

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 39th Avenue
Pleasant Prairie, WI
February 1, 2010
6:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, February 1, 2010. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; John Steinbrink, Jr., Public Works Director; and Jane Romanowski, Village Clerk. One citizen attended the meeting.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **MINUTES OF MEETING - JANUARY 18, 2010**

YUHAS MOVED TO APPROVE THE MINUTES OF THE JANUARY 18, 2010 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

5. **CITIZEN COMMENTS**

Jane Romanowski:

We have one sign up tonight, Christopher Straka.

John Steinbrink:

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

Christopher Straka:

Good evening. My name is Christopher Straka. I'm at 5403 85th Street. As you know, during the Village Board meeting on July 20, 2009, the Board adopted Resolution #09-25 authorizing the Village's legal counsel to commence litigation against AT&T for damages to the sewer line on 85th Street that ultimately led to damages to 12 adjacent homes. Without recapping the entire Board meeting, John Steinbrink, Jr. gave a presentation and in his opinion believed that the damage to our home on June 19, 2009 was caused by the sanitary sewer backup due to a sag in the sewer line. Absent of that problem we would not have had damage to our home.

Shortly after passing the resolution, my neighbors and I saw some action from the Village's insurance Company, Liberty Mutual. This was really because we didn't want to get caught in the

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middle of a legal battle with insurance companies and the Village that we lived in. I received several e-mails from Michael Glover who is Liberty Mutual's claims adjuster assigned to this issue. I'd like to share two short ones that are of particular importance. While these e-mails were addressed specifically to me, the tone is similar to what my neighbors heard verbally.

The following was received on August 25th at 5:56 from Mr. Glover. I quote Mr. Glover: "I just wanted to let you know that I'm reviewing all the damage information you provided. We are working to address the loss and settle with applicable 85th Street residents while we work with the construction company who may have contributed to the loss. We will then resolve the issue between insurance providers rather than delay settlement with you. I hope to have this completed within the next five days."

After not hearing anything for several weeks I sent Mr. Glover a few more e-mails and finally on September 14, 2009 at 8:22 I received the following e-mail. I have some new information for you. We are having difficulty getting the responsible party to actually pay the claim, and as a result Liberty Mutual will settle with you and seek reimbursement from the third party. I have no intentions of delaying this any further. I will be in contact either today or on Wednesday to review total compensation for your loss.

A few days later Mr. Glover had contacted me and we went over the itemized list of my damages totaling about \$15,000. Mr. Glover then said I should expect a release form in the mail and to sign and return the form to him and he'd process the claim for reimbursement. Most of our neighbors heard similar claims from Mr. Glover. That was the last time I spoke with him as he no longer returns phone calls or e-mails. We then began speaking with Vesna from the Village and she provided us updates albeit with no other information other than the parties cannot come to a resolution.

Last week our neighborhood met to discuss what our options are. I'm in the process of getting ready for the issues as the issue has really come to a hold. We met with an attorney who discussed some of our options, and we originally decided to retain him. However, after further deliberation we felt it fair and necessary to make one last plea to the Village Board for assistance. Please do not interpret my comments as a threat, only that we feel we're at a standstill in our process. What we did decide is that our homes were damaged not by any wrongdoing of our own, not by an act of God, but by the negligence of a third party. The thought of retaining an attorney and having to pay legal expenses is not something we want to take lightly, nor is it something that we immediately considered, but it has been seven months since the damage occurred and three months since we've had any other action. We fear this may be our only course of action as some of us have not been able to repair our homes, have exhausted savings accounts or have had to finance repairs. We did not come here this evening to threaten legal action but only as constituents pleading for your assistance. While I understand that the Board cannot take any action on this matter this evening, I come before you with the support of my neighbors requesting your assistance for a swift resolution. Your comments are appreciated and thank you for your time.

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John Steinbrink:

Thank you, sir.

Jane Romanowski:

There are no other sign ups.

John Steinbrink:

Is there anyone else wishing to speak under citizens' comments? Hearing none, I'll close citizens' comments.

6. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, just a short comment on what we heard in citizens' comments. I don't disagree that this sanitary sewer problem has been going on longer than it should have on 85th Street. The Village in our research and investigation that occurred that day we're extremely confident that the problem that was caused in 85th Street was due to construction by AT&T's subcontractor or contractor on that project. It damaged the Village sanitary sewer and water facilities. I provided correspondence to Liberty Mutual that reflected the Village's desire that in our relationship with them that we look to them to protect the Village's interest in this matter and to ensure that the Village is made whole in any claims for damages that we received, and that their responsibility would be if the Village is not found to be negligent or provided poor workmanship to go after whoever caused that problem.

The latest conversation with the insurance company was today. I spoke with Mr. Glover's supervisor and I reiterated that we want them to bring this to closure and completion. She committed they would do that. She does agree with the Village's view that it isn't the Village's fault, but we need them to take a more strenuous effort to resolve this. An examination of our correspondence with Liberty Mutual over the last seven months reflects, and I think the citizens have also indicated that it hasn't been very forthcoming.

