if we were to change policy and pay for 100 percent of Carol Beach's then we'd be asking the Village taxpayers to pay for storm sewer improvements in Carol Beach. And we really haven't approached that type of assessment logic before. Everybody has had to pay something towards their own and we've put it at 50 percent and moved up from 25 percent, like I say, probably about 15 years ago. In this case we can tell the people in the audience maybe it's not the comforting news but they haven't paid for anybody else's storm water improvements either, and I don't think anybody would be lining up to pay for their half as well. So if the Board has any questions for myself or staff we'd be more than happy to help you with that.

John Steinbrink:

Comments or questions from Board members? Clyde?

Village Board Meeting
June 2, 2008

Clyde Allen:

Thank you. Mike, if this proceeds forward it costs about \$450,000 of which the taxpayers—the residents would get hit with \$225,000 in assessments.

Mike Pollocoff:

That's correct.

Clyde Allen:

What I'd like to see installed into this resolution and put into the resolution is if this project goes forward in the time frame that you indicated it possibly could, that it would be completed by October of '08, there is an interest free payment through '09. However, if they so choose to pay their bill in '08, in November and December of '08, I would propose giving them a 3 percent discount. Kathy may want to look and figure that out and see what that means.

Year three beginning year ten a 5 percent interest rate annually after that. This would encourage early payment in either the first or second year for them. The 5 percent is in line, however they could have the option to choose it late '09 to get a home equity loan which would be tax deductible. It may be a little higher rate but it would be tax deductible which would be a break for them. I think it would be wise for us to be more aggressive or just have discussions with the County Treasurer regarding some of the delinquencies. I understand what the 9 percent is for. I agree wholeheartedly that the return that we'd be getting and when we'd be getting it we don't make out on the 9 percent interest rate. I understand that completely. I guess it's hard to accept the 9 percent, and I think in this case I would like to see an encouragement out there to structure it so it encourages early payoff, get the money here in house, and come to some kind of agreement to at least compromise and get something settled in there. I don't know what the other thoughts are, but I would make that a motion if people would like to discuss it further.

Mike Serpe:

For the purpose of discussion I would back Clyde's motion on that.

Jane Romanowski:

Is that a motion to approve the project subject to those changes?

Mike Serpe:

This is for the adjustment on the interest rate.

Clyde Allen:

Just the adjustment on the interest rate right now.

Village Board Meeting
June 2, 2008

Mike Serpe:

And this is only for this project.

Clyde Allen:

Only for this project only, no precedence setting in this move.

Jane Romanowski:

Thank you.

Mike Serpe:

And if I could, Kathy, you've heard - any thoughts on what Clyde just brought up?

Kathy Goessl:

All past assessments have been at 9 percent on all the other projects. Currently the system that we use, the Kenosha County system, is set up to figure the 9 percent. I'm not sure in terms of if this would probably be a manual process for us to calculate that interest at that different percent. The 9 percent I've seen in the past has encouraged people to make early payoffs, because they can get lower interest rates elsewhere. The discounting or the 5 percent for the future 5 percent is a pretty low interest rate in terms of people are able probably to not get that low interest rate on their own. That would encourage people to stay with us and go through the process of ten years. So it's basically a manual process for us probably and it has never been done before. It's basically been 9 percent to cover the—and I know the 9 percent encourages people to go elsewhere.

Steve Kumorkiewicz:

You know the concern I've got with this is a lot of other projects were at 9 percent. Setting up a precedent it could be a problem in the future, because any other project that we do they're going to say, hey, Carol Beach got it at 5 percent or 6 percent, why don't we? What's going to happen then? I understand the position . . . for everybody. I'm a retiree on Social Security so I know. But just to bring the consistency with what we've got right now I think that could be a big problem in the future. Because once you open that can of worms you never close it. I see that in all these years of living in the Village, 40 years. That could be a problem. If we decide to do that, I don't know if it's a wise idea or not.

Mike Serpe:

So far this Village over the number of years that we've been studying this problem has spent an enormous amount of money on engineering studies, public hearings, you name it, we've done it, we've spent it. It's got to come to an end and I think we're going to put an end to it tonight

Village Board Meeting
June 2, 2008

hopefully. I have to put my faith in the decisions we're going to make and the engineering that's been done in this area. I trust their judgment. It's come to a system that the DNR appears is going to support and that's important.

Had this system gone in prior to any homes being build in Carol Beach Unit 2 the cost of the project would have been tacked onto the price of the lot or the home that was built. They would have paid it then. What we're doing now is saying you have to pay it now. I'm not an accountant, but what Clyde has proposed here certainly sounds interesting. I don't know if we can discuss that a little further.

Mike Pollocoff:

If I could, Trustee Serpe and Mr. President, maybe if we could put, if Clyde would be interested in setting his motion as a second or a side, because it seems to me that the Board needs to decide first whether or not the project has merit and we should proceed, and then secondly how it be financed rather than financing it and then not really going through the progressions to evaluate whether or not this is a project that the Board wants to undertake. So I think you can agree to set that aside and then consider the issue of the project itself first.

Mike Serpe:

I got called down to Carol Beach Unit 2 numerous times with the problems as all of us have. In the spring of the year it's not a fun place to be. The other 11 months are great. It's a beautiful area. And this is the hardest job that any of us have to do is to make a decision that's going to benefit some and hurt others. The petition that was submitted tonight indicated somewhere on the heading to come up with a solution, and right now I'm trusting Mike Spence, I'm trusting Bonestroo, I'm trusting everybody who had a hand in the design and engineering for this project to work. Mr. Chairman, with that I would move approval of Resolution 08-21.

Monica Yuhas:

Second.

John Steinbrink:

We have a motion by Mike, second by Monica. Further discussion on this item?

Steve Kumorkiewicz:

I would like to point out something, John. Talking to Bob Babcock I know he's the one who proposed just ditching over there. Our engineer Bonestroo I believe made a . . . in this project and they say not feasible. The DNR says it's feasible. I don't trust the DNR and I'll tell you why. Tobin Creek at 116th and Sheridan Road when the second phase of the subdivision was built the . . . presented to the Village and rejected. The developer went to the DNR, the DNR approved it and what happened? The system did not work. And if I remember correct the

Village Board Meeting
June 2, 2008

engineer lost his license and the developer . . . properly to be approved by the Village. Am I correct in that, Mike?

Mike Pollocoff:

By and large. I think the engineer was sanctioned. I'm not sure that he lost his license.

