

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
April 24, 2006**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on April 24, 2006. Those in attendance were Thomas Terwall; Wayne Koessl; Donald Hackbarth; Jim Bandura; John Braig; Larry Zarletti; and Judy Juliana. Michael Serpe was excused. Eric Olson was absent. Also in attendance were Michael Pollocoff-Village Administrator; Jean Werbie, Community Development Director, Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CITIZEN COMMENTS.**

Tom Terwall:

If you're here tonight for Item A, which is a public hearing on Prairie Lane Elementary School, we would ask that you hold your comments until the public hearing is held so we can incorporate your comments as a part of the official record. However, if you're here for Item B or any other item not on the agenda now would be your opportunity to speak. We would ask that you step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

- 5. NEW BUSINESS**
  - A. PUBLIC HEARING AND CONSIDERATION OF A SITE AND OPERATIONAL PLAN AND CONDITIONAL USE PERMIT for the request of Patrick Finnemore, agent for Kenosha Unified School District for an addition to Prairie Lane Elementary School located at 10717 47<sup>th</sup> Avenue.**

Jean Werbie:

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

Findings of Fact

1. The petitioner is requesting approval of the Conditional Use Permit and Site and Operational Plans for the proposed addition to Prairie Lane Elementary School located at 10717 47<sup>th</sup> Avenue. Prairie Lane Elementary School is an educational facility for Kindergarten through 5<sup>th</sup> grade. In addition, Special Education, Learning Disabled, Hearing Impaired, before and after school YMCA programs and community activities

including Boy's and Girl's Scouts take place at the facility. This is referred to in Exhibit 1.

2. The current zoning of the property is I-1, Institutional District.
3. Schools are allowed in the I-1 District with approval of a Conditional Use Permit.
4. The existing building is 39,500 square feet and the addition will add 18,270 square feet. The construction is intended to alleviate overcrowding issues at various schools within the Village as well as to modernize the current school facility that was originally built in 1953 with additions constructed in 1957 and 1960. In conjunction with the project, two portable classrooms will be removed from the school site and a pedestrian path will connect the school site to the Whispering Knoll subdivision to the south. The project will be built in two phases. Phase I, the north classroom addition is planned to be completed by August 2006. Phase II, the east addition will be completed in August 2007. The existing east stairs will remain open during the school year. Existing stair demolition to occur in June 2007.
5. The normal school hours of operation are between 7:40 a.m. and 3:40 p.m. Bussed students arrive and leave from the school playground. The playground is separated from the parking lot. Custodial services are from 6:00 a.m. to 10:45 p.m. Deliveries occur during normal hours of operation. The school currently has a staff of 41 full-time teachers, 4 part-time teachers, and 9 full-time support staff. The classroom addition adds 6 classrooms and adds 3 full-time teachers. The school operates with a teacher/custodian shift during the day, and a second custodian shift in the evening. The school will have 24 classrooms and 57 staff members. The current student enrollment is 428. The projected enrollment is between 500 and 525 students.
6. The project will not add any additional parking spaces. The current site has 107 parking stalls and 3 handicapped stalls. Pursuant to the Village Zoning Ordinance the following minimum parking requirements shall be met: 1 space per teacher, staff member and aid, plus 1 space per 2 classrooms; a designated hard-surface playground shall not be placed within the required parking lot; the hard-surface play area may be used for overflow parking during special events. In addition, the site shall meet the required handicapped parking pursuant to State Building Code. Therefore, 69 spaces and 5 handicapped spaces are required. Two additional handicapped spaces will be provided by re-striping. The number of parking spaces provided meets and exceeds the Village requirements.
7. On January 17, 2006, the Village Zoning Board of Appeals approved a Variance from Section 420-126 G (1) of the Village Zoning Ordinance to construct an addition to Prairie Lane Elementary School building be no closer than 18.9 feet from the property line adjacent to 47<sup>th</sup> Avenue in accordance with the Variance that was approved subject to the conditions in Variance Grant Document #06-01. This is provided as Exhibit 2 in your packets.
8. On April 18, 2006, the Village Zoning Board of Appeals approved a second Variance from Section 180-16 R of the Village Fire Code to replace the fire sprinkler system within Prairie Lane Elementary School with fast response sprinkler heads and to eliminate the smoke detection in the school corridors. The Variance was approved

subject to Variance Grant Document #06-04. This is provided as Exhibit 3 in your packets.

9. Notices were sent to adjacent property owners via regular mail on April 5, 2006 and notices were published in the *Kenosha News* on April 10 and 17, 2006.
10. The petitioner was e-mailed a copy of this memo on April 19, 2006.
11. According to Article XVIII of the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit unless they find after viewing the findings of fact, the application and related materials and information that is being presented this evening at the public hearing, that the project as planned will not violate the intent and purpose of all Village Ordinance and meets the minimum standards for granting of a Conditional Use Permit. In addition, according to Article IX of the Village Zoning Ordinance, the Plan Commission shall not approve any site and operational plan application without finding in the decision that the application, coupled with satisfaction of any conditions of approval, will comply with all applicable Village ordinance requirements and will comply with all other requirements of applicable federal, state or local statutes, regulations, ordinances or other laws relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, streets and highways and fire protection.

