

**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
September 17, 2007
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, September 17, 2007. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. 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 MEETING - AUGUST 20, 2007**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE AUGUST 20, 2007 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY YUHAS; MOTION CARRIED 5-0.

5. **PUBLIC HEARINGS**

- A. **Consider construction of Municipal Sanitary Sewer improvements in conjunction with undeveloped lands in the proposed Chateau Eau Plaines lift station service area located in the vicinity STH 50 (75th Street) south to 82nd Street and from I-94 east to 104th Avenue and Final Resolution #07-59 Authorizing Construction of Public Improvements and Levying Special Assessments against Benefited Property for said project.**

Mike Pollocoff:

Thank you, Mr. President. This is one of our more complicated special assessment projects than we've done in a number of years. The reason it's somewhat complicated is it's taking the existing sanitary sewer service area, which is the Chateau Eau Plaines area, which is if you look on the map there is the area in blue as part of the original Chateau Eau Plaines Subdivision plat, but that area was not developed. The lots which are on the north side of that blue shaded area are certified surveyed lots that were created, and some are developed and some aren't developed, but none of those lots have sanitary sewer and none of those lots have water. There's a few lots on the south side which, again, are part of the Chateau Eau Plaines plat but aren't developed. There's no road or street there. Then there's two lots on the south side of what is 80th, and those are lots that have access to sanitary sewer on 80th but, again, they're not developed.

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What has transpired over time is that in 2004 the Village experienced significant flooding in that Des Plaines and Eau Plaines area, and we had a sanitary lift station in the River Oaks Subdivision that was inundated by flood waters. And when that lift station was inundated we went out there and we built a dyke around it to do what we could, but basically it wasn't operational. The second lift station, which is the Zirbel lift station which is on the north end of River Oaks, it had just been rebuilt and the flood waters were coming in via peoples' basements into their sanitary sewer, into the manhole lids in the area, and that was inundated.

So we developed a plan to do a number of things. In the first instance we abandoned the River Oaks lift station which is on the south side basically down right in here. We extended the sanitary sewer main up to what we call the Zirbel lift station which is right there. The Zirbel lift station was upgraded and a lot of this was really a plan we presented to the DNR because the DNR said you can't have this happen again. Even though you've maintained your system, clearly the floodplain has been changing to some extent, because what was not in the floodplain now is in the floodplain.

So the waste water from this area here, which is Chateau, came down the sanitary sewer main and ended up here. So what we're doing now is removing this area like this, this total area here, from the Zirbel lift station, constructing a new lift station at this point which will collect discharge from sanitary sewer from this developed area and the future undeveloped area. That lift station will push the waste water through a force main and it will follow this street right of way out to 104th where it will go into a sanitary sewer that eventually does drain through the Prairie Ridge development.

In order to finance this improvement there's a couple concepts that are driving it. One is that the people who live in the Chateau Eau Plaines Subdivision and some of these lots here, in essence when they bought their lot they paid for their lift station at that time to handle their waste water. It was down here. Given the development in the area, the development has outpaced what the original lift station was designed for. This area here is platted, and we don't do subdivisions like this anymore and one of the reasons is because of Chateau, all these single individual lots here and in a lot of places like Carol Beach have a platted area where there are lots that exist, the parcels are there, there's no street, somebody owns them. So this plat sat idle because we won't allow homes to be built in there until there's sewer, water and the streets are put in.

So, consequently, to get sanitary sewer the residents in this area need to have their waste water conveyed to a gravity main so they need this lift station. So what we've done is we've identified two things. One is what's the cost of this lift station and force main. The existing residents if they've already paid for an improvement are exempted from that cost. That ends up being a district cost. The residents that are in the undeveloped area as such time as they have sanitary sewer where a sewer main actually is in front of their property that can convey the waste water away from their home, deliver to the lift station, the lift station can pump it through the force main back into their lift station, this assessment would be deferred until that point in time.

For those properties that are right here and right here where they already have a sanitary sewer main it would be deferred until such time as they actually connect to the main. This area here the deferment would be until such time as the construction of sanitary sewer is approved by the

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Village. Once you construct a sanitary sewer main the first thing they're going to do when they construct that main is connect right here to an existing lift station and then build the system out into all these streets. As they're doing that there's always the chance, and it happens, where waste water is going to enter into the lift station during construction. That being the case the utility covers some costs on that and that's why they would have to pay.

The parcels along Highway 50, as I said, they don't have sanitary sewer. They would have to meet the same criteria, and at some point the land use in this area is going to change to either commercial or it could even change to additional residential. I think the Plan Commission is going to have to make a decision but as time goes on you find what that looks like, but right now I think the land use plan is identifying that this be a commercial area. The residents that live along 104th Avenue have the opportunity to split their lots so that houses that are along 104th have sanitary sewer now, so when the parcels split for future development they would have to pay for the special assessment involved for that remnant part that could benefit from the extension of sanitary sewer.

There's a couple parcels, this one right here, this one right here and these three isolated parcels, they're exempt from the special assessment for two reasons. One there's a floodplain issue on those parcels and there's wetlands on the parcel and you can't construct a home in the wetlands. Not unlike Carol Beach if they go through the wetland determination and see if they can build it or somehow modify it, then at that point the special assessment would be activated and they would have to pay it. If not, those end up being open space parcels.

On the schedule of assessments we've identified each parcel that I've referred to as a group. There is one owner that probably owns the majority of them, Bravo Realty, and they're going through the process of determining how they're going to develop that land. Since Chateau was developed in the late '70s, there's been a significant amount of changes in rules since then. The wetlands in this area have expanded. The floodplain in this area has been delineated in the first instance by the Regional Plan Commission, and it will be further redelineated I believe by FEMA as they roll their maps out and there's going to be some kind of reconciliation in that. So there will be some level of redefinition of how this lays out. It doesn't affect a forced main because you don't connect into a forced main. That's going to be a main that is going to be used only to convey the waste water from the lift station. So the sanitary sewer mains as this plat modifies or changes the gravity mains will be installed according to however that street layout exists.

So we've based that assessment based residential unit equivalents so that the bulk of these parcels here, because they're little bit different sizes, everybody is essentially going to have in the subdivision here the same benefit by having the access to the sanitary sewer. The bulk of those is \$2,176.18. The larger parcels we've identified residential unit equivalents to accommodate those. Again, based on how that land ultimately develops, when the sanitary sewer goes in or what we have, is really going to refine how much of that is going to be collected at the time that they develop.

This project is going to be constructed in part by Village crews that will be extending the force main from this point over to here. The construction of the lift station will be contracted out to the lowest and most responsible bidder. This represents, again, a final step in a major upgrade to

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sanitary sewers on the west side of the Village. Those costs that are involved with this that are not assessable have been borne by the utility. We've already issued bonds when we did the first phase of the work with this lift station upgrade as well as the new gravity main that abandoned the other force main. So we've already internalized this within our rate increase. The Village won't receive any money probably in the foreseeable future here because this still needs to develop and get the gravity sewers put in so the forced main can be constructed.

So, again, I'd like to reiterate the special assessments are not due and payable at this time. They become due and payable under three scenarios. One, and this is identified in the resolution, an activation shall be deferred until one of the following events occurs: If a property is currently vacant with an existing sanitary sewer lateral available, the assessment shall remain deferred until a building permit is obtained to construct the building. Or, if the property currently has no sanitary sewer main the assessment will become active when authorization to construct the sanitary sewer improvements is given by the Village of Pleasant Prairie. Or, if the property lists deferred assessment on the schedule a survey will be required to determine the floodplain on the parcel. When the survey is submitted and the property is determined to be buildable then it will follow steps one or two. And that last step refers to those three parcels that I identified at that point.

At the time the assessment activates it will be due and payable in full since the Village will not be adjusting the rates for our carrying costs on it. We won't be carrying it any further once that sanitary sewer assessment is activated, so that would be a cost that would be payable up front. With that, Mr. President, if you'd like to open up the hearing for any comments I'd be glad to answer any questions after the hearing is completed.

John Steinbrink:

Once again, this is a public hearing. I will open it up for public comment or question. We ask that you use the microphone and give us your name and address for the record.

Gary Rigert:

I own a piece on Highway 50 there and I just want to know if you're going to give me an easement for an access to that or wait and see what happens. I have no access to your sewer at the moment.

Mike Pollocoff:

No street access or utility?

Gary Rigert:

Right.

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Mike Pollocoff:

We can't give you anything because we would be taking it from you. So as that sewer in this area is laid out and how that sewer is laid out will really depend on how these property owners get together and plan their development. We would envision the sanitary sewer probably coming through an easement on one of these lots or that street access more than likely over here. This is one of the lower spots right there. So until you or your successors in your property are ready to develop and tell us how that's going to lay out, we'll then respond at that point. So we would clearly allow you to connect into where the right of way is. It may be you're able to work something out with the property owner who owns these lots if it's more beneficial to have that gravity main on an easement between two lots. That's a question we can't answer now and it would really be a question that as a property on how you decide to develop your property that you'll be making.

Gary Rigert:

. . . old force main that was on the west side of the Interstate.

Mike Pollocoff:

We abandoned that. That's been capped. There used to be a force main that Mr. Rigert is talking about that there is a lift station right here and we took that down, and that lift station pumped the waste water up to this point to here and then it followed in the path that we're going to take it. When this City of Kenosha came to an agreement with the Town of Bristol on annexation and us, we agreed that all the waste water that was coming to us from this area in the Town of Bristol at this point instead of being conveyed into the Village system would be conveyed across the highway into the City system and that way it goes there. The force main was abandoned in place. We really can't use it as a gravity main because a force main is laid with the topography of the land. It's like a water main. You have it about seven feet deep and as that ground undulates the water main goes up and down with it.

One of the problems we had with the Town of Bristol at that time was they were discharging excessively high amounts of grease and solids into the main, and so that main was loaded up with some waste solids so we abandoned it in place. That was a project that was paid for by a grant from the Department of Natural Resources to abandon the Bristol treatment plant over here, so the Village didn't pay for it in the first instance. And it's a larger force main than what we would be using in this area here. So we did take a look at being able to use that again, but it would have taken significant expense to clean that out. In addition, the force main that we're putting in here is a lot smaller than that force main. If I remember right, that's an eight or ten inch force main that was constructed.

So when you fill the force main up and you can't keep it always running with a lot of water, what happens is the sewage, it's kind of like your sump pump, it pumps out to a certain point and then when the pump shuts off that waste water kind of builds in the main. If you don't have enough flow when the sewage does come out at the access point it's pretty ripe if it's been sitting in the

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main, so it just isn't efficient. When we weighed everything out it was more cost effective for us for everybody involved to put a new line in and abandon the one in place.

Gary Rigert:

I have no problem paying the assessment I just need access to it.

Mike Pollocoff:

Right. We have no problem assessing you.

John Steinbrink:

Gary, could I have your name and address for the record?

Gary Rigert:

My address 11021 75th Street.

John Steinbrink:

This is recorded to the lady transcribing it needs that information. Thank you.

Florence Bohn:

I'm Florence Bohn and I live at 10501 75th Street. I'm the first property on the right hand side there. I have 1.03 acres and I'm listed on this list here as we have 1.9. Could you explain that to me?

Mike Pollocoff:

Your survey lists you at 1.3?

Florence Bohn:

1.03.

Mike Pollocoff:

And we have you at 1.9?

Florence Bohn:

1.9.

