

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
PLEASANT PRAIRIE SEWER UTILITY  
9915 - 39th Avenue  
Pleasant Prairie, WI  
August 20, 2018  
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Monday, August 20, 2018. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Dave Klimisch, Mike Pollocoff and Mike Serpe. Also present were Nathan Thiel, Village Administrator; Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Kathy Goessl, Finance Director; David Smetana, Chief of Police; Craig Roepke, Chief of Fire & Rescue; Matt Fineour, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, Human Resources Director; Craig Anderson, Recreation Director; and Jane Snell, Village Clerk. One (1) citizens attended the meeting.

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. RECOGNITION**

**A. Commendations for Fire and Rescue Department Personnel.**

Chief Roepke:

Mr. President and members of the Board good evening. United Hospital is now Froedtert. Froedtert South traditionally has basically recognized agencies across the county for successful resuscitations where the patient has actually walked out of the hospital. And tonight we have two such recognitions, one from September of '17 that unfortunately got overlooked. We're correcting that now. And another one from June of this year. So from Froedtert South we have Terri Harold who is the Director of both emergency departments. We have Jeff Flash who is the EMS liaison. You also know Jeff Flasch from a newly Police and Fire Commission members. We also have Chris Ventura from Froedtert South staff. We also have Dr. Ben Feinzimer here tonight who is our Kenosha County Medical Director. He's also the Medical Director for the TEMS or the Tactical EMS which pairs up with the Kenosha County Swat Team. And he manages the medical direction for both the county and that TEMS team as well. So without any further ado, Terri, Dr. Feinzimer.

Ben Feinzimer:

Good evening, Mr. President, and Board members. Thank you for the opportunity to speak and share two positive and notable incidents involving men and women of the Pleasant Prairie Fire and EMS Service. Citizens of this community depend on the rescue personnel to deliver life threatening treatment in times of highest danger and most peril. Those citizens should be quite

Village Board Minutes  
August 20, 2018

reassured that their EMTs and paramedics are amongst the most capable not only in this region but across the state and country. I certainly don't want to sound hyperbolic, but I can say having now worked in several communities and witnessing other pre-hospital medical services, that the members of the Pleasant Prairie EMS system are without question the most advanced, most efficient and have the highest and soundest judgment. They're simply at the top of the chain when it comes to field-based medicine.

Two of their patients were fortunate enough to be in this Village when they suffered cardiac arrest. On September 10, 2017, a 67 year old male called 9-1-1 because of chest pain. A history of heart attacks made it simple for him to know something was not right. Although awake on arrival, the Prairie ambulance crew witnessed the patient stop breathing and lose their pulse. Quick recognition resulted in several defibrillations or shocks, CPR and medication administration. He was transferred to Froedtert South and ultimately to home after a successful hospital stay. For this fella, his family and friends there are more happy days, weeks, months and year ahead. Had it not been for his paramedics he would have lost those changes.

On behalf of the Kenosha County EMS system and Froedtert South we comment the following personnel. The commendation describes in this case Lieutenant Adam Craig of Pleasant Prairie Fire and Rescue responded with a crew to a report of a cardiac arrest on September 10, 2017. And whereas on arrival the crew utilized the utmost in skill and judgment in a timely and decisive manner to intervene on behalf of the patient. And whereas the result of the crew's efforts was a successful resuscitation. Froedtert South Hospital System hereby commends Lieutenant Paramedic Adam Craig for his excellence in the performance of his duties. Lieutenant Mike Passafaro. Firemedic Alan Cloherty. Firemedic Zack Keller. And Firemedic Andrew Strouf.

Our second event was more recent. On June 6, 2018, Pleasant Prairie dispatch was contacted to help Gary Stone, a 78 year old gentleman who was unresponsive. 9-1-1 operators assisted family in rendering care while emergency equipment and personnel were dispatched. Once again swift recognition prompted defibrillation. Unique to this call, and in large part thanks to the support of this Board, the crew was able to deploy the new LUCAS device. This automated chest compressor computerizes CPR and frees up the ambulance crew to initiate other life saving measures. It is safer for the patient and for the rescue personnel and just plains works. Gary was saved thanks to the care of the Prairie Fire Department personnel, and I understand has been the fire house since to graciously extend his appreciation. Gary is also in attendance this evening so thank you for coming.

For that and for all the other work they do the following individuals deserve commendation. Gary, why don't you come up with us? Assistant Chief Dave Wilkinson. Lieutenant Joe Olszewski. Firemedic Dean Holloway. Firemedic Joy Mathein. Firemedic Parker Jones. And Firemedic Ron Weavel. Gary asked if he could have a few words, and I think certainly he is entitled.

Gary Stone:

I'm here tonight to thank these gentleman for their fast action and for the job that they're called to do by God. I honestly believe that we all have a gift, and we should give it publically to each and

Village Board Minutes  
August 20, 2018

every one of our neighbors and our friends and our family and all those around. I thank God for all of them. And it's not very often that an individual has an occurrence to run into these fine people. But you go about your daily lives and never think of anything happening to you. But when it does speed counts. And these fine people have rescued me and given me another chance at telling everybody how great they really are. And I praise them and I thank them. And I've watched them on TV how they do and what the firefighters do, and all of our public servants do not get enough recognition. And with my whole heart I love these guys and these ladies that put their lives on the line and really want to get us to the hospital as fast as they can. They want to save lives. And I think live is well worth saving. And I think we ought to prove it by doing it by actions for our neighbors and our friends and our neighborhood. Thank you.

John Steinbrink:

Congratulations to all the firefighters. Great job. The taxpayers are definitely getting their money's worth here. And it's good that we're giving recognition and the public gets to see the benefit of having such a trained and qualified group of individuals working for them.

**5. MINUTES OF MEETING - AUGUST 6, 2018.**

Mike Pollocoff:

I'll move approval.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second for approval of the minutes of the meeting of August 6, 2018. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**POLLOCOFF MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD REGULAR MEETING OF AUGUST 6, 2018 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

**6. PUBLIC HEARING**

**A. Consideration Resolution #18-27 for the discontinuance of a portion of 110th Street east of 116th Avenue south.**

Jean Werbie-Harris:

We're experiencing a little technical difficulty right now.

John Steinbrink:

We will pause for a moment.

Jane Snell:

Mr. President, there were no public signups this evening.

Jean Werbie-Harris:

We're doing the public hearing first. I just needed the slides if we could get them up. I don't know how to get them up. I can explain. So the public hearing this evening is to consider Resolution 18-27 for the discontinuance of a portion of 110th Street east of 116th Avenue south. And this is just to the east of Premium Outlets.

On July 2, 2018, the Village Board had adopted Resolution 18-23, and this was to initiate the discontinuance of a portion of 110th Street east of 116th Avenue south of Parcels 19 and 20 of CSM 1699 within the LakeView West area of the LakeView Corporate Park. And this is pursuant to Section 66.1003 of the Wisconsin Statutes. A portion of 110th Street right of way is proposed to be vacated and shown as legally described in the attached request and as shown on the screen, that area that's in the bluish purple color. The request was requested because the initial dedication was part of CSM 1699, and they're looking to vacate this land. And it will go to the property owner to the north. All of the abutting and adjacent property owners received notification. And, in fact, they were a party to signing the application for the request.

Although this right of way was dedicated, roadway improvements were not constructed and are not intended or required to be installed for future development. The land to the north and the south do not require this roadway. And the land to the east has an access via a single gravel driveway that's located outside of the 110th Street right of way. However, an easement for the future expansion of public sanitary sewer will need to be dedicated to the Village on the western 20 feet of the right of way being dedicated so that we can get a force man south in 116th Avenue to the Stateline 94 development to the south.

