

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"
9915 39th Avenue
Pleasant Prairie, WI
October 15, 2007
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, October 15, 2007. Meeting called to order at 6:30 p.m. Present were Village Board members Mike Serpe, Monica Yuhas, Steve Kumorkiewicz, and Clyde Allen. John Steinbrink was excused. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - SEPTEMBER 4, 17, 24, 29 AND OCTOBER 1, 2007**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF SEPTEMBER 4, 17, 24, 29 AND OCTOBER 1, 2007 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY YUHAS; MOTION CARRIED 4-0.

5. PUBLIC HEARING

- A. Consider Petition for the Construction of Municipal Water in the 4600 block on Beverly Lane east of 47th Avenue and Consider Resolution #07-65 - Final Resolution Authorizing Construction of Public Improvements and Levying Special Assessments against Benefited Property for said project.**

Mike Pollocoff:

Mr. Serpe, this resolution comes to us by way of a petition that was received from an affected property owner requesting that municipal water be extended along Beverly Lane from the 4600 block. This is an area that while it's in the Village of Pleasant Prairie it's in the Kenosha Water Utility service area, so these are in fact retail customers of the City of Kenosha. As such, we would construct the improvements according to Kenosha specifications, then we would bill that back to the affected property owners and they would then pay their monthly bills to the Kenosha Water Utility.

We've done a preliminary assessment schedule on this project and are estimating 100 feet of water main frontage. The rate we have on here is exceedingly high per foot and that's \$269.50 per foot. One of the reasons, at least in our initial estimate it's so high, is if you were to look at the project map up here these are the affected properties. There's a vacant lot here and there's an

Village Board Meeting
October 15, 2007

existing home there. The blue line represents where the water main is. But this intersection is a Y intersection. There's a big area of asphalt that's within that street there that you would have to connect into that water main and then bring that water main down along here.

With this project we haven't done any soil boring to determine how tight the soil is here, and we're looking at what would have to be an asphalt overlay that could be significant. Typically when we put a water main in the trench is about five feet wide and it's anywhere from seven to eight feet deep. With the material we're bringing in we're anticipating there could be some damage beyond five feet and maybe not.

We have done some other storm sewer work in the area, and we have found the soils in that five foot range tend to be a little mushy. The water table can be fairly high in here. So what this estimate here does is it assumes as we do on all our projects we need to let everybody know what could happen, it assumes the worst possible case scenario for what could happen. Without having the direction from the Board to complete specific plans and specifications we'll do the borings and the engineering work we don't have solid information to work from.

An example of where we've done this previously is on 63rd and 82nd Street. Our initial thoughts in that area were, again, bad soils and poor road. We indicated a cost of about \$102 per running foot. We put that project in with our own crews and were able to get it in at \$51 a foot and that was for the main and the resurfacing of the project. So there's an opportunity. We're not going to spend any more on this than we have to, but with the design we need to tell everybody what the maximum exposure is.

The project would probably take about a week to construct. We haven't submitted any design to the City of Kenosha. As I indicated it would be an eight inch main that would come to this point here and no farther. There is no water on Beverly Lane between here and 43rd Avenue. It would only service the two houses here. The vacant lot was the parcel that submitted the petition for the extension of municipal water. If the project were to proceed probably the soonest it could begin would be the first of December.

If the project was approved, it would be my recommendation that we not start this project until April for a couple reasons. One is that if we do it this fall and we do dig up this area here we won't be able to get road asphalt because the asphalt plants will be closed so people will be driving on gravel and packing material. Secondly, as we get into the fall we get wet weather and we get a freeze and snow plowing and things like that. If we do it with our own crew we don't want to be taking dump trucks out of service to be hauling this stuff so we'd have to contract that.

I think the rational or the more reasonable way to proceed would be to do this and have it proceed in April where we could get it done without having the cost go up significantly. If we do it in April, as I indicated, it would be about a week to have it completed. The project would go on the tax roll. In October we would send a letter to the affected property owners and ask them if they want to pay that off in one installment before the end of that month with no interest or finance it over a ten year period at nine percent interest on the unpaid balance.

Village Board Meeting
October 15, 2007

There will be laterals extended to each of the homes. The lateral expense on the assessment schedule has been identified as \$1,000 so the assessments are \$32,357 without the benefit of further design work. With that, Mr. Serpe, if you'd like to open up the hearing for comments I'd be more than happy to answer any questions.

Mike Serpe:

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

John Braig:

John Braig, 4707 84th Street. I'm here speaking on behalf of Betty Slater, the property to the south. She's in a home and obviously can't attend. There is concern that this is a significant cost to Mrs. Slater. She has the property up for sale. She needs the assets to be liquidated to pay for her care in the home. An assessment of this nature is going to adversely affect the selling of the property.

I have a question in terms of why the assessment is being placed against both of the properties that are involved when in many instances we have situations where some of the property owners don't have to make a water connection or pay the assessment until such time that they want to. In fact, there's a ten year term that's involved on this and if the connection is made during the ten year period credit is given back to the man that asked for it in the first place. So, why doesn't that apply here?

The other question I have is according to the sketch here the water extension or the main extension would be to the far property line of Bernie Schmitz' property which would bring it to roughly half way through the Slater property to the south. Now, why are both being assessed equally? I'd appreciate an answer on that.

Mike Serpe:

Thank you, John. Anybody else wishing to speak? Anybody else wishing to speak? Anybody else? We'll close the public hearing.

Mike Pollocoff:

Mr. Braig's comments as far as the cost of the project I agree, as I indicated before it is an expensive project. As I indicated at the beginning the Village's policies for those mains that are under Public Service Commission orders have a ten year right of recovery. This is in the City of Kenosha so the main will be extended in the City and those customers would be customers of the City rather than us. When they have a main they expect customers to connect to the water and use the main. So even if we were to give a right of recovery our agreement with them is they connect and use so within a year you'd be there anyway. As you stated, we do do that in the Village in the Village service system under our PSC order and that's something we grant to developers and that's within our authority and power to grant that. Kenosha Water Utility could

Village Board Meeting
October 15, 2007

waive it, but the logic in that is if you're going to fill a main up with water, especially with a dead end main someone should be there using it. Otherwise it goes for naught.

As far as the main being half way, once the Village levied that assessment and that main has gone to the end where it is and the Slater home hooks up and the home across the street hooks up, when the main is extended farther onto the east then those people would have to pay for that cost. What happens is you see the lot line right here and the lot lines don't line up exactly. So at that point when that main extends farther to the east the Slater property wouldn't have any financial responsibility for that extension for what that would cost. They would have paid for it in the first instance. So we levy one assessment because once you achieve the benefit of the improvement, in this case water, then you're done. They can't assess you again for something you already have. I guess that addresses those two questions.

One of the things I want to add is we still have to send this to the City of Kenosha to review. They may, in fact, want the whole street put in to connect it. From a utility standpoint nobody really likes to have a long dead end main unless there are quite a few users on it.

Mike Serpe:

Mike, when Bernie and Frances Schmitz petitioned for this water, did they have an idea of the cost that was going to be involved? Are they aware of the cost in this now?

Mike Pollocoff:

We sent them a letter and forwarded that to them. Again, we have to qualify it as the worst case scenario. I think we can get it in for less expensive but without going through the expense of preparing engineering plans and soil borings it's just a total estimate at this point. We could get a more refined estimate if the petitioner would agree to pay for the design.

Mike Serpe:

Then there are still a few unanswered questions as we speak right now. We don't know what the intent of the City is going to be or what their response is going to be to us. Would a well be cheaper to drill for this vacant lot than this assessment?

