

**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
February 6, 2006
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, February 6, 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; Kathy Goessl, Finance Director/Treasurer and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - JANUARY 12, 2006**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE JANUARY 12, 2006 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

Mike Serpe:

John, before the next item I'd like to offer a suggestion that a majority of the people are here for the Prairie Trails East proposal and I would ask that the Board allow citizens' comments on that portion be taken after Jean gives her presentation. I think it would be beneficial if they heard the presentation first and if they have concerns they can ask questions on that. With reference to any other citizen's comment about any other portion of the agenda or whatever they want to say, let them take it at the normal time. I'd make that a motion.

Alex Tiahnybok:

I'd second that.

John Steinbrink:

Motion and a second. Discussion on the item?

Jean Werbie:

And I'd also add maybe we should take under New Business Items A first then Item B and then the public hearing for the variance on this as the third item because otherwise there might be

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some confusion. I'm doing a full presentation with 5A, but rather I'm doing a full presentation with A and B under 8. They all relate to the same property with the same subject.

John Steinbrink:

Right, it could answer a lot of questions out there.

Mike Serpe:

The motion will be amended to reflect what Jean asked for.

Alex Tiahnybok:

I support that.

SERPE MOVED TO HEAR CITIZEN COMMENTS FIRST AND THEN MOVE TO NEW BUSINESS ITEMS 8 A, B AND THEN BACK TO THE PUBLIC HEARING AS ALL THREE ITEMS ARE FOR PRAIRIE TRAILS EAST; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

Mike Serpe:

We'll do citizen comments, but if anybody wants to hold their comments that in reference to Prairie Trails hold it until after Jean gives the presentation. Any other citizen comments I think we should take those.

6. CITIZEN COMMENTS

John Steinbrink:

If you have comments regarding the Prairie Trails item on the agenda, there will be an opportunity speak at that time, and there will be a presentation beforehand, so maybe a lot of the questions you had or concerns you had will be answered during Jean's presentation and maybe eliminate some of the questions out there.

Margaret Cote:

My name is Margaret Cote. I live at 4211 122nd Street, Pleasant Prairie, Wisconsin. As a resident of Pleasant Prairie for 40 years--by the way, excuse me. I wrote this and thought this and did this myself for those who know who I am. As a resident of Pleasant prairie for 40 years, I voted for leaders that would reflect the interests of the majority. Along with my vote, Mr. Steinbrink, you are representing my integrity, values and respect as a citizen. Where does it say in the oath of the office that permits you to defame with profanity and disrespect in the media and meetings of your fellow Trustees? This is a shameful and unacceptable behavior for our President. I also believe this is a result of your fears that Alex and Jeff are actually giving the community what they want and offering fresh ideas.

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If the people had wanted carbon copies of the old incumbents they would have voted that way. Mr. Steinbrink, a man of character may think things that are wrong to say. The man of character doesn't let the thoughts pass his lips, because in the end that's what one is remembered for, his character.

Mr. Pollocoff, Mr. Kumorkiewicz, Mr. Steinbrink, Mr. Serpe, I would urge you to and I'm emphatic that you give Mr. Lauer and Mr. Tiahnybok all the information and all the things they need and the tools to do the job they were voted for. Secrets are for children. Thank you very much.

Bob Babcock:

Bob Babcock, 11336 Lakeshore Drive. I've got a couple of things. Number one, the Village had agreed to pave a portion of 1st Court. It was delayed last year because of another project, and I want to know exactly when that's going to start being paved. I'd appreciate an answer on that.

Number two I wasn't going to say this but I think I'll bring it up now. According to the paper-- first of all, none of this relates to Jane, she's too pretty to be involved in this. According to the newspaper I'm standing here in front of a bunch of clowns, complainers and I won't use the B word because of some of the people that are here. As a resident of Pleasant Prairie it embarrasses me. I think you can all work together. I think you all have to work together to better the Village of Pleasant Prairie. I think both sides have to get in quite a bit, and I'd like to see you all stand up one at a time, apologize to everybody else and promise to do the Village business. Thank you.

Pamela Mundling:

Good evening. My name is Pamela Mundling. I live at 7327 11th Avenue in beautiful uptown Kenosha. I'm your neighbor to the north and I appreciate you allowing me to speak this evening. I was looking through the paper today, imagine that, and I have to make a couple of comments here at your meeting since we are so closely related. The RecPlex and the IcePlex were a calculated risk, and we still don't know yet how they're going to pay off. They look good. As somebody with a Bachelor of Science in business and 33 semester hours of a Master's Degree in Management I understand calculated risk. But, again, I emphasize the word risk.

It wasn't too long ago our own elected officials in the City of Kenosha decided to take a calculated risk. Somebody that wasn't going to cost anybody anything was going to make a lot of money. We call it the trolley to absolutely nowhere that nobody rides, and the taxpayers of Kenosha are subsidizing that. I really wish some of my elected officials in Kenosha had bitched and complained and said you know the taxpayers could take it in the shorts if we make a mistake, let's think about this one more time. I commend your new Trustees for having the courage to do just that. Thank you.

Keith Kull:

Keith Kull, 3609 122nd Street. I don't know, are you taking comments at this point relative to

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the—okay it's going to wait. Then we'll pick it up later.

Gus Hauser:

Gus Hauser, 143 113th Street. I think I talked about our roads in Carol Beach more than enough already, but what happened about two or three weeks ago took the cake. The truck came with the gravel. I swear those things they have are about that big. They dumped it everywhere. The next thing that happened is we had the snow and the snowplow came and all that gravel that was dumped is now in our grass. I wish once for a change that the public works could find a way to fix our roads without making a bigger mess than it was before. Thank you.

Jane Romanowski:

Mr. President, there aren't any more sign ups under citizens' comments.

John Steinbrink:

Anyone else wishing to speak? Alright, other comments will be done after Jean's presentation.

7. VILLAGE BOARD COMMENTS

Steve Kumorkiewicz:

Yes. I've lived in this Village for 40 years. We have been neighbors over 30 years. That just happens to be Jeff Lauer's mother. When Jeff Lauer got elected, in my house I offered all the help that he could get . . . when he moved to Green Tree Estates I spent a lot of weekends trying to solve the problems that he's got over there. And always I call him if you need any help or you want any information call me, come by my house or send me an e-mail. It didn't happen.

After the election I talked to Alex. And after the election I said the election is over and we've got to work together – he gave a presentation about getting along and then called us clowns. After that when the Sheriff issue came up, against my character which I never did that twice I was really upset. That's one thing that you never read in the newspaper because the newspaper doesn't listen to that. But it's alright . . . when Mr. Steinbrink opened the meeting I asked him for a few words first. I apologized for my behavior to the Village Board and I don't think anybody here can deny that.

I've known Jeff for many years. We worked together in . . . in the year 2000. We slept in the same room four feet apart Although I don't recall him asking me this or asking me that. I can work in community . . . in the Village 40 years and it doesn't count. The experience I have in office doesn't count. Questions to me are never done. But I get criticized for not giving the new Trustees the time they deserve. How much more can I do or can I say? It's up to you to think about. Thank you.

Mike Serpe:

I just have a question of Mike. Mike, it's been a while since we've filed that action against

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Wisconsin Energy on the conditional use permit for the sprinkling system. Is there an update on this? Can you tell us what's going on.

Mike Pollocoff:

In the November 28th meeting I believe the Board authorized the staff to process a contested claim case with the Department of Commerce concerning an opinion that was derived by We Energies for an addition to the flue gas building at the power plant. Prior to that we met in executive session with counsel to talk about our options on that and that was one of the options. Of course, in getting it down to its lowest level there's nearly an eight story building being built that's adjacent to the new stack that's going up out there, the one with the white top on it. In the electric production process they're not generating electricity in that building. It's part of the pollution control equipment. It's a \$700 million improvement.

We Energies had determined that they decided they felt that there was minimal risk in that building and decided not to sprinkler the building, but they would put in stand pipes in the building so that you could hook a hose up to it. Our consultant, along with the Chief and his staff, reviewed that and felt that, one, it didn't comply with our reading of the National Fire Protection Code relating to sprinkler systems, that since it wasn't in the electrical generating turbine room that it should be protected. So they requested a variance from us. The Chief has statutory authority to review that for compliance with the code and he denied, because if there was a problem out there and we had approved the variance the Village would stand the liability for that approval.

