

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
PLEASANT PRAIRIE SEWER UTILITY  
9915 39th Avenue  
Pleasant Prairie, WI  
February 21, 2011  
6:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, February 21, 2011. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz and Clyde Allen. Mike Serpe was excused. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Mike Spence, Village Engineer; and Jane Romanowski, Village Clerk. Four citizens attended the meeting

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - FEBRUARY 7, 2011**

Clyde Allen:

Move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Clyde, second by Steve. Any additions or corrections?

**ALLEN MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 7, 2011 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.**

- 5. CITIZEN COMMENTS**

Jane Romanowski:

The first speaker is Kit Hoover.

Kit Hoover:

Good evening everybody.

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John Steinbrink:

If you can just give us your name and address for the record.

Kit Hoover:

I'm Kit Hoover. I live at 6210 107<sup>th</sup> Street in Pleasant Prairie. I'm here to just share a couple thoughts, actually several thoughts on some safety and signage issues in our neighborhood. It was brought to my attention a couple weeks ago, I don't have it up on the screen, but I'm referring to the intersection of 59<sup>th</sup> Avenue and 104<sup>th</sup> Street. That's the entrance to our older neighborhood back in there. That corner is an active bus stop and I'm kind of bus stop dad. I've been there for about five years just watching the safety of the kids, getting my kids on and off and other kids, keeping an eye on the weather and so forth.

A new resident in our neighborhood recently approached me two weeks ago and asked if we could move the cars from where we were parking. It was not a convenient location. So we had a little friendly discussion, and then I approached him later that evening and kind of explained the situation. I will acknowledge that that is a dangerous intersection, no doubt about it. When you're coming in from the west it's almost a hidden turn as you turn south into 59<sup>th</sup> Avenue. Our dearest friends, our neighbors, had a roll over there because they were clipped by an eastbound vehicle last year. Two winters ago there was a death at that intersection. On an icy Sunday morning a resident struck a pole there. So no doubt that and other things make it a dangerous intersection.

So we want to talk about and I want to share my thoughts about safety for the kids and the residents there. It's also dark in the mornings for high school students who are waiting at that intersection. That particular intersection on the southeast corner, I believe that wetlands type lot is owned by the Village, there is somewhat of a parking area right there. You can get a couple cars in there unless there's snow. So the two people that park in that area is myself and our neighbor. I park on 59<sup>th</sup> Avenue when the snow is in the way and we can't squeeze in there.

Just a little bit about that corner that I've seen in the last five years as what I call bus stop dad, I watch for all the kids and all the cars in all directions. Some kids have to cross the street to get on. Some kids have to cross the street to get back into the neighborhood, so I'm watching opposing traffic, I'm watching traffic coming from the neighborhood. We have real good relationships with everybody in there, from a golf cart rides we give the kids sometimes from the bus stop all the way to their house just for fun. We wave at the neighbors. We visit with the neighbors at that bus stop. We greet the bus drivers. It's a very friendly neighborhood. We have a neighborhood watch community system in place there, and it's just a great place for families and kids to grow up.

We have kind of an old school value method of living over there, too. We talk to each other, common courtesy. When we're at the bus stop we put our flashers on. We park a couple, two to three car lengths back from the stop sign to let people get around us. So after all of this and five years of good neighborliness we have a new neighbor who brings a complaint to the Village.

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And that complaint was that the car is in his way. He has to go around and cut back into the stop sign. This is true. He does have to do this. He and everyone else in the neighborhood including Paula Jensen's monster trucks and her extended Suburban or my other neighbor who has a Suburban. And we're all friends, we wave and we smile and they go around us, and it's just what we need to do for the safety of the kids. So the complaint comes and the request for installation of a sign saying no parking in this area.

There's always going to be kids in this neighborhood. There's 47 houses. There will also be a need for parking in that area. I'm presenting a lot of information, experience and history of the neighborhood and that intersection, but from a single complaint we now have a sign request. That sign request has gone all the way to being posted with a stake a sprayed indicating that a sign will go in. So, we have buses that cannot come all the way into the neighborhood. It's a dead end. Our house is a half a mile from the bus stop. So we like to bring our kids to the bus stop for safety reasons, whether it's weather or their age. It's important for us to be at the intersection with our kids in a car.

My concerns are that maybe the Village doesn't have a sign installation procedure. If someone calls and complains that shouldn't be justification for a sign being installed. Maybe that isn't the method but that is the result. Someone has called and complained and a sign is going in. I think it would behoove the Village to address those requests and improve communication with the residents by making it known to all in that particular neighborhood or other neighborhoods with I'm sure similar sign challenges that here's the request, here's why, here's what we're thinking, what are your thoughts? If you want to come and share that with the Village, let's discuss it and see if it's appropriate to put a sign in there. I have agreed that it is a dangerous intersection. I'm not saying that a sign should or shouldn't go up. I'm asking that there be a procedure established so that people are notified of signs and why.

In conclusion I just offer a few suggestions. I don't want to come with complaints. I just want to come with discussion, ideas, thoughts and then some possible solutions. Here are my possible solutions. The Village owns the lot where we can sometimes park weather permitting, snow permitting. If the Village continues to allow us to park there perhaps they would consider this one option which is to widen that area to maybe accommodate three or four cars so that any cars could park in there. Right now there's only a few kids that take the bus that require parking of cars, but that could change with the demographics.

