

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"
9915 39th Avenue
Pleasant Prairie, WI
May 3, 2004
5:00 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, May 3, 2004. Meeting called to order at 5:00 p.m. Present were Village Board members John Steinbrink, Tom Terwall, Steve Kumorkiewicz, William O'Toole and Mike Serpe. Also present were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Kathy Goessl, Finance Director/Treasurer and Jane Romanowski, Village Clerk.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC HEARING

- A. Tabled Request of Kathy Loberger, Agent, PDQ Food Store #352, located at 8800 75th Street to Renew the Class "A" Fermented Malt Beverage License and, in addition, apply for a "Class A" Intoxicating Liquor License.**

SERPE MOVED TO REMOVE ITEM 4A FROM THE TABLE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

Jane Romanowski:

Mr. Terwall, on April 1, Kathy Loberger, Agent for PDQ Food Store, submitted an application to not only renew the Class A fermented malt beverage license, just the beer license, but in addition they applied for a Class A intoxicating liquor license for the PDQ Store at 8800 75th Street. PDQ has held a Class A beer license since the store opened in December of 1997, and Kathy has been the agent on that license since the beginning. The current Class A beer license allows for the sale of fermented malt beverages containing less than 5 percent alcohol by volume and, as you know, intoxicating liquor would be anything over the 5 percent. As you can see by the memo, there's two different selling times for intoxicating liquor or beer. That's just one item I wanted to pull out by statute. The municipalities cannot impose different hours for on premise consumption, but off premise consumption they could. By ordinance you'd have to do that. I'm just pointing out some of the different things you need to look at if you do, in fact, approve the license. There's no statutory quota under our Class A licenses. The only quota regulated by law right now is the Class B intoxicating liquor license. By ordinance we could have quotas for other ones, but we do not at this time.

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There currently are seven Class A beer licenses, and as you can see by the memo and the list of them I've attached where they're located in the Village, and I just wanted to point out that those are the current Class A beer licenses issued in the Village at this time. The application is in order. Everything was published, the Police Chief has looked at it, and it's ready for public hearing tonight. The reason it was tabled is just because they couldn't have a representative here last week and for no other reason.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll close the public hearing and open it up to comments and question from Commissioners and staff.

Mike Serpe:

Mr. Chairman, I'd be opposed to granting this license for a couple of reasons. Number one, whenever you have a liquor license out there, there has to be an enforcement action taken on occasion by the Police Department either to make sure that everybody is abiding by the laws, and our Police Department I think we'd be stretching them just a little to ask them to enforce all of our liquor licenses. Secondly, I don't think it's the Village's intent and I don't think it would look well that every gas station, and every gas station could apply for one if they wish, that we make a liquor store out of every gas station. More importantly, I'd be against it for that reason.

Tom Terwall:

Mike, I agree. For the longest time it was the policy of this Board to not even issue a beer license to somebody that sold gasoline. That law changed quite some time ago. When you say you're in opposition, are you in opposition only to the new license and not to the renewal of the beer license?

Mike Serpe:

The beer license they've had since '97. I don't have a problem with that. But I would not support a liquor license for this establishment.

Tom Terwall:

I'd like to ask Chief Wagner a couple questions.

Brian Wagner:

Chief Brian Wagner, Pleasant Prairie Police Department, 8600 Green Bay Road.

Tom Terwall:

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Can you address the number of violations of selling intoxicants to minors through a gas station through the set of licenses that we have? Have there been any?

Brian Wagner:

There have. Since the first of the year we've been doing some aggressive enforcement at the various gas stations, and I can tell you that this particular location has one violation since the first of the year where a minor has been served or sold beer. We've seen this at a couple other gas stations in the Village as well. I think to go ahead and approve something like this really does open the door for all the Class A establishments to go this route. As Trustee Serpe indicated, that would put additional enforcement pressure on the Police Department, and our resources are already somewhat limited.

Tom Terwall:

Thank you. Any other comments or questions. Hearing none, what's your pleasure?

SERPE MOVED TO APPROVE THE RENEWAL OF THE CLASS "A" FERMENTED MALT BEVERAGE LICENSE EFFECTIVE JULY 1, 2004 FOR THE PDQ STORE AT 8800 75TH STREET; AND DENY THE APPLICATION OF PDQ FOOD STORES FOR A "CLASS A" INTOXICATING LIQUOR LICENSE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

5. CITIZEN COMMENTS

Tom Terwall:

We have a sign up sheet, is there not?

Jane Romanowski:

Yes, there is, and we have quite a few signed up, 14 people, so the time limit will be three minutes. And when you get to the microphone, I'll need your name and address. I'll call off the names as they are listed here. Earl Owens.

Earl Owens:

My name is Earl Owens. My address is 11637 28th Avenue. My questions are regarding the curbs and gutters for 28th Avenue. I guess the first question for that was we didn't have any notification of it on 28th Avenue. I understand there's some kind of 500 foot--you have to be within 500 foot of that before we would be notified. Not being aware of what your plans are, but I'm hearing about curbs and gutters. I don't understand why we'd want a gutter when we don't have a storm sewer. It's like building a house with the roof first.

The second thing that concerns me is what would be the setback on that road. Would we widen the road and would we make it even on both sides? Also, 28th Avenue it was my understanding

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was not going to be a thoroughfare. It was going to be a cul-de-sac. It's a bad road for one living there, and it's hilly. Where you've got 26th Avenue that's more of a flat road. That would be the other thing. Maybe you guys can reiterate a little bit of that stuff because I don't understand. Thanks.

Tom Terwall:

Are we better off to answer the questions--maybe we'll avoid some questions, or do you want to wait until they're all in, Mike?

Mike Pollocoff:

Let's wait for the next agenda item.

Molly Spohr:

I'm Molly Spohr. I live at 11927 28th Avenue, Pleasant Prairie. I hate like to see you people put that through, what you're going to do to the safety of the kids down there, the cars that are going to go flying down the road. There's a community down there where neighbors know neighbors--

Mike Pollocoff:

Ma'am, we can't hear you.

Molly Spohr:

You can hear me.

Steve Kumorkiewicz:

We can't.

Molly Spohr:

They're all saying the same thing. We hate like heck to see you put that through. You're going to be ruining the safety of the kids in the neighborhood. You've got cars that will go down there now. They know where the kids are. The slow down and they watch. They do 30 miles an hour. You get people that don't live in that neighborhood coming off of Russell Road, whew. It's almost inconsiderate of anyone who has bought a home down there. We bought it for a country setting and this is the way we want it to stay.

Chris Laurenzi:

How are you doing? My name is Chris Laurenzi. I own the property at 2124 116th Street. On

March 15th the Board of Trustees conditionally approved the conceptual plan for the Lighthouse Pointe Development. And they went ahead and used alternative 3 subject to the following conditions of aligning 22nd Avenue on the south side of 116th Street with the north side after they go ahead and take another 30 feet or so of the area. Not actually take because that actually is a 50 foot right of way for road development. But they're going to move it over when there's an existing road of 22nd Avenue right there already. In fact, I just lost the sale of that home today because the people decided that with that being moved on to that property across the road and taking more and putting the road more closer to the house that they didn't want to buy it.

I'd just like to maybe have a further agenda on this conceptual plan. This alternative 3 was only suggested after two people on the side of 116th Street that are actually adjacent to where this subdivision of Lighthouse Pointe is going to be complained that the road was going to be too close to their home if they aligned it with the existing 22nd Avenue. So, like I say, before this conceptual plan gets any further, I'd just like to maybe have it put on the agenda to take a closer look at this. I'm sure the Lakeshore Development also would rather not have the extra added expense of moving the hydrant, widening the road, taking down the trees and moving a couple of telephone poles. So if we could possibly get that on an agenda at some point to look at this again, like I say, this alternative 3 is only because two people or three people on the other side of the road who are adjacent to that subdivision didn't like where it was going to be, so now it's affecting people who aren't even adjacent to that subdivision who are on the other side of 116th Street. So I'd appreciate it. Thanks.