Mike Pollocoff:

A well would be cheaper than \$32,000 if you could get to a good source of water. Of course, in Pleasant Prairie when you get to a well that gives you a good charge of adequate flow at that point you're usually into radium. A lot of the wells in Beverly Woods are not very deep so they don't have radium. But we have had from time to time contamination issues along Beverly Lane. So what happens is if they do put a well in somewhere down the road the water goes by they'll be required to connect to water again at that point. So at that point even at the high scenario you're spending a lot of money or you've got some money sunk in your well.

Village Board Meeting
October 15, 2007

Mike Serpe:

Anybody else have any questions?

Steve Kumorkiewicz:

Mike said the Kenosha Utility may request to have the whole street done so we'd have to start all over again with this.

Mike Pollocoff:

We'd have to have a hearing for the remaining parcels, or the Board could deny it and say no one else has requested it, it's just one house. You'd have the authority to do that. This isn't the case where someone has brought a case before the Board where there's a contamination of a water supply and they need the water because they don't have a source. This is for new construction.

Mike Serpe:

Will we know more when the soil borings are completed as far as estimates of cost here?

Mike Pollocoff:

Yes. Just as an estimate it would cost us about \$4,500 to do some additional design work. Not that that's a waste. It would just sit on the shelf until such time.

Mike Pollocoff:

So there's hopefully a good chance that this could come in much lower than what we're projecting?

Mike Pollocoff:

I believe so.

ALLEN MOVED TO ADOPT RESOLUTION #07-65 - FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR THE CONSTRUCTION OF MUNICIPAL WATER IN THE 4600 BLOCK ON BEVERLY LANE EAST OF 47TH AVENUE; SECONED BY YUHAS; MOTION CARRIED 4-0.

6. CITIZEN COMMENTS

Mike Renner:

Mike Renner, 3211 122nd Street. I'm also representing a few of the residents from our subdivision that are back here. I want to take a moment as a homeowner and as President of

Village Board Meeting
October 15, 2007

Prairie Trails West Property Owners Association to thank Chief Wagner for the Police Department's help this summer in apprehending a number of vandals that were targeting our area. I also want to thank John Steinbrink, Jr. for fixing the drainage issue behind the Hoya residence on 121st Street.

I know as Village residents we all contribute to the Clean Water Utility by fee and also indirectly by the dues we pay for maintaining our retention pond. I would also like to know that residents from the area whose water flows to our pond and are not within our property owners association don't contribute to the pond's maintenance. I'm curious to understand why subdivisions with retention ponds appear to be taxed in what amounts to twice when it comes to the Clean Water Utility.

Regarding the Prairie Trails West retention pond, I would like it on the record that the pond performed as expected during the recent heavy rains, and it is the Prairie Trails West Property Owners Association expectation that no future issues are caused by the development of Prairie Trails East and the Orchard Subdivisions.

Concerning Prairie Trails East, the wording in the bike trail crossing permit from the County states, and I quote: "To allow municipal and State emergency vehicles and law enforcement vehicles access over the Kenosha County Bike Trail at the location indicated when public safety requires an emergency approach." The permit also indicates that the Village is responsible for construction and maintenance of the gates and crossing, not the developer nor Prairie Trails East Property Owners Association. Please recall that Mr. Pollocoff stated years ago that this developer was one of the worst the Village has ever had to work with. How will you ensure that the developer purchases high quality materials and properly installs so that there's no undue financial or maintenance burden on the future Prairie Trails East Property Owners Association? Also, please explain how the Prairie Trails East Property Owners Association will be responsible for the upkeep and maintenance of this crossing. Will the Village perform and charge or will they be completely responsible such as with the retention pond? In addition, the permit states that it can be revoked if there is a breach in permit terms.

Lastly, Mr. Serpe last week he couldn't understand why someone would oppose an emergency crossing in reference to my comments at the Plan Commission meeting. I urge Mr. Serpe to read the meeting minutes as I never stated last week that I was opposed to the emergency crossing. What I stated is that I didn't see the need. Let me give you a couple of examples that might help you understand the difference between opposed versus need. Would you be opposed to a new police and fire station located in the Sheridan Woods neighborhood that would decrease response times and increase public safety? Probably not, but is there a need? Another example, would you be opposed to using the money to pay for this installation and maintenance of the emergency crossing to instead hire another police officer that would benefit the entire Village and not just one subdivision? Is there a need?

I'll concede that I don't believe we'll ever agree on this issue. However, the one aspect of this issue that bothers us the most is the Village has insisted Prairie Trails East be developed even though the Village has known from the very first proposal there would be inadequate safety access to this subdivision even with a bike trail crossing. The Village General Code Section 395-

Village Board Meeting
October 15, 2007

63(o) requires a minimum of three access points for subdivisions of 81 or more lots. I think the plan meets the intent of the code but perhaps not the spirit.

All through this process you have stated that safety is first and that 26th and 28th Avenues were inferior for emergency vehicles, Village equipment, school buses and snowplows. You even used that argument for your support of a bike trail crossing. But even with the bike trail crossing the Village still has only two adequate safety access points as the Village has not required the developer to improve 26th and 28th Avenues as originally planned. Future access from the northeast to Prairie Trails East is prevented by wetlands. Any other access from the southeast would most likely occur through another subdivision that connects even further east on Russell Road. Who even knows if that development would occur?

In addition, take a close look at another agenda item tonight for the Southshore conceptual plat for 80 homes. Tell us that you see no safety issues for this subdivision as there are only two entrances from Sheridan Road and no planned interconnectivity. What if 104th Street is blocked? How would emergency services reach this site without having to first drive all the way to 91st Street to the north or 116th Street to the south? The Village talks about being safety minded but your actions on these subdivisions don't support your words. Thank you.

Mike Serpe:

Anybody else sign up? Anybody else wishing to speak? Anybody else? We'll close citizen comments.

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. Serpe, I've prepared a report. This week there was a discussion in the local paper. There was an editorial or an article, or one in the same, concerning fees that the Village charges for services. This was an outgrowth of a newsletter article that we had put out where we had identified that the Wisconsin League of Municipalities for the entire State identified what communities' levies were, what their equalized value and their population for the purpose of comparison.

The Village had indicated we had identified communities that are similar to Pleasant Prairie's in terms of equalized value, in terms of assessed value, that body of value that you have to levy a tax against, and population. That's really all we were looking to do because that's all the report identified. And in that newsletter it reflected that the Village had one of the lower levies and consequently tax rates.

We had had some discussions over the last week with the *Kenosha News*. They had decided to go a little bit further and say let's take those same communities and let's compare what the residents pay for sanitary sewer, water, garbage collect, clean water and fire protection. While I think that's an admirable goal, and I certainly don't mind that the Village is compared with any other municipality, I think that while the Village identified these communities that do show what the

Village Board Meeting
October 15, 2007

impact of the levy is, when you compare communities with utilities such as sewer and water, each community brings to their residents a different package that makes sewer and water cost what it does.

In the case of Pleasant Prairie, the Village is a wholesale customer from the Kenosha Water Utility. We purchase both sanitary sewer and water from the City of Kenosha at the boundaries. In return the Village is responsible for constructing all of the water mains, the sewer mains, the towers, the booster stations, the lift stations, put that in and retire the debt on it and pay the depreciation on it as well as the cost for operating that system. We spread the cost of those improvements amongst our not 20,000 people because not everybody has sewer and water but amongst our 2,000 to 3,000 homes depending on sewer and water and what it is.