We Energies then appealed. That permit that was submitted was reviewed by a mechanical engineer at the State. We Energies then had the opportunity to appeal that decision to an appointed Administrator at the Department of Commerce which they did, and that appointed person had issued a decision with no review opportunity by the Village, with no comment from the Village, saying that giving We Energies a variance to do that. It didn't eliminate our exposure, because in this building basically we're asking firefighters to take a length of hose or a few lengths of hose on their back and climb eight stories if there's something going on out there, to be able to hook up to the stand pipes and fight a fire or deal with a situation where you have flue gas escaping in the structure.

We felt strongly enough that that was an exposure to our employees. We didn't understand why We Energies was balking at a \$60,000 amount to sprinkle that area in light of a \$700 million project, so we filed the action. We also filed to protect ourselves a case in Circuit Court in case the Department of Commerce ruled against the Village. We also were directed by the Board to meet with We Energies and basically do what happened yet, let We Energies give us an alternative plan for sprinklers. The Chief and I did that and we met with counsel and counsel for

We Energies and their staff and we really didn't get very far. One of the reasons we didn't get very far is they had indicated they met with Alex and I think someone else and they had an agreement from them that could support We Energies policy as far as no sprinklers.

From my standpoint in negotiating for the Village I need to know where the Board's coming

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from. If there's a change in this, it's difficult to negotiate an agreement around parties that are working other agreements. If you don't want the Administrator or the attorney to negotiate agreements on behalf of the Village you need to let us know. If you decide the Village is willing to accept the risk other than We Energies we need to know that before we spend any more money on the project.

My recommendation to the Board is the same as it was initially, that it's cheap talk for We Energies to say this building is not going to burn, it's concrete and steel, but the fact of the matter is the Village is never going to have control over who owns that building. It could be some other We Energies. The Village is not going to have any control in what goes on in that building. Some of our fires at the power plant have been from contractors doing maintenance in there than what's purported to be in there. Third, it's open space that's subject to storage.

If we didn't put sprinklers anyplace based on what somebody promised us that they would never use it for we wouldn't have any sprinklers anywhere. The bottom line from my standpoint is that if we're going to protect the firefighters that are going to work in that building or contractors that are going to go in that building, your responsibility as a Board and my responsibility as Administrator I'm going to advice you that you should plan for the worst. Let someone else that's not going to assume the financial responsibility plan for the best. But this community is going to bear the responsibility for the worst case scenario. Why we wouldn't put sprinklers in that building, why we would agree to give We Energies a pass is beyond me. If you decide that you want to do that, that's your call. You're the elected people and you make that decision. But it makes it difficult to negotiate. If it was a three two decision to do it I guess we know that going ahead. But if it's your decision and you negotiate around that then you've pretty much rendered myself and the attorney ineffective in concluding any negotiations but they wait for the election results for the next election. That's where we're at right now. We're at a standstill and the money meter is churning.

Mike Serpe:

I guess I have to ask you, Alex. Were you meeting with We Energies or representatives of We Energies about this?

Alex Tiahnybok:

I am absolutely shocked by the characterization of that meeting. LakeView Corporate Park, an important citizen of our community, I did meet with them. I toured some of the facilities. The number of dealings that LakeView has with the Village were briefly discussed, but in terms of characterizing anything as an agreement or a discussion to perform anything is absolutely a mischaracterization. I don't know where you heard that and nothing of that nature occurred.

Mike Serpe:

So we're still on board a unanimous decision to keep the action in-

Alex Tiahnybok:

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I have not changed my mind.

John Steinbrink:

I think we need to clarify that LakeView Corporate Park is a totally separate energy from We Energies and the dealings we have with the power plant. So I'm not sure who you're meeting with.

Mike Serpe:

Are you at liberty to say who this came from?

Mike Pollocoff:

Yes, Wayne Koessl.

Mike Serpe:

Representative of Wisconsin Energies?

Mike Pollocoff:

Of government affairs, yes. I'm bringing it out in the open because I'm at a loss. If you guys are going to do this--if you want to do it, I think from the Village's standpoint you have to figure out how it is you want it done and negotiate it that way. But don't do it the other way. Again, you're spending good money on my time and you're spending good money for the attorney's time to reach an agreement and prosecute what we took to be the goal of the Village. He was pretty clear, I mean fairly exact. There was no mincing words about how he viewed the situation.

Mike Serpe:

I guess what really bothers me about all of this is the lack of regard to the people providing the public safety to this Village. I'll tell you, the last couple few months for public employees and people providing emergency services, wow. The Sheriff's Department wanted to take over policing in Pleasant Prairie, and now I hope this isn't true what we heard today. That's just another burden on the Fire Department. And now with the front page of the paper we have the RecPlex and IcePlex a little upset with what's going to happen to their future. As a Board I don't know that we're really encouraging a whole lot of good will to be taking place in this Village.

The Sheriff has made it perfectly clear that as soon as the election is over in April he's coming back with another proposal to take over the policing in Pleasant Prairie. If I was looking for a job to be a cop, we're sure as heck not attracting some real qualified people if they're looking to say, hey, if I apply for a job and get hired I might only be there for a year or two. And the fire department has to look at this thing if there's a fire at Wisconsin Electric Power Company I'm going to have to carry a fire hose eight stories high to connect it to a pipe. I think we have to pay a little bit more attention to our employees and back them and give them the support they need to

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do their duties.

Jeff Lauer:

Alright, let's cut to the chase. There's an election coming up. First of all some elected Trustees, elected long-term Trustees here are trying to scare employees. Oh, gosh, if you don't vote for me you're going to lose your job. Let's cut to the chase. Do you think sitting out there whether you guys agree with any of us or not, do you think this was planned that Mike was going to as Mike Pollocoff about We Energies and the sprinkler system? Think about it. Did Mike Serpe being here for over 17 years bother to have the courtesy to call Alex?

(From the Audience):

I think this is ridiculous. I think you should get on with the agenda and quit picking--

Jeff Lauer:

We are. We're doing Board comments. Some people brought things up and we're going to continue. That's what democracy is. But all you have to do is look at the facts. And those of you who know me know I go personally by character. And I'll say this publicly, Alex, I trust your character. I don't trust innuendos that are being made by other individuals. So we should be careful not to play the scare card that, oh, gosh if you don't vote for me you're going to lose your job. Anyone who is an elected official who is not concerned about the possible debt not being paid off and going bad as Mike said earlier bear responsibility of the Village. Who's going to bear the responsibility of the Village? Guess what. Whether you're a member of the RecPlex or IcePlex we are all as taxpayers, even I, and I'm not even a member. So let's just get it out in the open. The people know what you see is what you get and character does count. Speaking the truth does count. Fabricating or trying to make another Trustee look bad is not in the works.

That being said I have some comments to read. The comments made by John Steinbrink that were in the *Kenosha News* today was another example of the arrogance and the attitude that the people of Pleasant Prairie are sick and tired of, of which the majority of this Board still do not understand. For him to try to--the following quote is what John Steinbrink, the Village President, said. And I want to interject here and I hope the tape recorder is working because I'll probably say it again to make sure. I'm not a fan of profane words or bad words. I'll just put it to you that way, but I have to say it because that's the way it was written. Quote, I get so tired of these two guys complaining, he said. They could be a little bit more positive and actually do something for

the community rather than bitch and complain, end of quote. When I first read it I thought the *Kenosha News* report had made a mistake so I did my homework. I called the reporter, and he stated unequivocally that John Steinbrink did use the word bitch.

For John Steinbrink to say that we should stop asking questions, stop airing our concerns, and to call upon us to stop bitching and complaining is really astonishing. I was elected to serve the people of Pleasant Prairie because a vast majority of the people are tired of the way they are treated and the dictatorial attitudes that some have in the Village. My job and everyone who sits

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up here at times will make difficult decisions, and at times some of these times we go through we have to ask difficult questions. Sometimes those difficult decisions in both may not please everyone. But people will have respect for those who are honest and not in it to gain power or to make land deals where elected officials can make a million or two dollars for their bank account.