Number two, as I said, send out maybe letters or post some type of notification. Number three, develop sign installation procedures. And then the sign options themselves would be number four: caution, bus stop; caution, children; even on 104<sup>th</sup> perhaps a sign on the south side saying caution, blind turn ahead. Maybe a sign that says parking for bus stop only, or simply no parking or no stopping. I'm just here to, again, share my thoughts for safety and some signage procedures. I appreciate your time. Are there any questions that anybody has for me?

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John Steinbrink:

Unfortunately, this is citizens' comments and we're not allowed to act on this. If it was an item on the agenda we would be allowed to discuss it with you. I know we are aware of it and you offer some very good suggestions.

Kit Hoover:

Thanks for hearing me out tonight. Thank you.

John Steinbrink:

Thank you.

Dick Ginkowski:

Dick Ginkowski, 7022 51<sup>st</sup> Avenue. I felt I would be remiss, even though I realize I'm probably preaching to the choir in large measure, not to comment about something that the City Council will be talking about tonight, and that is to voice concerns about Senate Bill 11 pending now in the Legislature. That, of course, is the, for lack of a better word, the budget adjustment bill proposed by the Governor and the impact may have, which a large measure of it is unknown. We are hearing, of course, obviously about pension and healthcare contributions by State employees, eliminating for all practical purposes collective bargaining rights, but also we don't what the impact is going to be on the local municipal governments and school boards. In fact, for example, eliminating the collective bargaining process and the procedures that were in place are going to require procedures that are not spelled out and may require additional litigation and cost to establish that.

You have 50 some years of precedent which the proposal is to upset that in four days. So there's some deep concerns. And I think there's also a lot of misinformation floating around. And as a State employee I can tell you that many of us, and teachers as well, my wife's a teacher, are very insulted, demeaned by the level of debate that someone over the weekend called us a parasite and a leach on society. And I thought it was very interesting because I probably pay significantly more taxes than the person making that comment. But in real terms I think there's some information that needs to be put on the table, a lot of emotions and not a lot of straight facts.

One of the things as far as State employee pay and benefits in Wisconsin, these are collectively bargained, it's give and take. You've been through the process; you know what it's about on the local level. In Wisconsin State employees accepted and negotiated with the State, it's a mutual agreement, lower wages in exchange for paid benefits or mostly paid benefits. Now, a few years ago I had a chance to take a similar job in St. Paul. Minnesota State employees are paying what the governor is proposing. They are doing it. However, they negotiated a much higher base salary. The lower base salary actually is a benefit for the employer because they don't pay the higher share of employer taxes on that amount, plus they get the float on the money. So it's a win-win situation. So for people to think that there was a freeloading going on, that people weren't paying their fair share, yes, that fair share was paid because there was a reduced base pay.

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So that was built into that. And that truth needs to come out. Obviously, a lot of folks don't want to listen.

The second thing is on a personal level don't cry for me because I'm at the upper end of the food chain. Many of my co-workers, though, who are earning very poor salaries, and by the State's own admission, nonetheless this is a matter of food coming off of the table and wondering whether they can pay their bills. For me it's none of that. I took a \$6,000 hit on the furloughs. My annual hit on this will be about \$9,500. My wife as a teacher will take a hit when it comes in probably about at least \$4,000. Now, that's not going to come off of our table necessarily. But where that's going to come from is it's going to come from the tables at Chili's and at Olive Garden and at Famous Dave. We're going to say, you know what, we're not going to go out there because we're going to make that money up someone.

Andy Palmen, I sent him an e-mail and said guess what, Andy, this is the hit that we're taking. Now, this fall it's time for me to come in, usually I come in to buy my wife a new van. What do you think the chances are I'm going to come in and buy a new van for my wife? And what do you think the chances are, floor store, that that kitchen floor that was going to get replaced is going to get replaced? Or, the remodeling done in the kitchen and bathroom. That's where it's coming from. That money will not turn around in the community, and it won't go back to the taxpayers. People need to understand that. They need to put that into personal terms, not headlines, not sound bites, not emotional carryings on but how it manifests itself in the community.

Obviously, budget problems need to be solved. We all have to do it, adjustments have to be made. But I think anyone who is intelligent enough to figure out that, for example, the unions agreed to the concessions and the Governor won't budget because he says I want to end collective bargaining, period. So what we're dealing with is a situation in which it is a political drama far beyond the issue that it's purported to be. The City will go on record for what it's worth and probably, quite frankly, not a lot if it does choose to go on record concerning this matter. But I would feel remiss as a Village resident not commenting to the Village Board. I don't know if any resolution on the part here one way or the other would really have any input. I realize that Representative Steinbrink is certainly well aware of this as are many other people in the Legislature. But unfortunately the process has broken down.

My final comment is that is the thing that you should be scared about. It isn't the substance that's being proposed. It's the fact that the process has broken down. This is beyond normal partisan wrangling and going back and forth and the dog and pony show of how things are often done in the Legislature. We have had a situation where the process is being broken down. And, unfortunately, for the individuals involved it's middle class Wisconsin residents who have watched it break down. And they're aware of it. And I think that that's probably the real legacy and the thing we ought to be scared about in how our State government is being conducted down, is that the process of governance, once they get elected it's another thing to do the job. You all know that. The process has broken down and the legacy of that could be devastating for decades to come. Thank you very much.