Susan Brennan:

Hi, I'm Susan Brennan. I live at 11800 28th Avenue. I'm extremely nervous so you'll have to bear with me a little bit. I wanted to know if I could be on the mailing list, if there is a mailing list that has to do with the Prairie Trails East Subdivision, because I'd like to know what happens concerning that. I have a lot of concerns about the plan that I've seen that's up for recommendation right now. And I have most of them to do with the road and that it's a through road. The road improvement that I've heard I don't know exactly what they mean by road improvement, if they're talking about just taking the hills out and making it more smooth; if they're talking about actually widening the road. If they are talking about widening the road, how wide will it be? My front steps are about 28 feet from the road, and we have a very short little front yard. I made a little picture so that you could see here's the road and here's our front steps. And then I also took a picture with a sign that shows where our easement is. And our easement is right here. So I'm also very concerned about the road construction and what will happen with that if they're going to change the road with the construction equipment and how close they'll be to my house when they do that. And then once it's all done, I have three children that are all five and under, and how unsafe it's going to be for my children to be that close to the road also.

I have concerns over whether they're going to have a curb and gutter put on it also. And if they do, where are they going to have the water drain to? I'm concerned that it may go to Tobin Creek, and that's had a history of having problems handling water in the first place, so I have a concern with that. And are there sidewalks involved? That's another thing. If you take 28th and make it into a very busy through street, it's going to make it more dangerous for the children. Whereas my kindergartner I'll let him walk home from the school bus on a dead street, whereas

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116th there's no way I would let him on that street without me, so there's a lot of perceived safety issues that come along with changing a dead end road to a through street. And then how is it going to be paid? The improvements how are they going to be paid? Is it from the taxpayers? I heard something to the effect of the developer, so I'd like to know something on that behalf, too.

The reason why I have such a big problem with it being a through street is because we've had so many difficulties so far with how fast people are going on our street. I've asked a police officer to sit in my driveway and he's clocked someone at 52 on that dead end street. And that's a dead end street, so if it goes all the way through, I have a lot of problems wondering how fast people are going to go, and there's going to be a lot more traffic going a lot faster which concerns me also.

Jane Romanowski:

Your time is up.

Susan Brennan:

Okay, thank you.

Kristin Mutchler:

Hello, my name is Kristin Mutchler. I live at 11809 28th Avenue. I'd like to thank you for this opportunity to state my viewpoint about the proposed subdivisions, especially the area making 28th Avenue a major traffic road. I'm asking that the decision makers put yourself in our place, the people who live on 28th Avenue, and see how this decision will affect the people already living in Pleasant Prairie who have been here for many year, many of them even two generations on 28th Avenue.

This plan proposal makes 28th Avenue a major traffic street. Has a traffic study been done? My simple study is I take about a 100 houses, probably more like 150, and they will use this road to go in and out. And if everybody makes two trips from their house per day, that's going to put over 400 cars going past my house. My second question is have any of you driven down this street and see how close the houses are to the road? Some of these houses are 20 to 25 feet from the road. So if you widen the road 15 feet on each side, that will put the houses about 5 to 10 feet from the road. My third question is do you know how many children live in this area? My estimation is about 20 to 25. My child is also a child with special needs. He does dart out in the road at times, or he can leave the house without permission. Do you know how fast these people would be traveling on these roads? How many miles per hour? 35 to 45? Probably even higher at times. So this proposal is changing a dead end street into a major traffic street with 400 cars daily. It will make houses closer to the road, some 5 to 10 feet away in an area with 20 plus children and one with special needs and with a speed of 35 miles an hour. To me this is a tragedy waiting to happen. These children will be at extreme risk to get hit by a car. Is a subdivision worth this? I understand that roads cannot be built over wetlands, but what about the children?

George Borst:

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Good afternoon. My name is George Borst. I live at 11912 28th Avenue. My concern is the City water that I assume will be coming in with this. Will we be forced to connect to it? Each of us on that street have our own private wells. Does the township plan on condemning wells? Are we going to be forced to hook up to this thing. Thanks.

Keith Kull:

Hi, Keith Kull, 3609 122nd Street. I guess first of all I'd like to start by saying is I've got with me and you're welcome to have a petition of over 50 names of people that oppose the crossing of the bike trail at 122nd Street for various reasons. In addition to that, I'd like to make just a couple of comments. Again, like I say, those are over 50 names of people opposed to crossing the bike trail on that petition. The County has not formally given written approval of crossing the bike trail at 122nd Street. About a week ago there was a hearing in which we heard the background of Prairie Trails Subdivision East and it was quite lengthy. I guess one thing that I'd like to hear at some point, depending upon how long this thing goes on, is where's all the opposition to the subdivision and the crossing of the bike trail? I mean we've been opposing that for the last ten years, but there's not been a background status given at any meeting to the detail that we heard about a week ago.

The safety of children we hear it now from some other streets. We have issues there, and you can see right on the petition, we're concerned about the safety of our children on 122nd and adjacent streets, 36th Avenue and so forth, too. We've got hundreds of kids that are playing out in that street, and you know they're jeopardized by any increased traffic. We haven't seen any independent studies, independent studies for either fire and/or traffic along 122nd Street or some of those other subdivisions. Specifically, 122nd Street how that's impacted, how it's impacted with the change in potential parks in some of the other area.

The crossing of the bike trail, the subdivision itself there's two streets going to the north up to 116th Street access points. There's one going to the south. We heard before that there's issues with fire safety and so forth. We haven't heard anything about an automatic response system that I understand the Village might be working with Pleasant Prairie in which both the Pleasant Prairie Fire Department and Winthrop Harbor would both get toned out if there was a fire call in the area. If 122nd Street were used to cross the bike trail, there's more cross traffic to get there from the Fire Department or Police Department from there or . . . we haven't heard why more cross traffic is better to that.

Anyhow, there were five proposals. I think last week we seen five proposals. I'd like to see number 5 go through. I think it's number 5. At least it's the one that says let's take out the road

or the spur leading up to the bike trail, because the road is going to have to be modified anyhow. Secondly, I guess the route to go would be maybe option number 2 which is just to leave it the way it is and don't cross the bike trail and that's it. Thanks.

Michael Willkomm:

Good evening. Michael Willkomm, 11904 28th Avenue. First of all I have no objection to

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development. I understand development and it makes a lot of sense in the right places. My concerns are taking 28th Avenue and making it wider. The access point to 28th Avenue is a bad idea. 28th Avenue was never designed for that. It's a bad idea to use that. Crossing a bike trail is something that none of us want to see. It's obviously more dangerous to put cars across the bike trail where there's absolutely no traffic today. If we can make this thing work with access off of Russell Road, a road designed and perfectly suited for that kind of use, fantastic. We just don't want to see it go down 28th and 26th and crossing the bike trail. Thank you.

Beth Ann Christiansen:

Good evening. My name is Beth Ann Christiansen. I live at 3201 122nd Street right prior to where the bike trail joins up at 122nd Street. And I wanted to speak to the last Planning meeting which happened where the options were discussed. One of the options discussed having an assessment for the homeowners of Prairie Trails West and a cul-de-sac put in. I just want to make this known that if an emergency access is required, changes would have to be made to both the bike trail and 122nd Street regardless of what scenario was chosen, because there's over a two foot grade change between the road and the bike trail. That's my first concern.

Second is I just had a question about further accessibility along Russell Road. I know there's one entrance now, but down the line would there be other entrances available for this future development? Thank you.