Upon vacation of this portion of the 110th Street right of way, again, it will be transferred and attached to Parcels 19 and 20 of CSM 1699. It's identified as tax parcel numbers 92-4-122-0302-0161 and -302-0162. This is land that's owned by Breeze Terrace, LLC for a future development we're going to be talking about this evening. It's a multifamily development. The Board is

Village Board Minutes  
August 20, 2018

holding the required public hearing this evening at the request of the petition. On July 18th all required property owners were notified via regular mail. And the required Class 3 notice was published in the *Kenosha News* on July 30th, August 6th and August 13, 2018 to notify them of the public hearing that's being held by the Village Board this evening. So with that I would like to continue the public hearing.

John Steinbrink:

This being a public hearing I will open it up to public comment or question. Do we have a signup list?

Jane Snell:

Mr. President, there are no signups this evening.

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.

Michael Serpe:

Just a question. Were there any responses from the mailings that were sent out to the abutting property owners?

Jean Werbie-Harris:

No, there weren't. And, in fact, the petitioner, Fran Brzezinski, actually went to each of the abutting landowners and asked them to send or submit letters of support for that vacation. So we have not received anything in the negative for this vacation.

Michael Serpe:

Move approval of Resolution 18-27.

Dave Klimisch:

Second.

John Steinbrink:

Motion and a second for adoption of Resolution 18-27.

Dave Klimisch:

Jean, will that road get turned over or what will it look like after it's done?

Village Board Minutes  
August 20, 2018

Jean Werbie-Harris:

So actually the road is right of way on paper so there's no road that was constructed, no sewer, no water, no gravel, nothing. And so what will happen is it will be attached or made part of the Breeze Terrace Development to the north. So in that particular area I think we've got some landscaping and trees and that's about it. And a little bit of wetland I think.

John Steinbrink:

Further comment or question? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**SERPE MOVED TO APPROVE RESOLUTION #18-27 FOR THE DISCONTINUANCE OF A PORTION OF 110TH STREET EAST OF 116TH AVENUE SOUTH; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.**

**7. CITIZEN COMMENTS**

Jane Snell:

Mr. President, we do have one signup this evening, William Vollmer.

John Steinbrink:

And we're going to ask you please give us your name and address for the record.

William Vollmer:

Sure, my name is William Vollmer, Bill Vollmer, and I'm at 9946 Cooper Road in Pleasant Prairie. And I'm here this evening just to approach the Board. I appreciate the chance to comment. I'm here representing the Village Green Heights Homeowner's Association. I'm the volunteer treasurer, lucky me. And we have run across an issue that we'd like to work with the Village to try to resolve. We have certain covenants and bylaws, and one of is not parking commercial vehicles or trailers on your property which has not been an issue. But what's happening now is we have a couple residents that have started to work around that, and they've moved their vehicles just onto the street in front of their house which is not really in the spirit of the covenant and bylaw that everybody has agreed to abide by when they purchased the property. So unfortunately I'm the one that's reduced to emailing our poor Chief of Police over here and

Village Board Minutes  
August 20, 2018

saying can you help us move a vehicle or get a trailer moved and whatnot which I don't think is productive for either party.

So I'm here just to ask if there's a way to work with the Village to try to craft an ordinance or work some way that in the boundaries of an HOA if there's a way to harmonize perhaps an ordinance understanding that any HOA can come along with crazy stuff. But I work with attorneys every day at work, and I'm sure that there's a way to craft something that we could potentially work together so that it's not a game of cat and mouse or a shell game of on the property, off the property, move it up the street for a couple of hours or a couple of days. And we're the ones that take the phone calls from all the neighbors saying, hey, they're not abiding and whatnot. So just the first ask. I don't know how to start or where to start. But if there's a way or someone the Village can point me to to start to have a conversation and see what's possible we'd really appreciate it.

Mike Pollocoff:

I'm sorry, you said it was RV trailers?

William Vollmer:

Right now there's a box trailer, there's a small trailer with no license plate on it that gets moved around all the time. We've been dealing with it since May. We've obviously reviewed the parking ordinances and, quite frankly, it's within the Village ordinance the way it's crafted right now. So they're not breaking any laws as long as they move it within 48 hours, and that's exactly what's happening.

Nathan Thiel:

It's definitely something that we can look into. The staff member that you'd probably be working most closely with would be Jean Werbie-Harris, our Community Development Director. And so we'll just get your contact information and we'll evaluate what we can do.

William Vollmer:

Thanks very much. I appreciate the time.

John Steinbrink:

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

**8. ADMINISTRATOR'S REPORT**

Nathan Thiel:

Mr. President and members of the Board, I thought that you would all be interested in the recent promotion that the League has presented regarding the dark store loopholes. They recently created a video, and so I was hopeful to be able to present that to you this evening. As you'll recall we recently participated in supporting this campaign. And this is one of the products of our support. If you'll just wait while we get it set up.

[Video Shown]

Nathan Thiel:

So I thought that would be worthwhile present to you all tonight. I know that we're well aware of this issue, and it's been discussed quite extensively at our Board meetings. But I wanted to at least inform the Board and also let them know that we've posted this on our social media pages and hope that we can continue to spread the word and assist this campaign to make sure that all Wisconsin residents are informed and understand the implications of these loopholes?

Michael Serpe:

We've put this on our Pleasant Prairie channel 25? Can we do that?

Nathan Thiel:

We could.

Michael Serpe:

We did?

Nathan Thiel:

I'll check.

Michael Serpe:

Okay, good.

Mike Pollocoff:

Good presentation. I'm not sure what the number is, but the Village taxpayers -- we've already lost some cases to an extent. So it's already happened where the residential taxpayers and small businesses have already assumed part of that shift in tax rolls, and it's just beginning. I think that's the key thing to realize is that it's just beginning. And the people who are monetarily



Village Board Minutes  
August 20, 2018

convincing legislative leaders to leave this thing as is and not act on it they're not done with us. They'll keep going until they've achieved 100 percent of this shift that they want to shift to residential taxpayers. It's a pretty simple process. You find key people in the caucus on either party, I'm not singling out one, and you financially motivate them to keep that subject alive. And that's how this thing has been kind of going along for a good six, seven years.

And it's really reached a peak now where in some of these communities it's really having an impact. And Pleasant Prairie's ultimate impact is 17 percent, it's not eight percent. So that would be a significant increase on anybody else who can't take advantage of this loophole. Unless we decided to classify all the homes as dark stores and give everybody the same rate and raise the mill rate and the taxes would be the same. But I think the money we've spent to have the League put this together is money well spent. I think for a lot of people it makes it a lot more understandable.

Michael Serpe:

It's just unfortunate that we have to spend our money to fight the people that are supposed to represent us in taking care of stuff like this. And my gut feeling, Mike, is if the election stays with the same people in power after November that are in power today I don't think anything's going to change. And I hope they come to a realization that they have to address this and I hope they do. But I just have this gut feeling that big money is going to tell them you leave it alone. And I hope that doesn't happen, but I think there's enough evidence in Madison that's happening on a regular basis.

Mike Pollocoff:

I agree.

John Steinbrink:

Our representatives told us that they need to study the issue. The issue is very plain when you see it in black and white and the presentation the League has done. I know the League has a couple more coming out for social media. And they're good and they explain it. But this one probably explains it the best. And, once again, our representatives keep telling us they want to study it but they're for it. And as I've said before it's easy to be for it if you don't have to take a vote. And right now we don't need any of them in Madison, we just have to convince one person, Robyn Vos to bring this forward. So if you want to save money just elect Robin Vos and they'll take care of everything for you. One paycheck, one person, that's it.