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John Steinbrink:

Thank you, Mr. Ginkowski. You were quite accurate and I appreciate that. There's a lot more to be learned about this subject yet.

Jane Romanowski:

There are no more signups tonight, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizen's comments? Anyone else? Hearing none, we'll close citizens' comments.

## **6. ADMINISTRATOR'S REPORT**

Mike Pollocoff:

I have nothing tonight, Mr. President.

## **7. UNFINISHED BUSINESS**

- A. Receive Plan Commission recommendation and consider Ordinance #11-05 for a Zoning Map Amendment requested by Domenick Tirabassi, Jr. agent for Tirabassi Investments, LLP to rezone the properties generally located at the southwest corner of 39th Avenue and 85th Street from the R-5, Urban Single Family Residential District to the R-5 (AGO), Urban Single Family Residential District with a General Agricultural Overlay District.**

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioner is requesting to rezone generally the properties that are located at the southwest corner of 39<sup>th</sup> Avenue and 85<sup>th</sup> Street from the R-5, Urban Single Family Residential District, to the R-5 (AGO), which is an Urban Single Family with a General Agricultural Overlay District. The zoning map amendment is proposed in order to allow the properties to be used for agricultural purposes or the growing of crops. This was a matter that was before our Village Plan Commission back in December, and at that time they had made a recommendation to the Village Board which carried this item into January, and the Board referred it back to staff for further evaluation and discussion and then presentation for this evening's meeting.

Just a few more details. The current R-5, Urban Single Family zoning district designation on the properties does not currently allow for the properties to be used for agricultural purposes. The petitioner who planted crops this year on the property, which is in 2010, is requesting to put a General Agricultural Overlay on the properties in order to allow for farming to continue as a legal

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use. Once the land is identified as being farmed the property owner would then be entitled to have the assessed value of the land reduced by the Village assessor.

The property is currently—there's actually two properties out there, 92-4-122-141-0055. It's approximately 3.6 acres. It has not frontage on a public street. And the second property is Tax Parcel Number 92-4-122-141-0060 with approximately 8.2 acres with nearly 500 feet of frontage on 39<sup>th</sup> Avenue and more than 600 feet of frontage on 85<sup>th</sup> Street. One of the things that we had indicated to Mr. Tirabassi is that if this property is rezoned for agricultural purposes the properties would need to be combined in the first instance in order to meet the minimums of an agricultural district.

The other thing that I wanted to bring up is that if, in fact, that this property is modified for an agricultural purpose, then the Village's Comprehensive Plan would need to be amended or modified in order to have an agricultural designation. And then there were two other issues that were brought up at the Plan Commission and by a few residents that had contacted our staff, and that had to do with the agricultural use of the property. Some were concerned with respect to the potential or other type of ag animals of this particular property, and the hours of operation, that he was going to operate heavy equipment in order to take care of the farm on the property, and where the heavy equipment would be stored. And then finally with a band of trees that are currently located along the south side of 85<sup>th</sup> Street. Again, those band of trees would help to filter not only noise but dust from the agricultural operations.

So those were some of the things that were kind of on the table at that time, and the staff has re-evaluated this proposed. While the Plan Commission did not send a favorable recommendation to the Village Board, the staff in our discussions would like for the Village Board to possibly consider modifying the zoning on these particular properties from the current zoning of R-5 to the A-2 District which is a General Agricultural District. Basically, the parameters are the same as the AGO District. And I know this is not a matter for public hearing, but I would like to bring that up for the Board's discussion.

Monica Yuhas:

Mr. President, when Mr. Tirabassi was before us, he did indicate that he has in the last few years continued to use this for agricultural purposes. I'm sure many of us have received phone calls over the last week regarding residents who about this property that are in favor of keeping it agricultural. They don't have any concerns or issues with that happening. And weighing what Mr. Tirabassi is asking and weighing also with the residents, giving the AG zoning would solve that issue. It would allow Mr. Tirabassi to farm and do what he needs to do with that property, and I'm in support of changing the zoning if Mr. Tirabassi is willing to follow the conditions that are set forth.

John Steinbrink:

Sounds like an idea. Jean?

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Jean Werbie-Harris:

And if I could just add I did speak with Domenick regarding some of those concerns of the neighbors, and he suggested that he would comply with those types of conditions if it would keep the peace with his neighbors and he would volunteer those conditions I should say.

John Steinbrink:

See how easy farmers are to get along with. Would you care to make that into a motion.

Monica Yuhas:

Yes, I would. I make a motion to change the zoning map amendment ordinance 11-05 to A-2 with the conditions set forth in the staff memorandum.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica, second by Clyde. Further discussion on this item?

Monica Yuhas:

Jean, in your conversation with Mr. Tirabassi is he willing to satisfy these conditions by April 18, 2011?

