

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
9915 - 39th Avenue
Pleasant Prairie, WI
March 17, 2014
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, March 17, 2014. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Steve Kumorkiewicz and Mike Serpe. Clyde Allen was excused. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Kathy Goessl, Finance Director; Dave Smetana, Police Chief; Doug McElmury; Fire & Rescue Chief; Rocco Vita, Village Assessor; Mike Spence, 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. Four citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - MARCH 3, 2014**

Steve Kumorkiewicz:

Move to approve.

Michael Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike. Any discussion on the minutes?

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE MARCH 3, 2014 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY SERPE; MOTION CARRIED 3-0.

Michael Serpe:

Mr. Chairman, I would ask that Items A and B under New Business be moved up, and I would ask for your permission to have that happen please.

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John Steinbrink:

Do we have a second?

Steve Kumorkiewicz:

I second that, yeah.

John Steinbrink:

Motion by Mike, second by Steve that Items A and B under New Business be moved to the head of the calendar.

**SERPE MOVED TO CONSIDER NEW BUSINESS ITEMS A AND B AT THIS TIME;
SECONDED BY KUMORKIEWICZ; MOTION CARRIED 3-0.**

8. NEW BUSINESS

A. Consider appointment of Village Board Trustee #1 and administer Oath of Office.

Mike Pollocoff:

When we lost Monica, when she left the Board, we advertised a notice that we were seeking people who were interested in being on the Village Board and we had five good candidates that applied for the position. We had asked that the candidates give us a resume of their background of what they've done and we needed to get some information to make sure that none of them were felons or something that wouldn't be qualified for office, and they were all good. And then basically submit a letter about what their vision for the Village was - what they hoped to accomplish. And then John Steinbrink and I interviewed all of them. Again, they were all capable people.

As we ranked them out John and I both felt that Kristopher Keckler would be a really good addition to the Board. And he is a lifelong resident of Pleasant Prairie or close to Pleasant Prairie, and has a good understanding of where the Village is. He uses Village services. And he's employed by the Kenosha Unified School District as their IT Information and Accountability. So with that it's the recommendation that we're bringing to the Board to consider tonight.

Michael Serpe:

Mr. Chairman, I'd move approval of the appointment of Kris Keckler to the Board as Trustee #1.

Steve Kumorkiewicz:

I second.

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John Steinbrink:

Motion by Mike and second by Steve. Any discussion on the item? I just want to add that, as Mike said, we did have good candidates turn out. And it was a hard choice to pick between them. But Kris really stood out. And he's here tonight and his family is here, and I think we made a good choice. I guess the one thing we've got to do is keep that age level down on the Board, so Kris kind of helps with that a little bit. But, Kris, welcome aboard.

SERPE MOVED TO CONCUR WITH THE VILLAGE ADMINISTRATOR AND VILLAGE PRESIDENT'S RECOMMENDATION TO APPOINT KRISTOPHER KECKLER TO THE VILLAGE BOARD AS TRUSTEE #1 TO COMPLETE THE REMAINING TERM OF THE POSITION VACATED BY MONICA YUHAS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 3-0.

JANE ROMANOWSKI, VILLAGE CLERK, ADMINISTERED THE OATH OF OFFICE TO KRISTOPHER KECKLER.

Mike Pollocoff:

Do you want to introduce your family?

Kristopher Keckler:

Yeah, thank you for this wonderful opportunity. I hope that the next 13 months are very beneficial for the Village. And I wanted to thank my family for attending. My twin brother Kip is here so there's no confusion in future votes. My wonderful and supportive wife, Tracy, who gave assurances that this would not be a problem. Multiple times I asked her, and she's going to continue to support me. And my wonderful children who participated and benefitted from the RecPlex and other Village entities for several years, Victoria and Owen. So I thank them for their support. And thank you for this opportunity.

John Steinbrink:

Welcome aboard.

Michael Serpe:

Again, welcome aboard Kris. And I had the opportunity and the pleasure to work with Kris's father for a few years in the safety building. And I could tell you that if he takes after his father in the least little bit he's going to be an asset to this Board and to the Village. So, again, welcome.

John Steinbrink:

And I told your children I went to school with their grandfather which you must be about 29 then.