It's really not the type of performance that I'm used to seeing. Not that we have a lot of claims against the Village and this is an unusual one, but I would have expected more from our insurance carrier as far as providing service to us. So that being said I should be hearing something this week from Liberty Mutual since we've moved it up to a higher level to see what we can get done. One of the problems is really that there isn't that impetus that gets this thing to a level where, and this is what I'm concerned about, that Liberty Mutual isn't taking action because there isn't a direct legal action against the Village. I guess in a lot of respects in the service that we require I wouldn't see why we'd have to wait for that action to take place. The end result is going to be the same where Liberty Mutual should be going after the people who caused the damage on our behalf. But I'll be bringing a report back to the Board hopefully before our next Board meeting

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to discuss that and give you guys a status of where we're at to date, and I'll provide that to the affected residents as well.

Mike Serpe:

Just one question for Mike if I may, John. Mike, how long of a contract do we have with Liberty?

Mike Pollocoff:

It's up this April 1st.

Mike Serpe:

Thank you.

Steve Kumorkiewicz:

Good. Close enough.

Clyde Allen:

A quick question for Mike. We did get an e-mail requesting this item be put on the agenda for the next Board meeting. I don't know what action we can take, but if we can consider that if there's anything to bring forward to have them actually come to the meeting as an agenda item if it's reasonable at that time.

Mike Pollocoff:

I guess I'd like to have the flexibility if we're working through something, if we're going to bring something back have something we can act on that's going to help the residents as well as us. So if we're ready in a couple weeks I hope that would be the case. But if not I'd like to be able to go beyond that if we're there.

Clyde Allen:

Thank you.

John Steinbrink:

Okay, Mike, anything else under the Administrator's Report?

Mike Pollocoff:

No, Mr. President.

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John Steinbrink:

Okay, thank you.

7. NEW BUSINESS

- A. Consider Resolution #10-02 - Initial Resolution Regarding Industrial Development Revenue Bond Financing for EMCO Chemical Distributors, Inc. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution.**

Mike Pollocoff:

Mr. President, this resolution, I guess the shorthand version of it is it's an inducement resolution where the Village Board would declare their intent to authorize industrial revenue bond financing for EMCO Chemical Distributors. EMCO appeared before the Plan Commission; obtained a conditional use permit and I believe a site and operational permit for their business to take place. Mr. Polen, the Vice President, presented at that meeting, and it was a really good presentation of what his company has accomplished and what they look to do here.

I think the key thing or concepts that I want to describe here, and Mr. Polen can probably explain them as well, is what we're looking to do is have a bond that wouldn't exceed \$10 million, and this is primarily for land acquisition of the former Hexion site, rehabbing the facility to make it usable for their purposes and selling equipment and paying for the issuance cost for the bond. This would create the equivalent of 100 full-time jobs at that site.

Industrial revenue bonds, there's very few economic development tools that we're able to use in Wisconsin. The most well known is TIF, and IRB's are the second. It enables us to pass along the ability for tax exempt bonds to be used, but the property taxpayers are not liable for those bonds. That's a risk that the bond holders that EMCO would finally deal with that would be their risk. So this would be the first step. And upon adoption of this resolution Jane would be publishing a notice for the next step to occur in the process. So, Ed, if there's anything you'd like to describe about the process or what you're doing that I've missed.

Edward Polen:

Well, we were approached by—I'm sorry, my name is Edward Polen. I'm the President of EMCO Chemical Distributors. My address?

John Steinbrink:

Yes.

Edward Polen:

My home address or the business address?

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John Steinbrink:

Business.

Edward Polen:

2100 Commonwealth Avenue in Chicago, Illinois right now. We were approached by M&I Bank and they informed us there was an opportunity to do industrial revenue bonds because I guess there's a section of Kenosha County that I think they said had \$3.4 billion worth of bonds approval if people wanted to take advantage of them. And so we thought that this would help us tremendously because what it does is it reduces overall expense over the lifetime of the your project and enables you also to work with the bank, because the banks like to buy the bonds, too, because it's an investment for them to do it. So we met with bond counsel, we met with the bank; we have the bank who wants to buy the bonds and counsel who has done the paperwork. So it would just help us move the project forward faster and get everything done sooner because we'd have more funds available right away because of all the work we need to do. And hopefully that will also help to create more jobs.

Mike Pollocoff:

We've done these before with a lot of success. Olds Products, Wrought Washer, and then the biggest one is the power plant.

Edward Polen:

I think it becomes a win-win for everybody. There's no down side to the best of my knowledge for anybody.

Mike Serpe:

What's the total employment, Ed, when you're done?

