

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
6:00 P.M.  
January 13, 2014**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on January 13, 2014. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; and Judy Juliana (Alternate #1). John Braig and Andrea Rode (Alternate #2) were excused. Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director; Tom Shircel, Assistant Village Administrator and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE DECEMBER 9, 2013 PLAN COMMISSION MEETING.**

Don Hackbarth:

So moved.

Judy Juliana:

Second.

Tom Terwall:

**IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JUDY JULIANA TO APPROVE THE MINUTES OF THE DECEMBER 9, 2013 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**4. CORRESPONDENCE.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, we received some correspondence from the consultant for the Wisconsin DOT. The Wis 50 reconstruction project public informational meeting is set for Thursday, January 23, 2014 from 4:30 to 7 p.m. There will be a presentation at 5:15. The location is the Journey Church, 10700 75th Street in Kenosha. And, again, this is to present Wis DOT overview of the Wisconsin State Highway 50 project from just east of 116th Avenue in the Village of Pleasant Prairie to just west of 43rd Avenue in the City of Kenosha. And they'll be going over the design plans for the widening of the roadway from four to six lanes, the reconstruction improving intersections, implementing access management and providing improved access road connections.

Michael Serpe:

Is that still about seven years out? It is?

Mike Pollocoff:

I think 2022 is it.

**5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for an item that appears on the agenda as a matter for public hearing, we would ask that you hold your comments until the public hearing is held so we can include your comments as a part of the official record. However, if you're here for an item that is not a public hearing or you want to raise an issue that is not on the agenda, now would be your opportunity to speak. We'd ask you to step to the microphone and begin by giving your name and address. Is there anybody wishing to speak under citizens' comments?

**6. NEW BUSINESS**

**A. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Luke Nardi to operate a dispatching office for Regal Limousine and Forward Transport at the Truesdell Plaza 8531 75th Street, Unit B in Pleasant Prairie.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Item A is the consideration of a conditional use permit including site and operational plans for the request of Luke Nardi to operate a dispatching office for Regal Limousine and Forward Transport at the Truesdell Plaza 8531 75th Street, Unit B in Pleasant Prairie.

Under the public hearing comments, as a part of the hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request, and they're being presented and described below for you at this time.

#### Findings of Fact

1. The petitioner is requesting a Conditional Use Permit, including Site and Operational Plans, to operate a dispatching office for Regal Limousine and Forward Transport at the Truesdell Plaza 8531 75th Street, Unit B.
2. Regal Limousine is a local limousine service operating in Kenosha County since 1987, and Forward Transport is a medical transport company with contracts with the State of Wisconsin through MTM to provide non-emergency transportation for Title IXX recipients to and from medical appointments. The application is provided in your information as part of Exhibit 1.
3. The property is located in a part of the Northwest One Quarter of U.S. Public Land Survey Section 9, Township 1 North, Range 22 East of the Fourth Principal Meridian, in the Village of Pleasant Prairie, Wisconsin and further identified as Tax Parcel Number 91-4-122-092-0176.
4. The current zoning of the property is B-2 (PUD), Community Business District with a Planned Unit Development Overlay District, and a portion of the property in the rear is zoned C-1, Lowland Resource Conservancy District. The proposed uses are considered taxi services and the B-2 District requires a Conditional Use Permit be approval for taxi services.
5. Pursuant to the submitted Operational Plan, again, show as Exhibit #1, and again on the overhead you can also refer to it:
  - The office area is approximately 430 square feet, with an additional 320 square feet of storage space that is attached to the Truesdell Mini-Mart. The space would be primarily used as office space for the owner and one to two employees to dispatch, take phone reservations, schedule appointments and process billing and payroll.
  - The fleet of four luxury sedans/limousines and six minivans would be parked along the rear property line when not in use. Drivers would pick up the vehicles from the location and occasionally drop paperwork or customer payments off in the office. There will be little if any customer traffic, the medical transportation does all of its customer service via phone, and the limo service has one to two customers per year who prefer to make reservations in person.
  - There are currently two conventional spaces and one handicap space adjacent to the rear of the building which will be used for the use of the business. In addition, the petitioner proposes to allocate 12 additional spaces at the rear of the property along the existing curb for additional parking of his vehicle fleet.

