



MINUTES VILLAGE BOARD

Village Hall Auditorium
9915 - 39th Avenue
Pleasant Prairie, WI

A regular meeting of the Pleasant Prairie Village Board was held on September 16, 2019. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Mike Pollocoff, Dave Klimisch and Mike Serpe. Also present were Nathan Thiel, Village Administrator, Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Dave Smetana, Chief of Police; Craig Roepke, Chief of Fire & Rescue; Matt Fineour, Village Engineer; Kathy Goessl, Finance Director; John Steinbrink Jr., Public Works Director; Carol Willke, Human Resources Director; Dan Honore', IT Director; Craig Anderson, Recreation Director and Jane C. Snell, Village Clerk. Four citizens attended the meeting.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CITIZEN COMMENTS**

Jane Snell:

Mr. President, there were no signups this evening.

John Steinbrink:

Anyone wishing to speak under citizens' comments? Hearing none I'll close citizens' comments.

5. **ADMINISTRATOR'S REPORT - None**
6. **NEW BUSINESS**

John Steinbrink:

The first item being Item A and B, a motion to take those together?

Dave Klimisch:

So moved.

Michael Serpe:

Second.

John Steinbrink:

Motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**KLIMISCH MOVED TO CONSIDER NEW BUSINESS ITEMS A & B AT THIS TIME;
SECONDED BY SERPE; MOTION CARRIED 5-0.**

- A. Receive Plan Commission recommendations and consider approval of Ordinance #19-30 a Comprehensive Plan Amendment to amend the Village 2035 Land Use Plan Map 9.9 to correct and change the 100-year floodplain on property located at 12100 Uline Place.**
- B. Receive Plan Commission recommendations and consider approval of Ordinances #19-31 and #19-32 a Zoning Map and Text Amendments relating to the floodplain boundary adjustment and rezone property located at 12100 Uline Place.**

Jean Werbie-Harris:

Mr. President and members of the Board, we have three ordinances on the agenda tonight, Ordinance Numbers 19-30, 19-31 and 19-32. All three of them relate to Comprehensive Plan Amendments and Zoning Map and Text Amendments. And these are for the Uline H2 headquarters office. Specifically, on August 17, 2015, the Board had approved a resolution related to a floodplain boundary adjustment. And this was to remove 23,519 cubic yards of soil from the Des Plaines River 100-year floodplain and to create 4,963 cubic yards of floodplain to compensate for the area being filled. And this was for the construction of an office building and site improvements on a 28 acre site for the Uline headquarters, again the office building identified as H2. It's located at 12100 Uline Place.

In accordance with the resolution, upon completion of the floodplain boundary adjustment, an as built survey and calculations were submitted to FEMA to verify compliance with the design plans. On March 21, 2019, FEMA approved and issued a letter of map revision known as LOMR, Case Number 18-05-1772P. And it was effective as of August 9, 2019. In accordance with Resolution 15-27, upon approval of the floodplain boundary adjustment, petitioner needed to file an application to correct and amend the 2035 Comprehensive Land Use Plan Map 9.9, the Zoning Ordinance and the Zoning Map to reflect the amended floodplain. This was a matter that came before our Village Plan Commission at its last meeting. There was a public hearing held on

all of the items. And the request is to have the Village Board consider approval of all three of these ordinance amendments at this time.

Mike Pollocoff:

Mr. President, I move that we adopt Ordinance 19-30 as presented and recommended by the Plan Commission.

Kris Keckler:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion? Hearing none, a roll call vote has been requested.

Jane Snell:

Mike Pollocoff?

Mike Pollocoff:

Aye.

Dave Klimisch:

Aye.

Michael Serpe:

Aye.

John Steinbrink:

Aye.

Kris Keckler:

Aye.

John Steinbrink:

Motion carries.

POLLOCOFF MOVED TO APPROVE ORDINANCE #19-30 A COMPREHENSIVE PLAN AMENDMENT TO AMEND THE VILLAGE 2035 LAND USE PLAN MAP 9.9 TO CORRECT AND CHANGE THE 100-YEAR FLOODPLAIN ON PROPERTY LOCATED AT 12100 ULINE PLACE; SECONDED BY KECKLER; ROLL CALL VOTE – STEINBRINK – YES; KUMORKIEWICZ – YES; SERPE – YES; KLIMISCH – YES; KECKLER – YES; MOTION CARRIED 5-0.

Michael Serpe:

John, I would move approval of Ordinances 19-31 and 19-32.

Dave Klimisch:

Second.

John Steinbrink:

We have a motion and a second for Ordinance 19-31 and 19-32. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motions carry.

SERPE MOVED TO APPROVE ORDINANCES #19-31 AND #19-32 A ZONING MAP AND TEXT AMENDMENTS RELATING TO THE FLOODPLAIN BOUNDARY ADJUSTMENT AND REZONE PROPERTY LOCATED AT 12100 ULINE PLACE; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

John Steinbrink:

That brings us to Items C and D to take those together? A motion?

Kris Keckler:

Move to add them together.

Mike Pollocoff:

Second.

John Steinbrink:

Motion and a second. Those in favor?

Voices:

Aye.

**KECKLER MOVED TO CONSIDER NEW BUSINESS ITEMS A & B AT THIS TIME;
SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

- C. Receive Plan Commission recommendations and consider approval of an updated Master Conceptual Plan for the continued development of Main Street Market development located at the northeast corner of STH 31 and STH 165**
- D. Receive Plan Commission recommendations and consider approval of a Certified Survey Map to subdivide land within the Main Street Market development located at the northeast corner of STH 31 and STH 165.**

Jean Werbie-Harris:

Mr. President and members of the Board, these items are related and discussed at the same time, however separate actions are required. The Main Street Market commercial development is located at the northeast corner of Highway 31 or Green Bay Road and Highway 165 which is 104th Street. It's being developed by Main Street Development, LLC, also referred to by most of us as Bear Development. The Village has been working with the developer on this project for the past several years. At this time, the owner is proposing to update his Master Development Plan to identify the location of a next user in their development and to create a Certified Survey Map.

For this particular development, there have been a number of Village previous approvals that have gone through the approval process, public hearings before the Plan Commission and then final action by the Board. Some of those included a Master Conceptual Plan, a Neighborhood Plan Amendment, a project plan for TID 6 for Main Street Market public infrastructure, the Main Street Market Planned Unit Development Ordinance, a Certified Survey Map, a Development Agreement, a Memorandum of Understanding, and then Final Site and Operational Plans for their first user that was approved on the site.

Work is currently ongoing on an environmental assessment document, and this is in response to the preparation of their Transportation Economic Assistant Grant or TEA Grant that's being considered by the Wisconsin DOT. As shown on the slide, the Master Conceptual Plan identifies Buildings A through I. And they vary from commercial buildings, medical office buildings, multi-tenant buildings, retail buildings as well as a gasoline station and a C-store which is building I.