Edward Polen:

I can't answer that honestly right now because depending on what we can put in and how much we can do at a time determines how many people we can use. We're thinking somewhere around 100 to start with we hope and maybe a little more. To be honest with you, some of our fellow chemical companies have found out that we're interested in buying this property and they're already calling wanting to know if we can do this, can we do that, can we do this, so it takes time to get everything together and determine what you can and can't do. But I'm quite optimistic that this is the beginning of a nice thing.

Steve Kumorkiewicz:

A question for you. Your company is moving all the assets to Wisconsin?

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Edward Polen:

No, sir. We're buying all new equipment and installing it in the plant in Pleasant Prairie. We're leaving all the old equipment there. We're splitting up—we do different things with our company and we decided to keep part of that operation in North Chicago and part of it we're going to bring up to Pleasant Prairie which will allow both of those sections to grow. As we stand right now, we have no space for either one of those different divisions to grow. So it's kind of splitting it. It's like a plant, you cut it in half and make them both flourish. We're thinking if we cut the business in half and put some of it up here and some of it down there both will be able to grow.

Steve Kumorkiewicz:

Good.

Mike Serpe:

One other question if I may. The rail line that services that building is that owned by EMCO now or is that Pleasant Prairie's?

Mike Pollocoff:

That's still Pleasant Prairie's.

Edward Polen:

The building?

Mike Serpe:

No, the rail line.

Edward Polen:

The rail line, yes. But there's a switch there that I think it's Canadian National, CNN? That's live and ready to go. They said it needs no repair. They said it's in perfect condition. Part of our goal is to be able to use that rail site quite a bit and bring a lot of rail cars in. I guess it's part of a demand from some people—we have people calling us saying you've got a rail site and can we bring in some cars? And I said, we'll just be patient and hopefully we'll be able to do it.

Steve Kumorkiewicz:

Thank you.

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John Steinbrink:

It's always good to hear from people.

Edward Polen:

Yes, it is.

John Steinbrink:

Okay, any further questions? If not, thank you, Mr. Polen.

Steve Kumorkiewicz:

And welcome to the Village.

Edward Polen:

Thank you very much. Looking forward to it.

Clyde Allen:

I make a motion to approve Resolution 10-02 authorizing the IRBs.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

ALLEN MOVED TO ADOPT RESOLUTION #10-02 - INITIAL RESOLUTION REGARDING INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING FOR EMCO CHEMICAL DISTRIBUTORS, INC. INFORMATION WITH RESPECT TO THE JOB IMPACT OF THE PROJECT WILL BE AVAILABLE AT THE TIME OF CONSIDERATION OF THE INITIAL RESOLUTION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – YES; YUHAS – YES; KUMORKIEWICZ – YES; ALLEN – YES; SERPE – YES; MOTION CARRIED 5-0.

John Steinbrink:

Motion carries. Thank you, sir.

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Edward Polen:

Thank you very much.

B. Consider implications of the adoption of Village of Bristol Resolution Nos. 16-09 and 17-09 on the Village of Pleasant Prairie.

Mike Pollocoff:

Mr. President, recently the Town of Bristol announced that they were filing a petition for an annexation of the Town of Bristol from the Village of Bristol. We've taken a look at that and we had a previous executive session with Kevin Long our attorney. So I'd like to turn it over to Kevin and talk about our recommended process on this.

Kevin Long:

Thank you, Mike. As Mike mentioned, we discussed this matter appropriate in executive session in early January, and the matter has ripened somewhat to a point where a decision needs to be made. And that decision should be made, of course, not in closed session but in open session. So as Mike indicated, in late December the Village of Bristol passed two resolutions, Resolution 16-09 and Resolution 17-09. And Resolution 16-09 is the one that's really operative here, although 17-09 is related to it. And 16-09 declares the Village of Bristol's intention to apply for the Kenosha County Circuit Court for an order for an annexation referendum. And as we discussed in closed session what that is is, as you know, the then Town of Bristol filed certain paperwork with the Department of Administration and sought to become a Village. And it sought to become a Village only in the western half of the Town, and that was pursuant to a 1997 agreement between the Village of Pleasant Prairie, the Town of Bristol and associated sewer and water districts.

At that time the process went forward to the Department of Administration. The Department of Administration initially denied the Bristol petition indicating that that area was too large, but that they would look favorably upon an incorporate petition that just focused on what they called Bristol Hamlet which was the northwest corner of the then Town of Bristol. And, in fact, that incorporation did occur, and it occurred effective I believe it's December 1, 2009.

Shortly thereafter the now Village of Bristol had passed a resolution that said, well, now that we're a Village what we'd like to do is we'd like to annex in by referendum, which is a process, the remaining areas of the Town of Bristol. That caused a concern that was expressed by some Trustees in our meeting, and a review was taken of the agreement between the Village of Pleasant Prairie and the Town of Bristol. And it was concluded that we felt, that certain members felt, that that was a violation of the spirit and the words of that agreement between the two municipalities.

The agreement, and I should note for the record and thank him for his attendance, Randy Kerkman from the Town and Village of Bristol is here in attendance, and the Village of Pleasant Prairie and the Bristol officials have been meeting on a regular basis going back several years.

