

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
PLEASANT PRAIRIE SEWER UTILITY  
9915 - 39th Avenue  
Pleasant Prairie, WI  
September 17, 2012  
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, September 17, 2012. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz and Clyde Allen. Mike Serpe was excused. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Doug McElmury, Fire and Rescue Chief; Mike Spence, Village Engineer; and Vesna Savic, Secretary. Seven citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - AUGUST 30, 2012**

**KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE AUGUST 30, 2012 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

**5. PUBLIC HEARING**

- A. Consider Resolution #12-30 to approve the discontinuance of a portion of 120<sup>th</sup> Avenue (West Frontage Road) north of 104<sup>th</sup> Street.**

**8. NEW BUSINESS**

- C. Consider approval of a Certified Survey Map for KABA Development LLC, owner, to dedicate a portion of 120<sup>th</sup> Avenue (West Frontage Road) north of 104<sup>th</sup> Street which was relocated as a part of the IH-94 reconstruction.**

Jean Werbie-Harris:

Mr. President and members of the Board and the audience, there are two items before you this evening, Resolution 12-30 to approve the discontinuance of 120<sup>th</sup> Avenue, the West Frontage Road, north of 104<sup>th</sup> Street. And the second item is a certified survey map to dedicate the right of way where the new 120<sup>th</sup> Avenue is located in the Village. Separate action is needed.

On August 6, 2012, the Village Board approved Resolution 12-24 to initiate the discontinuance of a portion of 120<sup>th</sup> Avenue, the West Frontage Road right-of-way, north of 140<sup>th</sup> Street which had been designated as a public right-of-way. This portion of 120<sup>th</sup> Avenue had been reconstructed as part of the I-94 reconstruction project, and the existing right-of-way is no longer required for roadway purposes. As you can see, the old right-of-way is designated with the yellow arrow, and the new right-of-way is with the white arrow on just the northern right-of-way for the new right-of-way on the overhead. Specifically there is existing sanitary sewer and water that's located in the existing right-of-way which needs to remain, and the Village is requiring that an existing sanitary sewer and water easement be placed in that particular area.

On August 24, 2012 all required property owners were notified via regular mail and a required class 3 notice was published in the *Kenosha News* on August 27, September 3 and September 10<sup>th</sup> in order to notify the public of the public hearing which is this evening on September 17<sup>th</sup>. The land on both sides of the proposed street discontinuance is owned by KABA Development LLC. Therefore, upon the vacation of this portion of 120<sup>th</sup> Avenue the land will go to the landowners on either side.

Specifically, the Village also sent this discontinuance to the State of Wisconsin, the Secretary of the Department of Transportation, and we did receive this afternoon concurrence and approval from the Secretary for the vacation or discontinuance of this portion of 120<sup>th</sup> Avenue with the understanding that the recently reconstruction 120<sup>th</sup> Avenue would be dedicated as part of the certified survey map to the Village and subsequently transferred to the Wisconsin Department of Transportation. With that I'd like to continue the public hearing.

John Steinbrink:

This being a public hearing I'll open it up to public comment or question. We ask that you use the microphone and give us your name and address for the record. Anybody wishing to speak on this item? Anybody wishing to speak on Item A, Resolution 12-30? Hearing none, I'll close the public hearing and open it up to Board comment or question.

Monica Yuhas:

Jean, when a road is discontinued is the asphalt cement removed and it's filled in, or does it just stay in the condition it's in now?

Jean Werbie-Harris:

Typically the right-of-way pavement or the street pavement is removed. I don't know that we've had any specific discussions regarding the timing for the removal of that asphalt pavement.

Mike Pollocoff:

It's part of the TIF project plan. So we'd be looking, in fact, this next summer to go in and remove that and regrade it.

Monica Yuhas:

Thank you.

**KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #12-30 - RESOLUTION TO APPROVE THE DISCONTINUANCE OF A PORTION OF 120<sup>TH</sup> AVENUE (WEST FRONTAGE ROAD) NORTH OF 104<sup>TH</sup> STREET; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

John Steinbrink:

That brings us to Item C, the certified survey map.

Jean Werbie-Harris:

The staff and the Village Plan Commission are recommending approval of the certified survey map for the KABA Development LLC property in order to dedicate a portion of 120<sup>th</sup> Avenue, the West Frontage Road. Again, this work was completed last year for the reconstruction of the West Frontage Road during the I-94 project, and the right-of-way we're looking for that to be dedicated as a dedicated public street as part of the certified survey map.

There are two lots on either side, Lot 1 which is 10.69 acres and Lot 2 which is 29.48 acres. And, again, as part of this CSM there will be an easement that is recorded that identifies the existing sanitary sewer and water infrastructure on the particular property. In addition, a couple of the other items that are shown on the certified survey map there is a 100-year floodplain, and there are wetlands that have been designated. And there's dedication and easement language on the certified survey map that reflects those environmental areas. Staff recommends approval as presented.

**KUMORKIEWICZ MOVED FOR ADOPTION OF A CERTIFIED SURVEY MAP FOR KABA DEVELOPMENT LLC, OWNER, TO DEDICATE A PORTION OF 120<sup>TH</sup> AVENUE (WEST FRONTAGE ROAD) NORTH OF 104<sup>TH</sup> STREET WHICH WAS RELOCATED AS A PART OF THE IH-94 RECONSTRUCTION ; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

## **6. CITIZEN COMMENTS**

Richard Stever:

My name is Richard Stever. I live in the vicinity of 48<sup>th</sup> Avenue and 76<sup>th</sup> Street in the vicinity of Becker Park. Back a few years ago we had some problems there. The park across the street from us is accessible where people can use this park to park their vehicles like a storage area. Secondly, about a year and a half ago we had a new tenant move into the house next to us, and we had a lot of trouble with cars, vehicles being parked in the area at night, sometimes as many as 14 or 15 cars parked there all night. They would fill up the road on both sides of 76<sup>th</sup> and park up on 49<sup>th</sup>. And they also parked on 48<sup>th</sup> in front of our house. We contacted the Pleasant Prairie, and they came out and installed some dusk to dawn parking signs which have solved the problem.

There's been people in the area that thought the signs should be put all the way around the park, but I don't see any problem on the other side of the park. The only problem that we've ever had is right in the area of 48<sup>th</sup> and 49<sup>th</sup> on 76<sup>th</sup> Street. I guess there's some thought going about making some changes to that, and that's the reason why we're here. We received this letter sometime last week. So basically that's all I've got to say.

John Steinbrink:

Thank you, Mr. Stever. Anybody else wishing to speak under citizens' comments? Yes, sir? Once again, we ask that you give us your name and address for the record.

Nick Alfano:

Nick Alfano, 4849 76<sup>th</sup> Street.

Kelly Alfano:

And I'm Kelly Alfano at same address.

Nick Alfano:

I'd just like to address one of the comments Mr. Sever just mentioned about his neighbor next door and 14 to 15 cars. I don't think in the 12 or 13 years I've been living in this location that I've ever seen anywhere near 12 or 13 cars parked in front of his property or anywhere near his property. So I'd like to say I feel that's a gross exaggeration of anything that he's ever experienced.

Kelly Alfano:

The thing that I have a question about is I'm looking at the resolution here, the 12-31, and it says nothing about storage areas. It's all about safety about some trees. Can you address that? They're more concerned about the trees coming down and people running out and that's why they're going to put the signs up? That's what it says in here.