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Mike Pollocoff:

I'll check into that and we'll adjust it. We pull these off the County system so there might have been—

Florence Bohn:

I have a copy of my tax bill right here and it has 1.03.

Mike Pollocoff:

I can copy the number off that and save some time. I'll give you a call and tell you what we've got.

Mike Serpe:

We need your phone number so we can call. Thank you.

David Hodge:

Good evening, Dave Hodge, Regner Veterinary Clinic at 10715 75th Street. Kind of following the first gentleman I was just wondering about the access to our property. When we purchased the clinic about two and a half years ago we had to pay quite a bit of money for a fancy I don't know what you call it to handle the waste from our property.

Mike Pollocoff:

A holding tank or a mound?

David Hodge:

Mound system. Now we're kind of paying again for the installation of this pump. So my first question is where would it come back into our property and then what subsequent things is the Village planning to install? I would imagine water comes somewhere down the line and other maybe utilities. I'm not sure.

Mike Pollocoff:

To be honest with you, as I indicated before, there's some existing established land uses along Highway 50 and yours is one of them. There's a few residential properties that I think the residential users feel pretty strongly about keeping it in that use, and there's some properties that are owned by people who want to develop it.

There's going to have to be a series of meetings with the Plan Commission and the neighbors to come up with a neighborhood amendment to that plan to say, okay, here's how the area is going to develop. And in that plan, unless somebody buys your property and buys the remainder ones,

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it's going to have to be some kind of a compromise or agreement as to existing areas that will be developed, areas that will stay the way they are and areas that are in some kind of holding pattern. The sanitary sewer would have to be designed to accommodate that.

Since the land tends to fall away to the south it makes sense that the gravity sewer is going to be on the south line of those lots where you live. And then where that goes into the sanitary sewer really will depend on what that development looks like. If it's going to be part of that area developed they're going to have to grade that area so that it will hold the improvements that are going to be on there. But for existing developments like yours you're not going to change your grade because you're where you're at so that will have to be accommodated.

So where that will be I really don't know because we haven't seen a bonafide development plan from that area. There's been some concepts but nothing that's been presented to the Board. The Village back in the '70s, really the Town and Kenosha County back in the '70s, that plat for Chateau was approved and the people that live in Chateau have some reliance that that plat is the plat and that's what's going to be there. Now, maybe some lots end up needing attention, maybe a road moves around a wetland, but nonetheless that's a residential plan, and that's in our comprehensive land use plan as a residential plat.

What's going to make the land along STH 50 develop is really going to be a marketplace development for you as a property owner and your neighbors whether or not it's worth it, or for you to become part of the development, again, that would be an economic decision you make. The Village has no plans to extend municipal water on 75th Street for a couple reason. One is it's a single sided main. Nobody on their site can use it. And, secondly, the Village can accomplish the same goals that we have from this water which is providing water for people to drink, providing water for public fire protection, by going in on 77th I believe that is on the south side. So that main would circle in that area and bring in potable water for that area.

If the development north of your area wants water then they could take a stub off that main and bring it into their site from there. But bringing water straight down Highway 50 and having a redundant main on 77th that would be a redundant main. So I'd be surprised to see it lay out that way. That wouldn't be cost effective for you or us or anybody who wants to develop that property. So we don't have any plans on that. I would think that those parcels that are what I guess I'm calling the undeveloped CSM parcels, how that develops is really in the hands of those property owners. Our plan in that area is at such time as the property owners get together and they bring a plan to the Village, that's what we'll go to. Right now although there's some uses there that I think the Village would like to see cleaned up, some empty, vacant buildings that are looking ratty, we'd like that done. But we don't have a plan we're going to be bringing in saying let's do this. It's really going to be up to the property owners to accelerate that development.

So you're in the position where I've seen it in some areas where there's private sewage treatment systems, whether it's a holding tank or a mound system put in, and when sewer does come all that has to be abandoned by State law and you have to hook up to municipal sewer. I haven't seen anything that gives me reasonable certainty that that land is going to develop right away in that area. That doesn't mean it might not happen in three years or two years or one year, but the Village in this area as that develops we're going to require that that subdivision have sewer and

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water and that will happen, but the undeveloped area that's really going to be up to you and your neighbors as to how that develops. That will take a whole planning process. Jean, I don't know if you have any idea how long it would take to go through that process but it takes a long time when everybody is on board to do it.

Jean Werbie:

Our first meeting with the residents along Highway 50 was about 15 or 18 years ago. That was the first time that we talked to everyone about it. So nothing really has transpired other than people are still working towards making up their minds whether or not they want to move on or stay at those homes. Many of them have turned over.

Mike Pollocoff:

One of the concept, and I hear this a lot of times, is why doesn't the Village put a store here or whatever. We don't put stores anyplace. That's really up to the property owners. They decide when they develop their property. We just accommodate the rules or how it develops by rules and standards. So when that area is ready to go the marketplace is going to help everybody make that decision whether or not it's worth selling or buying or putting more money into it, but right now I haven't seen that happen.

Our problem is we're at the point now where in order to meet the DNR compliance requirements that we have for the sewers in that area we have to go, we have to put that sewer station in now. Our goal is we don't want anybody backing up with waste water in their homes. We're taking care of it and we're going to stop it. We went through those storms in August and we didn't have anybody back up based on the work we had, and we've got to take this next step and get this resolved. I don't want to come back to the Board and I don't want to look at residents again saying sorry the system didn't work because we had a lot of rain. When we get this done we won't have any problems over there anymore.

David Hodge:

I guess that follows up my last question, if you will, having been there for a couple years I've seen a significant amount of water on the surface behind our property going back along what looks like to be a development. I'm just wondering how that terrain is going to be altered or what alterations are going to be made to that terrain in order to funnel that water because it seems like there's quite a bit of it.

Mike Pollocoff:

Yes, you're right. The lands that drain from the City, even though there are some retention basins that are here and there's one over there in front of the jewelers and Subway, the standard that the City uses for storm water is a little less rigorous than ours, so we end up taking a lot more water probably than we'd like. But the Village design standards require, one, that you have to work with the existing terrain that you have, and unless you're going to really do a massive regrading,

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the example would be the VK development where he did do some significant grading. They have some very large retention basins to accommodate storm water.

In this area here there might be a requirement, because I think Mrs. Bohn's place, roughly, it kind of comes across and goes behind it used to be the Atkinson house and it ends up in this area here. There's definitely going to have to be a storm sewer of significant size on 77th to convey that water away, and there may have to be a detention basin somewhere in this area to manage the water once there's homes in here that need to be protected from storm water. As I said, this plat has been approved, but it was not completely designed. All they did was create the lots, they didn't design it. Under today's standards before we let this plat develop it's going to have to be designed to current engineering standards to be able to accommodate what we need to accommodate and make sure everybody is safe in their homes there.

Our ordinances do not allow a developer to develop and place water on someone else's property. They have to find a way to accommodate it themselves. They have to take the water that's coming from somebody's property but they can't make other property owners that aren't developing take their water. So they can only get the same amount of water they get today. I think the storm water question on this is really up in the air. This doesn't resolve that but that will be an issue that's raised as that area develops. There's no getting around it.

David Hodge:

I was thinking of the last time I was here which is a couple months ago where we talked about the cost of water and the treatment from the City of Kenosha and how much that was costing the Village. I'd hate for all that water to somehow find its way into the sanitary system. I know that's about the integrity of the system itself. Part of my concern was the amount of water behind that runs through our property into this plot of land that's going to be developed and about the system itself and what's going to happen with the lift station.

Mike Pollocoff:

We design our lift stations and sanitary sewers to take only sanitary sewage. That's one reason we require municipal sewers to handle the storm water. If we don't get it away from the streets, away from the sanitary lines, you will end up with it in the sanitary sewer and that's why you have municipal storm water systems to get that away from the streets and the sanitary sewer systems. We can't afford to treat it and deal with the problems that creates.

David Hodge:

Thank you very much for your time. I appreciate it.

Jane Romanowski:

We didn't have any more sign ups for this public hearing.

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John Steinbrink:

Anyone else wishing to speak on this item? Hearing none I'll close the public hearing and open it up to Board comment or question.

Steve Kumorkiewicz:

Question for Mike. Mike, I do recall we got complaints from the neighbors on 79th Street about two years ago because they were planting cabbage over there. So right now what is the zoning of that area? Is it A-1 or what, because the area . . . and now we're going to put the sewer which is okay with me.

Mike Pollocoff:

It's zoned R-4, and what you see on the map in that blue area, the white lines, those are public right of ways owned by the Village and that's where the force main is going to go. That's eventually where the sewer and water are going to go. So there is I believe a legal nonconforming use for agricultural uses there, so the farmer and the landowner is entitled to rent that land to a farm to continue to farm. That's what that is. You hope that they wouldn't grow cabbage there but they did. Last year they put in corn. But we will be cutting through that area where that street is to put the force main in.

Steve Kumorkiewicz:

So the street is going to be built-

Mike Pollocoff:

Not the street, just the force main. We're putting it where the street is going to go.

Steve Kumorkiewicz:

I remember seeing signs on 75th across from the . . . property in the east side . . . commercial or business?

Mike Pollocoff:

The area along Highway 50 I believe is identified in the land use plan as commercial but it's not zoned. Well, a couple parcels are.

Jean Werbie:

Just one.

Mike Pollocoff:

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In Pleasant Prairie at least until Smart Growth happens we don't zone on speculation. We change the zoning based on an actual proposal. So when the property owners along Highway 50 come in with a plan for commercial development and the Plan Commission after a public hearing agrees with that and goes to the Board, then the Board will change the zoning to commercial but not until that point. So until then if the land use is saying what the ultimate use is and landowners and properties are entitled to plan for their plan to be development for that land use, but in the interim the uses are governed by the existing zoning.

John Steinbrink:

Other comments or questions?

Mike Serpe:

Considering this has to be done to satisfy the request and the requirements of the DNR, and Mike you explained it very well, when would we start this if it were approved?

Mike Pollocoff:

Within a couple weeks.

SERPE MOVED TO ADOPT FINAL RESOLUTION #07-59 AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR THE CONSTRUCTION OF MUNICIPAL SANITARY SEWER IMPROVEMENTS IN CONJUNCTION WITH UNDEVELOPED LANDS IN THE PROPOSED CHATEAU EAU PLAINES LIFT STATION SERVICE AREA LOCATED IN THE VICINITY STH 50 (75TH STREET) SOUTH TO 82ND STREET AND FROM I-94 EAST TO 104TH AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Mike Pollocoff:

Mr. President, I'm requesting this item be removed from the agenda to a later date. This was an item that was going to involve the special assessment for municipal water on 64th Avenue. We thought we had the bid prices from the developer and they turned out to be estimates. Until we have a bid price on the right of recovery I'd rather put that hearing off until we have those prices. So I request that this item be removed from the agenda until a later date when the developer is ready to bring that back.

Mike Serpe:

Just a question. By removing it, did we send out public notices on this?

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Mike Pollocoff:

We sent out notices and then Friday we sent out a letter saying exactly what I said now, that we don't have numbers and we'll be sending out another notice at such time as they're ready to go.

John Steinbrink:

I don't believe I see anybody here to speak on it. If I'm wrong somebody raise their hand.

KUMORKIEWICZ MOVED TO REMOVED PUBLIC HEARING ITEM B FROM THE AGENDA AS REQUESTED; SECONDED BY YUHAS; MOTION CARRIED 5-0.

