

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
March 7, 2016
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, March 7, 2016. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Steve Kumorkiewicz, Dave Klimisch and Mike Serpe. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Kathy Goessl, Finance Director; Dave Smetana, Police Chief; Doug McElmury, Fire & Rescue Chief; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, HR and Recreation Director; Dan Honore, IT Director; Sandro Perez, Inspection Superintendent and Jane M. Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING - FEBRUARY 15, 2016**

Dave Klimisch:

Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Dave, second by Steve. Comment or question?

KLIMISCH MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 15, 2016 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- 5. PUBLIC HEARING**
 - A. Consider the construction of a water main on Springbrook Road (CTH ML) beginning at Green Bay Road (STH 31) going north-east, approximately 6,600 feet and Resolution #16-12 approving said project.**

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John Steinbrink:

This is a public hearing. We did have a signup sheet. And I will ask that you use your name and address when you approach the mic.

Mike Pollocoff:

Before the hearing start, Mr. President, I'd like to have Village Engineer Matt Fineour give a presentation on the project.

Matt Fineour:

Mr. President and members of the Board, ladies and gentlemen of the audience that are present, the slide that's up on the screen up there, the Springbrook water main project is shown in red on that screen. And it starts from Green Bay Road, and it goes northeast approximately 6,600 feet to a connection point of the existing water main north of 116th Street.

The slide that's up there shows the existing water mains in the area which is in blue. And then the yellow highlighted area there is kind of like the backbone of the water main system. There's larger 16 or 12 inch water mains that are larger than the rest that kind of transfer more water. You can see in yellow along 165 there's a larger water main and also along Highway H. The area that we're talking about, Springbrook Road, the project there it interconnects the existing mains from Old Green Bay Road and the existing water main that's on Springbrook Road north of 116th Street. This kind of completes a loop on the south part of the system there. So you can see if you follow the highlighted yellow lines and the red line there it kind of completes an overall loop for that part of the system.

The water main is being constructed as a full system improvement. In order to make that loop what that does is that kind of does a couple things. You want the water system to loop in general. That way if you have a water main break or something happens in one area you can get water to another area. So it really -- what it does it provides better reliability to the utility customers in that sense. You want the water system looped. It also provides a more efficient way of one of our water towers down there, Timber Ridge water tower which is located kind of right where the S is in Springbrook Road, there's a little red dot on the map that's the water tower.

Right now the water tower is fed from the water mains that go through the industrial park down to that water tower. It's a one way in and a one way out to that water tower. With this new line we would be able to feed that water tower, again, from more of a looping system, and also then the water tower can feed the system as it's a looped system. Another reason we want it looped as well is basically for fire protection. We want a looped system so when you have a high demand somewhere that water can get to those high demands from multiple areas, as well as also with Springbrook Road it's going to provide fire hydrants along that stretch there that does not current have water or water protection or fire protection.

If we go to the next slide this is kind of hard to read from there, but this is the cost layout of the water system. With the water main improvements the main that we're sticking in is a 16 inch main.

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Again, that's because it's part of the backbone of the system. The cost of the 16 inch water main is a total with contingencies and engineering its \$1,246,920. And that's subtotaled on there. What we do with an assessment of this type is because the property owners out there or for existing residential areas don't necessarily need a 16 inch water main. Typical water mains in a subdivision or other residential areas are an 8 inch main. So what we do is we reduce that cost to what a typical 8 inch equivalent main would be. And that's, again, on this slide where we have an 8 inch equivalent cost. We've reduced that 16 inch main cost back down to what an 8 inch main would cost. And when you reduce that you get a total project cost of \$878,794. And that is the water main cost that would be part of the assessment cost.

Along with the main, as we're putting in the main out there, we're putting in water services to existing lots. The right of way on Springbrook Road I won't say it's abnormally large right of way, but it's a larger right of way than a typical residential street right of way would be. We're installing 29 water services with a total linear footage of 2,040 feet, so its 2,040 feet of water service length that we're actually installing. What we're doing is reducing that for the assessment purposes to a typical right of way width. So a typical right of way width is 66 feet. So there is a reduction, again, in real costs as part of the assessment, which being assessed for water services is a total length of 957 feet. So the water service real cost is \$108,445 with the reduction as far as the right of way width, what is being assessed is \$62,959. Again, that's kind of like a credit or a reduction, if you will, because the right of way out there is large so they're getting that credit.

If you go to the next slide this is kind of the water assessment map that's up there. Again, properties that are subject to this assessment are the properties that are fronting Springbrook Road or fronting the water main that's going in. There's 34 properties that were identified as fronting Springbrook Road or the water main that would be subject to this assessment. All the properties in gray on that map reflect those 34 properties.

If you finally go to the last slide, the water main assessment is based on a front footage method, so its how much front footage a lot has that's fronting the water main or Springbrook Road. The assessment rate is calculated kind of in this following fashion. The total project cost, again, with the 16 inch water main, that's a typo on that slide, is actually \$1,246,920. That was the total cost of the 16 inch water main with contingencies and engineering. The total estimated project cost with an 8 inch equivalent main which was a reduction of that cost if \$878,794. And that's a reduction of the project cost per 8 inch equivalent main. The total length of water main that's being installed is 6,806 feet. When you divide the total project cost with the 8 inch equivalent main by that linear footage it's \$129.12 per linear foot of main. We divide that cost by two which essentially gives it for each half of the roadway, and that's \$64.56 per linear foot, front footage per property.

There's also a water service lateral assessment cost. The total bid cost for the water service laterals was \$108,445. When we reduce that based off the adjusted right of way width the assessment amount or project cost is \$62,959. Its 29 laterals, and you divide the project cost by that number of laterals, that's \$2,171 per lateral. The assessment here for this project is a deferred assessment. We're doing this project, again, more along the lines of a whole system improvement. So whether somebody wants to hook up to water at this point in time or they don't want to hook up to water at this point in time, if they choose not to hook up they do not have to pay this assessment at this point in time. It's deferred until such time that they do want to hook up to water when they do hook up

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to water. If they decide they want to hook up to water 10 years from now, 15 years from now or whenever in the future, the costs that are on this assessment as 2016 costs will be the cost that they pay at that point in time.

I think if there's any other questions on this I'd be happy to answer them. But that's how the assessment method and cost of the project were realized.

Mike Pollocoff:

Mr. President, there's one thing I wanted to add on this to clarify. The deferral as Matt indicated is if someone hooks up to it, if the property is subdivided, because at that point a new parcel is created for development, or at such time as a building permit. The building permit that we're talking about is somebody who doesn't have a house on their property and they're going to build a new house where there's not an existing well, then that's when they would have to pay the permit because they'd be actually using the water. If they're doing a building permit to build a shed or put a roof on that doesn't trigger the deferral. It's really constructing a dwelling that's going to access and use the water.

Again, I want to emphasize as Matt has that this is a system-wide improvement. It's being paid for in the first instance by the Tax Increment District. Private homeowners who take advantage of it that money goes back to the TIF District to pay off those bonds. And it really is a system improvement. But rather than doing this twice we've accommodated future development along that area so it could be used.

I guess the good news is that the Village is growing at a rate as far as the amount of water we're selling that we need to be able to be in a position that we have uninterrupted flow. And we were able to get by with quite a while with not having this loop closed, but it's important that we get it done. With that, Mr. President, if you want to open up the public hearing.

John Steinbrink:

Okay. Before I do are there any Board member questions on the presentation?

Dave Klimisch:

Matt, on the details it said there was 29 laterals. I count 34 or 35 parcels. Are there some that don't have laterals?

Matt Fineour:

Yeah, there would be some that don't have laterals. For example, the large parcels on the east side owned by Big Oakes Golf Course they don't have laterals. Some of the more vacant properties won't have laterals to them.

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Michael Serpe:

Matt, there's no date certain that this deferred assessment would come to an end is there? It's open ended?

Matt Fineour:

I believe its open ended, yes.

John Steinbrink:

If there are no other questions we'll open up the public hearing. Jane, we had a signup sheet? Once again, we just ask that you give us your name and address for the record because the lady transcribing this can't see you.

Charles Waller:

Charles Waller, 5672 Springbrook Road. Just a couple questions here. You said it was possibly deferred. What do you mean by that? The gentleman up here I think he said.

Matt Fineour:

The assessment is deferred. So it's deferred until such time that you either decide to hook up to water or the property gets subdivided into more lots and actually gets developed.

Charles Waller:

It can be subdivided without sewer. And you said it's open ended. In other words, it goes on until that happens.

Matt Fineour:

Correct. The assessment will stay with the land until you actually hook up to water.

Charles Waller:

Does interest accrue on that assessment?

Matt Fineour:

No.

Charles Waller:

I thought I heard you say it didn't.

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Matt Fineour:

It does not.

Charles Waller:

Okay, all right.

Donald Dejno:

By the way it's very hard to hear you back there. It's not very clear and you're very soft.

John Steinbrink:

Maybe we can turn up Matt's microphone.

Donald Dejno:

My parcel is 15.

Jane Romanowski:

Name and address, sir?

Donald Dejno:

Donald Dejno.

Jane Romanowski:

Address?

Donald Dejno:

11121 63rd Avenue. About three quarters of that property on 15 is water. I believe the assessment is just about for the whole parcel. Can that be adjusted?

Mike Pollocoff:

The assessment is based on the frontage, not on how much water there is on the entire property.

Donald Dejno:

What if you can't put a road -- somewhere down the line you can't put a road through there, you'd never build in that area.

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Mike Pollocoff:

Then you'd never connect.

Donald Dejno:

You never can.

Mike Pollocoff:

You still never connect. If you don't connect the deferral stays in place. If conditions change where you can connect, if something modifies, if the water goes away or you're able to fill it, then the main's there for your use.

Donald Dejno:

If you'd let me fill it that'd be no problem.

Mike Pollocoff:

It's not up to us.

Donald Dejno:

Thank you.

Gordon Gripko:

Good evening. My name is Gordon Gripko. I reside at 5509 Springbrook, Pleasant Prairie. I've got one quick question first. Will this fee be assessed once the property is sold to the individual who sells it or the individual who buys this property?

Mike Pollocoff:

The deferral goes with the property, not with the owner. So that deferral always stays with that property. So the deferral doesn't just go with you and then when you sell it goes away. The deferral remains with the property.

Gordon Gripko:

And the residents that buy the property are they forced to tap in at that point?

Mike Pollocoff:

No, not by the Village. That's something you negotiate with the buyer. That's between you guys. But the Village we have some deferred assessments that are over 45 years old. And I think those

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assessment costs were like \$8 a foot where no one has connected to those mains yet, and that deferral remains intact. If this goes that long it goes that long. So the deferrals go with the property, not with the owner.

Gordon Gripko:

Well, I currently live at this address and I moved in -- I bought the property in 2001, and it took me four years to construct it. And we moved in in 2005, our family did. Prior to purchasing the property we made an appointment with Mr. Pollocoff personally. And at that time we had concerns about a possible water main. And he had assured us that the only possible reason for it going through was housing development at the state line. I frequent this trip from my property to work every day, and there has been no explosion of housing or development done. Therefore, I do not see the imminent need for this water line as indicated.

There are several reasons why I've inquired about this is the expense that would be incurred upon me for the water main to be added due to the frontage costs and the additional water fees and increase in property taxes. And, lastly, the cost for installing at the time when I built my house was approximately \$8,000, and it's only 11 years old. You had stated that we're not forced to tap in, but I'm concerned about the charges, the fees that you charge. I live on 1.2 acres, and the charge is \$25K approximately. And another property on Springbrook has 16 acres and there's a \$25K, and yet another is 25 acres and it's only \$9K. I don't understand how that's a fair adjustment. For myself to come up with this it would be insurmountable. I'm approximately six years from retirement, and I cannot afford a \$25,000 loan at this point in my life. So thank you for your time.