- The office will be open Monday through Friday, 9:00 a.m. to 5:00 p.m. Drivers will come to the property to pick up vehicles at other times, depending on the scheduling needs. However, they will not access the interior office.
  - The office/management staff includes one to two salaried full-time and one to two hourly part-time staff. The drivers are paid by commission, rather than hourly, with approximately four to six equivalent to full-time and two to four part-time, depending on the volume of their business. There will be approximately six full-time and four part-time employees. Future hiring will be based on business growth. The petitioner anticipates hiring one more full-time dispatcher and one to two new drivers in the future.
  - On-site there will be only one shift during operating hours, with one to two staff in the office during that time. The remainder of the employees depending on the business volume will be driving off-site. Therefore, the average number of employees on-site is usually two with a maximum of five if multiple drivers happen to be dropping off payment or paperwork at the same time.
  - Anticipated average number of automobile trips to and from the site is about 40, and that includes drivers arriving for work and leaving at the end of the day. The maximum expected is approximately 50. There will be no anticipated truck trips to and from the location.
  - Security cameras and a recording system through ADT to monitor the office and the fleet will be provided. The cameras will be mounted outside to monitor the fleet in the rear parking area as well as inside to monitor the interior office.
6. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on December 19, 2013 of this hearing. Public hearing notices were also published in the *Kenosha News* on December 30, 2013 and January 6, 2014. The petitioner was mailed a copy and the property owner was emailed a copy of this memorandum on January 10, 2014.
7. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials that the project as planned will not violate the intent and purpose of the ordinance and it meets the minimum standards for granting of a Conditional Use Permit. In addition, the Plan Commission shall not approve any site and operational plan without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements as well as federal, State, County or other local requirements.

With that I'd like to continue the public hearing and introduce the petitioner to comment on his application.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak? Anybody wishing to speak? Yes, sir?

Lucas Nardi:

Hi, I'm Lucas Nardi. I own Regal Limousine and Forward Transport. I live at 9804 8th Avenue, and the business is currently located in Kenosha. And I'd like to move it out to Truesdell as per the plan that put forth.

Tom Terwall:

Okay, are you anticipating that once you move do you think your business size will remain the same as it is now?

Lucas Nardi:

I believe it will, yes. The limousine has not increased or decreased in the amount of volume over the last five years that I've owned it. The medical transport has remained -- I've added on two new vans over the last couple months. But that's the maximum I see being added on over the next few years.

Tom Terwall:

Okay, thank you. You're available for questions if there are any, correct?

Lucas Nardi:

Yes.

Tom Terwall:

Thank you. Is there anybody else wishing to speak? Anybody else wishing to speak? Anybody else wishing to speak? Hearing none I'll open it up to comments and questions from Commissioners and staff. Don?

Don Hackbarth:

The only question I have is do you have enough spaces for the people coming in with their car to drop it off and then pick up the limousine?

Lucas Nardi:

Yes, as the drivers come in they pull the vehicle they're going to be using for the day out, and they park their vehicle in the same exact spot.

Michael Serpe:

Are you licensed by the State as well?

Lucas Nardi:

Yes.

Michael Serpe:

Are you required to undergo any safety inspection?

Lucas Nardi:

Yes, the drivers, the office has to be inspected. Every vehicle has to be inspected. Drivers have to complete defense driving, first aid, CPR, I have to put them through drug testing once per year, random drug testing when necessary. As far as the limousine side all my drivers are cross-trained so all that encompasses both the medical and the limousine. I have the vehicles inspected by the MCM which is a brokerage for the State. And the limousine side I have inspected on a monthly basis through my own mechanic.

Michael Serpe:

Good, thank you.

Tom Terwall:

Anybody else?

John Steinbrink, Jr.:

Jean, a question regarding the security cameras. Every once in a while we see security camera coverage on television, and it's the lousiest. I mean you can tell that there's a vehicle or something there but not much more. Is the quality of the camera that we require provide sharp enough detail that you can actually see and recognize faces and license plates and things like that?

Jean Werbie-Harris:

The cameras that they have onsite need to meet the minimum resolution requirements of the Village's security ordinance that's on file with the Village. So we don't direct which cameras for them to use, but we direct specifically what the resolution is and that it has to be able to see the vehicles, the plates and a number of things in the evening as well. Many of the new cameras that are going in are infrared, most of them are, unless they're looking to keep additional lighting on all night long. I'm not sure, but that information is spelled out in the security ordinance.

John Braig:

Thank you.

Tom Terwall:

Anybody else?

Michael Serpe:

I move approval of the conditional use permit and the site and operational plan.

Tom Terwall:

Is there a second?

John Braig:

Second.

Wayne Koessl:

Subject to conditions by staff?

Tom Terwall:

**YES. IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JOHN BRAIG TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you.