We had advised the *Kenosha News* that some communities on the chart there are significant differences, whether they're a retail user of sanitary sewer and water service where their mains and towers and tanks and lift stations are really the property of the regional utility. Racine would be an example of that. Milwaukee would be an example of that. Brown County would be an example of that. There's also the other fact that as you get farther away from Lake Michigan with communities like Middleton and Ashwaubenon they're not near a lake so they get ground water. They take water right out of the wells and put it into their mains. So what happens with sewer and water is really dependent from the geography and how you purchase water.

If you were to look at the chart up there, these were the numbers provided in the *Kenosha News* survey. With that you can see that Pleasant Prairie was at \$150, Mount Pleasant was at \$121. Muskego was the highest at \$165 and it kind of trailed from there. The monthly taxes, again, the Village is lowest. We had posited the premise to the *Kenosha News* that sewer and water charges in most cases any one of these communities are different because no one really operates their own sewer treatment plant or water treatment plan, are charges that they levy from the community they get water from. They said, no, they didn't agree with that and so they went ahead and presented it anyway.

The impact is significant. If you look at a fixed water charge in Pleasant Prairie, and that's the charge you pay no matter if you use a drop of water or a million gallons of water, Pleasant Prairie is \$10. That's set by the Public Service Commission. We're again, a wholesale water utility with about 2,500 customers. Mount Pleasant is \$5.50. They're part of a retail system and the entire City of Racine helps pay for theirs. Muskego \$7.73. They're a well community. Germantown they're a well community and part City of Milwaukee. Caledonia they're customers of Racine Utility. Fitchburg they have a well. Ashwaubenon, Brown County, Middleton they also have a well.

Water volume, this is where it really starts showing up between wholesale and retail, our average is \$23 a month. Mount Pleasant, again a retail community, \$12. Muskego is \$20, Germantown is \$13. As you can see Ashwaubenon is a little bit higher.

Sewer fixed costs the same kind of differences that fall out. Same thing with volume. Our volume is \$33.50, Mount Pleasant under the *Kenosha News* survey is \$18.81, and some of them don't even have a fixed amount. Garbage collection, this is something that we're trying to come

Village Board Meeting
October 15, 2007

to grips with. We charge \$13.50. That was really the price that contractors were charging nine years ago when we first started doing it. That \$13.50 for us pays for curbside leaf collection, composting and recycling for an unlimited quantity. The other communities, Muskego contracts out with a limited volume of how much can be put out. Same with Caledonia and Fitchburg, they have a fixed amount that can be put out.

Clean water utility not all communities are faced with the same phase two rules that the Village of Pleasant Prairie is. Mount Pleasant has a storm water utility that's built into their mill rate. The only other charge that was listed was Fitchburg.

Fire protection ours was \$3.56. Ashwaubenon has a fire protection charge of \$3.23 that goes on the water meter. Garbage collection, the Village took the policy position when we first started garbage collection was that only those people that use it would pay for it and that would be residential users. We're not in a position to take solid waste from commercial or industrial or even some of the large multifamily units and that's not uncommon. The City of Kenosha doesn't collect commercial garbage. So we only charge residential users that. If we were to take and charge everybody for it we'd be doing what they do in the City of Kenosha where you charge industrial users for residential solid waste and not provide the service. Back when we started doing this in '95 or '97 we were trying to develop LakeView Corporate Park and it didn't make sense to become less competitive with other communities in pricing by charging them for a service they don't get.

Clean Water Utility and public fire protection are both charges that go as a special fee and the reason they go as a special fee is that we base the Clean Water Utility based on the area of land that's pervious and impervious. We went through an almost three year evaluation as to how to come up with that. Given the amount of tax exempt property that exists in the Village of Pleasant Prairie it was determined rather than put something on the taxes we would do it based on a fee so that everybody pays. Whether you're Wisconsin Electric or a cemetery or a hospital or a church or any other tax exempt property, water is still going to fall on your property and it's still going to drain off and it's going to need to be managed.

Pleasant Prairie's value is \$2.7 billion. The amount of tax exempt property is nearly \$1.1 billion. It's one billion ninety nine million. That's property that we still have to service but they pay no taxes. The next closest one in the comparables is \$33 million. There's a big gap in what this Village has to deal with as far as property that doesn't pay property taxes and those properties that do.

So when we look at this chart here you can see what the total sewer and water was. As much as we think this is a meaningful discussion to have, and I think analyzing costs that the government has, whether it's enterprise funds or not enterprise funds is important, but we think it's important that it's comparable to apples and apples. If the top numbers were comparable, the next set . . . identifies comparable and we weren't able to do that.

We took a look at our survey, and we surveyed the same communities. To be honest with you we came up with different numbers than the *Kenosha News* had. I'm not sure what to say about that other than what it was. And the next slide will show what those differences are. For Pleasant

Village Board Meeting
October 15, 2007

Prairie the amounts were right . . . we all have the same information. Mount Pleasant was really \$13.80 more. Muskego was 83 cents more. Germantown 33 cents. Caledonia was actually \$6.39 less than what it was. \$4.71 in Fitchburg, 24 cents and 33 cents. So those were minor but they weren't exact.

To describe why it's important and why we identified to the *Kenosha News*, it was really important to look at the nature of how those utility services are provided. You don't need to look any farther than our own Village. If you go to the next slide, Jean, Pleasant Prairie, as we talked about at our public hearing tonight, part of our Village receives retail service from the City of Kenosha. Part of it receives its water service from us, and the water service we get is what we wholesale for so we have to buy the water and then resell it.

If you apply the same logic as the *Kenosha News* did for the water, those residents that are Pleasant Prairie residents, they send their tax bill to Pleasant Prairie, they get our newsletter, we pick up their trash, we plow their streets, on a yearly basis for our water customers \$150 a year for all the costs, and for those that are serviced by Kenosha Water Utility it's \$133.78. So to say that the comment that was made by the news is we just want to show a comparison, they only wanted to show the comparison of those residents that are served by the wholesale charge for Pleasant Prairie. Over 1,200 households receive the rate that's \$133.

The impact in Pleasant Prairie of just having a retail operation is significant. Our wholesale customers pay \$10. Our very own same residents pay \$4.50 to the Kenosha Water Utility. Why is it different? The difference is that the Kenosha Water Utility is spreading the cost of their utility with those 1,200 Pleasant Prairie homes to the entire City of Kenosha. For the water volume charge we charge \$23.38. We spread that across about 2,500 homes. The water charge that Pleasant Prairie residents pay to City of Kenosha is \$13.41. They're spreading that over 25,000 homes and businesses. So the Village doesn't enjoy the same economic power that the Kenosha Water Utility does. We don't have wholesale sewer service for the sewer customers so the amounts are the same. So there is a significant difference between a community that is able to retail water service and sewer service and a community that isn't. In our very own community it's quite a bit. It's the difference between \$150 and \$133.

The other comment that was made by the news in investigating this is that, well, these other communities must put their garbage on the tax roll, either clean water or fire protection. Again, if we were to take a look and said, okay, let's put it on the tax roll, the differences aren't too significant. It's \$144, \$152 for clean water, fire protection is \$151 if you look at those individually. But if you look at let's put them all on we're up to \$168. The property owner is going to pay \$18 a month more than what they do now. And what's significant about that \$18 a month, and again this is just on a \$200,000 house, and the average if you did \$200,000 to be comparable to other communities, but the average house in Pleasant Prairie is \$270,000 so it's going to be more than this, is that, one, the average resident will be paying more. Two, you're going to tell Wisconsin Electric, the hospitals, cemeteries, all the tax exempt properties, the DNR and State properties in our community that we don't need your contribution for clean water or we don't need your contribution for fire protection and they won't be contributing to it. So under any one of those scenarios we would be raising our taxes.