In regards to Mr. Steinbrink's, quote, it could be a little bit more positive and actually do something for the community, end of quote. I want to list a few things that my wife and I do for the community both locally and worldwide. We care for the developmentally disabled and have been doing this for the past 16 years in our house. We donate food to the Shalom Center. We donate to Feed the Children. We donate to St. Jude's Hospital. We donate to Paralyzed Veterans. We donate to the Police Survivor's Fund. We donate and volunteer at the Kenosha Achievement Center. We donate to Angel . . . we donate to Samaritan's Purse. We donate to the Salvation Army and Purple Heart. I work very diligently as a Trustee of the Village.

And let's not forget this one. I have helped you, John, Mike and Steve in years past on your campaign before you turned into something I did not like. I serve on the Village of Pleasant Prairie School Commission. I attend Planning Commission meetings though I'm not on the Commission. I vote in favor of subdivisions in the Village. Those are just a few of how my wife and I actually do something for the community.

In closing, this job is about representing all the people and requires us to ask questions, present concerns and have a mature debate on issues. Mr. Steinbrink, do not take these healthy discussions as something against you. I recently read a book that starts with the first chapter with the following words: It's not about you. And when certain individuals have that philosophy and belief it's not about you, you'd be just surprised how good things can run. Thank you.

John Steinbrink:

I appreciate, Margaret, your comments and I understand Jeff is your son and you stick up for him and that's good. I could bring my mom to the meeting.

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(Inaudible)

John Steinbrink:

My mom has lived here 57 years. As far as the trolley goes, that's a Kenosha thing. I guess if you knew what else came with the trolley to the City of Kenosha you wouldn't look at that as being an anchor weighing down the City. That trolley program paid for almost all the infrastructure down in Harbor Park. It came with millions and millions of dollars that went into the City of Kenosha. What happens to the trolley after that, whether it helps tourism or helps promote growth down there I don't know. But it wasn't a boat anchor around the neck of the City. It brought in a lot of dollars with it.

We've got to make a lot of difficult decisions up here, Jeff, and I think that was probably my biggest complaint that whenever we come to a difficult decision you generally abstain on the vote and say, well, I don't think I can make that decision today. I appreciate that if that's what you want to do. And when you called the reporter from the *Kenosha News* and made sure the comments are correct, could you get him to read you the rest of the comments and the rest of the story and put it back into the context because that might make a little bit of difference. So if you want to editorialize that's fine. When you want to pull your weight around here that would be even better.

Alex Tiahnybok:

I've been advised and I've been trying to adopt this as much as I can and Steve basically affirmed that a couple of months ago when things were not so pleasant around here, I voluntarily did a short PowerPoint presentation on conflict resolution. As we can see it hasn't accomplished much.

I've been trying to take the high road. I wrote a response to Mr. Steinbrink's comments today and I'm hoping it gets published in the *Kenosha News* in the next couple of days. What happened tonight is if anybody is trying to create or foster an environment of good will and positive relationships I think what happened tonight was a sneak attack and I think Jeff characterized it pretty well. If there's a goal to create a more kinder and gentler environment, these gentlemen took a big step backwards.

Just to official comment on the nature, and again this was an absolute and I believe coordinated attack as Jeff suggested, the conversation I had with Wayne Koessler, and it's interesting that he's not here tonight, but I was invited by LakeView to tour the facilities, to view some of the establishments built in LakeView. After the tour with a couple of gentlemen from LakeView I returned to their office, which is right on 165 right by McDonald's, and something I was not aware of was Wayne Koessler's office, We Energies', and I don't exactly know what his position is, but it's community affairs or something of that nature, is right around the corner. And while I had an idle moment Wayne popped out and said how are you doing and he said come on in. I went and sat down in his office and we chatted about several topics. I challenge him, and of course there's no way to prove this either way, but I challenge him to prove there was any kind of deal or agreement made. I am absolutely shocked by that.

John Steinbrink:

If there are no more comments from the Board. We need to move on, Steve.

Steve Kumorkiewicz:

A quick comment. Alex, that's why all the years of being a Trustee I refused to meet with anybody the way that happened with WisPark because they can ambush you pretty good You walked right into it without knowing . . . we have a lawyer that's dealing with those issues . . . if we start to interfere we'll go no place. This issue came up because you walked in and you didn't know. I realize that.

John Steinbrink:

We need to move on here. Alex can clarify his meeting with Mr. Koessl and hopefully the Village's position here will not compromise. We need to work in the interest of the firefighters especially on this item.

8. NEW BUSINESS

- A. Receive Plan Commission Recommendation and Consider Resolution #06-09 for a Preliminary Plat for Prairie Trails East Subdivision generally located north of 128th Street and east of the Kenosha County Bike Trail.**
- B. Receive Plan Commission Recommendation and Consider Ordinance #06-03 for a Zoning Map Amendment for properties generally located north of 128th Street and east of the Kenosha County Bike Trail to rezone the property for the proposed Prairie Trails East Subdivision as follows: the field delineated wetlands into the C-1, Lowland Resource Conservancy District, the proposed single family lots into the R-4, Urban Single Family Residential District and the non-wetlands of the proposed Outlots into the PR-1, Park and Recreational District.**

Jean Werbie:

Members of the Board, there are two items before you that I'm going to be making a presentation on and then we'll move back to the variance request for the no tangent between the reverse curves. But the first two items refer to the preliminary plat request by Ted Pickus, agent for Prairie Trails LLC, owners of the properties generally located north of 128th Street and east of the Kenosha County Bike Trail for the proposed 146 single lot subdivision to be known as Prairie Trails East.

The second item I'll be speaking on is for Ordinance #06-03 for a zoning map amendment for that same property, Prairie Trails East Subdivision. It is to rezone the properties that have been field delineated as wetlands into the C-1, Lowland Resource Conservancy District to rezone the single family lots into the R-4, Urban Single Family Residential District, and the non-wetland areas of the outlots into the PR-1, Park and Recreation District.

The Prairie Trails East Subdivision is located within the south central portion of the Sheridan Woods neighborhood. This neighborhood is bounded by 116th Street on the north, 128th Street on the south, Sheridan Road on the east and then 39th Avenue on the west. The Village's Comprehensive Land Use Plan indicates that the neighborhood should be developed within densities within the lower-medium residential land use category with average lot sizes per dwelling unit that range between 12,000 and 18,999 square feet. So with an average they would be falling into that R-4 size which is about 15,000 square feet.

Just to bring everyone up to speed with respect to some historical information on this particular project, back in 1990, about 16 years ago, we started our neighborhood and master planning for this particular area of the Village. A master conceptual plan was approved for the development

of the properties in the vicinity of 122nd Street located east and west of the Kenosha County Bike Trail in the areas now known as Prairie Trails west, Prairie Trails West First Addition, as well as the Oakwood Development. primarily we're looking at the west side of the development to begin and then eventually the east side of the development would take over once the west side was completed. Those plans were approved by the Plan Commission and the Board at that time.

On April 27, 1994, a neighborhood plan for a portion of the Sheridan Woods Neighborhood located at 116th Street and 39th Avenue was approved. And as part of that the neighborhood plan included that element or those portions of the Prairie Trails East neighborhood, wherein a series of roads and lot layouts were put together and refined a little bit further.

On June 12, 2000, the Plan Commission held a public informational meeting to amend a portion of the 1994 Sheridan Woods Neighborhood Plan, and a conceptual plan was presented for the Prairie Trails East Subdivision. As you can see on the slide, on one side is a conceptual plan that showed how the Prairie Trails East Subdivision would be laid out, how there would be some connections to the north at 26th and 28th Avenues, that there would be a connection over the bike trail at 122nd, and then a fourth connection down at 128th Avenue, 128th Street down to the Lake County jurisdictional highway. At that meeting, Carl Christiansen, who is a property owner within the Prairie Trails West area located at 3201 122nd Street, he submitted an alternative plan for this portion of the neighborhood which the staff evaluated and we looked at it with respect to whether or not we could incorporate the plan. And the Plan Commission tabled the project at that time for the staff to review his request and some additional information that was submitted by the residents and the Plan Commission at that meeting.