Jean Werbie-Harris:

I guess if the Board would be willing to hear information from Domenick. He's in the audience and he could come up and respond. Again, the four things that we had talked about at the last Plan Commission meeting and that we're talking about this evening is if the property is rezoned from the R-5 to the A-2 District that, number one, you'd need to file an amendment to the Comprehensive Plan so that it reflects this land as being agricultural. Number two that you would submit some restrictive covenants that restrict the type of farm animals, if you would have farm animals on the property, that you would not be cutting down the trees along 39<sup>th</sup> Avenue and 85<sup>th</sup> Street, and that you'd operate your heavy farming equipment during the day basically between 7 in the morning and 10 at night, not during the 10 at night to 7 in the morning hours. And then a third had to do with where heavy equipment would be parked on the property so it's kind of out of view from the residential properties that surround you on most sides.

(Unintelligible)



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Jean Werbie-Harris:

And what Mr. Tirabassi just indicated for the record is that all that other heavy equipment on the property is gone from the site and the tanks. So these items would need to be brought forth to the Village no later than the 18<sup>th</sup> of April not only to satisfy the conditions but in order for him to have things ready for spring planting.

John Steinbrink:

Probably, I guess the thing we would ask that there be grain crops on there, hay, soy beans, corn, maybe stay away from the cabbage.

Domenick Tirabassi:

I've already told my neighbors no cabbage (unintelligible).

Jean Werbie-Harris:

Domenick, can you come up to the microphone because we're not picking it up.

John Steinbrink:

Just give us your name and address for the record.

Domenick Tirabassi:

Hi, Domenick Tirabassi. I'm the trustee or representative for Tirabassi Investments, LLP. My address is 8531 39<sup>th</sup> Avenue, Kenosha, Wisconsin. I just wanted to comment that I have no objection to the hours because we have hay and alfalfa in there now and for at least the next two years. It would be a five year crop. So we aren't going to be planting anything but hay for at least two more years. And then it would be either corn, soy beans, hay and alfalfa. Those are the three crops that we would plant. We have no objection to—the area is all cleared of construction equipment already. There's some farm equipment parked there. There was a tank there, a small fuel tank, that's gone. And we have no objection, especially while the hay is there, of starting prior to 7 a.m. because I think our Village President can attest you really can't start working on hay until after ten o'clock in the morning to be honest with you because of the dew.

So I just wanted to very quickly comment that I contacted 38 people of my neighbors. I was able to contact 26 of them. I never had one objection. In fact, most of them encouraged me and they asked who they could call. I gave them some names of the four supervisors, but I did not give the name of our Village President because I figured his wire must have been burning right off of his phone about that time. That's why you didn't get calls, Mr. President. That's it. Five of the people I left messages and asked them to please call me back if they had any objection. I never received any calls. Seven of the 38 I could reach. They were unlisted. But anything, like Jean's talking about, the trees, the tree line we would leave there of course. What else?

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Jean Werbie-Harris:

I also wanted to mention that according to our records you have already combined these properties as of January 5, 2011. So that's done.

Domenick Tirabassi:

Combined an registered already. I believe you signed it, too. Thank you very much.

John Steinbrink:

Alright, any questions for Mr. Tirabassi? Thank you.

Steve Kumorkiewicz:

One question for Jean. You said parcel -0055 no frontage to the road on a . . . street, but actually you have 85<sup>th</sup> Place over there is connected with the property, correct?

Jean Werbie-Harris:

Correct, that stub street, but it's required that you have several hundred, like 300 feet of frontage on a public street so that wouldn't qualify as a separate parcel. So for that reason Domenick combined the properties in January.

Steve Kumorkiewicz:

Okay, no problem with that. That's fine. Thank you.

John Steinbrink:

We have a motion by Monica, second by Clyde. Any further discussion yet on this item? Those in favor?

**YUHAS MOVED TO ADOPT ORDINANCE #11-05 FOR A ZONING MAP AMENDMENT REQUESTED BY DOMENICK TIRABASSI, JR. AGENT FOR TIRABASSI INVESTMENTS, LLP TO REZONE THE PROPERTIES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 39TH AVENUE AND 85TH STREET FROM THE R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT TO A-2 DISTRICT GENERAL AGRICULTURAL DISTRICT; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

- B. Receive Plan Commission recommendation and consider Ordinance #11-06 for a Zoning Map Amendment requested by Domenick Tirabassi, Jr. agent for Rosmann Excavating to rezone the portion of the properties generally located on the south side of 104th Street west of 22nd Avenue from the R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District to the R-4 (AGO), Urban Single Family Residential District with a General Agricultural Overlay District.**

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioner is requesting to rezone the properties generally located on the south side of 104<sup>th</sup> Street and west of 22<sup>nd</sup> Avenue to allow the properties to be used for agricultural purposes, the growing of crops. Specifically the areas are zoned R-4 (UHO), which is an Urban Single Family Residential District with an Urban Landholding Overlay District. What he is proposing is to rezone the properties to the R-4 (AGO) which is Residential with a General Agricultural Overlay District. There is some are of the property that is currently zoned C-1, Lowland Resource Conservancy District, and that land would remain at that designation.