With that, I'd like to continue the public hearing and introduce representatives from the School District to continue the presentation.

John Setter:

Good afternoon. My name is John Setter. I'm with the Kenosha Unified School District Department of Facilities. I'd just like to build upon what Jean has pretty much given a complete description of the project. I'd just like to say that the portable classrooms will be removed as part of this project. I know that's been a long standing issue with the Village to have those removed so we finally get to that point where they are going to be removed. Secondly, I just want to reiterate the fact that we are creating a connection to the neighborhood, the Whispering Knolls Subdivision, which is to the east of the school so there will be a nice path for students who live in that area to walk to the school and have a safe route to the building.

I'm here with a couple of people. We had a design committee who was made up of individuals at the school, teachers, administrators, also come community members, parents, and a couple of them have joined us tonight. This was really a group effort to really come to the consensus of a design that was very well needed in the Village here. If you have any questions of myself or Pat Finnemore, the director of the department at Kenosha Unified, he's here. And then our architects Jeff and Mark are here to describe the building in a little more detail.

Tom Terwall:

Thank you. Anybody else wishing to speak? Anybody wishing to speak? Anybody wishing to speak?

Jean Werbie:

They should make their presentations on the record.

Mark Schuehardt:

Hi, I'm Mark Schuehardt with Bray Associates. I can walk through the plan for you if you're all interested. What we're trying to do in the summer of 2006 is add these five classrooms to the north side of the school, and at that same time the contractor is going to remodel these classrooms and basically get them up to working order. The sprinkler system, which is new to the facility, will be added in this half of the school in this summer of 2006. What Jean mentioned earlier, the east addition, this two story east addition, doesn't occur or doesn't finish until the summer of 2007, so it's a two phase project. And the reason we can't start this summer is the east classrooms need to be constructed and ready to go by the fall school semester, start of fall classes, before we can remove the temporary classrooms.

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Isn't that the north you're pointing at?

Mark Schuehardt:

This is north and this is east.

(Inaudible)

Mark Schuehardt:

Well, north is kind of on an angle like this. That is north so we call this our plan north and this our plan east, so the north addition is single story. The east addition is a two story. So we've got the five classrooms on the north addition. On the east addition we've added a commons, a cafeteria, which is currently in this location and move it to the second floor or what we call the first floor. The ground floor where that cafeteria currently is will become the new IMC, and where the existing IMC is now will be a computer lab. In addition, other spaces we're relocating the existing main office area which is currently in this location now and getting it off the parking lot so visitors and students coming in have to check in or can't get into the school without passing that main office. So that's the reason why that was located where it is off the main parking lot. A music room and art room. That's about all I can tell you about the plan.

The site we're doing very little to the site. Existing playground stays as it is. Existing parking stays as it is. We do have to modify some existing handicapped stalls to comply with the code so we're doing that. The exterior design we wanted to do something different with the two story addition to kind of change the look of the school. Part of changing the look of the school is to paint the existing porcelain panels that are currently kind of an orange color to more of a tan color, trying to pick up on some of the two colors of brick we're adding. This particular brick is going to match the existing brick and this is more of an accent brick to kind of give us a breaking point between the old and the new.

In addition, highlighting the entry we've added some color which is a blue at the canopy and the doors kind of picking up on the interior color scheme of the primary colors. This elevation, the north elevation of the new addition is kind of a horizontal banding similar to what was on the existing school, a little bit more contemporary look to it. Instead of all windows it's bronze tinted

glass. The door and window frames are the dark bronze. The roof edge is the dark brown. That's all I can really tell you about the school at this point. Do you have any questions?

John Braig:

What portion of the building is air conditioned or will be air conditioned?

Mark Schuehardt:

All of it.

John Braig:

That building currently is air conditioned?

Pat Finnemore:

That building currently is not air conditioned, but after the project is done the entire building will be air conditioned.

Tom Terwall:

Anybody else wishing to speak? Anybody else? Anybody else? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff.

Jean Werbie:

Just directed to Pat and his staff, if I could get an updated operational plan because there are about four or five typos which we carried right into our staff comments, so if we could get that updated we will correct Phase II that's going to be completed by August of 2007. How many full-time teachers? Your notes say three. Are you going to have five full-time teachers and five new classrooms?

Pat Finnemore:

We adding with the project there's actually five new classrooms in the one wing, but then there's also two additional classrooms above what will be the art and music room. As far as how many new teachers will be added for school districts the number of teachers is dependent on the number of students. So teachers will be added as the enrollment grows in the school. The School District is not going to make a boundary change for this coming school year. The boundary change will take place for the '07-'08 school year when this project is entirely complete and when the new Charles Nash school is complete. And so for the coming school year--Sherry Thomas is here, the principal of the school. There's probably not going to be a dramatic staffing change for this coming school year. It would then be for the school year '07-'08, and we can certainly try to give you a better estimate of staffing levels for that time.