On March 12, 2001, the Plan Commission held a public informational meeting, and there was a revised plan of Prairie Trails East Subdivision presented, and we also re-examined the entire Sheridan Woods neighborhood. Again, each time that we do a presentation of the neighborhood or the conceptual plan, depending on if it's a neighborhood then residents within the entire neighborhood receive notification. If it's specific to a concept plan area then those within the concept area and those within 300 feet or so beyond that receive notification. But every time we were looking at a neighborhood, everyone within the neighborhood was receiving notification.

Our next meeting was on July 11, 2001. The Village staff held an open house, again, to answer questions related to the revised neighborhood plan.

The next meeting was August 13, 2001. The Village Plan Commission held a public hearing and approved the revised neighborhood plan for the Sheridan Woods neighborhood. It was to be used as a guide for land use decisions and future decision making for future development within the Village of Pleasant Prairie. As you can see, the plan has been modified over the years. There were some changes as reflected on the south end and the north end with respect to some staked and field delineated wetlands, and there were some other modifications within the internal road network system that were modified back in 2001.

On October 13, 2003, the Plan Commission held a public hearing for the conceptual plan for the proposed Prairie Trails East subdivision. Again, once a neighborhood plan has been approved by the Plan Commission and endorsed by the Village Board, then that sends direction to the property owners within that neighborhood that if they follow the neighborhood plan as it's set forth then

they can move to that next step which is the conceptual plan. This conceptual plan was presented back in October of 2003, but the Plan Commission tabled the public hearing because there were some resident concerns regarding the crossing of 122nd Street or the bike trail going east/west over the Kenosha County Bike Trail. This 122nd was intended to serve both the east sides and the west sides of the Prairie Trails development.

Which brings us to the following year which is April 26, 2004. The Plan Commission continued the public hearing of October 23, 2003. At that time they recommended conditional approval of the conceptual plan, however they could not reach a consensus on whether or not the bike trail was to be crossed or not. So at that time they brought forth no recommendation regarding the crossing of the bike trail to the Village Board.

The next meeting, May 3, 2004, the Village Board received the Plan Commission recommendation from the April 26, 2004 Plan Commission public hearing. And after considerable discussion the Village Board decided to refer that conceptual plan back to the Plan Commission and to the staff for revisions by the developer and further discussion. On the one side is the concept plan that was presented in April/May of 2004, and then there were concept plan recommended changes by the Village Board in May of 2004. As you can see, some of the changes included, and these are based on comments received by residents, is that 28th Avenue no longer would be a straight through connection. By having the connection there was a connection from 116th Street all the way down to 128th, and this brought some concerns by the residents on 28th Avenue that it would become too much of a collector street or thoroughfare, a road that was up to current standards with respect to being an urban profile roadway, and they felt it would be very difficult and burdensome on that particular roadway. There was also a connection point that was added between the two long linear roads in the subdivision, and then the other point was there was a cul-de-sac placed on the east side of 122nd Street on the east side of the Kenosha County Bike Trail.

Here I have the outline of all the comments that were made. Kenosha County Bike Trail would not be crossed at this time with a public road. 30th Avenue roadway would end in a cul-de-sac adjacent to outlot 8 which is adjacent to the east side of the bike trail. There would be two public access connections from 121st and 123rd Streets to outlot 3. Outlot 3, which is on the northwest corner of the development is primarily all wetlands, so because of that it's not an area that the Village wanted to take as a public park but would remain as an open space area for the residents to view or to enjoy. 28th Avenue would not have a direct roadway connection between 121st and 123rd Street to avoid a collector road function between 116th and 128th Street. 123rd Street connection would be added to connect 30th Avenue to 26th Avenue. The retention basin would be relocated from an area east of 26th Avenue to another smaller location west of 26th Avenue. Again, there was a question or a comment that was brought up at one of the last meetings that there were a number of trees in the very northeastern corner. In order to preserve some of those trees even more than what was identified, there would be a proposed shift of the roadway and a shift of the outlot which would be the retention basin.

And, finally, a 5.4 acre wooded area would be dedicated by the developer to the Village as a passive wooded park and open space area in the northeast corner of the subdivision. Again, this is instead of having a public park by the bike trail where the wetlands are, it would move over to the east side where the trees are in order to preserve a large amount of oaks and other trees for a

passive park.

Then on July 12, 2004, the Plan Commission held another public hearing related to the revised conceptual plan in accordance with those changes that were discussed by the Village Board in their meeting of May 3, 2004. The Plan Commission recommended that the staff further work with the developer to prepare a plan which addressed the comments and to work to preserve more of the trees in the northeast corner of the site. An alternative was sketched out by the staff at the meeting, as well as the developer presented a sketch at that meeting and they are on the next slide.

This first slide shows the area of concern. There was a presentation made by the developer. They did not want to change the plan, but what the developer wanted to do was increase the lot sizes in the northeast corner of the site and deed restrict so that the trees or that the wooded areas would be preserved to the greatest extent possible. That was the first alternative presented.

The second alternative was one that was presented by staff. Basically it realigned 26th Avenue and shifted it from the east to the west, and by doing that we recommended that this whole area on the east side adjacent to the property line, which is pretty densely wooded, that that entire area be preserved as a park, and there's a small clearing or opening at the south end that some more active playground equipment could be added there without being a detriment to any of the trees. What it did do is move a park that was originally over by the bike trail from this location over to this location.

Outlot 3 which at one point was intended to be about a seven to ten acre park turned out to be an area where the wetlands grew substantially, and so since the Village nor the developer could encroach into the wetlands, you can't fill them, you can't develop them, you can't modify their existence, we couldn't put any play equipment in them, the Village staff felt that it would be appropriate that this area be preserved as an open space area, but that would be the extent of development for that particular area. Outlot 3 would be eventually dedicated to the homeowners association, and they'd be responsible for the ownership and any maintenance involved with respect to the wetland area.

On July 19, 2004, the Village Board conditionally approved the Prairie Trails East conceptual plan for the proposed single family development on 117.6 acres of land located within the south central portion of the Sheridan Woods Neighborhood, and this was as recommended by the Plan Commission. The Plan Commission did recommend alternative two which, in fact, did create an area for park purposes on the east side and then created an outlot 3 wetland preservation area on the west side. What it did also do was identified that a cul-de-sac would be placed at the end of 30th Avenue, and then there would be an outlot or open space connection at 122nd Street so that when and if there was ever a decision to cross the bike trail the opportunity would be there for a subsequent Board or Plan Commission to look at that.

The request for preliminary plat approval and zoning map amendment are the requests that you have before you this evening. Specifically, on this side is the preliminary plat for the Prairie Trails East development. As you can see, all of the areas that are identified in this light green are open space areas. The little bit darker green are wetlands that have been field delineated on the property. Those are areas that are intended to be preserved and protected. The darker blue areas

are those retention basin areas that have been identified. The only modification, and I'll be discussing this, is there's a further shift up in this north end to preserve a greater number of trees along the north property line and then shifting the basin over to the west a little bit. But the lots have been identified as averaging close to 20,000 square foot average. The minimum lot size is 15,000 square feet with 90 feet of road frontage, cul-de-sacs along the west side abutting up to the bike trail.

30th Avenue terminates in a cul-de-sac with an outlot jutting off to its western terminus, and the connection points as proposed by this preliminary plat are at the State Line at 28th Avenue, and then a connection at 26th Avenue and 28th Avenue. The Kenosha County Bike Trail runs along the western boundary of this particular development, and this plan has been and has repeatedly been presented over the years in various formats to Lake County. Through their traffic impact analysis they had identified one connection point from this development to the State Line.

The second part of the request is the zoning map amendment. And what they're requesting specifically is to rezone the field delineated wetlands, those areas in the green, into the C-1, Lowland Resource Conservancy District. The light green would be put into the PR-1, Park and Recreational District. I'm sorry, dark green is C-1, light green is PR-1, and R-4 is Urban Single Family Residential District.

To recap the development, the site size is 117.6 acres. The area used for single family lots would be 61 acres. There would be approximately 146 single family lots. The average single family lot size is 18,270 square feet. The net density for this development is 1.75 units per acre. At full build out population projections would bring this development at 399 persons or 61 public school age children.

