

**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
December 18, 2006
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, December 18, 2006. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe. Trustee Tiahnybok was absent. 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 MEETINGS - NOVEMBER 20, 2006**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETING OF NOVEMBER 20, 2006 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY SERPE; MOTION CARRIED 4-0.

5. **CITIZEN COMMENTS**

A.J. Goldsmith:

Mr. President, I want to take this opportunity to thank the Board and the staff for all their assistance to me as a reporter for the local paper. I wish you all a merry Christmas and a very good new year.

Dick Ginkowski:

Good evening. Dick Ginkowski, 7022 51st Avenue. Kathy Goessl, our Treasurer, does a great job every year. But she needs a sense of humor because every year I try to pay my taxes with a smile and they tell me they want cash. And it even says on the tax form, it says send your check to the Village of Pleasant prairie, Kathleen Goessl. I wonder how many actually come with their name on it. I thought it would be good to talk about that for a minute.

Mr. Krerowicz from the *Kenosha News* contacted me last week and, no, I'm not decided and that's a true statement. But more importantly, one of the things that's important is to realize that it is better to light one candle than to curse the darkness, and unfortunately regardless of what's happened there's been too much darkness in this last year or two. What makes anyone think that this is different than any other growing community that has growing pains? Any time you move

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to another level it's going to happen. There's going to be conflict. We have a good Village government but that's not to say there isn't room for improvement. There are things that need to be tweaked, and regardless of whether or not I become a candidate I will be speaking in the future about some of the things that I've come across that need to be tweaked. There is value in everyone and some people I think have contributed, and some I think can contribute more or should have contributed more, and certainly those are things to be looked at when we look at who is running and what their agenda is and what their platform is, what they bring to the table.

One thing I certainly have no intention of doing should I be a candidate is to engage in negative nastiness, insulting campaigning. There's no place for it. We have enough real issues to talk about. We can talk about performance but we don't have to take it personally, and I think that's something that needs to be done. We need more light and less darkness, and I think we can find that. We have a lot of good people doing good things.

One of the things that I certainly will be very interested in in the future is to take the issue concerning our police department off the table and deal with that. Deal with it in such a way as to protect the people who protect us, to protect the taxpayers and to protect the citizens of the Village to ensure that regardless of who provides services that we maintain continuity and an adequate level of service the same or better than we have now. We need to take that political football and resolve that thing once and for all to at least put the framework in so we can do that. Because it becomes difficult for our Chief and our Police and Fire Commission to recruit and retain people if they're still hanging over the head the possibility of where am I going to be working in the next two years. That has to be resolved and there are ways to do it that will keep the options open for the Village but at least maintain minimum standards and the job security and security for the community for the people who protect us. I thank everyone here for the job they have done and the job that they will continue to do and have a good evening.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

6. VILLAGE BOARD COMMENTS – None.

7. ADMINISTRATOR'S REPORT

Mike Pollocoff:

There's one thing I wanted to bring up is that it didn't get a lot of play when it happened, but for a few years now we've been sending selected members of our Public Works Department to state and insurance sponsored snowplow defense driving and efficient plowing. At the end of the course they have a rodeo. There are 70 communities that participated this year, and this year Pleasant Prairie took third out of 70. Two of our equipment operators, Darren Perona and Scott Brennan, placed that high, and I think we did pretty well last year if I remember right. But they're good operators to begin with. It always pays to keep the training up if something does happen. But the way in which we remove snow and work at it we have a well trained group of people and it showed when they had that independent reviewing competition and we came in

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third out of 70. For a community our size, our Streets Department has six people. In the wintertime it grows because people come from utilities, they come from parks –the guys who are parks people aren't parks people in the winter. They do a good job and make sure everybody gets through that training. We do training in house and training out there, but it was a nice benchmark to see that they attain that level. Knowing those guys I'm not surprised that they did that well. But they did do well. So for Gary Sullivan and John Steinbrink, Jr. that's a good attaboy. They did a good job of sending a good team there. Everybody stands to benefit from it.

John Steinbrink:

Thank you, Mike.

8. NEW BUSINESS

A. Receive Plan Commission Recommendation and Consider Ordinance #06-61 to correct the Zoning Map and rezone the property known as Tax Parcel Number 93-4-123-191-0220 (Lot 29 Block 6, Carol Beach Estates Unit #6) owned by Leslie Fai, generally located on 94th Street between 8th and 11th Avenue from R-6 Urban Single Family Residential District to C-1 Lowland Resource Conservancy District as a result of a wetland staking.

Jean Werbie:

Mr. President and members of the Board, you have before you Ordinance #06-61. It's an ordinance to amend the official zoning map as it relates to a wetland staking that was completed for a referenced property down in Carol Beach. This does have a little bit of detail and history, and I'm just going to go through the slides as opposed to going through the detailed staff memo that you have before you.

On February 25, 2002, Dr. Leslie Fai, the owner had requested that a wetland staking be completed on his property that is located on 94th Street between 8th and 11th Avenues. It's identified in the shaded area on the slide. It's identified as Lot 29, Block 6 of the Carol Beach Estates Unit #6. The Tax parcel is 93-4-123-191-0220.

On June 14, 2002, the Village received a letter dated June 13, 2002 from SEWRPC, and it indicated that on May 23, 2002 SEWRPC completed an inspection of the property and had identified that there were wetlands on the referenced property.

On June 24, 2002, the Plan Commission adopted a resolution to initiate the zoning map amendment to rezone the entire property into the C-1, Lowland Resource Conservancy District. On August 12, 2002, the Plan Commission held a public hearing and tabled the public hearing at that time to allow the owner time to apply to the Wisconsin DNR and to the Army Corps of Engineers to obtain fill permits to fill the wetlands on his property. Dr. Leslie Fai filed an application with the DNR for water quality certification pursuant to Section 401 of the Federal Clean Water Act to place fill material in a wetland for the purposes of building a single family

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home. The DNR evaluated the petition or the application and they denied it in a letter that was outlined to Dr. Fai on August 12, 2004.

On September 7, 2004, Dr. Fai filed a request for a hearing pursuant to the State statutes and the hearing was held by the Wisconsin Division of Hearings and Appeals on October 17, 2005. The Court affirmed the DNR's determination to deny the wetland water quality certification and the appeal was dismissed in the decision dated November 9, 2005.

The reason why I gave you all of that background information is that this area of the Village is significant in that it was involved in a Carol Beach/Chiwaukee Prairie Land Use Management Plan that took place between the 1981 and 1985 time period. At that time, the community assistance planning report was prepared by SEWRPC, and it was entitled the Chiwaukee Prairie Land Use Management Plan for the Chiwaukee/Carol Beach Area of the Town of Pleasant Prairie, and the plan set forth several recommendations with respect to the implementation of how development would occur down in the Chiwaukee Prairie/Carol Beach area. It identified, very simply, the areas that are shown in green on the slide as those areas to be preserved and protected in the public's interest, to be acquired by a willing seller/willing buyer basis, and to be preserved in perpetuity.

Those areas as identified in the plan that are in orange or the orangish-yellow color on the slide were those areas that were identified primarily to be developed areas. Those are the areas, which are cross-hatched, that they were able to obtain an area wide fill permit and then develop for urban purposes.

