

**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
October 2, 2006
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, October 2, 2006. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Alex Tiahnybok, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director and Jane Romanowski, Village Clerk.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **MINUTES OF MEETING – SEPTEMBER 5, 2006**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETING OF SEPTEMBER 5, 2006 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

5. **CITIZEN COMMENTS**

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. I just wanted to make a couple of comments regarding Item E on the agenda regarding the wetlands over on 3rd Avenue. I want to make sure that everybody strictly adheres to the 15 foot fill area. The Village has done an excellent job of making sure the driveway fits in that 15 foot area. Again, I'd like to make sure to ask the Village not to grant any additional variances to this property for building. And I have a question. This is lot 3. Lot 4 directly north or northeast of there, are there any wetlands on that lot that would affect the setbacks for lot number 3 that's here on Item E. I notice there were some stakings or something done on that lot and just wondered does lot 3 have to adhere to the setbacks of any of the wetlands on lot 4? Thank you.

Diane Schoen:

Diane Schoen, 6320 109th Street. I did get the message that you are satisfied with the method you are using for calculating the clean water fee and apparently do not intend to change it. However, 8 percent of the single family residents that are paying a whopping 40 percent of the total residential fees are not satisfied. Think about that for a minute. 440 residents of 5,554 are paying nearly half of the residential fee.

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We don't understand how you can justify this disparity wherein the highest fee is 7,000 times the lowest fee, fees that are based on an estimate used to design storm water systems for entire watersheds. We don't understand why you are not concerned about the errors that have been identified. Of the few people who have taken the time to understand the complex formula and applied it to their own properties, the following errors have been identified and reported to your engineering department. A property with multi zoning which includes three acres of agriculture was not credited for the exempt agricultural portion resulting in about \$60 in annual overcharges.

On another property, the impervious area of the house was overlooked and not included in the calculation resulting in an annual under charge of \$20. These areas were found in two of the 5,554 residential properties. How huge is this error factor? Only a person who can understand a complex engineering formula and is intimately familiar with the property can identify discrepancies.

We don't understand why Pleasant Prairie considers this a proper way to assess fees to their citizens when other communities do not. Included in my handout are lists of 104 communities that charge all single family homes alike or in a very similar manner. Most of the other Wisconsin communities had their fee structure prepared by professional environmental engineering services. Are all these professionals wrong and Pleasant Prairie is right? Most of the other communities use impervious area only because impervious causes the most polluted runoff and goes more rapidly into the storm water system. Instead, Pleasant Prairie is charging large fees for those with more pervious area, i.e., land.

I could not find a single municipality that uses the same calculation method as Pleasant Prairie. We don't understand why two previous clean water fee reviews did not address the concerns that were brought out. This huge disparity in charges, the inability of citizens to understand the fee, the burden placed on relatively few. We were only advised that if we lived in Madison we would pay more. We don't live in Madison and even Madison uses a calculation the average citizen can understand. They simply apply one rate for impervious and a much smaller rate, roughly 13 times less, for pervious area. If we did live in Madison we could at least apply this simple formula to our own properties and determine the accuracy, and we would know that every resident is paying a fee comparable to other properties, not some ridiculously low and some ridiculously high.

Restructuring of storm water fees is not without precedent. It was done in Sarasota, Florida and Olympia, Washington. Others were simply abandoned or struck down in legal challenge. If you were so satisfied with the method of assessing this fee why was the impact so minimized at your November 21st meeting when it was voted in? Why was the only amount mentioned for residential fees about \$1 a month? The full impact of up to \$70 a month for some residents was never mentioned. That is how I got involved in this in the first place when my first bill came and was nearly four times the amount is expected. Thank you.

Herbert Driscoll:

My name is Herbert Driscoll. I live at 10733 122nd Street. I only have two comments regarding last week's proposed budget meeting. During that meeting I was able to copy down 13 of the 14

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departments' proposed budgets. The Village Administrator stated only that it would be the same as last year's. And since most of us are not privy to the 2005 budget, I ask that he state those numbers now for the record. I would also ask that both the 2005 and the 2006 finalized budgets be published in some public forum such as your website or the newspapers. The City of Kenosha has theirs on their website. Thank you.

Sherri Chmielecki:

Sherri Chmielecki, 11009 122nd Street. I was also at the meeting last Monday but I had to leave because of commitments, and I'd like to know where I can get a published list of last year's budget and also the proposed this year's budget so I can compare what was last year and this year. Also, Mr. Pollocoff stated that his budget would be the same as last year. Would he state what his budget was last year so we would have an idea if it's the same or not. I appreciate it. Thank you.

Jeffrey Bond:

Good evening. For the record my name is Jeff Bond, real estate manager with Gordon Food Service, 420 50th Street in Grand Rapids, Michigan. I'm here tonight to answer questions pertaining to Items 7C and 7D which will be presented here in just a short while. We've been working with Pleasant Prairie planning staff here for the last several months and I think we've come up with a pretty nice project that will fit the Village quite well. We're here seeking your favorable consideration. So if there are any questions at the time of that presentation I'll be present to answer those. Thank you.

Jane Romanowski:

There are no more sign ups, Mr. President.

John Steinbrink:

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

6. VILLAGE BOARD COMMENTS

Jeff Lauer:

I just have probably one comment at this time. Glancing over, Diane, the comments you wrote I think you made a valid point that was probably overlooked when we did the clean water and that was listing the low and not the high side. I think in the future it might be a good idea. I know this clean water impact has a lot of different opinions on it. I think in the future it would be good for the Board if we have to do something like this again to actually list the low side or average and what's the possibility could be the high side. I think that would help cover at least that one area of your concern.

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Alex Tiahnybok:

I think the idea of having some numbers of the website is a perfect venue. Things could be uploaded and people could download whatever PDF's they want of the Village budget. I think that's an excellent idea and I commend you for brining it up. I'm all for transparency, and I think the citizens, taxpayers, etc., should be able to see how we're doing and how it compares year over year, etc. So I hope that the Village staff takes that to heart and gives it some strong consideration. I don't know what comparables look like, but if the City of Kenosha does it then there's no reason why we're not doing it.

The Carol Beach Property Owners Association had their annual block party. Actually it was yesterday. It was supposed to be Saturday but the afternoon rain kind of took care of that. Two things were brought up numerous times to me. One was there's still the expectation that the Public Works Department is going to do the lake access cleanups that was promised since last year and it hasn't been done. And there really is if we use public safety as the criteria for making decisions there is a public safety aspect to that. Some of those areas are overgrown and have arguably hazardous objects on them so they should be cleaned up. And I guess in the larger sense one of the motivations for having lake access is there ever was a crisis and you needed to be able to get to the lake to service let's say a boating catastrophe or something like that if it's overgrown and filled with garbage it's hard to get through. So I truly hope that that gets taken care of.

Of course, the referendum items were another topic. Somebody comments to me that since Carol Beach residents are smarter than average they thought about it a little bit. One point that was brought up and I thought it was something that's worthwhile airing out and that is the referendum items just happen to be public safety items for the most part, things that people I think as a general rule would have a hard time denying and turning down. There are a lot of other capital expenditures in the budget that are being covered under the normal levy. The question was asked if we're covering jaws of life and things like that under a referendum, which I'm totally behind, why did we choose the public safety items and chose to ignore items like computer enhancements, etc., and not make those visible, too, because those are new items or replacement items not any more or less than the jaws of life. So I thought that was a perspective that's worthwhile talking about.

7. NEW BUSINESS

A. Receive Plan Commission Recommendation and Consider Plan Commission Recommendation and Consider Comprehensive Plan to amend the Park and Open Space Plan 2006-2011 to include a conceptual park plan for Carol Beach Estates Unit W Neighborhood Park.