With respect to open space on this property, approximately 37 acres or about 32 percent or a third of the site is proposed to remain in open space. We've got 5.4 acres of public park, 9.6 acres of wetlands, 22 acres located within various outlots as other open space which also include

storm water drainage and retention areas on the property. Zoning map amendment, again, is to rezone into the C-1, PR-1 and the R-4 areas respectively. There are legal descriptions that have been prepared that identify the zoning on this particular plat.

One other comment I would like to add is the floodplain on the property is not being amended at this time. There were some questions raised as to the extent of the floodplain mapped on this property. The developer was responsible to conduct floodplain studies and submit them to FEMA in order to determine the amount and extent of floodplain on this property, so they are going through that process at this time. Primarily it's this area that's all along the southern portion of the site so they have to get some elevations determined and FEMA to review their letters of map revision to the maps to include this area in the floodplain. Again, those aren't the areas that we're looking to develop.

With respect to site access and phasing, phase 1 proposed to include 69 lots with three access points within the subdivision at 128th Street, 26th and 28th Avenues. Phase 2 proposed to include 77 lots. All construction traffic that accesses the development is intended to come through 128th

Street at the State Line. So when the roads are constructed at 26th and 28th, the construction traffic would not be able to come north and south on those roads. It would be barricaded off or there would be restrictions placed. If for some reason there would be any traffic that came down it and became a problem, anyone using that road for construction purposes could be ticketed by the police department.

Off site improvements. All required improvements to 128th Street as required by Lake County will be the responsibility of the developer. We do have lists of conditions and concerns and comments by Lake County, and those would all have to be addressed and paid for by the developer. Municipal water would need to be extended on 26th Avenue to the north and interconnect to the existing municipal water on 26th Avenue at 119th Street. Water laterals to serve the existing homes and lots on 26th Avenue would be installed by the developer only upon the request and direct payment by the property owners to the developer. The 26th Avenue roadway at a minimum shall be milled and resurfaced from the development north to 109th Street and shall remain as a rural profile. This would be needed as a result of the water main installation. A 20 foot cross-section on 26th Avenue is desired, and depending on the results of the core samples, the road bed may need to be improved to meet the Village roadway specifications. Again, these would be at the developer's cost.

Additional storm water improvements may be required to insure drainage is not an issue at the ends of 28th and 26th Avenues, and we will continue to work through the engineering plans of the developer to make sure that this is not a problem or concern for those residents. 28th Avenue shall be tapered north of the developer's property line to connect to the existing rural roadway. The same thing would be at 26th. You'd need to taper the roads and connect them in. It just wouldn't stop right at the property line.

There were a number of questions that had developed with respect to the property owners on 26th Avenue regarding the water, so I'd just like to clarify some of those points for those residents. Under right of recovery, a ten year right of recovery could be afforded to the developer for water improvements to be installed on 26th Avenue if, after holding a special assessment hearing, the project is approved by the Village Board. What would happen is residents would receive notification, there would be a public hearing, and then the project would be explained to them. The actual cost for such improvements would be provided at the time the final engineering is completed. Any special assessments would be based upon the actual bid out prices for that project. And that bid price would be spread over the entire development as well as 26th Avenue. So it's not just a front footage cost on 26th Avenue looking at just that piece. It would be a cost that's spread out so that the best possible per foot cost would be obtained for the 26th Avenue project.

Any new homes on 26th Avenue would be required to connect to municipal water and pay the special assessment prior to connecting to the water main, and any new lots created would be required to pay the special assessment prior to the recording of the CSM. The property owners with existing homes on 26th Avenue will be required to pay the water specials only if they choose to connect to the municipal water main. That's very important for them to understand that they would not be responsible for paying that assessment unless they connect to it, utilize it, or they request to have that service for ten years. The right of recovery is out there for ten years. That would be the time period by which the developer could be repaid for the investment that he has

put in up front. But the property owners that live out there would not be required to connect. They will be asked at the beginning of the project as to whether or not they would like a water lateral. If they do, they would have to pay the developer directly for that, but they're not required to take a water lateral.

A special assessment public hearing for the off site improvements on 26th Avenue will need to be scheduled by the Board related to these pending costs, and this is typically done prior to the approval of the final plat, because any right of recovery or right of recovery and funding agreements that the developer may be entitled to has to be first approved by the Village Board and then it would be included as part of the final documents of the final plat. Those hearings have not yet been scheduled because we're still working on the preliminary plat.

So the request that you have before you this evening is for preliminary plat approval and a zoning map amendment. We're going to go back to this and continue the public hearing. At the last Plan Commission meeting there was some concern that was raised by one of the residents regarding a tree preservation area and whether or not some additional trees could be preserved in the very north corner of the site. This is where 26th Avenue would extend down into this development. So in evaluating the tree survey and in taking a look at the property, there is a very nice swatch in this particular area that extends about 70 feet from the lot line, and the staff worked with the developer this week to identify that if we could shift the pond further south we could still preserve a larger chunk of those trees adjacent to that north property line. That was part of our recommendation to the Village Board tonight as discussed by the Plan Commission.

There was also a discussion at the Plan Commission level that 30th Avenue/122nd Street roadway be moved further west towards the bike trail. This would allow for a future connection across the bike trail at some point in the future if it's determined by the Board and approved by Kenosha County that the crossing shall occur. The cost to the Village would be considerably less by moving the cul-de-sac west since the distance that the roadway would need to be constructed would be considerably less. This temporary cul-de-sac would be dedicated to the Village for roadway purposes. The developer would construct the cul-de-sac to meet the Village's cul-de-sac specifications. The cul-de-sac would be considered temporary, however, because the bike trail may be crossed with a public road in the future if approved by the Board and if approved by Kenosha County. In addition, bollards shall be installed at the end of the cul-de-sac to prohibit vehicular traffic from entering the bike trail similar to on the west side of the cul-de-sac and that a sign be installed stating that at the developer's cost that the roadway could be extended in the future.

Mr. President, that is an overview of where we are today with respect to the developer's request. They are requesting both preliminary plat and zoning map amendment. There will be a third item that's on the agenda as well as a public hearing, and that's regarding a variance. 28th Avenue has to do some unusual bends because of the proximity of the wetlands on either side, and we wanted to make sure that there was a connection down to the State line, so that will be at third item for public hearing. We can either take that matter up right now or we can get through this part first. If for some reason this first part does not move forward or gets tabled or gets modified, that might affect the variance. So at this point I guess I would recommend that we continue the public comments for these first two items.

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John Steinbrink:

Thank you, Jean, for that information. We'll go back to the public hearing, Item 5. We'll open it up.

5. PUBLIC HEARING

- A. The request of Ted Pickus, agent for Prairie Trails LLC, owner of the properties generally located north of 128th Street and east of the Kenosha County Bike Trail for a Variance from Section 395-60 G (2) of the Land Division and Development Control Ordinance related to the tangent between reverse curves of the proposed 28th Avenue between the proposed 30th Avenue and 128th Place in the proposed Prairie Trails East Subdivision.**

John Steinbrink:

Once again, this being a public hearing I will open it up to public comment and question.

Jean Werbie:

You want me to make the presentation on this item?

John Steinbrink:

Okay, then we'll open it up to public comment.

Jean Werbie:

Mr. President and members of the Board, the petitioner is requesting to construct a portion of 28th Avenue north of 128th Street generally located between 30th Avenue and 128th Place with reduced street tangents between reverse curves. Section 395-60 G (2) of the Land Division and Development Control Ordinance requires that the street tangents between reverse curves for all streets be a minimum of 100 feet.

The 28th Avenue access connection to 128th Street is required to provide for more efficient and disbursed traffic circulation within the development to provide for an additional street access point for a timely emergency vehicle access response and for the provision of governmental services such as police patrol, road maintenance, snow removal and school bus routes. The engineering design for no tangent for this portion of 28th Avenue is due to the location of the wetlands in outlot 5 on the east side of 28th Avenue and the location of the connection to 128th Street. In addition, the curvature of the road will provide for the traffic to slow down while entering and existing the subdivision.

So what we're saying is at this point along the State Line is one of the only points that there is no

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floodplain, no wetland, no significant woodlands that Lake County would identify and grant and access permit for. However, this land right here is not owned by the developer, so the key was to try to bring the road in, get it around that development, avoid the wetlands over here, avoid the wetlands over here and then bring it back north to straighten out. So because of that we're not able to get that 100 foot tangent section between the reverse curves going back and forth. By not granting the variance we would not be able to have a connection to the State Line for this development which would be problematic.