Jean Werbie:

I'm just trying to make sure that our paragraph regarding parking is adequate and is based on the ultimate build out of that school.

Pat Finnemore:

And that would be true. Essentially what you're saying as far as the projected number of staff would be five additional staff members I think is a safe statement to make on the teacher side. And we're probably looking at one additional custodian as well because of the larger area to clean the school.

Tom Terwall:

You're adding five classrooms and you're getting rid of the two portables. So is the net three new classrooms?

Pat Finnemore:

Actually the net ends up--in the way that we calculate capacity, the net is actually six plus. I'll kind of explain. Go back to the floor plan here. We are removing two classrooms so there's a minus two. We're adding five here. We're also adding an art and a music room which are classrooms so that's plus seven, and then seven addition, two negative so a net of five. And then the sixth classroom the way that that works is currently our computer lab is in a storage room. Our computer lab is in this room called main storage. It was built as a storage room when the school was built, but as the school's enrollment grew a location had to be identified for a computer lab, and that room has a ceiling height I want to say of about 7 foot 5 inches or something like that. It's not a standard sized room. It's going to be moving upstairs to where the library is. That term IMC is instructional media center. For those of us who are not instructional media specialists I use the term library. But that then creates another classroom so the net is a plus six classrooms.

John Braig:

It's a net of six new classrooms. I was thinking at first when we were only talking three or the fact that we've been dealing with portable classrooms there it would seem we're really short. So it is a net of six?

Pat Finnemore:

That's correct.

John Braig:

Because it's two floors will an elevator be required?

Pat Finnemore:

Yes, an elevator will be required, and the elevator is going to be in that new two story addition. Actually for us from a facilities end it's an ideal location. It's right by the kitchen cafeteria, so the bulk of the elevator use besides those students and staff that may need it for disabilities is for getting the food service delivered to the upstairs kitchen.

A couple other things I wanted to point out if I could is with respect to where that is, I think a lot of thought went into where we located things within this building, and the cafeteria is on the second floor which is a little odd for us. Typically we put cafeterias on the lower level, but we wanted the office on the main level. And so similar to what we do in new buildings, as the school opens in the morning we open the building up so students can get in the building very quickly, but once the school day starts the second set of doors in the vestibule will be locked, and visitors can come into the vestibule but then they have to enter the school through the office. So a lot of security from our end.

Having the cafeteria on the upper floor actually works out fairly well in that we have a stairwell right back here. At the bottom of the stairwell is the sidewalk that takes the students directly to the playground so they don't have to traipse through the entire school and be as quiet as they possibly can be. The other thing that I liked was we had to create a staff lounge because the existing staff lounge is going to be part of the new work room with the new library. It's working out very well where we placed it. It's up on that second story and they've got a perfect view of the playground. So even though there are playground parents supervising things, the staff has also got that ability to take a look at what's going on out there.

The final thing I wanted to point out is public restrooms. I think that's always been kind of a complaint that we hear. The restrooms are small. Obviously they're not handicapped accessible, so what we're doing is not only adding some additional restrooms but we're making the main restrooms that are across the hall from the gymnasium we're updating those and I think they're going to be a lot more suitable for adults when we have evening events and those types of things.

Tom Terwall:

Thank you.

Don Hackbarth:

Is this going to be enough?

Pat Finnemore:

That's a good question.

Don Hackbarth:

With the growth I'd hate to see you have to come back here in two years and say, gosh, we're up to 700 or whatever.

John Braig:

It ain't going to be.

Pat Finnemore:

What we decided as a design committee, Jean represented the Village on our long range planning committee, and we really have a goal of not having elementary schools that are just monstrous. So we kind of set an upper limit of 550 to 600 students at any one elementary school. I think that goes for student management, making sure that the principal and the staff feel comfortable that they can have a good relationship with the students. But what we've looked at is I think one of the things Jean mentioned is that this school is going to help relieve overcrowding at all schools in the Village.

In the end when this boundary change takes place and that boundary change effort starts this coming week, I think this Thursday is our first meeting, I don't know if there's going to be a substantial change to the Prairie Lane boundary because when you look at all of the developments that are going on within the Kenosha Unified boundary there's not one elementary school boundary that has more growth planned than the Prairie Lane boundary. So as a boundary study committee member that's certainly going to be something that I'm going to emphasize is we can't just look at we're building a school that's going to be able to serve 500 students so let's fill it up. Our goal would be to try to maintain more space in this school probably than any other school in the district just because we know what's coming. You know what's coming, Reverend, because you see it all around your church as well.

Don Hackbarth:

I never had a problem with--some of the staff had a problem with the mobiles. I look out my window and I see the mobiles every day and it was never a problem for me.

Pat Finnemore:

Hopefully we'll give you a better view.

Don Hackbarth:

I like it. I really do. I've got another question. Did you have Sep Tec take a look at the plans before you finalized them?

Pat Finnemore:

Who?

Don Hackbarth:

Sep Tec. That's a group that goes in. They look at security safety issues in buildings to make sure you don't have any areas where kids could get in trouble.