Steve Kumorkiewicz:

My understanding was that the engineer make . . . and if the system doesn't work that engineer is responsible to make proper restitution plus expenses. That reminds me very well of that. I can go back to the year 1974 when I lived in Pleasant Homes when we requested the DNR to come here and testify for the residents of Pleasant Homes. He came. The engineer came, but he forgot his papers in Milwaukee so he couldn't testify. So I trust an engineer who wants to put his signature on the drawing. I worked with a lot of engineers, both good and bad ones in the industry for 35 years so I know. I've seen this . . . is one thing brought up here tonight, Mike, that many people didn't know about. That was a meeting over 20 years ago between the different branches, DNR, SEWRPC, Chiwaukee Prairie, everybody, the Village, and that agreement that came up with a decision to build over there. So we're responsible.

Now, always we've got problems. I spend a lot of time in Carol Beach talking to people and went over there one night when our crew was working to drain from 3rd Avenue to 4th going south, whatever, follow the line. I think it was 113th. So we've got to do something about it and that's our job. Anybody come out with any better plan in all these years? NO. Just talk. We complain. Find somebody to blame. But the question . . . the issue is to see what we can do to get this project going and alleviate the problem that we've got in Carol Beach Unit 2. That's the main issue. I think some people maybe probably feel intimidated or whatever. I don't know. I don't know what's going on. But I think that we've got to look at what we can do here, not what happened 50 years ago when we don't have any control over that. So I think with that somebody wants to make another comment.

Mike Serpe:

Mr. Chairman, I think we need a housekeeping thing here. I seconded Clyde's motion on the financing. I think we have to get that off the table. So I'll withdraw my second.

Clyde Allen:

And I'll withdraw the motion.

John Steinbrink:

We still have the motion. The comment was made the Board has a tough decision before it. And fortunately this Board has made the tough decisions in the past. We've been faced with sewer running in the ditches and private systems that needed improvement which meant putting sewer lines in, water and failing wells which pose a health hazard, as did the sewers. And those were

Village Board Meeting
June 2, 2008

hard choices because we put a lot of sewer line in and that was a burden to a lot of folks out there that had bills and other obligations to meet also. It wasn't a popular decision. It was a tough decision and we lived up to that because it was the right thing to do and it was our duty to do that for the health and safety of those people living in the Village.

Some of those assessments were pretty high, and when they put in water and sewer together we often went to a 20 year plan for those folks to help them out to spread it out a little farther and make it a little more equitable for them. But when it comes to the Village becoming a bank that's a hard thing for us because we have obligations and debts to meet also. And Mike explained the tax system with the County and what happens to us when that obligation from the homeowners isn't met. There are other choices out there for the homeowners to get financing and probably at a better rate, and I think we would prefer that also if possible. We're probably the last resort maybe for some people at that rate. When you look at folks on credit cards you wonder why are they paying 25 or 30 percent interest, but we don't want to be in that position if we can help it.

It's time for this project to move forward, but I don't think it's time for us to start adjusting rates up or down to try and soothe the pain, and there will be some pain for others, but this is not that expensive a project in the scope of what the Village has faced in decisions for other property owners throughout the Village. These plans were approved by reputable, qualified engineers, something we have to put our assurance into or our belief into that they're right and they're going to work. But as Mike said there's a point where the lake reached a level I don't think there's any bets out there as to what's going to happen.

We've seen some pretty big events. We've seen the Des Plaines River react. We've seen basins that couldn't hold it. But generally projects that have been engineered and approved have done their job under almost all circumstances. And this is probably one of the greatest challenges out there. The engineer who left the Village, retired, Bob Martin comes from an area up where it's flat. There is no drainage. He's probably one of the best guys at making water run somewhere it really can't run, and I think he worked on this project, didn't he, Mike?

Mike Pollocoff:

Yes.

John Steinbrink:

If there's anybody that I have faith and belief in that had a hand in a project it's Bob Martin in doing this. So I have to say he's the guy that actually showed a lot of the folks around the State how to engineer tough situations and make them work. I think they looked at him as a resource. So I hope we move forward with this plan tonight. I'm going to support it. I think it's time. I think the Village is meeting an obligation that was neglected many years ago by the County or whoever approved this area down there, because we're now picking up the pieces again. As you said, we're the only entity that has lived up to the agreement of the Chiwaukee Prairie. A tough agreement. At least we've been there to make sure that the plan that was put in place is carried through. Are there any other comments from Board members?

Village Board Meeting
June 2, 2008

Clyde Allen:

First question is we have a motion on the floor and a second. Don't we need to attach the amendment at this time, the financing of it? We can't pass the resolution without the financing aspect of it, correct?

Mike Pollocoff:

Right. I was just thinking the Village President was going to allow everybody to have their comment on the main motion before we have a motion on the attachment of financing.

Clyde Allen:

Okay, for housekeeping I just wanted to make sure that was done on time.

Monica Yuhas:

When I was elected last year I received phone calls from residents last spring to see the water issues that were in Carol Beach. I went out there and I met with residents, and I went out there and I met with residents, and I saw their concerns. I met with Mr. Swaney. This does come down to a health a safety issue. When I hear that a child because of water standing has to go to a doctor and have shots that plays heavily in the decision. I was out this year with Mr. Babcock looking at standing water. I've been out with other residents looking at the standing water.

I've received numerous phone calls in favor of this proposal who do live down in Carol Beach Unit 2, but because of fear or intimidation they didn't want to come here tonight and go public with their support of this plan. And these are residents that have lived in the area for quite some time. They feel it's time to move forward. This is a good plan. It's the best plan I've seen. I've done a lot of homework on this. I've met with the engineer. I've met with John Steinbrink, Jr. on my lunch hour going over drainage, how things flow. I've read all the past documents. This isn't an easy decision by any means. But it's the right decision and that's why I am supporting this project.

John Steinbrink:

Other Board comments or questions?

Clyde Allen:

I just want to say that Mike Spence, Mr. Martin, Mike, you're experts in your field. We are here to make a decision, a responsible decision, and the best decision we can make is by trusting those that we've hired and put in place that are supposed to be the experts in our field. I have all the faith and confidence in the Village employees and I think the plan is a good one and needs to move forward.

Village Board Meeting
June 2, 2008

Mike Pollocoff:

On the motion that I think is about to be made or the amendment to the motion, I guess I wanted to offer a couple comments for the Board to consider. As I understand Trustee Allen's proposal is to incentivize the prepayment or the early payment with the lower interest rate and then capping it at 5 percent after that time period. I'm really not sure, and to say it's not precedence setting, I don't think you can truly—you can structure the interest that way but I don't think you can it's not precedent saying. You can say it, but when it comes time to live with it.

When we did 80th Street we had indicated that we were going to hold a special assessment for two years without activating the assessment in recognition of the real estate market. I would encourage the Board as you look at ways you might want to modify the special assessment to create a nexus between what you want to establish as the interest rate and some condition that's specific that would justify that. The real estate market in Carol Beach Unit 2 is really no different than the real estate market with some variations at Cooper Road and 80th. It's tough to sell lots. It's tough to secure financing right now outside for a home equity loan or anything like that. And hopefully that swing in the market will calm down and get normal.