**B. PUBLIC HEARING AND CONSIDERATION OF AN AMENDMENT TO CONDITIONAL USE PERMIT #12-10 AND TO AMEND THE SETTLEMENT AGREEMENT RELATED TO THE SAMPLING AND ANALYTICAL TESTING PLAN for the BP Amoco gasoline station and convenience store located at 10477 120th Avenue at the request of Attorney J. Michael McTernan agent for VIDHYA Corp, VIII, Inc., the property owners.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, Item B is a public hearing and consideration of an amendment to conditional use permit 12-10 and an amendment to the settlement agreement related to the sampling and analytical testing plan for the BP Amoco

gasoline station and convenience store located at 10477 120th Avenue. This comes at the request of Attorney J. Michael McTernan, agent for VIDHYA corp, the property owner.

As part of the public hearing comments and as part of the public hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request as presented and described below.

Under findings of fact for the background information:

1. The petitioner is requesting the following approvals for the BP Amoco gasoline and convenience store located at 10477 120th Avenue, known as Lot 14 of CSM or Certified Survey Map 1489 located in a part of U.S. Public Land Survey Section 30, Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-302-0130:
  - a. Specifically, a conditional use permit amendment is being requested that would allow BP Amoco to continue to operate the gasoline station and the convenience store with the approval of the settlement agreement amendment number 2 which addresses the request for a modified analytical test parameters, modified discharge water standards and modified reporting requirements of the carbon treatment system that will treat existing contaminated ground water from several reported hazardous substance releases at the site located at 10477 120th Avenue.
2. VIDHYA Corp, VIII, Inc. is the current owner of a property located at 10477 120th Avenue, with the following Tax Parcel number: 92-4-122-302-0130. The property contains the BP Amoco gasoline station #3789 and convenience store.
3. The property is zoned B-4, PUD Freeway Service Business District with a Planned Unit Development Overlay, and a gasoline station requires a Conditional Use Permit in the B-4 District as well as any modifications to that initial conditional use permit.
4. VIDHYA received several Village approvals for the referenced property. Recently a conditional use permit granted by the Village Plan Commission on July 16, 2012 included the requirement that VIDHYA and the Village parties enter into a settlement agreement to address remedial actions and activities for stopping illicit discharges from the property. The settlement agreement Exhibit #1 was executed by the parties on November 19, 2012. Amendment number 1 to the settlement agreement dated April 1, 2013 was also approved subject to the May 28, 2013 Plan Commission amended CUP approval. The findings of fact which detail the May 28, 2013 Plan Commission meeting staff comments, chronology of events, historical details and actions taken for the property are all documented as Exhibit Number 2 attached to this memorandum.

So what I'm prepared to say is Items Number 5 in the findings of fact that includes a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s have all been read into the record a number of times before, are included as a part of the record this evening. If anyone would like me to read any of those documents or those paragraphs in I can, but otherwise you do have that information, and all of that is still on the record from previous hearings and will be included as common knowledge for everyone here at the hearing this evening.



Also, Item Number 6 was also read into the record previously, and that specifically addresses that there are certain obligations that VIDHYA had under the original conditional use permit and the settlement agreement, and that compliance was required by certain dates. And now that brings us to the new information starting on page 5 of the information that you have before you, and that's Item Number 7.

7. On December 9, 2013, VIDHYA submitted a written request to amend the Conditional Use Permit and modify the referenced Settlement Agreement entered into by the Village and VIDHYA dated November 19, 2012 and the subsequent Settlement Agreement Amendment #1 dated April 1, 2013, now with Settlement Agreement Amendment #2.
8. Drake Environmental Consulting Group and the Village Engineer have reviewed the proposed Amendments to Exhibit B – Sampling and Analytical Testing Plan, of the April 1, 2013 Settlement Agreement between the Village and VIDHYA. Three changes that were proposed by VIDHYA to the requirements in the Sampling and Analytical Testing Plan include:
  1. Analytical Test Parameters;
  2. Discharge Water Standards; and
  3. Reporting Requirements.

Analytical test parameter proposed changes, and I guess maybe I'm going to defer -- Mike do you want to go over these for me please?

Mike Spence:

Regarding the analytical test parameter proposed changes, VIDHYA had requested that monthly influent and affluent testing be done for the following parameters. PVOC plus naphthalene, PAHs and total lead. That's both for influent and affluent. The testing that had been done started out as weekly testing, and then it's now recommended the testing to do monthly testing. And we agree that the reduced monthly testing would be permitted as long as the analytical results are within or below the preventative action limits for the various parameters.