Village Board Meeting
October 15, 2007

Again, Pleasant Prairie is unusual in the sense that we have almost a billion dollars that don't pay any taxes at all. There are many communities in the State that aren't worth a billion dollars. We have a billion dollars that doesn't pay anything. It's a third of what we have. I think these are interesting numbers and I think the comparison was faulty. We had indicated to the *Kenosha News* that we would be glad to participate in a comparison that was comparing apples to apples, but we weren't able to prevail on that. It makes you wonder. I think given some of the editorial treatment of what we see, this is disappointing. I think it misleads the residents as to what their comparative costs for those services are when we gave a comparative cost for taxes but the sewer and water and other charges aren't comparative. Are these costs here not our costs? Yeah, they are. I don't deny that for a second. And I don't deny these are out costs also. I'm just saying public finance tends to be a little bit complicated. And in rushing to make a case or to support a hypothesis that the news had I think it doesn't really portray everything that happens.

This community relies on the *Kenosha News* to make a full representation of what happens here. I know a couple months ago we had one of the more significant planning events that took place in this community in the last 15 years where we had 100 people come to a planning meeting to talk about the future of Pleasant Prairie, what their visions, what their wants, what their needs were for the community, and that is one of the underpinnings for the Comprehensive Master Plan that takes place. It was a well attended event. There was nobody from the *Kenosha News* there. The same night there were three reporters covering a neighborhood meeting concerning whether or not the Village would mow a detention basin.

There are some significant issues ahead for this Village and we want to evaluate where we are and where we're going with things that we're working from the same knowledge base in trying to present knowledge and data that is relative and accurate. Kathy Goessl and I did our best to try to get that to appear on this and, sadly, that didn't occur. But for anybody that wants to take a look at our utility costs, and as part of the budget process we're going to take a look at some of our counterparts, but I can tell you right now we are going to be high.

The sewer and water system that the Village takes part in was an outgrowth of the 1990 Master Plan that was conducted by the Regional Plan Commission to plan for the ultimate development of Pleasant Prairie, Somers, Kenosha, Bristol and Paris for sanitary sewer and water service. That plan put everybody together and it identified from Lake Michigan water to come out to the Village and the waste water to go back to the City. In 2010 we're going to close down two treatment plants to make sure that happens. The underpinning of that plan, the problem is that the physical structure is set for a regional utility, but at the last meeting upon approval the City didn't approve the institutional structure which created a regional utility. So it went for a utility that charge wholesale rates to the outlying community so we're in a position as adopted by the Regional Plan Commission and the County and everybody else a system that provides any non Kenosha utility customer higher rates and segmenting those costs there, and everybody really is required to use the Kenosha Water Utility's waste water and sewer treatment plant. That sticks. We can't change that. We set some of the rates but more than half our rates are what we pay to the City for water treatment and sewer treatment. That won't change.

So those are some comments on what I think was an inaccurate and disappointing article, but such as it is that's where we're at.

Village Board Meeting
October 15, 2007

Mike Serpe:

Thanks, Mike. It's unfortunate that the majority of people that read that for the average person it's probably a little difficult to understand. But having said that in the 23 or 24 years you've been here Mike you've enjoyed a lot of success. You've done that with a great team that you built around you. I'm not saying we made everybody happy in those 23 or 24 years, but by and large I think we've done very well. I can't speak for the rest of the Board, but my recommendation is you just stay the course and continue what we're doing. It's worked so far. We're growing, we're successful, we've been recognized for it, and I strongly suggest that we continue that as we've done in the past.

Steve Kumorkiewicz:

I agree with you 100 percent, Mike.

Mike Serpe:

Tonight before we get onto New Business we have three students from LakeView Tech, the government class. I bet you're really going to be interested in what's going on here. We'll give you a little test at the end.

8. NEW BUSINESS

A. Receive Plan Commission Recommendation and Consider Ord. #07-42 to correct the Village Zoning Map as a result of a wetland staking completed by the Southeastern Wisconsin Regional Planning Commission for the undeveloped property located on the west side of 3rd Avenue in the 11200 block known as Lot 4, Block 20 of Carol Beach Estates Subdivision, Unit No. 2. The field delineated wetlands are proposed to be rezoned into the C-1, Lowland Resource Conservancy District and the non-wetland portions of the property would remain in the R-5, Urban Single Family Residential District.

Jean Werbie:

Trustee Serpe and members of the Board, on May 12, 2006 the Village received an application from Jolene Hoskins for a wetland staking to be completed on a vacant property that she owned generally located across the street from 11233 3rd Avenue in the Village. The property is identified as Tax Parcel Number 93-4-123-304-0245. The property is also identified as Lot 4 of Block 20 of the Carol Beach Estates Subdivision, Unit 2.

The Village received a letter on January 17, 2007 from SEWRPC that indicated that the plat of survey correctly identified and correctly identified the wetlands that were surveyed and field staked on the property on May 18, 2006.

Village Board Meeting
October 15, 2007

The request you have before you this evening is Ordinance #07-42 to correct the Village Zoning Map as a result of a wetland staking on the property. The field staked wetlands would be placed into the C-1, Lowland Resource Conservancy District, and the balance of the property would remain in the R-5, Urban Single Family Residential District. The LUSA, or Limited Urban Service Area Overlay District, would remain on the property.

This was a matter before the Plan Commission, a public hearing was held, and the staff and the Plan Commission recommend approval as presented.

Steve Kumorkiewicz:

We all attended the Planning Commission and consequently I move to approve.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #07-42 TO CORRECT THE VILLAGE ZONING MAP AS A RESULT OF A WETLAND STAKING COMPLETED BY THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION FOR THE UNDEVELOPED PROPERTY LOCATED ON THE WEST SIDE OF 3RD AVENUE IN THE 11200 BLOCK KNOWN AS LOT 4, BLOCK 20 OF CAROL BEACH ESTATES SUBDIVISION, UNIT NO. 2 AS PRESENTED; SECONDED BY YUHAS; MOTION CARRIED 4-0.

- B. Receive Plan Commission Recommendation and Consider Ord. #07-43 for the request of Phil Godin, agent for Sunny Prairie, LLC, owner of the property generally located on the east side of 47th Avenue at approximately 109th Street for the proposed Sunny Prairie development to rezone the property from the A-2, General Agricultural District. The petitioner is requesting to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District, to rezone Lots 1-5 into the R-3, Urban Single Family Residential District, and to rezone Outlots 1 excluding the wetlands into the PR-1, Park and Recreational District. The Zoning Map Amendment also includes the rezoning of the area of the property that is currently zoned A-2, General Agricultural District that has been attached to the adjacent property located at 11009 47th Avenue into the R-4, Urban Single Family Residential District.**

Jean Werbie:

Trustee Serpe, I would ask that Item C also be taken up at this time as I'll be just making one presentation.

- C. Receive Plan Commission Recommendation and Consider Res. #07-66 to approve the Final Plat, Engineering Plans, Development Agreement and related documents for the request of Phil Godin, agent for Sunny Prairie, LLC, owner of the property generally located on the east side of 47th Avenue at approximately 109th Street for the proposed Sunny Prairie Subdivision which includes five (5) single family lots and one (1) outlot.**

Village Board Meeting
October 15, 2007

Jean Werbie:

Trustee Serpe and members of the Board, the petitioner is requesting to subdivide 4.7 acres of land generally located between 45th and 47th Avenues in the Village. The property would be located at approximately 109th Street and it would have five single family lots, one outlot. The subdivision would be known as Sunny Prairie.