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Kristopher Keckler:

Almost. I don't know if I could vote on the liquor license.

B. Consider Resolution #14-07 in appreciation and thanks to Monica Yuhas for her service as Village Board Trustee #1.

Steve Kumorkiewicz:

So moved.

Michael Serpe:

Second.

Mike Pollocoff:

If you don't want it read that's fine.

Steve Kumorkiewicz:

If you want to do it first, fine.

Mike Pollocoff:

Where as in April of 2007 Monica Yuhas was sworn in as Trustee #1 on the Village Board of Trustees for the Village of Pleasant Prairie; and whereas Monica Yuhas has served the people of Pleasant Prairie in this role for seven years; and whereas during her tenure as Trustee #1 Monica Yuhas personally learned and experienced the work of each Village department in order to effectively perform her duties as a Village Trustee; and whereas Monica Yuhas took her role as a Village Trustee most seriously and assisted many Village residents seeking her help and attention to matters of the community; and whereas Monica Yuhas served the people of Pleasant Prairie with diligence, honesty, directness and effectiveness during her seven years as Trustee #1; and whereas Monica Yuhas also provided outstanding service to government through her work with the Wisconsin League of Municipalities; whereas Monica Yuhas has an incredibly positive impact on the Village residents, staff, elected officials in our community as a whole; now therefore be it resolved that the Village of Pleasant Prairie does hereby extend our sincere appreciation and thanks to Monica Yuhas for seven years of diligent service to the people of Pleasant Prairie as Trustee #1. Considered this 17th day of March.

Steve Kumorkiewicz:

I make a motion to adopt the resolution.

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Michael Serpe:

Second.

John Steinbrink:

Any further discussion?

Michael Serpe:

We'll wait until after she gets the plaque.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #14-07 IN APPRECIATION AND THANKS TO MONICA YUHAS FOR HER SERVICE AS VILLAGE BOARD TRUSTEE #1; SECONDED BY SERPE; MOTION CARRIED 3-0.

John Steinbrink:

Congratulations, Monica.

Monica Yuhas:

Thank you very much for the resolution that was presented tonight. I have enjoyed the last seven years tremendously. This group is such a fantastic and dynamic group to work with. I was thinking back to all the projects that we've worked on the last seven years, and a couple come to mind like Carol Beach Unit 2. Going through contracts and different things and we did it. We did what was best for the community. And that's what each and every one of us did when we were elected. We took an oath to do what was in the best interest of the residents regardless of the stress from outside forces. Sometimes that came in. You all welcomed me. I learned a tremendous deal from each and every one of you.

To the staff and department heads you guys have been great. I came in not knowing anything and I'm leaving very informed. And my hard work paid off. I mean I made to the League as a Board of Directors and I'm very proud of that. And it was a hard decision to make, but I had to do what's best for me and my family, and at this time this is what's best. I understand that some people may not always understand the reasons behind things, but I know when I go home every night and I look at those three men in my house I know I made the right decision. So thank you all very much for your friendship and your camaraderie and your support the last seven years. It's been a fantastic run. And I look forward to participating behind the scenes more now. So it's an exciting time for me. I'm enjoying the new position. I'm learning a lot, and I'm going to still be around. So thank you again for everything that you've done for me the last seven years. I truly appreciate it.

John Steinbrink:

Once again I didn't get the memo about St. Patrick's Day and wearing green.

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Michael Serpe:

You know, John, seven years has gone by like about three months. And Monica was a -- I'll never forget the time -- of all the things that stand out while she was on the Board the one thing that stands out in my mind is every spring since I've been on the Board since 1989 we would have arguments and fights with the Carol Beach residents about flooding. It came by every year, every year, every year. And we always put it off because they didn't want to pay the money; they thought the Village should pay for it. Whatever reason we always put it off, put it off, put it off. And Monica came on the Board and she sat there very straightforward and says enough of the argument, arguing, let's get this project done once and for all. And since that happened I don't think we're getting anymore complaints on flooding in Carol Beach. So she took a 20 year argument and in two minutes time changed the course of the flooding in Carol Beach. So for that I will never forget, and I appreciate her taking that lead. And she's a strong willed person. She believes in what she does and she follows through on what she says. And I'm glad we didn't lose her completely. I'm glad she's still a part of the Village. You'll be missed, Monica. Thank you.