Jessica Davis:

Jessica Davis, 11819 28th Avenue. First I would like to thank Sue Brennan for going through all the effort to inform us of things we did not know were going on at all. I had been under the impression for many years that 28th Avenue would not even be involved in all this development of the street, and all of a sudden I'm now under the impression it is the only street that is going to be affected. I do not know. I'll be anxious to hear what you have to say. I've lived on the same street for three decades, and the traffic has been a major problem with speeding. I have even sped from the end of the road to 116th. It's a very normal thing to do. I can't even imagine what it will be like if we have a huge thoroughfare going through. As I understand some people on 122nd, they don't want this either. Nobody wants it, but is it any better if indeed I am correct that we are the sole beneficiaries of this development? Is it going to be any better to put it all on us or to spread it out a little bit? Thank you.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. A little change of pace. I wanted to mention Item D, Resolution 04-12 regarding paving. All of the homeowners in the affected area signed the petition and we're all looking forward to this getting passed and proceeding to the next step, and I want to thank you.

Michael Renner:

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Hi, I'm Mike Renner. I live at 3211 122nd Street and I'm the President of Prairie Trails West Subdivision. I just wanted to reiterate the opposition of crossing the bike trail by all our residents. I've also spoken to residents from Oak Ridge and from Green Tree and other people in the area that use the bike trail. I just want to make sure that you're real clear that nobody wants to cross this bike trail. Thank you.

Jeff Campillo:

Good evening, gentlemen. Jeff Campillo, 12121 26th Avenue. This is all kind of new to me. I'm new to the area. My wife and I just bought the home in December. Sue had passed out pamphlets, and I realize that they want to cut roads through possibly 26th or 28th. We moved out here from Niles, Illinois, which was constant traffic and noise and whatnot. So we came out here to a more country-like setting. It's a beautiful community, and I just hope we don't destroy those two dead end streets. Thank you.

Jeff Patterson:

Hi, Jeff Patterson, 12140 32nd Avenue. As you guys know, I'm opposed to any crossing of the Kenosha County Bike Trail. In fact, I'd like to see at the end of this maybe an ordinance by the Village prohibiting any crossings of the bike path in the future and we can all put this to sleep. Thanks.

Jane Romanowski:

There are no additional sign ups, Mr. President.

John Steinbrink:

Seeing no other sign ups, we'll close citizen comments and move on to Item 6.

6. VILLAGE BOARD COMMENTS

Tom Terwall:

I would defer to the Village Administrator and let him respond to as many comments as possible.

Mike Pollocoff:

I'll take these as they came, and some of these I think will probably be addressed by Jean and Bob Martin our engineer. The issue of improvements on 28th Avenue associated with the Prairie Trails East Subdivision, one of the things that the Village has been dealing with in the proposal for that subdivision, and it's been on the boards for a number of years, is access in and out of the subdivision. As everybody heard tonight, we've had a series of meetings as this has evolved, Prairie Trails is two subdivisions, West and East. The first to be developed, history for the people on 28th, on 26th that are here we had our first meetings on that subdivision. The original people

who were on that subdivision right off of 39th Avenue they opposed the extension of 122nd into Prairie Trails East, the current subdivision where 122nd runs through. At that time the plan had been adopted showing access across the bike path, access at Russell Road, and then two access points north on 26th and north on 28th, so we could facilitate traffic movement around the whole area. So access on 26th and 28th has always been an integral part of this plan.

As time has gone on, and it's been developing slowly, for us to approve a subdivision with access on either 28th or 26th with those road being in the condition that they are, and when I say the condition they're narrow and not built to handle a lot of traffic, and they're not completely improved. As you know, there's sewer on both roads, but there's not complete construction of water on both roads, and there is no storm sewer improvements, no drainage improvements. And anybody that lives there knows that's the case. One of the things we've indicated to the developer is that for access on those roads, one of the things that the developer is going to need to plan for is improvement to the road. We've required this in a number of subdivisions in the Village where a developer uses an existing road to access their development so they can develop that land, but that access or the cost of those improvements shouldn't be borne by the people who are already there, because they're already there and they have full use of the road that's there.

That's not the case on 122nd because that road is built to current road specifications, and in that case the developer when he built Prairie Trails east was required to build that section of road between 39th Avenue and 122nd, so all the people in Prairie Trails East could drive by those properties on the way to their homes on a fully improved road.

So what the road would be to meet those requirements a number of things would have to happen. First, it has to be designed and that hasn't happened yet. We're still at the conceptual planning stage. And to do that they would have to take into consideration the topography of the roadway, what we have to work with now, what the existing drainage patterns are, and what would it take to make drainage occur with a widened roadway so that no one would flood from that. And then it would be curbed and guttered. And the reason we do that is for a number of reasons. One is to establish the limits of the road, and the type of road would be so people could park on either side of the road and there would still be room to move back and forth.

And the other reason is as you improve that roadway and you make the road--if you do it under a rural profile, which is with ditches and curb and gutter, and I think 28th in places is 22 feet and in some places it's 18 feet, and then it goes down to 16 feet, you want to leave the road narrow and then load all that traffic on there without widening it, it's going to be dangerous. So if you made it a rural roadway, without the curbs and the gutters, when you put the ditch improvements in so the water would drain in that area, you end up pushing it out farther towards the homes than if you put in curb and gutter. Because if you put in curb and gutter, then you can put in storm sewers and the storm sewers will collect the water and divert it to whatever drainage improvement is constructed, rather than the ditches. A good example is looking at the profile of Springbrook Road which is a nice road. It has ditches, but that profile is really wide, whereas if you deal with an urban profile and you put in storm sewers and curb and gutter, you can direct that water to storm sewers and the sewers take that water away.

There would also need to be water extended in particular on 28th Avenue and a connection on 26th Avenue, because right now water comes from 116th Street down to 119th Street. The Village

policy on that is that it's at the developer's expense to put in the water. Let me back up. First, the road expense is the developer's expense. The only time the developer is entitled to any money back on that is if someone is able to develop their property, divide it, create lots, and benefit from that improvement, then they need to share in there. But if they don't, if you just have a lot and you've got a new road in front of your house and it was put in by the developer, that's at the developer's expense.

The same is true for water. If the developer puts in the water line, that's the developer's expense and they have to pay the cost of doing that. The Village won't require connection to that water, but if you do connect to it, you need to pay the developer your fair share for that water line. If you don't connect to it, you don't pay for it. You get the water main but you don't have to pay for it until you need it. And what typically happens in these areas is if someone has a well and their well goes bad, at that point they're making a decision to fix the well or hook up the water and what's the best deal for me. We've had areas in the Village where a water main has been put on--deferred water mains and the assessments go back to 1972, the deferred assessments. People have been on their wells that long, and the water main has been in the street that long and it's been that way. I think for a homeowner the advantage is you have water in front of your property and you have access to it if you absolutely need it. The biggest benefit on 28th and 26th for water is you actually have fire hydrants in your neighborhood, whereas now you're in a tanker neighborhood. So if there's a fire the Chief is hauling water into the neighborhood. If there's fire hydrants there, he's bringing pumpers in there and there's an unlimited supply of water.

How this is going to work is, as I said, we're at the preliminary stage. It's been at the preliminary stage for quite a while. At some point the developer, and I don't know if the developer is here or not, but he's going to have to make that financial decision whether or not he can improve two roads to the north between the current dead ends up to 116th Street, pay the cost of those improvements, and make the development worthwhile and pay it's way. That's a decision he's got to make, and that might not happen all at once. The Village is requiring that as the subdivision is built, that roadway or construction for the subdivision has to come from Russell Road.

As far as the alignment with the road, given those are old town roads I'd be surprised if any of them are aligned correctly, 26th or 28th. They may not be on center. That would have to be discovered. One of the questions asked was why can't you find another access to 128th Street. And the reason we can't is, as Jean is showing on that map there, there's a little arrow that says proposed Prairie Trails East, and that little arrow is going into an entire green area and that conservancy. And we can't cross wetlands with the road. So that's really inside of 200 feet about the only place you can access that subdivision that piece of land.

The other questions I have is why curb and gutter. We have done traffic studies, and Bob might have those numbers. We had our engineering consultant prepare a traffic study for this area and identify what the different traffic flows are on all access points.