Pursuant to the Village's Comprehensive Plan, Sunny Prairie is located within the Prairie Lane neighborhood. It's classified as a low density residential land use development. Average lots shall have at least 19,000 square feet in lot area.

As I indicated, the new subdivision would have 4.7 acres of land that would be developed, five single family lots that range in size from 20,106 square feet to 39,640 square feet. The average lot size in the small subdivision is just over 30,000 square feet. The one outlot in the development would contain the storm water management or storm water retention basin to service the development. The net density for the development is 1.26 units per acre.

With respect to open space within the subdivision, approximately one acre or approximately 25 percent is going to be open space and this includes .59 acre of wetlands. There are some woodlands in a tree preservation and protection area easement along 47th Avenue, and then another spot on the very south end of Lot 3 that has a woodland protection area. Other open space includes .52 acres of open space within Outlot 1. Again, that is adjacent to the storm water management basin that services the subdivision.

The current zoning of the property is A-2 which is a General Agricultural District. The properties to the north, east and south within the Whispering Knolls Subdivision, within the Mission Hills Subdivision are zoned R-3 and that's an Urban Single Family Residential District. The wetlands within the Whispering Knolls Subdivision and proposed in this subdivision are C-1, Lowland Resource Conservancy District.

The property owner, petitioner, is requesting to place this property into a residential classification, the R-3, and that adjacent property that we discussed at the beginning that is detached south that will also be placed into a residential classification but R-4 so that it matches that property to the south.

So as you can see on this slide the zoning map amendment sets forth what all the specific districts would be for this particular property. C-1 at the north end for the wetlands, R-3 for the single family lots, PR-1 which is the storm water basin and other open space, and again that small sliver of land that was carved out to be attached to the property to the south would be R-4, Urban Single Family Residential.

With respect to this development the entire subdivision will be serviced by municipal sanitary sewer and water. 45th Avenue and 109th Street will have a small eyebrow-type cul-de-sac island which will be serviced with curb and gutter from that Whispering Knolls Subdivision. 47th Avenue will exist as it currently is. There will be no new curb and gutter or widening of that particular roadway.

Village Board Meeting
October 15, 2007

Construction access for this subdivision will be from 47th Avenue, in on 108th Street, south on 45th Avenue to 109th to complete that eyebrow-type cul-de-sac to service the Lots 1 and 2. In 47th Avenue municipal water will be extended to service Lots 1, 2 and 3.

So then the final plat that is before you this evening for Sunny Prairie would be for a five single family lot subdivision and one outlot. All of the documents are in order for this final plat. We have a development agreement, the financial security and all other documents will be finalized and presented as part of our closing and preconstruction meetings that are set for this Wednesday.

The second item, again, on the agenda is the zoning map amendment, and you have before you Ordinance #07-43 and this covers the zoning map amendments that I discussed also this evening. So the staff recommends approval then of both the zoning map amendment and the final plat, engineering plans, development agreement and related documents for the Sunny Prairie Subdivision. Again, both of these items were before the Village Plan Commission at a public hearing at their last meeting and they did recommend approval as presented.

Mike Serpe:

Thank you, Jean. We can discuss both but individual votes will be taken.

Steve Kumorkiewicz:

I think it was very well discussed at the Plan Commission this week so I'm going to move to adopt Ordinance 07-43.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-43 APPROVING THE REZONING OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 47TH AVENUE AT APPROXIMATELY 109TH STREET FOR THE PROPOSED SUNNY PRAIRIE DEVELOPMENT AS PRESENTED; SECONDED BY ALLEN; MOTION CARRIED 4-0.

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #07-66 APPROVING FINAL PLAT, ENGINEERING PLANS, DEVELOPMENT AGREEMENT A FOR THE PROPOSED SUNNY PRAIRIE SUBDIVISION ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 47TH AVENUE AT APPROXIMATELY 109TH STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

D. Receive Plan Commission Recommendation and Consider Res. #07-67 to support an amendment a portion of the Tobin Road Neighborhood Plan for the area generally located on the west side of Sheridan Road at approximately 108th Street.

Village Board Meeting
October 15, 2007

Jean Werbie:

Trustee Serpe, I would ask that Item E be taken up at this time as both Items D and E both related to the same project.

- E. Receive Plan Commission Recommendation and Consider the request of Thomas Riley, agent for Kenosha Southshore Properties LLC, owner of the property generally located on the west side of Sheridan Road at approximately 108th Street for approval of a Conceptual Plan for the development of 80 single family lots to be known as Southshore Subdivision. In addition, the Conceptual Plan includes a regional stormwater detention facility on land owned by the Village on the east side of Sheridan Road at approximately 106th Street.**

Jean Werbie:

Trustee Serpe and members of the Board, there are two items before you this evening. They are interrelated. The first is Resolution 07-67 and that's to support an amendment to the neighborhood plan for the Tobin Road neighborhood. And the second is the conceptual plan for that same property introduced by Southshore Properties. The second part of the conceptual plan for Southshore Properties includes a regional storm water detention facility that is located both on the Southshore Properties as well as land that is owned by the Village of Pleasant Prairie on the east side of Sheridan Road.

At the October 8th Village Plan Commission meeting, the Village Plan Commission approved the petitioner's request to amend a portion of the Tobin Road neighborhood generally located at the southeast corner of Highway 165 and Highway 32. They held a public hearing as well on the conceptual plan and they recommended approval of 80 single family lots to be known as the Southshore Subdivision. In addition, the conceptual plan included off site and on site storm water regional basins for this particular area. As you can see on the slide, the Southshore Subdivision is located just to the south/southeast of the Timber Ridge Mobile Home Park just south of 165. It's north of the Tobin Creek Subdivision and just to the west of State Highway 32.

To put things back into perspective, the Comprehensive Plan for this particular area does show that the Southshore Subdivision is located in the northeast portion of the Tobin Road neighborhood, and the presentation of the neighborhood plan and the conceptual plan are in compliance with the Comprehensive Plan as presented to the Village.

On May 24th the Plan Commission had approved the Tobin Road Neighborhood Plan. It indicated a little bit different plan for this area. At that time the Southshore property owners wanted to develop this area as a mixed use residential development that included 29 single family lots and 156 condominium units. On June 21, 2004, the Board them conditionally approved the conceptual plan and, again, based on that original neighborhood plan that was presented for that particular area.

But what had happened between 2004 and 2007 was that there was some further review that was done by the Village on the floodplain areas of the Village specifically within the Tobin watershed

Village Board Meeting
October 15, 2007

area. As a result, it was determined that there was no mapped 100 year floodplain for this particular area, and the engineers were concerned about the fact that that information was not yet available and it was not actually mapped by FEMA. So as a result there was some further research that was done not only by the Village and our consultants but by the developer and their consultants for this particular area.

What was developed was a more detailed Tobin Creek watershed plan, and what this slide shows you is the large area, several hundreds of acres that actually drain down and through this particular property which helped to convince the Village and the staff that there were going to be possibly some concerns or problems if, in fact, this area was not looked at in more detail from a storm water management perspective.

So the Village and the developer reviewed and evaluated on March 2005 Hey & Associates' report. There were two alternatives, B1 and B2, that were further examined by our Village Engineer. Alternative B1 indicated that a portion of the Village's land on the east side of Sheridan Road on the north side of Tobin Creek could be used for a regional detention basin containing approximately 66 acre feet of flood water storage, and up to a 42 inch pipe could be installed under Sheridan Road which could reduce the flood stage on the Southshore property by one foot.