So it could be if the Board wants to make a proposal to modify interest rates it would be to recognize the economic conditions that exist and tie that amendment to that rather than coming up with a new system. Because I think if we want to change how we adjust interest rates or how we phase those in my guidance to the Board is you should be ready to do that for everybody for all other issues. Every special assessment has its own special burdens whether it's being expensive or the timing or what have you. The real estate market we're seeing right now is as tough to work against as I've seen since I've been here. The cash out to the Village may be the same as if it's deferred versus whether you put in steps for an interest rate. But I would ask you to give some thought to how you treat that at the next assessment hearing. I'm not sure that saying it's not precedent setting will hold up. I think that would be something you might have to—

John Steinbrink:

Mike, this is a little different than 80th Street. This is an improvement that's going to actually benefit the property owners, especially those that have been trying to sell their property and they need to have a solution so they can sell their property and sell it to somebody and say we've solved the problem here of the water, you can buy this property and someone would be assured that you're not going to inherit something that come springtime is going to be standing water.

Mike Pollocoff:

Although on 80th we had the same thing. With 80th being improved there were lots that couldn't be built on because they had no street. So they needed that improvement to be able to do anything with their property. The difference here is that most of these people are already here. On 80th they weren't there. That's why you guys might want to discuss and walk through that logic and how you want to work through that with the next hearing in mind.

Village Board Meeting
June 2, 2008

Steve Kumorkiewicz:

Mike, it could be better to defer payments for the year? If we finish the project this year they don't have to pay next year . . . they get one year lay away. How would that work?

Mike Pollocoff:

Well, we're going to be pushing to get it assessed this year anyway just as a practical matter. Everything is going to have to click perfectly for us to be able to get this thing designed, out, built and done before October. And by statute we only do it once a year. We won't see this again until October 1, 2009. So there's really almost one built in as we're looking at it. On Cooper Road we didn't have that. We knew we'd be done with Cooper Road and 80th before that time frame ended so we went two years on that. So there's a very good chance. Mr. Mosca brought up a point that we are going to be getting permits and they've seen it. It's not like it's something they haven't seen at all so I think it's going to go quicker, but still if we have a wet summer or a wet fall then the best construction schedule goes into the can at that point.

Clyde Allen:

I make a motion to add an amendment to the resolution that if the tax bill is paid in full in the first year so we're not defining it now as a particular year if it runs past '08 into '09 and that would be the first billing year, if it's paid in full in the first year proposing a 3 percent discount if it's paid in full in that first year. This and the remaining parts of the amendment are due to several factors, interest rates declining, housing market real estate down turn and availability of money for people and tax assessments as well. They get a 3 percent discount if paid in full in the first year.

The second year if paid in full it is interest free if it's paid in full. After that it will be a 6 percent interest annually after that year which would be reviewable by the Board should you so choose. We don't know what's going to happen in today's climate. We don't know if it's going to get worse. We don't know if it's going to get better. I would leave it at 6 percent and say the Board can review it if they so choose but give the residents enough notice that they can choose to take an equity loan, do what they choose to do to get it so they're not paying that interest rate if there's an increase. It would encourage not only a chance to pay this fairly. It would give them a chance to get a tax deductible loan to pay it if they so needed it.

I think we have a responsibility and we're up here because we have a responsibility, and I think it's only fair that we try to move this project forward and do the best we can for them. You're not talking a great deal of money when you look at the overall picture here for each of the people that are affected, 62 tax bills or whatever. It is important to them. And if we can't keep track—it is not much to track 62 tax bills on a spreadsheet. I just think this is the right way to go, it's a fair thing and accepts responsibility all the way around and gets this project moving.

Mike Pollocoff:

Trustee Allen, just so I'm sure on the motion, you would be reducing the project assessment by 3 percent? So if the assessment were \$3,000—

Village Board Meeting
June 2, 2008

Clyde Allen:

Correct. If the assessment is \$3,000 they get a 3 percent discount if paid in the first year to encourage early payment.

Monica Yuhas:

Has this ever been done before?

Steve Kumorkiewicz:

No. What do you say, Kathy?

Mike Serpe:

So we can discuss this I'll second Clyde's motion with a question. Kathy, you're going to have to administer this thing, you and your group. What are we facing?

Kathy Goessl:

As I said before it is a manual process. Right now the Kenosha County system, the one we use to do the collection and do all the billing is set up at the 9 percent interest rate. It's not set up to do discounting or different interest rates in the future. I would prefer something like delaying the first payment or reducing the interest rate, something like that in the future instead of having a three different tiered thing going on. Once you set this precedent even if it's tied, like you said, right now to economics and the climate right now, all the different special assessments in the future are going to be looking for some kind of special privilege or special discounting. Then you get into the situation where everything is different. Right now everything is the same. It's 9 percent. We're not a bank. We don't want to be a bank. We want to get people to pay it off and go somewhere else and get their money. That's why we have it set at 9 percent right now. Delaying it a year would give people a chance for the economy to be a little bit better, maybe get a home equity loan and then pay it off that way.

Clyde Allen:

Just the response back I can't see how it possibly can say it could be precedent setting in any way. The fact is this is unique. This problem has been here. We don't face too many problems that have been around for 35 or 40 years. It's something that's been going on for a long, long time, and there's a whole lot to support differentiations and make some differences and modifications to what we currently do. I'll let it go at that.

Mike Serpe:

I seconded Clyde's motion for the purpose of discussion, and I think it's important that we do discuss this. And I also like the idea of just - I don't care if this project is finished in June let's

Village Board Meeting
June 2, 2008

not look at this until collection of October of '09. That gives the people a whole year and a half or a little bit more to try and save as much as they possibly can to pay this off. When you're talking precedent setting we have some projects that I'm sure that are going to come forward in the future that are going to be large assessments. We don't know what they are now but sure as I'm saying this right now it's going to happen. And if they insist that they get the same deal that we just gave the Carol Beach people how are you going to tell them no? Then we're going to create a bookkeeping nightmare. I think we have to be careful on that. But I would support letting this go until payment of October of '09. And with that, Clyde, I'm going to withdraw my second on your motion.

John Steinbrink:

Is there a second to Clyde's motion? Hearing none, it dies for the lack of a second. Is the '09 a new motion then going to be?

Mike Serpe:

It's an amendment to my original motion to have the bills sent out in October of '09.

Steve Kumorkiewicz:

So it's deferred actually. I second that.

John Steinbrink:

Motion by Mike, second by Steve. Any other discussion on the amendment to the motion? Hearing none, we have a motion on the floor.