Mike Pollocoff:

Just to answer your question, in our respect the main is being done for development. I mean it's primarily development in the corporate park. If there was ever going to be a deferred assessment that's going to be the most beneficial to the property owner it's deferred assessments that arising out of the TIF District. The District is picking up all the cost of that. And you're getting an indefinite deferral on that. So you have a reasonably new well. What did you say, you put it in in '05 so it's 11 years old. If that well lasts you for another 25 years or 30 years you and whoever would buy your property if you sell in the future you still continue to have that. But you've had access to public water all along. It doesn't cost you anything until you use it.

The other thing it does is it provides a fire hydrant along that main for the people that live there and that helps you with your fire insurance. The fire department has access to hydrants to take care of that area if there's a fire. From a residential standpoint it doesn't affect your water bill. It doesn't affect your sewer bill. It's not a fee that you pay right away. The fact of paying that fee is totally within your hands as the property owner to decide when you want to pay that fee. If you want to pay it early you can, but I would pay it when you need it. Because that's what we're saying is the only time you really need to do that is pay for it when you want it.

As far as the frontage, the bill you pay, the relationship of how much it costs to have that main is also borne by how big that frontage is, how much frontage you have on the road. Some of those parcels are bigger and they don't have as much frontage, but as those parcels are sold and if they

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are subsequently developed they're going to have to bring a water main into that property to service those parcels. They would have more work to do. I'm not sure if your parcel could be divided or not but, again, if it can't be you have \$25,000 worth of 8 inch main in front of your property, and that's why the basis of that assessment is based on that.

The relationship of water use is more tied to how many feet of main you have because that's how we have to pay for the water main is by the foot, not by how big your acreage. So how big your acreage is really doesn't mean anything with how much it costs to put the water main in. And that's traditionally been a method that's been used all across Wisconsin in assessing water. And sewer is mostly that way, too. Storm sewer is typically assessed by how much acreage you have because that's based on how much water your property drains or it drains onto your property.

Gordon Gripko:

Is this just the water main that's going in, no sewer?

Mike Pollocoff:

No, no sewer.

Gordon Gripko:

And you are saying if my kids were to inherit my house after I passed that they will not be tacked this fee upon the sale.

Mike Pollocoff:

It doesn't go with you, it goes with the property. The deferral goes with your property, not with you. So if your kids inherit the house that conditions still exists. It's up to the owner of that property to say I want water and I'm willing to pay for it.

Gordon Gripko:

Okay, all right, thank you.

Slavica Asanin:

I am Slavica Asanin. I am at 5500 Springbrook Road. I just have a question about when and if we connect to the water main, do we have to abandon the well that we already have on the property?

Mike Pollocoff:

If you're not going to use it at all then you would have to abandon it. If you're going to continue to use for outside watering, you have to make sure that the two systems are separate. The municipal system would go into your house and take care of whatever if you chose to do that. And then your private well that waters your garden or your grass they can't be interconnected from a public health

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standpoint. Plus the pressure in the water system would probably just go right down your well anyway. So you can still keep it, but you have to keep it -- the Wisconsin DNR regulations require it be used because using that well makes sure that it's not contaminated and you test it. If you get a permit through the Village that goes to the State, and it's tested every five years to make sure that there's no contaminations that get into the aquifer from your well.

Slavica Asanin:

Okay, thank you.

Meryl Fury:

Good evening. My name is Meryl Fury. I live at 5518 Springbrook Road. Just one question, point of clarification. You said that there's a deferral and it goes with the property, not with the owner. Does that mean the entire cost or just for the lateral.

Mike Pollocoff:

For the entire front foot cost and the lateral both.

Meryl Fury:

All right. Thank you.

Jane Romanowski:

There were no additional signups tonight, Mr. President.

John Steinbrink:

Anyone else wishing to speak on this item? Yes, sir?

Gary Ladousa:

Gary Ladousa, 5313 Springbrook. If you decide to tap in is the entire amount payable immediately, or can it be added to the tax bill and amortized, say, over ten years?

Mike Pollocoff:

It will be amortized. You can do either. You can pay it immediately, or we give everybody until October 1st of the year to say whether or not they want to have it go on the tax roll over a ten year period and pay it in ten equal installments at nine percent interest.

Gary Ladousa:

And what interest rate would that be?

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Mike Pollocoff:

Nine.

Gary Ladousa:

Nine percent?

Mike Pollocoff:

Right.

Gary Ladousa:

All right, thank you.

John Steinbrink:

Anyone else wishing to speak? The lady in the back there, Ms. Hammerbeck.

Pauline Hammerbeck:

Pauline Hammerbeck, 6724 Springbrook Road. My question is just on the timing. If you could just clarify why now. Just to remind the Board we were assessed I guess against our will. I don't know how to put it, last year for sewer for about \$30,000. Happy not to have that assessment. We might be able to afford to connect to water which is a bigger concern. You know, we were happy with our septic but we had to abandon it. So I'm wondering about why now, what's driving it, is it that you got TIF money now? Is there a development project underway?

Mike Pollocoff:

Well, as the Village Engineer explained earlier, if you go back to that map that showed how the Village water system works, we have a gap on Springbrook Road, and there's a loop in there we need to close. So as development as occurred in the corporate park, if we have more people, if you look at that area in red on the map, that's the gap I'm referring to. And the green lines, greenish-yellow, those are existing water mains within the water system. So the way our water system works, we bring water all the way from the City of Kenosha at 7th Avenue and 80th, it comes into the Village, and then we have a series of tanks and towers that we use to pressurize the system so we can supply water through the day and always have enough water to take care of fires when a fire happens. And we always want to be able to, if we have a water main break or something happens, be able to feed water at different directions so that people aren't out of water where we would totally have no water. So as we've grown and developed mostly in the corporate park, that's where more demand is coming right now than residential areas.

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Pauline Hammerbeck:

Because of Niagara mainly?

Mike Pollocoff:

No, it's more than Niagara. Niagara is definitely a player in it, but this was always in the long-range master plan for the Village to have a water main in this area as we've designed our system to be able to be used. So this main's being put in, and it services primarily the -- it services everybody, but in the first instance it will serve the corporate park which is why the TIF District is paying for this improvement. I believe when we talked about your sewer I indicated that we were looking at water mains coming down this road. And it's just more a matter of once we start doing modeling of the water system, what the pressures were and what the demand was, it appeared that this is going to be the best time to do it and get it done for the overall system health. So it would be something we'd be looking at now. Matt, do you have a time when the contractor is going to start?

Matt Fineour:

I can tell you that the construction is going to be this summer, and I think the time frame would be like the end of August as a completion date.

Mike Pollocoff:

So we're not doing this just because we have TIF money. We're really doing it because we think it's prudent in order to ensure that the system can fully operate the way we want it to.

Pauline Hammerbeck:

Great. That answers my question. For us it's unfortunate. We would have liked to have connected to water, and maybe we can save up enough that we can. But given our past history with utilities we can't.

Mike Pollocoff:

I understand.

Pauline Hammerbeck:

Thank you.

John Steinbrink:

Yes, sir, you had a question?

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Steve Hayek:

My name's Steve Hayek. I live at 6130 Springbrook Road. You answered most of our questions. But are property taxes going to be affected by this at all?

Mike Pollocoff:

It will to the extent that a property with municipal water typically has more value than a property without municipal water. So when assessments are redone properties are compared to like properties. So your property when this is done probably not this year but the following subsequent years the value of your property is going to have municipal water access to it, and you won't be compared to another property that doesn't have municipal water.

Steve Hayek:

So our taxes are going to go up.

Mike Pollocoff:

Your value would increase. Taxes and values are two different things. Taxes are based on how much a government spends. Value is based on how much your property is worth compared to other properties.

Steve Hayek:

Okay. And then the other is, say, I need to replace my well in ten years. Can I pull a permit to have that replaced? Or are you going to force me to tie into --

Mike Pollocoff:

No. If you want to replace your pump, if you want to go deeper that's your call. It's your well. The only thing that would affect your well is if Kenosha County would come out and condemn it, it's failing let's say. That would be a call that Kenosha County would make. In my time here I've seen that happen a couple times. We don't have rampant contamination of water wells here. But what you do with your well is going to be up to you. You'll make that economic decision is it worth spending money for whatever it is you're going to do or do I connect, but that's your call.

Steve Hayek:

Okay, that's it.

John Steinbrink:

The gentleman in the back.

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Jeff Nelson:

Hi, I'm Jeff Nelson, 5518 Springbrook Road. And I also was led to believe that this was -- it would be a long, long ways down the road it wouldn't happen. Now, we just built a new house about five years ago and tore the old house down. And at that time they said, no, no, it's not going to happen as little as five years ago. But what really occurs to me, the upsetting part here, is that it looks like there's a whole lot of business and politicians that stand to benefit from this project than the people who actually live on the road. So I think what we should do is it looks like we're putting 75 percent of the bill and you're going to eat 25 percent for the difference in the main size. I think we should flip that the other way, and that everybody who benefits from this interconnection should pay 75 percent while we foot the 25 percent.

Mike Pollocoff:

Well, I guess I'd offer two things. One is that I don't know of any elected Board member that's receiving any financial benefit of it. Secondly, the business benefit, as a community we all benefit or stand to gain from whatever develops in this community. The Village has structured a deferral on this where we have a rational basis for charging how much we're charging which is an 8 inch main. That's how much every water main, every size is going to go into the community. If we were not going to oversize this main and we just put an 8 inch main in there it would cost what your assessment is.

But you're in a situation where a lot of Village residents would like to be in when they get water extended because you're getting an indefinite deferral. You're not paying any interest on it. If you hook up to this 40 years from now your price hasn't gone up. The Village or the TIF District would have paid for that over time. Someone else will pay for it, and you don't have to pay for it until you're ready to use it. That's a certain fixed cost that people on this project aren't going to be paying for. If this project, as high as it seems today, it's going to be -- I can remember water mains being charged at \$8 a foot. Well, 40 years ago there was a lot of things that were less 40 years ago. This is what the cost is today.

If you and your property doesn't use this for a long time, you're going to pay what the cost is today and there's not going to be any interest penalty. You won't pay any carrying cost on at all. So the corporate park is paying that cost for you. They're absorbing the cost of money for an unknown amount of time and you're not paying for it. So the fact that it costs not as much to get the 16 inch as it costs the 8, if we're just going to put an 8 inch main in that's what it would cost. That's the number.

Finally I guess all I can say is anybody that comes in we give them our best estimate of what's going to develop in that area. And I think that the area has developed. If we didn't have plans and had this not happened we still wouldn't have had plans to put an 8 inch down that road because there's not enough houses, there's not enough development to support it. But it an integral part of our system. A large main is going in and you're going to be able to benefit from it. And no one else here is going to benefit from that. I'm going to sleep better to the extent that I know when this is done if we have a fire or someone hits a hydrant someplace that we're going to be able to keep the system up that's our benefit. That's everybody's benefit. Everybody benefits from that. To

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the extent that you have more people building businesses here it helps with the property taxes so that we have people sharing the property tax load that's a good thing.

Pleasant Prairie is one of the few communities in the state where -- most places 70 percent of the tax base is made up of people with single family homes. In Pleasant Prairie it's 50 percent. Well, 50/50 between businesses paying taxes and homes paying taxes. That's the advantage of having the development that we've structured around here so that people who live in homes are paying less in taxes for their homes in a community where the homes are paying 70 percent of the load. So that's the benefit that the business park brings to us. And in this case they're paying for the freight on the front end to get this water main in, and you guys only pay for it when you use it.

I have to push back at the fact that somebody up here is personally gaining over this or that some business is personally gaining. People are gaining, all the people who use water from Pleasant Prairie and the people who rely on that corporate park developing in an orderly manner to create a tax base here.

Jeff Nelson:

But it occurs to me also that you told another gentleman here that, yes, we will be assessed and, of course, now the property value is going to go up because we have access to water which is another opportunity for you to dig in our pocket to fund our pet project.

Mike Pollocoff:

That's not the goal of this, and I don't even think that's the impact of it. I don't know how many more ways I can explain it. You are being assessed. I mean we're being straight up front with you that you're being assessed, and it's being deferred.