Steve Kumorkiewicz:

Not too much to say. Mike said it all. After fighting with Carol Beach for so many years you were the first one to say, okay, let's do it and we did it. And now I talk to many people at church, we go to the same church, and everybody is happy that we did it. So actually kudos go to you for that.

John Steinbrink:

Mike was right, seven years did go fast, way too fast. But we did a lot and you did a lot and you were a good part of all the decisions made here as all of us were. We always worked together. And thanks to the staff and everybody here it kind of made our decisions a little easier. But some of the decisions were hard, and you stood right up and made those decisions and we're proud of you for that. You always had a passion for government and serving people. And I hope that passion doesn't go away because there are a lot of opportunities out there. I know as an employee of the Village you no longer can be a Board member, but there's other parts of government hopefully maybe in the future you can serve in. I think we'll all benefit from that.

And I did you say you worked with all the departments and it was kind of nice. You worked with the fire department, you worked with public works, you worked with all the departments at the Village. The one I remember most you always saying was it was kind of nice being able to ride in the front seat of the squad car instead of the back. So, Monica, thank you for all of your service and for being a friend to all of us. So thank you and good luck.

5. PUBLIC HEARING

- A. Consider the request for a Reserve "Class B" Intoxicating Liquor License for Big Oaks Golf Course, 6117 123rd Place.**

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Jane Romanowski:

Mr. President and Board members, Jose Reyes is the agent for Timber Ridge Ventures, LLC who currently holds a Class B fermented malt beverage license for the golf course. And that license includes the entire course, the clubhouse and the course itself. What the corporation has submitted is a request to serve intoxicating liquor at the course for just the clubhouse, and it would be for the two contiguous patios as well.

The reserve classification, basically the difference between a reserve and a regular Class B, we have two different Class B intoxicating licenses, is the reserve license has an initial issuance fee of \$10,000. So a one-time fee paid. The legislature changed the fees back in 1997. We had a series of calculations we had to do. What they did is calculations to keep certain licenses, you lost certain licenses. It was based on population, you gain them by population, and it was kind of a complex type scenario that every municipality had to go through. A lot of people lost a lot of licenses. Fortunately the Village had enough licenses. And with the way the calculations worked out we had I believe originally 19 reserve licenses. So we've issued a few of the reserve licenses, Famous Dave's, Olive Garden, Cheddar's have reserve licenses. And that's because our regular licenses which are classified as regular since 1997 are used.

The license fee itself is \$500 whether it's a regular or reserve. It's just that one time initial issuance fee of \$10,000. And the regulations are mirrored. There is no difference other than that. Of course, we have to keep track of how many we've issued and how many we have. And, again, after this one I believe we have 19 reserve licenses. So we're in really good shape when it comes to intoxicating liquor licenses especially when we have Cheddar's and the Famous Dave's and the Olive Garden coming in. So we are in a very good position for that.

And I have talked to Pat Cook from the corporation many times on this. This has been in the works for almost a year I believe. And we've discussed the corporation applying for the license and where the premise of the license will be. And right before the meeting as we thought about this first we indicated that it was the clubhouse only. And then I thought they have these two patios that are contiguous and for people to either serve or consume it has to be a part of the premise. So the premise itself would just be for the clubhouse and then the two contiguous patios. And Pat is aware of these regulations.

So I would recommend approve of the reserve Class B intoxicating liquor license to Jose Reyes for the agent for Timber Ridge Ventures for a period of the date of issuance which is in the next probably couple days to June 30, 2014. So it's right around the corner. Actually I sent out the paperwork today for everybody to renew their license starting in July which will come to the Board in May. And Pat's aware of these time frames.

The \$10,000 is not prorated, but the \$500 license fee if approved would be prorated per day from the date of issuance to June 30th. And then they would have a publication fee, and I believe that was \$60 or \$65. And those fees would have to be paid obviously before the license, if granted, is issued to the Big Oaks Golf Course.

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John Steinbrink:

Okay, that being a public hearing we'll open it up.

Jane Romanowski:

No signups tonight. I've talked to Pat quite a bit about this and we have emailed. So they've had a Class B beer license out there for as long as I've been there, 20 some years, and we've had no problem.