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We did voice some concern in an informal way between counsel between the Village of Bristol and Pleasant Prairie about our concern about this issue.

The agreement between the Village of Pleasant Prairie and Bristol calls for what's called a notice, and paragraph 13(b) of that agreement says that if you believe the other party is in breach you should give them a notice, you should tell them why, and then you should have a meeting with them and explain and try to work in good faith to resolve any differences. And what's before the Board tonight is a determination of whether or not we should take that step and file that notice. It's my recommendation as counsel that we do file that notice, and my recommendation is for two reasons. One, I do believe that the actions by Bristol are essentially not within the spirit or the words of the agreement between the Village of Pleasant Prairie and the Town of Bristol in that it seeks to create a Village all the way up to the Village of Pleasant Prairie border. In addition, I believe that the communications between the two municipalities would be helpful.

The Village Board should know that I received word today that the Village of Bristol has in fact filed their petition with the Circuit Court to go ahead with a referendum for this annexation. So the issue is right before us. There are a couple of—I think it would be premature at this point to come to any conclusion with respect to that petition. I haven't seen the petition. I imagine that I will see it tomorrow when we may need to talk about this further in terms of what steps would be needed. But presently I believe that it's appropriate for us to send the notice, formal notice, to Bristol to say that we believe that this action is a breach of the agreement, explain to them why we believe it is, and ask for their dialogue which I expect we would receive an affirmative response to them with respect to dialoging and expressing our concerns. The letter I believe is before you. I could read it or I could take any questions from the Board, whichever is your pleasure.

John Steinbrink:

Board pleasure?

Voices:

Go ahead and read it. Yes.

John Steinbrink:

The consensus is you get read it.

Kevin Long:

Alright, I will try to pronounce all the words correctly as while I'm reading this letter. The letter is to the Clerk of the Town of Bristol. It says: "Dear Clerk, pursuant to paragraph 13(b) of the 1997 Settlement and Cooperation Agreement By and Between the Village of Pleasant Prairie, the Pleasant Prairie Water Utility, the Pleasant Prairie Sewer Utility District 'D', the Pleasant Prairie Sewer Utility District No. '1', and the Pleasant Prairie Sewer Utility District 'F'; and the Town of Bristol, the Town of Bristol Utility District No. 3, the Town of Bristol Utility District No. 5, and

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the Town of Bristol Water Utility District ('1997 Settlement and Cooperation Agreement'), the Village of Pleasant Prairie for itself and on behalf of the Pleasant Prairie Water Utility and the Pleasant Prairie Sewer Utility District (formerly known as the Pleasant Prairie Sewer Utility District 'D', the Pleasant Prairie Sewer Utility District No. '1', and the Pleasant Prairie Sewer Utility District 'F'), hereby gives notice that it believes that the Town of Bristol, through its Town Board serving as the interim Village Board of Trustees of the Village of Bristol, Kenosha County, has breached the 1997 Settlement and Cooperation Agreement by adopting on December 28, 2009 Resolution No. 16-09 declaring the Village of Bristol's intention to apply to the Kenosha County Circuit Court for an order for an annexation referendum."

"Pleasant Prairie believes that this action and all actions taken by Bristol pursuant to and consistent with the resolution violate the 1997 Settlement and Cooperation Agreement, including but not limited to paragraphs 4(b)(25), 8, 17 and 22 of that agreement."

"Pleasant Prairie believes that the material breach of the 1997 Settlement and Cooperation Agreement by Bristol may release the obligations of Pleasant Prairie under the 1997 Settlement and Cooperation Agreement."

"Pursuant to Section 13(b) of the 1997 Settlement and Cooperation Agreement, the Village of Pleasant Prairie desires to meet promptly with Bristol and endeavor in good faith to resolve this dispute amicably. Please contact me as soon as possible to arrange for that meeting." And that letter is signed by me, and pursuant to the agreement it would also be copied to Mr. Kerkman, the Bristol Administrator.

Mike Serpe:

Kevin, I'm going to make a motion that we authorize you to send the letter. I think that's probably all we should say at this time.

Steve Kumorkiewicz:

Second.

John Steinbrink:

A motion by Mike, second by Steve to go ahead with the sending of the letter.

SERPE MOVED TO AUTHORIZE ATTORNEY LONG TO SEND THE LETTER READ INTO THE RECORD WITH RESPECT TO CONCERNS REGARDING THE BREACH OF THE 1997 COOPERATIVE AGREEMENT TO THE VILLAGE OF BRISTOL; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

Thank you, Kevin.

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Kevin Long:

Thank you.

- C. Consider the request of Fouad Saab, agent, for JM Squared LLC, owner of the property located at 11934 28th Avenue for a two (2) year extension for the Final Plat, Development Agreement and related documents and to extend the Preliminary Plat approval for The Orchard Subdivision.**

Jean Werbie:

Mr. President, this is a request of Fouad Saab, he's the agent for JM Squared LLC. This is for the property that is located at 11934 28th Avenue. Specifically they're requesting a two year extension for the final plat, development agreement and related documents and to extend the preliminary plat approval for The Orchard Subdivision.