Jeff Nelson:

Part of what you see as a benefit maybe I don't see as a benefit, okay? Part of why I stayed down there is because it's rural, and we want to keep it rural. As long as there's no sewer and water it can't be subdivided. That's why I want to be there. And I don't know if I speak for any of my neighbors, but I think we kind of like it left rural. We don't want the encroached subdivisions.

John Steinbrink:

Thank you. Anyone else wishing to speak? Yes, sir?

Gary Ladousa:

Gary Ladousa again, 5313 Springbrook. Is there anytime line for sewer coming down Springbrook?

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Mike Pollocoff:

I think that would be premised on two things. One is failing septic, if Kenosha County determined that septic were failing in the area, or residential development. Sewer in this area is not connected in any way with the corporate park. So there isn't that outside development force that would be bringing that. Sewer doesn't work the way water works where you try to loop the system. Sewer basically would drain probably not too far from where you live all the way down to Green Bay Road and then it ends at that point. Right now it ends at Old Green Bay Road and Springbrook. So that would be the extent of it.

If somebody does buy land up and they do develop it, even if the developer -- typically the Plan Commission has required and the Village Board has required the developer to pay for extending those utilities to service that development. And the people along the way they would pay for it when they had access to it with the right of recovery. But right now there are no plans on the board for us to extend it. We have no knowledge of sewers, conventional systems that are failing. And it's done on an as needed basis if people have a failing system that they want to do. One of the previous speakers was in a situation where there were two people involved and the project proceeded. But that was a relatively small project.

Gary Ladousa:

Thank you.

John Steinbrink:

Yes, sir?

Dan Thiele:

Dan Thiele, 5535 Springbrook Road. I just have one quick question. For the right of way will the company be responsible to repair the existing surfaces and turf to their original condition?

Mike Pollocoff:

They'll have to restore it back to its original condition.

Dan Thiele:

Even the right of way with like asphalt driveways?

Mike Pollocoff:

Yeah, wherever they cross.

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Dan Thiele:

Perfect. Thanks for all the information.

John Steinbrink:

Anyone else? If not, I'll close the public hearing and open it up to Board comment or question.

Michael Serpe:

John, I think Matt and Mike explained this quite well. The encouraging thing is you don't pay unless you use it, and it's there forever. If we prolong this thing and come back four or five years from now the price I'm guessing would be significantly higher. So unless anybody else has something to say I would move approval of Resolution 16-12.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for adoption of Resolution 16-12. Further comment or question?

SERPE MOVED TO ADOPT RESOLUTION #16-12 – FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY WITH THE CONSTRUCTION OF THE SPRINGBROOK ROAD WATER MAIN BEGINNING AT GREEN BAY ROAD (STH31) GOING NORTH EAST APPROXIMATELY 6,000 FEET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

I hope everybody understands this. If you don't please give the Village Hall a call during the day and they will further explain it. Some people have a good grasp of it, and others seem to feel its government out to get you, and it's not the case. And you're getting a lot of benefit here for what you're getting. And it's not costing you nothing unless you use it, and that's the important part. It is a deferred assessment. So thank you for your comments.

6. CITIZEN COMMENTS

Jane Romanowski:

We didn't have any signups tonight, Mr. President.

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John Steinbrink:

Anybody wishing to speak under citizens' comments? Anybody wishing to speak under citizens' comments. If not I'm going to close citizens' comments.

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

I have none tonight, Mr. President. We've got a large agenda. I'd recommend we go on to New Business.

8. NEW BUSINESS

A. Presentation by the Village attorney of an analysis of recent amendments to Section 980 of the Wisconsin Statutes relating to the placement of supervised released sex offenders and its impact on Chapter 287 of the Village's Municipal Code.

Tim Geraghty:

Thank you. Act 156 was recently passed by the Legislature and signed by Governor Walker into law. They changed Chapter 980 which is the statutory section that deals with civil placement of sex offenders. Basically under Chapter 980 sexually violent offenders can be released from their secured facilities under certain circumstances, primarily that there is a plan to manage them and supervise them while they're released. And so they are released back into the community.

What caught our eye with the change to Chapter 980 was a provision that showed up in the law sometime right before it was passed that says that a local municipality can't pass more restrictive conditions than Chapter 980 provides. So it specifically says a Village can't enforce any ordinance that is more restrictive than Chapter 980. Chapter 980 basically says no violent sex offender can be placed within 1,500 feet of a school, a childcare facility, public park, place of worship, a youth center, a nursing home or assisted living facility if the sexual offense involved a protected adult. And then you can't place someone next door to where a child's primary residence exists.

And so the statutory scheme that they've come up with in Chapter 980 now requires the Department of Health Services of the State of Wisconsin to be in charge of the program. And as part of that they would notify the Village Police Department before someone was placed in the community and take comments from the Kenosha Police Department as to who is being placed and where they were being placed.

I think an important thing to keep in mind is that the changes to Chapter 980 affect only those sex offenders that are being released on a civil commitment. As far as I can tell it does not affect any sexual offenders who are registered sex offenders but are under no supervision, being those people who have completed all of their required sentences and probation. Those are still subject to the Village ordinances. As well as sexual offenders who are registered sex offenders but are still under the jurisdiction of the Department of Corrections. And so those would be sex offenders who are

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released to the community but are on, I don't think they call it parole anymore, but have finished their time but are still under supervision and/or on probation as issued by a court.

So in those circumstances the Village ordinances will continue to apply to Chapter 287. I will be recommending to the Village that we make changes to Chapter 287 of the Village ordinances to comply with the new requirements in Chapter 980. Chapter 287 of the Village ordinances provide for a 2,000 foot restriction in certain cases. And so in order to match Chapter 980 where Chapter 980 applies we'll have to change that to the 1,500 foot requirement.

At that time I'm also happy to discuss with Village staff any other changes that they believe are appropriate to the ordinances and should be brought before the Board. Once I got into this I did look at other municipalities and what they are doing with these ordinances for residency requirements. Some municipalities have larger distances between prohibited areas so farther from schools, farther from daycare centers, farther from churches. There are some that restrict the number of sex offenders who can reside in a certain area basically by providing within a certain distance you can't place another sex offender where there is already a sex offender residing.

There are also some municipalities that have passed ordinances dealing with placing or allowing the placement of a sex offender only if that sex offender was a prior resident of that community. And also that some of the other municipalities have added special enforcement language that I would recommend to the Village when we look at Chapter 287 including the ability to obtain injunctions and other court orders preventing a violation of the ordinance. And so while there is a significant change made in Chapter 980, I think it has brought up that we are going to have look at Chapter 287 and make some appropriate changes.

John Steinbrink:

So because of this we have to go from 2,000 feet to 1,500. So we're actually going in the wrong direction.

Tim Geraghty:

For Chapter 980 commitments, yes. We would have to follow the State statute. The Village couldn't be more restrictive.

John Steinbrink:

And who is responsible for determining what is in that area? You said primary residence of children and that. Is it the State who places in them, the landlord who rents it or the municipality responsible for determining who is in that area to meet that criteria?

Tim Geraghty:

That's a question we had today. We met with representatives of the Department of Corrections, and they didn't have a final answer on who makes that determination. As far as the distances it's my understanding that when a proposed placement is presented to the Village Police Department

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that they would make an initial determination based on as far as distance from schools and daycare centers and parks and those things.

John Steinbrink:

Is that distance determined by the property line from the front door to the front door?

Tim Geraghty:

In the ordinance it provides that it's a straight line from the outer property line of the permanent residence of the designated offender to the nearest outer property line of a prohibited location.

Michael Serpe:

Tim, if at all possible could we look at in the ordinance to -- I like the idea of the Kenosha County resident being the only ones that -- or the Village, if somebody that lived in the Village to be accepted into the Village. And also can we restrict -- right now we have I think a couple homes that have multiple sex offenders living in them. I'm sure the owners of these homes are not doing it out of compassion for their fellow man. It's monetary. If we could put that in there that one offender in a home. Does the state law say it can only be so far apart from one another?

Tim Geraghty:

For Chapter 980 placements we couldn't pass that. But for other sexual offender placements we could add a provision dealing with how close they could be to another placement. Now, I don't believe that that would affect any current placements, but it would affect the ability to put a new person in there.

John Steinbrink:

When you say current placement, that means once that person moves on then the next one coming in would be subject to that.

Tim Geraghty:

I believe so, yes, we wouldn't be able to do that.

Dave Klimisch:

A couple questions. The way I understand Act 156 every municipality in the State now has a 1,500 foot buffer. So the municipalities out in the County -- or other municipalities in the County do they have a lot more restrictive setbacks than the 1,500? We were at 2,000. Like were there places that in essence couldn't take anybody and now they're going to have to?

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Tim Geraghty:

And, again, just dealing with Chapter 980 placements, my understanding today in talking to the Department of Corrections that right now there are no Chapter 980 placements in Kenosha County. They are looking at one, but the more common ones are the ones that are through the Probation and Parole through the Department of Corrections.

Dave Klimisch:

And those would be where they -- okay.

Mike Pollocoff:

There's two types. And the irony of this is under the 980 placements that Attorney Geraghty is talking about which is the most severe, they will be under the least severe setbacks of 1,500. The less severe level 1 and 2 the Village, all municipal governments, still are able to modify that and control the placement of those people. So the 1's and 2's will be under greater control than the 3 which is the worst. Now we can no longer regulate that, and the setback has been reduced from 2,000 to 1,500. On the map right now [inaudible] 2,000 feet from the use and, Jean, if you want to hit the next one. It's a little hard to see the difference on it. So, Jean, if you want to get to the next slide.

The blue area which is the 1,500 feet, and then the kind of peach colored is the 500 feet. The level 3 offenders would be restricted by the blue area. Level 1 and 2 would be restricted by the blue area plus the peach area. I agree with Trustee Serpe, I think we're going to level the playing field with 1's and 2's to have it meet or exceed the standards that surround us for other communities and see how long the State lets us keep that. I think it could be one of the end results if they take away 1's and 2's like they did 3. But until that happens [inaudible].

Dave Klimisch:

So Pleasant Prairie has three houses contracted by the DOC? Those are all level 3's?

Mike Pollocoff:

No, it's not the house, it's the person. And right now they told us today there are no level 3's in Kenosha County in placement. That doesn't mean that won't happen, but they would come in under these new rules.

Dave Klimisch:

So when you were reviewing the other municipalities, do you know what kind of restrictions they had that had to change? Were there other municipalities in Kenosha County that were at 2,500 setbacks or 3,000 foot setbacks?

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Tim Geraghty:

There are.

Dave Klimisch:

And now those level 3's were all at 1,500?

Tim Geraghty:

Yes. So basically they won't be able to enforce their ordinance against level 3 people.

Dave Klimisch:

And for level 1 and 2 nothing has changed.

Tim Geraghty:

For level 1 and 2 nothing has changed.

Michael Serpe:

When do you anticipate bringing this forward, Tim?

Tim Geraghty:

Well, I hope to get something to the Village staff here in the next few weeks, Mr. Pollocoff, and we'll go over it. So hopefully it won't be a long time before we get it before the Board.

John Steinbrink:

Any other questions for Attorney Geraghty?

Kris Keckler:

In some of the other areas that provide the services, the local municipality ordinances, do we have any type of penalties could be assessed against homes that are in any violation of either placement or number of residences or any other acts that go along?

Tim Geraghty:

I'm not sure what the penalties would be for an ordinance violation for that.

Mike Pollocoff:

Right now it appears so that the ordinance violation goes with the offender, not with the house.

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Kris Keckler:

So a landlord is absolved from any of this stuff?

Mike Pollocoff:

He has to follow Village ordinances. But as far as having someone in their house who shouldn't be there, right now Corrections is saying it's the responsibility of the offender to know where he should be and that he can be in a place that meets the registration requirements. It's not the property owner.