A second alternative, Alternative B2, indicated that an L-shaped detention facility could be used to contain approximately 75 acre feet of flood water storage and installing a new 60 inch culvert at Sheridan Road which would reduce the flood stages on the Southshore development by approximately three feet.

So by examining the study it was determined by the staff and the engineers involved in this study that two regional detention basins would be proposed in order for this project to move forward. Number one, on the east side of Sheridan Road and a second one on the west side of Sheridan Road with actually a 54 inch diameter storm water pipe that would be installed beneath Sheridan Road. The regional basins would then handle the upstream storm water as it moves downstream through the Southshore property under Sheridan Road to Lake Michigan providing additional storm water benefits to the areas that are downstream including the Carol Beach Subdivisions. In heavy rain events the storm water could be retained in the subdivision retention basins throughout the Tobin Creek watershed, and as storm water is released downstream it would be detained in these two regional detention basins and then continue to flow east towards Lake Michigan at a controlled rate.

So with this information understood and available to us we went back and we sat down with the developer of the property to see if they had an interest in redesigning or re-laying out how the subdivision would look and if any of this information could help them to determine if they still wanted to move forward with the first plan or examine a second plan. Well, they brought forth a neighborhood plan amendment, and after the re-examination they decided they wanted to proceed with 80 single family lots rather than the mixed residential development of that 29 single family lots and 156 condominiums that had been approved in 2004.

Village Board Meeting
October 15, 2007

On October 8, 2007, the Plan Commission recommended approval. What this did was it actually started to bring down the density overall within this subdivision as proposed as well as in the entire neighborhood. So, as you can see, this particular subdivision does have an approximately 80 single family lots. There are two connection points to Sheridan Road, but there are no new interconnections to the north or to the southwest. I know that that was brought up earlier by Mr. Renner. After further discussion, because the Mills property located to the north just south of 165 was identified as a commercial area, it was discussed that a public road cutting through that commercial development through this single family development was not in the best interest of this particular subdivision. So we did eliminate that connection to the north.

There is still a possibility, and I don't have a pointer but maybe Mike could point to the very southwest corner, there is still a possibility to connect this subdivision at the very southwest corner to the south, but the situation is we've got woodlands, we've got wetland, I've got primary environmental corridor, we've got shoreland, there's a waterway, there are so many environmental features at this particular location that unless the Village feels very, very strongly about needing a third connection to this subdivision it just makes it very problematic to try to cross or cut through or fill in all of those environmental features.

At one point there was going to be a connection to the west, but as you can see the huge wetland complex that when this property was originally being looked at for neighborhood planning that wetland complex just seems to be growing exponentially in this particular location. Our original wetland maps didn't show nearly the amount of wetlands that we have there now. So because of the environmental features we were really limited to having two connection points. Again, the original plan did show over 156 condos plus 29 single family. And we realize with that kind of density only two connection points could be a problem. So we worked with the developer to bring that density down so that two access points could still work for the development of this property.

This Southshore development then site area is a total of 95 acres. They're proposing 80 single family lots. The lots range in size from just over 12,500 square feet to over 27,000 square feet. The average lot size is just under 16,000 square feet. There are six outlots that are proposed with this particular development. The net density is 1.56 units per net acre. Population projections at full build out with this subdivision would be 219 persons, 50 school age children, which includes 34 public school age children.

I'd just like to point out again Outlot 1 contains primarily open space, woodlands and wetland. Outlot 2 is a storm water retention basin for the subdivision maintained by the homeowners association. Outlot 3 is primarily a wooded area, oak trees, other wooded areas that warrant protection in an outlot. Outlot 4 is a retention basin to service the subdivision. Outlot 5 is one of the regional detention basins to service this entire area. Then Outlot 6 was also a localized retention basin to service this subdivision. So not only did they need three retention basins to service this subdivision, but as part of this they're building two regional detention basins, one on the east side of Sheridan Road and one on the west side of Sheridan Road.

As part of this development the property will need to be rezoned. The property is currently zoned R-4 with an AGO, Agricultural Overlay. They will need to remove that ag overlay as they

Village Board Meeting
October 15, 2007

proceed forward. As you can see on this existing zoning map there's just a very small area that was designated as C-1 over the years. The entire wetland complex will need to be placed into the C-1, Lowland Resource Conservancy District. And this next map just gives you the overall perspective, the wetlands placed into C-1, the residential will be placed into the R-4.5, Urban Single Family Resident. Outlots 1, 2, 3, 4, 5 and 6, excluding wetlands, will all be placed into the PR-1 which is the Park and Recreational District.

This particular development has a great deal of open space, 56 acres or 59 percent of the entire site is to remain in open space. Wetlands just over 33 acres. Woodlands just under 14 acres. Other open space 22 acres. The Tobin Creek, which is just north of that dashed line, that is actually a navigable waterway. So there's also a navigable waterway on this site where that dashed line is located. And then there's an orangish-brownish dashed line that has been identified for a future bike/walking trail within the roadway to interconnect to and through this subdivision to this subdivision to the south.

Public improvements within this development, the entire site will be serviced by municipal sanitary sewer, storm sewer, curb and gutter, full public roadways. They'll be required to dedicate all the roadways as well as additional right of way for the future widening of Sheridan Road.

As I mentioned previously, two regional detention basins are being proposed with this development, one on the east side, one on the west side. A large culvert and storm sewer pipe is proposed under Sheridan Road. This is to service the storm water that's coming down to and through this particular subdivision. Construction access for installation of public improvements would be on the two public access roads from Sheridan at 107th Street on the north end and 109th Street on the south end. And I believe that's it for the presentation.

So, again, there's two items on the agenda, the first item is Resolution #07-67 and that is an amendment to the Tobin Road Neighborhood Plan as recommended by the Plan Commission and the staff. And then the second is the conceptual plan for the Southshore Subdivision to be located just south of Highway 165 just to the west of Sheridan Road. And this would include the conceptual approval of the two regional detention basins on the east and west sides of Sheridan Road. Again, on the east side of Sheridan Road that is on Village owned land surrounded by a lot of wetlands and woodlands. The land is very encumbered right now with respect to being able to access it, but there is accessibility from Sheridan Road to create that basin that we just talked about.

Mike Serpe:

There's a number of positives to this development if it proceeds and comes to fruition. I think one of the biggest is the regional basins and the detention basins and retention basins that are being installed. The benefit to the Village, to that area and east to Carol Beach is just going to be enormous. The east side regional basin is going to have to be accessed through an easement not on Village property, is that correct?

Village Board Meeting
October 15, 2007

Mike Pollocoff:

The east side basin?

Mike Serpe:

Under Sheridan Road we're going to have to get to that parcel.

Mike Pollocoff:

No, we own that land.

Mike Serpe:

Are we going to be able to get a pipe to there without going through the Village Restaurant?

Mike Pollocoff:

Right. We own all the land between, there's one parcel that there's a cell tower just north of the Village Restaurant, then the Village owns all the land from there to 104th.

Mike Serpe:

So there's no reason to pick up any easements?

Mike Pollocoff:

No.

Mike Serpe:

That's great. And the 59 percent open space, the reduction in rooftops, this is looking good.

Steve Kumorkiewicz:

Are they going to be dry ponds or wet ponds?

Mike Pollocoff:

Dry. The regional is dry.