As part of the request this evening they are looking to revise and update their Master Conceptual Plan for Main Street Market. This update specifically looks at preliminary civil plans and

specifically the building placement and parking and driveway lot revisions for a proposed Kwik Trip gas station and convenience store. And this would be located north and east of the Froedtert South Medical Office Building, and this is instead of north of Main Street. We've been working for the last several months with the Wisconsin DOT in order to put together final plans for the infrastructure in the periphery of the site as well as going through the site with that Main Street. And so at this time we're almost at 95 percent, 99 percent of the plan completion. Just have a few minor things to finalize before the project can be bidded out.

But based on that information and the information in talking to some of the retailers, the one retailer in particular, a service user, Kwik Trip, had requested not to be located north of Main Street but rather just to be located north of 102nd Street. There's a star that identifies precisely where they would be located on the site. Kwik Trip would also be required to go through the full Site and Operation Plan, Conditional Use Permit process in order to be approved for this location.

There were some notes that we discussed as part of the public hearing at the Plan Commission meeting. We identified for Kwik Trip that this would not be a 24 hour location. We've identified what type of vehicles could be getting their gas and convenience groceries at this location, that there would be no semi trucks, semi truck cabs, trailers or tractor trailers or large trucks. And they would not be able to idle, fuel or park at this gas station site. We also identified that because -- and we knew this from the very beginning that there is residential to the east, that we would be taking special precautions and taking a look at the various things from lighting to signage, the heights of the buildings, the height of the canopy, a number of things as outlined in the staff memorandum to make sure that this would not cause or disturb the residential properties lying to the east.

As part of this development request, a Certified Survey Map was prepared by Main Street Market. And as shown on the slide Lot 5 would be the location where Kwik Trip would be located. And Outlot 1 is where the stormwater retention basin is. And then the two other lots, 6 and 7, one is located west of the lot 5 Kwik Trip lot site, and one north of Main Street. Again, both of those could possibly be further subdivided.

As I mentioned, there's a number of Main Street Market public roadway improvements which we are finalizing. And our engineers have gone through significant detail on those plans with their consultants and putting things together. We have identified and they are dedicating the required right of way on the west side of Old Green Bay Road. They've acquired two homes on the south side of 165 for the future reconstruction. There still needs to be some additional right of way acquired on the east side of Old Green Bay Road. And I think Matt will be talking about that more later this evening.

Some of the other things that had come up at Plan Commission was where signals would be located for this development. And signal modifications or new signals are planned to be installed at 165 and Old Green Bay Road and Jelly Belly Lane and Green Bay. So with that this just goes on to talk about some of the other slides, shows some of the other public roadway improvements in that area. So with that I would like to recommend approval of the Master Conceptual Plan for the Main Street Market Development and its related modifications subject to the comments and

conditions as outlined in the staff memorandum, as well as approval of the Certified Survey Map that would subdivide the property.

Michael Serpe:

Chief Smetana, I don't want to put you on the spot. Whenever there's traffic enforcement on 31 north of Highway 165, do we have any ideas of some of the speeds that are taking place for northbound traffic?

Chief Smetana:

For the most part it's a 45 mile an hour zone. I've stopped vehicles up there at 55, 60, and that's been recently. And I'm not the main one stopping vehicles.

Michael Serpe:

I understand. DOT is going to allow us to put the signals in when it's warranted, and I hope it doesn't take a death that forces us to put those signals in. I just see that there's a potential for some dangerous crossings for southbound turning east onto 102nd Street of Jelly Belly Lane or whatever we're going to call it, Main Street.

Chief Smetana:

From the Jelly Belly Lane and the entrance to the Meijer facility, and there are semis coming out of there turning and going northbound, we haven't experienced crashes with that type of activity. And we haven't experienced it down at the Jelly Belly entrance either.

Michael Serpe:

I hope that continues.

Chief Smetana:

I think there's enough separation in vehicle traffic at this point. Obviously if you come out, because when I leave work I kind of cross Highway 31 and go northbound, and that's if I'm fighting the green light or the traffic coming northbound it just takes some patience to be able to do that. As long as people are patient I think they can kind of cross safely. Lights would help.

Michael Serpe:

All right, thanks, Dave.

Dave Klimisch:

I've got a question. How does this re-designation of Building D affect the rest of the buildings? Are they still designated in the same capacity. I know they're tentative.

Jean Werbie-Harris:

So if you look to the west of the Kwik Trip site, they have still identified a Building E and F. And E and F certainly could be a retail building, either of them could be retail buildings, or one could be retail and one could be restaurant. It's still flexible at this point. Building G they still have identified it as it could be a grocery store, or it could be some other type of use at that location. Obviously it won't have that particular shape, but it's much smaller. At the time I don't think that they anticipated that that much right of way was going to be needed for Main Street or for Old Green Bay Road. And now that we've got the final engineering put together for stormwater management, that pond is significantly larger, so it kind of started to shrink that northern Building G.

With respect to very far northern building we had at one point shown two buildings there, H and I, a retail building and a gas station. Again, that shrunk considerably with the right of way being dedicated from Old Green Bay Road as well as the additional right of way being dedicated for Main Street. So that turns out to be only one commercial building up there instead of two. So things have had to move and tweaked based on additional right of way that needs to be dedicated.

Michael Serpe:

I'd move approval of the Certified Survey Map.

Dave Klimisch:

Second.

Michael Serpe:

I'm sorry, John, I took that out of -- Item C is approval of the Master Conceptual Plan.

Dave Klimisch:

Second.

John Steinbrink:

Motion and a second. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE THE UPDATED MASTER CONCEPTUAL PLAN FOR THE CONTINUED DEVELOPMENT OF MAIN STREET MARKET DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF STH 31 AND STH 165; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

Michael Serpe:

Now I'd move approval of the Certified Survey Map.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE CERTIFIED SURVEY MAP TO SUBDIVIDE LAND WITHIN THE MAIN STREET MARKET DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF STH 31 AND STH 165; SECONDED BY KECKLER; MOTION CARRIED 5-0.

E. Consider approval of a Relocation Order for the purpose of roadway improvements for the Old Green Bay Road and STH165.

Matt Fineour:

Mr. President and members of the Board, this is a continuation of the Main Street Market project for the roadway improvements, the Old Green Bay Road and 165 roadway improvements. The developer is dedicating right of way along their development side and also purchase two

properties by 165 by the corner there. As part of the overall development, agreement, the Village was going to acquire the additional parcels required for the right of way acquisition for the roadway improvements.

Old Green Bay Road and 165 improvements are being completed by Bear Development as part of the Main Street Market. Construction in the improvements require additional right of way and temporary limited easements to be acquired from six different parcels. The roadway improvements and acquisitions are part of the approved Main Street Market development plan and part of the Tax Increment District #6. A relocation order has been prepared for the necessary acquisitions to be approved by the Village Board after which the relocation order will be filed with the Kenosha County Clerk per State Statutes 32.05(1). Upon approval and filing of the relocation order, Village staff will proceed with the eminent domain process for the acquisitions.