Steve Kumorkiewicz:

How do we keep [inaudible] make sure that we don't have [inaudible] people?

Mike Pollocoff:

The police department and then the Department of Corrections and their contractors. The police department is notified when someone is, a registered offender, is located in the Village so they know where they are. And then it's a matter of Probation and Parole doing their checks. If somebody violates their conditions of their parole they contact the local police department, Pleasant Prairie, and they have us go pick them up.

Kris Keckler:

Do we have an idea of how often this has occurred in the past year for example?

Chief Smetana:

I don't have an exact number for you, but it is rather rare. And there are several levels of supervision over these parties living at these homes. So if they're contracted with the Department of Corrections they contract with a company called Genesis, and Genesis does the monitoring. So some of the released offenders are on electronic monitoring. Some are on GPS.

Kris Keckler:

And is it pretty much of the same variety that it's just a violation of their expectation of restrictions? Or is it based on any other accusations?

Chief Smetana:

The times that I'm aware we have been called out for a violation of the restrictions. So either there may be somebody else visiting at the house, they may have an issue with their monitor. If that's the case the person is generally taken into custody immediately and brought to the County Jail until they can meet with their supervision agent.

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Kris Keckler:

Thank you.

John Steinbrink:

A landlord that knowingly rents this property to the State for these offenders does he assume any liability if something happens or is he immune? I know the State has been passing laws that give landlords more and more immunity to anything that happens with their renters.

Chief Smetana:

As far as their renters doing something off of the property.

John Steinbrink:

It could be off or on the property.

Tim Geraghty:

It's hard for me to see any liability if an offender did something off of the property if that person was entitled to live at that property. If something happened on the property it would be more of an issue I guess as to what the negligence of them would be. It seems more likely to me that the Department of Corrections would be more the responsible party if they were renting than someone who was under DOC supervision. And DOC has the GPS and the electronic monitoring and meets with them regularly. So I'm not sure that the owner of the property would have any liability situation.

John Steinbrink:

Other comments or questions?

Kris Keckler:

In reviewing the locations in those types of contracts, we don't have awareness right now of what language is in those contracts between the landlord and the State and what other criteria? Is there inspections similar to like childcare facilities that they just go in and meet and make sure there's certain room availability, things of that nature?

Tim Geraghty:

I don't have any knowledge of what that contract would be. As the Chief mentioned Genesis I think is the company that's in charge of monitoring them and kind of keeping track of those. So my guess is it's more of a contract between Genesis and the State as to what their obligation is.

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Kris Keckler:

I'm just wondering if there is a regular or impromptu or unannounced observation visits, for example, just to make sure that the house is in the condition that they expect it to be in per the contract.

Tim Geraghty:

And that I don't know.

Kris Keckler:

Okay, thank you.

Mike Pollocoff:

So my recommendation I think what I'm hearing from the Board is to authorize the attorney to bring the Village ordinance into compliance with 980, and also to prepare amendments to increase the level of enforcement on placement of level 1 and 2 violators so that it's equal to or greater than surrounding municipalities. Incorporate that into the ordinance and bring that back to go to the Board.

Kris Keckler:

Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Any additional comment or question?

Kris Keckler:

I would just like to thank the people that have come and spoke multiple times for public comments. It's helped drive this issue and helped impress upon the importance of proper monitoring and awareness. And we do appreciate your public input those of you who have come before us and given your testimony.

John Steinbrink:

No further comment or question?

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KECKLER MOVED TO AUTHORIZE THE ATTORNEY TO BRING THE VILLAGE ORDINANCE INTO COMPLIANCE WITH CHAPTER 980 WIS. STATS., AND ALSO TO PREPARE AMENDMENTS TO INCREASE THE LEVEL OF ENFORCEMENT ON PLACEMENT OF LEVEL 1 AND 2 VIOLATORS SO THAT IT'S EQUAL TO OR GREATER THAN SURROUNDING MUNICIPALITIES AND THEN BRING THAT BACK TO GO TO THE BOARD FOR CONSIDERATION AT A FUTURE MEETING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

Thank you, Mr. Geraghty.

B. Consider Ordinance #16-07 to Amend Chapter 348 of the Municipal Code relating to parking regulations.

Tom Shircel:

Mr. President and Village Board members, before you is Ordinance 16-07 which is to amend Chapter 348 which is related to parking in the Village. Specifically we're looking to add language to Section 348-8 D (12) would be the new section. And it's been noticed over the last few months in the Village that there's been increased semi-trailers, semi-cab parking within the Village especially within the areas in and around LakeView Corporate Park. Those trailers and semi-cabs can be an obstruction to traffic. They can obstruct emergency vehicle access. They can be a nuisance and not looking aesthetically pleasing as well. So what this ordinance is trying to do is obviously rid the parking of semis and semi-trailers on Village Streets.

And I'll read the proposed language for you. Again, Section 348-8 D (12) would read: No person shall park any semi-tractor/semi-cab/semi-truck or semi-trailer, or any other similar commercial vehicle used especially for the hauling of cargo/freight, including box-type trucks, whether or not a trailer is attached or unattached to a motor vehicle, upon any public street or roadway in the Village, except for transports related to the limited and immediate delivery or collection of goods and materials at the address being served. So it would prohibit the parking of semi-cabs and trailers on Village streets except for deliveries essentially. Staff recommends approval of Ordinance 16-07.

Michael Serpe:

Tom, one thing came to mind as you were reading this. If somebody works for Wisconsin Energy they may have a take home truck which is a boom truck or something and they are on call. That vehicles is usually parked in their driveway. I don't know if you want to restrict an emergency service like that unless you want to specify it in the ordinance.

Tom Shircel:

There are zoning ordinances related to those types of trucks as well.

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Jean Werbie-Harris:

That's prohibited now in the residential zoning districts of the zoning ordinances, so it's not permitted currently.

Dave Klimisch:

Would we be posting signs so that drivers know?

Tom Shircel:

Yes. And in talking with the Municipal Judge his thoughts were that signs would need to be posted a major arterial roads that enter the Village. In other words not every roadway, obviously, but the major arterial roads that enter the Village it would need to be posted.

Michael Serpe:

Move approval of 16-07.

Kris Keckler:

Second.

John Steinbrink:

Motion by Mike, second by Kris. Any further discussion?

Kris Keckler:

Real quick. When I reads this it came to mind when we have the growth and businesses that are moving in, a lot of times we have the language where it's the expected amount of traffic, deliveries per day and so forth, and whether or not we go back and review any of that. But is there any repeat offenders as far as where these trucks are being placed to drive this that we're aware of? And is it typically just to go in and give a warning to the driver and/or the business if it's so associated?

Tom Shircel:

Without mentioning any business names at this point, there are some repeat offenders which essentially prompted this ordinance. As of now I'm not sure if they're being ticketed or not. Well, they can't be ticketed now because there's no ordinance in effect. So, obviously, the goal is to have the ability to ticket these drivers and the people who drop these trailers off.

Kris Keckler:

I've noticed sometimes coming through the corporate park there's two or three sometimes that are in line to pull into some of the businesses. And they don't look to be moving in any particular

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hurry which, obviously, cuts down on the lanes and could be a traffic concern in that regard. So appreciate this.

Dave Klimisch:

To follow upon Kris's comment, the violations that we're seeing or are concerns is it more the tractors and trailers that are stopped overnight for sleeping, or is it the tractors and trailers that are queued up to try to get onto a property?

Tom Shircel:

I think a combination of both. But I think more on the former that you mentioned. I think the ones that are queued up for deliveries and/or waiting for it to be loaded are the more problematic ones at this point.

Dave Klimisch:

In that situation, to clarify, would that be the ticket or the fault of the driver or the property owner who doesn't have substantial space for receiving deliveries?

Tom Shircel:

I think ultimately a ticket would be given to the driver. When the Village Plan Commission approves site plans for certain new companies that come into the Village those companies have to meet the parking requirements for that new business as well as the truck queuing requirement. So I think while the Village Plan Commission then is taking their word for it that they are providing enough space, while lo and behold if an entity doesn't have enough parking and they're parking on the Village street, what's going to happen then is the trucker is going to be ultimately responsible. They're the ones who will be getting the ticket. I think it's for them to work out with XYZ Company to make sure that doesn't happen anymore.

Mike Pollocoff:

One of the problems is truckers that are actually doing business outside of -- they'll come into an area, drop their trailer, go off and do something else, and then somebody else comes back and picks the trailer up and takes it to wherever they're going. And keeping a handle on that all over the Village, because it's like [inaudible], you get them in one spot then they move to another one. That's why we've got to make this thing Village wide otherwise we can't manage it. And you'll be seeing an ordinance in the coming weeks managing it at the tourist information center where there's actually people conducting business out there using State property and really not allowing any place for trucks that need an overnight stay or the guys have to get their sleep in or their rest while they're on the route because they're mixed up with guys that their trailer is dropped there. They're just running their business out of that center, and they're doing it on Village streets in the corporate park in business areas. And if they can use public assets at no cost and we have to deal with it they'll do that as long as they can do it.

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Dave Klimisch:

I don't know how much of this is happening. I am concerned that if the receiving facility doesn't have space, and the expectation is that they queue off property, then there's a responsibility on the property owner to create space somehow. And I don't know if that's happening. But if a driver is coming from out of State to make a delivery and there's nowhere to queue up, the reality is you've got to park somewhere and wait.

Tom Shircel:

I agree. I think it's up to the, like I said, company, whatever the offending company is, to make sure the provisions are there, the space is there for those trucks to queue or else you're just going to end up getting tickets to the drivers who are queuing elsewhere, who are waiting elsewhere.

Dave Klimisch:

And are there several businesses here that don't have the space where the trucks are lining up --

Tom Shircel:

I wouldn't say several. I'd say maybe a couple.

Dave Klimisch:

And whatever they look like is there a way to refigure their property so the trucks can get on? Or are there buildings everywhere and the reality is the trucks are off property?

Tom Shircel:

The one I'm thinking of it probably is pretty tight, the queuing space. I'm not sure if they can provide more space onsite or not. I guess they'd have to have a site plan or take a look at that and see if there's a way to remedy the situation.

Dave Klimisch:

Because otherwise it's just going to keep happening.

Mike Pollocoff:

If they don't have to manage it they won't manage it.

Jean Werbie-Harris:

What the truckers need to do is they need to manage their time and their deliveries. Because a number of these businesses are not allowing the trucks to come in in order to get into the queue or get in to make their deliveries or to take their deliveries. So what they need to do is they need to

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manage their time. They have to not use the Village or the County or any of the State highways as their queuing areas. They need to stay at the truck stops in the area and stay at those locations until their time has arrived for them to make their deliveries or to get their delivery. So they need to manage that better.

And if they need to work with the companies to help work with them to do that then they should be doing that. But it's that situation and the drop and go situations that we have where they are parking these large semi truck trailers on public roads, Village roads, and they're doing a lot of damage to our public roads by dropping the load and dropping the trailers and then leaving and then coming back at some other time. So we need to get a handle on where these trucks are parking on our Village roads or on private property. And they need to designate specific areas for them to be able to do those activities, but it's not on public property.

Michael Serpe:

This is going to fall heavily on the police department.

Jean Werbie-Harris:

Yes.

Michael Serpe:

Somebody is making a delivery from New Jersey coming into the Village of Pleasant Prairie is not going to know what our ordinances say or what they require. So the police department is going to be called, and they're going to have to be the ones that handle this I'm guessing.

Jean Werbie-Harris:

That's true, and they have been doing a good job at that situation. A lot of times it's the same truckers or the same companies that are making similar deliveries and repeated deliveries to various businesses. So they understand that this isn't just a one time that they make a delivery. That they understand what the procedures are. And with the proper signage, and I know that the discussions that the PD has had with the truckers I think they're starting to understand that they need to stay someplace before their delivery times.

Michael Serpe:

That full-time parking enforcement officer is coming.