Steve Kumorkiewicz:

I was concerned before with the easement going through the Village . . . that's one of the questions that wasn't too clear at the Plan Commission meeting last week. So they are not going to go through the Village Restaurant property?

Village Board Meeting
October 15, 2007

Mike Pollocoff:

No. All the work from Sheridan to the railroad tracks would be accomplished on Village property.

Steve Kumorkiewicz:

Okay, I like that.

Clyde Allen:

Make a motion to approve Resolution 07-67.

Steve Kumorkiewicz:

Second.

Clyde Allen:

But I do have a question. Jean, I assume Chief Guilbert and Chief Wagner have looked at this, approved it, being that there's a change in the two exists and entrances?

Jean Werbie:

Yes.

Clyde Allen:

And they've approved them?

Jean Werbie:

Yes.

ALLEN MOVED TO ADOPT RESOLUTION #07-67 TO SUPPORT AN AMENDMENT A PORTION OF THE TOBIN ROAD NEIGHBORHOOD PLAN FOR THE AREA GENERALLY LOCATED ON THE WEST SIDE OF SHERIDAN ROAD AT APPROXIMATELY 108TH STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE CONCEPTUAL PLAN FOR THE DEVELOPMENT OF 80 SINGLE FAMILY LOTS TO BE KNOWN AS SOUTHSORE SUBDIVISION ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SHERIDAN ROAD AT APPROXIMATELY 108TH STREET; SECONDED BY YUHAS; MOTION CARRIED 4-0.

- F. Receive Plan Commission Recommendation and Consider Res. #07-68 for the request of Ted Pickus, agent for Prairie Trails, LLC owner of the properties generally located north of 128th Street between the Kenosha County Bike Trail (approximately 30th Avenue) and 26th Avenue for a Floodplain Boundary Adjustment to remove 23,653 cubic feet of 100-year floodplain and to create 24,742 cubic feet of 100-year floodplain in the southern portion of the proposed Prairie Trails East Subdivision.**

- G. Receive Plan Commission Recommendation and Consider the request of Ted Pickus, agent for Prairie Trails, LLC owner for a 120-day time extension for consideration of the Final Plat for the proposed first stage of the Prairie Trails East Subdivision.**

Jean Werbie:

Trustee Serpe and members of the Board, the first request from Ted Pickus from Prairie Trails, LLC, is the request for a proposed floodplain boundary adjustment. This is for the Prairie Trails East Subdivision which is located just north of 128th Street at about 28th Avenue. The floodplain boundary adjustment proposed to adjust the floodplain at the very south end of the proposed subdivision. They're requesting to fill in 23,653 cubic feet of 100 year floodplain within a portion of Lots 1, 2 and 6, and within a portion of Outlots 1 and 2, and within a portion of 128th Street, 28th Avenue and 128th Place. The proposed floodplain boundary adjustment proposed to create 24,742 cubic feet of 100 year floodplain within Outlot 1. So they're creating more floodplain than they're filling in. Upon completion of the floodplain boundary adjustment, approximately 4.6 acres of 100 year floodplain will be within the development.

If I could just back up for a minute just to give you some history on this one that has taken quite a bit of time, this is another area of the Village where FEMA had not clearly defined the 100 year floodplain, and so they had to actually do a pretty extensive floodplain study prior to determining exactly where the floodplain was located before they could determine whether or not they could floodplain boundary adjust the area so that they could build the subdivision and gain access from 128th Street. But that work has been now all completed. This is going through the process.

The concern, though, is that they have one more step to complete before they can actually final plat this subdivision. They have other conditions to satisfy, but with respect to the floodplain boundary adjustment, what they need to do is they need to request a conditional letter of map revision or a CLOMR from the Federal Emergency Management Agency or FEMA. In order to do that it does take some time. They now have concurrence from SEWRPC and the DNR. They need to submit and get that CLOMR before they get the final plat approved by the Village because they have to get that conditional letter then they can start moving dirt. So that is just being applied for now and that process can easily take 60 days.

So the second part of the request this evening is the developer has the right to ask for additional time consideration for the final plat. He's already submitted it to the Village, and so since it's

Village Board Meeting
October 15, 2007

been through the process this far, we either have to approve it, deny it, or grant him the time within the next 30 days. So they have asked for I believe a 120 day extension to make sure they've got that CLOMR from FEMA so they can finalize everything and get the final plat before the Village Board for consideration.

The Plan Commission recommended approval of the floodplain boundary adjustment, and the second part of the request this evening is 120 day extension in order to satisfy the outstanding conditions for FEMA and some of the other outstanding conditions. The staff recommends approval of both the floodplain boundary adjustment as well as the request for the extension.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION#07-68 APPROVING A FLOODPLAIN BOUNDARY ADJUSTMENT ON PROPERTIES GENERALLY LOCATED NORTH OF 128TH STREET BETWEEN THE KENOSHA COUNTY BIKE TRAIL (APPROXIMATELY 30TH AVENUE) AND 26TH AVENUE AS PRESENTED; SECONDED BY YUHAS; MOTION CARRIED 4-0.

Steve Kumorkiewicz:

Move to grant the 120 day extension.

Monica Yuhas:

Second with a question. Jean, do you foresee any problems with them getting the letter from the DNR?

Jean Werbie:

No.

Monica Yuhas:

So in 60 days we should have a letter? So they won't be coming back asking for another extension?

Jean Werbie:

No. They've actually worked their way through SEWRPC and DNR now. They have to just get their final CLOMR from FEMA, and I don't envision that to be a problem. There were two of them actually this summer and it took them about 45 days to get through FEMA's process to get their CLOMR. So I would think 120 days should be more than enough time to get that conditional letter from FEMA.

Monica Yuhas:

Thank you.

Village Board Meeting
October 15, 2007

Steve Kumorkiewicz:

The 60 days is a cushion right there.

Jean Werbie:

We're working with the federal government.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A 120-DAY TIME EXTENSION FOR CONSIDERATION OF THE FINAL PLAT FOR THE PROPOSED FIRST STAGE OF THE PRAIRIE TRAILS EAST SUBDIVISION; SECONDED BY YUHAS; MOTION CARRIED 4-0.

H. Receive Plan Commission Recommendation and Consider Ord #07-44 for a Zoning Text Amendment to amend section 420-137 E of the Village Zoning Ordinance related to the minimum area requirements to develop a residential property as a Planned Unit Development.

Jean Werbie:

Trustee Serpe and members of the Board, Ordinance #07-44 is a zoning text amendment to the Village Zoning Ordinance to amend Section 420-137E. It relates to the minimum area requirements to develop residential property as a planned unit development. A PUD or Planned Unit Development Overlay District is a specific ordinance for a specific property that allows flexibility for overall development design which benefits from such design flexibility intended to be derived by both the developer as well as the Village, while at the same time maintaining insofar as possible the land use density and other standard use requirements set forth in the underlying basic use district.

Specifically what we are requesting this evening is that under the principal use section of the staff comments the residential planned unit development requires a minimum acreage or area for a PUD of 10 acres. Based on some recent requests and some other projects that we've been going through, there are a number of projects that people have been looking at to bring that area size down to one acre. So, for example, if someone wanted to do a single family or a two family condominium unit but they wanted to have them on separate parcels, this PUD would allow for that type of flexibility. So I'm not sure how they arbitrarily set those numbers 25 years ago, but we would like to create as much flexibility with respect to this PUD as the Village needs in order to create some very create projects keeping in mind that a PUD is not automatic and any type of PUD that's granted by the Village is a legislative action. So if the Board chooses not to grant a planned unit development you don't have to because it does require majority vote.