Mike Pollocoff:

For the amendment only, right?

Mike Serpe:

The amendment first.

John Steinbrink:

The amendment first. The motion and a second, Mr. Serpe's motion to delay it one year to '09.

Mike Serpe:

October of '09.

Village Board Meeting
June 2, 2008

Steve Kumorkiewicz:

Deferred, yes.

John Steinbrink:

Is that clear with all Board members?

Monica Yuhas:

Crystal.

John Steinbrink:

Crystal clear. Those in favor?

Clyde Allen:

Could I request a roll call vote please?

John Steinbrink:

A roll call vote has been requested by Mr. Allen.

SERPE MOVED TO AMEND THE RESOLUTION #08-21 TO DEFER THE PROJECT BILLING DATE TO OCTOBER 1, 2009; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; ALLEN – NO; SERPE – YES; MOTION CARRIED 4-1 WITH ALLEN DISSENTING.

Jane Romanowski:

Passes 4 to 1 for the amendment.

John Steinbrink:

I want to remind Board members we do have an obligation to all the taxpayers, and the decisions we make here tonight do affect all the taxpayers.

Jane Romanowski:

There's a motion and a second on the floor for adoption of 08-21.

John Steinbrink:

Okay, for the adoption of the motion with the amendment. Further discussion?

Village Board Meeting
June 2, 2008

Clyde Allen:

Request roll call, please.

John Steinbrink:

Roll call requested by Mr. Allen.

Jane Romanowski:

This is for approval of the project.

John Steinbrink:

For the approval of the project, the adoption of the motion with the amendment. Those in favor?

Jane Romanowski:

I have to do roll call apparently.

SERPE MOVED TO ADOPT RESOLUTION #08-21 – FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND DLEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR CONSTRUCTION OF STORM SEWER AND STORM WATER MANAGEMENT IMPROVEMENTS IN A DRAINAGE BASIN IN A PLAT NAMED CAROL BEACH ESTATES NIT 2 SUBDIVISION, INCLUDING THE APPROVED AMENDMENT TO DEFER BILLING OF THE PROJECT UNTIL OCTOBER 1, 2009; ROLL CALL VOTE 0-- STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; ALLEN – NO DUE TO THE FINANCING SECTION; SERPE – YES; MOTION CARRIED 4-1 WITH ALLEN DISSENTING.

Gus Hauser:

(Inaudible)

John Steinbrink:

Sir, you're out of order. That concludes the public hearings for this evening.

5. MINUTES OF MEETINGS - MAY 5, 2008

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

Village Board Meeting
June 2, 2008

6. CITIZEN COMMENTS

Jane Romanowski:

Everyone who was signed up under citizens' comments spoke under the public hearing so I don't know if there's anybody.

John Steinbrink:

Anyone wishing to speak under citizens' comments?

Bob Babcock:

Bob Babcock, 11253 3rd Avenue. Mr. Steinbrink, I'm a little befuddled by your sudden interest and respect for Alex Tiahnybok's opinion. You never showed it when he was a Board member, and I don't know why when you had a full house full of people here concerned about a legitimate issue you decide tonight to play games with Alex. It was disrespectful to him and everyone who showed up.

John Steinbrink:

Anyone else wishing to speak under citizens' comment? Mr. Tiahnybok first.

Alex Tiahnybok:

Alex Tiahnybok, 8757 Lakeshore Drive. Two quick comments. One is I reviewed our Village ordinances just out of curiosity. This one is Chapter 254, peddling and solicitation. I don't know if myself and neighbors near me are uniquely experiencing this, but we've seen an awful, I mean probably a ten fold increase in solicitation. I've asked many of them whether they registered. I've been given the same song about I can't get there, Village Hall is closed, etc., etc. So, number one, I want to know for sure that the Village is allowing people to register to solicit, because ordinance requires that solicitors be registered.

Number two, are there reports—I mean we're getting people from St. Louis shipped up here. I've asked them where are you from? And all of a sudden they get all tongue tied and one guy pulled out his driver's license from St. Louis. I'm saying what the heck is going on here? Organizations are shipping people up here to solicit from other states. So just out of curiosity I'd like to know if there's been any reports about that.

The other thing is I just want to congratulate the Village on the revived newsletter. I found the cover story in this last issue the most intriguing. Community members sought for Parks, Recreation and School Commissions. Interestingly enough two of the commissions are two of the commissions that Trustee Jeff Lauer and I sat on, and now they're short of members and yet nobody asked us if Jeff Lauer and I were interested in continuing on. You had two experienced Board members not only on being on the Village Board but also being Commission members of those commissions that are short today on membership and nobody asked us whether or not, hey,

Village Board Meeting
June 2, 2008

you're not Board members anymore, but we appreciated your commitment to the community, to the Commission. We won, to the victor goes the spoils. That's nice.

John Steinbrink:

Just a point of clarification. Mike attendance is a big part of the commissions, right? We need people that can make the meetings and that, correct?

Mike Pollocoff:

That's correct.

Mike Serpe:

In answering to Alex, where did he go? One second. With reference to your solicitation, a few years back I had the same thing coming by my house. I saw one across the street so I called the police department and I invited this individual in. I said come on in here, I'd like to hear what you have to say. It was taken care of that night and he's probably back in St. Louis.

Steve Kumorkiewicz:

Mike, you're right. I live in the poor area of Pleasant Homes and nobody comes over there to sell us anything. I never have that problem.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Mr. Babcock?

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. I'll direct this to Mr. Kumorkiewicz. You said that you do not trust the DNR's evaluation of the small ditching project that I did. So obviously you don't trust the Village Engineer because the same little portion of ditching is in this major plan. So do you trust them or do you trust just your engineer or what?

Steve Kumorkiewicz:

You're talking about one section, a straight run to the lake. I can go with that. I have to go with he said. Maybe a portion of that.

Bob Babcock:

The same portion is exactly the same as in the plan here.

Village Board Meeting
June 2, 2008

Steve Kumorkiewicz:

I don't—

John Steinbrink:

I can't allow back and forth here right now.

Bob Babcock:

Thank you.

John Steinbrink:

We understand your point. Yes, sir?

Dave Holden:

Dave Holden, 11220 3rd Avenue. Michael, you say at one time at the last meeting and I may stand corrected, we're getting the records right now, all landscaping and everything will be back to where it was at, correct? Because I'm not playing horseshoes with you guys anymore. I've got landscaping, stuff I just planted this year. It will be kept the way it's supposed to be kept because I put a lot of money out front there. I've got a flower box that I put out front and I think you guys have smoked screened the whole community here with DNR doesn't come to meetings and stuff like that and I think you should be ashamed. But it will be all done, correct? Because most of that stuff that's going to be done is in front of my house.