On May 19, 1986, the Corps of Engineers held a public hearing regarding this area wide fill permit, and on October 26, 1987 the permit was issued to the Town of Pleasant Prairie. This permit was issued for a ten year time period by which any landowners that were identified within a development area were granted permission to fill their property. They had to just come into the Village Hall or the Town Hall at that time and fill out a half page slip of paper basically saying that they were looking to fill in their property and develop them for urban purposes. But this was a permit that was issued by the Corps of Engineers for a ten year time period. And come December 31, 1997, that fill permit expired. The reason why the Corps I believe had agreed to issue the Town the permit was that it was intended to be a simpler, less cumbersome, less bureaucratic process to issue one permit to the Town and then anyone who could benefit from it could use a very simple process to get their lots filled.

But after 1997 a few things changed. First of all, the Wisconsin DNR in 1991 had some new regulations that they were enforcing entitled Water Quality Certification. And once those new regulations came into effect, it modified some of the things as it resulted in when you wanted to get a special individual permit it made it very difficult. But as long as we had the area wide permit through 1997, individuals could continue for that '91 to '97 period in obtaining this permit. But in 1997 the Village of Pleasant Prairie did not apply for an area wide permit because it was going to be very cumbersome, difficult, if not impossible, for the Village to get it. So what the Corps and the DNR had decided was that the permit was going to be issued on a case by case basis as individuals would apply to the Wisconsin DNR. They still had to apply to the Corps of Engineers and many of those fill permits were granted, but the DNR had an authority over the

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Corps of Engineers which is Water Quality Certification which prohibited many of these permits from being issued.

Dr. Fai's property, Lot 29, Block 6 of Carol Beach Estates Unit 6, is one of those properties that was identified within an urban development area, and within an urban development area that was proposed to be filled under that area wide fill permit that was issued to the Town of Pleasant Prairie. Unfortunately, Dr. Fai did not exercise his right to fill his lot during that ten year time period and the fill permit expired.

During the ten year fill permit time period from October of 1987 to December 31, 1997, approximately 51 acres were built on and approximately 25 acres of wetlands were filled down in Chiwaukee Prairie. Since the fill permit expired several properties within the urban area had been built on without the filling of wetlands because there were none. The Army Corps of Engineers and the DNR have issued the following two permits to fill portions of wetlands within the urban area. Again, on a case by case basis the DNR and the Corps have looked at lots for individual permits, but it's been very small areas and on a case by case basis. In most cases they have denied those requests. In two cases as shown they did issue permits but it was basically just for a driveway area because there was upland buildable area on the lots where people could build their homes.

Now, I'll go back and give you a little bit more history about what was going on during this time, with respect to the installation of sewer and water. On July 29, 1996, the Village Board held a public hearing for the installation of sewer and water in Carol Beach Unit 6. The sewer was installed and the property owners were assessed. Again, this is one of the areas that was identified as an urban development area for the plan. On April 21, 1997, the Village Board held a public hearing for the installation of municipal water. The water was installed and the property owners were assessed.

Pursuant to an e-mail from Dale Pfeiffle from the Army Corps of Engineers received on December 5, 2006, Dr. Fai has two Department of Army permits for the wetland fill, one on lots located south of 93rd Street and a second on a lot north of 94th Street. Both permits will expire on December 31, 2006. Furthermore, the Corps permits are not valid without the DNR Section 401 Water Quality Certification. As you know, as I mentioned, those were denied by the Wisconsin DNR on November 9, 2005. Again, you need both permits in order to fill down in Chiwaukee Prairie.

Pursuant to an e-mail from Heidi Hopkins with the DNR that was received on December 6, 2006, she was not aware of another request submitted to the DNR by Dr. Fai to fill. In addition, his right to appeal the November 9, 2005 court decision has long since expired. Further discussion with the DNR attorney would be required to determine whether or not he could reopen and reapply for any type of challenge or appeal to that original DNR decision.

If a permit is obtained by all required agencies to fill the wetlands, the Village will then consider, based on a property owner's request, a zoning map amendment to rezone the wetlands allowed to be filled. In the past, if proper permits have been issued by the DNR and the Corps of Engineers,

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the Village Board has had a policy of following the DNR and the Corps recommendations and have rezoned the areas to be filled out of the C-1, Lowland Resource Conservancy District.

The request you have before you this evening that came from the Plan Commission with a favorable recommendation is to rezone Dr. Fai's lots, now that his appeals and requests for permitting and filling this lot have all since expired, the request by the Plan Commission is to rezone his entire property from the residential classification to a C-1, Lowland Resource Conservancy District. There has been a considerable amount of discussion by the staff with respect to the appropriate steps, and the Village Zoning Ordinance does direct the Village to take the appropriate steps to rezone the properties based on wetland delineations.

My last comment here does state, though, that if the wetlands are filled in the future, then the Village should take the appropriate steps to, in fact, rezone the property so that the lot could be built on. There have been at least six circumstances in this particular area, in the Unit 6 area, where delineations have been completed and the wetlands have been rezoned based on what was found by the biologist. So, by denying the request this evening you would not be following a precedent or policy that has been set already by this Village Board.

So, again, the rezoning request this evening is to rezone Dr. Fai's lot from the R-6, Urban Single Family Residential District, to the C-1, Lowland Resource Conservancy District, as a result of the wetland staking completed by SEWRPC on May 23, 2002.

The one other comment I would like to make is that the staff recommends that we follow the direction as set forth in our Village ordinance and that is to rezone the lot based on the delineations that were done. Does that mean that we are not following the plan? I think what it means is that the plan has been altered, and that based on the original recommendations in the plan that it's going to be difficult, if not impossible, to follow some of those original recommendations because of changes in State or federal law as it relates to wetlands. I don't think that the entire plan is compromised by any means, but there are some areas where there is conflict and the Village does need to evaluate those on a case by case basis when we continue to move through and implement the plan.

The plan did foresee that all the land in Chiwaukee Prairie would be acquired within ten years, and we all know that there's still some land that has not yet been acquired. The plan envisioned that all the public infrastructure improvements would be completed in 20 years. We know that that has not all been completed within the 20 year time period. What I can tell you is that the Chiwaukee Prairie Plan is a guide and it's been a good guide and a framework for urban development and preservation of conservancy in this Village and it's been followed to the best of our ability. I would like to see that continue, but we can't change State law when it comes to wetland preservation.

John Steinbrink:

Thank you, Jean. I know the Plan Commission had a long discussion on this. As you pointed out the history and they also went through the history. As we said or stated then it's unfortunate the Village is mainly the only player that has been following the original recommendations there,

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although some of those problems did fall on Dr. Fai who did not utilize the fill permit when he had the availability to do so. So it does alter from the plan here, but.

Mike Serpe:

As I understand it The Nature Conservancy has purchased some of the lots in that area and some of those lots are buildable that they purchased, is that correct?

Mike Pollocoff:

They were gifted lots by the Barnes Prairie Rescue Coalition that were both wetlands that shouldn't be built on even though the plan said that they should be developed. The Nature Conservancy picked those lots up prior to the expiration of the fill permit. Again, that was an area that was not in the land acquisition for conservancy. They do have lots there and in other places that have been typically donated to them. This is the primary area where the plan has been violated so that there are other areas where there are lots that weren't in an acquisition area that might not have wetlands on them that they own.

Mike Serpe:

So there's a possibility that some of those lots that were purchased could be upland lots and could be built on?