And on the slide that you have there those are the six parcels that are involved in the acquisition. Most of the acquisitions are strip takings along the right of way. Roughly I'd say they average between 20 feet and going down to zero at the north. So the widest portion is about 20 feet. The average width of right of way expansion is about 15 feet. And then we have temporary limited easements adjacent to those for grading improvements or sloped grading. So those are the six parcels that we need right of way from the relocation order starts that eminent domain process.

The next steps would be to actually get appraisals and go through the negotiation process. Eminent domain takes approximately six months to complete from start to finish. So it is recommended that the Village Board authorize the relocation order and approve the acquisition plat showing the last interest to be acquired and the filing with the Kenosha County Clerk. If there's any questions I'd be happy to answer them.

Mike Pollocoff:

Mr. President, this is probably one of those indications where at some point you'd like to try and negotiate these. But you can see parcels B, C and D are owners associations. We can't deal individually with each individual unit owner. And if there wasn't a structure for the acquisition to take place you'd probably be -- the community would be left with the position of having to have a vote of the owners for any independent negotiations. Where this vehicle allows us to deal with the association in total for just this acquisition. Now I don't think it can be completed any other way to be honest with you. So I move to approve the relocation order as presented for Main Street Market roadway.

Dave Klimisch:

Second.

John Steinbrink:

Is that a second?

Dave Klimisch:

Second, yes.

John Steinbrink:

Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

POLLOCOFF MOVED TO APPROVE THE RELOCATION ORDER FOR THE PURPOSE OF ROADWAY IMPROVEMENTS FOR THE OLD GREEN BAY ROAD AND STH165; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

F. Consider award of contract to The Highland Group for real estate appraisal and acquisition services for the Old Green Bay Road and STH 165 roadway improvements.

Matt Fineour:

Mr. President and members of the Board, the Village requested from the Highland Group for appraisal and acquisition services for the project which we were just discussing there, the land acquisition and in accordance with the state eminent domain laws. The Highland Group is a real estate consulting company specializing in eminent domain and acquisition in Wisconsin. The Village has utilized their service on previous projects and has been pleased with their work.

Again, as Mr. Pollocoff was stating, this acquisition is a little bit on the difficult side because we do have condominium associations involved which require a process that everybody who owns a unit in there has an interest in that land. You'll find attached the appraisal and acquisition service proposal for the real estate acquisitions of the six parcels for the project. And it is recommended that the Village Board approve the acquisition proposal from the Highland Group for a lump sum of \$30,600.

Mike Pollocoff:

I agree with everything Matt said. But based on my experience with the Highland Group I think that the difficulties we could encounter on this as well as potential variations on an appraisal I'd like to table this one and see if -- has anybody else submitted a proposal?

Matt Fineour:

No. Actually I reached out to the Highland Group because I've dealt with them many times in the past. They know this process inside and out. So you can get variations on appraisals depending on how they're done. Usually the DOT process regulates how those appraisals are done. We would get those appraisals. We would have Rocco essentially review it and determine whether that was an accurate or good price for the land. So I was comfortable with the Highland Group myself, but if you'd like another proposal we can certainly reach out to somebody else.

Mike Pollocoff:

Well, if the Board is not going to -- I know we're probably on a tighter time frame, but do we have time to table this for a month?

Matt Fineour:

Right now, again, this is kind of a six month process. We're primarily on the back end of the time line if we want to get this land acquisition in hand by let's say next April. So a month is probably -- I don't think the developer is going to want a month delay in it because then we're talking about entering construction next May or June. The earlier that we get the land acquired because not only do they have the roadway construction, but they do have ahead of that roadway construction utility relocates are necessary which require this acquisition as well for this land.

Nathan Thiel:

Mike, if I can just interject, just to remind you that this is going to be borne on the TID. This isn't going to be a Village cost.

Mike Pollocoff:

I don't have a problem with the regulatory compliance portion of Highland Group. But I guess in two of the appraisals we've had with the person that does their appraisals we've had to come back in and --

John Steinbrink:

Clean it up.

Mike Pollocoff:

-- clean it up or settle it up because you're always butting up against that the appraisal is 15 percent lower than what their competing appraisal is. And the Village ends up paying for all the legal work. And that's my concern is that we really don't want somebody -- I'm not concerned that somebody is going to have too high a price on the appraisal. I'm more concerned that the appraisal is truly in tune with what the market is. And I know a couple that we did up here on

39th Avenue and 165 we ran into issues with that. So even though it's the Highland Group, I'd like to see if we could within the next couple weeks before the next agenda look at an appraiser who they'll sign on to with. And that appraiser may be more expensive than the one you're recommending. But I think at the end of the day [inaudible] process.

Matt Fineour:

I will tell you, Mike, that the appraiser that they used for 39th Avenue and some of the other ones they're no longer using. So they are using a different appraiser group than the ones that they've used in the past.

Mike Pollocoff:

Okay, who are they using?

Matt Fineour:

I did ask that question from them and they did give me the name. I did not write it down here. But it is not the same. They're a different group.

Mike Pollocoff:

That's my concern.

Michael Serpe:

Is your concern that this is going to be in excess of \$30,000 ultimately?

Mike Pollocoff:

No, I'm not concerned about that at all. What I'm concerned about is -- and I think maybe that's one of the reasons they're using a different appraiser is that the appraisal came in on the bottom end which you would think would be nice. But realistically you end up getting in this trap where not only you're paying for the additional whatever piece of land you're going to buy or the strip or whatever, you end up paying for the attorney on top of it because your original appraisal was so low. It's got to be more rational to the market and they haven't been.

In some respect I would say that would be the responsibility of Highland to kind of ferret if that appraisal was truly market. But that's my concern. But then you're also caught -- I mean you're working on this time frame, but realistically you get into the position where you condemn the property, but you don't know what you're going to pay for it even after you're started working on it. And the attorneys, there's no incentive for an attorney for the property owner to keep their expenses down because the Village is paying for it.

Nathan Thiel:

Well, I guess I think that the feeling that you've expressed and one thing that Matt and I can do is basically monitor and make sure that the Highland Group is selecting an appraiser that's going to give them a more accurate read. Whether we go to another group or not the concern is still the same, right? I mean we're going to want to make sure that the appraisal is comparative to market so that we're going a second time and paying the legal fees on top of it. Matt, it appears that you were concerned about this, and that's the reason you were asking the Highland Group who their appraiser was?

Matt Fineour:

Yeah, I did know that they had switched the person who prepares their appraisals. So I did ask the question.

Nathan Thiel:

Is it the firm out of Eau Claire?

Matt Fineour:

I've got it on my computer, I didn't write it down. But it's different than what they've used in the past.

Nathan Thiel:

I wish I could remember now, too, because this firm I worked with when I was in Mauston I remember you mentioning the firm, and I don't want to put it in the record and be completely wrong.

Mike Pollocoff:

Well, maybe if I can --

Nathan Thiel:

Can we verify, can you make it conditional upon us verifying?

Mike Pollocoff:

Yeah. I'm okay approving this be done subject to staff assuring that a competent appraiser. I don't want to say these guys are incompetent. But someone who has a good track record on keeping the Village out of a situation that we're concerned about.