This is a similar situation that came before the Village Plan Commission at their meeting in December. A public hearing was held. At that time the Plan Commission did recommend favorably that the rezoning take place for these properties. This matter also went to the Village Board, and it was postponed until this evening for the Village Board to consider the rezoning of this property as Ordinance #11-06. In this particular circumstance there are two Tax Parcel Numbers 92-4-122-251-0150, which is approximately 22.7 acres with more than 400 feet of frontage on 104<sup>th</sup> Street. And then a second parcel 92-4-122-251-0180. It has approximately 3.9 acres with no frontage on a public street.

Again, in order for this request to move forward the two properties would need to be combined in order to have the adequate frontage on a public street. And then a couple of other things, the combination form would need to be recorded at the Register of Deeds office. To my knowledge that has not happened on these properties yet. A couple of other issues that were raised by the Plan Commission that were concerns for the neighbors is that they did not want to see 22<sup>nd</sup> Avenue used as an access to these properties. Due to the heavy equipment and the nature of the size and the construction of 22<sup>nd</sup> they just didn't feel that that road would withstand that type of traffic and the mud and the debris that could mar up the road. So they were supporting this only with that road not being used as access.

The property owner would not be able to fill in any wetlands in order to conduct the farming activities. If he can farm the wetlands then he can try to do that. That's sometimes somewhat difficult. And the property owners would not be allowed to redirect any drainage patterns on the property to impact or cause drainage problems for abutting, adjacent or downstream properties. Again, with this particular request a modification may need to be made to the Comprehensive Plan if it's intended to be put back into an agricultural 2 designation for farming. The staff does recommend in this case to rezone this particular property from the R-4 (UHO) to the A-2, the Agricultural Zoning designation.

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Steve Kumorkiewicz:

We were all in the Planning Commission meeting and the explanation you went through. I make a motion to approve the zoning map amendment Ordinance 11-06.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica for approval of zoning map amendment to consider Ordinance 11-06. Further comment or question?

**KUMORKIEWICZ MOVED TO ADOPT ORDINANCE #11-06 FOR A ZONING MAP AMENDMENT REQUESTED BY DOMENICK TIRABASSI, JR. AGENT FOR ROSMANN EXCAVATING TO REZONE THE PORTION OF THE PROPERTIES GENERALLY LOCATED ON THE SOUTH SIDE OF 104TH STREET WEST OF 22ND AVENUE FROM THE R-4 (UHO), URBAN SINGLE FAMILY RESIDENTIAL DISTRICT WITH AN URBAN LANDHOLDING OVERLAY DISTRICT TO THE A-2 GENERAL AGRICULTURAL DISTRICT; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

**8. NEW BUSINESS**

- A. Receive Plan Commission recommendation and consider Ordinance #11-02 for a Zoning Map Amendment and Ordinance #11-03 for a Zoning Text for properties located at 8320, 8330, 8440, 8450, 8510, 8520, 8630, 8600, 8710 and 8717 82nd Street to rezone the properties by adding a Planned Unit Development Overlay District (PUD) on the properties and to create the specific PUD requirements for the existing Hidden Oak Apartment Development.**

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioners are requesting a zoning map and a zoning text amendment to add a planned unit development overlay district on the properties you just referenced from 8320 to 8717 82<sup>nd</sup> Street, and this is to create specific PUD requirements for the Hidden Oak Apartment development. The properties are currently zoned R-11, Multiple Family Residential District. The property as shown on the overhead consists of nine 36-unit apartment buildings with underground parking and a clubhouse facility. That clubhouse facility is located just north of 82<sup>nd</sup> Street.

As noted in the staff comments, this is a project that came before the Plan Commission and the Board in 1997, '98 and '99, and at that time there were various phases of the Hidden Oak project that moved forward with respect to buildings 1 through 5, buildings 6 through 9. And at that time there was a conditional use permit that was identified for this particular project as well. Well, in

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1999 basically the Village zoning ordinance was amended as it relates to multifamily units and the requirement for conditional use with site and operational plans as it pertained to size of buildings, the density of buildings, minimum parking spaces and how they had to operate. And while these things were all set forth in the zoning ordinance, this particular project was done, completed and occupied by that point. So what resulted is that this project turned into a legal but nonconforming development in the Village.

For refinancing reasons and for ownership reasons, the new property owners currently want to come back now and ask for a PUD, which is an overlay district, that mirrors exactly what the development was built as, as a legal conforming use. So specifically what they're requesting the PUD to state is that the density of the development shall not exceed 12.4 units per net acre; a total of nine apartment buildings with no more than 36 units per building would be allowed, and that would be allowed with a conditional use permit; the minimum number of off street parking spaces shall be 268 surface and 414 underground; that the develop would need to be operated and maintained in a uniform manner regardless of ownership. What I'm referring to here is that we don't want to see any one of these buildings painted or changed in any way. It needs to operate continuously and look like one unified residential development.

So what you have before you are the regulations as part of Ordinance 11-02 that talks about the specific PUD requirements. The Ordinance is 11-02 the rezoning and 11-03 is the PUD regulations that specifically mirror what has been out there. The staff and the Plan Commission recommend approval as presented.

Steve Kumorkiewicz:

I make a motion to approve Ordinance 11-02.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde for adoption of Ordinance #11-02. Further discussion on this item?