With response to Mr. Kull's comments, as far as an independent study being done, when a plan is reviewed by the Village, the people who provide police protection to your property and fire protection and take care of public works projects, these are the people who are going to be responsible for it on a day-to-day basis and what it takes to provide public safety needs to the

community. And we evaluate that based on what it's going to take to do that. And the criteria we have used to evaluate that, in particular in public safety, is what's going to make the existing residents safe and ensure that we can take care of everybody; what's going to happen to make sure that the existing taxpayers don't have to pay an increased price to take care of new development in the manner that's not efficient; and what it's going to take to operate this thing in perpetuity.

We don't review the developer's plans and make a decision as to let's do what's best for the developer and, therefore, we need to have somebody independent take a review of our work or the developer's work. It stands or falls on whatever is proposed. This area, as Jean as indicated, we've been as open as anybody can be. We've been putting plans up since 1990. We've heard comments on all sides of it. The one option is that to not develop it or not allow that parcel to develop means that we as a community need to be willing to buy that parcel. And if we start buying land up at a clip so it doesn't develop, pretty soon no one is going to be able to afford to live here, because none of this land is inexpensive. So there has been no independent study to review our fire and police operations. I don't think that's needed. In respect to automatic responses from another community, the Village enjoys a good working relationship with Winthrop Harbor as we do all of our communities. And automatic responses will cover auto accidents. They don't cover a structural fire. They don't cover a major incident, and we don't run down there for every little thing, and they don't run up here for every other little thing. I think to build a fire station in this neighborhood to facilitate a shared movement would not be in anybody's interest either.

I think as far as what happens as far as the alternative that's going to be a decision the Board will make tonight on which way they proceed on the crossings and the conditions of 122nd. Mr. Babcock's request for the paving, the Board will adopt a resolution tonight and we'll be scheduling a hearing probably within a month once we get some design done and quantities for bid so everybody knows what the exact number is for asphalt. I think I addressed everything. Jean, was there something else in there you picked up or Bob?

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The width of the road?

Mike Pollocoff:

I'm sorry. The width of the road would be 37 feet wide. It would be the same as all over subdivision roads in the Village. It would be from one curb to another.

Bob Martin:

I would like to make a couple of comments in general. Right now, the traffic counts as of 1999 were 3,600 from Sheridan Road westbound on 128th to EZ. And when you look at the projected full build out number it goes to 7,000, so it essentially doubles in that stretch. When you look at 116th from Sheridan Road to EZ, it's just under 1,000, that 1999 count. That goes to 5,000 under total build out again. Essentially, what's going to happen is that when you don't distribute the

traffic through the neighborhood, you really push it to the corners. And where you see all the problems going to be at 104th and EZ, for example, and that's where the traffic just keeps accumulating up to those corners. That's where the traffic wants to go, north, south, east, west along those corridors. So tendencies of traffic are higher speeding when you get inconvenienced by rerouting. Part of that is caused by dead end streets and so on. So in many ways it's a little bit healthier traffic wise to let it get out to these points at different locations and not go out at one location at a time. So I'd just like to make that point. It's not maybe intuitive, but that's the way traffic operates.

John Steinbrink:

Jean, did you have anything further to add?

Jean Werbie:

I'll be making the presentation under the first item under new business.

John Steinbrink:

Any further comments from the Board?

7. NEW BUSINESS

A. Receive Plan Commission Recommendation and Consider the request of Ted Pickus, agent for Prairie Trails LLC, owner for a Conceptual Plan approval for a proposed Prairie Trails East single family subdivision generally located north of 128th Street and east of the Kenosha County Bike Trail.

Jean Werbie:

Mr. President, on April 26th the Village staff and the residents and the Plan Commission held a lengthy public hearing wherein we talked about the conceptual plan for the proposed Prairie Trails East Subdivision. That subdivision is generally located north of 128th Street, east of the Kenosha County Bike Trail, and it's just south of 26th and 28th Avenues.

The particular discussion that we had on Monday night was it came after a long tabled series of meetings from last October wherein the staff was asked to re-evaluate the subdivisions as proposed, once again, as well as take a look at the crossing of the Kenosha County Bike Trail and to look at the interconnections with the adjacent subdivisions, and how the new subdivision would fit into the overall picture of the Village's transportation plan and land use plan.

At that meeting staff presented historical background information, and there were several pages that were read. As Mr. Kull had indicated, there was a lot of work that had been done since 1990 in this particular subdivision. As shown on the overhead, the master conceptual plan that was prepared back in 1990, this was the one that was approved by the Plan Commission and the Board. There was not a tremendous amount of opposition to this plan because there weren't a lot of residents that . . . in this particular area, but there was not significant objection or a lot of

voiced objection from anyone. That didn't come until the late '90s, actually almost 2000 when a neighborhood plan had been revised again. Actually, as noted back on Monday, the neighborhood plan had been revised a number of times with each successive conceptual plan as it was getting tweaked. So it was looked at again in '92 and '94 and '95 and '96 and '98 when Prairie Trails West Addition No. 1 Subdivision was constructed. So it had been looked at a number of times since then. Again, it was looked at in 2000 and 2001 and again in 2003.

At that time, back in 1990, the Village worked closely with Kenosha County to put together our master conceptual plans. And we met with County staff to department heads, and they provided the direction to us as to what was going to happen with respect to the crossing of the bike trail. They made some specific recommendations to us at that time as to what they would have liked to see with respect to the bike trail crossing. And I specifically remember them saying you didn't need to make any applications for any permits at this time because you're not crossing it west of the bike trail. You're crossing it when you go east of the bike trail. So you'll need to come back to us at that time. And there were no objections, again, from the County Planning, staff, or the Parks Director or Public Works or the County Executive or the County Clerk who all signed easements that allowed us to cross the bike trail with sanitary sewer and storm sewer in order to get over to the east side of the bike trail.

That all being said, we have developed a number of subdivisions west of the bike trail. Green Tree Estates, then Prairie Trails, then Oakridge, then Prairie Trails West Addition No. 1, so there's been a lot of development and a lot of new residents that have come into this particular area. And this area has been developing as a very quiet, peaceful area that's pretty much been secluded from the east side of the bike trail. There's limited access to this particular area, but it has allowed for more freedom for private, quiet cul-de-sac, private, quiet dead ended streets without a lot of through traffic.

But in the staff's mind, in the long-term picture, we always knew that as new developments and as new subdivisions were built in the Village, they needed to interconnect to existing subdivisions in some way, shape or form in order to provide for efficient services, to provide for access, to provide for that connection. And in this particular case, the Prairie Trails East Subdivision, in following with the previous plans, has made four immediate connections to existing Village roadways: One at 26th Avenue, one at 28th Avenue, one at 122nd Street and one at 128th Street. It also proposes future connections to the east, again, when and if that development occurs. It's critical to understand and remember that the Village is not forcing new development anywhere within this community. Property owners have the right to come forth to the Village when services area available to that area to develop their land. And that's what this particular developer, who has been trying to develop this area for about 15 years. The question is where we make these connections to make it safe for the new development that occurs.

We do have guidelines and standards which set forth that each new development, based on the number of lots or the amount of development that's going to occur, needs to interconnect for access purposes to a number of different points. And there was a woman, and I don't know who it was because I didn't catch her name, who said the best thing would be if we dispersed this traffic basically is what she said so that it's spread out amongst various access points. Then not all that traffic is going down one road or another road or another road. It's dispersed. And that's what Bob was getting at, our Village Engineer, is that if you disperse that traffic, then there isn't

one single road that's going to be handling all the additional traffic from the new development.

One of the things we have been saying from the very beginning, though, with respect to this new development, is that we would not accept any construction traffic with heavy equipment, the trucks and the housing construction equipment, to travel over any of the other existing roads at this point, that they would have to travel up and down and connect through the State Line Road or Russell Road, so that would eliminate any of the big heavy trucks going through any of the existing residential subdivisions in Pleasant Prairie.