Michael Serpe:

Does Bear Development have any input on appraisal choice here?

Mike Pollocoff:

No.

Michael Serpe:

None?

Mike Pollocoff:

Well, I'm sure we'll listen to them, but at the end of the day it's really up to the Board.

Dave Klimisch:

In the contract is there any liability with the Highland Group if the appraisal comes in not close to market?

Mike Pollocoff:

No. I really don't know of any of those firms that do assume that liability. Even the appraiser is going to say, well, my best judgment is. They kind of walk this line between an attorney representing an owner who is going to shoot for the moon and the government on one end that's trying to keep the cost down. And so if you get beyond that 15 percent the only people that are going to lose in that is going to be the government because they're going to pay for everything at that point.

So we don't want to go shooting for the moon either, but we want to make sure that our appraiser is really looking at current acquisitions, in this case it would be commercial areas, so that we have a real defensible case when we came in there and not one that's going to be based on a rural acquisition in a rural area which somebody could conceivably say that's what we use in this area. But it's not rural, it's not going to be rural for long. It's just one of those things where it will eat us alive down the road if it's not right. But I have faith in Matt and the Village Administrator to make sure that's cranked up right. So I would approve it and give them their discretion.

Nathan Thiel:

And we understand this concern. I wish I could remember. I'm pretty certain because I remember you telling me the name and I was like, oh. So we'll confirm, we'll stay on top of it and move forward.

Mike Pollocoff:

I knew there was something else I wanted to talk to you about earlier.

Matt Fineour:

I would have gotten the name the.

Michael Serpe:

Did you make a motion to approve?

Mike Pollocoff:

Yeah, I made a motion to approve it and authorize the administrator and the engineer to select another appraiser.

Michael Serpe:

I'll second that.

John Steinbrink:

We have a motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOVED TO APPROVE AWARD OF CONTRACT TO THE HIGHLAND GROUP FOR REAL ESTATE APPRAISAL AND ACQUISITION SERVICES FOR THE OLD GREEN BAY ROAD AND STH 165 ROADWAY IMPROVEMENTS; SECONDED BY SERPE; MOTION CARRIED 5-0.

- G. Consider approval of Preliminary Resolution #19-29 declaring intent to exercise special assessment police powers in connection with construction of a public water main extension along 120th Avenue and CTH ML (Stateline 94).**

Matt Fineour:

Mr. President and members of the Board, this is a public watermain extension along the East Frontage Road or 122nd Avenue and County ML. It's being completed by Stateline 94 as part of the Stateline 94 industrial park development. As you can see from the map the service to the development will be connected to the existing watermain on the north side by the Double Tree Hotel. It will be extended south to ML which approximately 6,600 feet. And then it will be extended east along ML approximately another 1,600 feet which kind of encompasses the overall development.

A right of recovery and funding agreement between the Village and developer entered into with the cost over and above that portion of the cost property chargeable to the developer may be subsequently recovered by the Village and returned to the developer referred to as a right of recovery. A right of recovery is an assessment on benefitted properties. The preliminary resolution presented tonight declares the intent to exercise special assessment police powers in connection with the construction of the public watermain.

Upon adoption of the preliminary resolution, the Village Engineer will prepare a special assessment report computing the assessment amount levied to the benefitted properties. The assessment report will include the final plans for the watermain improvements, the cost of the improvements, the assessment method and rate calculation, and a schedule of proposed assessments against each parcel benefitted by the improvements. Once the engineer's report is complete, a public hearing will then be scheduled regarding the project assessments.

Again, this is just a preliminary resolution starting this process. The watermain is being constructed by Stateline 94 and will benefit the properties kind of shown in red which are properties that will essentially be assessed or have a right of recovery from the developer. If there's any questions I'd be happy to answer them.

Michael Serpe:

Move approval of Resolution 19-29.

Dave Klimisch:

Second.

John Steinbrink:

We have a motion and a second for approval? Any questions, further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE PRELIMINARY RESOLUTION #19-29 DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS IN CONNECTION WITH CONSTRUCTION OF A PUBLIC WATER MAIN EXTENSION ALONG 120TH AVENUE AND CTH ML (STATELINE 94); SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

H. Consider approval of Preliminary Resolution #19-31 declaring intent to exercise special assessment police powers in connection with storm water improvements within the Chateau Eau Plaines Subdivision.

Matt Fineour:

Mr. President and members of the Board, this has been kind of a longstanding issue and project regarding stormwater in the Chateau Eau Plaines area. The Chateau Eau Plaines subdivision is located in the western portion of the Village just east of I-94 and south of Highway 50. The subdivision was platted in the 1970s with the first phase constructed around 1977. The first phase of the subdivision was constructed with a rural road design which relies on roadside ditches and culverts to convey runoff to the west or to the Kilbourn Road ditch. The second phase of the subdivision was not constructed and would need to be designed to meet current stormwater design requirements, the second phase being kind of the undeveloped portion north of 79th Street. It was platted but never developed.

The existing roadside ditches are relatively flat which results in a history of drainage issues and complaints. In addition to the flat ditches sump pumps are very active in the area causing nuisance conditions. Many residents have taken it upon themselves to place drains or other homemade structures in the ditches to try to get water to drain. A storm sewer system improvements was designed by the Village in the early 1990s in this area to alleviate drainage problems, although at that time the project didn't move forward. There was not enough support for the project.

In 2011 the Village applied for a community block grant for flood assistance due to storms in 2008 and 2009 which, again, affected the subdivision. Those storms in 2008 and 2009 really brought this storm problem in this neighborhood back up to light. Although the Village was awarded a grant, it did not include the Chateau Subdivision. The awarded grant actually helped out in the south Kenosha subdivision area. In addition to applying for the grant, the Village undertook a drainage study in 2011 to re-evaluate the subdivision drainage.

As part of the drainage study the Village performed a residential survey about the stormwater flooding issues. The survey asked residents if they had basement backups or flooding through basement windows, asked them the number of flooding incidents and what cost they incurred as a result of the flooding. The survey results showed that flooding was a major problem on the north

side of 79th Street with most homes impacted by flooding at least once and several homes impacted by flooding from storms with much less intensity than what we would normally have as a 100-year storm event. The study also identified that sump pump discharges and flat roadside ditches were creating artificial wetlands which consisted of dense vegetation which reduced flow within the ditches and resulted in kind of a recirculation of sump pump discharge water.

The stormwater drainage improvements proposed at the present time is designed to help alleviate the flooding, protect properties from damage and provide drainage for sump pump discharge and provide a reliable drainage system for the residential subdivision. Upon on the map you'll see the subdivision. The red lines represent kind of the storm sewer alignment or where storm sewer would be proposed on being placed within that subdivision. Each home that wants a storm sewer would have a sump lateral that they could connect into.