John Steinbrink:

It's part of the project, sir. It's a part of the project. The project will be in the right of way0—

Dave Holden:

Honestly, I'd feel a lot more comfortable about this whole situation if we were told this is the kind of ditch that's going to go in there and this is what it's going to look like. We haven't been told nothing.

John Steinbrink:

The Village Engineer will be available possibly tonight in the back there, or you can give him a call during the day and he can clarify the project with you.

Dave Holden:

Bob was supposed to—but there will be pictures of what it's going to look like, what kind of ditches and the depth I mean?

Village Board Meeting
June 2, 2008

Mike Pollocoff:

As I indicated, the project is going to proceed based on the Board's vote tonight so we'll be out there surveying, getting actual elevations, coming up with profiles of what the ditches are going to look like, the swales, where the storm inlets are going to be. Before we start the project we'll videotape all the right of ways so that if there are any improvements we can see what was there before the contractor started and we'll make sure that comes back. Now, if you have a structure that's in the way of the ditch, whether it's a planting box that's where the ditch is in the right of way, those will have to be moved out.

Dave Holden:

How many feet do you guys allow to go from the road?

Mike Pollocoff:

Well, it will depend on the design but the right of way in that area is 66 feet, 33 feet from center. That doesn't mean we go all the way but that's generally the public right of way that the Village-

Dave Holden:

So I can call and meet with you and you'll come out to my house and show me?

Mike Pollocoff:

Yes.

Dave Holden:

I'd be a lot more comfortable to be honest with you.

Mike Spence:

Definitely. And as Mike says as the project proceeds we will have more details as far as the ditch size.

Dave Holden:

Alright, thank you.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

Village Board Meeting
June 2, 2008

Monica Yuhas:

Mr. President, can we have a five minute recess?

John Steinbrink:

Sure.

Monica Yuhas:

Thank you.

John Steinbrink:

The Board will take a five minute recess.

(Recess)

John Steinbrink:

We'll reconvene the meeting.

7. ADMINISTRATOR'S REPORT

8. UNFINISHED BUSINESS

A. Consider Operator License Application for Joshua Szpek. (Remove from agenda - application withdrawn)

Jane Romanowski:

Mr. President, I request that this be removed from the table and taken off the agenda. He's withdrawn his application.

Clyde Allen:

Motion to take it off the table and remove it from the agenda.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Clyde, second by Steve. Further discussion?

Village Board Meeting
June 2, 2008

ALLEN MOVED TO REMOVE THE OPERATOR LICENSE APPLICATION FOR JOSHUA SZPEK. FROM THE TABLE AND FROM THE AGENDA AS MR. SZPEK HAS WITHDRAWN HIS APPLICATION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

9. NEW BUSINESS

A. Consider Resolution #08-22 - Resolution Authorizing the Issuance and Sale of \$2,940,000 General Obligation Refunding Bonds, Series 2008C.

Kathy Goessl:

This issue is actually a refunding of \$2,940,000. It's refunding a G.O. debt that was issued back in March of 1999. Actually the initial debt was the majority being general government mainly probably for road improvements, major equipment purchases or building improvements. Then 16 percent is Sewer Utility and 2 percent is Water Utility. And the purpose of this refinancing is to actually have some interest savings. So when we set it out to bid if we do not receive \$100,000 or more of savings of interest over the life of the refinancing we would deny the actual offer. We were able to achieve the \$100,000 savings. We actually sold this bond with a premium so we received \$3 million, and it's actually a seven year note and the amortization is similar to what's being refinanced, same amount of years but less of a payment. The new coupon rate is 4 percent. The old coupon rates were 4.1 percent to 4.6, in that range. There were different percentages in between those two numbers throughout the years. So we need a roll call vote to approve this refinancing of \$2,940,000.

Mike Serpe:

A quick question if I may. Mike or Kathy, our goal was I believe to be debt free in the general fund in five years?

Mike Pollocoff:

The fiscal plan is that we retire the existing debt as of this last budget . . . I believe it was 2015 . . . it would be retired . . . that's just over and above the levy, the new debt that we . . . but all the existing debt would be retired

John Steinbrink:

Could we have a motion and a second first, please?

Mike Serpe:

I would move approval.

Village Board Meeting
June 2, 2008

Steve Kumorkiewicz:

Second.

Jane Romanowski:

We need a roll call.

John Steinbrink:

I understand. I want a motion and a second so we can have discussion. Motion by Mike, second by Steve. Is there further discussion or questions? Hearing none, roll call vote?

SERPE MOVED TO ADOPT RESOLUTION #08-22 - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$2,940,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008C; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE 0-- STEINBRINK - YES; YUHAS - YES; KUMORKIEWICZ - YES; ALLEN - YES; SERPE - YES; MOTION CARRIED 5-0.

B. Consider Resolution #08-23 - Resolution Authorizing the Issuance and Sale of \$950,000 General Obligation Refunding Bonds, Series 2008D.

Kathy Goessl:

Mr. President, this is to actually refinance \$950,000 of a Sewer Utility balloon payment that is due next year. We structure the majority of our debt with a ten year amortization schedule with balloons, then we refinance for another ten years. It gets us a better interest rate for the second ten years when you have a shorter term in terms of amortization. This bond also sold at a premium of \$13,115. This is actually a ten year note, and the coupon rates range from 4 percent to 4.25 percent. The actual net interest rate taking into consideration the premium that was paid is 3.86 percent. I'm looking for approval of this to issue this G.O. debt refunding bond for \$950,000.

Clyde Allen:

Motion to approve.

Mike Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Further discussion? Roll call vote.

Village Board Meeting
June 2, 2008

ALLEN MOVED TO ADOPT RESOLUTION #08-23 - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$950,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008D; SECONDED BY SERPE; ROLL CALL VOTE 0-- STEINBRINK - YES; YUHAS - YES; KUMORKIEWICZ - YES; ALLEN - YES; SERPE - YES; MOTION CARRIED 5-0.

C. Consider Resolution #08-24 - Resolution Authorizing the Issuance and Sale of \$500,000 General Obligation Promissory Notes, Series 2008C.

Kathy Goessl:

Mr. President, this is actually a new issue of a half a million dollars and it's for RecPlex projects. There's a list here of the major projects. One of the projects is replacing the pool deck in the aquatic center. It's in need of repair and replacement so this \$150,000 would replace the deck in the pool. The ultra-violet for the pool area actually has already happened. . It's a reimbursement. The air quality in the pool area during the wintertime when it's too cold to dispense air from the building, the quality has deteriorated. It's not a problem that just our pool has but it's a problem that's nationwide, and we were able to improve the air quality this last winter. Actually spring we put this in for this ultra-violet system.