Nathan Thiel:

So one thing just to share, though, is that share this video. That's a part of the campaign is to make sure that the word gets out. Comment on it. Feel free to like the video. The more we can spread the word I think the more opportunities there will be for individuals to contact their representatives including Robin Vos.

Village Board Minutes  
August 20, 2018

John Steinbrink:

Further comment or question? Thank you, Nathan.

**9. NEW BUSINESS**

**A. Consider and approve the Development Agreement between the Village of Pleasant Prairie and Riverview Group, LLC as it relates to Stateline 94 Corporate Park.**

Nathan Thiel:

So before you this evening is a developer's agreement between the Village of Pleasant Prairie and Riverview Group, LLC for the Stateline 94 Corporate Park. This property is owned by Riverview Group, LLC. The developer is officially Venture One. It comprises of approximately 308 acres. It's zoned M-5, Production Manufacturing District. One hundred percent of the developable property is in TID 7 and will be used for industrial and commercial use. And the general location if you were to look at the map is basically between 110th which we just primarily vacated this evening to 122nd Street to the south and east of the I-94 East Frontage Road.

As I had indicated, the JRB approved TID 7 on May 15th of 2018 this year. The proposed project is a three phase project of approximately five buildings. The TID type is an industrial developer pay go TID. So all costs will be paid for by the developer, and the Village will issue developer revenue bonds that will provide for payments to the developer to the extent that tax increment collections are available and the Village Board appropriates the funds.

So you can see that there's a conceptual plan. These are the five buildings. There's Building E which is the first phase. The second phase would be Building D and C, and the third phase is Building A and B. Now, mind you that this is a conceptual plan. And so it is subject to the change, the configurations. Also, one thing to note is that within the developer's agreement we gave quite a bit of flexibility so that they could begin with any single phase and go from Phase 1 to Phase 2 or start with Phase 3 to Phase 1. And so that will be kind of contingent on the developer's ability to secure individuals or tenants, industrial uses. The proposed project costs total over the three phase period about \$20 million. You can see those breakdowns. So Phase 1 is roughly \$10 million, Phase 2 is \$3.6 million, and Phase 3 is \$6.3 million.

Noting that Phase 1 if they're to do the project at the south it would require them to extend significant infrastructure, sewer and water, all the way from the north to the south of the property. So improvements that are included are road improvements to 120th Avenue or the East Frontage Road, 122nd Street which includes some additional turn lanes for acceleration and deceleration, 116th Avenue which is an extension southward and a cul-de-sac off of 120th Street and 116th Street. Sanitary sewer improvements they will install a permanent sanitary lift station as well as a sanitary force main with some extended gravity flow sanitary sewer.

Water improvements they'll be installing a 16 inch water line along the East Frontage Road and along 122nd Street, and a 12 inch water line along 116th Avenue, and fire hydrants will be included as well. There will also be stormwater improvements, grading, detention ponds. And

Village Board Minutes  
August 20, 2018

there will also be street trees and street lighting. The next few slides kind of show the phasing, and I realize that it's small. But in case there are any questions I figured it would be prudent to have them available. With that I know the developer is in the audience. If there are any questions we'd welcome them to the stand.

Michael Serpe:

Jeff, the same question I've asked for the last couple years, any interest coming to this park yet?

Mark Goode:

My name is Mark Goode. I'm a principal with Venture One Real Estate. I've been working on this for a few years. We have it in the market with our brokers. [Inaudible] been sending out responses to people that are inquiring in southeast Wisconsin. Until we have this plan approved it's very difficult for us to respond to anybody. But we're hopeful that next spring we'll be breaking ground. We've had inquiries, but we can't finalize without having this in place. So appreciate the question. We're hopeful that we'll do something next spring. Thank you.

Mike Pollocoff:

Before you go, in your contracts for purchase or in your covenants are you putting in a restriction on utilization of the Walgreen's or dark store loophole on businesses that locate there?

Mark Goode:

It is industrial so we don't have -- I don't know what dark space relates to industrial. That would be more in retail, wouldn't it?

Mike Pollocoff:

Well, industrial the State is the one that actually does the assessing on it, and they've been implementing as they've been valuing industrial properties. And if you have a leased property which the last time I visited with you you were looking at leases, there's been people looking at applying that Walgreen's decision to commercial leased space or any kind of leased space. Either way it doesn't affect the Village because you're going to be holding notes. But we'd like to see you be able to succeed and retire the TID sooner than later. You have the ability to as the developer --

Mark Goode:

[Inaudible] retire it as fast as we can. So if there's some facility that allows us to do that that works with you and the State we're happy to do it. I'm not as familiar with that clause. But our goal because we're putting up the money is to get the bonds paid back as soon as possible and as quickly as possible and be aggressive to chase transactions and deal.

Village Board Minutes  
August 20, 2018

Mike Pollocoff:

We might be able to supply you some language because that is one area where currently in a new development the municipality can regulate the dark store because of a TID district. But in the sense this is a developer TIF district you'd have to be the one to enforce it on the property.

Mark Goode:

We're happy to do that. I mean what you're saying is that if it goes dark that the taxes continue to be paid and --

Mike Pollocoff:

No, no, no. If they try to assess the value, if they try to lower the value of the building and say we'll compare this to a dark store.

Mark Goode:

In our leases we would say that they would not have the ability to lower the taxes. That's the way we would do that. I do that in all my projects. I didn't know what you called that, I'm sorry. We have TIFs and other incentive programs in almost all of our properties. And we put into our leases that they don't have the ability to protest taxes and then lower taxes because we're putting in the equity and the money into the infrastructure.

Nathan Thiel:

Mike, I'd have to go back to the developer's agreement, but I know that this topic has come up in the past. And I was pretty sure that we covered this issue within the developer's agreement. But I can go back and verify, too, as well.

Mark Goode:

We're in agreement with that. We don't have an issue with that. I didn't know what it was called. We call it something different in our leases, but I think it's in there, and I'm comfortable we would be enforcing that.

Mike Pollocoff:

Thank you.

John Steinbrink:

Any other questions?

Village Board Minutes  
August 20, 2018

Nathan Thiel:

My only other comment would just be that I know staff worked significantly with the developer on this agreement. And I believe that we've come to a good resolution. And even with the issue this evening that you brought up, Mike, I think that there would be consideration for that language, but I'm pretty sure it's covered.

Mark Goode:

I am also, thank you.

Michael Serpe:

I make a motion to approve the development agreement with the understanding to make sure that that dark store verbiage is in the agreement.

Kris Keckler:

Second.

John Steinbrink:

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

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**SERPE MOVED TO APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND RIVERVIEW GROUP, LLC AS IT RELATES TO STATELINE 94 CORPORATE PARK WITH THE UNDERSTANDING TO MAKE SURE THAT THE DARK STORE VERBIAGE IS IN THE AGREEMENT; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

John Steinbrink:

Jean, do you want B, C and D taken together?

Jean Werbie-Harris:

Yes, please.

Village Board Minutes  
August 20, 2018

John Steinbrink:

Motion to take Items B, C and D together?

Dave Klimisch:

So moved.

Mike Pollocoff:

Second.