However, the Wisconsin Department of Natural Resources has indicated that -- well, first of all, VIDHYA has to have a discharge permit. It's called a WPDES permit, Wisconsin Pollution Discharge Elimination System Permit. They got that permit last year to discharge that treated water. That particular permit never included any parameters for lead. We suspect what happened at the time that the original environmental consultants applied did not indicate that there were any lead issues, so there was never any limit for lead either for sampling or discharge documented. So based on my discussions with the DNR since that point they have agreed that obviously with what we have been finding in the discharge that lead should be monitored. So they are going to be changing their discharge permit to include affluent monitoring and testing for lead.

The standards for lead will be 50 micrograms per liter per day daily maximum, and then there will also be a weekly average limit of 18.24 micrograms per liter. This is higher than the original preventative action limits that the Village had agreed to or that the owner had agreed to in the

permit. But we believe that we need to be consistent with the DNR, and in my discussions with our environmental engineer we feel comfortable that those limits will be acceptable.

And then I just talked about the discharge standards again. Those new standards will become in effect when the DNR modifies their permit. I talked to them last week, and that's pending. So they will be changing their permit to include lead. Regarding reporting requirements, we're going to agree to monthly permitting. I have been receiving weekly permits from the owners' environmental consultant. These weekly reports summarize an inspection that they're doing every week. And then they've also been giving me their affluent sampling results as well. So we believe that those limits will be acceptable.

The other thing that I need to mention as part of this amendment 2 to the settlement agreement, because there had been some violations or exceedances of the lead in the past the owner has agreed to install additional treatment in the system at the gas station. The new treatment will be on the left figure there up towards the top -- or I'm sorry up toward the right. There's filters that are going to be installed. And that will, if you will, polish the last amount of lead that's in the system. So the limit that the DNR is applying I think they will be able to meet that, and the lead discharges should be below enforcement standards.

And in the amendment number 2 we are specifying that they need to have this system installed by February 28th. And I have worked with the owner and the owner's rep, and they have indicated that there should be no issues with installing that additional treatment. Finally, as also indicated in your packet the exhibit I think it's number 4 the owner, again, has indicated that they will abide by -- or I should say Exhibit 3 that they will abide by the DNR requirements for sampling and the affluent limits. So with that I'd be glad to answer any questions you have.

Michael Serpe:

I'm just curious, Mike, when and how did the DNR become involved in this? They weren't involved when this thing first broke, but now all of a sudden we're hearing them as a part of their report.

Mike Spence:

It took a lot of phone calls from me. And the individual that we're working with has been very good once we got them on board and he realized that there was an issue.

Wayne Koessl:

Through the Chair to Mike, I have three questions, Mike. One, what happens if the DNR requirements aren't met?

Mike Spence:

If the DNR requirements aren't met then in effect they would be having an illicit discharge and we would fine them at the rate that's in our ordinance. The way our ordinance is written is you're only allowed to either discharge storm water, or if they have an approved permit from an agency

at that limit. So, yeah, if they exceed the limits that are going to be put in the permit they would be fined for illicit discharges.

Wayne Koessler:

And another item. Do you ever see the discharging ending out there?

Mike Spence:

Excuse me?

Wayne Koessler:

Do you ever see the discharge ever going to end out there?

Mike Spence:

It's going to be a real long time. I think the owners' environmental consultant, their legal counsel, this is a tremendous problem. I mean the underlying, the site, there's contamination from quite a while ago. As a matter of fact the latest report that I received from the consultant they've already treated just this past year 374,000 gallons. So at some point I think that the amount of contaminants will decrease. It's just going to take time.

Wayne Koessler:

And last one, Mike. What is the neighbors' reaction out there? Are they still smelling that discharge, or is it still running along the ditch into the Des Plaines or what?

Mike Spence:

We actually have Rich from Culver's is here tonight. I have had conversations with him. One of his major concerns is that the ditch when they did some sampling last year never got fully restored. It is my understanding that that will happen this year. One of the things that's still outstanding from the original agreement is they have to do a site investigation and a remediation of the soils out there. And they submitted a plan to us, but DJ Burns from Drake and myself did not act on it because they still had some discharges that had lead in it. So once that we feel comfortable that they've consistently not discharged anything else then the plan is for them to go in there and determine what's been contaminated. Then they'll take that soil out in the ditch and restore it.

Wayne Koessler:

The last question is do we have anything as part of the agreement that they are going to do that?