- C. Consider Construction of Municipal Water on 63rd Avenue from 85th Street north to 84th Street and on 84th Street west of 63rd Avenue and Final Resolution #07-57 Authorizing Construction of Public Improvements and Levying Special Assessments against Benefited Property for said project.**

Mike Pollocoff:

Mr. President, this is a project that came to the Village through a petition for the extension of water. In fact, the property owners along the way had signed waivers of notice of special assessment in order to facilitate getting the project completed. That project has been done. The water main has been installed as well as laterals. In the case of 84th Street, the damage by the water main installation was significant to the road bed. That road bed has been replaced. It's going to be paved probably the week after next. We wanted to in order to get that price down we put it out with some other projects for bid and we wanted to give that road bed a chance to settle. We did use granular material in the trench to facilitate that and it was a good thing. I think that rain in August did what we wanted and it settled out the road.

At the time we began the project we had indicated to the property owners that we were looking at an anticipated bid of \$84 a foot. To put it out to bid with contractors we thought the price was high. We did it with our own crews and the assessment is at \$52 a foot for the property owners. So we got it back down to a more manageable number. With that, if you'd like to open up the hearing. I'm not sure how many people are here since they've signed off on the project and the hearing, but they're still more than—that doesn't mean they can't come and visit, too.

Jane Romanowski:

We didn't have any sign ups tonight.

John Steinbrink:

Anybody wishing to speak on this item? Hearing none, I'll close the public hearing and open it up to Board comment or question.

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SERPE MOVED TO ADOPT FINAL RESOLUTION #07-57 AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR THE CONSTRUCTION OF MUNICIPAL WATER ON 63RD AVENUE FROM 85TH STREET NORTH TO 84TH STREET AND ON 84TH STREET WEST OF 63RD AVENUE; SECONDED BY ALLEN; MOTION CARRIED 5-0.

6. CITIZEN COMMENTS

Marianne Blust:

I'm Marianne Blust. I wasn't aware of the five minute limit so I have to speak fast. I live in Pleasant Prairie since 1973. I'd like to address the committee about the proposed development of the corner of 22nd Avenue and 91st Street. I know much time and planning has been given to the project, but I hope there is still time for changes to be made. The building project seems to be pretty much accepted, but the issue of financing, the clean up cost of the dry cleaning fluid on the grounds is subject to question. Some \$750,000 is mentioned for the clean up to be paid by Pleasant Prairie. Also, interest in the beginning that would add another \$35,000 a year. When all is done the cost would be over \$1 million to the Village.

The Village proposed the area a TIF District. It would work out that taxes would be paid by the condo owners once the project is finished and the units are sold and taxes are collected on a year basis and used to pay off the \$750,000 and interest. Mr. Mills would sign the note for the loan of \$750,000 but Mr. Mills would get all this money plus interest back from the money generated through the TIF. We Village taxpayers would see no money coming in from the taxes paid by the condo owners to help pay the yearly Village expenditures.

Also, my feeling is that we would be subsidizing the 28 condos by paying fire, police protection and so on with our taxes. I don't think it's right that so much financial help is given at the taxpayers' expense. Mr. Mills bought the property at a bargain price. I was told it's public record how much he paid but it's hard to pin down. \$50,000? \$100,000? \$150,000? With some of the outstanding property tax forgiven and also the parcel project is tax deferred until condos are sold and then property taxes collected by the Village from the condos given back to Mr. Mills to pay off the loan. It may take over 15 years before the Village will have money coming from the condos to help in their expenditures.

Most people I've talked to do not understand how the TIF works. All they hear is Mr. Mills is paying for the cleanup but do not know or realize that all the money collected from the condo taxes is going to Mr. Mills to pay off his \$750,000 loan and interest. Mr. Mills mentioned several times he wants to do something nice for the Village in the area with the project. It would be nice if Mr. Mills would not ask the Village for the cleanup money, because if he paid only \$150,000 that brings each condo unit to only about five and a half thousand land value. Also, he . . . about doing something nice I feel is self-serving because he has large land holdings in the immediate area and something nice would bring up the value of his properties.

Since Mr. Mills bought the property and the strip mall is vacated it has a really run down look. . . and the grounds are not taken care of. It looked much better before. Several times the question

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has been put to me would I like to do what Mr. Mills was doing? Yes I would if I would be in a position to do so. Because if it's good enough for Mr. Mills it would be good enough for me. The talk is about taking a chance on this project because of bad timing at the moment. Mr. Mills is an experienced businessman and knows exactly what he is doing and would not have touched the project if he did not think there would be a profit for him. So, please, no more scare tactics about getting the units sold and making people believe he would be stuck with the \$750,000 if he did not get the tax money from Pleasant Prairie.

I feel this project can be a success because of the location and surrounding. It's close to shops downtown, Illinois and the lake and it's an effective design. An option to consider perhaps is perhaps 50/50 for Mr. Mills and the Village. How will utility bills be paid by the condo owners? Will they pay garbage, sewer, fire protection, clean water, water runoff, all these fancy fees. Also mentioned was nobody but Mr. Mills stepped up about the project. Did other people know about the creative financing? And another comment was made right now we do not get any property taxes. Well, if the TIF suggestion goes through the Village will not get any property taxes for the next 15 years. Please, please do not consider to go ahead as planned.

John Steinbrink:

Thank you, Marianne. Did you give us your address for the record also? You gave us your name. I need your address.

Marianne Blust:

Marianne Blust, 2221 Springbrook Road. I've lived at that address since 1973.

John Steinbrink:

Thank you.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. I see there's been some changes regarding the citizens' comments. You put a nice disclaimer in there which allows the Board to make a little bit of a response to citizens' comments immediately following the comments. I think it kind of saves the Board from getting in trouble and also helps the citizens by giving them a little feedback. So I think that's a pretty good you've made.

Last week I had a letter published in the Voice of the People section of the *Kenosha News* and it got edited. I was kind of wondering why it got edited so I counted the words in it and I had 315 words instead of the 300 maximum. It's kind of like driving 26 miles an hour in a 25 zone. So they shortened the letter, and for the record I'd like to read you the portion that was edited out. There was a whole paragraph. That paragraph said, There were other reasons discussed by the Board as to the reasons for making the change. The only reason that I can agree with was that the change would put an end to political grandstanding. It was said that too often the meetings and

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citizens' comments were staked for a political agenda. Then the rest of my letter proceeded to discuss about that. I do have a copy of the letter if anybody wants one.

Regarding the first part of my discussion regarding the citizen's comments, a couple weeks ago I was here and I voiced my opinion about that. I made the comment that if I said nasty things you'd have to wait until the end of the meeting to tell the Police Chief to escort me out of the building. So I hope I didn't scare you into making these changes that you've got in there now but I think they're good changes for everybody. Thank you.

John Steinbrink:

Just for the record, Bob, I can have you escorted out anytime but we don't want to do that.

Allen Mullins:

My name is Allen Mullins. I live at 9145 22nd Avenue. Since last week's meeting I've been talking to some of the Village representatives here, and I hope we can kind of come to an understanding about getting some water for our property. Maybe you'll consider this. I think our well is maybe contaminated. We don't know for sure but it's one problem out of the way. Thank you.

Jane Romanowski:

That's the end of citizen comments sign ups.

John Steinbrink:

Anyone else wishing to speak under citizens' comments? Yes, ma'am. Once again we need your name and address for the record.

Marina Pennington:

For the record my name is Marina L. Pennington. I am a resident of Pleasant Prairie. Today I've come to speak about energy conservation and smart energy resource grants. As a forward looking citizen recognizing the ever increasing cost of energy, I beseech the Village Board of Pleasant Prairie not only to mandate as a resolution but as a course of federal, State and local funding be it through grants that would lessen the Village's cost of energy. I have listed ways of executing smart energy conservation while decreasing with existing technology as follows:

1. Attaching solar grids atop street lights which is currently used in suburbs. Please note the grids, for some people that are not familiar with what I'm talking about, are similar to the lawn grids that people use for the lighting around their homes, but with longer night lighting.
2. Replacing all City lighting with florescent bulbs, those little curlicue ones that provide the same light but with less cost while sustaining a longer life use.

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3. Installing a wind energy machine for all public works and school facilities including the RecPlex. One such machine can be viewed currently ten minutes north of Kenosha's boundary on Highway 94. You can see it, it will be on the west side if you're traveling north.

Current cities and citizens are forbidden to sell back excess energy to energy firms creating an unfair trade practice and monopolistic hold that discourages such usage with these firms who profit without compensation by the City or the individual user. My proposal considers that issue such that that can be visited by the State Legislature. My proposal concerns the reduction of what will be escalating energy costs that are then passed to the property taxpayers of Pleasant Prairie.

Pleasant Prairie's able bodied Board members, one of whom is a member of the State Legislature, should be able with their grant seeking staff submit grant applications that will defray the cost to the Village that also includes Representative Ryan's staff providing energy grants for Pleasant prairie as a pilot that can be replicated for small and other communities including rural areas. Therefore, it is credible that with the State official representatives of Pleasant Prairie, Congressman Ryan gaining an energy federal matching State grant, the cost to the Village residents should be abated through these State and federal resources as Pleasant Prairie's Village Board works to maintain its comparison of being the Lake Bluff of Southeast Wisconsin, while through it's economic development commission astutely avoids Gurnee, Illinois mistake that resulted in urban sprawl void of nonretail positions but that of corporate employment for the well trained educated workforce of our Village.

Thank you for listening and addressing my proposal. I and other voters in Pleasant Prairie who will vote for Board members with the astuteness to preserve the reputation of the Village while planning for the future demands and challenges inclusive of purchasing energy efficient Village's present first responder vehicles as well as other small trucks and cars used by inspectors and others. Thank you for the proposal that I have submitted. Thank you for allowing me to speak to you, and I hope that every Pleasant Prairie resident here seriously considers the small investment that we will make . . . State and federal grants along with . . . our tax dollars that will help us reduce our current and future energy costs as it pertains to our street lights. We don't want to have a situation where suddenly . . . Village costs our corner lights have to be shut off because of that. That is dangerous to our school children during the winter time as they come home and get off the bus and they have to walk home. We have a RecPlex. We have this building. We have the ability. We have the technology. We must make that endeavor. So I encourage you as voters—

John Steinbrink:

Ms. Pennington, could you speak into the microphone otherwise it's not picking it up.

Jane Romanowski:

And your time limit is up, ma'am.

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Marina Pennington:

And I encourage you as voters because you have come here with sincere, sincere concerns that you have presented before our astute Board members, our Village Board that we want, as I said, to continue the reputation that we maintain, that we are known by as being the Lake Bluff of Northeast Wisconsin, but we must do it and we must lay the plans. We must start now, not later. Thank you.

John Steinbrink:

Thank you. Anyone else wishing to speak under citizens' comments?

Stephen Mills:

Steve Mills, 4011 80th Street, Kenosha. Items D, E F and G on the agenda for Springbrook Place. Just two small items I wanted to bring up. One, we basically agree with the totality of the comments and so forth that the staff came up with, but we'd just like to reserve the opportunity to discuss with them in the weeks to come the ordinance as to occupancy of the units for restriction as far as non owner occupied. And then also I guess the covenant that the units would be 75 percent brick which we use lots of brick on the building, but we also think there's a number of other materials, hardy board, which is concrete plank and some various scallops and shakes and various undulation of the building that we think will also be pleasing. We're getting ready to take that to our architect to put that on the outside, but if we were restricted in this fashion we think that it would not be as attractive as what we will bring to the table. So just those two comments. Thank you.