We're looking at a preschool expansion, and the \$64,000 will put additional bathrooms that are needed to do this expansion. And some of the other projects which are further out is the guest service redesign which is mainly to increase the security into the field house area and to monitor access to the facility better. Then we have the pool pak-replacement coils for \$32,000. Then RecPlex Main Entrance, this is to change the entrance on the RecPlex side to be similar to what's on the IcePlex side with the sliding doors instead of the regular doors that we have due to maintenance issues, other types of issues. The IcePlex doors are better in terms of that type of thing.

Then other projects come to a little over \$106,000. Some of the things there are some cameras and DVR equipment which is monitoring the facility. Our current DVRs or recorders are eight years old and are starting to fail. Then also we're looking at this year doing a parking lot resurface and some compressor and rebuilds. That's like an annual type of expenditure. Then also TR or therapeutic rec is looking at doing expansion in terms of a bathroom in their area where they currently house the therapeutic program in our multipurpose rooms, adding a bathroom and a laundry facility. And the TR department through Tracks is able to pick up the majority of that cost, but there's some cost that needs to be done by the RecPlex's financials. Those are some minor projects that we're looking at.

This note also, again, sold at a premium of a little over \$9,000 so our total receipt of \$509,325. This is a ten year note. We're looking at interest only in the first nine years of \$21,250 per year. We have a balloon payment scheduled for 2018, and our interest rate is 4.25 percent. I'm looking for approval to issue this half a million dollar G.O. note 2008C.

Village Board Meeting
June 2, 2008

Mike Serpe:

I have a question. I don't know if you mentioned this or not, but this goes to the enterprise fund for the RecPlex. I don't want somebody to hear the audio on here and say that now we're borrowing \$500,000 from the Village.

Mike Pollocoff:

That will be paid for by the rate payers.

Mike Serpe:

That will be paid for by the rate payers, okay.

Mike Pollocoff:

Memberships, not rate payers.

John Steinbrink:

Do we have a motion?

Monica Yuhas:

Motion to approve Resolution 08-24.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Clyde Allen:

Kathy, how much was the asphalt portion of all those others?

Mike Pollocoff:

It's seal coating and it's \$5,800.

Clyde Allen:

So we're not replacing asphalt?

Village Board Meeting
June 2, 2008

Mike Pollocoff:

No.

Clyde Allen:

I thought that was awful cheap.

John Steinbrink:

Further comments or questions. Roll call vote?

YUHAS MOVED TO ADOPT RESOLUTION #08-24 - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$500,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2008C; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE 0-- STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; ALLEN – YES; SERPE – YES; MOTION CARRIED 5-0.

D. Consider Resolution #08-25 - Resolution Authorizing the Issuance and Sale of \$7,550,000 Taxable General Obligation Promissory Notes, Series 2008D.

Kathy Goessl:

This G.O. note 2008D is actually a taxable issue of \$7,625,000. The amount actually increased when the note was sold today. We were believing that this would also sell at a premium like all the other notes we had but that was not the case, so we had to add an additional \$75,000 onto the note to cover our cost. This is actually to refinance \$7 million that was issued back on May 15, 2003. This issue was for purchasing land that we are going to resell in the TID #2 District. We are also borrowing an additional half a million dollars to reimburse for spending over the initial estimate/borrowing back in 2003. So \$7 million is a refinance, and an additional half a million is to reimburse for the spending that we did occur to purchase that land up and above what we initially estimated. This is actually a four year note and it's due September 1, 2012, and the interest rates range from 4 percent to 4.25 percent.

Just a little more information. We did get all of our issues rated by Moody's and Standard & Poor's. They reaffirmed our ratings from a couple months ago when we went out for a rating. So Moody's retained us at an A1 and Standard & Poor's at a AA-. This just gives you an update of where we are currently on our debt activity. As of June 1st we have a little over \$97,119,000, almost \$120,000, debt outstanding. The majority of that debt is in our TID #2 District, and you can see the spread there of where the rest of the debt is. Then the new issues and the refinancing that is currently being approved, has been approved or will be approved, and after what the debt is after. So the net increase from we're all approving tonight is a little over \$1 million. That's a half million dollars that was approved for the RecPlex to be paid for by the RecPlex for their improvements, and the other half a million being the additional debt that we're issuing for TID 2 land for resale.

Village Board Meeting
June 2, 2008

This is historical debt in a graphic format. You can see, as I said before, TID 2 has the most debt outstanding and it's increasing by a half a million through this debt issue process. The RecPlex is below the TID in terms of the amount of debt being issued and they're also increasing by a half a million. General government is retaining or staying the same. Then below those three are sewer, water and refuse in terms of the amount of debt outstanding. And neither of those three bottom ones are changing. They're just being refinanced at the same amount.

Mike Serpe:

Can I make a comment on the graph on the wall? Just a suggestion. For future PowerPoint presentations I would highly recommend we don't use black lettering with a blue background. We can't see it.

Kathy Goessl:

Okay.

John Steinbrink:

Do we have a motion and a second?

Mike Serpe:

Motion to approve 08-25.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion?

Clyde Allen:

Kathy, if we're reimbursing \$500,000 where did the \$500,000 come from, what fund or did that come out of general fund?

Kathy Goessl:

No, it was in TID #2. We had money that we had borrowed for tax exempt purposes, so we still had some funds. We still had some money we just borrowed recently also, that \$10 million, so there's some money for the half a million, so it's within the same fund, it's just that we have to reimburse and get it taxable instead of tax exempt. This has all been spent in less than the last 12 months. And our intent was to reimburse that portion, and we do have a reimbursement resolution.

Village Board Meeting
June 2, 2008

John Steinbrink:

Other comments or questions? Hearing none, roll call vote?

SERPE MOVED TO ADOPT RESOLUTION #08-25 - RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$7,625,000 TAXABLE GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2008D; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE 0-- STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; ALLEN – YES; SERPE – YES; MOTION CARRIED 5-0.

- E. Receive Plan Commission Recommendation and consider Ordinance #08-33 for a Zoning Map Amendment to correct and rezone the property located at 11638 Sheridan Road from the R-5, Urban Single Family Residential District to the B-1, Neighborhood Business District in order to be in compliance with the Village's adopted Comprehensive Land Use Plan.**

Peggy Herrick:

Thank you. This is a recommendation from the Village Plan Commission. They held a public hearing on May 27, 2008 to correct the zoning map where there was an error made in the 2002 rezoning of this property. As you may recall, in 2002 we amended the Comprehensive Land Use Plan, the business districts and the zoning maps related to all the business districts in the Village. There was an error made in that the notice that was sent to the Scheckman's who own this property at 11638 Sheridan Road, the notice indicated on the map in the notice the property would be rezoned. The notice also included a list of parcel numbers and addresses specifically related to that map. On that notice their name was not listed but the map correctly showed their property. That same error carried through in the ordinance that was adopted. The map with the ordinance showed their parcel being rezoned, but the text and the parcel numbers that specifically listed each parcel was incorrect and missed their name.