Jean Werbie:

Mr. President and members of the Board, you have before you Resolution #06-49. It's a resolution to support amendments to the Village's comprehensive plan. Specifically, this request is to modify or make an amendment to the Village's comprehensive plan as it relates to the

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adoption of park and open space plan 2006-2011 for the Village as it impacts the Carol Beach Estates Unit W Park area.

Over the past approximately year and a half, there have been considerable discussions, public meetings, public hearings, as well as surveys, it's my understanding, that were taken by the Village Park Commission regarding the location of a neighborhood park down in Carol Beach Estates. Over that time period it was discussed back and forth the different options and types of park that would be placed in that area. But the Plan Commission at their last meeting adopted this particular conceptual plan for Carol Beach Unit W as a master or conceptual plan to be included in the neighborhood park planning document as well as the comprehensive plan for this particular area.

It's a somewhat simple plan. It's a rather passive park. As you can see its north of 90th Street. Its west of 5th Avenue in Unit W. Primarily what's shown as part of this plan is a small cul-de-sac turnaround at the end of the terminus of the roadway, a possible tot lot, as well as some mulched walking trails to get you from one end to the other. But primarily a very passive nature park that's been identified.

The area that's just to the south that's also shown between 90th Street and the parkland area is owned by the Village of Pleasant Prairie. At this time the area that's been identified for the Carol Beach Estates Unit W Park is privately owned. We did receive a letter from the current property owner who indicated that he did not object to the designation, however he feels that if it's going to be developed for park purposes that he should be compensated appropriately for the land for that purpose.

With that, the Village Plan Commission, the Park Commission as well as the staff recommend approval of this Unit W conceptual plan park. Before you is Resolution 06-49 to support the amendments to the comprehensive plan for this park plan.

Steve Kumorkiewicz:

With this if we approve the resolution we are . . . private property over there. . . this resolution, not included with that?

Jean Werbie:

We're not taking this, no. We're just designating as part of our park plan.

Steve Kumorkiewicz:

I make a motion to approve Resolution 06-49.

Jeff Lauer:

Second.

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John Steinbrink:

Motion and a second. Any further discussion?

Alex Tiahnybok:

I live about four blocks away from that site, and I came before the Plan Commission last week mainly I think to try to illustrate and highlight the fact that the plan as it's shown up there right now is an absolute compromise. There are citizens in that area that wanted very much to have a more developed park. There are citizens in that area that wanted to see no improvements at all. This thing has gotten kicked around quite a lot. I happen to be on the Park Commission. There was an elaborate plan put together based on initial citizen input. There were objections to that so it was reduced. It went before the Plan Commission and people objected there. It got sent back to the Park Commission and was reviewed again. Got sent back to the Plan Commission. It was objected to again. Then it came before the Plan Commission again last week.

I showed up with a stack of paper about five inches thick and basically said this is an abridged version of all the iterations that have happened. I conducted a survey of everyone within three blocks of that site, and what you see there is truly a representation of the citizens' wishes. Something I learned last week which I didn't know which really kind of helped the case even more is that land is already zoned park and recreation so the potential for it to be developed into residential property, Jean, is just about zero, right? It would take a serious revision of our master plan, wouldn't it?

Jean Werbie:

The comprehensive plan would need to be amended and the zoning map would need to be amended.

Alex Tiahnybok:

So if the Village was to move forward to try to acquire that property with the assistance of some grants, etc., we're not at all interfering with somebody's right to develop their property because they bought it in that state, correct?

Jean Werbie:

They understood what the circumstances were when they purchased it. Whether or not they had different dreams for that property I don't know, but that's certainly something we would take a look at.

Alex Tiahnybok:

But it's important to note that we're not taking away somebody's plan or right I guess is probably the right word. They maybe had expectations that things could change, etc., but that was never a right, that was a possibility at best, right?

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Jean Werbie:

Correct.

Alex Tiahnybok:

Again, I appreciate everyone's work and Mike Serpe spearheaded this at Plan Commission last week and I appreciate that. Again, it's truly a compromise that doesn't satisfy anyone entirely perfectly but it also doesn't fly in the face of anyone's wishes too much. I'm in favor of it.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION PLAN COMMISSION RECOMMENDATION AND ADOPT A COMPREHENSIVE PLAN TO AMEND THE PARK AND OPEN SPACE PLAN 2006-2011 TO INCLUDE A CONCEPTUAL PARK PLAN FOR CAROL BEACH ESTATES UNIT W NEIGHBORHOOD PARK; SECONDED BY LAUER; MOTION CARRIED 5-0.

B. Receive Plan Commission Recommendation and Consider a Zoning Map Amendment (Ord. #06-46) to rezone the approximate 13 acre property located at 9335 Old Green Bay Road owned by Virginia Dabbs Qualified Residential Personal Trust from B-2, Community Commercial District to B-2 (AGO), Community Business District with a General Agricultural Overlay District which will allow the property to continue and/or expand the farm related operations on the property.

Jean Werbie:

Mr. President and members of the Board, on August 21, 2006, the Village Board adopted Resolution 06-38 to initiate a zoning map amendment to rezone the property which is located at 9335 Old Green Bay Road by placing an AGO, General Agricultural Overlay District on the property with a B-2, Community Business District.

Pursuant to the Village's comprehensive land use plan, the future land use for this property is community commercial, and the property is currently zoned B-2, Community Commercial. However, this property known as the Dabbs Farm has been used for agricultural purposes for over 100 years and is proposing to continue its agricultural uses into the near future. So by adding the AGO Overlay District classification to the property, it would allow for the existing farming operations as a conforming use and allow the uses on the property to continue. It would also allow for any existing farm related buildings to expand on the property during the period of time that they were still using it for farming purposes.

The Plan Commission held a public hearing and recommended that since this property is still being used for agricultural purposes and it's intended for that purpose for some time, that the property be zoned into the B-2, AGO, which again is Community Business District with a General Agricultural Overlay District as presented. As you can see, this property is bounded by 93rd Street on the north, Dabbs Farm Drive on the east, and then Highway 31 or the frontage road for Green Bay Road on the west.

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The property that's also owned by the Dabbs that is east of Dabbs Farm Drive is currently zoned that AGO Overlay. So what we're doing is we're putting all of their property into that same overlay classification. Again, the Plan Commission at their last meeting on September 25, 2006 recommended approval, and the staff also recommends approval of the request.

LAUER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING MAP AMENDMENT (ORD. #06-46) TO REZONE THE APPROXIMATE 13 ACRE PROPERTY LOCATED AT 9335 OLD GREEN BAY ROAD OWNED BY VIRGINIA DABBS QUALIFIED RESIDENTIAL PERSONAL TRUST FROM B-2, COMMUNITY COMMERCIAL DISTRICT TO B-2 (AGO), COMMUNITY BUSINESS DISTRICT WITH A GENERAL AGRICULTURAL OVERLAY DISTRICT WHICH WILL ALLOW THE PROPERTY TO CONTINUE AND/OR EXPAND THE FARM RELATED OPERATIONS ON THE PROPERTY; SECONDED BY SERPE; MOTION CARRIED 5-0.

- C. Receive Plan Commission Recommendation and Consider a Zoning Text Amendment (Ord. #06-47) for the request of Jeff Bond of Gordon Food Service, Inc., agent for RAP of Pewaukee, LLC, property owner, for a Zoning Text Amendment to amend Section 420-137 of the Village Zoning Ordinance to create the specific Ordinance requirements for a Planned Unit Development (PUD) Overlay District for the proposed Gordon Food Service Marketplace development to be located south of Chili's restaurant.**

Jean Werbie:

Mr. President, I would ask that Item D also be taken up on the agenda at this time since one presentation will be made.