Pat Finnemore:

I'm not familiar with that organization. I think we feel pretty good about our standards. I'm not familiar with them. From a security end there's some things that we're going to be doing to this building beyond what we have right now. One was the thing I mentioned about the office. A couple other things that we are putting in the building as part of the package that I guess we consider our standards in new building is, one, our cameras on the outside. We put cameras on



the parking lots in the playground areas. They're all digital cameras with pan and zoom. We've got a central security system and we can monitor buildings remote. We coordinated that with the police departments and it will be our first time doing this in a Village school so we'll be working with the Village Police Department as to what we do. But it's the ability to manage that.

The other thing that we've looked at on our end is, and Jean and I have traded e-mails, is that walkway that Jean referenced to Whispering Knoll one of the first things I noticed was there's a lot of brush in that particular area and I think we're going to want to clear that out so that as kids use that walkway that there's not an ability for somebody to be maybe hiding in those bushes or whatever.

And then the last thing we do as part of our standard design is we put a card access system on our building and that's something that we've been rolling out to schools throughout our district. Again, from our perspective it's a little bit of a better situation. As an employee I can't just have a key. I've got a card that when I card into the building I know that it was myself because my name comes up so it gives us a little better comfort level that we know who's in the building at any one time.

Don Hackbarth:

Mr. Finnemore, a couple weeks ago Paul Merrick, Mr. Merrick and a gentleman from Tremper High School and I went to an Office of Justice Homeland Security two day seminar in Milwaukee and they were talking about school issues. If you can get on their list I would definitely recommend it. Somebody at administration should go to those seminars because they are absolutely great.

Pat Finnemore:

One of the things I can speak to that a little bit, we are in the process of applying for a Homeland Security grant. I know they're looking at district wide with respect to that. That's a little out of my area of expertise being more of a buildings and grounds person, but I do know that we do have folks who are trained in the OJA, and I'm not sure what the terms are. You may know.

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Office of Justice of Systems.

Pat Finnemore:

Yeah, so they've been trained in those things, and I do know we are pursuing this Homeland grant. The organization they're working with has had a pretty good track record of getting those, and I know they're going to coordinate with the two police departments and the sheriff's department.

Don Hackbarth:

In the training that we went through not only did we learn, but it was called train the trainer, and after we were done we actually went to a school. We went to Riverside High School and we walked the school in separate groups to find hazards or whatever it might be, the chemistry lab and not any bottles labeled and you name it. They highly recommended that Sep Tec take a look

at the plans before they're finalized. Let me give you an example of what he said. Very, very similar to that design, office by the door, double set of doors. The difficult they had was you come through one set of doors and then you go to the next and they would buzz you in. That was their initial plan. What they decided to do was make a little if you want to say cupola and bump it out into the hallway. So that when you came in the first set of doors after school was in session, you could not go through the second set of doors. No one would buzz you in. What you did is you went into that cupola which was a counter which was the office. So anybody coming into that school would be buzzed into that inner area, they would find what their business was whatever it was. When they were cleared face-to-face with somebody, then they were buzzed in again into the school.

The second thing they did was they had name badges and they were color coded to the area that the person wanted to go in. So if a teacher stepped out of their room and saw somebody with a blue badge and that was a green corridor, the teachers were trained immediately to say, sir, stop and you're in the wrong area. And if they had to call the principal or whatever. Just layers of security that just made it a lot safer. That was a Sep Tec thing. They saw that and they said this is the way we recommend that you plan it.

I have a couple other questions. I'm glad you talked about the security issues. Are there alarms in the building for security?

Pat Finnemore:

Oh, absolutely. There are right now.

Don Hackbarth:

Are the teachers going to be carrying radios or whatever?

Pat Finnemore:

The staff does have radios right now at the school.

Don Hackbarth:

Does the school have an emergency management plan?

Pat Finnemore:

All of our schools have emergency management plans.

Don Hackbarth:

And they practice that?

Pat Finnemore:

Yes, they do.

Don Hackbarth:

Like lock downs?

Pat Finnemore:

Sherry could probably speak to that. Again, I'm more of the building side. Sherry could probably speak if you had specific questions about that.

Tom Terwall:

Give us your name and address for the record, Sherry.

Sherry Thomas:

My name is Sherry Thomas. I'm the principal at Prairie Lane. We have a number of measures in place already at Prairie Lane. Our staff wear photo ID badges so they can be identified in that way. Every person there are signs at every entrance that they need to stop in the office as a visitor, and even parents are considered as visitors. We don't allow people to go into the school proper without wearing a visitor's tag. In addition to that, if parents are there to pick up a child early we call the child to the office rather than having the parents roaming the school to pick up the child. So we have a lot of security. That's what I can think of off the top of my head. They have to sign in and sign out and that sort of thing all of our visitors. So we have a lot of systems in place already.