This preliminary resolution, again, presented tonight just declares the intent to exercise special assessment police powers in connection with the construction of the stormwater improvements. Upon adoption of the preliminary resolution, the Village Engineer will prepare a special assessment report computing the assessment amount levied to the benefitted properties. The assessment report will include final plans for the stormwater improvements, the cost of the improvements, the assessment method and rate calculation, a schedule of proposed assessment against each parcel benefitted by the improvements. Once the engineer's report is complete, a public hearing will be scheduled regarding the project and the schedule of assessments. And you'll note for this project outlined in green is the preliminary assessment area. There's approximately about 200 parcels within that project limits. So once the assessment schedule is prepared all these properties will be notified of the public hearing. And once the public hearing is done we'll present the entire project, the assessment, how it was calculated and so forth and discuss whether the Board would like to move forward and do these special assessments for this project. If there's any questions I'd be happy to answer them.

Mike Pollocoff:

I've got a question. I talked initially with the administrator and engineer about being able to look at some alternatives in the assessment schedule. And I'm wondering if on the notice to residents in order to give the engineer some time we've got, I'm trying to think, by the time we adopt this there's a -- do you remember if there's a window in time from the time we adopt this until when we set the hearing?

Matt Fineour:

There is not a window of time. We can pass the preliminary resolution, and then there's not a designated time between the preliminary and final. So we have a couple months or whatever.

Nathan Thiel:

One thing that we were -- so we had talked about -- so there are two ways that we can go forward. We could set the public hearing after we get the final and set the special assessment based on the

actual contract with the firm or the contractor that's actually doing the work. Or we could base it on engineer estimates. At this point in time just given timing and planning we wanted to make sure that it was relevant in the public side given the wet fall that we've already had. I'm sure there's no doubt that there is some need for stormwater improvement to go through. So our preference is not to wait too long because sometimes we forget, how readily we forget the impact.

But other than that I now that, Mike, you had approached us as far as looking at other alternatives as far as how to execute the special assessment, and those things are things that we can look into. I know that right now preliminarily we've discussed making sure that it's equitable given that some properties are impacted less than other properties. But, again, we can evaluate that. Are we setting the public hearing tonight? I apologize if I missed that.

Matt Fineour:

No, we're not setting the public hearing tonight. So we're just basically authorizing the intent to levy a special assessment. And then what I would do is move forward with preparing an engineer's report which would basically give a method of the assessment for the public hearing.

Michael Serpe:

With the anticipated size of this project there's going to be a lot of questions. I think it's going to be pretty well attended because, like you said, a lot of people are going to be assessed that feel they're not a part of the flooding when in essence they are. Do you think it would be advisable to schedule a special meeting just for this purpose alone because of its potential size?

Matt Fineour:

My opinion would be yes. I mean I think there will be quite a few people that show up. I think there will be a lot of discussion. I think you'll see both people that may be favorable to the project and people who aren't, who live on top of a hill or something like that. So I think it will be a long public hearing.

Nathan Thiel:

And one other thing, a topic that will come up and a policy that we'll discuss is I believe that the current policy of the Village has been that this type of project would be 100 percent assessed. When this project was first implemented or first conceived or first thought about, it was the 50/50. And so those are things that will need to be considered and evaluated. And my hope would be that as the public reviews and sees the importance of this project understands that the Village's intent here is not to just put another charge on them but really to try to solve a problem that should have been solved at the time of the development.

Clearly hope springs eternal in that regard. But, anyways, we can definitely evaluate or we can definitely put this as a special meeting and address some of the thought processes so that as we

present to the residents they can fully understand the scope and the benefit that they'll receive through this project.

Mike Pollocoff:

I fully believe something has to be done there. In fact, I went by this weekend to see just how much water there was.

Nathan Thiel:

I did, too.

Mike Pollocoff:

But with that being said I had indicated there's a couple different alternatives in how we approach this assessment. I just want to make sure the staff has time to get those together and then set the meeting date after that's done. So I'd move to adopt Resolution 19-31, resolution to exercise special police powers for the construction of the stormwater improvement in Chateau.

Dave Klimisch:

I agree that it's been a problem forever. And the engineering staff has put together several different ideas and plans so I second it with a question.

John Steinbrink:

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

Dave Klimisch:

How do you see the discharge into the Des Plaines? If the river is rising, if it hits the discharge pipe how do you see that working?

Matt Fineour:

Actually when you look at the map, if you see the blue on the map is the 100-year floodplain. So you'll see how the blue kind of, although the green line kind of covers it a little bit, it actually extends back through the backyards through there and goes back into that wetlands through there. So that is the 100-year floodplain. That floodplain is not going to change. So at a 100 year level you'll still have inundation within that wetlands. But really the main problem in a lot of this area is that wetlands has a hard time draining because it can't get across the street so you get major backups in there.

This pipe was kind of like an auxiliary pipe. The existing drainage system out there is all going to remain. But this is going to capture a lot of that drainage and get it towards the Kilbourn ditch so you don't have standing water, you don't have the longstanding ponding by some of these

areas. It will drain it down quicker. A lot of those sump pumps then will be able to discharge into the pipe so it actually kind of helps drain that groundwater just enough to where you're not recycling that water all the time. So if your electricity goes out your sump pump is going to stop working to begin with. But this is going to get it so your sump pump might not be continuously working. It will start draining stuff out a little bit better.

John Steinbrink:

Will the proximity of the pipe be in the ditch then on the one side?

Matt Fineour:

The pipe majority-wise it hugs the south side of 79th Street. Portions of it are in the ditch. Most of it is along the edge of the roadway. There's other utilities that are in there so it kind of varies a little bit.

John Steinbrink:

So anywhere it crosses 79th or 107th that will be a cut in the road then?

Matt Fineour:

Correct, yup. And one of the things that the storm sewer system will do is where you see kind of the large blue area where the wetland area is that crosses 79th Street there, that will actually be connected into that storm sewer system. So the majority of that area will be drained through the storm versus then going through some backyard on the south side of the roadway.

Mike Pollocoff:

I think it's important to recognize, as Matt indicated, you look at the 100-year floodplain, and I've seen two major events that have far exceeded the 100-year event. I mean that happens. What that means is it's not water rushing down to the river that's causing the flooding. The river is moving back up the road. And I've seen water standing at 112th where the entire road was covered, and you couldn't see 115th Street because it was under water as well as the river moved out of its banks. When that happens nothing is going to work. All across the Village there's areas where if it's close to the 100-year floodplain and you have a storm that exceeds it that's going to happen. And nobody is going to be able to pay for a design that would take care of that.

But there's too many storms where we have flooding. And as Matt indicated you get the residents and the Village get whipsawed in this routine where you get so much water that's in the ditches, it can't get out, sump pumps can't keep up, either burn up and then the basement starts flooding and then the water goes down the sanitary sewer. Or the other problem we have out there, and maybe this is a good time to bring this up with We Energies is we've had a lot of electrical outages out there. So if the power goes out then nobody's sump pump is working and it just builds up. And, again, all that water goes back into the sanitary sewer and the floor drains

when it can't get pumped out. So it's an awful situation for everybody. That's why I think it's important to get it resolved. It's a more complicated area. I think had that development occurred ten years later it would have looked a lot different than it did but that didn't happen.