Mike Pollocoff:

Not just upland but not have wetlands on them.

Mike Serpe:

I agree with John. Dr. Fai has made some errors here in protecting his property, at least for what he wanted to use it for and that's for development I'm sure. I can't speak for him but I don't think he's going to live there. I think he's probably going to build himself. And nothing is stopping Dr. Fai from negotiating with The Nature Conservancy group. And if there are lots there that were picked up by this group that do not have significant wetlands on if he wants to do a land swap that's a negotiation thing that he can work on himself and recoup some of his money. Whether or not they would do that, that's another story. But, having said that I can't see changing or setting a precedent that we have already established and that's rezoning these lots into the C-1. I would so move that we zone this as well.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second. Any further discussion?

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Mike Pollocoff:

I think that, and I promised myself I wasn't going to talk about this, but the Plan Commission has already made the recommendation. But I really believe that in fairness to property owners there to say that the plan is now a tool and a guide but not really a plan we don't let any other plans get away with that. I think we owe it to the residents of the land down there whether they have a home and they have some anticipation that the land around them is going to remain conservancy or that it could be developed or people have land that they thought could be developed that couldn't be, to square this up and make it right so we know going forward.

Jean's right, we can't supercede state law and federal law, but on the other hand we shouldn't be the victim of it either. As Jean indicated, in 1991 is when they changed the Water Quality Certification, six years ahead of when the fill permit deadline lapsed. But in that same period they gave the Village permission to put the utilities in and they gave us Water Quality Certification to put those utilities in to service lots that they weren't going to give Water Quality Certification to. So if we're going to be held to that standard and the Village property owners are going to be held to that standard, I think it's incumbent on everybody to clean that up and say it. If the DNR is just going to say, well, this is the way it is so like it and we're not going to change it, then I think the people that live in that area, the property owners, have the right to know that that plan that's in that area is not complete. It's not what it once was. We might as well true it up to what it really is.

If, in fact, that land is all conservancy and for acquisition, the people who are going to have that ultimate say should say so so people know what they have and aren't guessing. That's why I make the recommendation that the Village Board send back a request to the Plan Commission to have that part of the plan re-evaluated. Until then we have a fully comprehensive neighborhood plan that is dated that isn't functioning anymore. As soon as that happens then we're living with precedent and we're not really living with what the plan says. The more we live on just precedent and not what the document says you're removing yourself additional steps away from what people think their property is doing for them or isn't doing for them. I don't think that's the direction we need to be going. None of our other planning documents or none of our other master plans and neighborhood plans do that. We set the framework and establish that for what's going to happen, where the streets are going to go, what's going to be developed. Down here that hasn't happened. They've changed the rules on the zoning. They've changed the rules on storm water. Look at Unit 2, we were supposed to put storm sewers in there and they won't let us do that.

I mean I think the plan has to be chewed up. I'm not saying chuck the whole plan, but let's make it current with today's reality and run that through the process so everybody knows what they have. I think Dr. Fai put himself in this spot but he had a lot of help. It's not saying that it should be conservancy or it shouldn't be. It should be what we tell the people it is and then we should stick with that. Not just us, the Village, because we've done that, but the State and Army Corps. Everybody has got to sign onto this and say this is what it is, it's conservancy, it's not going to develop under the standards that existed in 1983. These are the new standards. Everybody's on notice what they've got.

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Right now they put us in the untenable position of based on the permits they've given us and the plan they've recognized from us we're putting utilities in but then they won't let the people that are charged for those utilities access them so the Village is on the spot. I don't see why we should be in that spot. I think it's time to chew it up. Jean won't let a plan go that long without being updated. I think the State and Army Corps owes it to the residents in the Village to sit up and say here's what you can do. We have a lot of good things in the plan that exist that shouldn't be jettisoned, and I don't think any of it should be, but I just think it needs to be realistic with what exists on the ground today and what they'll let anybody do and say that so people aren't speculating and wondering or buying a piece of land that really isn't of any value other than conservancy.

Mike Serpe:

If that were to take place that would not have an effect on the vote that we're taking tonight, though? That would be just looking at the whole plan all over again?

Mike Pollocoff:

That's right. That's my recommendation that that goes back and the Plan Commission, unfortunately, directs that to Jean and her staff to start that neighborhood planning process with that area.

Mike Serpe:

I think that's a good idea, Mike. I don't know what kind of luck we're going to have getting all the players back together and thinking on the same page but it's going to be a challenge.

Mike Pollocoff:

We can't keep doing what we're doing now.

Mike Serpe:

I have to agree. But at the same time I just feel that I can't see us rezoning that or not taking it out of conservancy. It just doesn't qualify for building and that's where I'm coming from. So I agree, I think this should probably go back and look at this whole plan again and find out where we stand and what we can and can't do.

Steve Kumorkiewicz:

You want to withdraw the motion?

Mike Serpe:

No, the motion stays. I'm just talking for the future of that area it's got to be revisited.

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John Steinbrink:

We're trying to work our way out of a box that other folks have put us in. There is a plan out there and now we're changing the plan and that's not a good way to do business.

Jeff Lauer:

I have to agree. Probably the sooner we can do that the better to bring it up to date. That way people know what they have rather than bringing in a lot of these before our future Boards. It could be a problem. But if we can update it like Mike said I think that's a good idea. Unfortunately the plan that was done years ago don't apply today. I think it would be a good idea to do that.

Steve Kumorkiewicz:

Besides, the Army Corps of Engineer's fill permit was for ten years.

John Steinbrink:

The action before us is Ordinance 06-61.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #06-61 TO CORRECT THE ZONING MAP AND REZONE THE PROPERTY KNOWN AS TAX PARCEL NUMBER 93-4-123-191-0220 (LOT 29 BLOCK 6, CAROL BEACH ESTATES UNIT #6) OWNED BY LESLIE FAI, GENERALLY LOCATED ON 94TH STREET BETWEEN 8TH AND 11TH AVENUE FROM R-6 URBAN SINGLE FAMILY RESIDENTIAL DISTRICT TO C-1 LOWLAND RESOURCE CONSERVANCY DISTRICT AS A RESULT OF A WETLAND STAKING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

B. Receive Plan Commission Recommendation and Consider Resolution #06-57 to support an amendment to a portion of the Prairie Ridge Neighborhood Plan generally located at the northeast corner of CTH H and Bain Station Road.

Jean Werbie:

Mr. President, I would ask that we take up Item C as well on your agenda as I will be making one presentation for both Items B and C.

SERPE MOVED TO CONSIDER ITEMS B AND C AT THE SAME TIME; SECONDED BY LAUER; MOTION CARRIED 4-0.

C. Receive Plan Commission Recommendation and Consider the request of Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent for The Settlement of Bain Station LLC and The Landing at Bain Station LLC, owners of the properties

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generally located at the northeast corner of CTH H (88th Avenue), and Bain Station Road for a Conceptual Plan for the proposed mixed residential development including 44 single family lots to be known as The Settlement at Bain Station Crossing; 108 condominium units (4-8 unit buildings, 10-4 unit buildings and 6-6 unit buildings) to be known as The Landing at Bain Station Crossing Condominiums; and 95 senior condominium units (1-25 unit building and 2-35 unit buildings) to be known as The Summit at Bain Station Crossing Senior Condominiums.