This came to the Village attention back last September when the property owners inquired about the zoning of their property and, again, the Plan Commission held a public hearing on May 12th recommending to the Village Board to correct the zoning map and correctly rezone this property back into the B-1 designation as originally intended in 2002.

John Steinbrink:

This item having been before the Planning Commission.

Mike Serpe:

It was and the parcel in question was represented by a family member who I believe is in favor, correct?

Village Board Meeting
June 2, 2008

Peggy Herrick:

Correct.

Monica Yuhas:

Move for approval.

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 ORDINANCE #08-33 FOR A ZONING MAP AMENDMENT TO CORRECT AND REZONE THE PROPERTY LOCATED AT 11638 SHERIDAN ROAD FROM THE R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT TO THE B-1, NEIGHBORHOOD BUSINESS DISTRICT IN ORDER TO BE IN COMPLIANCE WITH THE VILLAGE'S ADOPTED COMPREHENSIVE LAND USE PLAN; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- F. Receive Plan Commission Recommendation and consider the request of Lance Skala, agent for CenterPoint Properties Trust, owners of the properties located south of CTH Q and west of the IH-94 for approval of a Certified Survey Map to combine two properties and dedicate right-of-way for roadway improvements on CTH Q and 120th Avenue (West Frontage Road).**

Peggy Herrick:

The petitioner is requesting approval of a certified survey map which will create one parcel by combining two existing parcels. In addition, they'll be dedicating right of way on County Trunk Highway Q and right of way for the realignment and widening of 120th Avenue which is the West Frontage Road. The CSM dedicates this right of way for road improvements. It also dedicates easements for public sanitary sewer that we run through the property to service this property for future development and adjacent land for development. The Plan Commission didn't hold a hearing but they considered this item at their last Plan Commission meeting on May 12th and recommended approval subject to the conditions in the staff memo.

Steve Kumorkiewicz:

So moved.

Village Board Meeting
June 2, 2008

Monica Yuhas:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF LANCE SKALA, AGENT FOR CENTERPOINT PROPERTIES TRUST, OWNERS OF THE PROPERTIES LOCATED SOUTH OF CTH Q AND WEST OF THE IH-94 FOR APPROVAL OF A CERTIFIED SURVEY MAP TO COMBINE TWO PROPERTIES AND DEDICATE RIGHT-OF-WAY FOR ROADWAY IMPROVEMENTS ON CTH Q AND 120TH AVENUE (WEST FRONTAGE ROAD); SECONDED BY YUHAS; MOTION CARRIED 5-0.

G. Consider Award of Contract for the CTH Q Reconstruction/West Frontage Road Realignment Project.

Mike Spence:

Bids were received for the County Trunk Highway Q reconstruction, West Frontage Road and CDA property project this past week. On that particular project three bids were received. The bids were tabulated and Super Excavators out of Menomonee Falls was the low bidder on the project. And they are an approved bidder for the Village, and staff recommends that the contract be awarded for this project.

Mike Serpe:

Question, and Mike is not here.

John Steinbrink:

Could we have a motion and a second first?

Mike Serpe:

I'll move approval with a question.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike and second by Steve. Further discussion? Mike?

Village Board Meeting
June 2, 2008

Mike Serpe:

We had at one time a while back a problem with Super Excavators. I don't know how much they've done for us since that problem.

Jane Romanowski:

They've qualified every year. I don't know how much work they've done. They wouldn't be qualifying if they were presenting a problem.

Mike Spence:

I had talked with Mike about Super Excavators and they've been qualified. I know there are things that have come up in the past but they are capable of doing the work and they do good work. We just need to manage it and make sure that they don't go after unneeded extras.

Mike Serpe:

It's been a lot of years ago and I'm sure they've improved their work product. But that just left a bad taste in a lot of our mouths.

Mike Spence:

Super Excavators, Mike, he's asking about.

Mike Pollocoff:

Yes, we have history with them, but I've prequalified them in the last three years. We did have an issue with the borings under the Interstate and we worked through that. We prevailed on that issue. But they do require more close monitoring probably than some other contractors. But given the scope of the bids, like I say, I prequalified them to do the work and I'm comfortable with Crispell monitoring them, the inspection.

Mike Serpe:

We'll be watching.

John Steinbrink:

We have a motion and a second. Further discussion?

SERPE MOVED TO AWARD OF CONTRACT FOR THE CTH Q RECONSTRUCTION/WEST FRONTAGE ROAD REALIGNMENT PROJECT TO SUPER EXCAVATORS AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Village Board Meeting
June 2, 2008

- H. Consider Professional Construction Service Agreements with Crispell-Snyder, Inc. for the following:**
- 1) CTH Q Reconstruction Project.**
 - 2) West Frontage Road Realignment Project.**
 - 3) Infrastructure construction project for the CDA property located south of CTH Q and east of the West Frontage Road.**

Mike Spence:

Mr. President, we received a proposal for construction service and engineering services from Crispell-Snyder. I went over the scope of the project with them and we agreed that the fees that they presented were reasonable. The reason why they are three contracts is that it is relative to where the money is coming from. But we recommend one consultant to do this because all the projects are related and will be going on at the same time. So for those reasons and the fact that they've intimately been involved with design and knowledge of the area I recommend the approval of the construction service agreement with Crispell-Snyder for these three projects.

Mike Serpe:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

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

SERPE MOVED TO APPROVE CONSIDER PROFESSIONAL CONSTRUCTION SERVICE AGREEMENTS WITH CRISPELL-SNYDER, INC. FOR THE CTH Q RECONSTRUCTION PROJECT; WEST FRONTAGE ROAD REALIGNMENT PROJECT AND INFRASTRUCTURE CONSTRUCTION PROJECT FOR THE CDA PROPERTY LOCATED SOUTH OF CTH Q AND EAST OF THE WEST FRONTAGE ROAD; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- I. Consider an Award of Contract for the 80th Street Utility and Road Construction project from Cooper Road west to 57th Avenue.**

Mike Spence:

Item I is to consider an award of contract for the 80th Street utility and road construction project from Cooper Road west to 57th Avenue. This job was put out for bid in May and bids were received last week. Reesman's Excavating & Grading was the low bidder. Their total price on this project was \$1,435,786.50. They are, again, qualified by the Village and have done a lot of

Village Board Meeting
June 2, 2008

work for the Village, and the bid price is under the engineer's estimate. For these reasons we recommend that the contract be awarded to Reesman's Excavating & Grading.

Monica Yuhas:

Move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Clyde Allen:

Mike, how are we treating the difference between the estimate that we've got in the budget with the actual that comes in?