John Steinbrink:

Motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**KLIMISCH MOVED TO CONSIDER NEW BUSINESS ITEMS B, C, AND D TOGETHER; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

- B. Receive Plan Commission recommendation and consider Ordinance #18-35 for Comprehensive Plan Amendments as it relates to proposed Breeze Terrace Apartments generally located south of Corporate Drive and east of 116th Avenue.**
- C. Receive Plan Commission recommendation and consider Ordinances #18-36 and #18-37 for a Zoning Map and Zoning Text Amendments as it relates to Breeze Terrace Apartments generally located south of Corporate Drive and east of 116th Avenue.**
- D. Receive Plan Commission recommendation and consider Certified Survey Map, Memorandum of Understanding, Digital Security Imaging System Agreement and DSIS Access Easement for the proposed Breeze Terrace Apartments generally located south of Corporate Drive and east of 116th Avenue.**

John Steinbrink:

Jean, you're going to cover them all, and we'll take separate action on all of them.

Village Board Minutes  
August 20, 2018

Jean Werbie-Harris:

Yes, please. And the Comprehensive Plan modification will require a roll call vote. So all three of the requests this evening, actually four requests, are at the request of Fran Brzezinski on behalf of Interstate Partners II, WI LLC which is also Breeze Terrace, LLC, and this is for the Breeze Terrace apartment development. They are proposing three 33-unit buildings and six 19-unit buildings or a total of 213 apartments. The three requests that they have include a Comprehensive Plan amendment which is Ordinance 18-35, a Zoning Map and Text amendment which are 18-36 and 18-37, and a Certified Survey Map and a Memorandum of Understanding.

There were some previous approvals that have been granted by the Village Plan Commission and the Village Board and final actions with ordinances. They include neighborhood plan amendments that were approved by the Village Board on May 7, 2018. And this was to actually lay out and design how the neighborhood in this area could work. There were two alternatives that were approved by the Board, one that included their property as well as some vacant land to the north that could be residential. And then the second alternative was their property plus land to the north that could be commercial.

A Conceptual Plan for the Breeze Terrace apartments was also approved conditionally by the Village Board on May 7, 2018. And, again, this development is on 16.75 acres. It does not include the land that you just vacated this evening, so that will be added to that. And, again, it showed us where the apartment buildings would be located, where the clubhouse would be, where the primary environmental corridor would be preserved, where floodplains and wetlands would be preserved on this site, and did a general layout conceptually how the site would be serviced by municipal sewer and municipal water.

This evening the Village Board considered the vacation of the right of way which is immediately to the south of this development, again, the 110th Street right of way. Since the land was dedicated for right of way by the original property owners, WisPark, LLC in the 1990s, that land is going back to this particular development.

The environmental features we had talked about on the property as part of the Plan Commission and the Board meeting include a significant stand of woodlands that are in a primary environmental corridor, 100 year floodplain, and then there were three or four pocketed or isolated wetlands that were on the site all of which are intended to be preserved and protected as shown on the slide.

There was a tree survey that was completed. Again, there was some concern about how far that the development could encroach into the wooded area. Those areas that are identified with the red are the areas where trees are going to be removed, some isolated areas for the stormwater basin which is at the southeast corner of the site, and then that very southwestern corner of the wooded area at the northeastern corner of the site, those trees will be removed. And the rest of the trees on the site are intended to be preserved and protected.

Village Board Minutes  
August 20, 2018

A Certified Survey Map was presented by the developer that combines the properties. It dedicates easements, it dedicates additional right of way for 116th Avenue. And it also specifies specific restrictive covenants for the development. And that is also on the agenda tonight.

The public and private improvements, the development is going to be serviced by municipal sanitary sewer, water that are in 116th Avenue and will be extended into the site as private sewer and water. There will also be private storm sewer and private onsite stormwater retention facility, again, at that southeast corner that's going to service the site.

An MOU, a Memorandum of Understanding, is going to be executed by the developer that outlines the timing of the public improvements. Again, things like the sidewalk, street lights, some of the things that we talked about that were going to be required, and street trees, as part of this development with an anticipated roundabout reconstruction in this area, we are looking to defer some of those public improvements until such time as the roundabout work is completed. And then some of those improvements will go in at that time.

As I mentioned there's a roundabout that has been proposed at the intersection of Corporate Drive, 120th Avenue and 108th Street just to the north of this development. The cost associated with a new lift station that is going to be utilized to service this development in this area will be a part of the TID 5 improvement costs. The owner and the developer will be responsible for their fair share of the costs for the required roundabout improvements. And at this time the estimated cost for the roadway improvements is about \$177,000.

The residential development plan that was presented to the Plan Commission and as part of our PUD is very detailed with respect to the building, building plans, parking lots, buildings, signage, lighting, trees, all the details of the site. There's also a deed restriction that was discussed by the Plan Commission that extends into the adjacent property. And that is so that there can be at least a 300 foot separation between where anyone is shooting or hunting and the closest building which is his eastern-most building on this particular site.

As part of this discussion there's an agricultural fence or a wildlife fence or deer fence that is being proposed in the primary environmental corridor area that will help define that area as well as prohibit any hunters or those that are coming from the east side of this property from coming into the development because of the fencing.

These are the generalized elevations. There have been a few tweaks to these elevations, but these are the ones that we've been showing since the very beginning. There have been a few minor adjustments. As you can see in the very lower left hand corner there's some patio areas that are actually above the underground parking. They are going to leave those as patios. There's going to be landscaping and fencing around those patios. At this time they're not sure if they're going to make some interconnections from the units to the patios, but there will be a gate so that they'll be accessible.

Dave Klimisch:

Jean, what are the Xs on those three buildings?



Village Board Minutes  
August 20, 2018

Jean Werbie-Harris:

I think that that's just to identify where those three buildings are. Also, those are the three 33-unit buildings, so I think that that was my staff's way of identifying that those are the three 33s, and those are the ones with the patios, and those are the ones with underground parking.

So as shown on this slide these are the 19-unit buildings. And I think we just wanted to identify for you that the three 33s are kind of separated so they're not all the same buildings. So these are the 19-unit buildings, 6 two-bedroom units, 13 one-bedroom units, there are 19 attached garages, and five garages are attached to the building but don't have direct access to the unit.

There's a clubhouse that's being built at the entrance. So just after you come off of 116th Avenue and you're going through a gated entrance the clubhouse will be immediately on the left or the north side. And this is for marketing purposes, and it's actually also going to be their clubhouse for entertaining or gatherings and things like that. There's no pool associate with their clubhouse. There's an exterior patio but not a pool.

The ordinance amendment as you can see identifies the rezoning boundaries that we are showing. All of the areas that are identified as multifamily they'll be zoned multifamily. If there's wetlands or floodplains or environmental features they will be zoned either the C-1 for wetlands, C-2 for woodlands, FPO for floodplain, but the other areas will be zoned multifamily. And that's part of the text amendment request and the zoning map amendment request this evening which is part of 18-36 and 18-37.

So the Breeze Terrace PUD, which is 18-37, there's a number of dimensional variations and modifications to the ordinance that are being granted for this development to occur here. And those have been actually discussed before the Plan Commission and the Board in the past. But now the ordinance is official here for you. Residential net density to 21.1 units per acre, to allow ten buildings on the property, to increase the number of apartment units in the building, to increase the building height to 38 feet for the larger 33-unit buildings, to reduce the setback to 40 feet, to allow that ag field fence or deer fence around the wooded area to the east, to reduce the number of required parking spaces. Our ordinance does not count the spaces behind the garage. And in this case we are counting those spaces as well in order for him to have enough parking spaces. So there will be garage spaces parking behind that as well as parking spaces adjacent and around the perimeter on the site.