Jean Werbie:

Mr. President and members of the Board, there are two items before you this evening, the first of which is to consider the amendment to the Prairie Ridge Neighborhood Plan. This plan was originally approved by the Plan Commission on May 10, 2004 and was subsequently amended on August 22, 2005. This particular neighborhood is bounded by Highway 50 on the north, Bain Station Road on the south, the railroad tracks on the east and 104th Avenue on the west. The particular area of the neighborhood that we're looking to amend through the Bain Station Crossing development is in the very southeast corner of the development which would be south of the Hidden Oak Apartment project and north of Bain Station Road.

The Prairie Ridge Neighborhood Plan amendment request this evening is to incorporate some modifications and a new conceptual plan for the Bain Station Crossing project. The amendment proposal includes 44 new single family lots. They are proposing to raze five single family homes along 88th Avenue. There would be 108 condominium units that would be constructed and that would be adjacent to the Canadian Pacific Railroad, and 95 multifamily senior condominium units which would be almost dead center in the center of the development with three buildings.

This would be 50 units more than was originally approved in the neighborhood plan which slightly exceeds the overall density of the neighborhood and the projected population for the neighborhood, however the number of senior units within this development, 95, would overall reduce the number of school age children within this particular development.

The conceptual plan for Bain Station Crossing, the project would be developed on 72.4 acres of land. It's a mixed residential subdivision. It includes three phases of the types of development, single family lots on the west end, condominiums on the east end and then senior condominiums in the center.

The Settlement at Bain Station Crossing is the name that we are giving to the single family portion of the development. There are 44 single family lots on approximately 31.2 acres of land. This would be north of Bain Station and just east of County Trunk Highway H. As you can see, these are all fairly large sized lots, close to half acre most of the lots, and there are two much larger lots as you can see to the north of 83rd Street between 82nd and 83rd. These would be two to three acre lots, if not larger. They're mostly wooded properties. Each would have one single family home.

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The Landing at Bain Station Crossing is the condominium portion of the development. This is between 85th Avenue and the Canadian Pacific Railroad south of the Hidden Oak project and north of Bain Station. Primarily all of the streets on the east side of 85th Avenue are private but built to public specifications with public sewer, water and storm sewer and that would be 83rd Street, 83rd Place, as well as 84th Street.

There is a significant amount of area that will be maintained as open space on both the east side and west side of 85th Avenue. I just wanted to point out that there's a number of large stands of trees and those areas are identified in green. Those areas will be protected, large stands of oak trees, and then there's some wetland pockets on the east side of the development that will be preserved and protected along with some floodplain in that location. Then there's a series of storm water retention basins throughout the site.

The final piece of this development is the Summit at Bain Station Crossing, and that is the senior condominium portion of the development. There would be two 35-unit buildings and one 25-unit building. All three of the buildings will have underground parking and they will sit on approximately 7.14 acres of land.

As we're going through the project, and I'm going to be showing some pictures as well, the boards across the auditorium from me do identify some of the illustrations or renderings of some of the buildings. The ones that are on the easel reflect the senior condominium development. That's the larger white brick building with the blue accents, and then the condominium units are also on the easels as well as along the floor elevations.

The entire development provides for a net density of 4.11 units per net acre. Again, there is a large amount of wetland, floodplain and woodlands that are all proposed to be preserved and protected as a part of this development project.

The Settlement, lots 4 and 5 as I mentioned earlier here the acreage is 4.5 acres and 3.2 acres respectively. The remainder of the lots range in size from just under 46,000 down to 15,000 square feet. So the average is about a half acre, just under 20,000 square feet per lot. Again, the condominium project is a mix of 4-unit buildings, 6-unit buildings and 8-unit buildings.

These are some of the renderings on the slide and on the boards for the Landing project, some of the concept drawings. The Summit is the condominium project for the seniors age 55 and over. The buildings will be three stories with underground parking. There will be some two bedroom units and one bedroom units. The senior condominium units will range in size from 700 square feet to 1,200 square feet.

Open space within the development, approximately 14 percent of the development site will remain as open space with wetlands, floodplain, woodlands and other types of open space amenities. Outlots 1, 2 and 3 will be used for retention purposes.

Public and private improvements and site access, there will be two main access roadways to get into the development from the north, 85th Avenue from the south, 85th Avenue from Bain Station Road. There will be no direct connection to 88th Avenue from the development. All of the roads

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on the west side of 85th Avenue will be public roads with the exception of the curved road that goes through the senior development, and all of the roads on the east side will be private roads.

The zoning map amendment that will be presented in a subsequent step to the Plan Commission and the Board is a mixture of residential and multifamily residential zoning designations as well as some conservancy. The single family will be designated as R-4, which is an urban single family residential. The R-10 PUD is the condominium development. R-11 PUD will be the senior. PR-1 will be where the open space and retention basins will be located. The C-2 is the Upland Resource Conservancy. And the C-1 areas are the wetland areas that are identified to be preserved and protected as part of this development.

This is the overall conceptual plan then for this particular development. The developers have put together a CD wherein they have computerized a simulated model of driving through this development and have narrated it since the Plan Commission meeting. What I'd like to do is play that for you so that you can get a feel for what it's like to drive through this particular development and what it will feel like as you're going through it.

Mike Serpe:

Jean, can I ask you a question while it's getting set up. 84th Place and 84th Street just east of H, I'm going to guess that eventually the County is going to go and do an expansion or some road work on H. Is there enough room for the lots west of that cul-de-sac to H for that to happen?

Jean Werbie:

Yes. We've identified and we've sent this information to Gary Sipsma at the County, and he's identified what the cross-section needs to be on 88th Avenue when it's widened. The developer is going to be dedicating enough right of way for that eventual widening. Sorry, we can't seem to get the system to work to bring the disk up. We'll have it ready for the next time around. Sorry.

John Steinbrink:

One question, Jean, was when we're looking at this and we talked about right of way on H and right now there is quite a bit of traffic on H in the morning and at five o'clock going to WisPark. Unfortunately, there's only a one-way stop there on Bain Station Road. There have been quite a few accidents at that point. Is there any planning in there to do some traffic control at that intersection? Because we're going to need to stop that traffic if we're going to be routing a lot of it up to 82nd Street if that's the only way they're going to use is 82nd Street or 85th Avenue so that we don't create a bottleneck or another point of conflict at 82nd Street and H as well as at Bain Station and H. Everybody seems to want to go to work at the same time.

Jean Werbie:

My understanding is that John Steinbrink, Jr. and Bob Martin have been in contact with Kenosha County and have made a request as to what it would take to make that a four way stop and what the traffic counts would be and so on and so forth. Something that I had seen in an e-mail this

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morning which said something about that the traffic warrants today do not justify a four way stop at that location. But maybe future warrants would qualify it for a four way.

John Steinbrink:

Unfortunately, the accident count there probably does.

Jean Werbie:

Then we probably need to have some further conversation with Kenosha County.

John Steinbrink:

Chief, do you have any comments on this? We've seen your department and rescue respond there quite a bit and we've been very fortunate we've had no serious, serious injury there but it's just a matter of time, especially with kids using that as a way to get to Tremper High School in the morning.