Dave Klimisch:

Last question. Is there a legal definition between parking and waiting? If I'm the third truck in line I'm not really parked, I'm waiting to get in compared to if I'm parked and sleeping over for the night. If I get to the delivery and I'm parked on the side of the road waiting to get in I'm not really parked, I'm waiting. I don't know if that has to be addressed.

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Chief Smetana:

I would believe, and I think we could make the argument that if you're pulled off the side of the road and you're parked and you're using that as a parking spot, whether the vehicle is occupied or not. So I think that's the way we would -- and there are some issues with just that happening, where the truck is occupied. And as Jean and Tom have mentioned there's other issues where they're just using it as a drop. They'll drop that trailer, go up and take care of some other business, pick up another load somewhere, deal with another trailer and come back and get that one. So the Village is essentially being used as a switch yard. And the places that these vehicles are parked generally they try to get as close to the company as possible.

And, again, as Jean mentioned there's adequate truck stops within 10, 15 miles of here that they could queue up in. And it's all an issue of time management as opposed to deciding that they're going to get there when they get there, and they're going to park on a Village street obstruct traffic, cause some other dangers. And when they're dropping these trailers it's also a safety issue. We have no idea from a law enforcement from a public safety standpoint we have no idea if somebody drops a trailer what's in it and just takes off. So it really becomes a safety concern to the Village at that point as well. It's like an abandoned backpack, a large abandoned backpack is what I look at it as. So those are also some of the concerns.

Going back to the question, I think if the vehicle is parked on the side of the road, whether it's occupied or not, whether it's running or not, they could make the argument that I was just waiting. If your vehicle is not moving, it's pulled off to the side of the road, it's also parked.

Dave Klimisch:

Or they could make the argument that I'm involved in the immediate delivery of those goods. So there's a gray area that I see.

Chief Smetana:

Correct.

Dave Klimisch:

I mean dropping the trailer is pretty obvious. But if I'm waiting to get immediate delivery one could argue I'm consistent with the ordinance.

Chief Smetana:

That would be correct, yeah. Depending on the time limit. If it's in a residential area we wouldn't want a semi-truck parked there for four or five hours while it's waiting for a delivery. It would have to be some sort of immediate delivery as opposed to an extended period of time of waiting. That's where it does become an extended police observation issue as well and a complainant issue.

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Steve Kumorkiewicz:

Chief, a question for you. What about the trucks parking on the access to the interstate?

Chief Smetana:

On the exits?

Steve Kumorkiewicz:

Yes. This is happening at night before seven o'clock.

Chief Smetana:

Yeah, we had some discussion with that with some State officials as well. And correct me if I'm wrong, Jean, but I don't think there's anything that they could enforce on that.

Jean Werbie-Harris:

The Village can't enforce any of those. That would be a State responsibility.

Chief Smetana:

Right, because those are exit and entrance ramps to an interstate.

Jean Werbie-Harris:

It's part of the State's jurisdiction.

Steve Kumorkiewicz:

They can park over there?

Jean Werbie-Harris:

Not legally.

Steve Kumorkiewicz:

No, that's what I thought. But you see those before seven o'clock. They're waiting until seven o'clock just to take off.

John Steinbrink:

Thank you, Chief.

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SERPE MOVED TO ADOPT ORDINANCE #16-07 TO AMEND CHAPTER 348 OF THE MUNICIPAL CODE RELATING TO PARKING REGULATIONS; SECONDED BY KECKLER; MOTION CARRIED 5-0.

- C. Receive Plan Commission recommendation and consider Ordinance #16-02 to amend Section 420-126 D (21) (c) of the Zoning Ordinance to add outdoor storage and/or display of merchandise as a conditional use in the I-I, Institutional District and to amend Sections 420-26 K (3) and (4) to clarify that outside storage and/or display of merchandise is only allowed if approved under the conditional use provisions of the Zoning Ordinance.**

Jean Werbie-Harris:

Mr. President and members of the Board, Ordinance Amendment 16-02 is to amend a provision in the I-1 District, and this is to require that outdoor storage or display of merchandise in the I-1 Institutional District is allowed only with the approval of a conditional use permit rather than the discretionary approval of the Zoning Administrator. The Plan Commission held a public hearing at their last meeting, and they recommended approval of these modifications. And the staff recommends approval of the text amendment as presented.

Kris Keckler:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

KECKLER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #16-02 TO AMEND SECTION 420-126 D (21) (C) OF THE ZONING ORDINANCE TO ADD OUTDOOR STORAGE AND/OR DISPLAY OF MERCHANDISE AS A CONDITIONAL USE IN THE I-I, INSTITUTIONAL DISTRICT AND TO AMEND SECTIONS 420-26 K (3) AND (4) TO CLARIFY THAT OUTSIDE STORAGE AND/OR DISPLAY OF MERCHANDISE IS ONLY ALLOWED IF APPROVED UNDER THE CONDITIONAL USE PROVISIONS OF THE ZONING ORDINANCE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- D. Receive Plan Commission recommendation and consider Ordinances #16-03 and #16-04 to amend Section 420-128 C of the Zoning Ordinance regarding mapping disputes in the C-1, Lowland Resource Conservancy District and Section 420-130 C regarding mapping corrections in the C-3, Natural and Scientific Area Resource Conservancy District.**

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Jean Werbie-Harris:

Mr. President and members of the Board, zoning text amendments Ordinances 16-03 and 16-04 relate to mapping disputes in both the C-1, Lowland Resource Conservancy District, and mapping corrections in the C-3, Natural and Scientific Resource Conservancy District. Section 420-128 C specifically addresses the C-1 District. And there are three different staking procedures that we are recommending to be inserted into our ordinance for the verification and delineation of wetlands. First a Wisconsin DNR assured biologist, a non-DNR assured biologist, and the Southeast Wisconsin Regional Planning Commission staff biologist.

And so what we're doing is we are modifying our procedures in the zoning ordinance to make it very clear that there are three different methods. If you use a Wisconsin DNR assured biologist, then you are assured that that delineation will be accepted by the DNR as that assured biologist has gone through the appropriate training and certification to act on behalf of the DNR with respect to interpretation and delineation of wetlands. The procedures do still require that a plat of survey be prepared with a legal description, and that amendments be submitted to the Village in order to modify its Comprehensive Plan and its zoning ordinance, and a pre-development agreement is required.

The second refers to the C-3, Natural and Scientific Area Resource Conservancy District. And this deals with mapping corrections, again, upon the public or private nonprofit purchase of land in Chiwaukee Prairie in accordance with our Chiwaukee Prairie Land Management Report Number 88 prepared by SEWRPC. The Village shall initiate the process to rezone the property into that C-3 District when these lands have been acquired in the public's interest and they've been identified as wetland or some type of upland conservancy that has been identified as the natural and scientific areas.

These two ordinance amendments, again, more for clarification purposes, were considered by the Village Plan Commission, and the Plan Commission recommended approval at the public hearing that they held at their last meeting. Staff recommends approval of both Ordinance #16-03 and Ordinance #16-04 as presented.

Michael Serpe:

Do you need an individual motion on both or both at the same time?

Jean Werbie-Harris:

No, we can do it at the same time.

Kris Keckler:

Second.

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John Steinbrink:

Motion to adopt 16-03 and 16-04 by Trustee Serpe, second by Kris. Any discussion?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCES #16-03 AND #16-04 TO AMEND SECTION 420-128 C OF THE ZONING ORDINANCE REGARDING MAPPING DISPUTES IN THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT AND SECTION 420-130 C REGARDING MAPPING CORRECTIONS IN THE C-3, NATURAL AND SCIENTIFIC AREA RESOURCE CONSERVANCY DISTRICT; SECONDED BY KECKLER; MOTION CARRIED 5-0.

- E. Receive Plan Commission recommendation and consider Ordinance #16-05 to amend Sections 420-27 A, B and C of the Zoning Ordinance related to application fees, Section 420-28 B (3) and (4) related to sign permit fees; Section 420-29 B thru E related to other fees; and Section 420-29 J related to commercial communication structure application and permit fees.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Ordinance 16-05 is the ordinance that addresses a number of minor modifications to the sign permit fees as well as to other related fees such as commercial communication structures and permit application fees. So as you take a look at the staff comments and the memo that you have before you, some of the modifications include a clarification of the pre-development agreement in that whenever a developer or an applicant signs a pre-development agreement with the Village that they would be responsible for paying any and all Village staff costs which includes incurred by the planners, zoning administrators, engineers and the GIS employees. And this is all for actual time spent and the resources required in order to process and review that application including the inspecting of the site and the building and the projects.

It also clarifies that billable time includes the preparing of any reports or documents for the Plan Commission, the Board, the Board of Appeals and the Village Park Commission. It also clarifies that digital security imaging system plans, reviews, inspections and project details would also be included in the various aspects of where the staff could bill. It also does add a provision that the Zoning Administrator may allow for a cash deposit to be accepted by the Village to pay for the invoiced amounts in lieu of sending an invoice to be paid.

A pre-development agreement is required. A situation we had there is if we had some developer coming in from outside of the area, and the property owner who was selling the land was concerned about getting stuck with the bill if, in fact a developer's project didn't move forward. So we do permit a cash deposit to be put on an account here at the Village that once we invoice we could draw down from it in order to avoid, again, any type of situation where the property owner might get left holding those bills to be paid.

We've also made a modification with respect to zoning information requests to be \$100 per parcel. And then we've also made some modifications that pertain to the commercial communications

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structure, application and permit fees. We've made a modification to address that the application fee would be \$2,500 to be submitted at the time the application is filed. And \$500 would be for the permit fee for a class 1 co-location and siting. And a class 2 co-location and siting the application fee would be \$100 to be submitted at the time the application is filed and \$40 for the permit fee.

What we've been finding over the last couple of years is that we spend an enormous amount of time working with companies who are siting communication towers. We spend a lot of resources, and then they change their mind or they go to another site or they just put it off for months and months and months. So this actually ties more of the fee up front when we do all the staff review and analysis and we're working on all the documents. And then the actual permit fee is then much smaller after that permit is issued. And then it's for the inspection work that it's done.

So with that the staff recommends approval of Ordinance 16-05. Again, this is to amend sections related to application fees, signed permit fees as well as other fees and commercial communication structure fees. This was a matter before the Village Plan Commission at their last meeting. And they recommended approval as presented.

Steve Kumorkiewicz:

Move to adopt Ordinance 16-05.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Steve, second by Dave for adoption of 16-05. Any further discussion?

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #16-05 TO AMEND SECTIONS 420-27 A, B AND C OF THE ZONING ORDINANCE RELATED TO APPLICATION FEES, SECTION 420-28 B (3) AND (4) RELATED TO SIGN PERMIT FEES; SECTION 420-29 B THRU E RELATED TO OTHER FEES; AND SECTION 420-29 J RELATED TO COMMERCIAL COMMUNICATION STRUCTURE APPLICATION AND PERMIT FEES; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

F. Consider Ordinance #16-06 to amend Chapter 410 of the Village Municipal Code related to developments required to install Digital Security Imaging Systems (DSIS) and hardware standards.

Jean Werbie-Harris:

Mr. President and members of the Board, Ordinance #16-06 involves a number of amendments to Chapter 410 of the municipal ordinance as it relates to the security ordinance. Specifically it relates

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to developments required to install a DSIS or a digital security imaging system, as well as modifications to the hardware standards that are being used by the development.

We have been operating under this ordinance for almost ten years now, and we have come to the conclusion that there are additional commercial uses that we feel would be beneficial to be included within this program and to require these camera systems, these security surveillance, for outside of the parking lots, the exterior sites. And so we've modified the ordinance so that it does not just reflect those that require a PUD, but it includes also new buildings constructed within the B-1, B-2, B-3 and B-4 Districts which are the commercial districts of the Village. It also identifies any new uses or building modifications requiring Plan Commission approval in the B-1, B-2, B-3 and B-4 District.

It also requires that any new use or building modification or addition regarding Plan Commission approval in the B-5 District, which is actually our Freeway Office District, and the M-5, Production Manufacturing District, as it relates to commercial related uses or retail uses that are permitted within those districts. So it's not our intent to capture office buildings or manufacturing building within those district, but rather the retailer auxiliary retail uses and services uses in those district.