John Steinbrink:

This being a public hearing we'll open it up for comment or question. Anybody wishing to speak? Anybody wishing to speak? Anybody wishing to speak? Hearing none I'll close the public hearing and open it up to Board comment or question.

Steve Kumorkiewicz:

We've had no problems all these years. I'll go along with this, no problem.

John Steinbrink:

Is that a motion?

Steve Kumorkiewicz:

I make a motion to accept the request.

Kristopher Keckler:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO APPROVE THE REQUEST OF JOSE REYES, AGENT FOR TIMBER RIDGE VENTURES LLC, FOR A RESERVED "CLASS B" INTOXICATING LIQUOR LICENSE FOR THE CLUBHOUSE AND TWO CONTIGUOUS PATIOS LOCATED AT 6117 123RD PLACE, SUBJECT TO THE CONDITIONS SET FORTH BY STAFF; SECONDED BY KECKLER; MOTION CARRIED 4-0.

6. CITIZEN COMMENTS

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John Steinbrink:

Anybody wishing to speak under citizens' comments?

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

The only thing I have tonight - Over the internet there's been numerous reports of swim records that have been broken at the RecPlex this weekend. Swimmers from all over the country came to the Speedo meet, and one of the reasons they did is some people have known it to be a fast pool, and it's really generated that reputation. One of the swimmers broke their best time by 23 seconds. And apparently a teen from Colorado came out and did really well. So this weekend although the parking was really troublesome, there was a lot of people from outside the Pleasant Prairie-Kenosha area that came to this community for up to four days, some of them. You could see them all over the community with their swim bags and their tags and whatever. And it was a positive impact on the local economy to have that many people in the second week of March. We know what it's like during March around here, but to have that many people here and have all the hotel rooms for the entire area all booked up and people shopping and whatever. So it was a good weekend at the RecPlex. That's it, Mr. President.

John Steinbrink:

Thank you, Mike.

8. NEW BUSINESS

C. Consider 2014-2015 Liability and Property Insurance Proposals.

Kathy Goessl:

Mr. President and Village Board, it's the time of the year again where we're coming up on our insurance renewal of April 1st. We went out for bid last year, and we're in a three year bid cycle. So this is our second year of the three year bid cycle. And our current carrier is the League of Wisconsin Municipalities for our liability and Workman's Comp insurance, and the Local Government Property Insurance Fund for our property coverage.

For this year for the liability coverage there's a summary up on the screen of all the coverages, and then a more detailed summary in your packets or on your computers. The first coverage with the League is the liability insurance. And that went up a little over \$1,800 change from the year before, this whole area, our auto liability, our general liability, our law enforcement liability and our public official liability. So they had a slight increase across the board for all these lines of coverage.

And then the other coverage that they offer is Workman's Comp., and that's the one that increased the most of any of our coverages. And that is due -- it's a formula that is followed by all

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insurance companies that insure. And the reason ours went up is because our mod went up. Our mod is our experience mod. It went from .94 which is below the average across the state to above the average at 1.02. So that's the majority of the increase. We had a slight payroll increase, but other than that it's all due to the mod changing from .94 to 1.02.

And the other coverage next is property insurance. That's with the Local Government Property Insurance Fund. And they insure our buildings. Our agent for the League is R&R Insurance. And they looked at the coverage that the League for Local Government has offered us and looked at what's in the marketplace. And the league for Local Government property insurance is still the best coverage. But each year they're getting a little bit stricter, a little bit more conservative I guess in increasing their premiums and that kind of stuff. So each year we'll probably look out and see if they're still the best. But right now they're still the best in terms of coverage and price.

With the League we also have got auto physical damage which is a decrease, and I think we removed one vehicle and that's why the decrease is there. And then we have the miscellaneous coverages which is the boiler coverage and the crime coverage. The boiler coverage is with Liberty, and our crime coverage is with CNA. And they've just both bid up just a slight bit. Our agent from R&R also looked at those and said there's no comparables right now, and that's the best coverage we can get for the price for that one, too.