John Steinbrink:

Thank you. Anyone else wishing to speak under citizens' comments? Hearing none, I'll close citizens' comments.

7. ADMINISTRATOR'S REPORT – None.

8. NEW BUSINESS

A. Consider Ordinance #07-38 - Ordinance to Amend Chapter 242 of the Municipal Code Relating to Rentals and Program Services.

Mike Pollocoff:

Mr. President, before you tonight is an ordinance which provides for RecPlex to modify some existing fees that exist within the ordinance. The first one is on park fees, the fees reserving outdoor recreational facilities, pavilions, equipment and services, picnic fees with the capacity of 250 persons unless otherwise noted. If the scheduled event exceeds the capacity for the given area additional areas shall be reserved. All fees are nonrefundable. If you look at attachment 3

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you'll see what those fees are. You can see up on the overhead there is outdoor equipment and services. James, if you want to describe that in greater detail?

James Losch:

Sure. The three tents are items that we currently use for our special events. What we're looking to do is use those as tent rentals to groups utilizing the facility. The projection screen TV-VCR-DVD would be reserved specifically for the beach pavilion. The wireless internet connection which currently exists for the members we're looking for the \$3 for one day and \$20 for the week to be able to be charged to non members.

On the next slide which refers to the indoor equipment we're looking for the approval to be able to charge for the wireless mic, lapel mic, projector, projector screen, and then be able to offer non members wireless connect within the building. Any questions on attachments 3 or 4?

John Steinbrink:

James, just give us your name and address.

James Losch:

James Losch, address 6815 106th Avenue, Kenosha, Wisconsin.

John Steinbrink:

Comments or questions from the Board?

Mike Pollocoff:

We have additional ones before you act on it.

—:

Can we

John Steinbrink:

No, ma'am, we've included the citizen input portion of the agenda. This is now an item here on the agenda. If you have a question you're more than welcome to submit it to the Village during business hours. Thank you.

Mike Pollocoff:

James, why don't you go through rental rates and program services that you have up there, too.

James Losch:

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The attachment 6 refers to the personal training. What we're looking to do is expand personal training by 32 and 48 package. We currently have a 1, 6, 12 and 20 hour personal training package available. This attachment would expand the personal training services into four levels, adding levels 2, 3 and 4, also included with the 32 and 48 personal training package. The purpose of the addition of the personal training packages is to be able to attract more personal trainers to the facility as a recruitment tool. We're also looking to be able to separate the level of experience and talents of our personal trainers to the members. The personal trainers will be placed into different levels based on education, certification, years of experience and other criteria. They would advance within their levels based on auditions and as they pursue their education and additional certifications.

The next attachment refers to the ice rental fees. We're currently operating non prime time at \$200 an hour. We're requesting the reduction of non prime to \$150 which would be a difference of \$50. We're also looking to change the prime time hours to be from currently at 5 p.m. and reducing them to 2 p.m.

Clyde Allen:

Make a motion to approve Ordinance 07-38.

Monica Yuhas:

Second. I do have a question, though.

John Steinbrink:

Motion by Clyde, second by Monica.

Monica Yuhas:

Regarding the projectors and screens, if someone chooses to rent out the LakeView Room, are they allowed to bring in their own projector or their own screen, or is that something that they do have to rent when they use the room?

James Losch:

It's my understanding they would have to rent ours for the room.

Mike Pollocoff:

That's correct.

John Steinbrink:

Other comments or questions?

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Clyde Allen:

From what I understand all these are all new programs and currently we're only offering level 1's of the personal trainers. It expands the level 1 and adds all the new levels on there so we're expanding services and not changing anything?

James Losch:

Correct.

Mike Serpe:

And how often would we review these? Once every year when needed?

James Losch:

We can review them as needed or annually.

John Steinbrink:

Other comments or questions?

Steve Kumorkiewicz:

Yes, actually everything to rent here is

Mike Pollocoff:

That's correct. This has also been to the Rec Commission and they gave it a unanimous recommendation.

ALLEN MOVED TO ADOPT ORDINANCE #07-38 - ORDINANCE TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO RENTALS AND PROGRAM SERVICES; SECONDED BY YUHAS; MOTION CARRIED 5-0.

John Steinbrink:

That moves us onto Item B. Jean, do you want to do B and C together here?

Jean Werbie:

Yes.

- B. Receive Plan Commission Recommendation and Consider Resolution #07-54 for the request of Mark Bourque, agent for Country Corner, LLC owner of the property generally located on the east side of 88th Avenue at 72nd Street for approval of a Preliminary Plat for the proposed 8 single-family lot subdivision to be known as Edgewood.**
- C. Receive Plan Commission Recommendation and Consider Ord. #07-34 for a Zoning Map Amendment for the request of Mark Bourque, agent for Country Corner, LLC owner of the property generally located on the east side of 88th Avenue at 72nd Street to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District; to rezone the non-wetland areas of Outlot 1 into the PR-1, Park and Recreational District and to rezone the remainder of the property into the R-4, Urban Single Family Residential District.**

Jean Werbie:

Mr. President and members of the Board, this is a request of Mark Bourque for a consideration of a preliminary plat and a zoning map amendment and this is for the Edgewood Subdivision. This subdivision had been considered by the Village Plan Commission and the Village Board back in November of 2005. But the developer at that time did not advance it towards the final plat consideration of the Village, so as such the preliminary plat was set to expire. They now have advanced it back to us and they'd like to final plat this subdivision. So the stage they're in right now is preliminary plat and zoning map amendment.

They're proposing eight single family lots. And, again, this subdivision is located just north of Highway 50 just to the east of County Trunk Highway H or 88th Avenue, and it would be known as the Edgewood Subdivision. The lands to the east of this particular area are located in the City of Kenosha. It is for that reason that it's shown as a gray scale on the map, on the slide. The development is located within the Prairie Lake Neighborhood, and the Village's Comprehensive Plan identifies that all neighborhood areas, subdivisions, within this particular neighborhood would develop under the upper medium residential classification, which means that the lots need to average in size somewhere between 6,200 and 11,999 square fee per unit or per lot. In this particular circumstance, the lots are in excess of 15,000 square feet each.

Specifically, Edgewood is being developed on 4.62 acres of land, .88 acre will be used for public road right of way, additional widening or future widening of 88th Avenue. .79 acre will be designated as open space. There will be a 15 foot wide strip north of the proposed right of way that's proposed to be added to the adjacent property. As you enter into the subdivision just south of where the farmhouse is and the outbuildings, there's a 15 foot wide strip. That's proposed to be attached to that adjacent landowner's property.

As I mentioned, the lots will range in size from 15,044 square feet to 18,153 square feet. The average lot size is over 15,700 square feet. The net density is 2.43 units per net acre. At a full build out the estimated population projection would leave us with eight dwelling units or 22 persons or five school age children including three public school age children. As I mentioned, approximately 17 percent of the site is to remain as open space and this includes the area

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surrounding the Outlot 1, the retention facility which is in the southeast corner of the property. There is a great deal of wooded vegetation, evergreens, that were planted along the south end of this particular subdivision, and those areas are intended to be preserved and protected in woodland preservation easements. There's actually some along the east as well as along the north. So we are preserving quite a few trees. Then there was just basically a farm field right in the center of this particular lot.

The entire subdivision will be serviced by municipal sanitary sewer and water. Municipal water will need to be extended north in 88th Avenue to service this development. The developer is going to be extending that municipal water by existing property owners in Pleasant Prairie, so he is going to be requesting at the time of the final plat a right of recovery or a hearing be held before the Village Board to consider a deferment of special assessments on those property owners, so that when and if they connect to that municipal water or when they build a new home or if they subdivide their property that they'd be required to make connections to the municipal water. So that will be coming in the future. In the staff comments it's listed specifically which property owners that this does affect.

The second item on the agenda tonight is the zoning map amendment. The current zoning of the property is R-4 which is a single family designation with a UHO overlay. The proposed zoning is, in fact, R-4, but we're also going to be rezoning the field delineated wetlands into the C-1, Lowland Resource Conservancy District, and then the areas that are upland outside of the C-1 areas where the retention basin is located they would be placed into the PR-1, Park and Recreational District.

The Village staff and the Plan Commission recommend approval of Resolution 07-54 at the request of Mark Bourque, agent for Country Corner, LLC, owner. Again, this is for a preliminary plat for the eight single family lot subdivision to be known as Edgewood. And the second item is to consider Ordinance 07-34 for a zoning map amendment to rezone the property as identified in the presentation.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #07-54 FOR THE REQUEST OF MARK BOURQUE, AGENT FOR COUNTRY CORNER, LLC OWNER OF THE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 88TH AVENUE AT 72ND STREET APROVING A PRELIMINARY PLAT FOR THE PROPOSED 8 SINGLE-FAMILY LOT SUBDIVISION TO BE KNOWN AS EDGEWOOD; SECONDED BY ALLEN; MOTION CARRIED 5-0.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-34 FOR A ZONING MAP AMENDMENT FOR THE REQUEST OF MARK BOURQUE, AGENT FOR COUNTRY CORNER, LLC OWNER OF THE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 88TH AVENUE AT 72ND STREET TO REZONE THE FIELD DELINEATED WETLANDS INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT; TO REZONE THE NON-WETLAND AREAS OF

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OUTLOT 1 INTO THE PR-1, PARK AND RECREATIONAL DISTRICT AND TO REZONE THE REMAINDER OF THE PROPERTY INTO THE R-4, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT; SECONDED BY YUHAS; MOTION CARRIED 5-0.

John Steinbrink:

Do you want Items D, E F and G together also, Jean?

Jean Werbie:

Yes.

- D. Receive Plan Commission Recommendation and Consider Resolution #07-55 to support an amendment to the Village Comprehensive Land Use Plan to change the Neighborhood Commercial land use designation at the southeast corner of 91st Street and 22nd Avenue to the Lower-Medium Residential land use designation.**
- E. Receive Plan Commission Recommendation and Consider Resolution #07-56 to support a Neighborhood Plan for a portion of the Barnes Creek Neighborhood generally located at the southeast corner of 91st Street and 22nd Avenue.**
- F. Receive Plan Commission Recommendation and Consider the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue for approval of a Conceptual Plan for the redevelopment of the properties for 4-7 unit condominium buildings to be known as Springbrook Place.**
- G. Receive Plan Commission Recommendation and Consider Ord. #07-35 for a Zoning Map Amendment for the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue to rezone the properties from the B-1, Neighborhood Business District, R-5, (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District to the R-11 (UHO), Multiple Family Residential District with an Urban Landholding Overlay District.**

Jean Werbie:

Mr. President and members of the Board, the petitioner is requesting approvals for the proposed redevelopment of some properties that are located at the southeast corner of 22nd Avenue and 91st Street. As you know, the properties are characterized by a rundown neighborhood retail strip center that was originally developed in approximately 1959. Existing land uses characterized by this area are single family residential land uses. There's some vacant land immediately to the south. There's an institutional land use church and school to the north, then in the general area we've got some agricultural land uses. We've got the Keno Theater and the City of Kenosha land uses to the north. So this is an area that with the existing strip mall it is somewhat of an isolated

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commercial property that has been really characterized as going down hill over the last several years in this particular area.

As you know and we've discussed previously, a Phase I and a Phase II Environmental Site Assessment were completed for this property by Daniel Burns and Jason Herbst and they work with Drake Environmental. These were completed on January 6, 2003 and March 14, 2003. The Phase I environment assessment provided the detailed inventory of the site. We went through environmental analysis and inventories and brought forth some general site specific information. But some of the things that he uncovered is that at one point there was a dry cleaning establishment that had been located in the strip mall center and it raised some significant questions as to whether or not there had been any dumping or release of any type of chemicals or materials in that particular area.