Mike Pollocoff:

If I may, Mr. President.

John Steinbrink:

Go ahead.

Mike Pollocoff:

That's items that we're going to talk about under that agenda item. This is citizens' comments, and we really can't go back and forth. Make whatever comments you want.

Kelly Alfano:

Can we talk afterwards?

Mike Pollocoff:

If the Board wants to open up that item.

John Steinbrink:

Sure.

Mike Pollocoff:

But citizens' comments is typically just generic for any issues.

Kelly Alfano:

This is my first time here so [inaudible].

Nick Alfano:

The other thing about those no parking signs, they were put up without any discussion or knowledge to the neighborhood before they were put up. When the person involved complained about it and one person was able to get signs put up for the last four years without any type of discussion like this. On top of which the other day I had a party for my son, and some said people the minute the sun went down called the police department to come and try to give some of my family members tickets because they were parked and that's the only place they had to park. So this gives them an opportunity to harass the neighbors because they have these parking signs here.

Kelly Alfano:

And it's kind of strange that you have parking in just front of three houses, and the rest of the park we do have trees around there which you're going to talk about later. It also says in this letter that by keeping the signs it would better serve – I'm sorry. Anyhow it says it would help out some other neighbors who are complaining. And I don't know if letters were sent to everybody.

John Steinbrink:

If you're going to ask questions we might open this up during the item then to talk. Because under citizens' comments we really can't respond to you on that. It's just the way it's structured. It's not us, it's the big forces up above.

Nick Alfano:

I understand. Thank you.

John Steinbrink:

Alright, thank you. Anyone else wishing to speak on citizens' comments other than what's going to be coming up under Item A? Hearing none, I will close citizens' comments.

## **7. ADMINISTRATOR'S REPORT**

Mike Pollocoff:

Nothing tonight, Mr. President.

## **8. NEW BUSINESS**

### **A. Consider Resolution 12-31 restricting vehicular parking along 76<sup>th</sup> Street in the vicinity of Becker Park between 48<sup>th</sup> and 49<sup>th</sup> Avenues.**

Mike Pollocoff:

Mr. President, as has been indicated by citizens that already spoke here, there's been an ongoing issue among neighbors, not all neighbors, but neighbors in the vicinity of Becker Park at 48<sup>th</sup> Avenue and 76<sup>th</sup> Street. We have over the years tried to find a way to make this work. Sometimes it's been from a standpoint of complaints to the police department, complaints among neighbors, complaints to public works, complaints to the parks department. We've had garbage collection complaints. We've had garbage in the park complaints. We've spent a significant amount of Village resources dealing with one issue or another over there. The last thing we had done over there is we identified a no parking zone.

Mr. Alfano has requested in a meeting I had with him individually out there that he be provided with some space to park one of his vehicles on the north side of 76<sup>th</sup> Street because he's got the same amount of cars anybody else has, but he also has a handicapped son who has a special pickup. So we made an effort to accommodate that need so that that parking could take place.

Over this last summer there was a pickup truck with a snowplow parked there to the point there was grass and weeds growing up through the plow. It was being used as a storage spot for the vehicle. Right now under the Village ordinances we have an ordinance that if we enforced it would be requiring people to move their vehicles every night on the streets similar to what the City does. The Village Board for quite a while decided not to do that, and it's really meant to be a wintertime ordinance, not year round.

So staff stepped back, took a look at where we were with this and what some of our initial concerns were irrespective of this. As Ms. Alfano started to indicate, and I would like the Board to release authority to the citizens for any questions they have after I make my comments, but what I felt the key interest in this area was and from my perspective the Village is best served to protect the public health and welfare of children using the park. I know there's some neighborhood issues that go on there, and I think that using the parking ordinance as a way to deal with those is not productive.

There is, when we look at it with the staff, an issue, and if you look at this picture here you've got that one sign and you have the trees over there. Then you also have the car parked there. There's probably more than enough ample opportunity for children or anybody to run out from the trees, passed the parked cars and a vehicle not being able to see them in time on that street. The speed limit is such that they shouldn't be going that fast, but as a matter of fact unless we have a police car parked there all day long people do tend to speed.

What I'm attempting to do with this ordinance, and that's the most critical on there, I think that there are trees that circle the park but there's not a backstop where kids are going to be congregated all around the park. And the other trees that are farther north are maples, oaks, I think there's a couple of elms in there, they don't block the vision the way the evergreens do. So my recommendation is that this segment of land be signed for no parking from dusk to dawn. So while the park is in use there would be no parking in that one section by the ballfield. The rest of the park I'm recommending that we keep it open.

If we restrict parking all around the park, that means people who are using the park are going to be parking on the sides where the houses are. And if you look at the plat for this park some of those lots are just not that big. So by the time they put a car or two in their driveway they might have 75 feet in front of their house to park cars. In some neighborhoods where we have larger lots and bigger streets that might be suitable.

I think using the dusk to dawn restrictions would provide the maximum safety of the users in the park during that time. I think if people are worried about storage of vehicles those vehicles have to move every morning at dawn when the day starts. So I don't think you'd have the issue where we had people just storing their cars for months there and not moving them. But it would provide the safety of the ball park.

I guess the next possible idea is to say, well, the kids aren't playing ball in the winter, and that's true, but I think at some point we have to arrive at a manageable, reasonable situation that satisfies our responsibilities to protect the public health and welfare. In this case an area that we set aside for recreation and take care of that one area. The rest of it I'm not sure it's salient to the issue at hand.

Any other issues as far as multiple cars parking or a party or something that's getting out of hand those should be referred to the police department just like they are in every other subdivision or every other area. So I'm not doing this to be punitive, and I'm trying to find the process that takes care of I think what our most priority is in this area and our greatest exposure and that's the park recreation. Any other issues if it helps I think that's probably good. And I don't think restricting parking from dusk to dawn if people have come over for a party at night then there's still plenty of room on the other parts of the park or in front of peoples' properties or around the corner to be able to park their cars. With that, Mr. President, if you have any questions I'd be glad to answer them.

John Steinbrink:

Any questions for Mike?

Steve Kumorkiewicz:

We've got those signs by the lake, they can park over there by the park.

Mike Pollocoff:

Well, yeah, we do. All parks are closed from dusk to dawn anyway. So nobody should be in the park after. That's not to say it doesn't happen. Kids are going to go out there and neck or shoot the breeze while they're sitting on the swings or whatever. It always happens. But ideally all the parks are closed from dusk to dawn.

Tom Shircel:

Mike, just to clarify. I think a couple times you said that the signs right now say no parking dusk to dawn.

Mike Pollocoff:

It's dawn to dusk, yes.

Tom Shircel:

It's dawn to dusk. So the intent of this resolution is to change those signs to make it no parking from dawn to dusk to restrict daytime parking just for clarification.

Mike Pollocoff:

If there is nighttime parking, the cars have to move at dawn.

Mike Pollocoff:

Mr. President, before we start here, apparently on the system the resolution didn't load up on your machines so you don't see it. So if we could have a slight break while we get that done.

John Steinbrink:

Sure.

Mike Pollocoff:

Just a five minute recess.

John Steinbrink:

Alright, we're going to take a five minute recess while we update the computer.