We covered a lot of other things at the Plan Commission where we talked about open space, tree preservation, retention areas, the total number of lots which were proposed which was 148. The lots varied in size. The minimum lot size was 15,000 or a third of an acre, and it went up from there up to about 20,000 square feet or more depending on if you were in a treed area or if you were on a cul-de-sac. We talked about the rezoning that would be needed, and then that led us to the bike trail crossing.

Initially sent out immediately to the residents was two alternatives. There was an alternative that the bike trail be crossed. And there was a second alternative where cul-de-sacs were installed, and an emergency access road was cross over the bike trail. There was some concern, and after considerable discussion we decided that we would try to come up with up to five different alternatives for the Plan Commission to consider. I'm going to show you all five alternatives. I know you all were there at the meeting, and you know that the Plan Commission comes to you with no recommendation. They voted two or three times on different alternatives, and they could not reach a consensus on any one alternative to bring to you. So because of that these alternatives come from the Plan Commission with no recommendation with you to make that decision.

The first alternative was the one that was proposed with the original conceptual plan, and that was to cross the Kenosha County Bike Trail at 122nd Street as originally proposed. There is some grade separation, but it is extremely minor, and the County had recognized that back in 1990. In fact, the grade separation is much more of an issue on the east side of the bike trail, not on the west side, because it drops off more significantly, and they would have needed to do some additional grading, and they would have needed to do some work over there in order to make sure that that connection worked. We had taken a number of photos that showed how flat it actually was out there. Relatively speaking for roadways it would not have been an issue for the connection on the west side. Again, considerable work would need to be done on the east side, but those would have been engineering costs that would have needed to be incurred by the developer.

The second alternative basically was to leave things the way they were on the west side where they dead end into the bike trail where there's some existing bollards that prevent traffic from getting onto the bike trail. And then on the east side the roadway would terminate in a cul-de-sac, again, with bollards placed at the end of the cul-de-sac so you couldn't jump the curb and get into the bike trail. We thought about this for a couple of reasons. The developer would be dedicating a six or seven acre park on the north side which adjacent to the bike trail, and we wanted to make sure that there would have been adequate parking, and we wanted to make sure that there would have been turnaround movements at the end of the cul-de-sac to facilitate garbage trucks and snow plows and everyone else who needs to make that turning movement and get back out. Big

municipal vehicles are very difficult to back up down long dead ended streets, and so it just makes it very difficult to provide services very effectively and efficiently.

The third alternative was to place cul-de-sacs on either side and then bollards at the end as well. This, again, would not facilitate any crossing of the bike trail, and it would allow for turnaround movements for municipal vehicles or school buses or whatever needed to get down there that they could move and turn around. It would also allow for parking at the end on the cul-de-sac, islands in the centers of the cul-de-sacs would be an attractive type of amenity at the end of the street. Part of this would be the question of who would be paying for the cul-de-sac on the west side of 122nd Street. If the developer had known up front back in 1994 when McLaughlin actually did the first phase of Prairie Trails West, if he would have known that a cul-de-sac was preferred by the County and by the Village, he would have been forced to put in the cul-de-sac at that time at his cost. But that was not the intent, and so that was not put in, and so that's why there was some discussion as to whether or not the cul-de-sac would be assessed on the west side to the property owners that benefit, and then the east side, obviously, would be a cost by the new developer.

A fourth alternative was looked at, and this was one that was sent out to some of the residents, was that each end, Prairie Trails East and West would have a cul-de-sac, and then there would not be bollards at the end of the two cul-de-sacs, but rather there would be a crossing for emergency type vehicles, those needing to get onto the bike trail or to cross the road in a timely manner. Again, this would actually facilitate the crossing back and forth, but not for everyday traffic but for emergency vehicles.

And then a fifth alternative, which is probably the exact opposite to the first, is to wind everything back to 1990 and actually remove the roadway that connects from 32nd Avenue and 122nd Street to the bike trail, remove the pavement, remove it all, obviously the sewer and water would stay underneath the road, but at that point the road would actually terminate at that location. The road would be vacated. You'd be dedicated to the lands on either side and it would serve basically just as a bike/pedestrian connection to the bike trail. On the east side there would be a cul-de-sac at this alternative, and this design for the subdivision is left intact. There would still be a cul-de-sac on the east side that would facilitate the turning movements.

You have five alternatives that were presented to you. The staff's concern is that if the bike trail is not going to be crossed at this location, and even if it would be crossed at this location we are not considering it and we're not planning to cross it anywhere else in Pleasant Prairie, between here and where Pleasant Prairie ends. There are no other considerations for crossing. For pedestrian crossings, especially north of 116th where Unified owns that land, but no physical road crossings. And just because you approve one crossing that doesn't mean that there's going to be another crossing, because every area has to be looked at by itself. Although there's a great point that a resident brought up and that is that it crosses at two or three other locations at much more excessive speeds than at a slower residential speed at 25 miles an hour, and we don't have a lot of major accidents at any one of those other crossings. But, again, it needs to be looked at because the integrity of the bike trail is very important to Pleasant Prairie, as well as those who are commuting back and forth or using it for recreational purposes.

I'm not sure if there's any other points that you'd like me to bring up or talk about. We've covered a lot. We've been covering a lot for 15 years. But I think it's important to note that if

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new subdivisions are going to be approved in the Village, we need to be able to get access to them. We cannot not provide access. We have to provide access, because they have the right to the same services that existing residents have, and we need to be able to get to them and they need to be able to get out. So we need to rethink things or maybe we need to re-lay out part of this plan. One of the other points is that if the bike trail is not crossed, we really need to relook at the interconnection of this subdivision, because we've got too many long dead ended roads and we'll probably need to relook at it again to see how it can interconnect. But it does need to connect someplace.

Mike Serpe:

I think we're experiencing growing pains severely. With reference to the Prairie Trails West, before we get into the Prairie Trails East conceptual plan, I'm advocating that we support alternate plan no. 2 for many reasons. But the biggest one is we're supporting the residents and they're adamant on that. I think we haven't gotten County approval on it yet that's been known. I think it would be poor planning if we were to vacate that portion of the road, because as it is today with the residents not wanting that crossing, and I'm willing to respect that request, ten years from now that whole neighborhood may change and they may have different leadership or different residents that may say we want 122nd Street to go across. We want to get to that other subdivision. So for us to vacate that road and to change all the plans and not allow us to make that change would be a mistake. I want to keep that option open to the Village probably long after we're all off this Board and gone and probably dead. So I would push for alternate number 2, and then we'll talk about the Prairie Trails East Subdivision.

With reference to Prairie Trails East, Jean, and just refresh my memory, did we discuss at all the possibility of a 27th Avenue at any point?

Jean Werbie:

Where would that be?

Mike Serpe:

It would have to be made. Here's where I'm coming from. 28th Avenue, I've been down there enough times that it is a very, very narrow street, and some of the houses are relatively close to the right of way. If we were to expand that road we would be coming very, very close to the front yards or front doors of some of those. Is 27th Avenue on there? There is no 27th Avenue. That's what I'm saying. What I was getting to is this, Jean. If we were to take where 122nd Street curves around and then goes into 28th Avenue, you see that there as you're going north? Instead of coming out on 116th, somewhere or some distance south of 116th what if that veered off and we created a 27th Avenue between 26th and 28th?

Steve Kumorkiewicz:

There's no land over there.

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Mike Serpe:

There's nothing between 26th and 27th Avenue?

Jean Werbie:

No. The brown is all existing home sites. In fact, this is an older aerial. Most of them are all built on.

Mike Serpe:

Okay, forget that idea. I was under the impression there was distance between 26th and 28th. Apparently not.