Mike Spence:

That's part of the original agreement.

Wayne Koessl:

Okay, as usual they're just not doing what they agreed to. Okay.

Michael Serpe:

Mike, I don't mean to pin you down, but based from our last time we met with BP or with this to now the level of cooperation has been what?

Mike Spence:

I think the level of cooperation has increased. They did have an issue originally with the environmental consultant that they were working with. And I don't want to get into why that was, but there's Northern Environmental and Alpha Terra are both involved now, and they've been good about getting information to us in a timely manner.

Tom Terwall:

Mike, if this new agreement is going to allow for monthly testing how do you address the issue where the State is saying they want a weekly average limit not to exceed 18.24? Can they do that testing monthly and still meet the weekly average?

Mike Spence:

Yes. In my discussions with the DNR because I had asked them about that, I said, well, how is that going to work? And in the permit he's going to stipulate, so in other words if they take one sample in a month, and I'm not exactly sure if this is how it's going to turn out, but they will divide that by four for four weeks in a month. And if it's above that limit then they would have a problem. But the DNR is working on a parameter so that will be identified.

Tom Terwall:

Thank you.

Mike Spence:

One other thing, I'm sorry. I wanted to mention that we have put in the agreement as well that as part of the Village's monitoring of the whole situation that Drake Consulting Group will continue to monitor as needed out there until we feel comfortable that the system is working as proposed. So it's basically compliance monitoring. So we'll be monitoring initially I think twice a month, so we'll be a little more frequent than the owner.

Don Hackbarth:

Quick question. Do we monitor all gas stations like this, or is this a unique situation?

Mike Spence:

This is a unique situation. This is the only one that we're currently monitoring.

Michael Serpe:

If we've done this already I don't remember. Do we know the amount of contamination on Culver's property?

Mike Spence:

That is something that we'll be looking at as part of the site remediation this spring.

Wayne Koessl:

Through the Chair to Jean. Jean, can we make the site remediation a kind of priority this spring as part of this?

Jean Werbie-Harris:

Certainly.

Mike Spence:

We can, we can.

Wayne Koessl:

I think for the benefit of the other property owners out there I think that should be a priority as soon as the weather permits instead of leaving it drag on and drag on. And I would like that added as part of this agreement.

John Braig:

Maybe not so much a question as a comment. This has been an incredibly expensive situation for the Village and without a doubt for VIDHYA Corporation, too. I would hope like heck somewhere we've learned something from it. I've got no ideas but somehow we've got to prevent this from ever happening again.

Tom Terwall:

Jean?

Jean Werbie-Harris:

Yes, I'd like to read just the last three or four additional findings of fact into the record and then open it up or continue our public hearing here.

9. Regarding the requested reconsideration of Village Code violations related to lead, it is the Village's position that the violations are the result of exceedances that were stipulated and agreed to by the owner in the original settlement agreement. Until such time those limits are changed by the Wisconsin Department of Natural Resources and agreed to by the owner and the Village they shall remain in effect.
10. The petitioner and all of the abutting and adjacent property owners within 300 feet were notified via U.S. Mail on December 19, 2013 of this hearing. Public hearing notices were also published in the *Kenosha News* on December 30, 2013 and January 6, 2014. The petitioner was mailed a copy and the property owner was emailed a copy and the property owner was emailed a copy of this memorandum on January 10, 2014.
11. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application, the related materials and the information presented this evening that the project as planned will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of an amended Conditional Use Permit. Furthermore, the Plan Commission shall not approve any site and operational plan application, which again this is part of that, without finding in the decision that the application, coupled with satisfactions of conditions of approval that it meets all the federal, State or local requirements.

And, finally, one other fact I just wanted to bring to your attention. On May 28th of last year the Plan Commission had approved basically a conditional use permit for one year. And so the conditional use permit for this property will expire on June 1, 2014. So a new conditional use permit application or extension will need to be applied for. And this matter will be back before the Plan Commission on May 12th. This is a reminder to the Plan Commission and to the petitioner. So hopefully all of these issues will be done and resolved by that time. With that I'd like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Is there anybody else wishing to speak? Mr. McTernan?

Michael McTernan:

Attorney Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin. I'm here to answer any questions. So are my clients here. And I appreciate your willingness to continue to work with us. And obviously DJ and Mike have been instrumental in working with our consultants to yet again tackle something we've discovered and come up with a solution that can protect the interest of our property and the Village. So thank you.