What will be enhanced by this is the fact that our office is right off the parking lot, the main parking lot. Our parents have pleaded with us in some way, shape or form to facilitate that for years. In fact, at one point we talked about the portable furthest to your area, Reverend Hackbarth, as being an office, becoming an office. But because it's a portable classroom that wasn't very prudent. But we've always wanted to have our office adjacent to the main parking lot. Right now it's in the middle of the building and it causes people to have to roam through the building before they actually get to the office.

Don Hackbarth:

I like the idea of the parking the way you've got it, too, because in the training that we got they said if you line the cars up towards the office it's a lot more conducive to safety because people can't hide. If a teacher goes out at night you can kind of see that. I think that's great.

I would like you to go to this drawing right here. What we did is went through buildings and we discussed hazards in buildings. This is a hazard. This would be pointed out immediately. I don't know if you can see that. On one side is the existing--this is photos 11 and 12. This would immediately be pointed out as a hazard. You see the piping there, that is an ideal gym set to kids on the roof, and they were talking about children that get on the roof. One kid I think in Colorado a kid climbed up a pole on a walkway covering and just because they put the pole right up against the edge of the building they had to extend the walkway covering another two feet and they said it would be very difficult for a kid to climb up on the roof. They brought it up to the edge of the pole, a couple of kids shinnied up, one of them fell through a glass skylight. The settlement was in the millions of dollars because they felt it was negligent design.

What I'm saying here that team, Merrick or the guy from Tremper or myself, they would take a look at that piping system and say major, major hazard because you're inviting kids to shinny up

on the roof and fall off or whatever. I would recommend that you take a hard look at that and do something to cover that.

The second thing they recommend is not chainlink fence. They prefer the vertical fence because the guy that did the seminar he said a six foot chainlink fence can be scaled by a kid in less than two seconds. Whereas if you have the vertical bars they're a little bit more expensive but he says they're much more difficult to scale to get at a hazard or get in an area that a child shouldn't be. That's a hazard.

Pat Finnemore:

Just one comment on the piping. That's our gas service to the building. That's existing. I don't see any realistic possibility that we would be probably able to adjust that. That's actually the gas meter and the gas service to the building.

Don Hackbarth:

There's an area thought that you could make larger with some kind of fenced in area to cover off the whole area. I'll tell you right now that's a hazard.

John Braig:

We have a fence at some of the schools. I think Roosevelt is for one.

Pat Finnemore:

The meters?

John Braig:

Yes.

Pat Finnemore:

In some cases they might be, yeah. I don't know if we've had too many issues with kids getting on the roof at your school. Southport School is the one school I know.

Don Hackbarth:

But that's not the point.

Pat Finnemore:

I understand.

Don Hackbarth:

Somebody is going to look at that at summertime or whatever. For the safety and security of the building and liability and stuff that's an issue that I think should be addressed. I'll just put that down as a formal comment.

Pat Finnemore:

We'll take that--I'm not sure whether we can accommodate that or not just from building egress. We'll certainly take a look at it, absolutely.

Don Hackbarth:

I'm just putting it down. The other thing that may be an issue is on the bottom photograph, photograph number 12, it looks like, and I didn't go over there to look at it, but it looks like there's a railing and a wall there. You see that on the right hand side? If a kid could put his foot on the railing and climb up on the wall another area to get on the roof. They made such a big issue of making the roofs of schools inaccessible because that's become a problem across the United States he said. The kids are getting on the roof for horseplay, for fooling around. For going up there and smoking a cigarette or whatever. They get on the roof and what they do is they're goofing around and they're chasing up there in summertime or whatever. They're chasing and somebody falls off the roof and, you know what, the school district is going to be liable for it and it's always in the millions of dollars. When you get to a jury trial they love kids that get hurt. That is lawyers. They love kids that get hurt because they're big liability issues.

The last issue that I want to bring up is an issue that they brought up. He gave an excellent example, and this is a Prairie wide issue, an example of a retention basin. They had it chain linked fenced off. The opening deals were chained, but the chains weren't tight and a kid got in there and he drowned during a rainstorm or whatever. The kid drowned. That was in excess of over \$2 million. Jean, I don't know what we do with our retention basins or detention ponds or whatever. They are major, major liability hazards. I discussed this with him about the retention basin that Prairie Lane has. He says I should write you, I should write the superintendent and I should write Pleasant Prairie that says that we feel this is a dangerous issue, because in the event with our school if we said nothing and one of our kids traipsed over there and fell in that pond and drowned you know where the buck is coming. It's coming back at us. But he said our liability would be much less damaging to our school if we at least addressed the issue of the pond. Whether you do something about it or whether Prairie does it, it is an issue and it's becoming a major liability issue with retention basins where kids are playing in them and somebody gets hurt. So it's something that I think the Village has to look at as well.

Mike Pollocoff:

The Village does have a number of basins, and as we started to develop these and even as we looked at additional basins as they're created, we specifically bring that question up for risk analysis with our insurance company previously, and the advice that we received is two things. One is there's a design of the basins that accommodate a kid getting in them. There's a shelf in those basins. You don't typically see them, but you can be in a foot of water under low water conditions, and some of the water conditions might be three feet of water but it goes out about five feet, and once you're in the water you're not going all the way down. All the retention basins are designed with that.