So this is a matter for public hearing as are the previous items. The Village engineer has reviewed this request for no tangent between reverse curves in order to create an opportunity for this connection from the State Line and does not find that it would be contrary to the public's interest, public safety or the welfare, and it does provide an access point to this subdivision. With that, now we've got all three items for this particular development on the table and I'd like to continue the public hearing and the public meeting.

John Steinbrink:

Jane do we have a sign up?

Jane Romanowski:

Yes, we did. Do you want a time limit on this?

John Steinbrink:

Yes.

Jane Romanowski:

Okay. Since we have so many speakers the time limit will be three minutes and the first speaker is Carol Alter.

John Steinbrink:

This being a public hearing we ask that you give us your name and address for the record and use the microphone. Thank you.

Carol Alter:

My name is Carol Alter. I live at 11920 28th Avenue. I've lived there for five years, but previous to that I lived on 116th Street for 17 years. I returned to Pleasant Prairie ten years ago drawn back because of family and the kind of community I wanted to be part of again. I'm here tonight to talk about issues we are facing due to the expansion of Prairie Trails Subdivision. None of us are happy to see this expansion's effect on our individual streets. Change is hard. But since we've been told there are no other solutions at this time, I believe we should share the impact on our neighborhood as a while. I say this since any other behavior would be unchristian and certainly

not neighborly.

Please put away elitist attitudes and come together as a community and by finding ways to share the increased traffic on all three streets, lighten the burden on any one or two. Safety being a major issue for all of us, and 122nd asking to be excluded from the proposed plan we could be imposing a major portion of the traffic onto 26th thus creating a safety problem for these families. I personally feel that every child is precious, no matter what street that child lives on, and furthermore deserves to have an equally safe environment. Our issues are much the same from one street to the other with the exception of 122nd who are concerned for the safety of pedestrians and bicycle riders crossing their street. They are grasping at straws in hopes of keeping their street closed to Prairie Trails East.

With proper caution signs on 122nd, stop signs on the bike trail, and law enforcement of the 25 mile per hour speed limit, and perhaps even speed bumps any user of the trail should be safe simply by taking the precautions they use at all other trail street crossings. The same would apply to any child who now has parental approval to ride unsupervised at bike trail crossings. A parent who feels any crossing creates a hazardous situation with their child should already have adult supervised riding rules within their household, and if not should make this a priority.

Since Kenosha, Kenosha County and Pleasant Prairie have allowed trail street crossings throughout neighborhoods in the past and have no plans to block them off due to any safety hazards, then why not allow a crossing on 122nd? Why should there be any reason for special consideration for this street since there is no indication of problems at 116th or ML or 93rd to name just a few. What sets this street apart from all others? Do they have worse drivers, faster speed limits, inattentive parents, poorly educated children in rules of safety, or an elitist group

trying to keep a stronghold on their private subdivision? Any and all concerns of this group should be resolved within the neighborhood by working with the police department and the Village thereby making this a safe and viable crossing.

Do not allow individuals on 122nd dictate the loss of access across the bike trail to future residents of phase 2 of Prairie Trails East. These residents also deserve a safe community access to such services as ambulance, fire and police personnel. This in itself should be an extremely serious safety concern to all of us for our future neighbors. I quote from Webster's Encyclopedia of the English Language: Neighbor, a person who shows kindness toward his fellow man. With this quote in mind let's put aside the elitist attitudes of a few and think about our community as a whole. Thank you.

Rhonda Wasurick:

Good evening. My name is Rhonda Wasurick. I live at 11917 28th Avenue and I live living in Pleasant Prairie. I grew up as a child here, and ten years ago moved with my own family here onto a dead end road. We picked a quiet location with more land not in a subdivision because of rules and covenants. We wanted the actual prairie feeling and that is on 28th Avenue which most people never realize existed. I ask all of you to take a walk or a ride down our road and look at the peacefulness we will be losing by opening our road to a subdivision of 146 houses. Our road

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is very narrow with some houses already close to the road. With road expansion it will be especially unsafe. We already have some speeding problems because of the long, straight stretch. It's easy to pick up speed.

I knew since I personally did not own the land at the end of my road it would someday be developed which leads us to this discussion we are having tonight. None of us want our great areas we live in to change, but it will. To welcome in our new neighbors that is what is called growth. In order to have healthy growth in our community we have to look at the safety for the whole area. There should be no area that is considered better than or superior to any other. Traffic flow seems to be the biggest issue. I believe that the more access points we have the easier the traffic will be able to flow. I do not believe that crossing over the bike trail should be considered as a safety hazard. This will not be a major highway crossing. It will only have the traffic from the two subdivisions using it with an occasional onlooker. Without that crossing it will only make 116th Street's crossing more dangerous as there are no stop signs, higher traffic and higher speeds.

The Pleasant Prairie community planned ahead with the new homeowners to come when building Prairie Trails West and is considering abandoning that original plan due to the safety of crossing the bike trail. What safety issue are we talking about? Has there been a high accident rate at the bicycle crossings? Children and pedestrians not knowing how to cross? Or, is it that Prairie Trails West doesn't want to share in the burden to keep Pleasant Prairie a safe community for the new homeowners that deserve the fastest fire and rescue they are entitled to and to share in the traffic which it creates? None of us want the traffic but all of us should share it. I ask the Planning Commission to look at the whole picture and make the best decision for our great community. I end with the definition of the word fairness: Consistent with rules, logic or ethics, a fair tactic. That is what I'm asking this Commission to do. Thank you.

Leon Robillard:

My name is Leon Robillard and I live on 116th Street. I'm only two lots from the bike trail. I'm only here because I think that there are children in all of these areas. We're talking 116th, and I'm sure everybody has been down it and it is one fast road. I've almost hit kids coming out of the bike trail myself and I'm very careful watching for him, but you can't see with those piles of dirt that are there that have been there ever since the North Shore was taken out.

I've got to say I've been there, it's been 57 years ago that we moved into this neighborhood, so I've seen a lot of change. And my sister was Carol, the first one up here to speak, and she can tell you the same thing. There's been lots of changes, and I think everybody should share in this crossing and not say we shouldn't cross 122nd crossing the bike trail which would be much safer than trying to go across 116th and the bike trail. That's all I'm here for to say is I think everybody should share in it. We've got narrow streets and a lot of fast streets and there are kids in every neighborhood. Thank you.

Ted Pickus:

My name is Ted Pickus. My address is 3330 Skokie Road in Highland Park, Illinois. I just want to say as Jean as spelled out this has been 16 years of planning, and it's been a long process.

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We've been very flexible. We've complied with everything and multiple times we've gone through changes as Jean again pointed out. Things were tabled multiple times. We've been back to the drawing board multiple times trying to appease everyone. Jean has been very conscious in working with her to the neighborhoods, but unfortunately as we've just heard change is inevitable and everyone cannot be happy.

You have a wonderful Village and, again, growth is inevitable, and I feel that this plan that we have today really spells out a good cross for everyone. Having the flexibility of the bike trail, being able to be open gives you in the future a chance to make a change and it will be obviously up to you. Once again it's been a very long time coming. We've been very flexible and I ask you please, please to approve this subdivision tonight.

Bonnie Tisinai:

Bonnie Tisinai, 12109 26th Avenue. I have come up with an idea for the Village Board to, in Mr. Pickus's defense, not change any of these plans but to change the boundaries. Phase 1 has 69 lots and phase 2 has 77 lots. If you incorporate 30th Avenue which goes into 123rd Street you have 14 more homes. This would only be a difference of increasing phase 1 by approximately half a dozen to eight houses and we could cross the bike trail which would eliminate a lot of the traffic on our street as well as 28th Avenue.

I do have to explain, though, driving home today I drive a pickup truck and another pickup truck came toward me. Now, our street is 16 feet wide. We have to stop because of the mailboxes and let the other truck go by. Even if you increase this street by two feet on each side it still will be a very dangerous street. Plus the fact we have two other subdivisions that are incorporated into this, Lighthouse Pointe and Tobin Woods. Also what the people in Prairie Trails West don't understand is when they requested this street not to go across. it was called 122nd Street for a long time, and it went straight across. When you put the cul-de-sac in, you dropped the street down calling it 30th Avenue and changing it to 123rd Street which went to the east. Now, this should not cause a big problem because it's not a straightaway like once was planned when you originally changed it to a cul-de-sac. Plus the fact the woods on the east side were not ever there either, and I still would like to see 26th Avenue not to go through to preserve these woods since we're dwindling in woods in Pleasant Prairie.