[Recess]



John Steinbrink:

I'm going to call the meeting back to order. We're updated here. We now have the resolution in our computers. Okay, Mike, we were talking about the signs.

Mike Pollocoff:

The signs would be placed within that stretch. If you could it up, right there that yellow box, parking would be restricted within that area to read that parking would be restricted from dawn to dusk. That would be the only area in the park where we would restrict parking. People who park there at dark, at night, move the cars in the morning, or they could park anywhere else in the park. Anyplace else where you find people storing cars on public right of ways, then there's another ordinance that regulates people storing cars in the right of way.

John Steinbrink:

Okay, so this is for safety purposes because as we can see the visibility is hampered by the large pine trees there.

Mike Pollocoff:

I'm not recommending we take the trees down.

Steve Kumorkiewicz:

No way.

Mike Pollocoff:

That's where we're at. So that's the intent of this resolution. Typically we don't do a resolution for a parking ordinance, but since this area has been somewhat contentious I think in this situation we should make a policy statement and have it codified.

John Steinbrink:

Yes, sir, you had a question? You have to come forward and use the microphone and give us your name and address for the record.

Jeff Ewens:

Hi, my name is Jeff Ewens, and I live just down the block at 4913 76<sup>th</sup> Street. I have watched these pines grow. I was glad to see them planted there, but from a safety standpoint growing up as a kid where in our days we played a lot of ball, those trees should be trimmed up about six or eight feet. Leave the pines grow like they do up north, let the visibility be seen all the way down the park so you can see a car coming around that slight curve which is right in front of my house. There's a stop sign also. I think it would be a wise decision. I'm not sure about the signs and that there, but the visibility is terrible there.

Then just up the road at Cooper and 76<sup>th</sup> there's a house on the corner with trees right up to the corner. You almost have to stick your nose into traffic to see around it. That's been a concern of mine for many years watching all the kids. Right now it's soccer season. Every night probably starting any time there will be kids there. There will be a lot of moms and dads parked there, people playing on the swings. But those pine trees I think leave them there but trim the up. My neighbor next door was going to take down a couple big blue spruce. Her dad came down to help her out. Brand new neighbor in the neighborhood. I told her just trim them up so you can see your porch. You want to be able to see out. Why do you want to kill a 40 year old pine trees? It would look nicer, guys. Save the trees. I don't want to see any little kid come jumping out of there. I'm telling you, I've been there for 29 years in that park area.

John Steinbrink:

They can be like deer darting out from behind a bush or a tree and the same thing happens.

Jeff Ewens:

I know it. Yeah, it would look nice, too. One quick question, too. The park they put around all the swing sets and stuff like that, is there a way that they can raise that up with some clay or some dirt and then put the bark on there? It seems to me there's like that much of a drop in there.

Mike Pollocoff:

We're going to be taking all those playgrounds where we have the bark or the sawdust, which I think that's what we have in there, we are going to be building up and putting a rubberized like poured playground surface or blocks so that they're handicapped accessible. We need to change out some of our playground equipment so that all the playground equipment has options for kids with handicaps. So to do that we have to have a hard but soft surface. Then we have to have that surface come out to either the street or to a sidewalk. So we're starting throughout the next two years to rework all our parks where we have playgrounds.

Jeff Ewens:

That would be nice. That's all I have to say. But I think for safety issues I think it would be great and still look nice. Maybe they can put some bark around them there as well. It will be easier to cut around all the trees there if they do stuff like that for staff. That's about it. Thank you.

John Steinbrink:

Alright, thank you. Yes, sir, Mr. Alfano?

Nick Alfano:

I'd like to second what Jeff said and maybe expand on it a little bit. I think more of the consideration of the safety that we should be thinking about is the cars that are going down there, not so much the cars that are parked there. And if we do raise those trees up people will be able to see if somebody does run out from in between those trees. Instead of just saying if there's a car there that's not going to stop the traffic that flies through that park [inaudible].

As well if I could point out these three trees over here, this one and that one also are right down to the ground [inaudible]. So I think if we did trim them up six feet and do it to all of them it would help. It would also help the guys, like he said, cut the grass. Because when they cut it they don't ever get out and trim that. I go out and trim it every weekend because they miss trimming around those trees. They also don't clean out around that sewer. So we go out there a lot of times and clean the sewer out because the water backs up there and then gets into the road. So when they come out and cut they just go with the lawnmower around there and they leave the weeds and everything that are right up to the tree go high. I go out and trim that. And Jeff does the same down by his house. He trims up around the trees and takes care of a lot of that along that edge.

John Steinbrink:

Trees are a unique situation. Because one time you go into a neighborhood and there might be cottonwoods in there, and a lot of neighbors all come out to a meeting and say we need to cut those cottonwoods down. Our crew shows up and then the rest of the neighborhood comes out and says why are you cutting down these trees. So the same thing will come about when we trim trees. So I think we need a clear understanding of what the feeling in the neighborhood is.

Nick Alfano:

If you see what Jeff's neighbor did with their trees it looks fantastic. They trimmed them up about the height that he's talking about and it made all the difference in the world to the property. Before when you drove past the property you couldn't even tell there was a house there. It really looked back. And they trimmed it up about six or eight feet and it opened up the yard and it looks great. It really does. The trees look fantastic. The yard looks great. But the obstruction of view should really be our concern, not the parking. I don't think the parking is going to save anybody. And to that fact in the 13 years I've been there I don't think anybody's ever been hurt their either.

But I do know that things like this are allowed for citizens, one maybe two in particular to call because they have situations like this, I did a study one year I called the police department and asked for all the calls that had been made to that park. And I've got a record of them. It was astounding how many times police officers and the fire department were called out here but not one citations was ever issued. So that's telling me that people are calling the police department, the fire department, they're wasting taxpayers money for no good reason because if there was the police would issue tickets. Thank you.

John Steinbrink:

I guess we cannot deny that a car parked there does block visibility also to a child so we have to take that into account also. Mr. Stever?

Richard Stever:

I agree with Mr. Pollocoff on that parking being restricted on 76<sup>th</sup> between 48<sup>th</sup> and 49<sup>th</sup> during the day. I was sitting out on my front porch about two weeks ago when there was a little girl and boy soccer teams practicing out there. And it was the same situation you've got right now. There was a car parked right where that one is parked, and a little girl came running out in front of the

car cashing the ball when a car came along. He was lucky he saw her. Like Mr. Pollocoff said during the day when they're having their practice over there, if that street is left with no cars parked there it would be a lot safer.

John Steinbrink:

Once again just give us your name and address for the record.

Kelly Alfano:

Kelly Alfano, 4849 76<sup>th</sup> Street. On the bottom of this page in the Resolution 12-31, it says to better serve the neighboring residents' parking issues, how many letters were sent out if there's that many residents' parking issues? I'm just wondering was it sent to the whole street?

Mike Pollocoff:

We sent letters to the abutting neighbors, people who abutted the area that's going to be –

Kelly Alfano:

So can you tell me how many letters went out?

Mike Pollocoff:

Three.

Kelly Alfano:

Three, so me the other person and then the person who complains.

Mike Pollocoff:

And we were the other abutting property owner.