Additional PUD requirements and community benefits, the site is going to be entirely fenced and gated. A minimum of one parking space will be provided in an enclosed garage attached to the building. A minimum of 20 feet between buildings or a greater distance as required by the code. The 19-unit buildings will have a roof pitch of 5:12. The windows on the west side of apartment Buildings A and D that we had talked about will be sound proofed. And basically they're using thicker double pane windows to mitigate adjacent commercial noises from those units. All of the units will be offered at market rents.

Village Board Minutes  
August 20, 2018

A couple other community benefits, all apartment buildings will be fully sprinklered regardless of state requirements. And the attics will be sprinklered with the NFPR 13R system. The landscaping and exterior turf shall be irrigated as identified on the plans. The onsite system for security will be according to the DSIS system that's been submitted to the Village. And that system will have to be installed prior to occupancy.

And the pet free apartment units in certain entire buildings will be provided and identified. For example, Buildings A, B, D and E will be pet free. A maximum number of one pet per unit except within the pet free units. The maximum weight for the pet not to exceed 40 pounds at full growth maturity. And breeds will also be restricted so no bullmastiff, pit bull, German shepherd, rottweiler or wolf/dog hybrids.

With respect to the land use map amendment as part of the Comprehensive Plan, again, we have to designate those areas that are in the primary environment corridor under the open space designation. The field delineated wetlands are in a designation, and the 100-year floodplain are in a certain designation along with the other isolated wetlands. The multifamily area is put into that high density residential land use designation.

So this was before the Plan Commission and the Board several times with different steps. This evening they are requesting three separate approvals. The first is 18-35 which is an ordinance for Comprehensive Plan amendments as it related to Breeze Terrace. The second is Ordinance 18-36 and Ordinance 18-37 which are the Zoning Map and Text amendments. And then finally the Certified Survey Map, the Memorandum of Understanding, and actually the DSIS which is part of that package which has been reviewed by the Plan Commission. The petitioner is in the audience if you have any additional questions.

John Steinbrink:

Any questions for the petitioner?

Kris Keckler:

In Building I in the lower right corner that's one of the 33-unit, the ones with underground parking that's adjacent to the stormwater pond, what's the approximate distance from the actual water area to where the building is going to be, the foundation is going to be at? Does it just look closer on the picture, or is there --

Jean Werbie-Harris:

I don't know without looking at the plans what the actual distance is. But I don't know if you can tell but there's like a gray line.

Kris Keckler:

Yeah, I see that line.

Village Board Minutes  
August 20, 2018

Jean Werbie-Harris:

That's a retaining wall. And it's a significant retaining wall to make sure that there isn't a structural separation due to the grade change between where the pond is and that building.

Kris Keckler:

That was my other question, then how big of a slope change in variance to the water level?

Jean Werbie-Harris:

It's pretty significant.

Kris Keckler:

A fence then on top of it? Okay.

Nathan Thiel:

Correct, there's a fence there.

Kris Keckler:

Just worried about the 40 pound dogs.

John Steinbrink:

Other comment or question?

Dave Klimisch:

I know it's been a long process and the staff have worked hard and there's been lots of details and other logistics to work out. So kudos to the staff and to the developer working together to get these things figured out.

John Steinbrink:

During the Planning Commission a comment was made the people really like the garages because it gives them extra storage space. For those that are going to use their garages for storage space, does that create a problem with the number of parking spaces outside the structure?

Jean Werbie-Harris:

The developer assured us that there was adequate parking. We told him that there could be no parking on 116th Avenue. So that will be something he will need to enforce if it starts to become a problem with respect to certain tenants. He will need to find out -- I don't know what their

Village Board Minutes  
August 20, 2018

procedure is, if they have parking passes. They do not to my knowledge have parking numbers or assigned so you have to park in the same spot on the south side of the building. Of course, if you have your unit in the spot behind it that's one thing. But the parking that's behind the buildings I don't think that there is assigned parking at that location.

John Steinbrink:

Is there usually enough parking for tenants and guests, is that what's taken into consideration?

Jean Werbie-Harris:

It has been taken into consideration. And we've identified that for him that there are no public streets that can be parked on. So all tenants and guests need to be parked inside. And, again, if it starts to become a problem or an issue then he will have to modify his policy with his tenants so they have to use their garages for parking, not stuff.

John Steinbrink:

Come Black Friday everybody is going to want to park in there.

Jean Werbie-Harris:

That's why they have a gated entrance.

Mike Pollocoff:

Are all documents and plans in and reviewed?

Jean Werbie-Harris:

We have reviewed everything. I talked to Matt Fineour yesterday or this morning, and he said basically there's just minor tweaks that they have to make to the plans. I have some final documents that I need to get executed with him, and we have some just final tweaks. But for the most part, yes, we are ready to go and we have set the precon. They've actually made this [inaudible] for building permit which we would like to get those reviewed prior to our precon next week.

Dave Klimisch:

With the gated entrance the tenants will have a remote control of some sort that will slide the gate open? Is there a gate that opens and closes?

Jean Werbie-Harris:

So maybe Fran could come up and address that. I mean I can, but we talked about some different options.

Village Board Minutes  
August 20, 2018

Fran Brzezinski:

I don't hear as well as I used to, but I think about the gated entrance --

John Steinbrink:

Give us our name and address for the record because the poor lady transcribing this has no clue who --

Fran Brzezinski:

I understand. Fran Brzezinski, N16 W23217 Stoneridge Drive, Waukesha. Gated entry, there's two entries. One is an emergency fire entry at the request of the Fire Chief, and that will be gated with a padlock on it. So that is a secondary entry only for emergency. The other area, the main entry is gated with an armed gate. So it's fenced all the way around with an armed gate.

Dave Klimisch:

So on a sensor, or how does it open and close?

Fran Brzezinski:

Well, it will open -- coming out it will just open by sensing. But coming in, no, we'll have to have something like you would a garage door opener or something like that. As Jean explained the entry is actually to the east of the clubhouse, so the clubhouse is on the outside of it.

Dave Klimisch:

And if the police officer is responding how would they get in?

Fran Brzezinski:

On the emergency gate they'll have the same thing. There will be a Knox box at each entry with either a remote to open it, or on the gated area to the south there will be a Knox box with a key to open it. And we're doing that at the Chief's request for what he wants.

Jean Werbie-Harris:

Are you asking about the police department how are they going to get in?

Dave Klimisch:

Yeah, for emergency services how they get in.

Village Board Minutes  
August 20, 2018

Fran Brzezinski:

There will be a Knox box. There's a Knox box there, and that was at the request of the Village so that in an emergency whether its police or fire can come in, they'll have the code and they'll be able to enter it that way. Jean, I think that's your understanding as well, right?

Jean Werbie-Harris:

Yeah, but I don't think the PD can get into the Knox box. I think that's only by the fire department, right, through the engine? Or can they get in or if they could get some type of --

Fran Brzezinski:

I mean we're okay with the police. The fire department has it, we're not --

Jean Werbie-Harris:

If there's like at the RecPlex, if it's a swipe card like that maybe that's something that's provided to the police department.

Fran Brzezinski:

Whatever the police and fire department want we'll give them.

Jean Werbie-Harris:

Whether it's a keypad. I mean I think we have the design and I think it could go either way. I think we could do the keypad or the swipe.

Fran Brzezinski:

I think you're right.

Dave Klimisch:

Whatever is quicker?

John Steinbrink:

Chief, you want to come up and just tell us what you prefer, or is there no choice on this? The PD chief. The fire department has a ladder. They just put the ladder over the gate and get in.