William O'Toole:

Thank you, Mr. Chairman. I've got a couple concerns about this whole conceptual plan. Clearly the bike trail crossing is something I couldn't support, but I'm also very concerned about 28th and 26th Avenue. I think we need to go back to the drawing board with this developer. I'm also a little perplexed, Jean, he knew about this meeting tonight, and I think it's important that he be here to at least hear what the neighbors and the people in the community and what their opinions are.

Jean Werbie:

I agree. I'm not sure why he's not here tonight.

William O'Toole:

But we really have two issues before us. I would first like to commend the staff for their work in responding with alternatives to the bike trail issue. I think that really did reflect your concern to be responsive to the needs of the residents in that area in coming forth with many alternatives. I was at the Plan Commission meeting and heard all the options explored fully, and I can appreciate the concerns that many of the Commissioners had regarding the public safety issues and the importance of crossing that. However, I don't think that the public safety would be significantly impacted by not crossing it. I believe that the bike trail is a mitigating factor. It's a special usage, something that's important. Mike Pollocoff has been a big advocate for bike trails throughout the Village. I think people ought to know that, a system of interconnecting bike trails throughout this Village, and somebody I hope we're able to get there. So I just think it should not be crossed. Clearly, the people in the area don't want it, and I also believe they shouldn't have to incur any special assessment in order to stop it. I also would not like to see the other Village taxpayers have to incur any expense in removing it. I think that option 2 is probably the most taxpayer friendly option that's on the board. I could support that option as well. But I really have a lot of concerns about the plan in general and think we may need to go back to the drawing board with this developer.

Steve Kumorkiewicz:

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Jean, do we have in the ordinance any subdivision with more than 140 houses that have got three entrances?

Jean Werbie:

That is what the ordinance recommends. That's correct.

Steve Kumorkiewicz:

So no matter what, regardless of the entrance from 128th, the developer has to improve 26th and 28th Avenue. I drove several times over there, as a matter of fact, on 28th. There's a beautiful German Shepard by 116th and another German Shepard on the end. It's .5 miles from 116th to the end of the road at 28th, 26th is a little shorter. I think that the developer is going to have to take a second look at this.

John Steinbrink:

Jean, on alternative number 2, we leave 122nd in and we dead end it at the bike trail. How do public service vehicles turn around there?

Jean Werbie:

On the east side or the west side? The west side?

John Steinbrink:

West side.

Jean Werbie:

Maybe Mike can comment on that.

Mike Pollocoff:

It would be my recommendation that if alternate 2 is adopted that we cease maintenance on 122nd.

John Steinbrink:

We do like alternate 4 except we just don't remove it. We would block it off at the curve, an the asphalt remains in case a future date something happens, but it remains blocked so that the Village doesn't have to maintain it and doesn't have to back up or turn around vehicle in a non turnaround area and run into the problem we ran into a few winters ago.

Mike Pollocoff:

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Right.

John Steinbrink:

That would be my recommendation. With that, number 2 that we block it so that the Village doesn't incur any expense or hazard.

Mike Pollocoff:

Barricade it you mean?

John Steinbrink:

Barricade it at that point, but leave it exist there. So basically what we have is alternative number 4 without removing it right now.

Tom Terwall:

A couple of comments, Mr. President. We hear time and again in this Village that this is nothing but a good old boy network, that all the decisions are made before the meeting. If anybody was here last Monday night I think you know that's not the case. After an hour of debate we had two 3 to 3 tie votes and ended up with no recommendation to the Village Board. So I commend the Plan Commissioners for the thought that went into this, and I'm glad they came with no recommendation because it leaves it in the hands of the Village Board.

I'm going to support alternative 2 for a couple of reasons. Number one, given the tax situation in this State and the constant push for a freeze, I would be opposed to the Village incurring any expense either for the removal of that road or for the creation of a cul-de-sac. We don't have the money in our budget, and I don't know where the money would come from. And the property owners have made it very clear that they don't want to be assessed for it. So I'm going to support alternative 2.

But I also am going to support it, and my primary reason for supporting it, is because of the fact that that is a bike trail. If that were a street, I would be all in favor of this road going through. But I'm going to support alternative 2 because I think there's risks involved in increasing the traffic across the bike trail. It's been pointed out that we have not had accidents at 104th Street. We have not had accidents at 116th, and we certainly haven't had accidents even at Springbrook Road. But in this case I think the vision block would be significant compared to what it is at those streets, although it's not real good at 116th Street either. But I think I'm going to support not crossing the bike trail only because that's a bike trail, and I don't want anybody to interpret this as a precedent setting move that says the next subdivision that comes along that doesn't want to be attached to the next subdivision that we set a precedent that we said they don't have to interconnect. Interconnecting subdivisions still make sense. And if this were not a bike trail, this would definitely make sense. So I'm going to support alternative 2.

Jean Werbie:

I don't know if any of the other Board members wanted to talk about alternative 2, but with

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alternative 2 that comes with some changes on the east side of the bike trail and I wanted to be able to talk about those. So is there any more discussion on alternative 2?

John Steinbrink:

Is anybody opposed to blocking it at that point at 32nd? Does that create any problem for the Village, Mike, in not removing it?

Mike Pollocoff:

No. Over time the road will deteriorate.

John Steinbrink:

That's fine.

Tom Terwall:

But you would leave it open wide enough for bikes to get to the bike trail, would you not? You would just block it for motor vehicular traffic but still allow bikes and buggies?

John Steinbrink:

Right. We'd want to eliminate any maintenance that the Village would have to do on it. So that doesn't oppose any legal problem for the Village?

Mike Pollocoff:

No. Basically I guess my recommendation would be we bollard the asphalt.

Jean Werbie:

Given that discussion then, I guess the plan would show then a bollard off that roadway. There would be a cul-de-sac on the east side of 122nd Street. This road would be too long, then, so we'd need to have an interconnecting roadway right here so that traffic would not be on too long of a dead end. But up here, on 28th Avenue, and you didn't really get into this but this is what I heard tonight, is that they're concerned about the through traffic going north/south, so eliminate this connection piece right here so that any traffic that goes north/south they would have to really make a big maneuver in order to get where they wanted to go, so that would still be a connection right here, but it would not be a through connection, and it would not be an encouraging connection going north/ south. But it would be an alternative connection for traffic to get out of the subdivision. Certainly it wouldn't be the preferred route because it's so indirect with the exception of these few people that live on the end of that cul-de-sac. And then 26th would stay at that location, and then the other access would be 128th. Then they would have three access points out of this subdivision with 122nd Street being eliminated.

Mike Pollocoff:

I agree with Jean from a traffic standpoint and a planning standpoint. But I think maybe the policy question that the Board might want to make now is that the conceptual plan has changed if you adopt your proposed alternative 2 with modifications. The conceptual plan has changed significantly. The developer isn't here. I think the third thing is that it modifies the traffic study. The traffic study isn't any good anymore. And I think what really should happen is this gets shipped back to the developer for rework and to bring back a proposal for staff to evaluate given the new conditions that have been placed on the neighborhood plan rather than proceeding without him being here. To me that's a policy question. We can kind of make some recommendations, but I think it goes back to the beginning.

Tom Terwall:

I have no trouble with that at all, and I would support tabling that and referring it back. The only thing I want to get off the table tonight is I'd like to see the Board adopt a resolution that says we're not going to cross the bike trail so that these people don't have to come back.

William O'Toole:

Tom, specifically are you saying that what we need to adopt tonight is to make it clear to the developer that the only option that we would consider here is number 2? Is that what you want to get off the table?

Tom Terwall:

Even more specific than that. The developer doesn't care what we do on the west side of the bike trail as long as he doesn't have to pay for it. So I think we can adopt that tonight and say we are adopting alternative B, period, and then he knows he's got to go back and redesign his plan, but the people on the west side don't have to keep coming back to make sure that the bike trail is not going to be crossed.

William O'Toole:

I would support that. And I think that because of the many concerns that have been raised about 26th and 28th, as you pointed out, the developer is not here, this whole thing needs to go back to the drawing board. But I think with Tom's stipulation that we approve the bike trail issue tonight. I support that.