Kelly Alfano:

And Mr. Steinbrink said that we need to have a clear understanding of what the neighbors want with the trees and all that. Why can't we do that with everything? Why won't they [inaudible] and ask the public about parking, safety trees. Why don't we do that? [Inaudible]

Mike Pollocoff:

I think that's what I tried to address in my beginning comments. We take a look at the recreation use of the park and the way it's used and then its relationship to the street and parking and the vegetation was there. From my professional perspective and that from our park and rec people we think that the ballfield and corresponding soccer when that happens there, too, is most hazardous. So when I say better served for what that park is meant for, which is for recreation for anybody, but primarily it ends up being kids, we feel that the safety of the participants of the

programs is better served to restrict parking there because the trees are there. I really think the trees aside if you park cars along that side of the road during the time when the park is being used that part of the park is more hazardous than the other ones because the other parts of the park have more visibility. And even though there's trees they don't have the same obstruction as this one.

You also don't have as people are coming down 76<sup>th</sup> Street to the east you're looking east and you're having to look back to 76<sup>th</sup> on the north side as it winds around the park. I was trying to put all the other parking issues aside, not because they're not important to everybody, but just looking at our core mission in this area here is to make sure the park is safe.

Kelly Alfano:

That was my understanding of this resolution as well. And then to hear like storage and 14 to 15 people and parties and things, that's not going to help your parking at night.

John Steinbrink:

Okay, I'm sorry, I don't want a discussion going here.

Mike Pollocoff:

As I say those issues are secondary.

Kelly Alfano:

And for safety exactly what they said. I mean the trees trimmed up would be great I mean if that's what this meeting is for. But I'm kind of getting the feeling it's not for that.

Mike Pollocoff:

People can bring whatever they want to a meeting. That happens. I'm just saying from the Village's perspective this is what I'm recommending.

Kelly Alfano:

And from our neighborhood perspective would it be okay to send these letters to everybody around the parks as it probably kind of impacts a lot of the people. We do have parking on the other side as well [inaudible].

Mike Pollocoff:

Typically if we're going to do this the people that are directly impacted across the street or on the same side of the street if there was going to be no parking there those are the people we notify. People can bring all their friends and company to the meeting.

Kelly Alfano:

[Inaudible]

Mike Pollocoff:

Anybody who wants to come can come, but as far as the most important thing we need to do is really make sure that the people that are directly impacted if they're across the street or on that same side of the street they get notified.

Kelly Alfano:

Okay, alright. I thought if it was safety it would just be the whole neighborhood.

Mike Pollocoff:

If we were going to regulate the entire park in parking there we would have notified the entire neighborhood.

Kelly Alfano:

You should think about it on the other side of the park [inaudible]. Thank you.

John Steinbrink:

Any further comments or questions?

Greg Niles:

Greg Niles, 4811 76<sup>th</sup> Street. It's like he talked about my neighbor kid moving in a year and a half ago, he's been there for like four years so I don't know where he comes up – he don't even have a car when he's talking about 14 or 15 cars parked there.

John Steinbrink:

Okay, right now we're talking about the public safety of that area in the box there.

Greg Niles:

And the safety of that is, too, is when the plow trucks if you come by if you look the trees are almost to the road. They can't even get close to there so they've got to go around the trees. So they're actually leaving snow in the street. So if they were to take them down they could put it all down and then there would be vision for everybody and nobody would have to worry about parking. He's worried about parking being stored there. He said there's an ordinance that you've got to move it or something like that. He could come out and talk to the people that do it, and I'm sure that they would resolve it like they did before when he came out. He came out and talked to that because they were complaining about my trucks being parked by the park. He came out and we talked –

John Steinbrink:

Yours was the truck with the snowplow then?

Greg Niles:

No, I had a van that was parked there that they bitched about before. It was there, and I think you came out and one of your guys and we discussed and I moved the truck. And it's not that hard to do. People are not that evil and that. I'm sure that if somebody had a problem with that truck sitting there, it's Nick's truck, he would have done something about it. But if you take the trees up then the plows can go next to the street and plow it into the park instead of leaving it in the street. Because if you look at them close they're past the shoulder. And if they trim them up they could get in there. They knocked down a couple of the signs you put up last year with the plow because they're right on the edge.

So if you're talking safety if you just trim them up enough so the kids don't do it, people park in front of our houses there all the time when there's soccer. So that means they're taking away ten spots parking, that means they're going to be down further, so the kids are just going to be just running in between cars out in the street. So how are we solving this by taking the parking spots away? We come there when there the soccer in on that park is full. And I mean they're full in front of my house because that's in front of my house and Nick's house. If you take all this away where are they going to park? I mean see if you look at the trees that one tree that's in front of that car is out into the street almost and the plow goes around it. He doesn't get into the park with the snow. So the people that are driving have to go around this, and this just restricts the small street now. So I don't know how solving it – like Jeff said is trim them up and then the plow can get in there and everybody can go there. You don't have to worry about people running into the street because it's no different than any part around the park. Now you can have parking there. So if my grandkids are having a party at my house and they want to come to my house where do I park them?

Mike Pollocoff:

You park them in front of your house or any other place other than – and if it's at night they can park in the park.

Greg Niles:

During the day. My grandkids are three and four years old. It would be during the day. So why can't they park in front of my house?

Mike Pollocoff:

They can park on 48<sup>th</sup>, they could park on 76<sup>th</sup> where it's not regulated.

Greg Niles:

On some parts of 48<sup>th</sup> people complain about that, too. I mean there's a no win situation. The easiest situation would be to trim the trees and just leave the parking there. If there's a problem

about somebody parking there it's usually resolved. You've done it before. Steve has been there when you've done it. We've solved the problem. It went away. So I don't know why we have this big deal over two blocks of parking.

[Inaudible]

John Steinbrink:

Alright, you've got to come up to the front here.

Nick Alfano:

I routinely have to plow that because the plow guys can't get to that and widen the street enough. So I'll come and start down here and follow all the way along and clean up this whole shoulder. Otherwise what happens is the road gets so narrow in the wintertime that as people are coming down here they have to pull over and let the cars go by, then they come through, or they come whizzing past each other, and it gets to be pretty dangerous. So I agree that would also help that. Because this one tree does go all the way out to the pavement.

John Steinbrink:

Okay, I don't know about that statement because I've driven through there in the winter and it's pretty well plowed out.

Nick Alfano:

No, they do a great – don't get me wrong.

John Steinbrink:

I mean they maybe not plow it into the tree, they may push it ahead and then plow it over.

Nick Alfano:

They do a great job plowing our streets. I'm saying it's how close they can get and actually clean up the shoulder of the road becomes an issue.

John Steinbrink:

The shoulder is grass there. I look at that strip there.

Nick Alfano:

If you get into here [inaudible] this tree does come out in here. When it comes around it's hard to judge with that big plow how close you are to it, so they do –



John Steinbrink:

They can judge distance, don't worry. They're pretty good at it. Otherwise we'd have a lot of scraped up cars all over the Village. They know where the curbs are, they know where everything is. They're not amateurs.

Nick Alfano:

As I said they do do a fantastic job. Usually the roads are clean by the time we get up, but we do have to clean this up quite a bit. I do that quite often and that would help.

John Steinbrink:

Anybody else have questions? Alright. Board comments or questions?

Steve Kumorkiewicz:

We have been dealing with this problem for a long time [inaudible]. Any time I go around when there's nobody [inaudible] because you can remember last year or the year before we got a count for the cars that went by, the police have a counter [inaudible] speeding as they thought about. But this issue it seems to me that we have [inaudible]. When we think we've got the problem solved something else comes up. I don't know.