- D. Receive Plan Commission Recommendation and Consider a Zoning Map Amendment (Ord. #06-48) at the request of Jeff Bond of Gordon Food Service, Inc., agent for RAP of Pewaukee, LLC, property owner, for the following requests pertaining to the proposed Gordon Food Service Marketplace development to be located south of Chili's restaurant: 1) To rezone the non-wetland portion of the property from R-4, Urban Single Family Residential District to B-2 (PUD), Community Business District with a Planned Unit Development Overlay District (note that the PUD Overlay zoning will encompass the entire property, including the wetland area) and, 2) To correct the Zoning Map and rezone the re-delineated wetland area on the property into the C-1, Lowland Resource Conservancy District.**

Jean Werbie:

Mr. President and members of the Board, the two items we'll be taking up for the request of Jeff Bond of Gordon Food Service is 06-47 which is a zoning text amendment ordinance, and then the second item is Ordinance 06-48 and that is actually a rezoning of the property from B-2 to a PUD with a B-2 as well as an amendment of the map to reflect the wetland delineations that were done on the property.

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Gordon Food service is a 108 year old company, family-owned and operated in Grand Rapids, Michigan. It's the largest private food service company in the United States providing restaurants, schools, churches, hospitals and other institutions with restaurant quality food and food service products. They supply national brand and private-label products to the wholesale customers in the Midwest and Mid-South states, South Florida and across Canada.

They do not process or manufacture products and in particular not at this location. Independent processors and manufacturers supply food and non food products to GFS for distribution to its wholesale customers. Product warehousing is handled by a state of the art industry, high tech distribution centers owned and operated by GFS located in Michigan and several other states and throughout Canada. Several non automated facilities help support the supply chain. Products are shipped directly to the wholesale customers from these facilities via the GFS truck fleet.

The GFS Marketplace that is proposed in Pleasant Prairie it's a chain of stores that was developed to service retail customers and help support small business customers that are not easily serviced by their wholesale service sales representatives. It's a wholly owned division by GFS, and it's been in operation for over 26 years and operates 115 stores in Michigan, Ohio, Indiana, Illinois, Kentucky, Western Pennsylvania and South Florida. This would be the first store in Wisconsin and the closest ones to Pleasant Prairie are in the Chicago suburbs. At the present time there are no other GFS stores obviously operating in Wisconsin but they are seeking other sites.

GFS Marketplace stores offer broad selection of restaurant quality national brand and private label foods and food service products, and this would be not only to service restaurants, schools, organizations, churches, caterers and event planners, but to the general public with no membership required. They will be stocking over 2,500 items and you can special order items at the store as well. They offer computerized menu planning. It's a great source for restaurant quality bulk packaged food and meal items for food preparation and serving equipment. The stores range in size between 9,000 and over 20,000 square feet depending on their size. The typical size of their sites are 1.6 to 2 acres and they will be purchasing the land, developing the facility, and operating the stores as well as maintaining it at this location in Pleasant Prairie.

The petitioner's request is two-fold, first with respect to the rezoning. It's to rezone the non wetland portion of the property from the R-4, Urban Single Family Residential District to the B-2 PUD. Again, it's in a Community Business District with a Planned Unit Development Overlay District. The second is to correct the zoning map and to rezone the field delineated wetlands based on the actual field conditions that they have determined on the site with the biologist.

The GFS site in Pleasant Prairie is approximately 3.15 acres. It's currently undeveloped. It's a corner property at the southwest corner of 75th Place and 69th Avenue just southwest of Johnson Bank or directly south of the Chili's Restaurant. They have frontage on both 75th Place and 69th Avenue, but their access will be to 75th Place and then eventually to the future development in the City of Kenosha to the west.

The wetlands that I had spoke of are at the rear of the property, and the wetlands were field delineated and placed into the C-1 District on March 3, 2003, as Ordinance 03-09, and we're just

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doing some clarifications to that at this point. GFS has entered into a land purchase agreement with RAP of Pewaukee, LLC, who I anticipate they'll be closing with sometime after the approvals are obtained.

Just to verify that this particular property is located within the Village's comprehensive land use plan as being within a community commercial area, it's a little fuzzy on the map but the boundaries are quite jagged between the City of Kenosha and the Village, but the area that's identified is specifically that piece of Pleasant Prairie that juts down from the area along Highway 50. The residentially developed properties to the immediate south are in the City of Kenosha as well as to the west of 70th Avenue in the City of Kenosha.

To the north of the site is Chili's Bar & Grill which is currently zoned B-2 PUD. Johnson Bank, again, is to the northeast and is zoned B-2. In the City of Kenosha the same B-2 designation exists with Back to Bed, Coldstone Creamery and Panera. To the south of the property is the City of Kenosha and their designation for that single family is RS-1, and there's also an area that's owned M-1 which is the Music Center in the City of Kenosha to the southeast.

To the east of the site within the City of Kenosha the property is owned by Sound on Wheels of Kenosha. It has B-2 with frontage on Green Bay Road, and then there's a small piece of property that's owned by the Wisconsin DOT just south of 76th.

To the west is an approximate eight acre undeveloped property which is located in the City of Kenosha. When and if that property develops it will be integrated to this development with cross-access and shared parking. This is an illustration of the zoning map with the B-2 and then the C-1 area. Again, the PUD will overlay the entire property.

Again, the granting of a PUD is not taken lightly. The developer must demonstrate community benefits associated with the PUD prior to consideration, and some of the items that we had discussed with the developer include allowing some parking spaces to encroach into the west side of the parking setback will result in an alignment of driveways which is very important to us, as well as to provide good cross-traffic between Chili's to the north and GFS to the south. They have agreed to reduce the size of the building a little bit in order to better accommodate it on the site. We worked through the different types of exterior materials on the site with respect to the type of brick and making sure that the selection is mirrored or very similar to the Chili's so it looks like a unified development.

They agreed to provide extra paved illuminated on-site parking. Cross-access for parking has been a very critical issue at least for the Chili's restaurant to the north, so we will not any longer have that temporary gravel parking lot but there will be some additional parking area that's well lit that will be accessible to Chili's on the north. Again, these reciprocal cross-access easements will be to the west as well so that customers can park whether they're in the City or GFS, but they'll have someplace to park rather than on the adjacent roadway system. There's increased shopping options with this opportunity, increased employment opportunities, increased Village real estate tax revenues and increased sales tax.

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At the Plan Commission meeting as part of the public hearing, I detailed each of the various items that are written into the Planned Unit Development. I will just highlight them. They are in your packets as well. But, again, in consideration of what they've offered to the Village, we've agreed to modify or massage slightly some of the setbacks in order to adequately fit this particular use on that site which is a nice in-fill for the Village of Pleasant Prairie at this location.

These PUD modifications relate to setbacks for parking spaces, construction design standards for the roof line, construction design standards for the type of exterior materials, construction design standards for decorative accents. The primary monument sign height we felt that it would be appropriate that the height of this sign be the same as Chili's Restaurant just to the north. There were some minor modifications with respect to the total amount of aggregate commercial signage on the building and on the site. Number seven relates to building setbacks to allow the side setback for the west side to only be 18 feet instead of 20 feet.

What I'd like to now do for you is go quickly through some of the slides of some of the exterior elevations of some of their other stores and to get some idea for you as to the color and the type of the materials. In Pleasant Prairie this is the proposed north building elevation. This is the south building elevation that will be facing the residential properties beyond the wetlands. There will be some rail fencing as well as some landscaping and the wetlands that will separate so you won't see it directly to the south. This is the east building elevation that you'll see facing towards at this time Green Bay Road. And the west elevation that faces the vacant land in the City of Kenosha.