We were also advised not to fence the basins only for emergency access so once some kid or somebody got in not to make it more difficult to get rescue personnel or equipment in to secure it. So from Wisconsin and under our immunity we can't just say you're under your own risk and

you shouldn't be in here. We have to make prudent design efforts to give somebody a chance that if they get in the basin they're not going to go all the way in. But they've got the chance to get out and for us to be able to take care of them afterwards. It's common in the industry, and there's a lot of older basins that don't have a shelf design. We don't have any in the Village that doesn't have a shelf design, but that's how we've been addressing it. We identify that subject as we change carriers periodically what our exposure is and from a risk analysis standpoint any recommendations they'd have that would change that.

We've yet to have somebody tell us we should fence them. That's almost been categorically-- they've been staying away from that from a public basin. Now, a private basin where it's under private ownership that hasn't been the case. But I know that we have that with our basins. I think WisPark went through the same review because they have some very large basins that they have that are in private ownership under a private easement. The best thing I think that's happened with current basin design and most people don't like it is the basins have been getting larger and shallower. You take the Meadowdale basin I think that thing is about 20 feet deep and it's got a shelf on it.

Don Hackbarth:

And the one on 39<sup>th</sup> and 85<sup>th</sup>?

Mike Pollocoff:

That's a retention basin.

Don Hackbarth:

It's huge.

Mike Pollocoff:

We don't have retention basins anymore. But the current basins how they're designed is there a shelf in there and you might go down another two or three feet and that's it. The basins just aren't as big. You can drown in four or five feet of water, but you've got to give someone that gets into that basin the opportunity to say, okay, I'm wet and I'm in here and I've got to get out rather than just walking off the edge and going in.

Don Hackbarth:

The other issue they brought up and we're going to do this ourselves at our church or at our school, they said wherever there's a playground area you want to put concrete posts or pilings in that if somebody had a seizure or whatever that a car doesn't go plowing into kids playing. They said you don't want to barricade, you want to make it accessible for the children, but you want to be able to put bollards or some kind of decorative bollard in there so that if whatever might happen. The gentleman is a world expert on this stuff, and he was saying there's a school where the traffic passed the playground area, the playground was about 50 feet off the highway but it was 55 miles an hour. And a gentleman was drunk and speeding and he lost control and he went into that playground and injured a whole bunch of kids. I forget if anybody got killed but, again, he said it was a liability issue and he said just by putting a couple of concrete posts to kind of guard the playground area that the kids are in. We're going to do it and you may want to

consider that, too, to protect the children that are playing on that playground to keep cars, even if they go wild, out of that area. It's not expensive. It's an issue that with a minimal amount of money you're showing parents that you care about their security which is a real important issue.

Tom Terwall:

Anybody else? Jean?

Jean Werbie:

The Village staff has determined that based upon the foregoing information presented in the application and at the public hearing this evening that the project meets the following standards for granting a Conditional Use Permit and Site and Operational Plan approval in that the project:

- < does not impede the traffic patterns on the site or cause traffic congestion or traffic circulation problems and the traffic patterns on the site do not hinder, harm or distract the provisions of public services;
- < does not impair an adequate supply of light and air to the adjacent properties;
- < does not increase danger of fire;
- < does not increase storm water flooding or drainage;
- < has no existing identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency that would endanger the public's health, safety or welfare related to the proposed use;
- < the proposed and applied for use on this particular parcel is not inherently inconsistent with either the I-1, Institutional District or the adjoining Residential Districts; and
- < the proposed and applied for use will comply with all applicable Village ordinance requirements and all other applicable federal, state or local requirements relating to land use, buildings, development control, land division, environmental protection, sewer service, water service, storm water management, streets and highways and fire protection.

So, therefore, based on the foregoing information, the Village staff recommends that if the Plan Commission determines that the petitioner has met the specific standards for the granting of the Conditional Use Permit and Site and Operational Plans as specified above; then approval of the Conditional Use Permit and Site and Operational Plans shall be approved, and we recommend this subject to the conditions as outlined in the staff comments.

Don Hackbarth:

Move approval.

Larry Zarletti:

Second.

Tom Terwall:

**MOTION BY DON HACKBARTH AND A SECOND BY LARRY ZARLETTI. AGAIN, KEEP IN MIND, THOUGH, THAT BY APPROVING THIS WE ARE AS A PLAN COMMISSION STATING THAT WE HAVE DETERMINED THAT THEY MEET THE CONDITIONS THAT JEAN HAS JUST READ FOR THE RECORD. SO, ON THAT BASIS, ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So carried.

Don Hackbarth:

Sherry, you still have a key to the church. I don't know if you know that. It may be an old key. But years ago there was a fire drill or some kid pulled an alarm at Tremper I think it was and it was in winter and they were forced to go outside in winter. You've got to get out. At that time they said that principals should look for an alternate location. I just want to say you've got one of our keys. I think it's old. Let me know and we'll get you a new key in the event some crazy thing would happen where you need shelter.