Chief Smetana:

I think what would work best for us is either a code or a passkey. The problem with anything we have to carry if it stays in the vehicle it's going to cause a delay. If we have to go to a Knox box

Village Board Minutes  
August 20, 2018

that's really going to cause a delay. Those are really meant for larger events that we can get somebody to grab a key while we're holding a perimeter on a building. So if it's an everyday call for service it would be much easier for us to either have a combination code to access that property, or second choice would be a card. Or to have some contact with whoever called, a buzzer box like you would at an apartment building, buzz the box and say let us in. Those are three options.

Dave Klimisch:

Is that something that the tenants can do? If somebody is visiting can they buzz someone in?

Fran Brzezinski:

The call and the buzzer is not a problem during regular hours. But, no, that probably potentially is an issue at 10:30 at night. I mean we'll have a manager, we'll have numbers, a phone number, but I don't know that manager will always be there. But whatever the chiefs want we're fine.

Michael Serpe:

Fran, the technology is out there now for an app that can control that gate from every tenant. And if it was given to the police department when that address comes up they could also access that as well.

Fran Brzezinski:

You're right, Mike, the technology is out there. But we haven't honed in on a technology yet. We're not totally sold on the cloud app technology for this thing yet. We're actually sorting it out. And like our last meeting with Chief Roepke we figured it out with him, we'll figure it out for the PD.

Michael Serpe:

Figure out something because if somebody is calling for a squad --

Fran Brzezinski:

We want to be there fast when they come, too, so we're all together on that.

Dave Klimisch:

And besides EMS services, if somebody is just visiting a friend do they get buzzed in from the apartment, or does the tenant have to come down and swipe them in somehow?

Village Board Minutes  
August 20, 2018

Fran Brzezinski:

They probably will have to come down. I mean somebody will have to come down. I mean during the day it's a different issue. Day hours it's different. But at night, yeah, they're going to have to arrange something with the resident, yeah.

Dave Klimisch:

It's open during the day?

Fran Brzezinski:

No, it's not open during the day, but we have onsite people there during the day to accommodate?

Dave Klimisch:

Okay.

John Steinbrink:

Somebody needs to verify somehow.

Nathan Thiel:

Staff will work with Fran. I know in other just when I was coming to the area I was in an apartment-type situation, and it was a similar scenario where if I had somebody visit I had to go actually down and open up the gate. I don't think this is a circumstance or -- it's not unheard of. But I'm sure that Fran as he manages this hill he'll think of ways to provide better service or more efficiency to his tenants.

John Steinbrink:

Is this something new to your complexes or is this something you do at all?

Fran Brzezinski:

Typically a project like this would not have it fully gated and fenced. I mean you look at all the other projects even in Pleasant Prairie you don't have gated, fenced kind of situations. So this is sort of unique in that regard. So usually it's more -- it's a little bit unique, and we're muscling our way through it if you will. What you talk about is probably the biggest logistical issue we have not so much with police and fire but mostly for residents and visitors.



Village Board Minutes  
August 20, 2018

Nathan Thiel:

Within a commercial area where this is being located it makes sense to have it gated. I just referred to an apartment facility here in Kenosha County that also is kind of in a similar make as far as uses and was gated. And, again, it worked.

John Steinbrink:

Okay.

Dave Klimisch:

I move approval of Ordinance 18-35 for the Comprehensive Plan amendment.

Michael Serpe:

Second.

John Steinbrink:

We have a motion and a second. Is there further discussion? A roll call vote has been requested.

Jane Snell:

Kris Keckler?

Kris Keckler:

Aye.

Dave Klimisch:

Aye.

John Steinbrink:

Aye.

Mike Pollocoff:

Aye.

Michael Serpe:

Aye.

Village Board Minutes  
August 20, 2018

**KLIMISCH MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #18-35 FOR COMPREHENSIVE PLAN AMENDMENTS AS IT RELATES TO PROPOSED BREEZE TERRACE APARTMENTS GENERALLY LOCATED SOUTH OF CORPORATE DRIVE AND EAST OF 116TH AVENUE; SECONDED BY SERPE; ROLL CALL VOTE – KECKER – YES; KLIMISCH – YES; STEINBRINK – YES; POLLOCOFF – YES; SERPE – YES; MOTION CARRIED 5-0.**

Kris Keckler:

Move approval of Ordinance 18-36.

Mike Pollocoff:

Second.

Kris Keckler:

Do you want those together or separate?

Jean Werbie-Harris:

It doesn't matter.

John Steinbrink:

Motion and a second on Ordinance 18-36. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**KECKLER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCES #18-36 FOR A ZONING MAP AND ZONING TEXT AMENDMENTS AS IT RELATES TO BREEZE TERRACE APARTMENTS GENERALLY LOCATED SOUTH OF CORPORATE DRIVE AND EAST OF 116TH AVENUE; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

Dave Klimisch:

Move approval of 18-37.

Village Board Minutes  
August 20, 2018

Michael Serpe:

Second.

John Steinbrink:

We have a motion and a second on Ordinance 18-37. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**KECKLER MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND ADOPT ORDINANCES #18-37 FOR A ZONING MAP AND  
ZONING TEXT AMENDMENTS AS IT RELATES TO BREEZE TERRACE APARTMENTS  
GENERALLY LOCATED SOUTH OF CORPORATE DRIVE AND EAST OF 116TH AVENUE;  
SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

Michael Serpe:

Move approval of the Certified Survey Map and the DSIS system.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second on Item D. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

Village Board Minutes  
August 20, 2018

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND APPROVE CERTIFIED SURVEY MAP, MEMORANDUM OF  
UNDERSTANDING, DIGITAL SECURITY IMAGING SYSTEM AGREEMENT AND DSIS  
ACCESS EASEMENT FOR THE PROPOSED BREEZE TERRACE APARTMENTS  
GENERALLY LOCATED SOUTH OF CORPORATE DRIVE AND EAST OF 116TH AVENUE;  
SECONDED BY KECKLER; MOTION CARRIED 5-0.**

John Steinbrink:

Thank you, Fran.

Fran Brzezinski:

Thank you.

- E. Receive Plan Commission recommendation and consider for approval Resolution #18-28 a Final Condominium Plat, Development Agreement and Related Exhibits relating to property located north of Main Street at 47th Avenue for the second phase of The Cottages at Village Green.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is the request of Mark Eberle who is the engineer for Nielson Madsen and Barber as well as Doug Stanich who is the developer and owner. And this is for Resolution 18-38, and this is for the Final Condominium Plat, Development Agreement and related exhibits. And this is for The Cottages at Village Green. It's the Phase 2 which includes 41 condominium units and 29 single condominium units, which is 29 single units and six 2-unit buildings.

The Conceptual Plan for some background and previous approvals, the Conceptual Plan for the Cottages at Village Green Heights was conditionally approved by the Board on April 3, 2017. At that time 72 condominium units were approved, 38 single units and 17 2-unit buildings. The Preliminary Condominium Plat was conditionally approved by the Village Board on June 5, 2017. And at that time it was divided up into two phase, Phase 1 which is on the south end of the development, and Phase 2 which is on the north end of the development. Phase 1, again, is really abutting Main Street. And Phase 2 is that area north of Main Street on either side of 98th Street.