At the Plan Commission meeting we did go through each of the site plan items as well. There was some questions regarding fire hydrants and such and those were explained at the Plan Commission meeting. This is the site utility plan, the grading plan and the site lighting plan. We felt it was very important that the site be well lit. The landscaping plan there are some comments with respect to upgrading some additional landscaping on the east side as well. There were a number of easements on this particular plan, and each of those documents do need to get recorded prior to the issuance of building permits. They really relate to cross-access easements for parking, for access, for storm water management. All of those need to be recorded prior to the issuance of permits. This is the internal floor plan for the building, and then the overall GFS building elevations.

That was my last slide. The staff and the Plan Commission recommend approval of both items on the agenda subject to all the comments and conditions as outlined in the staff memorandum. There is a representative, Jeff Bond, here from Michigan. If you have any questions I'm sure he'd be happy to answer them.

John Steinbrink:

Jean, on the DOT plan for the jug handle around Johnson Bank, the driveway here and everything lines up and there's no problem, right?

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Jean Werbie:

That's correct, it does.

Mike Serpe:

Just one thing. Jeff, when's the anticipated startup time on this?

Jeff Bond:

We're hoping to get started on this in the next year. What we have when we enter a new market is we try to get a couple of sites under control or owned rather so that we can take advantage of construction and management for that area. We're working on several sites currently. One additional site that we have is under contract in West Milwaukee. We're hoping to wrap that up here probably in the next six or eight months. So we're looking at probably a middle or late '07 start.

Mike Serpe:

Thank you. Mr. Chairman, I think it's a welcome addition to Pleasant Prairie. I'd move approval of 06-47.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Any other discussion?

Steve Kumorkiewicz:

I have a question for Jean. Jean, that piece of property in Pleasant Prairie that belongs to DOT, that was a . . . we discussed when Chili's was built for the jug handle going to Green Bay Road?

Jean Werbie:

The DOT acquired property directly south of 76th, so it runs due east to Highway 31 just south of the existing roadway.

Steve Kumorkiewicz:

We're okay with that?

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Mike Pollocoff:

Yes, we are. We're okay with that.

John Steinbrink:

Motion and a second. Further discussion?

Alex Tiahnybok:

During the Plan Commission meeting last week, there was some attention drawn to the fact that 75th Place in the Village of Pleasant Prairie is a designated road, but did I understand it correctly that in Kenosha it's not, and are there any ramifications if Kenosha changed their mind and decided not to keep it a road from an access perspective?

Jean Werbie:

Actually, 75th Place is the official name for that roadway from 69th Avenue west all the way to 70th Avenue. In the Village of Pleasant Prairie it's a public road because when we had our initial discussions with the developer, Robert Patch, we had indicated that the public road should connect the two public roads. That made the most sense, but at that time the City of Kenosha had a different policy, and when they had unified business developments they were not designating those as public roads but private roads. So while the Village maintains and plows 75th Place and 69th Avenue, the City of Kenosha requires that the local developer through their association maintain the rest of 75th Place behind Panera and Burger King to 70th Avenue. So the only drawback would be if it's not properly maintained or plowed or taken care of or lights weren't replaced. But my understanding is that there's an association or an agreement that those things will take place. I don't know if it's in the same time frame as when the roads get plowed in Pleasant Prairie. I don't know. But it is operating under private ownership and our part is under public ownership.

Alex Tiahnybok:

Is GFS fully aware of that, that the access is—

Jeff Bond:

In our easement agreement with Heartland Development or RAP of Pewaukee, Bob Patch, that's covered in that maintenance and snowplowing and so forth, the private section of that road. So what we'd like to see is the whole thing as a public street, but it's not at this point, but we want it to operate like a public street so that will be covered in our easement agreement with him.

Alex Tiahnybok:

I travel to Grand Rapids on a pretty regular basis for business, and there's I think one of your stores down there near the airport on 22nd Street is it?

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Jeff Bond:

28th Street.

Alex Tiahnybok:

It's definitely a nice thing. So more power to you and buy ten heads of lettuce at once in Pleasant Prairie. Not one, but ten, so that's a good thing.

Jeff Bond:

That's about three or four years old.

Jeff Lauer:

I think this is a welcome site for the Village. It's not only going to be good for the Village but I think it's going to be really good for the surrounding community and businesses that obviously are going to definitely use your service. So congratulations on thinking of the Village.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING TEXT AMENDMENT (ORD. #06-47) FOR THE REQUEST OF JEFF BOND OF GORDON FOOD SERVICE, INC., AGENT FOR RAP OF PEWAUKEE, LLC, PROPERTY OWNER, FOR A ZONING TEXT AMENDMENT TO AMEND SECTION 420-137 OF THE VILLAGE ZONING ORDINANCE TO CREATE THE SPECIFIC ORDINANCE REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT FOR THE PROPOSED GORDON FOOD SERVICE MARKETPLACE DEVELOPMENT TO BE LOCATED SOUTH OF CHILI'S RESTAURANT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

This is on the first. We need two motions here, correct?

Jean Werbie:

Yes.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING MAP AMENDMENT (ORD. #06-48) AT THE REQUEST OF JEFF BOND OF GORDON FOOD SERVICE, INC., AGENT FOR RAP OF PEWAUKEE, LLC, PROPERTY OWNER, FOR THE FOLLOWING REQUESTS PERTAINING TO THE PROPOSED GORDON FOOD SERVICE MARKETPLACE DEVELOPMENT TO BE LOCATED SOUTH OF CHILI'S RESTAURANT: 1) TO REZONE THE NON-WETLAND PORTION OF THE PROPERTY FROM R-4, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT TO B-2 (PUD), COMMUNITY BUSINESS DISTRICT WITH A PLANNED UNIT

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DEVELOPMENT OVERLAY DISTRICT (NOTE THAT THE PUD OVERLAY ZONING WILL ENCOMPASS THE ENTIRE PROPERTY, INCLUDING THE WETLAND AREA) AND, 2) TO CORRECT THE ZONING MAP AND REZONE THE RE-DELINEATED WETLAND AREA ON THE PROPERTY INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT; SECONDED BY LAUER; MOTION CARRIED 5-0.

- E. Receive Plan Commission Recommendation and Consider a Zoning Map Amendment (Ord. #06-49) to correct the Zoning Map and rezone the wetlands as field delineated on the property located south of 11335 3rd Avenue into the C-1, Lowland Resource Conservancy District.**

Jean Werbie:

Mr. President and members of the Board, the request before you is Ordinance #06-49 which is an ordinance to amend the official zoning map of the Village of Pleasant Prairie pursuant to Chapter 420-13. This is the request by the subject property generally located south of 11335 3rd Avenue known as Lot 20, Block 16 of the Carol Beach Estates Subdivision Unit #2 and U.S. Public Land Survey Section 30. The Tax Parcel Number is identified as 93-4-123-304-0085.

A portion of the subject property as been field delineated in wetlands in June of 2006 by Hey and Associates. The delineation was approved by the Wisconsin Department of Natural Resources and is legally shown on the attached platted survey as shown on the slide. The request is to rezone those areas that were field delineated as wetlands into the C-1, Lowland Resource Conservancy District. The portions of the property that are not wetlands will remain in the R-5, Urban Single Family Residential District. The entire property will remain in the LUSA District, which is the Limited Urban Service Overlay District. Those portions that were located within the 100-year floodplain also will remain within the 100-year floodplain designation.