In addition, any new use or building modification or addition requiring Plan Commission approval in the I-1 District, again, specifically as it relates to retail sales, daycare facilities for children or adults, veterinarian emergency services or veterinarian offices. I see that I skipped number four. Also, new uses or building modifications or additions that, again, require Plan Commission approval that relate to retail or service related uses in the M-1 or M-2 District. Again, we have some ancillary related uses in those manufacturing districts that are related to retail services or retail services as well as just plain services. We want to make sure that they are both covered by the DSIS.

And then finally any new use or building modification or addition in the PR-1, Park and Recreational District, as it relates to restaurants, snack bars or cabarets. Number seven, any new use or building modification requiring Plan Commission approval in the PR-3 District. Again, it's limited to those that are more of the service oriented uses. And then number eight we've modified so that the R-9, R-10 and R-11 which are the three multifamily districts in the Village that if the building has 12 or more units per building where the building has common entries and common hallways that those are also of benefit to have these exterior camera systems. Again, the camera systems not only identify entrances and exits to the development but to the buildings themselves as well as the common open space areas and the parking lot areas, those areas that are traditionally open to the public or the public would be viewed being on the premise.

And then one of the items that we've also added in that section, and that has to do with the property owners and developers and owners' responsibilities. And those are to pay the fees equal to the actual cost that might be incurred by the Village or the IT department, staff or consultants, or our expert consultants as it pertains to the review, the inspection or ongoing maintenance to these DSIS systems on behalf of the Village.

The next area of change is the change that deals with the digital video that's being recorded. We are making a modification that the video shall be archived locally on the DNVR for the

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development site for a period of not less than 30 days. Previously it was two weeks. We've also made a modification that all output formats shall contain accurate date and time stamps. Again, this is very helpful for the police department.

And then finally our section specifically related to hardware standards for the camera and digital network video recorder that the camera shall be IP based wired or wireless, no longer analog. That they have an ingress protection rating of no less than IP 66, they have pixel density ratings of 50 pixels per foot or greater. The cameras proposed for the DSIS shall have a LUX rating that can accommodate identification level image during low light levels without distorting or adding excessive noise to video images. And then one final modification is that the Village shall be given any permissions and/or software required to access both the video files stored as well as live feed of any camera.

So, again, this information and these modifications were prepared over a period of time with our IT department, with the Village Police Department and with the administrative staff in looking at what is going to be the most beneficial for the Village in utilizing this DSIS system for providing us quick and easy access and visual live look capabilities for is something very serious happens or as an incident is happening at any of these sites or these buildings in the Village. The staff recommends approval. And there's a number of us here if you have any specific questions, the hardware questions, I'll defer to Dan. But if you have any specific questions I'd be happy to answer them.

Again, we have been learning over the years with respect to these systems. And what we're finding is the technology is getting better, the cameras are getting cheaper, and it's getting to be something that we rely on heavily with respect to not only incidents that may occur at a particular store or restaurant or gas station, but that video information has just been very critical, very valuable for our police department in solving many offsite crimes and situations and incidents by having this information.

John Steinbrink:

Was that a big change for a lot of these businesses when they go from two weeks to 30 days? It's a better idea to hold it for 30 days.

Jean Werbie-Harris:

No, I don't think it's going to be a big deal for these businesses. And what we've been finding, actually some of our larger or big box businesses they have been updating and modifying and changing their cameras and their systems out just because the older cameras required all the lights to be powered on at night. And now they're looking at more of these IR cameras so that they can bring the lighting levels down. It's a little cheaper. And just the technology is just advancing so quick that they're finding that this is a benefit for them as well.

Dave Klimisch:

Is there a monthly fee that the businesses pay, or is it an up-front fee that they pay to the Village?

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Jean Werbie-Harris:

So a couple of things. The Village does not own and operate most of these cameras. We only own and operate a very small percentage of these cameras. It's the individual business that owns and operates these cameras and needs to maintain them. We have the right but not the obligation, if the property owners or the businesses let these systems go in default by more than 30 days the Village has the right to go in and get them active and working so that we have access to them.

Again, it is not the police department's position or job to monitor any one business through these camera systems. If there is an incident, if there is a live action going on and they need to pull up the cameras they can view to see what's going on. If something happened last night they can pull up these cameras and take a look at what's going on. But they're not watching it, so the police department is not watching and monitoring these cameras on a regular basis. I'm hoping that these businesses are doing that very thing because it's good for them to monitor what's going on in their individual businesses.

Dave Klimisch:

And then the large apartment complexes that would be a new requirement if they're over 12.

Jean Werbie-Harris:

That's correct. With that being said Cobblestone which was our last larger development in Prairie Ridge they are fully cameraed inside and out?

Dave Klimisch:

So inside hallways, inside entrances?

Jean Werbie-Harris:

No, in their underground parking areas and in their elevators and everywhere on the outside.

Michael Serpe:

Jean, could we ask -- if an apartment complex changes hands could we insist that they put in a DSIS system?

Jean Werbie-Harris:

So if they don't currently have the system?

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Michael Serpe:

Yeah, if they don't currently have a system and they sell the whole complex could we force them to put a camera system in?

Jean Werbie-Harris:

We certainly can ask, but it's not going to be an obligation unless they have some type of change in use on the property or if there is some significant building modification that's required to go to Plan Commission. But typically we don't have too many complexes. I know which one you're thinking of, but we did not write the ordinance to go back after the fact.

Kris Keckler:

A couple of quick questions. Towards the end of the proposal, Section 3B, the video recorder, should that be amended, the second line, instead of two weeks should that be 30 days as well to be in alignment?

Jean Werbie-Harris:

I'm sorry, what paragraph are you on?

Kris Keckler:

Right before the testing 3B, second line in there. Storage capacity to accommodate a minimum of two weeks footage. On the previous section you had amended that from two weeks to 30 days.

Jean Werbie-Harris:

I would say that should be four weeks -- or 30 days I should say.

Kris Keckler:

And then, too, I don't know if this is more in your realm, but there's no language as far as any notification if the camera loses its connection for those areas that aren't monitored. In that regard there's no notification or expectations.

Dan Honore':

Correct.

Kris Keckler:

Okay, and I don't know if that's been an issue before in requests for the police department or anybody to gain access, and then a realization that it just happens to be down.

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Dan Honore':

I've heard of some situations where that's occurred.

Kris Keckler:

And we've just experienced it in the district and had to get accounts for all those IP cameras now just for that awareness because they didn't know they were down for weeks just because there's so many of them and they're not being monitored. So I'd hate for some investigation to be justified to go looking for it and just find static because the camera is down. Thank you.

Jean Werbie-Harris:

I have a quick question. Trustee Serpe, are you looking to make a modification to Item B to insert that if there is a change in use or a building modification or addition that requires Plan Commission approval it would require that it be retrofitted? I can make that modification for that. I mean for the most part I'm not sure how much an apartment building will undergo a significant building modification but it could.

Michael Serpe:

The only thing I'm thinking of is we have a complex that's a problem in the Village that doesn't have the camera system. And if it changes hands or like you said makes some changes in its use or construction or whatever maybe we can --

Jean Werbie-Harris:

We can use the same language that we have applied to the other districts.

Michael Serpe:

Okay.

Jean Werbie-Harris:

But it wouldn't necessarily -- a change of hands, a change of ownership would not necessarily require the installation of the cameras.

Kris Keckler:

Move approval of Ordinance 16-06 with the changes as noted.

Steve Kumorkiewicz:

Second.

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John Steinbrink:

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

Dave Klimisch:

Is there a requirement that it's signed, like a warning sign is put up where there's a camera so people know, especially like in an apartment complex?

Jean Werbie-Harris:

We don't require that a warning sign be placed on the outsides of the building. Some of them have those signs at some of the malls in some locations, but we don't require. To my knowledge their hallways and things like that are not monitored, but the underground parking is monitored.

John Steinbrink:

Other comments or questions?

KECKLER MOVED TO ADOPT ORDINANCE #16-06 TO AMEND CHAPTER 410 OF THE VILLAGE MUNICIPAL CODE RELATED TO DEVELOPMENTS REQUIRED TO INSTALL DIGITAL SECURITY IMAGING SYSTEMS (DSIS) AND HARDWARE STANDARDS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

G. Consider an Award of Contract for the construction of water main on Sheridan Road (STH 32) north of STH 165, on 91st Street (east of STH 32), and on 7th Avenue to 90th Street.

Matt Fineour:

Mr. President and members of the Board, this is another water system improvement. This is on the east side of the Village here. The map that you're looking at right there what's highlighted in yellow is actually a dual 24 inch force mains, they're existing force mains. That is the route that we purchase water from the City on the north end where you see that little box. And then water gets transferred to the Sheridan Road reservoir site by State Highway 165. Those two water mains basically convey all the water that the Village purchases and distributes to our utility customers throughout the Village.

What you see there on Unit W and Unit 6 there are some subdivisions there as well as properties along that route that are connected to those dual 24 inch mains. What this project is intended to do is to make this route, these transmission lines, true transmission lines and get all the services off them so all they do is convey water from the City to the reservoir sites. If we could go to the next slide. What that does is that transfers those Carol Beach areas into our water system pressure zone which is after our reservoir sites, everything that's after our reservoir and booster station is on our system.

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What this allows us to do is basically isolate, if you will, everything else from what is being conveyed from the City of Kenosha. So if there's a fire or something else is happening the rate that we're taking water from the City is consistent. There's nothing that changes over there. It actually provides a more reliable system for the utility customers and a better operation overall for our water system. If there's any questions regarding the project itself I can answer it before I go through the bids from any of the Board members.

Otherwise, there was a total of three bids that were received for the project. The bids were opened on February 11th at 2:30 p.m. The low base bid was submitted by Super Excavators of Menomonee Falls, Wisconsin in the amount of \$2,827,243. The high base bid was submitted by Dorner of Luxemburg, Wisconsin in the amount of \$4,137,747.00. The bids were reviewed, and Super Excavators was found to be the lowest overall responsible bidder. It's recommended that the Village Board award this project to Super Excavators with the overall base bid of \$2,827,243. Once the contract is awarded we will prepare the necessary documents and get those to the contractor for execution.

Michael Serpe:

Move to award Super Excavators the contract for \$2,827,243.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Mike, second by Dave. Any further discussion?

Steve Kumorkiewicz:

I've got a question. Looking at Unit 6 [inaudible] they're going to be interconnected from 91st to 7th Avenue. Are those mains able to handle the volume from 6 to W?

Matt Fineour:

The mains that we're installing would handle getting water to Unit 6 and Unit W.

Steve Kumorkiewicz:

Yeah, but I'm talking about the interconnection at 91st Street from Unit 6 to Unit W. Those mains in those sections are they to be interconnected with the size of the pipe and everything [inaudible]. They're going to be able to carry that volume?

Matt Fineour:

Yes, the mains that are on 91st Street if you're talking about that?

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Steve Kumorkiewicz:

Yes.

Matt Fineour:

They will go and they will be interconnected with the new water main that we're installing. They would be sized appropriately to interconnect. It would actually loop the system again on our side of the system.

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

Any other comment or question?

SERPE MOVED TO AWARD A CONTRACT FOR THE CONSTRUCTION OF WATER MAIN ON SHERIDAN ROAD (STH 32) NORTH OF STH 165, ON 91ST STREET (EAST OF STH 32), AND ON 7TH AVENUE TO 90TH STREET TO SUPER EXCAVATORS THE CONTRACT FOR \$2,827,243; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

H. Consider a Professional Services Agreement for the conceptual design of a roundabout at the intersection of the East Frontage Road, Corporate Drive and 116th Avenue.