It prompted them to do a Phase II environmental study for this particular property or these three properties. What they did uncover through monitor well installation, ground water sampling, analytical testing, field evaluation inventories of the site was that there was a common dry cleaning solvent that was found on the property. The next couple of slides that I'll show you dictate that there was some ground water contamination and some soil contamination as a result. So in addition to this deteriorating commercial strip mall and other issues that have to do with the fires and the vandalism and the mold growth and things like that, we found that there was some significant contamination on the site. The plume area for the ground water contamination is shown in this slide in the cross-hatched area. It's primarily contained in the eastern half of the site and extends along the eastern boundary and somewhat onto the adjacent property and then towards the property to the south. In addition there was some soil contamination that was also found in that same proximity again to the east side of where that retail center is currently located.

The Community Development Authority reviewed this particular project. They completed and approved a blight determination study through Resolution 07-01. They determined that the subject properties were blighted pursuant to the State statutes. These are just a few of the photographs that I took. I think I took close to 100 photographs in my various inspections of the facility over there. And it really is becoming not only an eyesore but a threat to public health, safety and welfare of the Village of Pleasant Prairie. The removal of this facility is long overdue.

To assist in the environmental cleanup the developer requested that the Village create a developer-funded Tax Increment District to provide for some blight elimination, rehabilitation and redevelopment of the existing property. Although we are not specifically talking about that this evening, there were some questions that we raised, and if during the staff's presentation we need to answer some of those additional questions we'd be happy to do that.

Major project areas of the TID would be environmental investigation, cleanup, monitoring and closure, demolition and brownfield specific infrastructure components. The total cost for the environmental projects is estimated to be just over \$715,000. As I mentioned, the four major project areas, the first area is environmental investigation, cleanup, monitoring and closure, and those costs for those components is approximately \$430,000. Demolition of the existing structures is estimated at about \$108,000. Brownfield site specific infrastructure is estimated at about \$66,000. Administrative and delinquent special assessments and charges is \$111,365.

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The Village is proposed to issue a revenue bond payable only from tax increment revenue generated by the developer's property to finance the project clean up costs. The developer will be the purchaser of the bond and is obligated to secure private financing to obtain the funds necessary to purchase the bond and provide funding for the project costs. This is just an outline of all the different steps that the Village is going through at this time, the Village Board, the Plan Commission, the CDA but a number of these steps have commenced. Some are still yet to be held before the Village Board as well as the Joint Review Board.

The proposal then by the developer is a Conceptual Plan to redevelop the 3.35 acre properties. What he's proposing specifically to do is to create four 7-unit condominium buildings on the three parcels combined with one direct access to 91st Street. There would be no access to 22nd Avenue or County Trunk Highway ML. There's a significant amount of woods along the southern portion of the site. For the most part those trees and that brush line will remain intact. This is the floor plan of the condominium buildings. The units will range in size from must over 1,200 to 1,700 square feet in size. These are some of the sketches of the proposed building elevations proposed for the site.

Open space on the site is approximately 53 percent or 1.69 acres. The open space will include two detention facilities and they'll be located at the northeast and northwest corners of the site. There will be some preservation areas, again, along the southern and southeast and southwest boundaries of the site as well.

The developer will be installing municipal sewer and water and private storm sewer facilities within the property. They will come straight south from 91st Street. The water main on the site will be public. The service laterals will be private. The sanitary will be public and the laterals will be private. Storm sewers will be private. All private utilities will need to be owned by the Springbrook Condominium Association which they intend to create as part of this development.

One of the other items that we've been discussing in the last few days is that there will need to be an easement that is extended south through this development from that parking lot area to the south to the Mullins property for the eventual extension for municipal water to service the, especially in the event that they may have a well problem on their particular property and we would need to service them by municipal water.

As part of this project then they're requesting a land use amendment, and the Plan Commission has considered this amendment on September 10, 2007. Again, one of the items that we have on the agenda this evening is for the Village Board to consider support for a similar amendment to the Village's Comprehensive Plan, and that would be through Resolution 07-55. This would be to modify the land use plan to remove the commercial neighborhood designation or the red colored designation off the land use plan and then put it into the residential designation, the low/medium residential land use designation.

As you know, neighborhood plans are essential to the development within Pleasant Prairie because they help guide our orderly growth within our community. This proposed development is located within the Barnes Creek neighborhood, and the entire Barnes Creek neighborhood is

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bounded by 89th Street and 91st Street on the north, Sheridan Road on the east, Highway 165 on the south and 30th Avenue on the west. So it's a pretty large neighborhood but this particular proposed development site is in the very, very north section of this particular development. Again, it's just a few acres, a four acre, development. Specifically we're requesting to modify the neighborhood plan to incorporate the Conceptual Plan that's being proposed by the developer.

There are no new public roads being proposed as a result of this project in this corner of the neighborhood plan. The road that comes down from 91st Street to service these four condominiums will be a private driveway or private roadway. It's not intended to be serviced by the public.

The next item is the request for a zoning text amendment. The current zoning is B-1 and there's some R-4 (UHO), the vacant portion of land that's south of the strip mall, the residential portion. In order for the properties to be redeveloped they will need to be rezoned into the R-11, Multiple Family Residential District. At this time we'd recommend that they be placed in a UHO Overlay District as well. The situation is once we have the very detailed elements of the PUD, the Planned Unit Development, put together then we would advance the PUD rezoning to the Village Plan Commission and the Village Board as well.

There is a small portion of the property as you can see on the very east side that is located within the shoreland jurisdictional boundary. That will still remain and they're not asking for any modifications to that. In order for the PUD to be created for this small of an acreage, we will need to consider a modification to the PUD regulations to allow for sites of this size to be used, to be able to use the PUD designation. We have already made some modifications within the commercial provisions of the zoning ordinance, and we will be looking for the same or similar modification to reduce the acreage to allow for PUDs in the residential portion of the R-11 as well.

I believe that covers all four of our items on the agenda this evening that relate to this particular project. Again, the first item is the neighborhood commercial designation change. One is the modification change to the Comprehensive Plan. Then there's the Conceptual Plan and then the zoning map amendment. So we have four items related to this project on the agenda.

Mike Pollocoff:

Before we proceed just additionally was one of the questions was a good question or comment brought up by Mrs. Blust concerning the TIF implications of this development. In a TIF district the fees that are paid by a business or a home or whatever in a TIF district continue. In LakeView Corporate Park they pay on sewer and water charges just like everybody else. In the TIF district they pay public fire protection charges just like everybody else. They pay garbage to someone else. But in this case these residents would pay a monthly garbage fee just like everybody else. There have been people from time to time that say you should put the garbage on the property tax roll. One of the things that would do is you take a significant, based on value, part of the Village's solid waste utility and you would take away that money because that would be on the tax roll. The utility wouldn't collect it. It would go into the TIF district and we'd all be paying more.

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So in this case here what's going to be paid for by the residents that pay their property taxes that amount over and above the existing increment is going to go to only pay off the improvements to remediate the soils there. None of the fees are going to change. Those continue as normal. We are going to be preparing a development agreement between the Village and the developer that's going to facilitate the transfer in increments and list out those requirements that the Village will require of the development to make sure that the public's interest is protected, and really that the developer's interest or a future developer's if it's sold is protected and everyone knows how that's going to track. So that is a part of this but that will be on the agenda for the 24th. I think those are just a few things on the TIF. If there are additional questions on the implications of the TIF district I'd be glad to answer those.

Steve Kumorkiewicz:

Just to clarify . . .the owners would have another developer . . . (inaudible).

Mike Pollocoff:

That's correct.

Clyde Allen:

I talked to a few people. Marianne Blust had some very good questions which I tried to go over. We had a lengthy conversation. The way the statutes are written on the TID district for a developer's TID which is relatively new it paints a scenario that's optimum to all conditions being right. From what I understand, and I want to make sure everything is really clear that I understand this before I can support it, is the developer is going to have all the risk and burden on him. First, there's back taxes that are due. There's \$59,000 in assessments that are due that will be part of, and correct me if I'm wrong, that will be part of the TID, that we will collect that that we haven't been able to collect in the past. There's another \$15,000 in property taxes past due that will be collected up front which without this TID we probably maybe would not get.

In answer to one of the questions out there about police and fire protection, at the time of issuing a building permit the \$891 covers those types of items, your infrastructure costs. That's \$891 per condo, per unit. To protect ourselves as Mr. Pollocoff mentioned about securing a letter of credit, that if something goes wrong, the statutes provide and say if everything goes right here's the way it will work and it's great. What can go wrong? Market downturn. Maybe units that don't hold their value. Maybe the developer only builds the first two units and stops. The bonding still has to be paid. So the Village taxpayers do not get stuck with it a letter of credit will be out there that the developer takes all the risk and he then out of his personal money will pay the difference. So if the units aren't sold he loses.

So the question is and everybody asked the question would we have this development if we did not create the TID? We see what it's like out there. I wouldn't want to live next to it. It's getting worse. It would be nice to put something on the tax rolls, get the money up front, so to weigh it out we ask do we sit on it, not collect any delinquent property taxes, not collecting the delinquent

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assessments and have nothing develop there with no taxes coming in? Or, do we create the TID and go forward and get on the tax roll? Does that cover it that the risk is completely by the developer?

Mike Pollocoff:

Yes. The basic understanding that I have with Mr. Mills is that he's doing something that his plan of action is going to benefit the Village. The Community Development Authority and the Village Board and the Plan Commission interaction to date have weighed the issues of having, as Mr. Allen indicated, property that's not on the tax rolls that's not producing, and the fact that the property is blighted. We now know something that we didn't know for quite a while is that the property is contaminated. We discovered at our last meeting that one of the parcels owned by Mr. Mullins the well for that property is in the contamination plume. Their well is contaminated. We need to exercise our police powers and see that that's corrected.

But we can't make Mr. Mills pay for or take risk for doing this without giving him the reward for the risk. If someone is going to step up to the table and clean this up, even though it's being done with a TIF, Mr. Mills is assuming the responsibility of the private financing of it, if he's going to assume that responsibility there's no public responsibility Mr. Mills should be entitled to the profit of it. We shouldn't make the profit off of it and then have him pay for it. I guess if he's willing to make a donation to the Village I'd just ask him for the money and go about doing it another way but that's not the case. The method that we're using here is we facilitate a method of public financing to get it taken care of because the public is benefited to eliminate the contamination and to get this property on the same footing that everybody else is.

There are condominium developments that are occurring all over Pleasant Prairie, and I would imagine if this property didn't have any contamination on it Mr. Mills could buy the property, tear down the building, go through the zoning process to get condos approved and we'd be on our way but that's not the case for this property. It's got a nasty contamination on it. The only way that's going to happen is if we use our financing ability through TID to take care of that and that's the very reason it was placed in the statutes is providing that extra tool or leverage to find a way to take care of a public problem through a public financing need and have the developer do that. So the Village isn't out that.

In my discussions with Mr. Mills to date he's willing to assume that responsibility but he has to be willing to be in a position to collect the profits off it so he can pay off the bill. To make this work if you really want to eliminate the blighted area we need to give him the opportunity to do that. And we'll have an agreement in place that both sides are going to be able to sign to say how that's going to happen. So I think Mr. Allen painted a correct picture of what we need to do in order to ensure it. Maybe the nuances of that are different and you'll see that in the development agreement when we go to our next step which will be on the 24th.