Mike Serpe:

Jean, a question with reference to 128th. That is patrolled and taken care of by Lake County, is that correct?

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Jean Werbie:

Yes.

Mike Serpe:

Are agreements in place with reference to access points coming into Pleasant Prairie with reference to bypass lanes, turning lanes? Has that been addressed?

Jean Werbie:

Yes, their engineer has been working with Lake County. In fact, they had to do a traffic study on State Line Road, and they were only given one access point onto State Line Road at this location. So that has been agreed to, and we have a conditional approval with all the conditions of what they need to meet with respect to bypass and turn lanes and so on and so forth at the State Line. But we will not be issuing the permit, Lake County will.

Tom Terwall:

Mr. President, I would make a motion that we refer the conceptual plan back to staff and to the developer, and included in that motion is that the Village Board adopt the resolution stating that we are placing in effect alternative B for the--that as a separate motion?

Jean Werbie:

Well, there's no resolution on the agenda for that. So we can give direction with respect to this, but we can't have a resolution effectively.

Mike Pollocoff:

They can make a resolution on that.

Tom Terwall:

It was a part of--if we adopt the conceptual plan tonight, that would have been included in it, would it not?

Jean Werbie:

Yes.

Tom Terwall:

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So I'm moving to adopt alternative 2, but to send the rest of the conceptual plan for Prairie Trails East back to the developer and staff for further consideration.

William O'Toole:

Second.

John Steinbrink:

Is that alternative 2 with the changes, Tom?

Tom Terwall:

Yes.

William O'Toole:

Again, a point of clarification. On the closing on the west side, you mentioned that you would barricade that?

Mike Pollocoff:

We'd bollard it so somebody could get through on a bike or ambulate through there, but you couldn't have a vehicle.

William O'Toole:

That's what I wanted to make sure to speak to Tom's point that you could still ride your bike down there or push a stroller or something.

Jean Werbie:

Is the Board's motion to table then the conceptual plan or refer it back to staff and Plan Commission without a recommendation?

Tom Terwall:

Refer it back.

Jean Werbie:

Okay, otherwise it would stay on the Board's agenda and we're not going to do that.

Tom Terwall:

No, we want to refer it back. There's no sense in bringing it back in its current form, Jean.

TERWALL MOVED TO ADOPT ALTERNATIVE 2 AND TO BOLLARD THE ACCESS TO THE BIKE TRAIL BUT NOT REMOVE THE ASPHALT AND TO REFER THE CONCEPTUAL PLAN FOR PRAIRIE TRAILS EAST BACK TO THE DEVELOPER AND STAFF FOR FURTHER CONSIDERATION; SECONDED BY O'TOOLE; MOTION CARRIED UNANIMOUSLY.

- B. Receive Plan Commission Recommendation and Consider Ord #04-28 for a Zoning Map Amendment for request of Pat Kressin, agent on behalf of the property owners, Bachaus Golf & Development Associates to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District on the property generally located between 43rd and 47th Avenues and 107th Place and 109th Street in the proposed Whispering Knoll Subdivision.**

Tom Terwall:

Mr. President, this was a matter for public hearing at the Plan Commission meeting. I would move that we concur with the recommendation of staff and the Plan Commission and approve the rezoning.

TERWALL MOVED TO ADOPT CONSIDER ORD #04-28 FOR A ZONING MAP AMENDMENT FOR REQUEST OF PAT KRESSIN, AGENT ON BEHALF OF THE PROPERTY OWNERS, BACHAUS GOLF & DEVELOPMENT ASSOCIATES TO REZONE THE FIELD DELINEATED WETLANDS INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT ON THE PROPERTY GENERALLY LOCATED BETWEEN 43RD AND 47TH AVENUES AND 107TH PLACE AND 109TH STREET IN THE PROPOSED WHISPERING KNOLL SUBDIVISION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

- C. Consider Resolution No. 04-20 - Resolution Urging the Wisconsin State Legislature to Introduce and Support Legislation Requiring Computer and Consumer Electronics Producers to Take Back their Products, Phase Out the Use of Hazardous Materials and Recycle these Products Responsibly.**

Kathy Goessl:

I was approached by the Grass Root Recycling Network, and they're asking us to approve this resolution. Currently computers and consumer electronics is the fastest growing waste stream. An estimate 350 million computers are put into landfills yearly. About half a million are in Wisconsin landfills estimated for 2002. These discarded computers and electronics contain materials that pose hazards to humans' health and the environment. Currently what this resolution is saying we don't want that responsibility to be put on the taxpayers. We want to shift the burden of these disposal costs for the computers and electronics from the local taxpayers back to the producers. Internalizing these costs and giving the market incentives to design products that are durable, less toxic and recyclable. Therefore we're requesting that this resolution be passed saying that we support the resolution to put the burden back on the computer manufacturers instead of on taxpayers.

Tom Terwall:

A couple comments, Mr. President. I work for a company that had divisions in Europe. We are an electronics manufacturer. In Europe not only does it extend to electronics equipment, it extends to automobiles and refrigerators and washers and driers. The manufacturer is responsible for that vehicle or that washer or drier or TV set forever. So 20 years from now if your Volkswagen quits running, you can tell the Volkswagen factory it's yours, take it back. If your washing machine quits, it's yours, take it back. I think we need to get to that point. Because now we're paying for this stuff to go into the landfill. I'm going to be very curious to see what the legislature does given the amount of money that they get from the electronics lobbyists and that they don't get from the taxpayers. But I'm going to support this. I think it's a very good idea.

Steve Kumorkiewicz:

Yes, it is.

John Steinbrink:

This item was already before the DNR committee of which I'm a member. There were a lot of manufacturers. And you're right, Tom, Europe is way ahead of us and Japan and everywhere else with their responsibility in not only the production but the recycling of this. A lot of input was put into this, but at the end of the day WMC opposed it because they didn't know what the impact would be on their clients. And this is the same WMC which is a strong voice in Madison that's pushing Tabor and other things, but yet they don't seem to mind us picking up the tab for everything else, so it's kind of amazing. But I think it's a good idea.

O'TOOLE MOVED TO ADOPT RESOLUTION NO. 04-20 - RESOLUTION URGING THE WISCONSIN STATE LEGISLATURE TO INTRODUCE AND SUPPORT LEGISLATION REQUIRING COMPUTER AND CONSUMER ELECTRONICS PRODUCERS TO TAKE BACK THEIR PRODUCTS, PHASE OUT THE USE OF HAZARDOUS MATERIALS AND RECYCLE THESE PRODUCTS RESPONSIBLY; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

D. Consider Resolution No. 04-21 - Preliminary Resolution Declaring Intent to Exercise Special Assessment Police powers in Connection with the Construction of Paving on 1st Court from Lakeshore Drive west to include 11350 1st Court.

Mike Pollocoff:

Mr. President, this resolution declaring the intent to levy special assessments for the improvement of 1st Court and to conduct a public hearing for that would be on the first meeting in June. I'd recommend the resolution be adopted.

SERPE MOVED TO ADOPT RESOLUTION NO. 04-21 - PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POLICE POWERS IN

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CONNECTION WITH THE CONSTRUCTION OF PAVING ON 1ST COURT FROM LAKESHORE DRIVE WEST TO INCLUDE 11350 1ST COURT; SECONDED BY O'TOOLE; MOTION CARRIED UNANIMOUSLY.

E. Consider Ground Lease between the Village of Pleasant Prairie and Voicestream CSM I Operating Company LLC to place an extension and antennae on the Village Hall Cell Tower.