The other comment that I'd like to make with respect to this request is that if someone would be building on this particular property, because these wetlands are located on this property, they have to maintain a 25 foot setback from these wetlands to the structure on the property. If there is an adjacent property to these wetlands, they have to maintain a 10 foot setback to wetlands on an adjacent lot. I'm not sure that answers Bob's question or not that he had earlier this evening. I don't have all the wetland maps here to see what wetland designations are on the surrounding properties. I'd have to pull the maps at the Village offices or look to see if there's any wetland files on file that have been delineated in this area.

The Plan Commission and the staff recommended approval of this zoning map amendment as presented.

Steve Kumorkiewicz:

Question for Jean. Jean, in these properties they have a short setback to the property line. There is not too much of a buildable property over there actually once you remove the wetlands. That will remain on the property?

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Jean Werbie:

The box area?

Steve Kumorkiewicz:

Yes, that's .2.

Jean Werbie:

There's a cross-hatched rectangle, and according to the property owners that has been removed from the property. So the box that is measured by the 10 foot setback, the 25 foot setback, the 30 from the street that designates the buildable area for someone if they'd like to build a home.

Steve Kumorkiewicz:

That's been removed. Okay.

John Steinbrink:

Has the issue of the shed been clarified, Jean?

Jean Werbie:

My understanding from the property owner was that it was removed. I have not field verified that it was removed and I certainly can do that prior to the certified survey map being signed by the Village President and the Clerk.

John Steinbrink:

So any motion would be subject to that.

Alex Tiahnybok:

Jean, we're not changing the amount of wetlands, we're just correctly zoning them into C-1, is that correct? Is that what this really accomplishes?

Jean Werbie:

Well, it does two things. I don't know what the wetlands looked like before, but I can tell you this is what they look like today and this wetland delineation is valid for five years. So now the wetland zoning matches what is on the ground today and it's valid for five years. So there could have been more or less wetlands five or ten years ago. I don't know that.

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Alex Tiahnybok:

Is it possible then that—because the building envelope now is pretty constrained.

Jean Werbie:

That's true.

Alex Tiahnybok:

Not a lot of breathing space there. So is this impacting the owner of the property in a negative way in any way? Did they have more buildable space before and this action is actually reducing their buildable envelope down to a real tight spot?

Jean Werbie:

I think what had happened was in certain areas of Carol Beach the wetlands were delineated based on an aerial photo interpretation. They were not based on actual delineations. So this is one of the properties that is in the Carol Beach Land Use Management study area that if there were wetlands on the property they needed to be field delineated when and if a property owner wanted to build on them to determine whether or not they had enough buildable area to place a home on the property. I can say we are in a drought for the last two years according to the wetland delineator. So there's probably less wetland than there was before. But without an accurate delineation previous to this I really couldn't tell you if they're gaining or losing more on the situation.

Alex Tiahnybok:

What bothers me about this is this kind of reminds me of the situation that Ron Sierra had where he had a lot and then we re-delineated the property or the DNR did and suddenly the buildable space got crunched down to something a lot less than the buyer or owner thought they had.

Jean Werbie:

Actually I do need to clarify. Actually there were two wetlands on his property that were delineated in '98 and he bought it knowing that those two wetlands were on the property. It hasn't come back to you yet, but on that particular property the Corps was out there three times, the DNR was out there, we were out there, and actually one of the wetlands on his property has been down classified to an interdunal swale. So it is no longer wetland. So he actually has a little bit bigger area. He's still working to try to modify the other one, but he's down to one wetland, again, because of the drought conditions and the low lake levels. That will be coming back to you at some point in the near future.

Mike Pollocoff:

And these aren't re-delineations unless it has been done.

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Jean Werbie:

Right, this is new.

Mike Pollocoff:

This is what the plan calls for in this area. That's what everybody signed onto that it was significant so before anybody build it had to be identified rather than trusting an aerial interpretation of it.

Alex Tiahnybok:

Has this been owned by one party for years or is it relatively a new transaction?

Jean Werbie:

I don't know that.

Alex Tiahnybok:

I'm just concerned. Carol Beach is kind of a unique spot and with these wetlands moving around I guess once they're done they're done for five years. Somebody could buy a property and suddenly realize they don't have a buildable lot.

Mike Serpe:

I think a lot of people that purchase down there are definitely taking that chance and they know that up front.

Jean Werbie:

Typically what happens, though, is that they're delineated first before they're purchased. Even Mr. Sierra's lot the delineation was out there so he knew that there were two wetlands on the property. He didn't believe it and they were re-delineated and now there's only one because, again, the low levels of the lake and the dryer conditions and the declassification of one of the wetlands. So it can work both ways. But most of the property owners down there have the delineations done first before they purchase property.

John Steinbrink:

Bob, did you have some history on this that you were going to share with us?

Bob Babcock:

(Inaudible)

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John Steinbrink:

This is the delineation now.

Jean Werbie:

Correct. It may be different than what it was before.

Bob Babcock:

This was all wetlands on the bottom and this was all wetlands here. This was the only buildable land.

Jean Werbie:

Are we looking at the same property, Bob? No, we're not. You've got Lot 3 of Block 20 and I've got Lot 20 in a different block. I think we've got two different projects that we're looking at. We can talk about that one after the meeting.

Bob Babcock:

This is 3rd Avenue?

Jean Werbie:

This is Richard Suwinski.

Bob Babcock:

We are talking about something else.

Jean Werbie:

I can visit with you because it might be an item that's coming up on another agenda.

Bob Babcock:

This is 11335 3rd Avenue and that's what this is. That's what the DNR used, that's what the Village used to put the driveway in. I'd maybe ask if we could table this until we get it straightened out.

Jean Werbie:

Or I can table it to the end of the agenda and I can go pull the maps as you're discussing another item to find out what happened.

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John Steinbrink:

We'll move this item to the rear of the agenda. Do we have such a motion?

TIAHNYBOK MOVED TO CONSIDER ITEM E AT THE END OF THE AGENDA SO CLARIFICATION OF THE LOT TO BE DISCUSSED CAN BE INVESTIGATED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Receive Plan Commission Recommendation and Consider a Zoning Text Amendment (Ord. #06-50) to amend Section 420-84 F of the Village Zoning Ordinance related to required swimming pool enclosures.

Jean Werbie:

Mr. President and members of the Board, on June 21, 1999, the Board had adopted the swimming pool regulations for the Village which required a six foot high pool enclosure, either a fence, decking with railing or attachable railing or any combination of the three. Prior to 1999, the Village only required a four foot high fence around swimming pools, even if the pool was greater than 52 inches. Fencing was only required around the ladder.

On July 14, 2006, the Village Administrator received a letter from William and Lorene Bakkila who live at 4808 105th Place in the Village requesting the Village to consider changing the fencing height requirements from six foot to four foot high around swimming pools. On August 7, 2006, the Board received the referenced letter in the attached correspondence, and the Village staff took the request and prepared an ordinance for the Village Plan Commission's and the Village Board's consideration. On August 14th the Plan Commission approved Resolution 06-16 to initiate the amendment, and the Plan Commission at their lat meeting on September 25th recommended approval of the ordinance that you have before you this evening.

The staff is proposing that the following swimming pool enclosures shall be required if the swimming pool is located outside of an approved principal or accessory structure. As information, these changes reflect similar swimming pool enclosures as required in the City of Kenosha. The staff sat down with the City's ordinance as well as some local swimming pool vendors and discussed these regulations with them as well and tried to be as consistent as possible and yet provide the greatest amount of safety and regulation for the swimming pool.