Chief Wagner:

Right, including my own. Chief Brian Wagner, Pleasant Prairie PD, 8600 Green Bay Road. Jean was correct. We made and I believe the Board passed a resolution to request the County to designate that as a four way stop intersection. I know they conducted a traffic study. We cooperated with them on that. We provided them all the documentation that they asked for. The last contact I had with Mr. Sipsma was about three weeks ago and at that time he indicated that just the traffic count itself did not warrant placement of a four way stop there. I talked to him about the accidents and why I believe the accidents were occurring, and it's pretty clear when you do any sort of analysis of the accidents that have occurred there that these are people failing to yield from the stop sign on Bain Station Road pulling out into the path of oncoming traffic on Highway H. He acknowledged that and indicated that they were going to be putting some caution signs. In fact, they have put some caution signs and intersection ahead signs both north and south of Bain Station Road on H. So at this point it appears unless the Board can get further action from the County, it appears that that's about all that they'd be willing to do at this point.

Mike Pollocoff:

Right now I think this intersection if I'm not mistaken is our highest number of accidents in the intersections of the Village.

Chief Wagner:

I think it's second.

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Mike Serpe:

That warrants some consideration right there. John, you live there. Could that intersection be opened up a little bit with some removal of some border trees on the east side of H north of Bain Station? That seems to be coming up to kind of bad visibility coming to the intersection.

John Steinbrink:

It's a high traffic intersection, and I believe people just don't see the oncoming cars or they're desperate to try to get through traffic. At times of the day there is no letup when WisPark lets out. We've got people using that as a shortcut to a lot of different routes. Heavy traffic going to the RecPlex, especially when games are in season in the summer. Well, they basically have sports year 'round so they have a lot of families using it.

Mike Serpe:

And it's high speed traffic as well.

John Steinbrink:

It's high speed on H. They dropped the speed limit to 45.

Mike Serpe:

I'm going to make a statement. Joe you're hearing this. If there's something you could do for us we'd appreciate it.

Steve Kumorkiewicz:

We discussed this two or three months ago.

John Steinbrink:

We need to look at this some more, Chief, because we don't want a fatality there. Like I said, it's a miracle so far we haven't had fatalities there, but unfortunately there is quite a few accidents there. And if we add more pressure to the intersection and to 82nd –

Chief Wagner:

It's only going to get worse.

John Steinbrink:

Right, there are no breaks in the traffic.

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Jean Werbie:

Brian, do you know whether or not they took into account the future traffic counts with this proposed development with Ashbury on the west side of H and then this development on the east side of H? Or, was it just based on existing current conditions.

Chief Wagner:

It's my understanding that it was based on the current conditions. You may want to have that conversation with Gary.

Jean Werbie:

Because construction traffic will be coming out at this point as well for both developments.

Mike Pollocoff:

They've reviewed the conceptual, though, haven't they?

Jean Werbie:

The County reviewed it from the sense of giving us adequate information regarding the right of way width. I don't know if they looked at it with respect to traffic warrants and traffic counts and how it will impact that intersection and future development. I don't know that they looked at it from that perspective. I hope that they do but I don't know that they did.

Mike Pollocoff:

Because they have that and they have for Ashbury Heights.

Jean Werbie:

Ashbury would be the other one, that's correct. They do have both.

Mike Pollocoff:

They've seen the lot count. It's there.

Mike Serpe:

What's the speed limit there?

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Mike Pollocoff:

45.

Mike Serpe:

But south of there it's 35?

Jean Werbie:

40.

Mike Serpe:

By Lakeview Tech. I can eventually see that becoming 35 all the way to 50. Anyway, do you have anything else, Jean, on that?

Jean Werbie:

The staff and the Plan Commission recommend approval of the request before you for the neighborhood plan and the conceptual plan subject to the comments and conditions as outlined in the staff memo.

Steve Kumorkiewicz:

So moved. You want that separate?

Mike Pollocoff:

Yes.

Steve Kumorkiewicz:

I make a resolution to adopt Resolution 06-57.

Mike Serpe:

Second.

John Steinbrink:

Motion and a second. Any discussion on this item?

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Jeff Lauer:

I just have one question. Jean, do you know what the lighting situation is going to be over there, especially by the senior complex? Is there going to be enough lighting in those areas?

Jean Werbie:

I will assume that there will be. There will be parking lot lighting as well as building lighting and lighting in the underground parking. That's where most of the seniors will park.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPTONSIDER RESOLUTION #06-57 TO SUPPORT AN AMENDMENT TO A PORTION OF THE PRAIRIE RIDGE NEIGHBORHOOD PLAN GENERALLY LOCATED AT THE NORTHEAST CORNER OF CTH H AND BAIN STATION ROAD; SECONDED BY SERPE; MOTION CARRIED 4-0.

LAUER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE CONCEPTUAL PLAN FOR THE PROPOSED MIXED RESIDENTIAL DEVELOPMENT INCLUDING 44 SINGLE FAMILY LOTS TO BE KNOWN AS THE SETTLEMENT AT BAIN STATION CROSSING; 108 CONDOMINIUM UNITS (4-8 UNIT BUILDINGS, 10-4 UNIT BUILDINGS AND 6-6 UNIT BUILDINGS) TO BE KNOWN AS THE LANDING AT BAIN STATION CROSSING CONDOMINIUMS; AND 95 SENIOR CONDOMINIUM UNITS (1-25 UNIT BUILDING AND 2-35 UNIT BUILDINGS) TO BE KNOWN AS THE SUMMIT AT BAIN STATION CROSSING SENIOR CONDOMINIUMS LOCATED AT THE NORTHEAST CORNER OF CTH H (88TH AVENUE), AND BAIN STATION ROAD, SUBJECT TO STAFF COMMENTS; SECONDED BY SERPE; MOTION CARRIED 4-0.

- D. Receive Plan Commission Recommendation and Consider Resolution #06-58 to support the request of Louise Holz to amend the Village Comprehensive Land Use Plan to change the land use designation of the property located at 8550 88th Avenue from Government and Institutional land use designation to the Upper Medium Residential land use designation.**

SERPE MOVED TO CONSIDER ITEMS D, E & F AT THE SAME TIME; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

- E. Receive Plan Commission Recommendation and Consider Resolution #06-59 to support the request of Louise Holz to amend a portion of the Prairie Ridge Neighborhood Plan for the property located at 8550 88th Avenue.**
- F. Receive Plan Commission Recommendation and Consider Ordinance #06-62 for the request of Louise Holz to rezone the property located at 8550 88th Avenue from the I-1, Institutional District to the R-4, Urban Single Family Residential District to convert the church office to a single family home.**

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Jean Werbie:

Mr. President, this is a three part request from Louise Holz. The petitioner is proposing to purchase property located at 8550 88th Avenue that is currently occupied by the St. Anne Catholic Church as their parish center and to convert the offices back into a single family home. This is the same intersection that we were just looking at and talking about at the last items on the agenda. It's the northwest corner of 88th Avenue and Bain Station Road.

As you know, St. Anne acquired a home on Highway 50 and moved it to this location and converted it for church offices back in 1998. At this time, specifically, they are looking to build out part of their church for the offices and they're looking to sell the parish center. They found an individual who would like to purchase it and convert it back to a single family home.

So there's a couple of requests she has before us this evening, the first of which is a comprehensive land use plan amendment. That is to change the land use designation for the property at 8550 88th Avenue from the Government and Institutional land use designation and put it back into the Upper Medium Land Use designation. So, again, to change the color designation in the land use plan from government and institutional to a residential classification.