So overall our insurance renewal for April 1st is going up around \$30,000. We currently have the majority of that in our budget. We are budgeted \$514,987 in all of our budgets, our government budget and our enterprise budgets. With this proposal of \$507,265 we're looking at our overall general budget of a little over \$7,700 which is all due to the Workman's Comp. change in the mod. So we budgeted slightly too low for that. But based on our payrolls and how things turn out we probably should be okay once we get through the year, and that's not really a big amount in comparison to the total premiums of \$318,000 for that. So I'm looking for approval to renew with our current carriers for our insurance for the 4-1-2015 year.

Michael Serpe:

On the Workman's Comp. coverage did we have that many employees injured over the year before? Oh, okay.

Kathy Goessl:

It's a three year average, and our biggest year actually was three years ago. And then next year we should actually go down in our mod. That worst year is dropping off, and our current year was really good. So that should drop back down to where we were before.

Michael Serpe:

Mr. Chairman, I'd move to concur with the Finance Director's recommendation in the amount of \$507,265.

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Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for concurrence. Any further discussion?

Steve Kumorkiewicz:

One question, Liberty, that's Liberty Mutual?

Kathy Goessl:

Yes.

Steve Kumorkiewicz:

Did we used to have them and we had a problem with them?

Kathy Goessl:

Yes, we did not renew with them, but that was with our liability coverage, not with the boiler part of it.

Steve Kumorkiewicz:

So you don't expect any problem with this?

Kathy Goessl:

No. This is now the second year with them. I think this will be our second year with them. They actually wouldn't bid our product last renewal last year. So we only had two bids last year. We just had Community Insurance and the League bid for our insurance last year. And this Liberty actually wasn't brought forward by the Liberty agent. It was actually brought forward by our R&R insurance agent that actually runs and supports the League. Boiler, cross our fingers, we haven't had to file any claims under that policy.

John Steinbrink:

Any further comment or question?

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SERPE MOVED TO CONCUR WITH THE FINANCE DIRECTOR'S RECOMMENDATION TO RENEW THE INSURANCE POLICIES FOR THE VILLAGE WITH THE LEAGUE OF WISCONSIN MUNICIPALITIES OVERSEEING THE LIABILITY WORKER'S COMPENSATION AND AUTOMOBILE PHYSICAL DAMAGE COVERAGE; LOCAL GOVERNMENT PROPERTY INSURANCE FUND FOR PROPERTY CLAIMS AND CAN FOR COMMERCIAL CRIME; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

D. Consider Ordinance #14-01 amending Chapter 297 of the Municipal Code relating to storm sewers.

Mike Spence:

Mr. President and members of the Board, during our efforts to address the illicit discharge at the BP gas station we noted that there were a number of provisions in the existing ordinance that would be good if they were refined. So this ordinance tonight addresses some of the refinements that we're recommending.

The changes in the ordinance include a new definition for illicit discharge. That particular definition basically says that any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pump groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands and similar discharges. This just makes it clear that what an illicit discharge is and what it isn't.

It also included other definitions including what a stormwater pollution prevention plan is, and this is required by the DNR. Also the changes include prohibition. It's a more refined definition of what prohibition of illicit discharges is. And, again because there were times during BP where there was a little bit of a gray area. So these changes will address that.

The ordinance also defines an inspection authority for the Village. And, again, it just reiterates that we have the ability if we suspect that there's been an illicit discharge we have the right to enter and inspect the facilities that are in question. And it also says that the operators of the facility must allow us complete access to all the areas. And then it also clarifies that we have the right to go in there and conduct monitoring and sampling, again, so that there's no questions. The other thing that it requires is, again, that if there is a spill or an illicit discharge the facility needs to notify the Village immediately as well as the DNR in accordance with State statutes. And they are also required to take all steps necessary to contain and clean up the release. And those are really the main elements that I'm recommending for change. I think it just clarifies the ordinance, and I recommend that the Board approve it. I'd be glad to answer any questions.

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Michael Serpe:

Mike, is there somewhere in the ordinance that covers service centers, garages that change antifreeze, oil, brake fluid.

Mike Spence:

It doesn't specifically mention those, but if they were to discharge anything from their operations that would be considered -- it would be non stormwater and that would be considered an illicit discharge. It doesn't specifically mention. We didn't mention various entities.

Mike Pollocoff:

[Inaudible]

John Steinbrink:

The DNR actually covers that in theirs don't they?