The other thing I want to mention that Jean touched on a little bit is the fact that we did discover that there was a well within the contaminated area. We don't have the results back yet as to whether or not that contamination does exist, but we do know it from a geographic standpoint. The plume that's been identified does go cover the well. So we are going to be looking to extend

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a lateral off that public water main that goes into the area that Mr. Mills is developing and have that lateral bored underneath the trees and service the homes to get that private home that could be subject to that contamination off that well as soon as possible.

The only other alternative is to extend the water main down Springbrook around the curve to get that in. If you were to look at the layout we certainly can do that. I think if nothing else happened we'd have to do that. We know that public health problem exists and we'd have to put that main in. But that would be a difficult undertaking for everybody and it would be expensive and it would be expensive for the Mullins given the nature of their property.

Mike Serpe:

Mike, when you're talking to bore from Steve's property to the Mullins, would that be done prior to the cleanup?

Mike Pollocoff:

No, I think it's going to be done after the cleanup occurs because the staging of the work is such that the contaminated soils are going to be extracted completely and then they're going to do some remediation work, the brownfield work. Once all that is done then Mr. Mills is going to be able to come back and put in the underground utilities, water and storm.

Mike Serpe:

Have we discussed this with Steve?

Mike Pollocoff:

No, we haven't. We haven't had the opportunity to do this. But really what we're looking for is an easement on that land and the lateral. I've already talked to Madison today to see if we can secure financial assistance to the Mullins to pay for their abandonment of the well. I'd rather assume it's contaminated until we know different because everything that I've seen leads me to believe there's a good chance. So why wait and not proceed. We'll see if we can get some assistance for them to do that. I think we're talking, based on my discussions with the engineer, about \$5,000 to \$6,000 to get this thing put together.

Mike Serpe:

One last comment. After the last meeting, as I said earlier at the Plan Commission meeting, this is a very complex issue, and for people that come into it cold it could be very, very confusing. I read the *Kenosha News* last week and there was some concern from the neighbors. As I understand it now that it's been explained they're pretty much in favor of this? Is that a true statement?

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Mike Pollocoff:

I believe they are.

Mike Serpe:

Good, I appreciate that. Like I said, it's complex, but once you understand it I think you'll see the benefit here and hopefully that will come to some type of resolution with Steve on the easement.

Mike Pollocoff:

I think that we require, and maybe to the developer's concern, but the Village does require easements for public utilities and this is a perfect example of one that needs to be done. I don't think it impacts the development layout at all. I think this line could be bored rather than cutting through trees and opening up a swath through that wooded part. Again, based on where their house is and where that water main is ending I don't think it's a difficult undertaking. Again, I think we're looking at \$5,000 or \$6,000 to get that taken care of.

One thing I might add, one thing that's a little unusual is that one thing about a condominium development such like this is that it's not going to provide any extra taxing effort on our street department. There will be that number of homes there but there won't be any additional streets to plow and maintain. Sometimes the more we have a private street the less we reduce our operation and maintenance expense from a public works standpoint, not for fire and rescue or police.

Mike Serpe:

We've had numerous meetings on this, and I think the biggest thing for people to understand is the financial burden for this whole thing is on Steve Mills. He's the one that's going to collect from the TID and it's not going to cost the taxpayers anything. That's important to understand. With that I'd move approval of 07-55.

Monica Yuhas:

Second.

John Steinbrink:

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

Steve Kumorkiewicz:

A quick question for Mike. Mike, you were talking about extending the water utility to replace the well on the Mullins property. That should be part of the TIF? We're talking about \$5,000.

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Mike Pollocoff:

Well, the TIF district is defined as the parcel. No, I'm not looking at it a being part of the TIF. I'm really looking at an inch and a half lateral, copper tube, that just gets squirted underneath the woods for lack of a better description, up to the Mullins home which is roughly right there. This is where the water main is. So you just want a lateral to go from here to here and just get an easement dedicated from Mr. Mills' development to the Mullins so that if for some reason they have to in the future replace or fix or repair that lateral that they can do that. They want to put in some language in that easement that sets forth some requirements. If those repairs take place they can't go in and just rip it out without restoration and things like that. But an inch and a half copper line extending off that main is going to be virtually trouble free. It's not a high risk improvement.

I think the engineer from Drake can probably, I know he could answer this better than I could. But as the soils are cleaned up and you have that plume area, assuming again that the well is contaminated, how long does it take to get the contamination out of that area once the thing is done? I don't know the answer to that. He might be able to shed some light on that. But on the other hand we have a responsibility as a Village to make sure if that problem exists we have to take care of it some way.

John Steinbrink:

Just give us your name and address for the record.

D.J. Burns:

D.J. Burns, N105W7585, Cedarburg, Wisconsin. I'm the project director of Drake Environmental. We've had numerous discussions with Mike and Jean over the last several months regarding that. I don't believe Steve would have any problem creating the easement to supply water to the neighbors. As part of his responsibility for the cleanup it might be the most efficient and cost effective way of addressing that problem, while at the same time taking care of a matter that would go and become part of the Village's responsibility if the TIF isn't approved as Mike would say. I think that's something that can be accommodated.

Mike Pollocoff:

D.J., as far as the question after the time you complete the cleanup of the contamination, how long does it take for the groundwater to clear up after that?

D.J. Burns:

I think both the DNR and I would share the opinion that the results will almost be immediate in the source area. It make take anywhere from six months to two years for that plume to kind of draw back and begin its subsidence onto the subject property. So it should be fairly rapid.

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Steve Kumorkiewicz:

One last question. Mike, I'm assuming that Mr. Mills will pay for the extension of the water?

Mike Pollocoff:

We haven't broached that with him. Again, I think there's a possibility we can get that paid for with a small grant. I had some discussions with Madison today and my indication from my discussion with them is they've known of this problem for a while, they ought to step up and help somebody who has a direct impact. If we can get it taken care of we'll get it taken care of that way. I know we can look at it but I haven't talked to Mr. Mills about it and I don't know if it's fair to ask him tonight, but you can't require him to pay for something on someone else's property. I've talked to the Mullins and they would have to pay for what's in their property, but if we can find a way to get somebody to help pay for this through a grant. But it's true with Mr. Mills it's not his fault it's there. He didn't contaminate the area. He's trying to fix it up. The Mullins didn't contaminate it. They just want to make sure it gets cleaned up. So if we get that handled that's the way I'd like to do it.

D.J. Burns:

I'll just add a response. Steve, as far as the well abandonment for the Mullins property there is a DNR program as Mike is referring to that will help offset and actually typically cover all the costs for the abandonment of the well. The extension of the water line, again, that's something that we can discuss about what's the cost, when do we do it, and that will have a lot of bearing on the ultimate end cost of that. So I think it's something that can be addressed fairly easily.

Steve Kumorkiewicz:

Thank you.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #07-55 TO SUPPORT AN AMENDMENT TO THE VILLAGE COMPREHENSIVE LAND USE PLAN TO CHANGE THE NEIGHBORHOOD COMMERCIAL LAND USE DESIGNATION AT THE SOUTHEAST CORNER OF 91ST STREET AND 22ND AVENUE TO THE LOWER-MEDIUM RESIDENTIAL LAND USE DESIGNATION; SECONDED BY YUHAS; MOTION CARRIED 5-0.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #07-56 TO SUPPORT A NEIGHBORHOOD PLAN FOR A PORTION OF THE BARNES CREEK NEIGHBORHOOD GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND 22ND AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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Monica Yuhas:

I have a few questions. Mr. Mills stated at the podium that he had some concern regarding the brick, how much brick was going to be on the condos. I'd like to hear some more about that, how much he would like to take off regarding the exterior. And I'd also like to know how much as far as percentage wise is he looking at having non owner occupied with the condos. Because it's my understanding that in Pleasant Prairie the majority of condos are owner occupied.

Mike Pollocoff:

The Village on condo approvals they set a standard of 80 percent.

John Steinbrink:

This is a conceptual plan and we will be coming back to visit this. This will go through the whole gamut as we do every other project. This is just to let Mr. Mills know he can move ahead here and present to us what we would then discuss on your issue.

Mike Serpe:

The biggest thing, Monica, is he has to negotiate with Jean.

John Steinbrink:

Other comments or questions?

Jean Werbie:

In the staff comments the packet for consideration for conceptual plan I marked up where we thought that additional brick or stone work needed to be shown and highlighted in yellow. They would like to work with us and look at other materials. I'm not sure exactly all the different materials they were looking at. But that's one of the things they did want to discuss with us. Prior to a planned unit development being forwarded to the Plan Commission and the Board those numbers and that specific information does need to be finalized in order for that to be moved forward, as well as the provision that has been negotiated in the past with all the other condominium owners and developers and that was that 80 percent of the units would remain owner occupied. There was a definition that we had put together which was pretty flexible with respect to what that meant, and they wanted to have some discussion with us. They wrote a provision that countered what we have been using. I just haven't had a chance to take a look at it. Again, that's something that would be in our condo docs and it would be in our PUD provisions which does need to be finalized before we advance those items to the Village for consideration.

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ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF JONAH HETLAND OF MILLS ENTERPRISES, LLC AGENT FOR BFU II, LLC OWNERS OF THE PROPERTIES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND 22ND AVENUE FOR APPROVAL OF A CONCEPTUAL PLAN FOR THE REDEVELOPMENT OF THE PROPERTIES FOR 4-7 UNIT CONDOMINIUM BUILDINGS TO BE KNOWN AS SPRINGBROOK PLACE.; SECONDED BY SERPE; MOTION CARRIED 5-0.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-35 FOR A ZONING MAP AMENDMENT FOR THE REQUEST OF JONAH HETLAND OF MILLS ENTERPRISES, LLC AGENT FOR BFU II, LLC OWNERS OF THE PROPERTIES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 91ST STREET AND 22ND AVENUE TO REZONE THE PROPERTIES FROM THE B-1, NEIGHBORHOOD BUSINESS DISTRICT, R-5, (UHO), URBAN SINGLE FAMILY RESIDENTIAL DISTRICT WITH AN URBAN LANDHOLDING OVERLAY DISTRICT TO THE R-11 (UHO), MULTIPLE FAMILY RESIDENTIAL DISTRICT WITH AN URBAN LANDHOLDING OVERLAY DISTRICT; SECONDED BY YUHAS; MOTION CARRIED 5-0.

John Steinbrink:

Hopefully we've answered a lot of the questions that were here tonight. I think it was a very good meeting at the Planning Commission where we did have public input, and Mr. Mills and his associates and Drake did a good job explaining the project and the fact that we can now we can address an issue we're aware of. Mr. Mills has to make a dollar and hopefully the Village solves the problem here and we don't have to expend our funds to do it, and the citizens in the area make sure their environment is clean. Because now that we know there's an issue there the Village would have to step up to the plate and address that issue by remediating it and that would be on the taxpayer dollar. So hopefully we're solving quite a few problems with this and I think everybody is going to be winner on the end of this. So we will move ahead on this in the future.

H. Receive Plan Commission Recommendation and Consider Ord. #07-36 for a Zoning Map Amendment to correct the Village Zoning Map as a result of a wetland staking completed by the Southeastern Wisconsin Regional Planning Commission for two undeveloped properties located on the west side of Lakeshore Drive south of 96th Street and known as Lots 2 and 3, Block 52 of Carol Beach Estates Subdivision, Unit No. 5A.