The next part of the request is to update and modify the Prairie Ridge Neighborhood Plan. This was originally approved by the Village Plan Commission on May 10, 2004. An amendment was approved on August 22, 2005 for an area between 94th Avenue between H and Bain Station Road for the Ashbury Creek Subdivision. And an amendment located at the northeast corner of Bain Station Road and Highway H was proposed by the Plan Commission as well as the Village Board tonight to amend it to accommodate the Bain Station Crossing mixed residential development. So then the final request they have for them is to amend the neighborhood plan to remove the blue or the designation for the St. Anne Parish Center and put it back into a single family residential lot classification in order for them to relocate to that particular property.

The final item for her this evening is then to follow it up with a zoning map amendment. The property was originally zoned back a number of years ago to M-2, Heavy Manufacturing District, and then it was rezoned to the I-1, Institutional District, in 1998 to accommodate the St. Anne Church offices. At this time it's proposed that this property be rezoned back into an R-4 designation, Urban Single Family Residential District, and the offices then would be converted into a single family home.

One final note is that prior to occupancy of the building, a single family home, the Village would need to issue a certificate of occupancy for the particular request. So with that, the staff and the Plan Commission are recommending approval of Resolution #06-58 to support the request for the comprehensive land use plan amendment; requesting approval of Resolution #06-59 which is an amendment to the neighborhood plan for Prairie Ridge; and then finally Ordinance #06-62 for the request to rezone the property from I-1, Institutional District, to the R-4, Urban Single Family Residential District.

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KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #06-58 TO SUPPORT THE REQUEST OF LOUISE HOLZ TO AMEND THE VILLAGE COMPREHENSIVE LAND USE PLAN TO CHANGE THE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT 8550 88TH AVENUE FROM GOVERNMENT AND INSTITUTIONAL LAND USE DESIGNATION TO THE UPPER MEDIUM RESIDENTIAL LAND USE DESIGNATION; SECONDED BY LAUER; MOTION CARRIED 4-0.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #06-59 TO SUPPORT THE REQUEST OF LOUISE HOLZ TO AMEND A PORTION OF THE PRAIRIE RIDGE NEIGHBORHOOD PLAN FOR THE PROPERTY LOCATED AT 8550 88TH AVENUE; SECONDED BY LAUER; MOTION CARRIED 4-0.

LAUER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #06-62 FOR THE REQUEST OF LOUISE HOLZ TO REZONE THE PROPERTY LOCATED AT 8550 88TH AVENUE FROM THE I-1, INSTITUTIONAL DISTRICT TO THE R-4, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT TO CONVERT THE CHURCH OFFICE TO A SINGLE FAMILY HOME; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

Steve Kumorkiewicz:

Welcome to the tax roll.

John Steinbrink:

St. Anne's was a good neighbor and I'm sure the Holz's will be even better

G. Receive Plan Commission Recommendation and Consider Ordinance #06-63 to amend Article V of the Village Zoning Ordinance related to zoning fees.

Jean Werbie:

Mr. President and members of the Board, we have a couple of requests that have come before the Plan Commission as it relates to zoning ordinance fees. The first request is that whenever site and operational plans have been requested for extensions, oftentimes it's been a staff request for an extension of that particular approval. Based on its size and based on the impact to the community, the staff is recommending having the ordinance modified so that site and operational plans that are larger in size and scope come before the Plan Commission for approval for their extension. So that's one modification and a fee to be associated with this request.

The next section as it relates to zoning permit fees would relate to zoning permits for new single family buildings, two family buildings, multifamily buildings, and new principal, commercial, industrial, governmental or institutional structures. The staff is recommending an increase for

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single family from \$75 to \$100, for new two family from \$105 to \$125, new multifamily from \$130 to \$150, and new commercial, industrial, governmental or institutional buildings from \$105 to \$125. And a final fee adjustment that we're recommending is one that relates to the application fee for wetland staking, and we're recommending that that fee be adjusted from \$280 to \$400 per parcel.

What my department does is we track all of the time that we spend on individual applications and permits and items that go before the Plan Commission for review and approval. So we can track pretty much down to the minute of how much time between the planning staff and the secretarial staff pay. So each year now we are going to evaluate what it costs us to process these types of permits and make any adjustments or requests for the following year based on the time that's spent to process the application. The staff is recommending approval of 06-63 as it relates to the zoning ordinance for the zoning fees that I've just outlined.

Steve Kumorkiewicz:

A question for Jean. Jean, we're pretty much in line with the adjacent communities.

Jean Werbie:

Our fees are similar, but in certain cases I know that we are less than some of the adjacent communities.

Jeff Lauer:

Jean, did you say the wetlands is going from \$280 to \$400?

Jean Werbie:

Correct.

Jeff Lauer:

That's kind of a steep jump. Why is it so much for that one?

Jean Werbie:

Because what we're finding is that as we continue through the development process and in particular down in Chiwaukee Prairie, we're finding that the staff has been going out to do these wetland delineations with the biologist, so we've been spending anywhere from two to six hours out in the field taking pictures and going with the biologist to witness what the biologist is doing. We never used to do that. Now we're witnessing it and writing up additional reports, and now with e-mail capabilities we're constantly e-mailing people back and forth and we're getting much more involved with property owners, individual ones as well as developers, as to what's involved with respect to their wetlands and assisting them in going through the wetland fill processes at the

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State and the federal level. So we're just getting much more involved with respect to taking them through the process than we used to.

Jeff Lauer:

Okay, thanks.

Mike Serpe:

Anything that this Board and the staff can do to lessen the burden of taxpayers, subsidizing development is a plus for the taxpayers, and this is just another example. Jean, I was a little set back that we're below in some areas and I think we should review that next year. I don't think we should be below anybody when it comes to development, because whatever we try to do the State takes away. So we should put as many fees in place as we possibly can to protect the taxpayer. And if development wants to come in let them pay.

Steve Kumorkiewicz:

I agree.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #06-63 TO AMEND ARTICLE V OF THE VILLAGE ZONING ORDINANCE RELATED TO ZONING FEES; SECONDED BY SERPE; MOTION CARRIED 4-0.

H. Receive Plan Commission Recommendation and Consider Ordinance #06-64 to create Section 395-87 E of the Village Land Division and Development Control Ordinance related to other application and development fees.

Jean Werbie:

Mr. President and members of the Board, the staff and the Plan Commission are recommending two new fees for the Village of Pleasant Prairie and they relate to Section 395-87 E, and they have to do with application and development review fees as it relates to the extensions of projects that have been approved by the Village Plan Commission and the Village Board. We recently found out that many other neighboring communities do charge for extensions of time in order to complete a planning process or to extend time because it's the request of the developer. We have done that as a matter of course and we've done quite a bit of review and evaluation of the existing project and how new ordinances have changed and how it would impact that new development and what it could trigger with respect to expirations of other permits. We typically spend a great deal of time with developers when it comes to conceptual plans, preliminary plats, preliminary condominium plats, final plats, final condominium plats and assessor's plats. So the staff is recommending that there be an application fee of \$200 whenever time extensions are needed to satisfy the requirements of the approval for the conditions that have been put in place by the Village Board.