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #11-02 FOR A ZONING MAP AMENDMENT FOR PROPERTIES LOCATED AT 8320, 8330, 8440, 8450, 8510, 8520, 8630, 8600, 8710 AND 8717 82ND STREET TO REZONE THE PROPERTIES BY ADDING A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD) ON THE PROPERTIES AND TO CREATE THE SPECIFIC PUD REQUIREMENTS FOR THE EXISTING HIDDEN OAK APARTMENT DEVELOPMENT; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

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Monica Yuhas:

Motion to approve Ordinance 11-03.

Clyde Allen:

Second.

John Steinbrink:

Motion by Monica for approval of Ordinance #11-03, second by Clyde. Further discussion on this item?

**YUHAS MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #11-03 FOR A ZONING TEXT FOR PROPERTIES LOCATED AT 8320, 8330, 8440, 8450, 8510, 8520, 8630, 8600, 8710 AND 8717 82ND STREET TO REZONE THE PROPERTIES BY ADDING A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD) ON THE PROPERTIES AND TO CREATE THE SPECIFIC PUD REQUIREMENTS FOR THE EXISTING HIDDEN OAK APARTMENT DEVELOPMENT; SECONDED BY ALLEN; MOTION CARRIED 4-0.**

- B. Receive Plan Commission recommendation and consider Ordinance #11-04 for a Zoning Text Amendment for the property located at 7520 118th Avenue to amend the specific 118th Avenue and STH 50 PUD Ordinance related to the minimum setbacks for parking, driveways and maneuvering lanes for the existing Walgreens.**

Jean Werbie-Harris:

Mr. President and members of the Board, the petitioners are requesting a zoning text amendment to amend the specific 118<sup>th</sup> Avenue and State Trunk Highway 50 planned unit development ordinance, and this is related to the minimum setbacks for parking, driveways and maneuvering lanes for the existing Walgreens located at 7520 118<sup>th</sup> Avenue. Pursuant to the PUD being requested, the setbacks for parking, driveways and maneuvering lanes need to meet the following minimum setbacks: 20 feet from street property lines, 2 feet from the side property line, 8 feet from the south or rear property line and 2 feet from the wetlands.

In December of 2010 the owners of the property requested to have the Village evaluate an as built plat of survey that was completed for the Walgreens property. At that time once the survey was submitted to the Village it was realized that some of the setbacks, four of them in particular, did not meet the original PUD that was established for the property. Given that, we had contacted Walgreens again and indicated to them that in order for this to be a legal conforming structure they needed to either move the structure or amend the PUD. It seemed likely that amending the PUD would be the best recourse and so they petitioned for that. And the PUD you have before you is to amend Subsection d. vi. (1) (a) of the PUD as it relates to setbacks for parking spaces, driveways and maneuvering lanes.

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The paved parking areas as noted on the screen would be modified as such. The street setbacks instead of 20 feet would be 19 feet minimum. The side setback to the west property line would be .5 feet minimum instead of 2 feet. The rear setback to the south property line would be 7 feet minimum instead of 8, and the wetlands setback would be .5 feet as opposed to 2 feet.

The Plan Commission held a public hearing at their previous meeting on February 14<sup>th</sup> and they recommended approval of the modifications to the PUD as presented. Again, this is a situation where we had an existing PUD on the site, and when they built the structure they made some slight modifications or adjustments in the field, or the wetlands might have migrated over the last several years. And when they did their final analysis they found that the building in some cases was illegal, and with this PUD it creates a legal building once again as part of the PUD. The staff recommends approval as does the Plan Commission as presented.

Steve Kumorkiewicz:

Question. What I don't understand why a company like Walgreens doesn't comply with the local requirements regardless.

John Steinbrink:

I think if you were listening, Steve, Jean explained things do happen over time.

Steve Kumorkiewicz:

Yeah, but over time this is a big difference here we're talking about.

Jean Werbie-Harris:

Again, just to remind you, Steve, going to the west wetlands in wet conditions have a tendency to migrate. So they easily could have shifted or moved once we had a new wetland setback evaluation done. And so it's not unusual for those lines to be a little bit off or a little bit different when the actual building was constructed. With respect to the other two setbacks there might have been some modification. Again, there were some things under construction at the same time. There was work being done in 118<sup>th</sup> Avenue at that time. The situation is we do need to have something accurate today because, as you know, the State is moving forward with the widening of Highway 50. And so they needed to have an accurate survey on file and a legal structure to work with as they continued to acquire right of way.

Steve Kumorkiewicz:

My point is that they should have submitted previously. When they saw they had to do what they did they should have notified the Village and they didn't.

Jean Werbie-Harris:

Well, sometimes what happens—

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Steve Kumorkiewicz:

That's my concern.

Jean Werbie-Harris:

–is that as built surveys are not always completed upon the completion of a commercial project. The Village does not require an as built survey for the foundation of a commercial project. So as such they would not have known until they did a refinancing or someone needed a more accurate survey because of some land acquisition for a right of way dedication or acquisition.

Clyde Allen:

I'd like to make a motion to approve Ordinance 11-04.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Clyde, second by Monica for adoption of Ordinance 11-04. Further discussion on this item?

**ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #11-04 FOR A ZONING TEXT AMENDMENT FOR THE PROPERTY LOCATED AT 7520 118TH AVENUE TO AMEND THE SPECIFIC 118TH AVENUE AND STH 50 PUD ORDINANCE RELATED TO THE MINIMUM SETBACKS FOR PARKING, DRIVEWAYS AND MANEUVERING LANES FOR THE EXISTING WALGREENS; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

**C. Consider award of contract for a demolition project at the Springbrook Innovation Center located at 9115 26th Avenue.**

Mike Spence:

Mr. President and members of the Board, sealed bids were received for what we call Springbrook Innovation Center selective demolition project on February 10, 2010. They were publically opened and read aloud. This project is the demolition of the northern portion of the former Manutronics building, and this is part of an overall plan by the Village to demolish the north section of this building and then use this particular area to construct a swale to address flooding problems in the south Kenosha area.

Four bids were received on this project. The low bid was Native Construction and Landscaping in the amount of \$48,600. The engineer's estimate on this was \$68,000, so the bids were below the estimate. Also, it should be noted the money for this demolition will be reimbursed through a



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grant that the Village got last year from the Department of Commerce, the Community Block Grant program. So the bids are in line. Native Landscaping out of Kansasville, Wisconsin is pre-qualified and they met all the requirements in the bid. It's our recommendation that the contract for this demolition work be awarded to Native Construction and Landscaping.

Steve Kumorkiewicz:

Move to award the contract for the Springbrook Innovation Center to Native Construction and Landscaping.

Monica Yuhas:

Second.

John Steinbrink:

We have a motion by Steve, second by Monica. Clyde, you had a question?

Clyde Allen:

Mike, have we ever used these Native before? Being the disparity in the bids, I just want to—

Mike Spence:

Actually I anticipated that question. What I've been told, at least according to one of the other bidders is the reason why Native Construction was lower is they don't use union personnel.

Mike Pollocoff:

But they do meet the prevailing wage requirements.

Mike Spence:

Yes, I should mention there's a number of stipulations as a result of receiving the Block Grant, and as I said they have to meet Davis-Bacon and a number of prevailing wage rates.

Monica Yuhas:

And I can also state for the record that they have done some work with the City just a block away from where I work. They redid a parking lot and put in a garden, a water garden and different things, and the work was done on time talking to people in administration.

John Steinbrink:

Looking at the list here on the thing, remove and salvage glass partitions. What exactly is that?

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Mike Spence:

Actually that was an original item that we had in the project. We did send out an addendum. There's a number of partitions in that old building. Originally we were going to salvage them and reuse them. But in the process of putting the contract documents together, we made the decision that it would probably be, from discussions with contractors, it would be more expensive to try to salvage and reuse them than it would be to basically take them down and dispose of them. Plus, the proposed layout—that was the other thing, too, the proposed layout of the offices on the remaining building didn't quite fit that. So, again, in addition to having to save them and salvage them and then try to retrofit them we decided it was probably going to end up costing more. So those partitions will not be salvaged.

John Steinbrink:

And they will be doing none of the drainage work that's going to take place after the addition is gone then?

Mike Spence:

No.

Monica Yuhas:

Mike, when do you anticipate this tentatively starting?

Mike Spence:

Pending the Board's action tonight we would award the contract tomorrow. We've got the contracts all ready to give them. And then when they get their bonding and that we're anticipating starting probably by the middle of March. I think the whole project on the most conservative would be done by May 1<sup>st</sup> or the end of April.

Monica Yuhas:

It's exciting to see it actually coming into fruition now. And I know the residents will be excited to start seeing some physical aspects changing out there.

Mike Spence:

We had to get some temporary easements for construction equipment and so forth, and the residents have been very, very cooperative.

John Steinbrink:

We have a motion and a second. Further discussion?

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**KUMORKIEWICZ MOVED TO AWARD A CONTRACT FOR A DEMOLITION PROJECT AT THE SPRINGBROOK INNOVATION CENTER LOCATED AT 9115 26TH AVENUE TO NATIVE CONSTRUCTION AND LANDSCAPING IN THE AMOUNT OF \$48,600; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

- D. Consider the request of Kenosha Velosport to conduct spring training races on March 13, 20 and 27, 2011 in LakeView Corporate Park.**

Mike Pollocoff:

Mr. President, this is a race that's been conducted previously I think in the last two years by this group. The public works director has dealt with the people and reviewed with them, and he's recommending that we accept their request to close the streets and conduct the races on this weekend. It's no Sunday March 13<sup>th</sup>, 20<sup>th</sup> and 27<sup>th</sup>.

Steve Kumorkiewicz:

I make a motion to approve the request

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion?

**KUMORKIEWICZ MOVED TO GRANT THE REQUEST OF KENOSHA VELOSORT TO CONDUCT SPRING TRAINING RACES ON MARCH 13, 20 AND 27, 2011 IN LAKEVIEW CORPORATE PARK; SECONDED BY YUHAS; MOTION CARRIED 4-0.**

- E. Consider Ordinance #11-01 to amend Chapter 242 of the Municipal Code relating to LakeView RecPlex fees.**

Carol Willke:

Mr. President and members of the Board, what you have before you is an amendment to change some of our programming fees at the RecPlex and also the membership fees. This went before the Rec Commission on February 8<sup>th</sup> and was approved with a six to one vote. And now we are looking to the Board for a recommendation also. Some of the factors leading up to our rate increase, the utility bills are increasing by 12.5 percent across the area, and for the RecPlex that means about \$100,000 annually. So that's going to be included into our budget for this year. Our corporate memberships have been growing which is great except for they are our least expensive memberships. So anybody that comes into the RecPlex really tries to find a way to become a corporate member, and then they are entitled to those lowest rates.