So, the various swimming pool enclosures there's actually three different options that a resident would have at this point. The first, a four foot high residential fence constructed pursuant to the ordinance shall be installed that is located in the rear, side or rear street yard that completely surrounds the swimming pool. So that's the first option regardless of the pool.

Number 2, a deck with a railing or a railing fence attached to the outer edge of the swimming pool shall be installed that completely surrounds the swimming pool provided that the following requirements are met. First, that the height of the railing fence shall be a minimum of four feet as measured from the finished yard grade to the top of the railing or fence. Two, that the yard grade

around the perimeter of the swimming pool shall remain level or slopes downward away from the pool a minimum of five feet from the base of the swimming pool.

Or, three, the ladder or steps used as a means of ingress or egress to the swimming pool shall be enclosed with one of the following: a) a railing or fence with a self-closing and self-locking mechanism that is a minimum of four feet in height as measured from the finished yard grade to the top of the railing or fence and the yard grade, again, shall remain level or slopes downward away from the swimming pool a minimum of five feet from the base of the pool; b) a railing or fence that is a minimum of four feet in height as measured from the top step of the ladder to the top of the railing fence. It shall have a self-closing and self-locking mechanism; or, c) the ladder or steps shall be hinged at the top and capable of being raised out of the reach of children with a self-locking mechanism, where the self-locking mechanism is a minimum of four feet as measured from the finished grade. That's where from the Plan Commission meeting to the Board meeting we inserted the four foot number. And, d) the ladder or steps are covered with a self-closing and self-latching barrier. That's something that's relatively new in the pool industry. It's something that actually covers over the steps and then locks. So I'd guess you'd have to go up the side but you can't walk up the steps.

Three, the third option, if the outer wall of the swimming pool is a minimum of four feet in height as measured from the finished yard grade to the top of the swimming pool, and the yard grade around the perimeter of the swimming pool remains level or slopes downward away from the pool for a minimum of five feet from the base, then a railing or fence as specified above is not required provided, however, that the ladder or the steps used as a means of ingress or egress to the swimming pool shall be enclosed with one of the following. Then all four of these really apply to that ladder, a railing or fence with a self-closing or self-locking mechanism. That's, again, a minimum of four feet in height as measured from the finished yard grade to the top of the railing or fence. Again, it slopes away from the pool. Number two, a railing or fence that's a minimum of four feet in height as measured from the top step of the ladder to the top railing or fence, again, having a self-closing or locking mechanism.

Three, the ladder or steps shall be hinged at the top and capable of being raised out of the reach of children with a self-locking mechanism. With the self-locking mechanism a minimum of four feet as measured from the finished yard grade. Or, four, the ladder or steps shall be covered with a self-closing or self-latching barrier.

One other element that we cover in swimming pool regulations is hot tubs. And we wanted to clarify and make it simpler. A fitted cover that is capable of supporting a minimum of 100 pounds shall be securely fastened to the outer edge of the hot tub.

The Plan Commission held a public hearing and recommends approval of this amendment to the zoning ordinance as presented.

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TIAHNYBOK MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING TEXT AMENDMENT (ORD. #06-50) TO AMEND SECTION 420-84 F OF THE VILLAGE ZONING ORDINANCE RELATED TO REQUIRED SWIMMING POOL ENCLOSURES; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- G. Consider an Agreement between Jenkins Survey & Design, Inc. and the Village for the preparation of the Highpoint Neighborhood Plan.**

Jean Werbie:

Mr. President, you have before you a request for an agreement between Jenkins Survey & Design and the Village of Pleasant Prairie to complete a neighborhood development plan for the Highpoint Neighborhood. Significant work has been started on the neighborhood planning effort based on a concerted effort of a group of developers, owners and the Village staff. However, there has been some miscommunication as well as some issues with respect to completing the work. So the Village felt that as long as we entered into an agreement with the same firm to complete that work and the fees to complete the neighborhood plan are still compensated or paid for by all the affected developers, that the Village would effectively take the lead agency role in completing the neighborhood plan.

The Highpoint neighborhood is located almost in the center of the Village north of Highway 165 and east of Green Bay Road. It's just to the south of 93rd Street. The scope of work has been outlined in the development agreement here or the neighborhood agreement between the company and the Village of Pleasant Prairie. This is a standard agreement that we typically use when entering into projects with various consultants.

The staff recommends approval of this development plan agreement, again, between Jenkins Survey & Design and the Village of Pleasant Prairie. Again, I have to clarify that the costs are not being incurred by the Village of Pleasant Prairie, but the developers and owners that are benefiting from this planning effort are paying the Village and reimbursing the Village and then we are compensating the consultant for the cost.

KUMORKIEWICZ MOVED TO APPROVE AN AGREEMENT BETWEEN JENKINS SURVEY & DESIGN, INC. AND THE VILLAGE FOR THE PREPARATION OF THE HIGHPOINT NEIGHBORHOOD PLAN; SECONDED BY SERPE; MOITON CARRIED 5-0.

- H. Consider an Agreement between the Village, DTS Ventures, Inc., Simon Group, Ltd and Westminster Swanson Land Partners, LLC for the preparation of the Highpoint Neighborhood Plan.**

Jean Werbie:

Mr. President and members of the Board, this is now an agreement between the Village and the various developers for the preparation of that Highpoint Neighborhood Plan. The Village staff recommends approval of this agreement. It clearly outlines the responsible parties as well as the

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fact that the costs incurred for the preparation of this plan will be borne by the affected property owners that are going to be benefiting from it. The staff recommends approval as presented.

SERPE MOVED TO APPROVE AN AGREEMENT BETWEEN THE VILLAGE, DTS VENTURES, INC., SIMON GROUP, LTD AND WESTMINSTER SWANSON LAND PARTNERS, LLC FOR THE PREPARATION OF THE HIGHPOINT NEIGHBORHOOD PLAN; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

I. Consider Ordinance #06-51 – Ordinance to Amend Chapter 68 of the Municipal Code relating to Naming Village Facilities and Streets.

Jeff Lauer:

Before you is an ordinance regarding street namings in the Village as well as any buildings or rooms that they don't be named after people serving as elected officials or as hired staff.

Mike Serpe:

Jeff, when we did this a number of years ago, it started with Lake Andrea and then the Wruck, Mike got the field house named after him. At the time that the Board then it was a unanimous decision to do this we felt it was proper then and I don't have a problem with it. I fully understand where you're coming from. You don't totally agree with doing that. I respect that feeling, but at the same time others might feel a little bit different about it.

To approve an ordinance that forever closes the door on that ever possibly happening, I would rather not do that but I would offer an alternative and a compromise to this. I'll pass these out to you guys. What this does is, and it's just a couple of lines here and I'll read them. The Village of Pleasant Prairie owns a number of buildings, streets, parks and roads and other municipal facilities that have a name associated with them. The Village of Pleasant Prairie Board of Trustees shall adopt a resolution describing why a road, street, park or other natural area is to be named after a person, place or thing. The Village of Pleasant Prairie Board of Trustees shall adopt a resolution describing why a building or room is named after a person.

So if it does ever come up, and I just don't anticipate this happening again for quite some time, if at all, we can discuss it at the time, and if it's a legitimate reason to name it we do it, and if there's argument not to do it this resolution gives us that avenue to either accept or reject. Rather than close the door permanently for the future I don't know that's the best idea.

Jeff Lauer:

So you're suggesting to replace this one with—

Mike Serpe:

Yes, I think it gives us a little dialogue at the Board level. We can argue for or against, whatever your feelings are, and majority rules.

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Steve Kumorkiewicz:

That way it can be discussed.