Jean Werbie:

Mr. President, on August 21, 2006, the Village received an application from William Hosken and Beverly McElmurry for a wetland staking to be completed on two adjacent vacant properties. They're generally located on the west side of Lakeshore Drive south of 96th Street in the Village. They're identified as Tax Parcel Numbers 93-4-123-191-1300 and 93-4-123-191-1305. They're identified as Lots 1 and 3 of Block 52 of the Carol Beach Estates Subdivision, Unit 5A.

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The Village received a letter dated January 19, 2007 from SEWRPC that indicated that the plat of survey correctly identified the wetlands on the property as field staked by them on November 16, 2006. Pursuant to NR 117 of the Wisconsin Administrative Code, the Village zoning ordinance and the wetland staking application filed by the property owners and the Plan Commission resolution to initiate the zoning map amendment, that the Village should proceed to correct the Village zoning map as a result of the wetland staking being completed.

So, as such, the Village staff and the Plan Commission recommend approval of the zoning request to place the field delineated wetlands into the C-1, Lowland Resource Conservancy District. The non wetland portions of the properties would remain in the R-5, Urban Single Family Residential District, and both properties will remain in the LUSA District which is the Limited Urban Service Area Overlay District. The staff recommends approval.

YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-36 FOR A ZONING MAP AMENDMENT TO CORRECT THE VILLAGE ZONING MAP AS A RESULT OF A WETLAND STAKING COMPLETED BY THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION FOR TWO UNDEVELOPED PROPERTIES LOCATED ON THE WEST SIDE OF LAKESHORE DRIVE SOUTH OF 96TH STREET AND KNOWN AS LOTS 2 AND 3, BLOCK 52 OF CAROL BEACH ESTATES SUBDIVISION, UNIT NO. 5A; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- I. Receive Plan Commission Recommendation and Consider Ord. #07-37 for a Zoning Map Amendment 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 south side of 93rd Street generally between 8th and 11th Avenues known as Lot 6, Block 6 of Carol Beach Estates Subdivision, Unit No. 6.**

Jean Werbie:

Mr. President and members of the Board, on July 25, 2006, the Village received an application from Bonnie Lindstrom for a wetland staking to be completed on the vacant property. This property is generally located on the south side of 93rd Street between 8th and 11th Avenues. It's further identified as Tax Parcel Number 93-4-123-191-0105 and further identified as Lot 6 of Block 6 of Carol Beach Estates Subdivision, Unit 6.

The Village received a letter dated January 10, 2007 from SEWRPC that indicated that the plat of survey correctly surveyed and correctly identified the wetlands on the property as field staked by them on November 16, 2006. Pursuant to NR 117 of the Wisconsin Administrative Code, the Village zoning ordinance and the wetland application filed by the property owner and the Plan Commission resolution to initiate the zoning map amendment, we are requesting to rezone the Village zoning map as a result of the wetland staking being completed.

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Therefore, the request for Ordinance #07-37 is to rezone the wetlands into the C-1, Lowland Resource Conservancy District. The remainder of the property would be designated as the R-6, Urban Single Family Residential District, and the staff recommends approval as presented.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #07-37 FOR A ZONING MAP AMENDMENT 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 SOUTH SIDE OF 93RD STREET GENERALLY BETWEEN 8TH AND 11TH AVENUES KNOWN AS LOT 6, BLOCK 6 OF CAROL BEACH ESTATES SUBDIVISION, UNIT NO. 6; SECONDED BY ALLEN; MOTION CARRIED 5-0-.

J. Consider Request for a First Amendment to the Developer's Agreement for the Bain Station Crossing Development for placement of a granular backfill in utility trenches and expedited paving and curb and gutter installation.

Jean Werbie:

Mr. President, this is a request by Mike Dilworth, and he is with the Settlement at Bain Station LLC and the Landing at Bain Station LLC. They are requesting to use an expedited paving schedule in order to pave and install the curb and gutter in 85th Avenue from Bain Station north to where it connects into the Hidden Oak Apartment development project. So the main north/south road that enters into the development there requesting with installation of gravel, backfill material and with providing an extended warranty are requesting to pave early prior to 50 percent of the homes being completed within the development. Again, they've got a couple of things going on. They've got the single family development as part of the subdivision, then they have the condominium developments and the senior condominium developments that they're going to be working with towards the future.

Mike Serpe:

Move approval of the developer agreement.

Clyde Allen:

Second with a question.

John Steinbrink:

Motion by Mike, second by Clyde.

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Clyde Allen:

Regarding accelerated paving how often does it occur that these projects get accelerated where they have to go back and redo some of the construction with neighbors being impacted by having their area torn up?

Mike Pollocoff:

All the time. I don't think Mr. Dilworth is going to have to rip the whole road out, but it's a lot less damage by having the granular backfill. That stiffens up the road and that helps a lot. But, nonetheless, you're going to have some heavy equipment going over there and you're going to see some degradation of the asphalt. Our agreement with Mr. Dilworth is that at such time as he gets ready to add that final lift on before that happens anything that's bad that was in the first lift has to come out. They put in another first lift and then you pave over that. So it will happen. Everybody hopes that the granular backfill in the utility trenches is going to forestall significant failures, but I guess I would direct you to Meadowdale Farms where we have expedited paving there and there are significant areas where there's pavement replacement.

The people that are going to be living there eventually might have some alligating or some raveling of the asphalt, but it won't be like they're living on gravel which is the alternative. If Mr. Dilworth wasn't doing this the people would have a gravel road for a while. And even the people that aren't on that road they're going to drive over a gravel road to get there. That's difficult. So if Mr. Dilworth is willing to accept the added responsibility to go back and take out the asphalt that's fine.

Clyde Allen:

Do the purchasers of the properties do they know and understand this that it's not a Village decision?

Mike Pollocoff:

Not typically. We try to encourage developers to tell people and advise people what the paving process is. It's a phased in process, that it doesn't get fully paved the first year or the second year. But when they call us we explain to them how it happens. But I'll tell you one thing, we get a lot less calls under expedited paving than we do under gravel. If we have gravel we're getting calls all the time asking when are you going to pave. Whereas if it's an expedited paving that call doesn't come as often. We'll get the calls after a couple years when it's raveling and when are you going to patch it. But at that point the maintenance is the responsibility of the developer, it's not the Village.

John Steinbrink:

By it's location it's going to be a pretty well used thoroughfare. And I think it's going to solve more problems than it creates. They have a good engineering firm and construction firm so I think they'll do as much as possible to mitigate any problems.

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Mike Pollocoff:

We have experience working with Mr. Dilworth in other developments and he's been true to his word and he's lived up to what he said he was going to do.

Steve Kumorkiewicz:

Mike, refresh my memory. It's going to be a private road or a public road?

Mike Pollocoff:

Public.

Steve Kumorkiewicz:

Okay, thank you.

SERPE MOVED TO APPROVE THE REQUEST FOR A FIRST AMENDMENT TO THE DEVELOPER'S AGREEMENT FOR THE BAIN STATION CROSSING DEVELOPMENT FOR PLACEMENT OF A GRANULAR BACKFILL IN UTILITY TRENCHES AND EXPEDITED PAVING AND CURB AND GUTTER INSTALLATION; SECONDED BY ALLEN; MOTION CARRIED 5-0.

K. Consider Resolution #07-60 - Resolution Approving a Distribution Easement with Wisconsin Electric Power Company and Wisconsin Bell, Inc. for the installation of underground electric lines on Village property located on 128th Street.

Mike Pollocoff:

Mr. President, we've received a request from Wisconsin Energies for the Village to grant an easement across a parcel of land we own that is adjacent to the bike path on 128th Street. They're going to be, as the resolution indicates, installing underground lines and as such they need an easement from the Village. I'd recommend that the Village President and Clerk be authorized to execute the agreement with We Energies by adoption of this resolution.

Monica Yuhas:

I move to adopt Resolution 07-60.

Steve Kumorkiewicz:

I second with a question.

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John Steinbrink:

Motion by Monica, second by Steve.

Steve Kumorkiewicz:

Wisconsin Electric talked about closing this system. What happened? We've got lines coming from 39th and Sheridan and they want it closed? I don't understand from the Plan Commission what they're trying to accomplish with that.

Mike Pollocoff:

What they're doing is there is some development proposals in that area, and what they're really looking to do is beef their system up, get it off the poles and get it buried. So right now there isn't the capacity in that part of their system for a loop so they're going to put in a larger sized line and get that buried underground.

Steve Kumorkiewicz:

Going east.

Mike Pollocoff:

Between Sheridan and 39th.

Steve Kumorkiewicz:

Okay, thank you.

YUHAS MOVED TO ADOPT RESOLUTION #07-60 - RESOLUTION APPROVING A DISTRIBUTION EASEMENT WITH WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN BELL, INC. FOR THE INSTALLATION OF UNDERGROUND ELECTRIC LINES ON VILLAGE PROPERTY LOCATED ON 128TH STREET; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

L. Consider Agreement with the Kenosha Water Utility for Temporary Sewer Connection to property located at 9102 Sheridan Road.

Mike Pollocoff:

Mr. President, this is an agreement between the Kenosha Water Utility and the Village of Pleasant Prairie concerning extending sanitary sewer service to the Keno Drive-In. The Drive-In's private sanitary sewer system has failed, and as such the Village doesn't have a sanitary sewer that's been extended to the site. Our sanitary sewer would be on the Sheridan Road site. The sanitary sewer that they would be tying into is into an existing City of Kenosha line that services the south side of the road. There is no lateral that goes to the Keno Drive-In property

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from this side. So until such time as the Village is ready to put in our main on Sheridan Road Mr. Mills has requested whether or not Kenosha Water Utility will allow him to install a grinder pump which in essence is a small lift station with a forced main and pump that into the City's line. So this would allow him to do that and then it provides for how that would end at such point as the Village extends our main.

Before we allow a permit to be issued from our side for the work to be done we, in turn, would sign an agreement with Mr. Mills where he would agree that he would not consider this as a basis for obtaining service so that the Village would be able to assess him the full charges for the sewer main that's going to be constructed on Sheridan Road so that we don't end up with a situation where we do that line and Mr. Mills since he already has sewer service why should he have to pay for Village service.

One thing that I talked to Mr. Allen about and I had misread, but it's in the agreement and I think it's valid, since that is not our main at all, the Village doesn't own the main in 91st Street, they would be connecting it to a purely City main, he would be paying that rate directly to the City and that rate would be excluded from the Village's rate for what they charge us. So he would be their customer until such time as he's our customer, and the City is agreeing that they're not billing us, they're billing him.

Steve Kumorkiewicz:

Water is going to be the same thing, too?

Mike Pollocoff:

No, sewer only.

Mike Serpe:

I move approval of the agreement.

Clyde Allen:

I second it with a question.

John Steinbrink:

Motion and a second.

Clyde Allen:

So if he's billed by Kenosha and paying directly to the Kenosha Water Utility, will that create any problem at all as far as separation of his bill because he still has to pay all the clean water everything like that? All that will be paid—

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Mike Pollocoff:

He still has to pay the clean water utility and his public fire protection. We're just now putting water in on that parcel and if he connects the water the water will go to Pleasant Prairie. We're almost completed with that project. But sewer we would not be billed, it would go directly to the City because there's not a meter there where Kenosha meters the outflow.

John Steinbrink:

So it's going directly into a manhole they have existing.

Mike Pollocoff:

Yes.

Clyde Allen:

So with the end clause that won't create a problem that he will never not go on Pleasant Prairie water?