John Steinbrink:

Will there be any sump pump connections to the pipe, or they will strictly remain the same as the ditch?

Matt Fineour:

Each property that fronts the storm sewer will have a sump lateral, so we'll be connecting the sump pumps to the storm sewer system so they'll have a direct connection to the --

John Steinbrink:

So that would be on the south side?

Matt Fineour:

On both sides. It will be on both sides of the roadway. So the people on the north side of 79th Street will also have a lateral to their house. The ditches will remain. There will still be roadside ditches there for drainage. But it will be less wet. Your sump pumps won't --

John Steinbrink:

So the laterals --

Matt Fineour:

They'll be bored or open cut across the roadway for each lot.

John Steinbrink:

So that's more cuts.

Matt Fineour:

Yeah. It's anticipated that after this is done the road would be under the road repaving program to repave it.

John Steinbrink:

How long ago did we do that road?

John Steinbrink, Jr.:

An awful long time ago.

John Steinbrink:

It's been a long time?

Mike Pollocoff:

Technically speaking.

John Steinbrink:

I guess it's fine then. Further comment or question? Hearing none, we had a motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOVED TO APPROVE PRELIMINARY RESOLUTION #19-31 DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS IN CONNECTION WITH STORM WATER IMPROVEMENTS WITHIN THE CHATEAU EAU PLAINES SUBDIVISION; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

I. Consider approval of Resolution #19-34 and Ordinance #19-36 regarding Sewer Service Charges.

Kathy Goessl:

Mr. President and Village Board, I'm here tonight with a recommended sewer rate decrease. We hired Baker Tilly back last summer to evaluate and recommend updated sewer rates, and also to help us to file our application with the Wisconsin Public Service Commission for a water rate analysis. These rate evaluations were necessary at this time because our customer base since our last sewer rate increase of 2015 and our water rate increase of 2012 has changed. The basic premise of the sewer utility evaluation is to be able to cover the cost, operating cost and any debt service which currently we only have one debt service payment left in the sewer utility. And in addition to design the rates equitably so it covers the costs associated with each particular customer base.

So Baker Tilly recommended a sewer rate decrease for all our customers. The new sewer rates are detailed in Resolution 19-34. And the sewer rate decrease will be in coordination with our water rate increase. We had a public hearing on September 10th with the Public Service Commission. And it takes about two to three weeks to get an effective date of our water rate until they approve our actual water rate and give us an order. We're hoping for the order to come at the end of this month or a little before so that we can use our first meter reading date in October which right now is set for October 1st to be our effective date. So basically October would be first, and then they read the meters during October, and then November 1st would be our first time that we charge out for flat fees as well as user-type fees.

We also have an additional dollar increase which was approved in the budget process last year that we're waiting for the change in sewer and water to implement it along with it. Up on the overhead is our proposed rates. And I put the water rates and the sewer rates up there for five different categories of customers. And you can see our small residential customers will have a slight increase of 40 cents when they combine their water bill and their sewer bill together. This does not take into consider the dollar increase per month for the garbage.

Average residential will actually see a decrease of \$3.14. When you combine the two industrial and commercial also will see a decrease. We have a little bit of an increase in industrial and public authority when you combine the two rates together, when you get to the larger volumes of 15 million and [inaudible] of 750,000. So I am recommending this to be approved and be effective along with the water rates that were brought to the Public Service Commission last Tuesday, September 10th.

Michael Serpe:

I'd move approval of Resolution 19-34.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second for adoption of Resolution 19-34. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE RESOLUTION #19-34 REGARDING SEWER SERVICE CHARGES; SECONDED BY KECKLER; MOTION CARRIED 5-0.

Dave Klimisch:

Move approval of 19-36.

Michael Serpe:

Second.

John Steinbrink:

Motion and a second for adoption of Ordinance 19-36. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

KLIMISCH MOVED TO APPROVE ORDINANCE #19-36 REGARDING SEWER SERVICE CHARGES; SECONDED BY SERPE; MOTION CARRIED 5-0.

J. Consider approval of Resolution #19-30 approving the filing of a civil complaint against manufacturers and distributors of prescription opiates.

Nathan Thiel:

Village Board President and Trustees, recently the District Attorney Gravely presented to the Village Board regarding efforts made by the county and partnering agencies to address the opioid epidemic. The Village of Pleasant Prairie, of course, is not isolated from the impact of opioids principally in connection with emergency services and court processes. Currently there's litigation being pursued against opioid manufacturers. You may have noticed recently regarding Purdue Pharma reaching some settlements, anyways, against opioid manufacturers and distributors to help combat the epidemic at both the state and federal level.

The City of Kenosha brought this litigation to my attention, and while there are several law firms that may represent municipalities on opioid issues, I provided material from the law firm, it's a long name, Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA. This firm currently represents a significant number of municipalities in a federal court case in Ohio. By entering into an agreement with them, they would file a claim on our behalf at the federal level. We would be required to gather and provide minimal information requested to legitimize the claim. We would then be included in the settlement process currently underway.

Given the state of the current case, the likelihood we would need to develop a significant case is negligible at this time. With the exception of the firm retaining 25 percent of any recoveries there's no cost to the Village. In other words there's minimal risk. There's also, though, no guarantee or definitive amount the Village will recover. Any recovery will be determined during the settlement proceedings. Should the Village elect tonight to make a claim, the Village would be afforded an opportunity to vote with the group to accept the settlement or not.

The Village's participation in my personal opinion is more about the Village affirming the reality of the opioid epidemic and less about recovery of cost impacts. If recovery were more of a concern, the Village might be better off pursuing other alternatives. I wanted to make the Board aware of this option and entertain the consideration to file a claim. And so at this time I'd entertain your thoughts and answer any questions you might have.

John Steinbrink:

If there was a settlement and funds were received, where would those funds be directed?

Nathan Thiel:

That is a wonderful question. So the Village would have the opportunity to look at those areas. My personal opinion is that we would want to direct those efforts towards services that were most impacted so primarily public safety.

Michael Serpe:

Considering today's news that Purdue was funneling up to a billion dollars into personal accounts, it just tells you the amount of profit and greed that has taken over the reality of some of these companies. I agree with Nathan with this 100 percent. You're losing 60,000 and some people a year through overdoses. And it's just unacceptable. And hopefully this will snowball into something bigger and put an end to this thing.

Mike Pollocoff:

I think it's a good proactive move. Nobody really knows how this is going to end up, but if we do nothing, nothing is going to happen for the Village other than the hope that we get caught up in some other settlement, whether it be one at the county or the state or some other future development. I know we've had problems in the Village, and I know it's been a tax on service. It happens everywhere. Pleasant Prairie isn't free from impacts on it. I make a motion to authorize participation in the litigation pursuant to Resolution 19-30.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOVED TO APPROVE RESOLUTION #19-30 APPROVING THE FILING OF A CIVIL COMPLAINT AGAINST MANUFACTURERS AND DISTRIBUTORS OF PRESCRIPTION OPIATES; SECONDED BY KECKLER; MOTION CARRIED 5-0.