Monica Yuhas:

I'd like to say the one thing that I keep hearing over and over is safety, public safety, safety for the children. It's not so much about the parking as it is about the safety. And when you look at the size of these trees would it be beneficial to the Village to trim them up so there is visibility around the whole park?

Mike Pollocoff:

Well, we could trim them. There was a picture, there's a car right there. You figure that car might be five feet, four and a half feet tall, and if you trim those trees up you still have the issue of – in that part of the park with what's going on you have the cars parked there during the daytime you still have activity over there. My recommendation would be that still we sign that area for no parking from dawn to dusk. And we can take a look at trimming trees and then have a subsequent look at it later on to see if we think it helps. But I've got to be honest in my discussions with recreation, and I haven't really visited with the Police Chief about it, but they felt that that was a problem.

And as far as other trees to trim up, like I said, I'm not sure how many other evergreens we have that are in the park. We do have some large trees. We have some large maples and elms, but they don't create as much of an obstruction to view as the evergreens do. But I agree with Trustee Yuhas. When I put aside all the back and forth about parking issues and sit down and look at what's really important to us, the last time what was important to us was the safety of the park and we got sidetracked from other issues. What I'm trying to do is get us back onto the

main issue for parking safety for us is the safety for the recreation in the park in this particular area.

Now, when we do our compliance for handicapped playgrounds we may have to take a look at how we treat that access point to the playgrounds over there. We haven't laid that out yet, but we're going to have to get that done and take a look at it. Maybe that needs to be examined as well, but we're not there yet. I'm not aware that our public works crew has been that deficient in plowing or cutting the grass or maintaining the storm grates. So I'll be visiting with the public works director and visit with him to make sure that we're doing everything we need to do out there.

But I think in the first instance my recommendation is we adopt this resolution. That's not to say that we can't try to make things better there. That's really what it's all about to make it safer. But I'm not sure that raising it up and allowing the cars – back there you're still allowing the same obstruction from people entering the streets as there was before. Maybe they're not dodging between trees.

John Steinbrink:

Clyde?

Clyde Allen:

Thank you, Mr. President. I concur with the Village Administrator, Mr. Pollocoff. I agree with Trustee Yuhas. I'd like to see the thought and consideration given to trimming the trees up and see what that may do for it. And with that I'm going to make a motion to approve Resolution 12-31.

Steve Kumorkiewicz:

I'm going to second that.

John Steinbrink:

Motion by Clyde, second by Steve. Further discussion?

Steve Kumorkiewicz:

Yes, I think passing this resolution is the way to start something going on over there. And then we can come back later on and say, okay, it needs some work or whatever. Otherwise we're going to keep paring back and forth and we're going no place. Passing the resolution gives us a point to start. Just take a look at happens six months from now and then go from there. But we've got to start someplace.

Monica Yuhas:

And you bring up a good point, Trustee Kumorkiewicz, but I would like to see us start with the trees being trimmed because it's a lot easier to put signs in than to put them in and remove them if

it doesn't work. So why not start with something simple and it's cost effective and let's see how it works. It's going to give the people on the ground a chance to see what's coming and going. It's going to give the driver's more visibility. Why not start there?

Mike Pollocoff:

So you're saying trim trees before we put the signs up?

Monica Yuhas:

I'm not in favor of this ordinance. I will not be voting in favor of it tonight. My direction is that I would like to see staff go out there and trim these trees, and let's give it some time and see if the visibility does become better for not only the children, the parents, Village staff as well. And if not then we go to the signs. But I don't want to install signs and then remove signs and then go back to putting in signs. Why not just trim the trees and let's see what happens from there.

John Steinbrink:

I would like to check with public works, and also we have some tree people out there, Kevin and others, have them take a look at it in the parks and the problems it has. Maybe an option to trim the trees up, but I'd like to have their opinion first before they do it. And they'll give us an assessment on what they can do, how it's going to look, how it's either going to benefit them for mowing and plowing because they're the people working around there. And then they have a definite safety standard to it. But I think before we jump into it we should talk to these folks first and get their input into it. If you want to delay this for a couple weeks we'll have that input in here by them.

Monica Yuhas:

And I would like to see the whole park trimmed, not just this one area. If we're going to do it to make –

John Steinbrink:

Well, the problem is the pine trees.

Monica Yuhas:

The visibility there's pines all over the park. So let's look at all the pine trees.

John Steinbrink:

No, there's only a few pines around the park. The rest are hardwood around the edges. You pointed out on the other side, and then on this side there's one, two, three, four, five, you can see them there.

[Inaudible]

John Steinbrink:

I can't have a discussion from the back. I'm sorry. And we will talk to the parks people and the maintenance people and the highway people and get their input into this first before we change the signage. I shouldn't say that, we're going to take a vote on that. We'll discuss cutting the trees away and get the input to it.

Steve Kumorkiewicz:

Probably what I should do then is I withdraw the motion.

Clyde Allen:

With that if we're going to talk to parks or public works, I should say –

John Steinbrink:

Right, they've been brought into the discussion.

Clyde Allen:

Correct, with that I'll withdraw my motion to approve.

Mike Pollocoff:

So leave the parking situation the way it is now, regulate it from dusk to dawn until we come up with whatever answers we come up with.

John Steinbrink:

I think for safety purposes because the weather's still warm I'd like to see the temporary – and temporary signage isn't that hard. I believe they're screwed to wood posts what I saw there. So that we don't have something happen in the meantime and somebody will say to us, well, why didn't you do it. But until we get the tree situation and everything else I think we should change it for the safety of whatever is out there. The statement was made nothing has happened yet, but if it happens tomorrow and we talked about it we become negligent I believe. That's not to say we aren't going to change it and we aren't going to cut trees, but until we do that and make that decision I think we need to not only protect the Village but protect the children out there so we don't have that kind of mistake or accident. And what it takes is two screws and a post and they can do that with an impact in one minute or less.

Clyde Allen:

I understand safety is number one. And I understand we just brought public works into that position. The first question I have is, Mr. Pollocoff, will we become open for liability if something occurred in the next two weeks if we schedule this for October 1<sup>st</sup>?

Mike Pollocoff:

Well, the staff's recommendation is we control – given the existing situation that it is that we control parking during the daytime hours. Now, staff has the ability and the police department has the ability to modify signs as we see fit. We only bring them back to the board when we have to get a policy statement on where parking policies are in certain areas. I would concur with the Village President, we've evaluated this, we've evaluated the risk. The risk is during the daytime when it's being used. So until we make some other modifications I think changing out the signs to regulate it from dawn to dusk would be better. That would be minimal exposure to get that done. And then let parks evaluate doing the trees, discuss the deficiencies in public works' product that they've identified if they're not getting their job done out there, and then see where we are.

John Steinbrink:

We may get a statement from them saying that's a great idea, it would make our life a little easier. Mulch around the trees and it may look pretty nice. That's something we want to look at. But in the meantime we've talked about a liability here of something that could happen, and if it does happen and we talked about it I think we become negligent. We've talked about this in the past. So to protect the Village, the taxpayers and the park I say we change the signs now and we look at the trees and we make our decision then without exposing the Village to liability. I mean trimming trees up it may be a very positive thing. It may have a great look to it even, and it's going to help everybody in the long run. But until we do that, that period until we come back and meet again, we'll meet again in two weeks?