Mike Spence:

Yeah, the DNR has the -- the WPDES is what I mentioned is the Wisconsin Pollution Discharge Elimination System. And, for example, BP after this all started then they did apply and got a permit to discharge treated groundwater to the ditch.

Steve Kumorkiewicz:

Mike, do we need to have permission to do inspection onsite any time?

Mike Spence:

Do we need permission? No, what this --

Steve Kumorkiewicz:

For them we can just drop in and do it?

Mike Spence:

Yes, depending on the situation and the severity. Basically, though, we have the ability to inspect through the ordinance.

Steve Kumorkiewicz:

Because I don't want to go back to the old situation again because it slipped through our fingers, that's why. I want to make sure that we're going to be inspecting and checking.

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Mike Spence:

And, again, that's what we clarified in the ordinance that we have the right to do that, and they have to accommodate us.

Steve Kumorkiewicz:

Okay, thank you.

John Steinbrink:

We have a right to inspect that portion of the premise where the facility is located, correct?

Mike Spence:

Correct, correct.

John Steinbrink:

But not the entire facility.

Mike Spence:

No, it deals with whatever we suspect the illicit discharge to be so we have a right to go in there and check the facility.

John Steinbrink:

Any further comment or question? Did we have a motion yet?

Michael Serpe:

Move approval of 14-01.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any further discussion? Those in favor?

SERPE MOVED TO ADOPT ORDINANCE #14-01 AMENDING CHAPTER 297 OF THE MUNICIPAL CODE RELATING TO STORM SEWERS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

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E. Receive Plan Commission recommendation and consider Ordinance #14-02 to amend Section 420-81 A of the Village Zoning Ordinance related to residential fence requirements.

Tom Shircel:

Thank you, Mr. President, and Board members. Back on January 13th of this year the Plan Commission adopted Resolution 14-01 to initiate an amendment to the Village Zoning Ordinance to re-evaluate the Village's fencing requirements related to the good side of the fence facing adjacent properties. The Village staff did have an opportunity to review that ordinance and is recommending the following changes. Again, to Section 420-81 A, Section 14 would read all structure and support components of a fence shall face away from adjacent properties. Fence sections being replaced due to damage or maintenance may be replaced in a similar fashion to the original installation with the approval of the Zoning Administrator.

And then Section 420-81 B 15 would read fences shall be installed with the finished side facing the adjacent property or public right of way. Fence sections being replaced due to damage or maintenance may be replaced in a similar fashion to the original installation with approval of the Zoning Administrator. And, again, the Plan Commission last Monday, March 10th did have a public hearing, and the Plan Commission recommends approval of the text amendment as presented.

Steve Kumorkiewicz:

The question I've got - assume that there are three residents that decide to put up a fence, which way does it go?

Tom Shircel:

Three residents have decided to put up a fence?

Steve Kumorkiewicz:

Three residents. Because in my case, okay, I've got my fence facing my side all around my house. And my neighbors [inaudible] all around. So we are right or wrong or what?

Tom Shircel:

So your fence in your example you have the support structures facing your neighbor?

Steve Kumorkiewicz:

I've got the good side on my side.

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Tom Shircel:

You have the good side on your side. Well, if you were to build a new fence today you would have to turn that around. The good side of the fence would be facing outwards towards your neighbors.

Steve Kumorkiewicz:

So what is my neighbor going to do? He's going to have the bad side on one side and the good side on one side, and he's going to have the back of the fence on the other side.

Tom Shircel:

So you have a neighbor with an abutting fence right up to your fence?

Steve Kumorkiewicz:

We built it together between the three neighbors. So I'm in the center, okay?

Tom Shircel:

Right.

Steve Kumorkiewicz:

So actually the good side of the fence is in my property, but for the rest of them all around the good side is facing out.

Tom Shircel:

And that fence is right on the property line?

Steve Kumorkiewicz:

Yes. I think in that case the Zoning Administrator would have to make a decision. I mean that makes sense of what you're doing rather than to have two fences backing up to each other. It's not really needed. But I think the Administrator would make a decision in that case. It's a unique case obviously.