As noted in the staff comments, this subdivision was originally approved back in November of 2007, and when it received its conditional approval for the preliminary plat which was valid for two years. And then on March 2, 2009 the Board approved an extension of The Orchard final plat until April 10, 2010. During that time frame they needed to comply with the conditions as set forth at the November 10, 2008 Plan Commission public hearing.

The developer at this time due to market conditions is requesting a two year extension for the Village Board to consider the final plat which would mean the extensions for approval for both the preliminary and the final plat would be extended to April 10, 2012. The staff recommends that the Village Board consider that extension, and that extension should be subject to any compliance with the conditions as set forth in the November 10, 2008 Plan Commission public hearing and Village Board notice documents as well as all the conditions of approval.

But in addition, because it's a long time period, two years, that if the Board does approve it that it should be subject to the compliance with not only those conditions but any other modifications, changes or additions to any federal, County, State or federal ordinances, policies or regulations that may be in effect prior to the final plat being considered by the Village Board.

Steve Kumorkiewicz:

Question for Jean. Jean, this subdivision was subject to the construction of Prairie Trails East. Now, Prairie Trails East is defunct right now, it's gone. So how can we stay with the same plan . . . utilities, the water line was supposed to be coming from the south side of the subdivision.

Jean Werbie:

Their approval was subject to getting access to this development. It was subject to getting municipal water to be looped to this development. It was not subject to that development, Prairie Trails East, being platted. So if they choose to move forward they would need to possibly get

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easements or purchase land rights or take other means in order to get access to the systems, the infrastructure improvements and systems that they need.

Steve Kumorkiewicz:

Okay, because all the property adjacent to this subdivision is in Prairie Trails East, correct?

Jean Werbie:

This subdivision is to the north of Prairie Trails East.

Steve Kumorkiewicz:

Yes, correct. So they're going to have to purchase or get an easement from the people who own the property now to do that?

Jean Werbie:

That's correct.

Steve Kumorkiewicz:

That will be interesting.

John Steinbrink:

And that is the burden of the developer, correct.

Mike Serpe:

As I understand it access from Prairie Trails East from 128th Street is not going to take place, is that correct?

Mike Pollocoff:

I guess we don't know that. I mean they never did complete their due diligence to get their permits from Lake County. So do they have an access permit now? They don't, but then they still need to complete the process to do that.

Mike Serpe:

We can lobby this thing back and forth forever. The bottom line is that we'd like to see the economy improve to the point where some of these things start taking place. And the best way to handle that right now is to approve the extension and hope that things start changing for the better.

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Clyde Allen:

I guess I have a question and, Mike, maybe you're best to address this. The request is for two years, and obviously that's not a problem. Request prior for other extensions because of the economy and what's going on. Granted everybody has asked for one year. Because there may be some possible changes down the road included in there that the change is recommended by staff would it be wise to ask for a one year extension and all they'd have to do is come back in just another year from now? Should the economy be not picked up yet that they can come back and just say can we have another year and just do it at that time?

Mike Pollocoff:

That's one way to look at it, but I think what happens with some of these, every one of these plats is driven by a different set of business dynamics and to the extent that they have financing with one bank or another. Some banks are going to want some certainty that there's approvals that exist on this plat that's going to ride out the current economic storm. And if their bank is saying this is going to get better in two years the investment they have on that property would be at risk if there was a one year extension and for some reason that wasn't granted in the following year.

Primarily the one year extensions we've been doing have just been based on that's what the parties requested. I wouldn't be surprised to see some of those go out a little longer. But I think what's important that Jean mentioned is that any of these extensions of subdivision plats are really going to have to—since two years and sometimes even a year is a long time when you think about the rules and things that change, that they're subject to whatever rules are in effect. That may change their plat significantly or some of the expenses that they'd have to deal with. But that would be a risk that they would assume rather than the Village.

Clyde Allen:

So essentially the two years protects them financially, or it could be a protection for them.

Mike Pollocoff:

I don't think it's in the Village interest to have these lands go into foreclosure. At some point then we're dealing with something that they have to kind of work backwards with some of the agreements that we were able to achieve with development in place.

Clyde Allen:

Thank you. With that I'll make the motion to approve.

Mike Serpe:

Second.

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John Steinbrink:

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

ALLEN MOVED TO GRANT THE REQUEST OF FOUAD SAAB, AGENT, FOR JM SQUARED LLC, OWNER OF THE PROPERTY LOCATED AT 11934 28TH AVENUE FOR A TWO (2) YEAR EXTENSION FOR THE FINAL PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS AND TO EXTEND THE PRELIMINARY PLAT APPROVAL FOR THE ORCHARD SUBDIVISION; SECONDED BY SERPE; MOTION CARRIED 5-0.