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The last increase that the RecPlex had for membership was January 1, 2008. So for three and a half years during this tough time for all of our members we've really tried to keep all of our costs down and keep our membership rates as low as possible. We also feel it's necessary if we want to continue offering the kind of services that we offer and the excellent programming that we've been able to provide up to this point. The new rate will let us maintain our financial sustainability over the next few years, and it actually keeps us relatively competitively priced for our closest competitors. I really hate to compare us to the Y because we offer so much more than what the Kenosha YMCA offers. But if you look at a single membership or a couple membership currently we are actually cheaper than the Y, and it isn't until you get to a family of four that we start becoming a little bit more expensive. We're more expensive by \$16 on an annual basis for a family of four.

We can go through these really quick. Primary memberships for residential will increase 3 percent. Nonresidential will increase 6 percent and corporate 10 percent. This also includes a \$30 annual increase for secondary adults, a \$10 increase for the first and second youth. And then after two children the price is actually going to be reduced and it will be \$70 per additional child rather than \$100.

Mike Pollocoff:

Those are annual numbers.

Carol Willke:

These are all annual. So the primary adult is going to see an increase of \$1.90 a month. So pretty minimal in the big picture of what they actually are afforded at the RecPlex. The rate increase would be effective March 1<sup>st</sup> for new members because we have a membership drive starting with our Kids Expo which is in the middle of March. And then for existing members we would implement the increase May 1<sup>st</sup>. That's the majority of the increase. Some of the other smaller programs that are in your packet are for fitness. We have a couple of new fitness programs with small group training, and then some birthday party rentals are also increase incrementally. If anybody has any questions I'd be happy to answer them for you.

Steve Kumorkiewicz:

My opinion is after three and a half years a small increase is better than waiting two years and find out we have to do it and it's going to be twice as much. Because this happens with rates like everything else. We have to catch up. The harder to catch up . . . with that I make a recommendation to approve modification of Chapter 242 of the Municipal Code for the RecPlex.

Monica Yuhas:

I'll second.

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John Steinbrink:

Motion by Steve, second by Monica. Clyde, you had a question?

Clyde Allen:

Not a question, a comment if I may, Mr. President. I want to explain the Rec Commission's six to one vote. I was the one that was opposed to it. But before I get into that I want to say I appreciate all the efforts in budgeting. I know how hard it is. I know how difficult it is to balance a budget, what has to go into it and I appreciate all the scenarios they presented to us in how to get where we had to go. The only part in there I objected to, and I was the lone vote that voted against it, everything in there is fine and I had no problem with it. The only thing I wanted to do was not show an increase for the primary or the senior primary memberships. The cost wasn't that great where I thought we could find a way to be creative and get money out of it, other projects, other program fees to cover this. But I just didn't think it was time right now to have an increase for the primary and the senior primary members' fees. Thank you.

John Steinbrink:

We have a motion and a second. Further discussion? It should be noted again this is a self-supporting facility and no taxpayer dollars. My hat goes off to the staff and especially Tom Patrizzi for the way that place looks out there. When we traveled around the country and looked at them whether they were a nice arena or a pool or anything else, the first thing we noticed was that the places didn't look very good or they weren't kept up. The membership dropped, people complained, things weren't good. That's never been the case with the RecPlex. It almost always looks better than the day it opened. Pass it on to your staff that you guys do a great job out there. When you have that volume of people moving through there that's not an easy task. We saw places with dirty walls and bad paint and holes. That's just not the case out there. It makes you proud every time they go in there, and I think it reflects on the quality of the members and the way they take care of the facility, too.

Clyde Allen:

I'm sorry one more. If I can bring up that recently I had a running dialogue with a member of the community that lives in Kenosha and the City of Kenosha, and they were misinformed and didn't understand the difference and the disparity in rates between resident of Pleasant Prairie and a nonresident who lives in the City. It's just \$2 a month and they didn't realize that because we had overwhelming comments from them. What made me think of this is because of kudos to Tom and his staff to make it look so nice. They thought it was a first class facility and they said they just couldn't afford it. So there's a mirage out there that people think it's still a big disparity between nonresidents and residents. And we do need to work to get rid of that notion to the people out there. But I understand and kudos to the crew out there. To be able to offer that is wonderful. Thank you.

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John Steinbrink:

And this year we even offered the snow cavern trail experience which was something new and people enjoyed. We have a motion and a second.

**KUMORKIEWICZ MOVED TO ADOPT ORDINANCE #11-01 TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO LAKEVIEW RECPLEX FEES; SECONDED BY YUHAS; MOTION CARRIED 3-1 WITH ALLEN DISSENTING.**

**9. VILLAGE BOARD COMMENTS – None.**

**10. ADJOURNMENT**

**YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 7 P.M.**