Mike Pollocoff:

Mr. President, this is an item that the Plan Commission has approved at a previous meeting last Monday to put up an extension on the existing tower behind the Village Hall, construct another building similar to the one building that's out there, and put on antennas on that building. The agreement provides for the work relationship between the Village and the tenant. In the terms there's a \$1,000 option from a monetary standpoint, and the base rent we came up with is \$850 per month. We're currently collecting \$1,500 a month from U.S. Cellular for both the tower and the hut, and this is for the hut alone, but they are going to be adding 25 feet onto the existing tower. So we did go back and forth on the price. \$850 was the price they proposed originally--I think \$850 is the negotiated price right now.

John Steinbrink:

Those dollars, Mike, where will those go then? Will those dollars go in the same fund as the others?

Mike Pollocoff:

Yes, right now the existing resolution places those dollars in the therapeutic rec programs.

John Steinbrink:

That's something not many other communities have or do.

Mike Pollocoff:

Not that we know of.

John Steinbrink:

Especially not the County.

Mike Serpe:

But the \$850 is the agreed upon price then, the \$850 a month?

Mike Pollocoff:

That's the best we can get from them.

SERPE MOVED TO APPROVE A GROUND LEASE BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND VOICESTREAM CSM I OPERATING COMPANY LLC TO PLACE AN EXTENSION AND ANTENNAE ON THE VILLAGE HALL CELL TOWER; SECONDED BY O'TOOLE; MOTION CARRIED UNANIMOUSLY.

F. Consider Award of Contract for West Frontage Road Utilities.

Mike Pollocoff:

Mr. President, we received sealed bids for construction of the west frontage road utilities. Seven bids were received. They were open on April 14th at 2 p.m. for contract A, the one we want to award tonight. The low bid was submitted by A.W. Oakes and Sons of Racine in the amount of \$254,063.20. That's for work that's south of 165 as part of the TIF project and the Community Development Authority. At this time we're recommending that all bids be rejected under a contract fee in order to accommodate the scheduling of that project and see if we can secure a better price. So I have two separate recommendations. One is the award for A.W. Oakes, and the other would be to reject all bids on contract B.

TERWALL MOVED TO AWARD A CONTRACT FOR WEST FRONTAGE ROAD UTILITIES TO A.W. OAKES AND SONS FOR CONTRACT A AND REJECT ALL BIDS ON CONTRACT B IN ACCORDANCE WITH THE ADMINISTRATOR'S RECOMMENDATION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED UNANIMOUSLY.

G. Consider Resolution No. 04-22 – Resolution in Appreciation of Fran Puidokas.

Mike Pollocoff:

Mr. President, Trustee Kumorkiewicz has advised us that Fran Puidokas is declining to serve for another term on the School Commission for health reasons. This is a resolution to recognize her service to the Village for 27 years on the School Commission. The numerous things she's helped the Commission and the Village accomplish, her concern for parents, students and everyone involved in the schools, and that the Village Board sign this resolution and present to her with a plaque.

Mike Serpe:

Fran has undertaken the 4th of July parade for years, and you just take those things for granted that every 4th of July or thereabouts we're going to have a civic day parade in the City of Kenosha which is done very, very well. Fran has taken that task for years and has done an absolutely marvelous job. Her and her husband both, Frank. Fran served a lot of years, and I'll tell you she's a very, very dedicated person and very deserving of the recognition.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION NO. 04-22 – RESOLUTION IN APPRECIATION OF FRAN PUIDOKAS; SECONDED BY SERPE; MOTION CARRIED UNANIMOUSLY.

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H. Consider School Commission Appointment.

Steve Kumorkiewicz:

I'd like to recommend the appointment of Mrs. Linda Chiapetta, 8253 66th Avenue to fill the spot left vacant by Fran Puidokas for the next two years.

John Steinbrink:

So it will be a two year term starting in May.

Steve Kumorkiewicz:

Yes.

SERPE MOVED TO APPONT LINDA CHIAPETTA TO THE SCHOOL COMMISSION TO MAY 1, 2006; SECONDED BY O'TOOLE; MOTION CARRIED UNANIMOUSLY.

I. Consent Agenda

- 1) Approve Bartender Licenses on file.
- 2) Approve the Request of Craig Riley of STS Consultants, on behalf of the Congregation of St. Anne, owner, for a Certified Survey Map to divide Outlot 13 of Prairie Ridge (St. Anne Church) into two (2) parcels

TERWALL MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2 SUBJECT TO AND INCLUDING STAFF COMMENTS; SECONDED BY O'TOOLE; MOTION CARRIED UNANIMOUSLY.

J. Such Other Matters Authorized by Law

John Steinbrink:

Mike, what work are we doing with the County on Smart Growth and will they stick to the plan?

Mike Pollocoff:

Jean and I attended the meeting that was held by SEWRPC and the County Office of Planning and Development where they presented the proposal whereby the Village would join with the entire County in preparation of a plan that's complying with the Smart Growth Plan legislation. As you know the clock is ticking on that, it's 2010. The way the funding would work out is the Village would kick in \$60,000. Every community kind of puts in the amount of money that's been identified based on their population or what the cost should be. The State's indicated we could do the Smart Growth Plan for \$60,000, which I could fly if we could do a plan for \$60,000. But, the essence of it is that SEWRPC would complete the plan, the County Board would adopt it, oversee it and kind of shepherd it through. There would a separate plan document that the Village would obtain for what we have, and we go forward.

The premise is that the way the Smart Growth legislation pertaining to grants was structured is that the more communities come together and do a joint plan, the more likely you are to get a grant. Well, there's been some communities or counties that have gone together to do this. There's one County, Sheboygan County, put theirs together and they didn't make a grant this cycle, so it's really dependent on the State level of funding in order to fund these grants. So I doubt seriously there would be one this year. Right now there's two communities out of the shoot that are already doing a plan so they're not going to be part of the process. So it won't be 100 percent involved. And I heard a couple other communities say that they're not going to do it.

Smart Growth, as we discovered, I don't know if there's anybody here from as we started this process, but it marries zoning and the land use together. So what happens is you prezone your land for development. So what's vacant land now that would be commercial in the future or residential or manufacturing, those people get that zoning classification as you adopt that plan. So, in essence, when smart growth comes about, the Plan Commission is going to be doing site and operational plan review. A lot of the local input that we heard from people tonight, that's going to be by the wayside, because in essence it ensures that the people who develop land or own land for development have gotten a lot of their rights taken care of up front, and we basically just kind of administratively go through the process. So that's going to be--I don't think we're in a rush to get to that point. I think that's something we want to put off as close to 2010 as possible, but we've done a fair shake of that work, and there's other things that need to happen. SEWRPC has a lot of the data that they're still working on based on the census. They don't have it yet, but they'll develop it. And the County Board will be standing behind you guys toe to toe.

John Steinbrink:

It's been my experience that any planning or, as you say, the preparation we do with the County should have an H in it I guess, because that's usually where we get it. And it's kind of irresponsible on their part for a lot of what occurs and what happens and the lack of foresight in living up to any agreements.

Tom Terwall:

John, there were rumors last fall when the tax freeze was a big issue that there was some support of the government to do away with this whole planning exercise. Is there anything going on in that front at all?

John Steinbrink:

There still is a large movement in Madison to do away with Smart Growth. Basically Smart Growth was designed for the communities that don't have any planning, don't want any planning, and want the State to share the burden for everything they do which, of course, we're paying for that. It's kind of ironic we've already done a lot of what's out there for Smart Growth, so we're paying to reinvent the wheel and the other people are still being obstructionists. And there's a group that wants it. I don't think it's done yet. So hopefully it won't be a wasted effort. But, as you say, the Village has taken the lead as always and laid out a development plan for the Village, and I think you have to do that when you're dealing with sewer and water and you're in a growth area. Because if you don't, you're just throwing money away. It's very important to develop in

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an orderly fashion. Any other comments?

8. ADJOURNMENT

**KUMORKIEWICZ MOVED TO ADJOURN THE MEETING; SECONDED BY
O'TOOLE; MOTION CARRIED UNANIMOUSLY AND MEETING ADJOURNED AT 6:40 P.M.**