The final condominium for Phase 1 was approved on August 21, 2017. At that time there were nine single-unit buildings and 11 two-unit buildings approved with an expansion area to the north. And that project is well under way, under construction with respect to the new units. The public improvements have been completed. And so they're at a point where because of the number of reservations and the number of units that people are desiring that they wanted to move quickly with the final plat for Phase 2. So this evening the Final Condominium Plat for Phase 2 is being considered with 41 condominium units. The final plat is in order.

Village Board Minutes  
August 20, 2018

Just as with the previous phase they're considering four different ranch models ranging in size from 1,460 to 1,830 square feet, and two story Cape Cod style units ranging from 1,900 to 2,200 square feet. The housing units will provide for either two or three bedrooms with first floor masters, two or two and a half baths, full basements, two car garages and covered porches. It's still anticipated that the units will range from \$270,000 to \$370,000 each. They do have models open at this time for viewing.

Municipal improvements, municipal sanitary sewer and water have been extended to service the initial Phase 1 condominium units. And Phase 2 will also include that extension of sewer and water within 98th Street, water in a portion of 46th Court to service the remainder of the development. That original stormwater basin at the southeast corner of the site is intended to service this entire development, both Phase 1 and Phase 2.

Construction access to the development area is intended to be 47th Avenue north into the development as was originally proposed as part of the Conceptual Plan. The building of the condo units with respect to their construction activity that will come north as well on 47th Avenue. All of the local roadways within the Village Green Heights development will be avoided, not used with heavy construction equipment.

Again, this is a matter for a resolution for a final consideration of the Final Condominium Plat for Phase 2. The documents are in order. We have to make copies and things like that and get all the signatures and things like that, but we are ready to continue to move forward. And we're working with their bank credit union to finalize the documents for them to close everything up. Their contractor is very anxious to get moving on their second phase to continue the work to try to get everything done this fall. That's their plan. If not the second final lifts might carry over until next spring depending on weather. The staff recommends approval as presented conditionally upon the staff memo.

Michael Serpe:

John, I'd move approval of Resolution 18-28.

Kris Keckler:

Second.

John Steinbrink:

We have a motion and a second for approval of 18-28. Further discussion?

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND APPROVE RESOLUTION #18-28 A FINAL CONDOMINIUM  
PLAT, DEVELOPMENT AGREEMENT AND RELATED EXHIBITS RELATING TO  
PROPERTY LOCATED NORTH OF MAIN STREET AT 47TH AVENUE FOR THE SECOND  
PHASE OF THE COTTAGES AT VILLAGE GREEN; SECONDED BY KECKLER; MOTION  
CARRIED 5-0.**

Village Board Minutes  
August 20, 2018

Dave Klimisch:

Is anybody moving in yet?

Jean Werbie-Harris:

I'm sorry?

Dave Klimisch:

Are there any people moving in yet, any units all finished?

Jean Werbie-Harris:

I think we just have the model. One has moved in. I don't know how many units are completed. You want to come up for just a minute, Doug? Are both models open right now?

Doug Stanich:

Not quite complete but close. Doug Stanich, 3116 86th Street, Unit 101. Right now I think we have about 12 that are in one phase or another under construction. And we're about to -- actually we're starting excavating another duplex, and we've got about two or three others right behind it. So it's moving very well. We took three more reservations over the weekend.

Michael Serpe:

How many reservations in total, Doug?

Doug Stanich:

We're in the mid 30s, a little over half way through.

Michael Serpe:

Good, good.

Dave Klimisch:

There's 41 in the first phase?

Doug Stanich:

Thirty one in the first, 41 in the second.

Village Board Minutes  
August 20, 2018

John Steinbrink:

Thank you, Doug. We had a motion and a second. No further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

- F. Receive Plan Commission recommendation and consider for approval Ordinance #18-38 a Zoning Text Amendment to amend Chapter 420 as it relates to Rocket Wash/Merlin Muffler/Martino's Dry Cleaning PUD.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is a Zoning Text Amendment, Ordinance 18-38. And this is the request to amend or modify Chapter 420, Attachment 3, Appendix C. This is the specific development for the Rocket Wash/Merlin Muffler/Martino's Dry Cleaning. This has to do with their PUD. On July 11, 2018 the Plan Commission conditionally approved their site and operational plans and their Conditional Use Permit for their properties located at 8531 and 8601 75th Street. Specifically the gasoline facility building, canopy, fueling stations, underground tanks that's all been removed. And so they're under construction with the new Rocket Wash facility. That western tenant, Merlin Muffler that is still in place and is continuing to operate. On June 18th the Board approved their Zoning Text Amendment which was 18-31 to create a PUD for that development.

But at this time as they continue to evaluate their signage on the site some of their signage did not look like it was sized appropriately. It looked a little small based on the size of the site and the distance from Highway 50. And so they've asked to increase the total square footage of their signage with this PUD amendment from 150 square feet to 205 square feet. The staff does not see any objection to this, and this will allow for the installation actually of three wall signs on the three different sides. So we think that that will benefit this particular development, one on the west, one on the east and one on the north. And then we also were correcting a couple of typos in the PUD. But the staff at the Plan Commission meeting recommended approval of the Zoning Text Amendment Ordinance 18-38 as presented and are requesting the Village Board to do the same.

Michael Serpe:

Move approval of 18-38.

Village Board Minutes  
August 20, 2018

Dave Klimisch:

Second.

John Steinbrink:

We have a motion and a second for 18-38. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND ADOPT ORDINANCE #18-38 A ZONING TEXT AMENDMENT  
TO AMEND CHAPTER 420 AS IT RELATES TO ROCKET WASH/MERLIN  
MUFFLER/MARTINO'S DRY CLEANING PUD; SECONDED BY KLIMISCH; MOTION  
CARRIED 5-0.**

- G. Receive Plan Commission recommendation and consider a time extension of an approval of the DOT Memorandum of Understanding regarding Main Street Market Development.**

Nathan Thiel:

Basically we have the memorandum. We've been working with the developer. There was one minor clarification that they were seeking from DOT. Otherwise it's ready to go. But we'll basically postpone it until the next meeting. But by that time we should be ready to move forward on this MOU.

Jean Werbie-Harris:

So our next meeting won't be until September 17th. So with the development agreement we need to grant an extension until at least that night for the Board to approve their MOU.

Nathan Thiel:

No, we need action to extend the deadline to the 17th because the deadline is -- Jean, do you remember the exact, it was a 90 day --



Village Board Minutes  
August 20, 2018

Jean Werbie-Harris:

Ninety days so it would have been sometime within this week. So we just want to extend the time frame pursuant to the development agreement to give ourselves a little bit more time because we need to get some additional answers from the DOT.

Dave Klimisch:

And that 17th will be enough or do we need another day or two?

Jean Werbie-Harris:

That's the next Board meeting.

Nathan Thiel:

And it's a month away. That should be plenty of time.

Jean Werbie-Harris:

Right. So maybe we extend it to the next day so we can get signatures, until September 18th.

Mike Pollocoff:

I don't know if we can really act on that.

Dave Klimisch:

Recommend granting a time extension to September 18th for the Memorandum of Understanding of the DOT.

Mike Pollocoff:

It looks like we weren't able to get this thing [inaudible].

[Inaudible]

Nathan Thiel:

There's no content to present. It's on the agenda as Item G.

Jean Werbie-Harris:

So we're just asking for an extension of time.

Village Board Minutes  
August 20, 2018

John Steinbrink:

And your motion again was?

Dave Klimisch:

The motion was to grant the time extension until September 18th --

Mike Pollocoff:

I'll second that.

Dave Klimisch:

-- regarding the Memorandum of Understanding with the DOT.