Mike Pollocoff:

Any existing fence is going to be the way it is. But I think what this ordinance would attempt if you were going to put up fences on three sides, the ordinance says you need to put the good side to your neighbors, and then the structural side towards yourself. And if you want a good fence you put boards over the structural side so everybody's got a good fence. But for anything that exists currently it is what it is. But it ends up being a point of contention between neighbors.

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What starts the neighborhood side is you gave me the ugly side of the fence or you need to maintain it and you've got to come over on my property. And it's just one thing after another. So if people are putting fences up together and they both want the nice side then they need to put up boards on both sides so it's nice.

Steve Kumorkiewicz:

We are three property owners so now what?

Mike Pollocoff:

That's not uncommon in areas where there's a lot of fences. There's a fence on every side of the back yard.

Steve Kumorkiewicz:

Make a motion to approve the amendment.

Kristopher Keckler:

Second.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #14-02 TO AMEND SECTION 420-81 A OF THE VILLAGE ZONING ORDINANCE RELATED TO RESIDENTIAL FENCE REQUIREMENTS; SECONDED BY KECKLER; MOTION CARRIED 4-0.

F. Receive Plan Commission recommendation and consider Ordinance #14-03 to amend Section 420-48 J of the Village Zoning Ordinance related to traffic, parking and access provisions for building setbacks to fire lanes.

Tom Shircel:

Thank you, Mr. President and Board members. On February 10, 2014 the Village Plan Commission adopted Resolution 14-06 to initiate an amendment to the Village Zoning Ordinance to re-evaluate parking, traffic and access zoning provisions as it relates to fire lane setback provisions. The Village staff is recommending the following amendment to Section 420-48J and I'll read that. Fire lanes, all required fire lanes shall be all weather paved surface roadways with a minimum width of 30 feet and setback at least the maximum height of the building adjacent to the fire lane but not to exceed 50 feet from the building unless otherwise approved by the Fire and Rescue Chief. And, again, last Monday on March 10th the Plan Commission held a public

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hearing, and they recommended approval of this text amendment as presented. With that I'll turn it back to you, Mr. President.

Michael Serpe:

Move approval of Ordinance 14-03.

Kristopher Keckler:

Second.

John Steinbrink:

Motion by Mike, second by Kris for adoption of Ordinance 14-03. Any further discussion? Those in favor?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #14-03 TO AMEND SECTION 420-48 J OF THE VILLAGE ZONING ORDINANCE RELATED TO TRAFFIC, PARKING AND ACCESS PROVISIONS FOR BUILDING SETBACKS TO FIRE LANES; SECONDED BY KECKLER; MOTION CARRIED 4-0.

G. Receive Plan Commission recommendation and consider Ordinance #14-04 to amend Section 420-131 T (2) (e) of the Village Zoning Ordinance to clarify regulations related to 100-year floodplain boundary adjustments.

Tom Shircel:

Thank you, Mr. President and Board members. On February 10, 2014 the Plan Commission adopted Resolution 14-07 to initiate an amendment to the Village Zoning Ordinance specifically to amend the Village floodplain regulations to clarify that the flood stage storage capacity may be compensated within an existing or newly created floodplain as a part of the floodplain boundary adjustment. Section 420-131T(2)(e) is proposed to be amended as follows: When any volume of flood storage capacity is removed from the floodplain as defined by the ground surface and the regional flood elevation an equal volume of flood storage capacity shall be created within the existing or newly created floodplain boundary, that's the new language there, in the vicinity of the removal to compensate for the lost flood storage capacity. Excavation below the ordinary high water mark shall not be considered as providing an equal volume of storage capacity for compensation purposes. Any such area of compensating flood storage capacity shall drain freely to the receiving stream.

And the Village has received an email from the Wisconsin Department of Natural Resources who do not have any conflicts with this proposed ordinance amendment. So back, again, last Monday on March 10th the Plan Commission did hold a public hearing on this item. And before you tonight is, again, Ordinance 14-04 to amend Section 240-131 T(2)(e) of the Village related to

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floodplain boundary. And the Plan Commission did recommend approval. And with that I'll turn it back to the Board.

Steve Kumorkiewicz:

Move to approve Ordinance 14-04.

Michael Serpe:

I'll second it with a question. Floodplain boundaries don't the constantly change over time as floodplain extends?