Mike Pollocoff:

He will. He'll have to when we have a sewer main. But right now until Mr. Mills develops his property it's not in the Village's interest to run a sewer main up Sheridan because we'll say when he sells that property and the Keno Drive-In is no longer the use, and I think the land use plan calls for that to be commercial, like a commercial strip center, then we'll indicate at that time Mr. Mills will need to extend the sewer main where it terminates on 92nd up to that parcel to get service.

Clyde Allen:

And you're comfortable with this?

Mike Pollocoff:

Yes.

SERPE MOVED TO APPROVE AN AGREEMENT WITH THE KENOSHA WATER UTILITY FOR TEMPORARY SEWER CONNECTION TO PROPERTY LOCATED AT 9102 SHERIDAN ROAD; SECONDED BY ALLEN; MOTION CARRIED 5-0.

M. Consider Resolution #07-61 - Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers for the Construction of Municipal Water in the 4600 block on Beverly Lane east of 47th Avenue.

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Mike Pollocoff:

Mr. President, this resolution authorized the Board to have the staff commence work to prepare a schedule of special assessments and an engineering report for the extension of municipal water on Beverly Lane from 47th Avenue to serve the petitioned property. There would be two properties involved in the assessment, one that's identified on the map as a vacant lot, and then the property directly to the south which I believe is 4616 if I'm not mistaken on the southeast side of Beverly Lane. So I'd request that this resolution be authorized so we can begin the process.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #07-61 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS FOR THE CONSTRUCTION OF MUNICIPAL WATER IN THE 4600 BLOCK ON BEVERLY LANE EAST OF 47TH AVENUE; SECONDED BY YUHAS; MOTION CARRIED 5-0.

N. Consider Award of Contract for window replacement and insulating the auditorium at the Village Hall.

Mike Pollocoff:

Mr. President, as Board members that have been here for the last few years have known is that in the winter it gets very cold in this room and for the longest time we really didn't care. We weren't in here that often, there wasn't that many meetings, but now it costs us money for it to be this cold. This building was built with no insulation. So consequently to date we've insulated this wall here, our outside wall, and the wall behind us, because those are outside walls. The other walls are interior walls and they're heated. So I believe that's going to help. But the other thing we have is above the ceiling here, up above the acoustical tile if you were to lift one of those up, and I've even thought about doing that just so people could see it tonight, it's just metal deck. There's no insulation above us either. So we've taken the proposals on insulation. These are old tiles and after we push these things up they're going to break, so we want to insulate and put in an acoustical tile that will do two things. One is help with the acoustics in here and also the insulation as well.

The chief building inspector prepared a specification. We received two bids on the project to insulate, replace tiles, and then eliminate the smoker's grid. This was built in '67 and you used to be able to smoke in here. You guys that were here that long ago you can think about it, and they'll paint or clean the grid so it's white again. So I'd recommend in the case of the auditorium we authorize the contract to be awarded to Postorino Decorating in the amount of \$5,815.

Secondly, on the west front side of the Village Hall which is that side over there, again that's original construction of the Village Hall, that wall is not insulated either. We're in the process, and that's one of the reasons you see the file cabinets in here, of installing a foam panel along the block wall just like we did here to insulate that exterior wall. The other thing we need to do is the windows on that wall are single pane glass. At one point they put in another pane but you can see the daylight coming through on a couple of those windows. So I'm requesting that we—we took

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bids to install one inch o.a. clear low-e insulating units with argon filled gas in existing wood frames.

We leave the current storm windows that are there so we create a triple pane, with the exception of the HR office would have casement windows. Anybody who's ever been in the HR office it's a great place to send somebody when they're in trouble because the boiler is underneath that room and that is the hottest room in the building so we need to be able to ventilate that room with open windows. It's like a sauna there in the winter.

So the low bid was submitted by Town & Country Glass in the amount of \$7,556. The chief building inspector things we have a little bit less than a three year payback in energy costs on this. As I said before, before we didn't mind not doing it because we weren't here that long but now it's costing us money. So if we can get this done it will save us some money especially in the case of the offices over there in a little bit warmer working environment. I'm recommending that we pay for these improvements with reserve funds we have available in our capital reserve account.

Clyde Allen:

Make a motion to approve with a question.

Mike Serpe:

I'll second.

Clyde Allen:

I'm assuming this is coming out of, and this is not budgeted for, this is coming out of reserves?

Mike Pollocoff:

Capital reserves, right.

Steve Kumorkiewicz:

One last question . . . remove the west offices windows . . . (inaudible) . . . window will remain so are we going to replace it or . . .

Mike Pollocoff:

We're going to take the old window out and the insert a one piece unit. The glass is going to fit right into that. It's going to be cut and made to that window opening. The storm on the outside will stay. That's new. It was put in before I got here so it's been there quite a while, but the original window that came with the building, the inefficient window, that will be taken out.

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John Steinbrink:

The question was raised during citizens' comments about energy efficient lighting, and I think in all our buildings, the RecPlex, the Prange, here, we've always used energy efficient lighting and applied for any program that was available.

Mike Pollocoff:

Right. We've had energy audits on all the buildings. This one is the most efficient building because it's our oldest building. But when we made the addition, the addition is 10,000 square feet and the addition is energy compliant with all the updates. But the original Village Hall, when you think about it in '67, and that wasn't that long ago, they were building buildings with no insulation at all. That's how they built the original Village Hall. Again, we evaluated this and the payback is going to be quick and it will make a better working environment.

ALLEN MOVED TO AWARD A CONTRACT FOR WINDOW REPLACEMENT TO TOWN & COUNTRY GLASS CO., INC. AND INSULATING THE AUDITORIUM TO POSTORINO DECORATION at the Village Hall AS PRESENTED; SECONDED BY SERPE; MOTION CARRIED 5-0.

O. Consider the Proclamation to declare October Community Planning Month.

Mike Pollocoff:

I guess I'm doing this. We have a proclamation here for community planning month, and Lord knows there should be a community planning month every year. Whereas change is constant and affects all cities, villages, towns and counties and their places; and whereas community planning and plans that can help manage this change in a way that provides better choices for how people live, learn, work and play; and whereas the community planning and opportunity for all residents to be meaningful involved in making choices that determine the future our community; and whereas the full benefits of planning requires public officials and citizens who understand, support and demand excellence in planning and plan implementation; and whereas the Village of Pleasant Prairie has been a local leader in efforts to promote high standards for planning and quality development; and whereas the month of October is designated as national community planning month throughout the United States of American and its territories; and whereas the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse national community planning month as an opportunity to highlight the contributions of sound planning and plan implementation to make the quality of our built community environment; and whereas the celebration of national community planning month gives us the opportunity to publically recognize the participation and dedication of the members of the plan and park commissions who have contributed their time and expertise to the improvement of the Village of Pleasant Prairie; and whereas we recognize the many valuable contributions made by the professional planners of the Village of Pleasant Prairie and extend our heartfelt thanks to the continued commitment to public services by these professionals.

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Now therefore be it resolved that the month of October 2007 is hereby designated as community planning month in the Village of Pleasant Prairie in conjunction with the celebration of national community planning month. For your consideration.

Mike Serpe:

Isn't that wonderful.

John Steinbrink:

Do we need a motion?

Mike Serpe:

Does this mean that Jean and her staff are going to be working a lot of overtime at no charge to the Village?

Mike Pollocoff:

No.

Steve Kumorkiewicz:

I wonder how many hours they spend.

Mike Serpe:

Where did this come from, Doyle?

Mike Pollocoff:

Yes.

Steve Kumorkiewicz:

Somebody spent money to come up with this.

John Steinbrink:

It's not part of the budget so we're able to act on it tonight.

Mike Serpe:

The nice thing about it is we probably have the best planning department in the State. That goes without a proclamation. That just goes because the evidence is in the Village.

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Mike Pollocoff:

That's right.

Steve Kumorkiewicz:

You can see it.

Mike Serpe:

But in respect to the Governor of the State of Wisconsin I would move approval of this proclamation.

Monica Yuhas:

Second.

John Steinbrink:

Motion and a second. It's always nice to know that we've always been first in the planning department and others that followed.

SERPE MOVED TO ADOPT A PROCLAMATION TO DECLARE OCTOBER COMMUNITY PLANNING MONTH; SECONDED BY YUHAS; MOTION CARRIED 5-0.

P. Consent Agenda

- 1) **Approve Letter of Credit Reduction for the Westfield Development.**
- 2) **Approve Letter of Credit Reduction for the Bain Station Crossing Subdivision.**
- 3) **Approve Letter of Credit Reduction for the Woodfield Estates Subdivision.**
- 4) **Approve the request of LakeView Technical Academy for one night camping at Prairie Springs Park.**
- 5) **Approve Halloween Trick or Treat Schedule - October 28, 2007 3 p.m. - 6 p.m.**
- 6) **Approve Bartender License Applications on file.**

KUMORKIEWCIZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-6 AS PRESENTED; SECONDED BY YUHAS; MOTION CARRIED 5-0.

John Steinbrink:

One thing to note is the Halloween trick or treat schedule is for October 28, 2007, 3 p.m. to 6 p.m. so same as the City.

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9. VILLAGE BOARD COMMENTS

Mike Serpe:

I have one. Ms. Pennington brought up some good points as far as conserving energy and I think pretty much a lot of people are looking at that today. Unfortunately probably not enough. But in some of the things that she mentioned I know that just in casual talk with Mike a couple of those things are being considered already that you're talking about. I won't get into those right now but they are being talked about and it's good that you bring those forward. But people are looking at that and we'll continue.

Steve Kumorkiewicz:

. . . Green Bay Road in Racine County you can see it right from the road on the right side.

John Steinbrink:

Other Board comments? I've been approached by several people, one gentleman in particular that would like to see wind turbines out on the lake. He feels that's a viable alternative to some of the coal power we use. I know Wisconsin Electric has been looking at this. They've done wind farms north of Milwaukee in the West Bend area. Nuclear is another one. It's a divided camp on that but there are many alternatives out there. If you go out east there's a lot of homeowners that are putting up small turbines in their backyards and providing for their own and whatever excess they supply back to the utility and they pay for it.

Mike Serpe:

I think in order for us to do something like that I think we'd have to change some zoning ordinances to allow for that to happen but it may be something to look forward to.

John Steinbrink:

These are in larger lot rural areas.

Mike Serpe:

A few years ago Wisconsin Energy came forward with the proposal to put two turbines behind the power plant and then they withdrew it. I can't remember why they withdrew it but I kind of wish they would have kept it in place. Maybe they'll come back with it someday. I don't know. But alternatives have to be found and hopefully we'll get our dependence on oil and coal reduced.

John Steinbrink:

I think that was in the fly ash site, wasn't it Mike, that they were looking to do that.

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Mike Pollocoff:

Right.

John Steinbrink:

And there was some neighborhood concern from residents in the area and we saw an environmental concern with doing that with wildlife.

Steve Kumorkiewicz:

(Inaudible) . . . by the same token in Mrs. Pennington's letter here it says the citizens are forbidden to sell back energy. I do believe they have a meter on the properties in which . . . that power goes back to the transmission line and the electric company is supposed to pay for that . . .

(Inaudible from audience)

John Steinbrink:

I'm going to move for adjournment and then the two of you can carry on a nice conversation.

Clyde Allen:

One more comment. I was waiting for somebody else to say it. But being October is planning I want to give a laurel to Jean and staff for being a step ahead of the State.

10. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 8:55 P.M.