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A second fee that we are requesting is an application fee of \$50 for a time extension to satisfy the requirements for certified survey maps and lot line adjustments. Oftentimes when a certified survey map or a lot line adjustment needs to be extended it's because there's some unusual complicating factors, there's building that are too close to lot lines, there's property owners that are trying to work out easements and agreements and the Village gets involved in drafting easements and getting things worked out for the property owners. All of a sudden we miss a time frame and the documents expire and we have to go through the whole process again and renotify people. Again, we have not had an extension of time. My comment is that I think we should have an extension of time. I would like to see that maybe when the applications come in in the first instance, maybe they're a little bit better prepared to go through the entire process than to kind of just see how far they can get through the process and then stop and ask for six months or a year to get through that process again. So the staff is recommending an application fee of \$50 as an extension of time period for those items as well.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #06-64 TO CREATE SECTION 395-87 E OF THE VILLAGE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE RELATED TO OTHER APPLICATION AND DEVELOPMENT FEES; SECONDED BY SERPE; MOTION CARRIED 4-0.

I. Consider Resolution #06-60 to initiate a Zoning Text Amendment Related to the Regulation of Convenient Cash Businesses.

Jean Werbie:

Mr. President and members of the Board, the Village Board can initiate petitions for amendments of the zoning ordinance which may include the rezoning of property, changes in zoning district boundaries or changes in the text of the ordinance. On November 6, 2006, the Village Board adopted Resolution 06-51 to impose a 180 day moratorium upon the granting of any zoning or building permit for any type of convenient cash businesses or similar establishments to provide time for the Village Board of Trustees to develop and implement ordinances containing appropriate restrictions for the establishment of these businesses.

The purpose of this resolution is to have the Village Board initiate the process by which the Village Plan Commission and the Board can promptly evaluate the text amendments that the staff and the Village attorneys have prepared as it relates to cash convenient businesses and the regulations and definitions associated with them. The Village Board by adopting this resolution is not making any determination regarding the merits of the proposed changes of the zoning text; it is only initiating the process by which the proposed changes in the text can be evaluated. The staff recommends approval of Resolution 06-60 and would be prepared to bring this amendment back to the Village Board next month.

Steve Kumorkiewicz:

So moved to adopt Resolution 06-60.

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Jeff Lauer:

Second.

John Steinbrink:

Motion and a second for adoption of 06-60. Any further questions or comments?

Mike Serpe:

I think if there was an in depth investigation done on these types of businesses I think it would be one of the most interesting findings that you'll ever read and where this money goes to and how much interest they're allowed to charge or how they get away with it. It's really not a good thing, and it's unfortunate that they're popping up in every community across this country and they're making a ton. This can't happen fast enough.

Steve Kumorkiewicz:

Five hundred percent they pay in interest.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #06-60 TO INITIATE A ZONING TEXT AMENDMENT RELATED TO THE REGULATION OF CONVENIENT CASH BUSINESSES; SECONDED BY LAUER; MOTION CARRIED 4-0.

J. Consider Ordinance #06-60 - Ordinance to Amend Chapter 332 of the Municipal Code Relating to the Towing Rate Schedule.

Mike Pollocoff:

Mr. President, we've been petitioned by the towing operators to consider increasing the rate that they're permitted to charge when towing is performed at the request of the Village. It's been a number of years, I want to say 12 years, since it's been adjusted. So the new rates as proposed would be for vehicles under 6,000 pounds based on the hours from 8 a.m. to 6 p.m. up from \$55 to \$75. Sundays and holidays \$85 and 85 was \$65. From 6 p.m. to 8 a.m. Monday through Saturday from \$65 to \$85, and then 6 p.m. to 8 a.m. on Sundays and holidays from \$65 to \$85. The storage would move from \$12 per day for indoor outdoor storage to \$20 per day.

Again, these are prices that when the Village or Chief Wagner when there's an accident or we're towing a vehicle this is where we request it. Towing Licensees who want to be on our list can only charge the rate permitted by ordinance. If one of these operators is being called by someone independently that's between them and the operator. But this is when the Village is mandating that tow. I'd recommend that the Board adopt Ordinance #06-60.

Mike Serpe:

How many towers do we have now, Chief? Five.

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SERPE MOVED TO ADOPT ORDINANCE #06-60 - ORDINANCE TO AMEND CHAPTER 332 OF THE MUNICIPAL CODE RELATING TO THE TOWING RATE SCHEDULE; SECONDED BY KUMORIEWICZ; MOTION CARRIED 4-0.

K. Consider Ordinance #06-59 - Ordinance to Amend Chapter 292 of the Municipal Code relating to the 2007 Residential Solid Waste and Recycling fee.

Mike Pollocoff:

Mr. President, the Village Board has already authorized and approved the budget for fiscal year 2007 for the solid waste utility. And in that budget adoption there's a plan for long-term capital replacement without necessitating any issuance of bonds. That would provide for a 50 cent per month increase over this coming year. We've been successful in solid waste this year. We've had increasing expenses as it relates to fuel. Tipping fees have increased, and we have been very successful in increasing our numbers as far as what's being recycled. We're well over 30 percent right now. So this 50 cents per month would insure that we'd be able to replace capital down the road. For us capital is to buy solid waste vehicles. So I'd recommend that Ordinance 06-59 be adopted as presented.

Mike Serpe:

A question for Mike. Do we know what the contracts are going for the private haulers for municipalities? Do we know what they're up to right now? If we were to contract right now do we know what that would be?

Mike Pollocoff:

The last one that would be similar to the Village, because you've got to have somebody that has the same number of stops and density, that was in South Milwaukee, and I don't remember if it was Oak Creek or Franklin, but it was upward for unlimited \$18.50 per month. There are some that are less than ours but you're only permitted to put one bag out. So for the Village that fee, the \$13.50, it's unlimited. You can put out as much as you can. It can't weigh more than 50 pounds because we don't want to hurt the guys lifting it. But if you can empty out your garage and get it segmented into 50 pound bundles that's going to get lifted it covers the recycling. It covers the compost. It covers the leaf pickup. So it's just not what you put out on your garbage day. It's still a very good rate. This rate is still \$3 less than what our quote was two years ago from the haulers.

Mike Serpe:

I agree. I just wanted to bring that up for comparison. I kind of knew what the answer was. I think it's important to note also that the amount of complaints that have come to the Village about garbage pickup is almost down to nothing. That speaks volumes. Even if a resident fails to get his garbage out in a timely fashion in the morning, the highway department goes back later on

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and picks it up for him. You don't get that with a private contract. My compliments to the highway department and street department and I move approval of the 50 cent increase.

Steve Kumorkiewicz:

I second.

John Steinbrink:

Motion and a second. Further discussion or questions?

Steve Kumorkiewicz:

. . . service that we've got, ask anyone in the City where they have to put the garbage in plastic bags in colors on different days we just throw the stuff in a container and it's gone. So the service that's provided for this price is way below what I used to pay 15 years ago for my private service

John Steinbrink:

The day of the big blizzard, I think that Friday, our highway crew did a great job of cleaning the roads, but our garbage folks did an even better job of picking up the garbage that day and made all their stops. I think a lot of people were very relieved when they didn't have to haul that stuff back in or fish it out of the ditches when some of the highway departments finally got around to plowing up to the shoulders there. The kind of job they do represents the service they provide to the Village folks. It's a good service. After we went through the ordeal of having to pick up our own garbage when the other folks went on strike, these guys have lived up to everything we could expect from them.