Tom Terwall:

Is there anybody else wishing to speak? Anybody else? One last time. Is there anybody else wishing to speak? Hearing none I'm going to close the public hearing and open it up for other questions from Commissioners or entertain a motion.

Michael Serpe:

Wayne, you want to include yours?

Wayne Koessl:

I thought that would be part of the agreement that the remediation would be done as soon as the weather permits this spring. Is that going to be included, Jean, in this agreement, the remediation for the property owners to the east along that ditch?

Jean Werbie-Harris:

I think when it's determined that there is no additional contamination found, Mike, DJ?

Wayne Koessl:

That may be never.

Mike Spence:

I think the provision for the additional treatment will greatly reduce the possibility of further lead discharge to the ditch. And so what that means is then we can proceed with the remediation. Because the reason why we held it up is because if there was still an ongoing discharge that could affect the area that we were trying to remediate. So once they install that additional treatment I feel comfortable that they can go out there and they go tests to see where the soil contamination is and then remediate it.

Wayne Koessl:

Through the Chair to Mike again, then we should have that documentation for the May 12th meeting to see if it's all ready to go?

Mike Spence:

Yes.

Wayne Koessl:

Alright, good, because that would be the renewal of the CUP again. If that's not there that's not going to be done.

Tom Terwall:

So we need a motion to conditionally approve --

Don Hackbarth:

Mr. Chairman, I'll excuse myself.

Tom Terwall:

I need a motion to conditionally approve the settlement agreement and the conditional use permit subject to the terms and conditions outlined in the staff memorandum including tonight's comments.

Wayne Koessl:

I would approve that, Chairman, subject to tonight's comments.

Tom Terwall:

Is there a second?

Jim Bandura:

Second.

Tom Terwall:

It's been moved by Wayne Koessl and seconded by Jim Bandura to conditionally -- yes, Jean?

Jean Werbie-Harris:

Just to clarify, the Plan Commission would be approving the amendment of the conditional use and approving -- and recommending approval of the settlement agreement. The settlement agreement actually goes onto the Village Board.

Tom Terwall:

**THAT'S THE MOTION, CORRECT. WE HAVE A MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA THEN. WE HAVE A MOTION AND A SECOND TO CONDITIONALLY APPROVE THE AMENDED CONDITIONAL USE PERMIT INCLUDING THE SETTLEMENT AGREEMENT, INCLUDING THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM AND THE COMMENTS MADE FOR THE RECORD THIS EVENING. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.



Tom Terwall:

Opposed? So ordered. Now we need a second motion to send a favorable recommendation to the Village Board to approve the settlement agreement amendment.

Wayne Koessl:

So moved, Chairman.

Michael Serpe:

Second.

Tom Terwall:

**MOVED BY WAYNE KOESSL AND SECONDED BY MIKE SERPE TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR THE SETTLEMENT AGREEMENT AMENDMENT NUMBER 2 INCLUDING THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM AND THE COMMENTS MADE THIS EVENING. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**C. Consider Plan Commission Resolution #14-01 to initiate a zoning text amendment related to fences.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, Item C is to consider the Plan Commission Resolution 14-01 to initiate a zoning text amendment related to fences. Resolution 14-01, the Plan Commission may initiate a petition for the amendment of the zoning ordinance which may include rezoning of property, change in zoning district boundaries or changes in the text of the ordinance. The Village staff is proposing to re-evaluate the Village's fencing requirements regarding the placement of the good side of a fence to face the neighboring property.

The Plan Commission hereby initiates and petitions to re-evaluate and amend the fencing regulations. The proposed changes in the zoning text are hereby referred to the staff for study and recommendation. The Plan Commission is not by this resolution making any determination regarding the merits of the proposed changes, but is rather only initiating the process by which the proposed changes can be promptly evaluated and then presented back to the Plan Commission for public hearing. The staff recommends approval of the resolution.

Don Hackbarth:

Move approval.

Wayne Koessl:

Second.

Tom Terwall:

**MOVED BY DON HACKBARTH AND SECONDED BY WAYNE KOESSL TO ADOPT RESOLUTION 14-01. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**7. ADJOURN.**

John Braig:

Move adjournment.

Michael Serpe:

Second.

Tom Terwall:

Yes?

Jean Werbie-Harris:

I just have one thing. There are no items currently for the second meeting of January. So unless something comes up in the next day or two the next meeting we'll have will be the second Monday of February which is February 10th.

Tom Terwall:

All in favor of the motion to adjourn signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? We stand adjourned.

**Meeting Adjourned: 6:42 p.m.**