John Steinbrink:

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

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**KLIMISCH MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVED A TIME EXTENSION OF AN APPROVAL OF THE DOT MEMORANDUM OF UNDERSTANDING REGARDING MAIN STREET MARKET DEVELOPMENT TO SEPTEMBER 18, 2018; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

**H. Receive Plan Commission recommendation and consider a time extension of an approval of the Gateway at LakeView Corporate Park Declaration of Development Standards and Protective Covenants.**

Nathan Thiel:

So this is a similar situation. They had 45 days within their developer's agreement to bring declarations to the Board for approval. The Village staff have provided our comments back to WisPark, LLC, and we're basically waiting for them to provide the declarations. So we're being a little bit benevolent by extending the time frame. But it is necessary in order to make sure that this developer's agreement proceeds forward in proper order. It would be the same, we'd be looking for the 17th, the next Board meeting, so the 18th.

Village Board Minutes  
August 20, 2018

Michael Serpe:

I move to grant the extension to September 18th.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second for granting the extension. Further comment or question? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A TIME EXTENSION OF AN APPROVAL OF THE GATEWAY AT LAKEVIEW CORPORATE PARK DECLARATION OF DEVELOPMENT STANDARDS AND PROTECTIVE COVENANTS TO SEPTEMBER 18, 2018; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

**I. Consider and approve Ordinance #18-34 amending Chapter 355 of the Municipal Code as it relates to Well Regulation Program.**

John Steinbrink, Jr.:

Mr. President and members of the Board, this evening we have before you updates and additions to our ordinance for our Well Regulation Program. And we're required by the DNR to do well inspection on any property that has well and municipal water service in the same facility. One, we have to make sure that there's no cross connection. Two, we have to go through and check the well. So we do issue a permit. The permit is good for five years, and we have to do an inspection.

The purpose of this ordinance revisions or update is to be allowed just to charge one fee of \$50 for the permit and for the inspection. It happens every five years. The current process is you come in to do your application, its \$25. Once you pass your well sample you have to come back into Village Hall, pay another \$25 for the permit which lasts five years. It's very confusing. Current regulation we cannot put it on the utility bills. So now as these come forward we can do a one-time charge, \$50 on the utility bill which will include the inspection and the permit. If for some reason the inspection fails then we charge an addition re-inspection for \$25 for every time

Village Board Minutes  
August 20, 2018

that they fail. So we do believe this will streamline the process, make the residents happy, really help finance with the billing process because now we can just put it right on their utility bill.

Dave Klimisch:

So moved.

Mike Pollocoff:

Second.

John Steinbrink:

We have a motion and a second on Item I for Ordinance 18-34. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**KLIMISCH MOVED AND ADOPTED ORDINANCE #18-34 AMENDING CHAPTER 355 OF THE MUNICIPAL CODE AS IT RELATES TO WELL REGULATION PROGRAM; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.**

**J. Consider and approve Ordinance #18-39 amending Chapter 305 of the Municipal Code as it relates to Construction and Maintenance of Sidewalks and Driveway Approaches.**

John Steinbrink, Jr.:

Mr. President and members of the Board, this evening we do bring before you an amendment to Chapter 305. This year has been the year of sidewalks. And so we took a little bit of time to go through the ordinance as it stands, and we just made a couple of clarifications on there. A couple of the highlights of it, not that it's super exciting, is that we currently require anyone that works within public right of way to have a pre-qualification. And it's a pretty cumbersome process because it was intended for large construction projects, utility projects. Some of the smaller contractors that are more than qualified could do the work of a sidewalk repair or replacement are really kind of excluded from this just because of our pre-qualification process.

So we took a little bit of time, we went through the process. And we're going to require a license instead of a pre-qualification process. They'll still have to be bonded. There will be a review by staff. It will be a much less stringent process than the large developer that comes in, hires a big

Village Board Minutes  
August 20, 2018

contractor to do a water main or a road or something like that. This will really help out the residents that have some sidewalk and needs to be replaced. It will really open up the door to some smaller contractors that are more than qualified to do the work. That's really the highlight of what we're hoping to improve this evening. And the details were included in your packet, and I can answer any additional questions you may have.

Michael Serpe:

Move approval of 18-39.

Kris Keckler:

Second.

John Steinbrink:

We have a motion and a second for adoption of Ordinance 18-39. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**SERPE MOVED TO ADOPT ORDINANCE #18-39 AMENDING CHAPTER 305 OF THE MUNICIPAL CODE AS IT RELATES TO CONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND DRIVEWAY APPROACHES; SECONDED BY KECKLER; MOTION CARRIED 5-0.**

**K. Consider and approve Letter of Credit Reduction No. 6 for The Cottages at Village Green.**

John Steinbrink, Jr.:

Mr. President and members of the Board, this evening we bring before you a letter of credit reduction for public improvements for The Cottages Phase 1. Phase 1 is located just to the north of Village Green subdivision. All the public improvements are complete in Phase 1. And as you are aware we just approved the Phase 2 which will be starting soon. So left for the letter of credit is \$687,050.50. We estimated the amount of work that has to be complete which is just some street trees, some work in the terrace, some smaller work like that in the amount of \$138,000. We did take a retainage of the public improvements.

Village Board Minutes  
August 20, 2018

Public improvements to date were \$857,000, so we take 10 percent of that, hold it as retainage until the warranty period is up which is \$85,000. So the total we're going to hold will be the amount of the balance to keep plus the retainage for warranty of the public improvements. So we're going to hold \$224,512.32 which will leave a reduction in the letter of credit to \$462,538.18. The reason for this large amount of reduction is that when we originally held the LLC, when we were given the amount of construction costs some of the private construction was included in the cost of the public construction. So we held it. We do not hold any warranties or any credits for the private component of it. So it's just kind of a reconciliation of it at that time, and that's why there is such a large amount at the end of the project. But staff went through, worked with the developer, and I do recommend the reduction as stated in the Board packet.

Mike Pollocoff:

I move we authorize the reduction of \$462,538.18.

Dave Klimisch:

Second.

John Steinbrink:

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

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**POLLOCOFF MOVED TO AUTHORIZE THE LETTER OF CREDIT REDUCTION NO. 6 FOR THE COTTAGES AT VILLAGE GREEN OF \$462,538.18; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.**

**L. Consider and approve Resolution #18-26 to dispose of a surplus vehicle.**

Chief Roepke:

Mr. President and members of the Board, for your consideration to remove from the fleet and send to auction a 2006 Dodge Durango that's no longer currently in service. So we would take that vehicle and bring it to auction like we've done with other vehicles in the past.

Dave Klimisch:

Move approval of Resolution 18-26.

Village Board Minutes  
August 20, 2018

Michael Serpe:

Second.

John Steinbrink:

Chief, with all that washing and waxing and I still see rust.

Chief Roepke:

A lot of salt.

John Steinbrink:

Okay. A motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

**KLIMISH MOVED TO APPROVE RESOLUTION #18-26 TO DISPOSE OF A SURPLUS VEHICLE, 2006 DODGE DURANGO; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**10. VILLAGE BOARD COMMENTS**

John Steinbrink:

Everybody getting ready for Halloween because this is when we make our decision what day and what time.

Mike Pollocoff:

Do we have alternatives from staff?

Michael Serpe:

It will be during the day.

Dave Klimisch:

Just on the sidewalks.

Village Board Minutes  
August 20, 2018

John Steinbrink:

That's going to be a determining factor.

**11. ADJOURNMENT**

Michael Serpe:

Move to adjourn.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second for adjournment. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KECKLER;  
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:37 P.M.**