- D. Consider the request of Preston Kendall, agent for Laddie Investments, LLC (f/k/a Village Green Development LLC,) owners for a one (1) year extension of the Preliminary Condominium Plat for the Village Green Heights Townhomes North on the property generally located at 47th Avenue north of Main Street.**

Jean Werbie:

Mr. President, as you indicated, this is a request from Preston Kendall, agent for Laddie Investment, LLC, formerly known as Village Green Development LLC, and this is for a one year extension of the preliminary condominium plat that they had put together for the Village Green Heights Townhomes North. This would have been located in the very northeast corner of the Village Green Heights Development.

The initial approval for this particular project came on March 7, 2005, and then the Village Board has granted subsequent one year extensions every year until the last one which was February 16, 2009. The intent was that they were going to develop the two phases of single family development and then condominiums off of 165, and then they were going to head to their own development to the northeast corner.

Again, we have a situation where the market conditions made it very difficult for them to proceed, and they are wrapped up in some other projects as well at this time. So they are not wanting to proceed at this time. So they are requesting another one year extension from the Village Board to consider the final condominium plat approval. So then it would expire on February 5, 2011. Again, with this project as with the previous one, this one be in addition to compliance with the conditions stated above and any conditions, modifications or changes in the Village's, County's, State's or federal ordinances, policies or regulations that would be in effect prior to the final condominium plat being considered by the Board. So all of those would be applicable again to that development if anything would happen to change.

Monica Yuhas:

I move for approval.

Steve Kumorkiewicz:

Second.

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John Steinbrink:

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

YUHAS MOVED TO APPROVE THE REQUEST OF PRESTON KENDALL, AGENT FOR LADDIE INVESTMENTS, LLC (F/K/A VILLAGE GREEN DEVELOPMENT LLC,) OWNERS FOR A ONE (1) YEAR EXTENSION OF THE PRELIMINARY CONDOMINIUM PLAT FOR THE VILLAGE GREEN HEIGHTS TOWNHOMES NORTH ON THE PROPERTY GENERALLY LOCATED AT 47TH AVENUE NORTH OF MAIN STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

E. Consider Ordinance #10-04 to amend Chapter 242 of the Municipal Code relating to LakeView RecPlex program rates and services.

Carol Willke:

Mr. President and members of the Board, Village staff, RecPlex staff as well as the Rec Commission recommend the following changes to some fees that we have at the RecPlex. Basically the day camp fees we'd like to raise those fees by \$10 a week or \$2 a day. We would like to increase the registration fee from \$30 to \$50. The sibling discounts currently are available to members and non members. We'd like to change that to a member only just to give the members a little bit more of a benefit. And then the field trips instead of just adding those into the weekly rate we're going to do a separate fee.

Preschool basically the same thing. We've done our homework on the membership rates and have realized that we're pretty much in the middle of the pack. We'd like to increase those fees by \$10 a week and the same with the sibling discounts. As far as the therapeutic rec fees, these fees are actually—currently what we're doing but they're just not in the ordinance so we're going to add them to the ordinance. These are all through third party payments, and it's a contract that we have with them.

Mike Serpe:

Carol the reason for the fees are to keep in line with the industry as to what others are charging?

Carol Willke:

Correct. With our preschool we are licenses for 99 kids right now and we have 99 kids. So we are certainly not the highest and we're not the lowest, and we feel that these fees are justified given the quality of service that we provide.

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Mike Serpe:

As long as you're at the podium, and this aside from the fee increases, but as long as I have you there, Carol, we got a notice from the Kenosha Tourism Council about the pool and already booking three major events.

Carol Willke:

Correct. We have three major events, championship events, as well as two regular meets that we're going to be ready for.

Mike Serpe:

And there's going to be water in that pool by the time those are ready, right?

Carol Willke:

There's going to be water in the pool and staff is going to be ready. It's going to start off as an extremely successful endeavor. I'm confident.

Mike Serpe:

Good. As far as the rates go I would concur with the staff's recommendation and allow the increase.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde. Any further discussion? We do these fee changes on a regular basis as times change. This is a non taxpayer funded entity, and this is what makes it whole and keeps it operating at the level where people appreciate the fine quality of the services. You're doing a great job and everybody seems to be happy.

Carol Willke:

Thank you.

John Steinbrink:

Thank you. Motion and a second. No further discussion?

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SEPPE MOVED TO ADOPT ORDINANCE #10-04 TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO LAKEVIEW RECPLX PROGRAM RATES AND SERVICES; SECONDED BY ALLEN; MOTION CARRIED 5-0.