Matt Fineour:

Mr. President and members of the Board, this is a professional service agreement with Ayres and Associates to take a look at the intersection that I've highlighted in red there that's around the I-94 water tower. Over the past year and a half or so we've done a TIA for LakeView Corporate Park as well as some planning for the Riverview Corporate Park and also general development for this corridor out here. This intersection is an intersection that is kind of a cornerstone intersection for any future improvements that are going to be done out there.

There is some talk as far as the East Frontage Road, the existing alignment as it is and potential realignment of that East Frontage Road to 116th Street. All the options over here kind of focus in on that intersection. So this professional service agreement looks at that intersection and potential roundabout designs to see the plan for the future as far as the geometrics, how that affects that area, what land would be needed and so forth in planning forward in that location for traffic. The service agreement is with Ayres and Associates with a lump sum of \$18,600. It's recommended the Village Board approve this professional service agreement so we can take a closer look at this intersection.

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Kris Keckler:

Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

KECKLER MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH AYRES AND ASSOCIATES THE CONCEPTUAL DESIGN OF A ROUNDABOUT AT THE INTERSECTION OF THE EAST FRONTAGE ROAD, CORPORATE DRIVE AND 116TH AVENUE IN AN AMOUNT NOT TO EXCEED \$18,600; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- I. Consider an Award of Contract for the construction of water main on Springbrook Road (CTH ML) beginning at Green Bay Road (STH 31) going north-east approximately 6,600 feet.**

Matt Fineour:

Mr. President and members of the Board, this is the project that was up for discussion earlier this evening. There was a bid opening on February 11th at 2:00 p.m. A total of eight bids were received for this project. The low base bid was submitted by Reesman's Excavating in the amount of \$1,160,750.00. And the high bid was provided by Dorner, Inc. for \$1,607,368. Bids were evaluated, and Reesman's Excavating and Grading was found to be the lowest overall responsive bidder. It is recommended that the Village Board award this project to Reesman's excavating with the overall low base bid of \$1,160,750.

Dave Klimisch:

Move approval of the contract for \$1,160,750.

Michael Serpe:

Second.

John Steinbrink:

Motion by Dave, second by Mike. Any comment or question? A lot of bidders in here

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KLIMISCH MOVED TO AWARD A CONTRACT FOR THE CONSTRUCTION OF WATER MAIN ON SPRINGBROOK ROAD (CTH ML) BEGINNING AT GREEN BAY ROAD (STH 31) GOING NORTH-EAST APPROXIMATELY 6,600 FEET TO REESMAN'S EXAVACTING IN THE AMOUNT OF \$1,160,750; SECONDED BY SERPE; MOTION CARRIED 5-0.

J. Consider a Professional Engineering Services Agreement for construction management of the Springbrook Road water main project beginning at Green Bay Road (STH 31) going north-east approximately 6,600 feet.

John Steinbrink, Jr.:

Mr. President and members of the Board, I'll be presenting the construction management proposed contract for this project of Springbrook Road. We went down and had the bids out there received on February 24th. And we had six proposals for this. Low bid came in with R.A. Smith National, it came in just under \$50,000. The high bid was upwards of \$83,000. R.A. Smith has done a lot of construction management for the Village in the past, and they rank very high in our evaluation process. It is under five percent of the construction cost, so it was a very competitive construction project. Public works does not have the staff to manage this one in house. We are looking at doing the Sheridan Road and the paving program in house. But this is one that we'll have to farm out. It's a little bit simpler of a project, and we feel very comfortable with R.A. Smith leading this project for us. So I do recommend an award of contract to R.A. Smith National for the construction services of \$49,769.

Michael Serpe:

Is this under budget, John, of what we projected?

John Steinbrink, Jr.:

Yes, we normally budget around that 10 or 15 percent, so we were very happy to see the numbers com in a little bit lower. It is kind of a simpler water main project that's an interconnect. It's not a relay. You're kind of going from one end to the other. It's on a road that really isn't that heavily traveled. So I'm really not surprised or concerned of a bid by R.A. Smith of just under \$50,000. And I'm very confident that they will do a good job for us on this. They are the same company that took care of that big job across the interstate at 165 last year. They did the same construction management on that and actually came in under budget on that project also.

Michael Serpe:

Move to award R.A. Smith National \$49,769.

Dave Klimisch:

Second.

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John Steinbrink:

Motion by Mike, second by Dave. Any further discussion?

SERPE MOVED TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH R.A. SMITH NATIONAL FOR CONSTRUCTION MANAGEMENT OF THE SPRINGBROOK ROAD WATER MAIN PROJECT BEGINNING AT GREEN BAY ROAD (STH 31) GOING NORTH-EAST APPROXIMATELY 6,600 FEET IN AN AMOUNT NOT TO EXCEED \$49,769; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

K. Consider the request of We Energies for a Distribution Easement on Village owned property located in the vicinity of the STH 165 sanitary sewer lift station.

John Steinbrink, Jr.:

Mr. President and members of the Board, on Wednesday, February 3rd we were contacted by We Energies to grant an easement on Parcel 92-4-122-193-0151 which is the property that the Village owns that houses the 165 lift station. A property easement was never obtained when the original equipment was installed in 1990, probably just an oversight. But it something that we are looking to correct at this time. So staff does recommend the Village Board to execute the easement as drafted by We Energies included on your packet.

If you look up on your screen in the yellow box there is a power supply transformer up in the northwest corner. And then that easement is where they run the power off onto 165. It really is just an oversight of something that probably wasn't recorded back in 1990. They are looking at making some improvements to that electrical infrastructure there. And then they noticed that there was not an easement document. So staff does recommend granting an easement. It does not affect any of the work that has to be done on the left station now or in the future.

Steve Kumorkiewicz:

Move to allow the request for Wisconsin Electric.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Steve, second by Dave. Further discussion?

KUMORKIEWICZ MOVED TO APPROVE THE REQUEST OF WE ENERGIES FOR A DISTRIBUTION EASEMENT ON VILLAGE OWNED PROPERTY LOCATED IN THE VICINITY OF THE STH 165 SANITARY SEWER LIFT STATION; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

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L. Consider Resolution #16-11 to dispose of surplus vehicles.

John Steinbrink, Jr.:

Mr. President, members of the Board, we are looking to auction off some vehicles again. These vehicles have all exceeded their useful life. Some of them you'll see may not have a lot of miles on them, but they do have a lot of years of wear and age. We have a hard time getting parts for some of these older vehicles. And I'm not sure what the cost of collector plates would be on some of them either, but that would be a savings.

The first one that we have is a 1992 pickup truck. Chief McElmury probably recognizes that one. It was the old grass truck. So we are looking at replacing that. It's starting to really cost us a lot of maintenance on transmission, brakes, brake lines. The rust is really starting to get to it. It is 24 years old, and it has exceeded its useful life. The second one we have is a 1998 Dodge Ram, 18 years old. It was a public works vehicle for a while, and then it got recycled over to the RecPlex. Maintenance staff was using it. The third vehicle that we have is a 2004 GMC one ton pickup truck. It's something that we purchased used at an auction years ago. It really has been showing a lot of wear. It has given the public works a lot of good use. But, again, it really is in dire need. I cannot believe that the lunch box is included in the auction, but it really is due to be auctioned off and replaced.

The next one we have is a 2003 Ford van used by the LakeView RecPlex, 113,000 miles. We do replace those on a regular cycle. We're looking to auction that off. Vehicle number 6923 it's a 1992 Ford pickup truck. It also used to be an ambulance by our fire department. We ended up repurposing it, put an air compressor on it, a stake body, some other stuff. So we are looking at getting rid of that vehicle. And then the last one we have is a 1989 Ford one ton that we've been scrapping parts out of. It does not run. But we do believe that there is some value at an auction for it. So we are looking at disposing that non-operational chassis at this time also. I can answer any questions that you have on these vehicle.

Mike Pollocoff:

You'll take the logos off it so nobody knows we had that?

John Steinbrink, Jr.:

Yes, we are going to take the logos off of them.

Kris Keckler:

Move approval to dispose of these fine beauties.

Steve Kumorkiewicz:

Second.

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John Steinbrink:

Motion by Kris, second by Steve. Any further discussion? I guess we're to assume the fire department didn't wash and care for that one quite enough, Chief?

KECKLER MOVED TO ADOPT RESOLUTION #16-11 TO DISPOSE OF SURPLUS VEHICLES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

M. Consider an Award of Contract for the 2016 Paving Program.

John Steinbrink, Jr.:

Mr. President and members of the Board, Village staff did put together an RFP for the paving broken down into 13 different sections. And I'll briefly go over them with you. Section number 1 is an ultra thin overlay. That's the three quarter inch asphalt overlay that we've been using in the Hidden Oaks Subdivision. Section number 2 is that same ultra thin overlay on Terwall Terrace from Highway H to 165. Section 3 is an ultra thin overlay also within the Meadowlands Subdivision. The boundaries are shown on your map on the corner of Old Green Bay Road and 165. Section 4 in Rolling Meadows Subdivision, that's the subdivision just behind the Village Hall where we are located. We're looking at doing a complete pulverize and relay within that subdivision. That has a PASER rating of 2 to 3 and really has exceeded its useful life. It's in a condition so poor you cannot do an overlay or any other surface treatment. And it is due for a pulverize and a relay.

Section number 5 is a micro surface. That's that slurry emulsion like we have used on some of the more rural roads, 113th Street just to the west of County Trunk Highway H. Section 6 is also a micro surface on Old Green Bay Road from 165 out to Springbrook Road. Section 7 is a reconstruction of the Springbrook, 93rd, 29th intersection to improve the safety on that intersection. Section 8 is paving of the compost site down on 73-1 to drive on some of the site surface. Section number 9 and 10 is replacing some asphalt and concrete at the RecPlex. Number 11 is asphalt for two tennis courts and one basketball court in Village Green Park. Section 12 is also two asphalt basketball courts and tennis courts within Pleasant Prairie Park. Section 13 is the Cooper Road extension underground. And section 14 would be the paving for the Cooper Road extension between the Village Green and the Devonshire subdivision.

We did receive two bids for this project, Stark Asphalt and Payne & Dolan. Black Diamond who has normally bid on our projects in the past is no longer in business. Stark Asphalt has done a lot of work for the Village including the reconstruction of 39th Avenue. They do have a plant just in South Milwaukee. And so the two bids that came in, Stark Asphalt came in at \$2,488,722.50 in red. We did go through, and we verified all the unit prices and we found a couple of math errors. And so we made the corrections, and so the corrected bid that would hold up for contract would be \$2,532,065.50, a little bit lower.

The two bids were very close. Once they're corrected about \$65,000 difference in a two and a half million dollar contract. So we do feel that we did receive two very competitive bids by two very

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reputable companies. And so we are looking to award contract for this to Stark Asphalt in the amount of just over \$2.5 million. I can answer any questions at this time for the Board.

Kris Keckler:

Move approval of awarding to Stark Asphalt for \$2,532,065.50.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

Dave Klimisch:

How often do you have to -- are the bids not added correctly?

John Steinbrink, Jr.:

On the more complex bids that we do it is pretty common to make some adjustments on there. There was 15 pages of unit pricing that had to be done. A lot of bids sometimes are just a lump sum. We actually go to the extend of we do a unit price exactly for how many tons of asphalt, tons of shoulder, square yards of milling so that if there is a little bit of a discrepancy we have a unit price to go off of in case we need to increase it or decrease it or provide change orders. And so there's some projects that it's recommended to go with a lump sum, and those are little more straightforward. Some projects like this we just feel that the Village gets a better product and we pay probably a more accurate price with the unit pricing.

John Steinbrink:

We have a motion and a second. Any other discussion?

KECKLER MOVED TO AWARD A CONTRACT FOR THE 2016 PAVING PROGRAM TO STARK ASPHALT IN THE AMOUNT OF \$2,532,065.50; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

N. Consider an Award of Contract for upgrades to the refueling tank system at the Roger Prange Municipal Center.

John Steinbrink, Jr.:

Mr. President and members of the Board, in 1994 the Village installed unleaded and diesel tanks in a refueling station for the purpose of refueling Village owned vehicles and equipment. The refueling system must be inspected, tested and licensed annually. Due to the age of the tank system

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frequent repairs have been necessary to keep the refueling system operating and in compliance with federal safety regulations.