Sherry Thomas:

I will check on it because you are our alternative shelter if we do have to evacuate the building. So thank you for letting me know that. Thank you so much.

Larry Zarletti:

If we were in Chicago and I could have voted twice for this I would have given them two yes's.

John Braig:

By the comments I heard tonight it sounds as though this building is now being build to the maximum capacity by Unified standards which implies with absolute firmness that there won't ever be a request for temporary classrooms at this site.

Tom Terwall:

Pat, I don't know what you did to get yourself appointed to the redistricting committee, but good luck and God bless you. I wouldn't take that job for all the money in the world.

**B. Consider the request of Steven Brown, agent for Joel and Theresa Williams, owner of the property located at 1006 91<sup>st</sup> Place for approval of a Certified Survey Map to subdivide the property into two parcels.**



Jean Werbie:

Mr. Chairman and members of the Plan Commission, this is the request of Steven Brown who is the agent for Joel and Theresa Williams, owner of property located at 1006 91<sup>st</sup> Place. They're requesting approval of a certified survey map to subdivide the property into two parcels. Specifically, the petitioner is requesting to subdivide the property referred to as Lots 12, 13 and 14 in Block 2 of Carol Beach Estates Unit #6 into two parcels. Pursuant to the Village records these three properties were combined in 1995.

The property is currently zoned R-6, Urban Single Family Residential District, which requires lots be a minimum of 6,000 square feet with a minimum of 60 feet of frontage on a public road. The surrounding properties located within Carol Beach Estates Unit 6 are also zoned R-6, Urban Single Family Residential District.

- Lot 1 is proposed to be 16,195 square feet with 120 feet of frontage on 91<sup>st</sup> Place. Lot 1 has an existing home and a detached garage that will remain. The existing home is proposed to be 8.3 feet from the eastern lot line.
- Lot 2 is proposed to be approximately 8,100 square feet with 60 feet of frontage on 91<sup>st</sup> Place. Lot 2 is currently vacant.

Additional right-of-way is proposed to be dedicated on 91<sup>st</sup> Place and an additional 8 foot easement is required from We Energies.

Village staff recommends approval of the Certified Survey Map subject to the following comments and conditions as outlined in the staff memorandum.

Tom Terwall:

In looking at the map I'm having a problem understanding how Lot 2 fronts on 93<sup>rd</sup> Street.

Jean Werbie:

Oh, that's not right. 91<sup>st</sup> Street, excuse me.

Tom Terwall:

So that's a typo?

Jean Werbie:

Correct.

Tom Terwall:

So both lots will front on the same street?

Jean Werbie:

Correct.

Tom Terwall:

I understand it now. Were these originally combined, Mike, to avoid a sewer assessment on each lot?

Mike Pollocoff:

Sewer connection fees and sewer lateral fees.

Tom Terwall:

Price is a little higher now?

Mike Pollocoff:

The Frumm theory of government if you don't have to pay it now you pay it later.

Tom Terwall:

Plus now the cost to install is going to be a whole lot higher as well. I mean that's his responsibility now, correct?

Mike Pollocoff:

Yes. This is a deep main in this area. It's sandy, wet soil so it's all on the cost of the homeowner. So it's a unit price of one rather than I think when we went through Unit 6 we had close to 250 laterals that we bid as a group. So he's probably looking at \$7,000 or \$8,000 for what was typically a \$1,500 lateral.

Tom Terwall:

Now, if he wants to he can still come back and divide Lot 1 again, correct? What was Lot 12 is still vacant is it not?

Jean Werbie:

That's correct.

Tom Terwall:

On Lot 2 it shows that there's a shed on that lot. That does not violate our zoning ordinance unless that becomes a separate property? Are you allowed to have just a shed on a lot without a residence?

Jean Werbie:

No you are not. That shed would need to be removed or razed, and we will make that as one of the conditions.

Tom Terwall:

Okay. Any comments or questions? If not, what's your pleasure?

Judy Juliana:

Move to approve.

Wayne Koessl:

Second.

Tom Terwall:

**MOTION BY JUDY JULIANA AND A SECOND BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE CSM SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM AS WELL AS THE ADDITION OF A COMMENT THAT THE SHED ON WHAT WILL BECOME LOT 2 MUST BE REMOVED. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

**6. OTHER SUCH MATTERS AS AUTHORIZED BY LAW.**

Larry Zarletti:

Ace Hardware, I'm just interested to know what authority we have over the way it's looking around there lately only because I pass it four or five times a day. The parking lot, for example, even out front is no longer stripped. It's helter-skelter parking around there. Maybe it's not within our authority to do, but I would like to know if there's something that can be done about the look of the building. Out back was a crap shoot and now even around front, like I said, the lines of where to park it's just not turning into the type of structure that we approve on a daily basis around here. So, what can we do about that?

John Braig:

I have to support Larry on that. In fact, when you look at it, the Village was involved in developing that new subdivision behind there. And when you look to the north and see the rear of the buildings it really is not at all attractive. Maybe we can't do anything now, but if at some time somebody wants a request or an approval, I could see where we could encourage them to plant some sort of a screening, a row of arbor vitae trees or something that would add some green to the back side of that whole structure. I know they've got loading docks and you have to honor

those, but I think there's some screening that could be done to make it more attractive to the people that live there.