F. Consider an Award of Contract for the Timber Ridge Sanitary Sewer Project.

John Steinbrink, Jr.:

Mr. President and members of the Board, this project is for the installation of boring of 180 feet of sanitary sewer underneath Green Bay Road at the Springbrook Road intersection as part of the Timber Ridge Sanitary Sewer Project two bids were received, one from Bull's-Eye Boring at the price of \$48,600, and then from RJ Underground at \$98,160. I'd recommend the award being bid to Bull's-Eye Boring at \$48,600. That price is \$2,700 higher than what was in the original memo that I send out because the State DOT requires that underneath all State roads that there's a . . . additional \$15 per foot that we are abiding by which brings the price up to the \$48,600. I can entertain any questions.

Monica Yuhas:

John, why is there such a drastic difference in the bids?

John Steinbrink, Jr.:

Bull's-Eye Boring really does the lion's share of all the boring work. They have the equipment and they really don't have to rent anything, where RJ Underground is a little bit of a smaller company where they have to rent much of the equipment. And they really don't do as many of these larger size bores at the specific . . . that we're asking for.

Monica Yuhas:

Where are they located, Bull's-Eye?

John Steinbrink, Jr.:

Bull's-Eye Boring is based out of Zion, Illinois. They have done projects for the Village in the past and we've been very happy with the results of those projects.

Monica Yuhas:

Thank you.

Steve Kumorkiewicz:

I have a question for John just for my information. How deep is going to be the . . . under the road, how deep is it going to be below the surface?

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John Steinbrink, Jr.:

That would be under Highway 31 around 18 feet deep.

Steve Kumorkiewicz:

Okay. I'm concerned about the weight or the traffic.

John Steinbrink, Jr.:

That's why you have the steel wall casings that actually surround the sanitary sewer pipe to absorb any of that weight over tope.

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

Other comments or questions? We had a motion and a second?

Steve Kumorkiewicz:

I make a motion to approve.

Monica Yuhas:

Second.

KUMORKIEWICZ MOVED TO AWARD A CONTRACT TO BULL'S EYE BORING IN THE AMOUNT OF \$48,600 FOR THE TIMBER RIDGE SANITARY SEWER PROJECT; SECONDED BY YUHAS; MOTION CARRIED 5-0.

G. Consider the request of Kenosha Velosport to conduct spring training races on March 14, 21 and 28, 2010 in LakeView Corporate Park.

John Steinbrink, Jr.:

Mr. President and members of the Board, Kenosha Velosport for the third year in a row is requesting to close down 7/10 of a mile of the road within the LakeView Corporate Park of 80th Avenue, 100th, 102nd and 78th Avenue. All of the businesses have been contacted that are surrounding that loop. We're going to have a slide. All the businesses that are around that loop that face east have been contacted. They are aware of what's going on. Businesses and trucks or employee deliveries will be allowed to access those roads through the speed races, and obviously emergency vehicles will be allowed at all times to access those buildings if need be. Staff recommends approval.

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Mike Serpe:

They had an event there last year, right John?

John Steinbrink, Jr.:

Correct.

Mike Serpe:

And there were no incidents?

John Steinbrink, Jr.:

We had a little bit of snow but besides that . . . go through and . . . safely. As far as from a public works standpoint we work very closely with the police department providing the barricades, and all of the public works costs were reimbursed as part of the vent.

Mike Serpe:

And their volunteer staff was adequate to handle security of the area?

John Steinbrink, Jr.:

Yes, it was. There really wasn't that much traffic on a Sunday.

Steve Kumorkiewicz:

Being Sunday I don't think there's going to be too much traffic over there.

Monica Yuhas:

With that I move for approval.

Clyde Allen:

Second.

John Steinbrink:

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

YUHAS MOVED TO APPROVE THE REQUEST OF KENOSHA VELOSPORT TO CONDUCT SPRING TRAINING RACES ON MARCH 14, 21 AND 28, 2010 IN LAKEVIEW CORPORATE PARK; SECONDED BY ALLEN; MOTION CARRIED 5-0.

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H. Consider Resolution #10-03 reject all bids for purchase of ambulance module.

Mike Pollocoff:

Mr. President, we purchased an ambulance chassis last year, and we're in the process of purchasing the box or the module that goes on the back. We sent out an RFP that is an open RFP. It wasn't written towards one specific vendor. And we received bids on January 27th but we only received one bid. We found out subsequently that one bidder sent the bid documents to the wrong municipality. Given the current economy and from everything that I've heard about the Notre Dame corridor where RVs and ambulances are built they're in a difficult time. So I think that we owe it to ourselves to go out and get another price. Now, the price did come in underneath our estimate. But I'd like to reject this bid not because they made a bad bid but just because it was the only bid and go out again and see what we get.

Mike Serpe:

I'd agree with that, Mike. I would move approval of 10-03 rejecting the bid.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

SERPE MOVED TO ADOPT RESOLUTION #10-03 TO REJECT THE BID RECEIVED FOR PURCHASE OF AMBULANCE MODULE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

I. Consent Agenda

- 1) Approve a Letter of Credit Reduction for the Creekside Hill development.**
- 2) Approve bartender license application on file.**

Mike Serpe:

Move approval.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica. Those in favor?

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Clyde Allen:

Wait.