Jeff Lauer:

The one item why it's brought forth I think also it should be we as elected officials are elected to do a job, period. And those that are hired are to do a job, period. I don't have a major problem if something does extraordinary work especially consistently over a long period of time with this. I know it was part of my resolution and I notice, goodness I did e-mail you, but the attached paper was not the final draft I gave to be proposed. But you guys all did get the e-mail, the correct one.

But the issue is that we're here to do a job. I think that the guys should get up at two in the morning to snowplow streets, are they worthy of having something named after them because of what they do? Just let me read this real quick and if somebody else has comments on it that way I can respond. I'm done at this time.

Alex Tiahnybok:

I lived in Pleasant prairie for just over five years now, and as a relatively outsider frankly I was shocked to come into a Village and see, and this is nothing personal in regards to Mr. Pollocoff, but I was shocked to see a current employee's name on a building. I was equally shocked to see a current Trustees name on a street. I'm a great admirer of Ronald Reagan and he didn't get an aircraft carrier named after him until he almost died. He got an airport named after him in Washington years after his presidency was over. I'm not comparing anybody to Ronald Reagan now, but there was some time in between their activity as a leader, administrator, whatever and being given that honor.

One of the risks, frankly, of making a move like putting somebody's name on a building or on a street is what happens if they fall into disgrace of any kind? Then what do you do? You have to start stripping names off and stuff like that which I think is uglier than the accolade in the first place is positive. It was kind of interesting when we were debating the whole idea of putting information on the website in that we decided in order to move forward on that, that the information be taken off of the website a month before the election. I didn't see anybody worrying about Tom Terwall's name on Terwall Terrace when I was running for office against time. His name was on a street. You can't have it both ways.

I'm not totally in agreement with Jeff's concept. I think there's room for compromise. I think to wait after somebody is deceased to honor them I think maybe is in my opinion a little excessive. But I certainly don't think it should be given to anyone that's currently in office or doing a job. I just don't think it's appropriate. So before this thing gets out of hand, because we already have two different versions of the same ordinance before us, and I agree with the concept that Jeff has brought up and a lot of people feel this way. Maybe 50 percent don't. We don't know that for sure, but a lot of people feel that way.

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I propose a friendly amendment to Jeff's proposed ordinance that we change it from the last paragraph, -4, from deceased to no longer actively employed or serving in office. If we go that route then I think there's plenty of potential to honor somebody for their commitment and service. But I don't like the—I think I understand where Jeff is coming from, I just don't like the notion of somebody that's currently in office or holding a job to be recognized that way. I've heard terms and I'm not going to repeat them now, but I've heard some pretty pejorative terms in regards to that kind of activity. Why do we want to open ourselves up to that?

John Steinbrink:

I think both you gentlemen are missing the point here. These were individuals that have performed exceptional service for their community. If you want to start with Senator Andrea, we named the lake after him, Wally was still alive. I think you'll be hard pressed to find anybody in the City of Kenosha or the County of Kenosha, State of Wisconsin that would say he was not deserving of that honor. You may not know how the business park came about here being here only five years, but he was an integral part of it along with members of this Village or Town at the time and with Mr. Pollocoff's guidance.

We could have left that as a hole in the ground filled with weeds, previous gravel pit, just abandoned there, but some people went beyond the limit to make sure we had something for the community there. These are people that do more than just show up for work and say they were there and pick up a check. These are people that have a real commitment to their community, have provided service to their community and have gone above and beyond.

Mr. Terwall I believe at the time the street was named after him was retired. He was not a member of the Board. He came back into service to the community. Besides being a Board member his service as a fire fighter, as one of the first paramedics, it's a list that just goes on and on. He did more than just show up for meetings and say he was here and pick up his check.

Mr. Pollocoff with the RecPlex out there I don't know how you guys think this ever would have come about. This is a facility probably not even duplicated anywhere in this country with no taxpayer expense. We keep hearing about taxes, taxpayers, burden, none of that on them. Yet it provided something to this community we never had. Go there on a weekday, weeknight, weekend, weekend night and see what the youth of this community is doing now. See what the adults are doing, and then ask yourself where were they doing this before? Were they doing it before? Or, would this have come about because Board members showed up, picked up their check and said they were here? I doubt it. The time, the effort, the work that went into this is unbelievable. I doubt you would find anybody else with the commitment, the foresight and the fortitude to make this happen.

We know everybody has a bone here to pick for some reason or another. This is a pretty crappy way to do it. Mike?

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Mike Serpe:

One other thing, the naming of the field house after Mike Pollocoff was a total surprise to Mike until the dedication of the RecPlex the night. I wish we had a front page of the *Kenosha News* that captured his emotion when that drape was dropped down and his name was exposed. That was a Board decision then. Board's make decisions. Just like if you guys all thought the same as you're thinking right now that would be your decision and the Village lives with it. This is a decision that that Board made and we live with it

Going on with the RecPlex, we're enjoying a lot of good things in this area a lot because of the success of the business park. Many of the businesses that settled in that park chose to do so because of what we have to offer, the biggest being the RecPlex. Say what you want, that is having an effect on what you pay out on your tax bill, a big effect. So that was a Board decision then. Jeff, I said it, and Alex I respect both of your opinions. If you don't like something, but that was made a number of years ago. We haven't done any since and I don't see any coming up in the future, but that's something that we did and that's water over the dam as far as I'm concerned.

Again, I'm offering a compromise if this ever does come up again, and I don't want to close the door that it should never, but if it ever does at least we should have the opportunity to debate it.

Jeff Lauer:

I think we're getting a little bit off the topic. This is talking about the future and I guess, Alex, you made a good point to remove the last section and maybe if it's for a staff it's retired, if it's for an elected official they're retired as well. I don't have a problem with that. Would you, Mike, have a problem adding that to your—

Mike Serpe:

Which one are you referring to now so I have this straight?

Jeff Lauer:

Alex brought up a point, the last section, 20-4, to remove the word deceased and insert retired or not elected official. Meaning if you retire ten years from now from here.

Mike Serpe:

So all you're saying is you just don't want to have anybody have a street or facility

Jeff Lauer:

If you're currently employed or if you're elected official it's not appropriate to do that. This isn't picking on anybody. I brought something and in a way I was hoping I didn't have to read it, but I want to read something that was in the paper a couple days ago. My 17 year old sister died five

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years ago, and this was her. True greatness does not come to those who strive for worldly fame. Instead, it lies with those who choose to serve in Jesus name by I know somebody may not believe in the Savior and that's fine, but we are all here whether we're hired staff or elected officials to serve to do the best we can. If you're doing the best you can, guess what, you'll be rewarded. You'll be rewarded with a certain amount of paycheck, you'll be rewarded with other benefits that the Village has to offer. So, if you don't mind adding that on, Mike, I wouldn't have a problem with that. It can still be discussed, it can still be voted on, it's still a simple majority.

Alex Tiahnybok:

So adding paragraph A changed from deceased to no longer active or involved in the Village to Mike's—

Jeff Lauer:

Employed or elected serving as a Village official.

Alex Tiahnybok:

Paragraph A just changed to retired or no longer actively involved.

Mike Serpe:

You're going to have to change more than that, though. Look at Item A after 68.18-2, roads, streets, parks and other natural areas. Item A, no road, street, park, or other natural area within the Village of Pleasant Prairie shall be named after an existing Pleasant Prairie Trustee, future Pleasant Prairie Trustee, or past Pleasant Prairie Trustee.

Alex Tiahnybok:

No, we're talking about adding the last paragraph of Jeff's ordinance to yours.

Mike Serpe:

Oh.

Alex Tiahnybok:

Take the last paragraph and add it to yours and change it from deceased to no longer actively involved.