K. Consider approval of Resolution 19-32 and Ordinance #19-34 amending Chapter 98 as it relates to the meeting time of the Village Board.

Nathan Thiel:

So this is a fairly simple item. Before the Board is a change to the Village Ordinance deleting the specific reference to meeting times. It's not necessary to reference it per ordinance. The Village ordinance will continue to set scheduled days for a meeting. In connection with this modification to the ordinance Village staff is requesting consideration to change meeting times by resolution 5 p.m. rather than 6 p.m. I know that this is somewhat a conversation within the Board. I know that from a staffing standpoint there's interest only for efficiency sake with right after work.

The feeling is that residents have demonstrated that they're able to make a 5 p.m. especially during the Village Green participation. And also for contractors and developers and so forth that usually are the ones that are most likely to attend the meetings, we felt that the 5 p.m. early start time would be beneficial. We also do understand that there's some concern that when complaints arise that's when people might complain about the time frame, whether it be at 6 or whether it be at 5. But from our standpoint it hasn't been a significant issue, and we're hopeful that it won't be a significant issue at 5 p.m. So that's the purpose for bringing it to the Board.

Michael Serpe:

I support this. We have to take into consideration our staff that's here from 7:30 in the morning until sometime 8:30, 9:00 at night. If somebody has something that has to be heard by the Village Board or the Plan Commission and they maybe can't get here by 5:00, we can put that item on the back end of the agenda. That will give them a chance to be heard later. Or even if it's a short meeting and they can't make it, we can even recess for 15 minutes until they get here to give their testimony. So there's all kinds of things that we can do to take care of the complaints of the citizenry, and I think this is a good move. I'd move approval.

Dave Klimisch:

I'd second it.

Mike Pollocoff:

I have a question.

John Steinbrink:

Motion and a second. Discussion, Mike?

Mike Pollocoff:

I really can't support this resolution. And I know it makes for a long day for staff. I just think there might be some other ways to mitigate that. But I really -- if you take a look at who we're doing this for, I mean the purpose of the meeting isn't for the staff, it's for the citizens. And six o'clock seems to be -- some people if they're coming from Chicago six still might be, or if they're coming from the northern suburbs it still might be a tough time for them to make it here. And we have a lot of residents that work south of the border. Or even work in town and they get off at five and they're going to run over here. So I think it's just one of those things that the reason for acting on the things we act on or the work that we've done or get it ready that's a lot of work.

But at the end of the day we're here to do it before the public in the eyes of the public so they can see what it is, and I think it should remain that way. I know over time we've had meetings -- over my career here we've had meetings that started at 8, 7:30, 6:30. I think even one of the commissions was going at 4:30 at times. And the earlier for the employees I know it's better to have it right after work or shortly thereafter. But, again, I think that the purpose of the public meeting is for the public, it's not for the employees. So I can't support this Resolution 19-32.

John Steinbrink:

The change in time would affect all commissions also then?

Nathan Thiel:

So the next item basically we're proposing changing the time for the Park Commission and the Plan Commission as well. The thought process was to keep those meetings all at the same time so we have some consistency. But, again, I'm aware of the concern as far as making it available for the public. Again, that's part of the reason for changing and modifying it to be by resolution so that should in the future there need to be a change it's easily modified rather than by ordinance and then making it very difficult. Or it's not difficult, it's just a little bit more cumbersome to go

through the process. And then also it's costly, too, because when you make a modification to the ordinance it costs us something to change the code.

Kris Keckler:

I'll be honest, I was torn a little bit on this one. In my day job for our meetings we start at seven which makes for even a longer day. That's usually with a disagreeable board. And I know both arguments as far as what would be most amenable to the staff and all the wonderful efforts that they put forward, and then Mike's recent arguments about his stance that this is really for the purpose of educating and allowing the public to interact with the governing body of which we oversee. And the notion that it was tried, has that been looked at, like a trial period to see if there's any disagreements, has that come up in any of the discussion?

Nathan Thiel:

No, I mean we can always try it. And, again, by resolution that was the purpose of changing it by resolution so that if it doesn't work out, if we do receive complaints it's something that we can modify. I mean the other alternative, too, to consider, and if it would be preferable that we take this conversation and kind of discuss amongst the Board, well, we're supposed to do it in open meeting, but I mean you understand what I'm saying.

It doesn't have to be 5 p.m. It could be 5:30. I mean, heaven forbid, you could change it to modify it to eight if you feel that that time would be better for the public or seven. I know staff are going, no, don't do that. But I think in general I think the change in the ordinance is appropriate. And then it's just a matter of us deciding what we feel comfortable with the time. I realize I don't like to bring items that there isn't a feeling of one way or another where there's kind of split. But it is a question at hand, and it's a fairly easy issue to discuss and debate.

Michael Serpe:

Would this be worth putting on our website for questioning of the citizens?

Mike Pollocoff:

Open Village Hall you mean?

Michael Serpe:

Open Village, yeah.

Kris Keckler:

So tabling 19-32 but still moving ahead with the ordinance?

Nathan Thiel:

Putting it out like a survey, a public survey.

Mike Pollocoff:

And see what the results are --

Kris Keckler:

Table just 19-32 and then still pass the Ordinance 19-34.

Nathan Thiel:

Yeah, we can do that.

Kris Keckler:

But we have to remove the motion and the second.

Dave Klimisch:

So then if we pass the ordinance the time stays until we change it by resolution?

Nathan Thiel:

Yeah. I mean basically it would be a decision today, yeah. Or you could modify the resolution to say that it's 6 p.m., and then we can do a survey and we'd bring another resolution to you in the future and it would be -- I mean it would be the same steps.

Michael Serpe:

Why would we modify it to 6 p.m., we're already there?

Nathan Thiel:

Well, I'm saying that the resolution that you have you'd just say tonight so that the ordinance is valid. You would make a resolution that it would be 6 p.m. right now, and then we'd bring a resolution in the future that would change it to an alternative time.

Michael Serpe:

We just can't table this for a couple months?

Nathan Thiel:

We could do that, too.

Kris Keckler:

Remove the motion.

Mike Pollocoff:

We'd need to remove the motion.

Michael Serpe:

Yeah, I'll remove my motion.

Dave Klimisch:

I'll remove my second.

Kris Keckler:

Motion to table Resolution 19-32.

Mike Pollocoff:

Second.

John Steinbrink:

Motion and a second. Any further discussion?

John Steinbrink:

For those of us that have been here a while we've been early, we've been late, and we always seem to do that to satisfy the public which as Mike said that's our job. But unfortunately when I look out in the audience, one, two, the rest is staff people. And unfortunately that's what we see every night unless there's a public hearing on something that is affecting a neighborhood or something else. So I guess we look at it. If we were earlier and we have the public hearing it affects a lot of people getting off at five. Maybe we set a public hearing at 6:00 instead of at 5:00.