John Steinbrink:

Clyde, sorry.

Clyde Allen:

Just a little bit of housecleaning on the bartender licenses. There were two license requests but only one had a questionnaire filled out for the alcohol beverage related offenses. Is that just a miscopy or did one not get filled out?

Jane Romanowski:

Let me see what Vesna gave me here. What one are you talking about?

Clyde Allen:

It doesn't have a name on it. It looks like Eva might not have one but the first one, Jeremy, does not.

Jane Romanowski:

Are you talking about the police questionnaire?

Clyde Allen:

Yes, ma'am.

Jane Romanowski:

The police questionnaire is here.

Mike Pollocoff:

I have it on mine, too.

Clyde Allen:

I only got one.

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Jane Romanowski:

Okay, so it must have just slipped in the copy machine. Sorry about that. It is clear. There are no violations at all.

Clyde Allen:

Thank you.

SERPE MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2; SECONDED BY YUHAS; MOTION CARRIED 5-0.

8. VILLAGE BOARD COMMENTS

John Steinbrink:

First off the sign on their neighborhood there on the corner we have the lights operating on 85th Street and Cooper Road. The new sign up there, Bentz Road, brings back a little bit of history to the area. For us old timers that's what we remember it as, Bentz Road. So it's good to see that. Also, we were able to see a short film version of the 75th anniversary of the fire department which they're celebrating coming up this year. Assistant Chief McElmury is in the back and it was a very good presentation. It was interesting to see some of the old footage of the department going back pretty far and some of the early fire engines we had here. We've definitely come a long way. I think we can sleep a lot better now knowing the equipment and the services and the training we have. So thank you, Assistant Chief. Anything else from Board members?

Mike Serpe:

Just one. All of us have been up here for a lot of years, and oftentimes people get frustrated and take out their frustrations on the Board or the Village Administrator or whoever they come in contact with representing the Village. And every now and then somebody comes forward in a professional manner and puts a point across as did tonight. I just want to say we appreciate how you approached us, and we definitely hear your pain and hopefully we can get something taken care of. But I just wanted to thank you for coming forward in a very professional way. It just makes us feel good. Thank you.

Monica Yuhas:

Mr. President, this past weekend we had Winterfest out by the Wruck Pavilion. Trustee Allen and I were judges for the chili. We had eight contestants, eight different chilis, and Kris Jensen ended up cooking the winning chili so that was interesting. A lot of the residents who did attend, and it was a good turnout, they were very impressed with the ice golf, the hockey, the fishing derby because it was inexpensive. It was something they could do. They spent three or four hours out there and it was a family function but it was very well run and it was well attended and the staff did a great job. So I'd like to see that continue for next year. Everyone did a great job and kudos to Julie for sending out the e-mails and encouraging us to get involved out there. Next

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year what I would like to see if every department get together and make a chili. I'd like to see finance make a chili, the fire department make a chili, police make a chili—

Mike Serpe:

And the Board.

Monica Yuhas:

And the Board make a chili and get it out there. Because as people were coming in off the ice around eleven o'clock they were digging the chili. They liked it a lot, and they got a really nice lunch for an inexpensive price and it went over really well. They couldn't believe that staff and the Village made the chili. So it went over quite well in the community.

John Steinbrink:

So there was enough?

Monica Yuhas:

There was enough.

Clyde Allen:

That was well said. It was a great event. Very well put.

John Steinbrink:

And both of you are here so the chili must have been okay.

Clyde Allen:

And it was. The only thing I want to comment on is I had a brief tour today going through the pool site, and I just want to say the progress is just phenomenal. I got to actually see, I know there was a couple comments questioning about how big the deck is going to be and how much deck space there really is going to be. And today I guess for the first time they were pouring the gravel along the deck on the east side and got to walk on that. They were compacting that and got to walk there and there's a big space, a big deck space along the east side as well as the south side. So I'm sure it's going along well. I appreciate getting the tour and seeing what's actually progressing and how it's progressing and the work, the way it's orchestrated. Bringing in the gravel was really something to see today, bringing in the gravel and shooting it across to get on the east side over the pool.

And the manifold that's in there, seeing the piping for the geothermal that's pretty exciting. From what I understand, Mike correct me if I'm wrong, but I think the payback is like five or six years on geothermal projects or something like that.

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Mike Pollocoff:

Yes, in the ballpark.

Clyde Allen:

It's way above my head so I don't want to talk like I'm knowledgeable about geothermal, but just getting a simple explanation out of it it's quite phenomenal. And to be able to save money and put in something like that is really phenomenal. So it's progressing. Thank you.

Steve Kumorkiewicz:

On the same . . . the U.S. Olympic association set up the meeting in our pool when we haven't even constructed it, not even completed, and we really got . . . for that. That's encouraging. John, you were talking about the fire department . . . the picture. I'd love to see those even as old as I am in the fire department. The first one was purchased a year before . . . so that was long ago.

9. ADJOURNMENT

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