A recent inspection in 2015 has showed imminent repairs needed on the underground tanks and some of the piping. We put together an RFP based on those recommendations, and we did receive two bids for that work, Interstate Pump and Tank for \$73,760 and Petroleum Equipment for \$84,600. The project includes new underground storage tank piping, tank sump access, dispenser sumps, new submerge pumps within those access points, new electrical work and concrete work, some emerging sheers underneath the dispensers, and some spill container overflow valve tubes and two sets of tank vents.

So really we're replacing the whole system besides the tank, besides the dispenser and besides the alarm system. Everything else kind of integral to that is being replaced. We are required by EPA regulations to make upgrades to our system anyway I believe in 2018, so we will be a little bit ahead of the curve. But we do have a lot of failing conduits and failing wires. And we do feel it's very important that we make sure that all the Village vehicles, especially police and fire, do have a resource to fuel as needed. And so we do recommend awarding a contract to Interstate Pump and Tank for the amount of \$73,760. We have worked with Interstate Pump and Tank in the past. Since 2011 they've been taking care of all of our repairs. They've been doing a very good job, a very fair company. And I do believe that they will provide a very good product for the Village.

Michael Serpe:

This come in under budget again, John?

John Steinbrink, Jr.:

The budget on this was 470,000, is we came in about \$3,760 which will be absorbed by the fleet internal service. We ended up adding a couple of sheer valves underneath the dispenser tanks with the thought that when the pumping tanks go bad, the part that has the holes that you pull off, then all you have to do is just turn that valve off, replace it without having to shut down or change the whole system. And so it was one of the alternates that we did feel was worthwhile to do at this time. When it's out of service change it all the way up to the valve that goes into the dispensing unit at that point. And so when we have to change the dispensing unit it will probably save us more than \$3,000 in the future.

Michael Serpe:

I move to award the contract to Interstate Pump and Tank for \$73,760.

Kris Keckler:

Second.

John Steinbrink:

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Motion by Mike, second by Kris. Further discussion?

SERPE MOVED TO AWARD A CONTRACT TO INTERSTATE PUMP AND TANK FOR UPGRADES TO THE REFUELING TANK SYSTEM AT THE ROGER PRANGE MUNICIPAL CENTER IN AN AMOUNT NOT TO EXCEED \$73,760; SECONDED BY KECKLER; MOTION CARRIED 5-0.

O. Consider Agreement for the Employment of a School Resource Officer with the Kenosha Unified School District.

Mike Pollocoff:

Mr. President, Chief Smetana has presented an MOU with Unified for the SRO service. This is being done in 2015 as part of a grant program that we received through COPS fund. It provides us with an additional full-time officer for our program. He's reviewed and I've reviewed the MOU as well, and I recommend that we adopt it as presented.

Michael Serpe:

So moved.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Mike, second by Dave. Further discussion?

Kris Keckler:

So we've had agreements in the past with the resource officer located solely at Lakeview full time? This will be different because it's going to be shared with three particular elementary schools on a rotating schedule. Do we have an idea what that schedule would look like, or would it just be as needed? I know the contract says two to four hours a week which would equate to only 80 percent at Lakeview.

Chief Smetana:

Right. That time will be split up between the other three elementary schools. We're still working that out at this point. But we have designated that amount of time per week at those schools.

Kris Keckler:

Okay. And, briefly, how did it go in the past, the school resource officer at Lakeview?

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Chief Smetana:

Officer Hackney would respond to those schools as needed as called. What we're looking for here is to kind of formalize it a little bit and actually set up some programming at those schools as well. So not only do they see him when the school calls him for a parking issue or for some sort of parent/staff issue, but more for programming with the kids, something set up and something formalized.

Kris Keckler:

Is there already an officer identified for this role?

Chief Smetana:

Officer Hackney is going to continue the role, yes.

Kris Keckler:

So being aware of just the different learning environments between a 6 year old and a 17 year old like Officer Friendly stuff.

Chief Smetana:

Right. And Officer Hackney is going to be receiving some training as well.

Michael Serpe:

Chief, what is this assignment when school is out, summertime, Christmas? What do you do with him, general patrol?

Chief Smetana:

Right. He actually falls under general patrol. What the grant will allow us to do as well is work with the schools in the summertime if they have any summer programming as well.

Dave Klimisch:

So this officer is currently full time at Lakeview?

Chief Smetana:

Correct. Well, he's half time at Lakeview. He works from 7 to 11. Then at 11 o'clock he goes on the road. Most officers work a 5/2, 5/3 schedule which rotates them through the week. During the school year Jim works a 5/2, 5/2 so he works Monday through Friday during the week. So he works from 7 to 11 at the school, 11 o'clock he comes back to Pleasant Prairie PD. That was at the request of Kenosha Unified in a previous year.

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Dave Klimisch:

And so will that continue 7 to 11 at one of these four schools?

Chief Smetana:

No. He will work his entire day, but he will split that day up into increments that allows him to visit one of three elementary schools on a more regular basis.

Michael Serpe:

In the event of an extended leave by the resource officer, are we obligated to furnish another officer in his place?

Chief Smetana:

Yeah, we'll be able to fill that, yes.

Kris Keckler:

I noticed that the additional language that was added that the SRO would not be expected to be used in any capacity as a disciplinarian in that environment?

Chief Smetana:

That's correct. That's actually a mandate of the COPS office grant. What they're trying to do is in a bigger picture they're trying to stop what the federal government calls is the pipeline from school to prison. So what the federal government is looking for in this grant is to make the officer more of a mentor at the schools as opposed to part of the disciplinary process. Now, that being said the officers can still take action on legal matters. He's just not going to be a surrogate disciplinarian for Kenosha Unified.

Kris Keckler:

Very good. Thank you.

John Steinbrink:

Motion and a second. Any further discussion? Thank you, Chief.

SERPE MOVED TO APPROVE AN AGREEMENT FOR THE EMPLOYMENT OF A SCHOOL RESOURCE OFFICER WITH THE KENOSHA UNIFIED SCHOOL DISTRICT; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

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P. Consider an Award of Contract for the remaining 2016 Village Newsletter printing and mailing service.

Chris Christenson:

Mr. President and members of the Board, in the interest of securing the most competitive bid for the Village Newsletter printing for 2016 we went out last year and sought proposals for vendors for the 2016 Newsletter. The lowest responder at the time was a company named Vanstone. And they were a brand new company. They had limited references, but assured us that they had everything they needed to do the work and that they could meet the contract that they submitted for us. We awarded them the contract, and we went through two issues with them this year. And in the midst of the February issue we received communication from them that they re-evaluated their ability to perform per their contract per what they submitted, and decided that they couldn't do that without awarding overtime. And so they withdrew from the contract.

And so I'm in front of you today to present the second lowest responsible bid for this project which is InTech out of LaCrosse. And they have performed the work for us before. They were the vendor last year, and last year they performed on spec, on target. They were on time, and their customer was very good. Their services was reliable. And so here I am in front of you to recommend that a new contract for the printing and mailing services for the remaining ten issues of the 2016 Village Newsletter be awarded to the second lowest bidder which had been InTech of LaCrosse, and they will honor the contract that they submitted last November which is \$1,339 per eight page issue for the Village Newsletter. That puts us at about \$570 more than Vanstone had returned.

John Steinbrink:

What happens to Vanstone when they make a contract and they don't live up to it? Do they forfeit any damages?

Chris Christenson:

Not for the contract that we have drawn. They simply withdraw from the contract. They completed the February issue for the price that they had agreed on up front. And then they withdrew. So we don't have any provisions in the current contract that say if you withdraw there's any issue. However, on the flip side we do also have that provision in the contract that if we wanted to withdraw from the contract for any reason we could do the same with written notice.

Dave Klimisch:

Move approval of the contract with InTech for \$1,339 per issue.

Steve Kumorkiewicz:

Second.

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John Steinbrink:

Motion by Dave, second by Steve. Further discussion?

KLIMISCH MOVED TO AWARD A CONTRACT TO INTECH FOR THE REMAINING 2016 VILLAGE NEWSLETTER PRINTING AND MAILING SERVICE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Q. Consider disallowing the Claim filed by Scott Phillips for damage to a vehicle.

Mike Pollocoff:

Mr. President, we've forwarded a claim to the insurance company that was filed by Scott Phillips who was involved in an accident on 74th Street and 88th Avenue. And he claimed a tree obstructed his vision of a stop sign when he pulled out in front of traffic and was hit. We've reviewed this, and we've forwarded it to the insurance company. The insurance company has denied, recommended we deny payment of the claim, and I recommend that as well. The hidden sign by the bush has always been a frequent source of claims, and we don't think that's the case here.

Kris Keckler:

Move approval of disallowance.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Kris, second by Dave.

Mike Pollocoff:

We've got a picture there. Probably should have put it on the overhead. There's that stop sign as big as life.

John Steinbrink:

Any further discussion?

KECKLER MOVED TO CONCUR WITH THE VILLAGE ADMINISTRATOR'S RECOMMENDATION TO DISALLOW THE CLAIM FILED BY SCOTT PHILLIPS FOR DAMAGE TO A VEHICLE; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

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R. Consider an appointment to the Plan Commission.

Mike Pollocoff:

Mr. President, we received as we know a resignation from Donald Hackbarth on the Plan Commission. Currently Deb Skarda is in her waning months of her term as an alternate. The Village President and I are recommending that Deb Skarda be appointed to fill the remaining portion of Don Hackbarth's term which will go through May 1st of 2018.

Michael Serpe:

I would move that approval. Does she become the Secretary to the Plan Commission?

Mike Pollocoff:

The Plan Commission would have to hold an election to fill that vacancy.

Michael Serpe:

So moved.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Mike, second by Dave. Any further discussion?

SERPE MOVED TO CONCUR WITH THE RECOMMENDATION OF BOTH THE VILLAGE PRESIDENT AND VILLAGE ADMINISTRATOR TO APPOINT DEB SKARDA FROM AN ALTERNATE MEMBER TO A REGULAR MEMBER OF THE PLAN COMMISSION TO FILL THE SEAT VACATED BY DON HACKBARTH; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

9. VILLAGE BOARD COMMENTS

Mike Pollocoff:

I'm not on the Board but I do have one comment. Public service is something that we all enjoy, and sometimes it's hard and you struggle through some things. And I know tonight is no exception. And it's Matt Fineour's birthday, and he's here doing staff reports and presentations.

Michael Serpe:

Where's the cake?

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Mike Pollocoff:

I look at him and he's no worse for wear. He's pretty well preserved. I think he might be our youngest department head. Him and Sandro it might be a close tie. But I just want to wish him a happy birthday, and explain to your kid why we're keeping you away from the party.

John Steinbrink:

And the cake. One thing tonight. I've got to commend on the Springbrook Road water project. It was very clearly explained. Many, many times we went over the fact that it was a deferred assessment and a benefit to the community with the fire protection and that. And it's a little disheartening to hear somebody come up and say that it's being done for public gain for somebody up here or some business in the park. And that's not the case, and that will never be the case. I just want to commend everybody for their part in presenting this tonight because it was well presented.

If we had a crystal ball we could predict the future. But somebody comes in five years ago and says what do you think - we don't know. Things change, it's an ongoing scenario. And it's our best guestimate when somebody asks that question what's happening, and a lot happens in five years. You'll see more communities have a five year plan that changes every five years. So to predict the future is almost impossible. But it was a good presentation on that, and I commend you on that. Any other Board comments.

Kris Keckler:

I'd echo those comments as well and taking the time to really explain it. And hopefully the public, especially those affected, really get the answers that they're looking for and the accurate answers. And I also want to thank everybody that stays late, all the department heads and of your teams for helping to put together all this material. I know it becomes long days, but it is appreciated.

10. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KLIMISCH; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 8:25 P.M.