Nathan Thiel:

Right. I mean just like the example tonight where we're going to most likely have a special meeting for a public hearing for the Chateau Eau Plaines, the stormwater, there's nothing preventing us from setting that time at a later time.

John Steinbrink:

Because that's where the complaints are going to come is when you have something that affects somebody and they feel that we're doing everything in our power to make it impossible for them to be here.

Nathan Thiel:

Right.

John Steinbrink:

All right, we have a motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE RESOLUTION #19-32; SECONDED BY KLIMISCH BUT AFTER FURTHER DISCUSSION SERPE MOVED TO REMOVE HIS MOTION TO APPROVE RESOLUTION #19-32; SECONDED BY KLIMISCH.

KECKLER MOVED TO TABLE RESOLUTION #19-32; SECOND BY POLLOCOFF; MOTION CARRIED 5-0.

Dave Klimisch:

Move to table Ordinance 19-34.

Mike Pollocoff:

Second.

John Steinbrink:

Motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**KLIMISCH MOVED TO TABLE ORDINANCE #19-34; SECONDED BY POLLOCOFF;
MOTION CARRIED 5-0.**

- L. Consider approval of Resolution #19-33 and Ordinance #19-35 amending Chapter 18 as it relates to the meeting time of the Plan Commission, Park Commission and Zoning Board of Appeals.**

Michael Serpe:

Move to table Resolution 19-33.

Dave Klimisch:

Second.

John Steinbrink:

Motion and a second for tabling of Resolution 19-33. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**SERPE MOVED TO TABLE RESOLUTION #19-33 AS IT RELATES TO THE
MEETING TIME OF THE PLAN COMMISSION, PARK COMMISSION AND ZONING
BOARD OF APPEALS; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.**

Dave Klimisch:

Move to table 19-35.

Michael Serpe:

Second.

John Steinbrink:

Motion and a second to table Ordinance 19-35 amending Chapter 18. Any further discussion?
Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

KLIMISCH MOVED TO TABLE ORDINANCE #19-35 AMENDING CHAPTER 18 AS IT RELATES TO THE MEETING TIME OF THE PLAN COMMISSION, PARK COMMISSION AND ZONING BOARD OF APPEALS; SECONDED BY SERPE; MOTION CARRIED 5-0.

7. Consent Agenda

- 1) Ordinance #19 33 a Zoning Amendment to amend the Breeze Terrace Apartments Plan Unit Development Ordinance.**
- 2) Easement to We Energies within Outlot 1 CSM 2849 relating to Prairie Highland Corporate Park**
- 3) The Cottages at Village Green Letter of Credit Reduction No. 8**
- 4) The Vista at Creekside Letter of Credit Reduction No. 1**
- 5) The Kings Cove Letter of Credit Renewal**
- 6) Wisconsin Marathon Agreement**
- 7) Minutes of Meetings - August 19, 2019 and August 26, 2019**

Michael Serpe:

Move approval of Consent Agenda Items 1 through 7.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**SERPE MOVED FOR APPROVAL ITEMS 1 THROUGH 7 UNDER CONSENT
AGENDA; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

8. VILLAGE BOARD COMMENTS

Mike Pollocoff:

I'd congratulate the Police Department on the results of a study or survey saying that we're the -- are the 32nd best or 32nd worst? I think we're 32nd best. That number doesn't happen in a vacuum. As you indicated to me one time that this is a sea of trouble surrounding the community, and it takes a lot of work to keep the community safe.

Chief Smetana:

Right. And all that data is taken right out of the Uniform Crime Report. So there's very little magic that can be done with those numbers. In our history we've been as high as 48 on that list and as low as we are right now. We were at 31, I'm hoping to move up that list. Obviously the lower your number the safer your community is judged to have been during the previous year. So stats make this list. So if crime stays down in a certain year we'll tend to move up. And we're doing everything we can. Obviously we've got a supportive Board, we've got a great community, great citizens we serve. So that's all a big help.

Dave Klimisch:

Was this across the state?

Chief Smetana:

Yeah, so it was across the state, jurisdictions of 20,000 or more. So it went from -- they ranked from number 1 down to I think it was number 81.

Mike Pollocoff:

Kenosha, just not to cast any shade on it, but do you remember what Kenosha's number was?

Chief Smetana:

I believe they were 71. Racine was 80, Milwaukee was 81. There's some real challenges in those communities. But the Assistant Village Administrator, Tom Shircel, brought up when I presented this study was that we are really have a lot of challenges. We're very close to a larger community. We're very close to the border which can cause some real problems crime-wise. We've got interstate running through our jurisdiction. We've got an abundance of retail and kind of high value targets for criminals and thieves. And despite that we're still coming in at 31. So while I'm not thrilled with the number I'm proud of the work that's gone into getting us to that point by the officers and staff.

John Steinbrink:

If you've ever had the opportunity to ride with the police in our community at night, and I did for many years as an auxiliary officer, we should be very thankful of the guys we have out there protecting us and working for us every day and night. Because when you have Sheridan Road, 31, 39th, the interstate, and it's a main traffic area between the south and the north and not the best people drive up through there at night. So we want to make sure they don't stop in our community.

Mike Pollocoff:

Move it along, move it along.

John Steinbrink:

That's right.

Chief Smetana:

I agree, we've got a great crew.

John Steinbrink:

Thank you, Chief.

Chief Smetana:

Thank you.

John Steinbrink:

Other Village Board comments?

Kris Keckler:

We have Safety Day, is that Saturday?

Michael Serpe:

Saturday.

Kris Keckler:

Right, a safety plug for the --

Chief Roepke:

So Safety Day, this Saturday the 21st, 10 to 2. We expect to have a pretty good crowd based on some social media postings and responses. Ben Childers, our primary cook, is gearing up to feed almost 750. So we look to have a lot of people. The only unknown right now is the weather. But hopefully that will all fall into place.

John Steinbrink:

What does the menu look like?

Chief Roepke:

The menu is similar as last year, Culver's Custard. Costco and Festival Foods were super generous as well as Niagara as well. So hot dogs and chips and maybe the custard.

John Steinbrink:

So food prepared as only firemen can prepare it, correct?

Chief Roepke:

As only Ben Childers can prepare it which is different than firemen. He does a very nice job.

Mike Pollocoff:

He does prairie dogs, he doesn't do hot dogs.

Chief Roepke:

Yup, so it looks to be a great day. So, thanks.

John Steinbrink:

A shout out to the public works department with a week of almost ten inches of rain coming down in short intervals. These guys did a great job on keeping our roads clear, marking our roads, dealing with high water and angry residents. As Mike said that 100-year flood mark I think we've surpassed that many times this year. You guys a great job.

John Steinbrink, Jr.:

I'll pass that along. Thank you.

9. ADJOURNMENT

Michael Serpe:

Move to adjourn.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second for adjournment. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KECKLER;
MOTION CARRIED 5-0 AND THE MEETING WAS ADJOURNED AT 7:32 P.M.**