Mike Pollocoff:

They've done a great job.

SERPE MOVED TO ADOPT ORDINANCE #06-59 - ORDINANCE TO AMEND CHAPTER 292 OF THE MUNICIPAL CODE RELATING TO THE 2007 RESIDENTIAL SOLID WASTE AND RECYCLING FEE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

L. Consider Ordinance #06-65 - Ordinance to Amend Chapter 305-2 Related to Obstructions and Encroachments of mailboxes.

Mike Pollocoff:

Mr. President, this ordinance amends an existing ordinance for obstructions and encroachments in the right of way. This ordinance adds and defines what a mailbox is. Under this amendment a mailbox is a standard treated four by four wooden post with one metal mailbox and flag to be

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maintained by the owner of the property and multi-user boxes approved by the U.S. Postal Service or the vernacular for that is a gang box.

Every year and every winter and every storm there are some mailboxes that fail to withstand the plowing. Mailboxes are damaged in two ways. One is that there's a lot of snow on the blade and if the mailbox is in some state of disrepair, if the post is rotten or it's already bending over, you can get probably 100 pounds of snow flying towards the mailbox and it will push it over. The other way that mailboxes are damaged is if the guy gets too close and the plow clips it then you find it in your front yard or your neighbor's front yard after it's landed. Those are the things that we try not to do where we hit the mailbox with a plow. But if the mailbox goes over because it's not in there tight anymore or the wood is rotted and the snow blows it over, that's the responsibility of the homeowner. That's really the standard we're looking to establish here.

Did those pictures end up on the PowerPoint? We took some pictures of mailboxes. We have everything from brick little houses that have a mailbox in them which would probably really hurt a guy if he somehow nicked that with a plow or if a car hit it. We have things that we've defined in our ordinance that you have to have it in the right of way as far as the public meeting things and that's signs, the public utility encroachments, the telephone boxes, the power pole, things like that. People that put their goods and fixtures out and set them on the road while they're loading up a truck or unloading a truck, all these things happens. Well, a mailbox is an encroachment, too, and we want those to be in the road but they have to meet a certain standard. If we knock one over, if we hit it with a plow we'll go put one out as soon as we find out about it. We'll put up a temporary one and as soon as the weather permits we'll set it permanently. A temporary one is typically a post inside a five gallon bucket that's got concrete in it and it will just do until we get by.

But if we do hit one or one goes over, what we want people to know is this is what we'll replace it with. This works for 95 percent of the cases. The people who want to put another brick one up or if they want to put a fancy wrought iron one up, they put that in at their own risk and those aren't permitted. If we have to replace them they'll get replaced with the standard wood issue. There are a lot of them where you get that standard wood issue and put a plastic insert over it and it looks like a really nice mailbox so it's got the support of the wood but it looks nice. That's fine. But anything else we really want to keep it down to a minimum of what we're replacing. In the newer subdivisions it's kind of a mix. Some are putting up their own. Some are putting up the gang boxes. It's pretty hard to hit those gang boxes where they put them. I can't think of a time we've hit one or that they've been blown over by the snow because they have a concrete pad that they bolt it down to.

But one of the questions that comes up is what's a mailbox. We say a mailbox is a four by four treated wood post with a mailbox on it. Some people have a different idea. The taxpayers are going to have to pay to replace one. I'd recommend that this ordinance be adopted as presented.

Steve Kumorkiewicz:

I make a motion to adopt it.

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Jeff Lauer:

I'll second.

Mike Serpe:

It amazes me how much the people just neglect that portion of their property. I feel sorry for the news carriers that have to reach and get out of their car to deliver in this area to get the paper about three feet back into the paper shoot. Then half the mailboxes are tipped down. You put the mail in it and it falls out. For whatever reason people don't care about that stuff. It just amazes me. Maybe this will help.

John Steinbrink:

We have a motion and a second. I think one of the important parts here is the fact that, and I don't think we're alone in that, we replace it with the wood post, whatever it takes in the standard box. And, Joe, I think I'm correct in saying the County does the same thing I believe. I guess it's kind of homeowner beware, because if you want to put something real elaborate and fancy out there, unfortunately we live in Wisconsin which has snow and we have to plow it and things happen. The force of the snow, as you said Mike, is pretty powerful. If you're on a highway especially, an open area, that force can pretty much blow anything away.

The County years back had a program where they put a lot of these on arms and spring loaded because of the force of that. And those worked pretty well until the arms rusted shut and nobody ever went out and oiled them. There's a trick to it. But I think we're probably getting more and more complaints as people put these more elaborate boxes out there, and probably more damaging are the ones where they do put the brick facade around it and that can be dangerous. I'm not sure if there's even a liability factor for the homeowner there by putting an obstruction into the right of way.

Mike Pollocoff:

There is.

John Steinbrink:

Because that's where it's located in the right of way. So if a vehicle or a bicyclist or somebody hits that and they're injured I think they can pursue that in court. It becomes an issue.

Steve Kumorkiewicz:

John, a few times I got called for a mailbox hit by a snowplow I talked to John Jr. and they were replaced immediately and the people called me back very happy that it was done right away.

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John Steinbrink:

I think we do that and the other municipalities try to do that as quickly as they can.

Steve Kumorkiewicz:

The County is the same way.

John Steinbrink:

Because it's important to have a place for the mail and the post office really appreciates it. I guess it's up to the homeowner to mark those mail boxes so that we know who lives there and what the address is.

KUMORKIEWICZ MOVED TO ADOPT ORDINANCE #06-65 - ORDINANCE TO AMEND CHAPTER 305-2 RELATED TO OBSTRUCTIONS AND ENCROACHMENTS OF MAILBOXES; SECONDED BY LAUER; MOTION CARRIED 4-0.

M. Consent Agenda

- 1) **Approve Bartender Licenses on File.**
- 2) **Approve Letter of Credit Reduction for Tobin Creek Subdivision.**
- 3) **Approve Letter of Credit Reduction for Tobin Creek North Subdivision.**
- 4) **Approve Letter of Credit Reduction for Meadowdale Estates Addition #1 Subdivision.**
- 5) **Approve the request of Micklosh Szabo, property owner, for a Certified Survey Map to subdivide the property located at 11218 10th Avenue to create one (1) additional single-family lot.**
- 6) **Approve Appointment of Election Officials.**

KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-6 AS PRESENTED AND SUBJECT TO STAFF COMMENTS; SECONDED BY SERPE; MOTION CARRIED 4-0.

9. CONSIDER ENTERING INTO EXECUTIVE SESSION PURSUANT TO SECTION 19.85(1)(G) WIS. STATS. TO CONFER WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED.

SERPE MOVED TO ENTER INTO EXECUTIVE SESSION; SECONDED BY LAUER; ROLL CALL VOTE – STEINBRINK – YES; KUMORKIEWICZ – YES; LAUER – YES; SERPE – YES; MOTION CARRIED 4-0.

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John Steinbrink:

The Board will return to open session for the purpose of adjournment only. No other business will be conducted.

10. ADJOURNMENT

After discussion was held, **SERPE MOVED TO RETURN TO OPEN SESSION; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – STEINBRINK – YES; KUMORKIEWICZ – YES; LAUER – YES; SERPE – YES; MOTION CARRIED 4-0.**

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY LAUER; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 8:55 P.M.