Mike Pollocoff:

The floodplain is what it is. What people have kind of struggled with over time is that long ago the floodplains weren't well delineated. And as time went on and you identify a point geographically where the floodplain is. The only way you really know where it is on your property is you have to have a surveyor go out and locate those elevations on your property. So if you look at some areas, and the biggest is the Des Plaines River Watershed, that was an example of a floodplain which was just terribly defined back in the '40s. And all of a sudden you have LakeView Corporate Park, a lot of development took place, and everybody was relying on the Army Corps of Engineers' maps. And it was obvious that we were having flooding in places that didn't really match up with the maps.

So Kenosha County and SEWRPC took a study, I want to say it was a six year study, for that whole basin is hundreds of square miles to redelineate what the floodplain is. We could tell somebody what the floodplain is with some certainty as to where their property is if the benchmark has been established. But if people want to know where it is they have to locate it on their property. So will that change? Hopefully it doesn't change. If the Village manages the floodplain correctly and we don't allow people to fill or modify without a permit we can be reasonably certain that that floodplain is going to stay constant.

What this does is that we do allow people as they develop and build with engineering redefine not the floodway but the floodplain. The floodway really is where that flooding occurs. They can modify those storage areas so that they can create new capacity or sometimes even expand the capacity and fill some other areas and this language clarifies that. So we hope it doesn't change. I mean if it does then we're explaining to a lot of people all the drills we put them through over the last few years that we're going to try again. We don't want to do that.

Steve Kumorkiewicz:

Question for Mike. What about Tobin Creek? Tobin Creek used to have problems with the floodplain.

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Mike Pollocoff:

Tobin creek, again, is another area that we relied on the Army Corps maps from a long time ago. After that first phase of Tobin Creek was we had some problems so we went back. And in this case the Village did its own study and we took a look at the flooding in that area, and we re-established the floodplain. A lot of that floodplain was a lot larger than anybody thought or it was a lot larger than what the Corps depicted. So we took that floodplain elevation, matched it up with the master land use plan as to how much development could be there so that we could zone that area so it couldn't develop prematurely without modifications or improvements to the floodplain. So I think we're in a position now with the Village's master stormwater plan where we have a good idea in the entire Village to about where the current floodplains are. And that's done with relatively recent engineering.

Steve Kumorkiewicz:

Thank you, Mike.

John Steinbrink:

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

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #14-04 TO AMEND SECTION 420-131 T (2) (E) OF THE VILLAGE ZONING ORDINANCE TO CLARIFY REGULATIONS RELATED TO 100-YEAR FLOODPLAIN BOUNDARY ADJUSTMENTS; SECONDED BY SERPE; MOTION CARRIED 4-0.

H. Consent Agenda

- 1) Approve Operator License Applications on file.**
- 2) Approve disallowance of a claim for excessive assessment filed by Target Corporation.**
- 3) Approve a lot line adjustment between the properties located at 2028 and 2020 89th Place and the property to the north located at 8911 22nd Avenue.**

Michael Serpe:

Move approval of Items 1, 2, 3.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any discussion on any of the items on the consent agenda?

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SERPE MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

9. VILLAGE BOARD COMMENTS

Steve Kumorkiewicz:

I'm glad that winter is over and that the snow is melting. That's all I can say.

John Steinbrink:

Okay, other Board comments? Just want to welcome Kris aboard. Probably a lot of this might seem Greek at times but it really is simpler than it sounds sometimes. The staff does a great job of explaining things to us and making sure we understand what's being put before us. It was good to meet your family, you have a great family. And I guess we've got to decide who is better looking between you and your brother now. But welcome aboard.

10. ENTER INTO EXECUTIVE SESSION PURSUANT TO SECTION 19.85(1)(G) WIS. STATS. TO CONFER WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED.

Michael Serpe:

So moved with roll call.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Roll call vote required.

SERPE MOVED TO ENTER INTO EXECUTIVE SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – AYE; KECKLER – AYE; KUMORKIEWICZ – AYE; SERPE – AYE; MOTION CARRIED 4-0.

John Steinbrink:

The Board will return to open session for the purpose of adjournment only. No other business will be conducted.

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11. RETURN TO OPEN SESSION AND ADJOURNMENT.

After discussion, **SERPE MOVED TO RETURN TO OPEN SESSION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 7:50 P.M.**