Mike Pollocoff:

We meet in three weeks.

John Steinbrink:

Three weeks. So whatever the next meeting date is we'll bring this back up. We'll have had the discussions with those involved. We have a guy on staff that knows all about trees and trimming them. It's not how your neighbor did it and he'll do it right. Not to say your neighbor didn't do it right, but it will be done and he'll understand the mulching part. And Mike says we're going to look at the park and the handicap issue and the changing it and the access there also. But in that short time I will make the motion that we change the signs for now but we go ahead with these other steps to bring it forward with public works and parks people and make that assessment and look at what it takes to do that and look at those five trees as far as trimming them up to make everything a safety factor more.

Clyde Allen:

To me it looks like it's four bolts, I mean eight bolts across four signs. It's nothing. And being the liability issue is just as important as the safety. And with that I will second that motion. I agree that we've opened ourselves up because of the liability. So we should change the signs and see what happens. I agree.

Steve Kumorkiewicz:

And we'll meet next meeting and discuss it.

John Steinbrink:

We will make the final decision on it. So with that motion and a second is there further discussion? Those in favor?

John Steinbrink:

Vote passes three to one. I want to thank you folks for coming. It seems to be a contentious issue in the neighborhood. I'm sorry for that. We're taking this action to protect the Village and the taxpayers right now. The suggestion of the trees I think was a good one. We're going to look at them, we're going to evaluate it. And until that change or decision is made this I believe will protect the Village liability-wise and it will protect the kids safety-wise. So I hope everybody can live with that for a few weeks, and we'll come back to visit this issue again since it's not going to go away. So thank you very much.

Monica Yuhas:

Mr. President, I say aye to the motion. I'm in favor of the ordinance with the liability issue.

John Steinbrink:

I'm sorry, motion passes four. Alright, I apologize there; it came a little late there. Is that corrected in the minutes then? Alright.

**STEINBRINK MOVED TO HAVE THE SIGNS CHANGED TO NO PARKING DAWN TO DUSK AND BRING THIS ITEM BACK TO THE VILLAGE BOARD ON OCTOBER 1<sup>ST</sup> ; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

**B. Consider renewal of the Class "A" Fermented Malt Beverage license for BP AM/PM located at 10477 120<sup>th</sup> Avenue.**

Mike Pollocoff:

Mr. President, as you know this item was tabled by the Plan Commission, and the extension of the liquor license is associated with the conditional use being active for the station. They're going to be meeting on that October 15<sup>th</sup>. My recommendation is we move consideration of this item to the first meeting in November.

**YUHAS MOVED TO APPROVE RENEWAL OF THE CLASS "A" FERMENTED MALT BEVERAGE LICENSE FOR BP AM/PM LOCATED AT 10477 120<sup>TH</sup> AVENUE UNIL THE NOVEMBER 5 2012 BOARD MEETING; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

**D. Consider Ordinance #12-32 to include as a component of the Village's Comprehensive Plan an amendment to the Regional Water Quality Management Plan Greater Kenosha Area adopted by the Southeastern Wisconsin Regional Planning Commission in June 2012.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request for Ordinance 12-32, and this is to modify the Village's Comprehensive Plan in order to include the recently adopted June 2012 amendment to the Regional Water Quality Management Plan that has been adopted by the Regional Planning Commission. Specifically, the resolution outlines that the Plan Commission originally adopted the first comprehensive plan for regional water quality back in July of 1979. There was an amendment that included the City of Kenosha and its environs as Report Number 106 for an amendment of the sanitary sewer service area, and that was back in 1985.

And then now this year requests came forth in February of 2012 which was adopted by the Regional Planning Commission in June of 2012. And this was specifically to amend, as you can see on the slide, two separate areas, area A and area B. Area A is actually in the City of Kenosha. Area B is an area that encompasses about 27 acres located generally east of the intersection of County Trunk Highway CJ and County Trunk Highway U in the Village of Pleasant Prairie west of the Interstate. And what it does is includes those areas in the sanitary sewer service area and identifies the environmental corridor as well as isolated natural areas and wetlands. And it just updates those areas in that particular area as well.

As you can see on the slides and in your packets there are three different maps that we needed to update, the first one of which is Map 5.1. And instead of redrawing the maps we actually just put a note on each of the maps to be included in the Comprehensive Plan. And we specifically say refer to the amendment of the Regional Water Quality Management Plan for the Greater Kenosha Area that was adopted on September 17, 2012 and to show the amended boundary for the Pleasant Prairie district. That's map one.

Map two is the detailed adopted sewer service area map. And then map three is the generalized adopted sanitary sewer service areas and existing areas served by sewer, again, with the notes referenced on all three of the maps. This is a matter that was before the Village Plan Commission at their last meeting. A public hearing was held, and it was agreed by the Plan Commission that this amendment be made to the Comprehensive Plan to include the entire report as prepared by SEWRPC and including these three particular maps as part of the Comprehensive Plan update.

**YUHAS MOVED TO APPROVE ORDINANCE #12-32; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

**E. Consider Resolution #12-33 to initiate a zoning text amendment related to the height and building material requirements allowed within the General Manufacturing Districts.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is Resolution 12-33, and it's a resolution to initiate a zoning text amendment. The Village Board may initiate a petition for an amendment to the zoning ordinance which may include rezoning of property, the change in zoning district boundaries or the change in the text of the ordinance.

The Village staff is proposing to re-evaluate and amend the height and building material requirements allowed within the General Manufacturing District. And the purpose of this resolution is to initiate that process for which the Plan Commission then will hold a public hearing, and then the matter will come back to the Village Board for their final consideration.

Specifically then the Board hereby initiates and petitions to re-evaluate and to amend the height and building material requirements allowed in the M-2, General Manufacturing District, that the proposed changes in the text are being referred to the Village staff for further study and recommendation. The Board is not by this resolution making any type of recommendation regarding the proposed changes in the text of the ordinance but basically initiating the process by which we will begin to evaluate and then hold a public hearing for these changes. The staff recommends approval of the resolution as presented.

**KUMORKIEWICZ MOVED TO APPROVE RESOLUTION #12-33 ZONING TEXT AMENDMENT RELATED TO THE HEIGHT AND BUILDING MATERIAL REQUIREMENTS ALLOWED WITHIN THE GENERAL MANUFACTURING DISTRICTS; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

Steve Kumorkiewicz:

What is the reason that we need to initiate this? I don't quite understand that.

Jean Werbie-Harris:

I guess we are talking to a lot of new and different businesses in the Village and existing businesses. And they are updating and upgrading different types of equipment within their facilities. And we're finding that they want to have a little bit higher or taller buildings in order to accommodate this type of equipment. And, therefore, we want to make some accommodations within the ordinance for those situations. We'd rather see equipment inside the building than outside, and if we can increase the height of some buildings and thereby increasing the setback to the lot lines, I think it would be a good thing for the community to allow this equipment to be inside the buildings.

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

We have a motion, we have a second. Any other discussion? Those in favor?

Voices:



Aye.

John Steinbrink:

Opposed? So carries.