26th Street has no sidewalks. Our children walk to the bus stop. In fact, the parents park their vehicles because we have no shoulders in the middle of the street and it is a major traffic jam. Somebody is going to have to either not let them do it or something has to change. That's all I have to say. If you would like me to show you on the map I have my own little map if you want to put it up there.

Mike Pollocoff:

We don't have a projector, but I guess if you could give Jean one we could pass it around, or if you want to show it on the map there. I was trying to figure out where you were meaning.

Bonnie Tisinai:

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I meant to show the audience what I meant.

Mike Pollocoff:

We'll all need to see it.

Bonnie Tisinai:

I colored the phases by pink and I might be off by a few houses because I'm not really sure. This is where I incorporated the new boundaries. It would not change anything on these plans at all. This is phase 2 which would include 14 more houses. There's 69 here, there's 77 here, and if you incorporate 14 more you're only speaking of a half a dozen to eight more houses, so it's not-- most of the property is all wetland on this side and woods to begin with.

This is what I'd like to suggest to the Village is to change the boundaries. This is phase 1 here. It includes this strip all the way down and it goes over right here. This is all phase 1. This is phase 2. What I'd like to do is make this part of phase 1 by taking this street and including, of course, the houses on this cul-de-sac and going around and then we could cross the bike trail. I have spoke with the two members of Kenosha County and they said that utilities have cross, the sanitary sewer has crossed, and permission has been asked for water to cross. The only thing is if we don't ask for permission to ask the County Bike Trail you'll never get it, and if the bottom falls out of the market we will be locked in. If for some reason phase 2 never gets developed, then we will be locked in with the situation of only these two streets. This street in Prairie Trails West is equipped to handle traffic. Thank you.

Michael Renner:

My name is Mike Renner. I live at 3211 122nd Street. I gave you a little package that you probably got a little earlier and I'm just going to hit some highlights. I'm not going to advocate any connections. That's the bottom line. I currently live west of the Prairie Trails East development in Prairie Trails West. This area includes two other subdivisions, Green Tree and I think Oak Ridge or Oakwood, plus additional homes east of 39th Avenue. These 225 homes use two access points onto 39th Avenue. That's about 112 homes per entrance. North of the proposed Prairie Trails East, this 26th and 28th Avenue which include 30 and 37 homes respectively.

As we've heard tonight, there have been people who have been asking for 122nd Street to go through. But I'm not advocating any connections. 146 homes are not a significant burden for one entrance currently proposed for Russell Road. There are two more proposed entrances from the east that will give three connections depending on the final plan. I know the Village likes to have interconnectedness, but in this area the bike trail already serves that purpose. Driving around to other areas isn't a significant issue in our current car culture. I also know Village services can be impacted but consider that a small price to pay for the peace of mind of surrounding residents. Why should the developer benefit as our expense? As far as emergencies, doesn't it make more sense to use 39th Avenue and Russell Road as the speed limits are higher? These roads are already in use for accessing homes along Russell Road on the Wisconsin side. These two roads also have little bike and pedestrian traffic. This would make a lot more sense than driving at high speeds on narrow or curved streets plus stop signs and significant bike,

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pedestrian traffic and school bus stops, besides no connection to any proposed street until phases are completed, so services and Prairie Trail East residents will only be using Russell Road until then. Why change?

There are almost 300 existing homes that this proposed subdivision could impact. There are probably 500 property owners, taxpayers, voters and Wisconsin residents associated with these 300 homes. With all due respect, who does the Plan Commission and Village Board represent, the 500 proper owners from Pleasant Prairie, Wisconsin or the one developer from Illinois? This issue has been going on for a long time. It's turned neighbor against neighbor and residential area against residential area and residents against the Village. It's almost like movie Groundhog Day except this nightmare doesn't seem to have an end. But tonight the Village Board can end this Groundhog Day-like nightmare. Say no to the bike trail crossing again as you did in May of 2004. Say no to connection 26th and 28th Avenues, and if no second entrance or one entrance to Russell Road with two future connections to the east are not sufficient or acceptable then say no to Prairie Trails East. Thank you.

Julie Santelli:

My name is Julie Santelli. I live at 12135 32nd Avenue. I am here again to restate that I do not want 122nd to cross the bike trail. I have many questions in my statement that I would like answered tonight. I don't really care about the property value going out, convenience to a new neighborhood, convenience to parks. I care about the safety of my children. Again, I'll mention my daughter is deaf in one ear and has a hearing loss in the other ear. She likes to go to the pond, ride her bike, scooter, roller blade in that quiet dead end area, park and the pond there. I can feel at east knowing that there's no cars zooming by.

I am all for development. There are three entrances already into this new development. We have two entrances into our subdivision with many homes. What's the difference? Why add one more to make four? It doesn't make sense. Back on April 26, 2004 even Mike Pollocoff responded, quote, there have been many close calls, unquote, with regard to pedestrian or bike accidents off of Highway 165 and ML. This is not the same kind of crossing you have at 165 and 116th Street. Those are major roadways. This is smack in the middle of a residential area with a lot of young families. There will be a lot of young drivers who will abuse the speed limits throughout this area.

Bob Martin stated the traffic study done by SRF in 2003 that the total two way traffic would be 650 trips per day across that bike path. To guarantee the safety of our children there should be zero trips across the bike path. Why is this being readdressed when on May 3, 2004 it was voted unanimously to choose alternative two and install bollards? Now you say we're not going to cross it this time. Back on May 3rd I got a done deal. Where are the bollards you voted for? Maybe if you would have installed them 18 months ago this would be a dead issue. That's all I have to say. Thank you.

Karl Christiansen:

Good evening. My name is Karl Christiansen, 3201 122nd Street. I live at the end of 122nd Street as it turns the corner towards the bike trail, 32nd Avenue. I'd just like everybody to know that

over the last two years the Village's opinion of this road is because the homeowners association doesn't want the road to go through that we're no longer going to maintain 32nd Avenue. And I living at the corner of 32nd Avenue was surprised that the homeowners association can say, sorry, we don't want your road so the Village isn't going to be maintaining your road. And over the last year and a half we haven't had the street sweeper come down 32nd Avenue. We haven't had the snowplow come down 32nd Avenue. The Village has told us that they're not going to be putting the black slag down like the Village said that they think they need for these roads to make them last. They're not going to be sealing 32nd Avenue.

As the woman just mentioned, we also had the Village show up and say, oh, we're going to put up this barricade in front of your house, and no one came and contacted us. They said, well, yeah, the homeowners wanted this barricade. They wanted it. They don't want this road to go through. Well, it's a barricade that you wouldn't believe. The look of this barricade was a class three toll road barricade. Huge white big things. The esthetic value of this was hideous. No one would want this anywhere close to their house. It would be something on a toll road for a construction site. I'm a landscape architect. Everything is esthetically pleasing to me. I would die to have that in front of my house so that's why it's not built because I raised a fit to have this in front of my house.

Now the Village is saying if the road is not going through we're not going to maintain it. You Trustees are supposed to look out for health, safety and welfare. Well, my welfare is going to be diminished if you allow this road to be dilapidated. I'm sorry, Steve Kumorkiewicz is getting a new road, but every time I drive by I think that's what my road is going to be like. So I'm just saying you've got to understand. I can't believe the homeowners would want to have a dilapidated road in their subdivision. That's not what would be good for Prairie Trails West. We don't want a dilapidated road.

So I'm just here tonight for you to correct a wrong. As a Village I don't think it's good precedent to say I bought a dedicated lot ten years ago that was deeded to the Village, the developer had to pay performance bonds. He had to build it. I watched. It took three years to get the pavement in. You made him compact it and do all that. Then all of a sudden I met with Jean and saw her plan and she said it's going through, Karl, and now all of a sudden ten years later the homeowners don't want it to go through, Karl, so we're going to let your road be maintained. That to me is not a good precedent. Are all these people who have corner lots going to have the road--maybe because the homeowners association doesn't want it their road is going to be abandoned?