One of the requirements in the PUD is that if you've got multiple structures per single property you do need to have a PUD. So even if you have two structures for one parcel a PUD is required. So the staff is recommending, as well as the Plan Commission, to introduce some greater

Village Board Meeting
October 15, 2007

flexibility and to reduce that acreage size within that residential planned unit development from ten acres down to one.

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCNE #07-44 FOR A ZONING TEXT AMENDMENT TO AMEND SECTION 420-137 E OF THE VILLAGE ZONING ORDINANCE RELATED TO THE MINIMUM AREA REQUIREMENTS TO DEVELOP A RESIDENTIAL PROPERTY AS A PLANNED UNIT DEVELOPMENT; SECONDED BY ALLEN; MOTION CARRIED 4-0.

I. Consider the First Amendment to the Development Agreement between the Village and Sue Johnson related to the 60th Avenue Improvements.

Jean Werbie:

Trustee Serpe and members of the Board, this is a first amendment to the development agreement between the Village and Sue Johnson. She developed the certified survey land division project just north of 93rd Street at 60th Avenue and extended a cul-de-sac. In your packets is a copy of a revised landscaping plan. The original plan was actually considered by this Board back in 1996 I believe. At that time she was granted some extensions until the road was completely finished and the cul-de-sac island was placed within the cul-de-sac.

At the original time of granting approval of this CSM, we had indicated that we would go out to the site at the time the tree planting was ready and take a look to see where existing trees were located along 60th Avenue and where street trees should be planted. So my staff and community development and public works went out to 60th Avenue and the map, Exhibit 2, you have before you identifies where there are existing trees, where there's driveways, where a tree should be planted. The staff is recommending approval of this revised plan. We still have a considerable amount of financial security on deposit with the Village that would more than cover the estimate that she has presented to us. The staff recommends approval of this amendment and the revised Exhibit 2 to show us the revised landscaping plan for 60th Avenue.

Mike Serpe:

How many homes are being proposed in this area?

Jean Werbie:

How many were proposed? I believe she had four single family homes. It was just with a certified survey map along 60th Avenue. I think one lot remains vacant.

Clyde Allen:

Motion to approve.

Village Board Meeting
October 15, 2007

Monica Yuhas:

Second.

Mike Serpe:

Motion made and seconded for approval.

Steve Kumorkiewicz:

Jean, there is a house at the end of the cul-de-sac over there, correct, the Johnson house?

Jean Werbie:

I know they have a pole barn up there. They might have a home up there. I can't recall. I don't believe there's one on the Fulmer property back there because that's part of their property.

ALLEN MOVED TO APPROVE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE AND SUE JOHNSON RELATED TO THE 60TH AVENUE IMPROVEMENTS; SECONDED BY YUHAS; MOTION CARRIED 4-0.

J. Consider Agreement between the Village and Clark Dietz for Field Staking and related services for Sunny Prairie Subdivision.

Mike Pollocoff:

Mr. President, we've approved the Sunny Prairie final plat tonight. This agreement would be the engineering agreement for the Village's contractor to perform field staking and inspection services for the development. Clark Dietz is proposing the services in the amount of \$14,325. This is an amount to be paid by the developer to the Village for completing the work. I'd recommend the President and Clerk be authorized to execute the document for professional services with Clark Dietz.

KUMORKIEWICZ MOVED TO APPROVE AN AGREEMENT BETWEEN THE VILLAGE AND CLARK DIETZ FOR FIELD STAKING AND RELATED SERVICES FOR SUNNY PRAIRIE SUBDIVISION; SECONDED BY YUHAS; MOTION CARRIED 4-0.

K. Consent Agenda

- 1) **Approve a Letter of Credit Reduction for the Arbor Ridge Development.**
- 2) **Approve a Letter of Credit Reduction for the Johnson 60th Avenue cul de sac development.**
- 3) **Approve a Letter of Credit Reduction for the Kings Cove Development.**
- 4) **Approve a Letter of Credit Reduction for the Ashbury Creek Development.**
- 5) **Approve a Letter of Credit Reduction for the Woodfield Estates Development.**

Village Board Meeting
October 15, 2007

- 6) **Approve a Letter of Credit Reduction for the Hideaway Homes Development**
- 7) **Approve Bartender License Applications.**

**YUHAS MOVED TO APPROVE CONSENT AGENDA ITEMS 1-7 AS PRESENTED;
SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

9. VILLAGE BOARD COMMENTS

Clyde Allen:

Jean, I want to clarify something that through the Planning Commission meeting on Monday I don't think there was a media representative there. The question was asked and stressed over and over again that when there is a retention pond and it is turned over to the association that has been our practice all along, that they assume responsibility at that point in time and they are notified of that?

Jean Werbie:

What happens is that for every subdivision in this Village the final plat on that plat document identifies that it's initially the developer responsibility but after the warranty period and all of the work has been verified and inspected by the Village it's been accepted that it's in compliance and it's turned over by the developer to the homeowners association. Through their bylaws he is bound to convene the homeowners association and make them aware of all their responsibilities for maintaining common open spaces such as the storm water basins.

In addition, in the declaration of restrictive covenants or restrictions of covenants and easements for every subdivision that's recorded on every property, that same document outlines that same information. In addition, the development agreement for the Village also outlines that information, and as we go through this process, just like we did tonight with Sunny Prairie, the staff comments and the Village Plan Commission and Board comments reflect that these basins are eventually going to be the responsibility of the homeowners association.

So it's gone through several steps and then the title reports for each of these properties clearly say that there's at least two documents that have been recorded that if they obtain these documents, which they should with their title report, if they looked at them they would know what those obligations are. As a staff we are going to start taking some additional steps further to make sure that we talk to the developers to put together budgets and do other things to clearly make sure that these homeowners associations understand and property owners understand what they're going to be undertaking when they purchase within a subdivision. Again, I don't know how many times we can tell them that it's their responsibility and at some point it really is their obligation to know what they're purchasing and what obligations that entails.

Village Board Meeting
October 15, 2007

Clyde Allen:

I guess it's on a basis of misinformation, lack of information or a lack of understanding why we keep getting these darts that are unwarranted. It boggles my mind that it's not understood.

The other point I want to make is I want to do a laurel, if I can use the term. All the Village departments that showed up Saturday again for a budget working session, good working session, highly informative, a good learning session for people, and a good way of getting an understanding of what happens and what is needed and why things are moved in the budget to and from, development of five year plans and things like that. I appreciate all the department heads that do show up. Even though some of their departments aren't affected they're there to support each other. They're there to listen to what goes on.

Conversely, at the risk of getting a dart for being a copyright person for saying a dart I guess I'll make it a hardy, for the second major event for this community that the news has failed to show up for. One, the vision meeting was just beyond my thinking why they would not be there. But to not show up at a budget hearing and budget working sessions to know what's really going on and find out what's happening because they're certainly going to be reporting on some of these things and they're not going to have a clue as to what they're dealing with. Thank you.

Mike Serpe:

Thank you, Clyde. Steve?

Steve Kumorkiewicz:

. . . Clyde many times the *Kenosha News* doesn't have a clue what's going on.

Monica Yuhas:

I would like to thank Rocco Vita and Beth Baker for allowing me to spend a day in assessing. I went out with Beth into the field and I toured Brighton and Salem. Beth was gracious enough to show me how she measures a building, how the comparables are done versus properties. It was a very interesting day. So thank you very much. I do appreciate it.

Mike Serpe:

Thank you.

10. ADJOURNMENT

ALLEN MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 8 P.M.