**F. Consider Resolution #12-32 - Preliminary Resolution declaring intent to exercise special assessment police powers for the final paving in the Whispering Knoll Subdivision.**

Mike Spence:

Mr. President and members of the Board, the developer of the Whispering Knoll Subdivision is looking to place the final layer of asphalt, the phase 3 street improvements. Whispering Knoll Subdivision is located to the east of 47<sup>th</sup> Avenue as you can see on the drawing there. Typically the phase 3 site improvements don't occur until we have 75 percent of the units built. Whispering Knoll currently has 21 lots built and another I believe that was recently sold. So the 75 percent would actually be 30 as opposed to 22 so they're 8 short.

The development agreement that was signed back in 2005 had language in there as far as deferment of the final improvements. This is one of those situations that when the economy was good typically everything happened within three years. As you all know the economy has stalled, and so the number of lots being built on has slowed. The language in the development agreement indicated that the construction of the phase 3 improvements could be deferred for up to five years, and if the Village and the developer couldn't agree on the cost to construct the phase 3 improvements the developer could continue to bear the responsibility for construction and a letter of credit stays in place.

The way this has been interpreted with ordinance language and our attorney has reviewed it is a little bit of ambiguity here in terms of what can happen in this particular case. The developer has indicated that he doesn't want to continue to bear the responsibility for the construction and the letter of credit. In addition, the engineering department has estimated the cost to complete the final improvements which essentially exceed the current letter of credit by an excess of \$78,000.

We sent a breach letter to the developer in July indicating that the funds were insufficient. The developer has indicated that the bank will not increase the funds to make up the shortfall. In addition, he wants to pave this fall even though they're not at 75 percent. And he believes that the costs will not exceed what's in the letter of credit. We do have a contingency in there in our estimate, and we do estimate conservatively, but I question whether or not there's enough funds there.

So in order to not have a situation where we don't have the money to ultimately pay for this, I'm asking that we start the special assessment process this evening to initiate developing the final numbers to cover the estimated shortfall in excess of \$78,000 for this subdivision. If you recall this is similar to the situation that we encountered in the paving for Meadowdale Estates Addition 1 as well where we had to go back and special assess. So I'm looking to start the special assessment process, and I'd be glad to answer any questions.

Clyde Allen:

Mike, first of all it seems there's not been approval to do the final paving before the 75 percent is completed, correct?

Mike Spence:

Well, that's where the ambiguity is. In our opinion we don't want to pave, but in looking at the language of the development agreement and the ordinance we didn't anticipate the situation where it would go beyond five years. So basically the developer is saying you can't hold me to this anymore because it's past five years. So he's saying he wants to pave it.

Mike Pollocoff:

The Village had a provision where in the development agreement the developer is agreeing that they're going to complete all their responsibilities that's identified in that agreement, and they're going to subject themselves to any changes that occur in the ordinances. Because over a period of time the ordinance has changed and that they would subject themselves to those changes. And in the case of this development, as Mike's indicating, we've been seeing that some of the developments weren't getting done quickly, and so we said you have to have 75 percent of the thing done before you pave because otherwise the road's going to fail. So our attorney is saying he's not sure that the development agreement is going to be strong enough to support the change in the ordinance.

That's why this is a little bit different. It's like Meadowdale but it's a little bit different. Because this developer here is wanting to proceed, take on the project and get it done, but he's not willing to disclose his source of funds to us. He's not willing to show where he's going to be able to do this. He hasn't identified his contracts and what the bid amounts are for or what his contractor's on the hook for. So he's basically saying trust me and I'll get this done. And from our experiences our primary responsibility in the ordinance is to make sure that this thing gets paved, done correctly, that the taxpayers don't end up on the hook for finishing his job off.

So that's why our way of ensuring that happens is to adopt a resolution of special assessment to say if you don't make it then the Village is going to levy a special assessment on the people that live in that subdivision and the vacant lots that still haven't been sold in order to finish this project off. Ideally we're trying to get him to come to the table and say – I mean Mike and his engineers we've looked at this and public works has been out there and they found some failings in the storm sewer system which if you pave a brand new road and the storm sewer fails then you've washed your good road. There's a lot of issues to address out there, and the problem is the bank won't extend any more money to the developer.

Clyde Allen:

Okay, so that's my biggest concern, like in the past the developer has always acknowledged that if it should fail because he's paving prior to 75 percent they're responsible and they will take care

of it. I'm agreeing with the assessment, and is that enough that should that road fail and it has to be redone and he does not do that there is enough money to cover all the failings?

Mike Pollocoff:

Right, the engineers are basing their estimate on what they think it's going to take and that's what it will be.

Mike Spence:

When we put the final numbers together that's one of the things that we're going to have to look at is how do we really complete the picture so that if there is a failure there's money there. I talked to the developer today before the meeting. He's indicated that he's supposed to be getting a third bid today, but as Mike indicated he hasn't disclosed anything to us at this point.

Clyde Allen:

Okay, so to carry further is there enough money that if this does not get completed like he estimates five years or more that this amount of money five years out will be enough?

Mike Pollocoff:

We don't think it's enough now.

Clyde Allen:

I mean with this additional assessment.

Mike Pollocoff:

No.

Clyde Allen:

So how do we protect ourselves if he does not want to –

Mike Pollocoff:

Well, we complete the project, and then the final lift would come on and we'd reopen the special assessment if there wasn't enough money. So Mike will prepare an estimate of what it's going to take to get the repairs done, get the binder course down, do the concrete repairs and what it's going to take to do the binder course. And we're going to estimate that binder course out as far as we can reasonable estimate it so that we are going to have the money. But if we don't have enough money then the people that pay are the people that are buying those lots. If there wasn't enough, which I'm hoping that we can estimate it conservatively enough that there would be enough, if there isn't enough then we reopen the assessment hearing and charge more. If we have more than enough then the people who have paid they get reimbursed or we just don't assess that final lift.

Clyde Allen:

So we can reopen to protect ourselves?

Mike Pollocoff:

We'd have to.

Clyde Allen:

Thank you.

John Steinbrink:

What about the storm sewer issue?

Mike Spence:

That would be part of our estimate of the cost to complete. I did actually put the developer on notice today because I said we just televised the storm system, and there are items that are going to have to be corrected. He had indicated that he wants to see that as quick as possible which we will provide to him.

Steve Kumorkiewicz:

We've got to pour that because when you mentioned the TV we have [inaudible] several years ago [inaudible] --

Mike Pollocoff:

That was a water line issue.

Steve Kumorkiewicz:

Okay, but here we've got a problem with the sewer.

Mike Spence:

Yeah, I haven't seen -- we're actually going to be meeting on it tomorrow to go over what the public works crews found. Typically what happens there's separations in the pipe, the storm pipe, there's leaks, there's cracks. So what we have to do is we have to go back because we had televised it previously so we have to go back and see what repairs were made. So there's a little bit of work involved but that's essentially what we'll do. And whatever needs to be corrected will be indicated to the contractor that that's what he has to have -- or to the developer that's what he has to have his contractor do. And we would be estimating that cost as well.

Steve Kumorkiewicz:

[Inaudible] properly from the beginning. If we go now and check it and that's what we found.

Mike Spence:

I guess I don't want to speculate on the cause. It could be –

Steve Kumorkiewicz:

Not the cause. I'm talking about that it was not done properly when they installed the system.