Mike Pollocoff:

In the first instance it will be part of the project, so if we have anything that comes over and above what the plan contingency is then we've got that satisfied. The project is going to be assessed at its actual cost, so the actual assessment for the project would go down to reflect what the actual numbers are.

Clyde Allen:

Maybe I didn't ask it right. We have \$1.6 budgeted for this project. And right now we're spending \$1.4 or a little plus.

Mike Pollocoff:

Remember we have \$1.6 budgeted, and that counts as a contingency on the engineering on it?

Mike Spence:

I'm not sure it does because I know the latest estimate—I don't know that \$1.6 was in the budget originally? Because the total budget with real estate acquisition and everything or that was estimated, not the assessed number, was about \$2 million. But the \$1.4 million is the actual construction cost which would—the other items for real estate acquisition, engineering and contingency would be added to that.

Village Board Meeting
June 2, 2008

Clyde Allen:

So you still may have a delta?

Mike Pollocoff:

Right. What you're awarding tonight is only just the construction, not the other elements of the project which is land acquisition, legal and paying for the engineering. Which the design is done but now the second part of that is the inspection. But if there is any money I guess you're asking what we're going to do with the surplus?

Clyde Allen:

There you go.

Mike Pollocoff:

What happens with the surplus since we've bonded this out that surplus would remain in the capital projects fund to be used on the next road project that we'd be bonding for which would probably be 85th Street. We'd be looking to bond for the part that the State isn't paying. The State will pick up half and we'll pay half so that would roll forward to that project.

Clyde Allen:

If it's \$150,000 or \$165,000 or whatever is your actual delta surplus, wouldn't it behoove us to use that instead of bonding for another project?

Mike Pollocoff:

That's what I'm saying is we'd move that to the next project.

Clyde Allen:

85th Street which is not this year. I'm trying to say use it this year in this current budget. It's budgeted this year.

Mike Pollocoff:

It's in the capital fund so it doesn't have to be spent this year.

Clyde Allen:

Correct, but if we've spent it and levied it wouldn't it behoove us to use that and get that done so it would ease the future bonding issue or something you're going to spend other money on?

Village Board Meeting
June 2, 2008

Mike Pollocoff:

If we say we're going to bond a million dollars for 85th Street, which is probably what we're looking at, mind not having the design done yet, my recommendation is we only bond \$850,000. Take the \$150,000 we have from this project and apply it to 85th so that we'd bond less. I guess one of the other things that we could look at doing is take that bonding and use it for road reconstruction this year on an existing road that we might not have borrowed for to begin with. At least the policy as we've set it up was that all borrowings that we would do for road projects would take place with Cooper Road going forward, and the next two big projects is 85th Street and 116th Street. All the existing projects, the other capital projects we have we would do those incrementally with the funds achieved by retiring the pre-existing debt prior to Cooper Road. But the Board can adjust where that money goes at any time. But right now it's set to say if there's any surpluses involved, one, the surplus—not too much of the surplus because, again, if the project comes in less than what we spent then that rate is going to go down and we won't have that much money coming in. And then anything that is left over it would sit in that capital project fund for the next bonding for the next project and we'd reduce our borrowing next year.

Clyde Allen:

And that will go forward in '09?

Mike Pollocoff:

85th Street?

Clyde Allen:

Correct.

Mike Pollocoff:

Right.

Clyde Allen:

Because I just don't want this money sitting there that we're paying interest on that we've bonded for that's not going to be used.

Mike Pollocoff:

Actually, to be honest with you we'll probably spend some of that money on design this year.

Mike Spence:

I was just going to say we plan on issuing our . . . in the near future, and with that there will be money spent on design for 85th Street.

Village Board Meeting
June 2, 2008

Clyde Allen:

Okay, thank you.

John Steinbrink:

Motion and a second. Any further discussion?

YUHAS MOVED TO APPROVE AN AWARD OF CONTRACT FOR THE 80TH STREET UTILITY AND ROAD CONSTRUCTION PROJECT FROM COOPER ROAD WEST TO 57TH AVENUE TO REESMAN'S EXCAVATING AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

J. Consider Professional Construction Engineering Service Agreement with Crispell-Snyder, Inc. for the 80th Street Utility and Road Construction project from Cooper Road west to 57th Avenue.

Mike Spence:

Mr. President, we received a proposal from Crispell-Snyder to do construction engineering services for 80th Street. Again, staff and I reviewed the scope of services, believe it is in line for what we need for the project, and it is also within standard percentages of construction for this type of project. The work will include survey, inspection and general construction management. In anticipation of potential questions I also confirmed with Crispell-Snyder that they have the adequate staff available to do this construction, and they assured me that this has been on their schedule and they do have adequate construction staff available. For these reasons I'd recommend that the contract for Crispell-Snyder for 80th Street construction services be approved.

Clyde Allen:

Motion to approve.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Clyde, second by Monica. Further discussion?

ALLEN MOVED TO APPROVE A PROFESSIONAL CONSTRUCTION ENGINEERING SERVICE AGREEMENT WITH CRISPELL-SNYDER, INC. FOR THE 80TH STREET UTILITY AND ROAD CONSTRUCTION PROJECT FROM COOPER ROAD WEST TO 57TH AVENUE; SECONDED BY YUHAS; MOTION CARRIED 5-0.

Village Board Meeting
June 2, 2008

K. Consent Agenda

- (1) Approve Renewal of Towing Licenses.**
- (2) Approve Amplification Permits for two events at Prairie Springs Park.**
- (3) Approve Bartender License Applications on file.**
- (4) Approve a Letter of Credit Reduction for STH 50 - Shoppes at Prairie Ridge Development.**

Mike Serpe:

Move approval.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Any further discussion on the consent agenda?

**SERPE MOVED TO APPROVE CONSENT AGENDA ITEMS 1-4 AS PRESENTED;
SECONDED BY ALLEN; MOTION CARRIED 5-0.**

10. VILLAGE BOARD COMMENTS

Clyde Allen:

I want to read an e-mail I received. You're the only person I know on the Village Board so I want to pass this along to you. I'm sure that your position hears all types of gripes and complaints and very few of the good things. I have a job well done pat on the back thank you for you to pass along. Over the past few days I've noticed a sizeable pothole appearing on Prairie Village Drive coming off of 39th Avenue to our condos. Yesterday, Tuesday morning, 7:30, I called public works to bring it to their attention. I was very gratified to find that it has been filled and repaired before the end of the same day. The system works and I think particularly well in our community. Thank you. Jeff Wazile.

John Steinbrink:

Any other Board comments or questions?

11. ADJOURNMENT

**KUMORKIEWICZ MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS;
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 9:35 P.M.**