Larry Zarletti:

Even painting the peeling building would be a great asset.

Jean Werbie:

Staff has been after the owners of Town and Country, not Ace Hardware because they have actually been an excellent tenant, and they have actually taken upon themselves to do some of the renovations, the yard work or the cleanup work and some of the other maintenance work for the entire center and had it deducted from their rent. So I know that Ace Hardware has been one tenant that has been trying to work with the landlords. It has been very challenging. We will continue to pursue them this spring. In most cases they have been not responsive to any of our letters, calls or notifications. And at this point the site and operational plan provisions do allow us to go after them with respect to maintenance of the center. Believe me we have contacted them for everything from the efface or stucco stained to debris, garbage situations, their signage problems, the striping, as well as landscape islands and weed complaints. So we have been after them every probably three to six months for another issue. Right now the tenants themselves have been complaining as well.

Larry Zarletti:

I will amend my concern to that of Town and Country. It really is not Ace Hardware and they are always going above and beyond to do things right. So it's really the Town and Country.

Jean Werbie:

We will inspect them this week and we will follow through.

Tom Terwall:

We are making headway, though. I noticed over the weekend Carmen's instead of illegally sticking 50 signs all over the Village has now got a guy standing on the corner of 80<sup>th</sup> and 39<sup>th</sup> wearing a four foot sign. So a little headway there. This guy is smart enough that he faces north and south when the light is green for 39<sup>th</sup> Avenue, and when the light turns red he turns 90 degrees. So that's not a dumb kid they've got out there. This kid has got his act together.

Judy Juliana:

I've got a comment on signage. I noticed this past weekend on Lakeshore Drive that Carol Beach Partners II has their signage up on two properties that people have been living there for a couple of years. One is on 8623 and the other is 8723. It has we love our builders on it and their advertising and their phone number. If we could look into that.

John Braig:

Something that's been bugging me for some time, and if the staff isn't prepared to answer it today I'd appreciate it by our next meeting. I note that WisPark is bringing something on the agenda next time. I always wonder whether as a retiree of Wisconsin Energies, and if Commissioner Koessler who is still employed by that outfit, whether we should be recusing ourselves when those items come up on the agenda, or whether we--I don't feel there's a conflict of interest and yet I'd like to be squeaky clean on something like this.

Mike Pollocoff:

We can get a legal opinion on it for you. My understanding of it is that the Commissioners if they have a concern should contact the Village Attorney and ask for an opinion or a review of it to say whether or not their vote on it would be a conflict or not. That does two things. One is that it brings it up as an issue and it protects the Commissioner from a possible prosecution that could come if someone decides to follow through on it.

The most recent rulings that come about I think are if such as things you had tonight where that approval goes no farther, you are in fact the final body that's making the decision and it's not going to go onto the Village Board or any other body, then you are, in fact, at that point making a determination that is going to have a final determination. Although it might not directly have the impact of enriching you or your employer, it could be a determination that it's a conflict.

The Village Attorney is always willing and will respond to the specific questions whether it's We Energies or anything that you think you have a financial conflict of interest so that you can have that in your pocket if someone comes back later on and wants to make a claim that you're related to a car dealer or whoever and your decision might have been unduly influenced by your employment relations or family relations or wherever you might feel there's a conflict so you can have that resolved.

The point of the matter is there's nothing wrong in abstaining if there's the appearance of a conflict. I think there's a problem with abstaining if you're just wanting to avoid a vote so you don't take . . . a vote, but I think if there's a question about a conflict in particular the statutes really kind of put some of that onus on you to recognize your own exposure because you know it better than most people do know it. That's why the statutes also give you the opportunity to have that review. If you ask for that review ahead of time and the attorney says you're fine and if you're not fine you're not at fault because you asked first. And if you're not fine and you want to hear it from the attorney because if somebody does bring a charge against you that same attorney is going to be the guy that's going to defend you, too.

Tom Terwall:

When Cherry built a new plant and I was Chairman of the Plan Commission I did go to Baxter and ask him if I should recuse myself or not. He gave it to me in writing. Basically what he said was if I was going to personally have a financial gain as a result of that decision I should recuse myself. But if there was nothing personal, if I wasn't going to gain by it, then there was no problem with me voting so I voted.

Wayne Koessler:

Just for information I normally vote on everything because I've had the District Attorney and the Attorney General review a conflict of interest. A lot of things we pass are just recommendations

to the Village Board so they can either overrule us or turn us down. The final line is they told me I would have to own ten percent of We Energies Stock. I'm only at eight percent now, so.

**7. ADJOURN**

John Braig:

Motion to adjourn.

Larry Zarletti:

Second.

Tom Terwall:

Motion by John Braig and a second by Larry Zarletti to adjourn. All in favor

Voice:

Aye

Tom Terwall:

We are adjourned.