Mike Spence:

Well, I think that's why I said we have to do some review. It's possible that some of the things that our crews found in the televising, for example, if there's a crack sometimes we go back initially and we put a collar actually on the outside so you won't see it. So we have to go back and look at our records and see what corrective measures we did. But it involves a little bit of investigation. Sometimes over the years because there has been construction and it's not stable it's possible the heavy equipment may have somehow impacted the storm sewer there. It's hard to say. But I can say that generally anything that would have been identified when we televised it initially should have been corrected.

Steve Kumorkiewicz:

I don't know. I'm a little bit –

John Steinbrink:

Alright, this is an issue they've got to talk about tomorrow and carry on.

Steve Kumorkiewicz:

Yeah, but what I'm talking about is he's going to go that work how is he going to have the money to complete this?

Mike Pollocoff:

That's why, Steve, our first step is to adopt this notice of intent to levy special assessments. Mike's going to meet with the contractor. We're going to look at the plans and develop and estimated engineer's report on the cost so that we can move forward. We can't [inaudible] right now, but in order to secure the Village's interest in this and make sure we have this assessment levied before any work takes place we need to adopt this resolution. Not saying here's what your assessment is going to be, but it's our notice of intent that says we're getting ready to levy a special assessment and put everybody on notice.

Mike Spence:

After this point, if this is passed, then I initiate the actual detailed review of what has to be done. We estimate the cost. I do an assessment report which indicates how much each property owner would be assessed.

**ALLEN MOVED TO APPROVE RESOLUTION #12-32 PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS FOR THE FINAL PAVING IN THE WHISPERING KNOLL SUBDIVISION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

John Steinbrink:

**G. Consider approval of a Professional Engineering Services Agreement for staking and construction inspection services for the binder paving for Phase 4B for the Village Green Heights Subdivision.**

Mike Spence:

Mr. President and members of the Board, back in 2009 the developer Land and Lakes requested that they be able to install curb and gutter and binder course within the Village Green Heights Addition 1 Subdivision. Subsequent to that time only a portion of these improvements were completed. And Land and Lakes has recently asked to install curb and gutter and binder course on 50<sup>th</sup> Avenue and a portion of 98<sup>th</sup> Street. Previously, a year or two ago – well, just to give you a point of reference, this is the Village Green Heights Subdivision. This is State Highway 165. This is Cooper Road. All these roads are paved. I think a couple years ago we did pave this portion of main street as well as these roads here with a binder course.

Land and Lakes is asking now to take off where that left off and pave 50<sup>th</sup> Avenue and 98<sup>th</sup> Street from where it left off here to the middle of the block there. The resolution to allow this paving of the binder course was approved back then. But, like I said, because of the economy they didn't do the whole thing. So they're asking to pave this portion yet this year.

What you have before you is typically when we do this we hire a consultant to do the staking and set the curbs and the manholes and do the inspection for the project. So what you have before you is the contract from Nielsen Madsen & Barber to do the services of staking and layout and construction inspection for this. The fee is estimated at \$7,594. I'm asking that this agreement be approved. What happens is we handle or manage the contract with Nielsen Madsen & Barber, but then we in turn bill the developer for these costs. So the Village won't be incurring any costs on this once we get reimbursed from the developer. So with that I'd be glad to answer any questions.

Steve Kumorkiewicz:

The developer is aware that he's going to have to pay those costs?

Mike Spence:

Yes, yes. We've coordinated, he has seen this proposal and they have no issues.

Steve Kumorkiewicz:

Thank you.

**YUHAS MOVED TO APPROVE APPROVAL OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT FOR STAKING AND CONSTRUCTION INSPECTION SERVICES FOR THE BINDER PAVING FOR PHASE 4B FOR THE VILLAGE GREEN HEIGHTS SUBDIVISION; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

**H. Consider reappointments to the Community Development Authority.**

Mike Pollocoff:

Mr. President, this is the point in time where we reappoint members of the Authority. Members who are up for reappointment is Kate Jerome, Tom Reiherzer. They have terms extending to 2014. Jill Sikorski is an alternate to the authority. She has a one year appointment and hers would end October 7, 2013. They've all been very good members of the Commission, and I'd recommend that they re appointed.

**KUMORKIEWICZ MOVED TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT FOR STAKING AND CONSTRUCTION INSPECTION SERVICES FOR THE BINDER PAVING FOR PHASE 4B FOR THE VILLAGE GREEN HEIGHTS SUBDIVISION; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

Clyde Allen:

I was just going to make the comment how very fortunate we are to have some of these talented people on some of the committees that we really do have in the Village.

John Steinbrink:

Not only the talent but the variety of the talent is there in many different fields. With that we have a motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**I. Consider Operator License application on file.**

**ALLEN MOVED TO APPROVE OPERATOR LICENSE APPLICATION ON FILE;  
SECONDED BY YUHAS; MOTION CARRIED 4-0.**

**9. VILLAGE BOARD COMMENTS**

John Steinbrink:

Clyde?

Clyde Allen:

Thank you, Mr. President. I guess my comment kind of goes out to the Administrator, Village President, all the Trustees and staff that had the discussion of a resolution tonight, and it showed how this Village works. There was questions, concerns, and the more they talked the more that came out, the more we saw enough to come to a conclusion. The Village worked. And I just want to say I'm proud to be part of this Board that works that way. Thank you.

John Steinbrink:

A lot of people received an email from Mary Rhode [phonetic] on 85<sup>th</sup> Street concerning 85<sup>th</sup> Street. I believe she lives on 85<sup>th</sup>. And has anybody else noticed a jaw jarring at 39<sup>th</sup> and 85<sup>th</sup> where they meet?

Monica Yuhas:

Yes.

Mike Pollocoff:

There is a significant grade change there anyway. Now that the sealed surface, the micropave we put on there is not that thick, but it might have enhanced it. The problem is the only way to fix that, and I've talked to public works about this numerous times before, is to shave back 85<sup>th</sup> Street going west in order to have more of a smooth.

John Steinbrink:

We mill around the manholes and everything.

Mike Pollocoff:

It's just that you've got that gutter. I was thinking you were talking about Cooper Road, and I was trying to think what was going on there. But at 39<sup>th</sup> we have a pan, a gutter pan, that



separates 39<sup>th</sup> up to 85<sup>th</sup>. And there was a jarring – if you’re going very fast at all you’ll hit that and you can feel it. Back when 85<sup>th</sup> was constructed what we wanted to do at that time was to modify the apron coming off onto 39<sup>th</sup> Avenue. Our relations with the City weren’t the best at that time and they said, no, just leave it the way it is. So at that point our choice was to cut that hill down that you go up and rise the crest so we don’t have it so we could have a more gradual flow, or do the best we could with what we have.

But right now that’s really what it would take to fix that is to go back about 120 feet, remove all that lift on the road and then gradually slope it to another point. Maybe they’ve been noticing more, but right now that lift shouldn’t be much more than a half inch at the most different. Maybe just the fact that it’s different now she might be paying attention to it more. But it is a problem.

John Steinbrink:

Everybody is paying attention to it.

Mike Pollocoff:

I know it’s getting a lot of attention. But the fix on that is longer term and very expensive.

Mike Spence:

The actual thickness of the micropave is less than half an inch. It’s very small.

John Steinbrink:

As long as we’re looking at it. Any other Village Board comments? What’s our next holiday, Halloween?

Mike Pollocoff:

Yes, we’ve got that one whipped.

## **10. ADJOURNMENT.**

**YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED AND MEETING ADJOURNED AT 7:45 P.M.**