Mike Serpe:

Right off the top of my head I don't think I have a problem with that.

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John Steinbrink:

That would have negated anything we did for Joe Andrea. Do you think that would have been a wise move.

Jeff Lauer:

We're not talking about Joe Andrea. We're talking about the future. I'm not going to get side stepped by—

John Steinbrink:

We're talking about people that served the public and that was Joe Andrea.

Jeff Lauer:

Don't interrupt me please. We're not talking about Joe Andrea. We're talking about future. Joe Andrea is no longer with us. He's gone.

John Steinbrink:

That's correct.

Jeff Lauer:

We're talking about the future.

John Steinbrink:

But if you had another Joe Andrea come up, which I doubt you will, you could not have done what we had done.

Alex Tiahnybok:

Was he a State Senator still when it was named after him?

Steve Kumorkiewicz:

Yes.

Alex Tiahnybok:

He was. Would there be any huge harm done if it was name Lake Andrea after he was no longer a State Senator? Would that have been that big of a deal?

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John Steinbrink:

I think we would have taken away the enjoyment the Senator had being able to share that with his friends throughout the Kenosha area. I mean it's nice to have moved here five years ago because we have all the swell stuff here and just think everything fell out of the sky. Well, it didn't. A lot of people worked pretty hard to make this happen. That doesn't seem to mean much, a person's work.

Mike Serpe:

Since there's no hurry on this, could we kick this around a little bit until the next meeting? Does anybody see a problem with that?

Steve Kumorkiewicz:

You know, I don't know why we're wasting our time with that stuff. We have more important things to deal with.

Mike Serpe:

Let's run it to the next meeting. I'd move that we table it to the next meeting.

Alex Tiahnybok:

Table with the changes. That's the motion.

Mike Serpe:

That will be my motion. But I want to make a comment if there's a second to this.

Alex Tiahnybok:

I'll second it.

Mike Pollocoff:

You're tabling the changes and the changes are?

Mike Serpe:

To adopt my resolution with his last paragraph.

Jane Romanowski:

We're just taking the last paragraph of Mr. Lauer's and adding it to Mr. Serpe's and changing it to be incurred after they are retired or not an elected official if I'm understanding that correct.

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Mike Serpe:

Yes.

Alex Tiahnybok:

That's what you're saying, Mike?

Mike Serpe:

Yes.

Alex Tiahnybok:

I'll second.

Mike Serpe:

I just want to make a comment. Right now this came at kind of a bad time as far as asking the Administrator to look into this during budget time and everything else. I think if we're going to be bringing ordinances forward or asking the Administrator to look into writing an ordinance, I think that's something we should discuss in the open first to see if we want to go there, to see how it's going to fare, to see if it's going to pass. For somebody to come up and say, Mike, we want you to write an ordinance there's a cost to go with that. There could have been a cost to go with that. I think we should discuss these things first before we send out a letter to the Administrator to say would you draft an ordinance for this. I think we should bring it forward here, let's find out what it's going to take, let's find out if it's even feasible, let's argue it a little bit and if it looks good, okay, Mike, go ahead and draft the ordinance and bring it back whenever you get a chance in the next couple meetings and we'll adopt it.

But I don't think we should individually be contacting Mike and say draft an ordinance for this and draft an ordinance for that because I think you could spend up spending a lot of money. Some of these ordinances cost \$2,000 or \$3,000 or \$4,000. And if you're just going to arbitrarily tell Mike write an ordinance and he has to go to Baxter's to do it, Baxter doesn't work for nothing. So I'm just cautioning, let's use a little caution when we want to do these things and let's discuss them opening first, see if they're going to pass, and then move them forward if that's where the consensus is going.

John Steinbrink:

We have a motion and a second. Further discussion?

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Steve Kumorkiewicz:

One last comment I want to make for this. I think everybody forgot here that everything starts with the Township of Pleasant Prairie getting one and a half million dollars to go through the area west of Green Bay Road, west of the park, to get the road to the Interstate and it became 165. After the Township got the money the County took over that money. But once it was developed that's when all that area was often. Thank you to those people in those times that worked here on the projects. It surprised me when you say that's the first time you ever saw that. I've been in Chicago many times and I see the name of people over there that are still alive. I don't know why it surprised you.

I see that happen in Madison. It happened in Washington, Senators and everyone has a name someplace. So we have to stop it right here. Let's stop it.

Mike Serpe:

Call the question.

Alex Tiahnybok:

One final comment. I did not say until after deceased. I said when retired or no longer in office. You didn't seem to understand that, John, and you didn't seem to understand that, Steve. I said after no longer active. I did not say deceased. I proposed a friendly amendment to Jeff's.

Steve Kumorkiewicz:

That's not what I'm talking about. The comment was you were surprised to see the names.

John Steinbrink:

Alright, we'll call the question.

SERPE MOVED TO TABLE CONSIDERATION OF ORDINANCE #06-51 – ORDINANCE TO AMEND CHAPTER 68 OF THE MUNICIPAL CODE RELATING TO NAMING VILLAGE FACILITIES AND STREETS SO THE ORDINANCE CAN BE AMENDED AS DISCUSSED; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

J. Consider Underground Facilities Locating and Marking Service Agreement.

Mike Pollocoff:

Mr. President, I request that item be tabled.

SERPE MOVED TO TABLE ITEM J; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

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K. Consider Re-appointments to the Community Development Authority.

Mike Pollocoff:

Mr. President, we have appointments to the Community Development Authority that have come due. It's Ms. Kate Jerome, with a term to go to October 7, 2008. And Mr. Tom Reiherzer for a term to end October 7, 2008. I recommend that both members of the authority be appointed. They've done a really good job in their last term and the reappointment is warranted.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Discussion?

Alex Tiahnybok:

These are reappointments?

Jane Romanowski:

Yes, they are.

Alex Tiahnybok:

How long have they been on the CDA?

Jane Romanowski:

Since the beginning.

Alex Tiahnybok:

Fair enough.

John Steinbrink:

They know what they're doing, they show up for the meetings and they contribute quite a bit to the Authority. Very qualified people. Those in favor?

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SERPE MOVED TO REAPPOINT TOM REIHERZER AND KATE JEROME TO THE COMMUNITY DEVELOPMENT AUTHORITY FOR TWO YEAR TERMS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

L. Consent Agenda

- 1) **Approve Bartender License on file.**
- 2) **Approve Letter of Credit Reduction for Woodfield Estates.**
- 3) **Approve Inter-Departmental budget amendment.**

KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3 AS PRESENTED; SECONDED BY LAUER; MOTION CARRIED 5-0.

John Steinbrink:

We have to go back to Item E.

Bob Babcock:

I would like to take an exception to something Mr. Tiahnybok said earlier tonight. He said that people that live in Carol Beach are a little bit smarter than everybody else. I'm here to say that is not true. The lot that we had discussion on Item E I had the wrong lot. The one I was thinking it was was the one that's in the middle of the wetland area that has been such a problem for the people in Carol Beach Unit 2. The correct lot has no effect one way or the other on the wetland problem down in Carol Beach Unit 2. I just wanted to clarify that I had screwed up and you're all welcome to name the Pleasant Prairie compost pile after me. Thank you.

LAUER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING MAP AMENDMENT (ORD. #06-49) TO CORRECT THE ZONING MAP AND REZONE THE WETLANDS AS FIELD DELINEATED ON THE PROPERTY LOCATED SOUTH OF 11335 3RD AVENUE INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT; SECONDED BY SERPE; MOTION CARRIED 5-0.

8. ADJOURNMENT.

LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY SERPE; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:55 P.M.