So I think this is a good compromise. If you would leave the cul-de-sac. You mentioned it's going to be temporary, but the cul-de-sac has a landscaped island on it. Why not leave the landscape island? People driving down there would see an island. They'd say this is a dead end road and they're not going to go through there. You're going to get very few cars to come across going west I think in the way the plan is. I would build it like it is, put it across, and maintain 32nd Avenue. How can you tell me that my road is going to be abandoned and it's not being maintained? I haven't had the street sweeper down there. It's not being plowed. I can't park on my road. So to me this alternative, everybody is saying I don't want cars in front of my house, well, I don't want a road that dilapidated and abandoned. Everybody says I don't want this, well, what about me? So thank you. Please do the right thing this time. Let's think about everybody's benefit and welfare. Thank you.

Larry Evans:

Good evening. Larry Evans, 12311 39th Avenue. You know just listening to the comments that have been made tonight I heard a lot of people, Prairie Trails West versus other subdivisions, and I think we all need to look at the bigger picture here and that is Pleasant prairie as a whole. This development, I understand there's going to be developments all over the place. If you look around down 165th Street or 165th Avenue you see developments all over the place. We're a growing community. But we have to have concerns here about not only safety but about how these developments are going in.

I and other members of the community have legitimate concerns regarding the approval of this plan. I request that the proposal be tabled at this time until the concerns are addressed. Some of the concerns are, of course, the access points and everybody has talked about it. 26th Avenue and 28th Avenue are sorely deficient to handle the additional traffic. It doesn't make sense to cross the bike trail at this point. If you look at Prairie Trails West there are only two outlets in that community anyway. One of them is to 39th Avenue and the other one goes over to Green Tree Estates which only has one access point to 39th Avenue as well. So where is the logic in crossing that bike path and going to those communities? All it's going to do is congest traffic even more.

Again, 26th Avenue and 28th Avenue sorely deficient. Those roads if this would go through would have to be developed to handle that additional traffic. One thing that was not done is a traffic impact study on 39th Avenue, and we would all have to be complete morons to think that 39th Avenue is not going to be affected by 147 new homes, especially considering where all of our commercial developments are. Where do you go shopping at? You go to Kenosha. You go down 39th Avenue. All those 147 cars are going to add to traffic on 39th Avenue.

That brings up another point, and that is what is the Village doing to address commercial development as far as grocery stores, shopping centers, gas stations? They're all up in Kenosha or down by I-94. So I think the community or the Village has to address that concern as well. You're adding 147 new homes there, where are they going to go grocery shopping? Where are they going to buy clothes at? I don't think anybody has taken that into consideration. I haven't seen any plans that have addressed that.

Two weeks ago Wayne Koessler motioned the approval of this for the sole reason that it's been on his desk for 15 years. Is that any reason to approve this? Actually, if you look at it, if it's been on his desk for 15 years or been in front of you guys for 15 years that shows me that there are legitimate concerns here that still haven't been addressed. In closing, I strongly urge that the Board deny or table this until the concerns of the community are addressed. Thank you.

Rick Renzulli:

Good evening. Rick Renzulli, 12126 28th Avenue. I live on the very northwest corner of this development where there are wetlands. I'm seeing that the wetlands are being cut back in half and they've added another eight to ten homes in that area. I know they took the park and put it on the east side of the development, but my concern is that those wetlands be left alone. There's also a line of trees there that I'd like to see left there. It kind of blocks the one subdivision from the

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other subdivision.

I already got flooded out once. I know you guys have heard that story. That was back in 2000. I took care of it all by myself, no insurance. They wouldn't pay for it. FEMA was a joke. The Village did send a couple guys out to pump my stuff out of the basement, but there were holes in . . . so we couldn't use them either. It was over \$20,000. The wetlands I think a lot of this land has got to stay there to accept the water. If we keep just building homes, driveways, roads, there's nowhere for this water to go except in peoples' basements and backyards. It kind of makes you wonder where Carol Beach is getting all their water from. It's all downhill.

Another concern I had is maybe it's not ours but for the first time in my life this summer I think our house lost power at least 8 to 12 times. We Energies when I called and asked what was the problem they said too much demand. I'm just wondering if we keep adding are they just going to keep up with us or do we lose our electricity with all these extra homes? I'm curious.

I also live on 28th Avenue and it is a narrow road. There is no sidewalk. There's nowhere for anyone to walk on either side of the road, so I'm in agreement that--well, I really have got to argument. We moved in that home in '98. I did see the development plans from '94. I guess it's hard to argue, that was already in place before I bought the house, so I'd like to see, if you are going to continue with this, the road going over the bike trail is a must besides going down 26th and 28th Avenue. I'd rather not see it happen at all, but if we don't have a choice, the more access points the better in my concern. Thanks.

John Steinbrink:

Before the next speaker, Jean, could you clarify the wetland statement and lots and houses it's being put in there.

Jean Werbie:

. . . for them to fill any of those wetlands or anywhere else on the site?

Rick Renzulli:

You see what I'm talking about. If you look at the--I brought both of them with me tonight. It seems like they're encroaching on that and they added another ten homes in there. A little cul-de-sac on the end of 28th Avenue that I can live with, but they've added another eight or nine homes.

Jean Werbie:

Originally this whole area from here down that was all going to be a public park, so there was wetlands in one part and then the rest was public park. When the Plan Commission and the Board and with all the discussion in the meetings moved the park over here then that open space became lots.

Rick Renzulli:

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So that line of trees there is going to stay there then, too? There's a line of trees that I'm not really sure how far out from the bike trail those are . . . not going to cut down . . .

Jean Werbie:

We have a tree survey that was done by the developer, and we actually had identified there's actually trees that go from here all the way down here as well as an area up here. I don't know if you can see it on this map. I've identified where those trees are—

Rick Renzulli:

Those are staying?

Jean Werbie:

Those are to be preserved as part of a deed restricted area and they're not to be graded or removed, and then that continues further down here all the way down to the State line, so we've identified all those.

Rick Renzulli:

Thank you.

Jim Bury:

Hi, my name is Jim Bury. I live at 3315 121st Place. Thank you all for your service. I came here to ask that this idea of crossing 122nd Street over the bike path be not done. Admittedly that's for selfish reasons. I live in Prairie Trails West. I like the bike path. I enjoy it, I use it a lot, and every day I have to turn out of our subdivision out onto 39th Avenue and it's getting to be kind of congested there. I thought all these new homes are just going to make that problem worse. I heard all the other folks that live on the east side of the subdivision talk about how they're worried that their homes are going to get impacted negatively and even worse if this crossing doesn't occur. I kind of felt maybe I should change what I'm saying here and maybe we're being selfish and I think the word was elitist in asking you guys not to cross the bike path. But I don't think that's it.

I think the biggest picture here is that there's a lot of negative impact on those of us who live around here by this subdivision. I'm sensitive to the developer's needs. It sounds like he's waiting a long time. But it also seems like some of the fine details here haven't quite been ironed out. I know we need growth. My own occupation depends on that growth, but I think we do need to do it carefully in the interest of safety and the interest of happiness of everyone that lives here.

Had I known this was all happening, and it's my own mistake for not knowing that, one of the nice things about living where we were was the open space to our east. I'm not going to enjoy

losing that. So I don't want to be selfish and say, yeah, not in my backyard, but maybe some of these details need to be ironed out before it's pushed on through and we have all these new homes with three access points. Thanks a lot.

Keith Kull:

Keith Kull, 3609 122nd Street. I heard it earlier. I can't believe we're back here talking about potentially or maybe sometime in the future crossing the bike trail. I think the Village Board really needs to take a hard look at it and what that bike trail means to the community. I think it needs to take a hard look at it from the stance of maybe making some sort of proposal to say there will not be any future roads crossing the bike trail. That bike trail is a big asset to this community and I think it needs to be left intact. I think you guys recognized that at your last meeting when, in fact, the Village road won't cross the bike trail, and what was stated in there is that crossing the bike trail if it were a road that's fine, but crossing the bike trail just does not make sense.

There's some other things I heard here tonight. Among other things is that there's been all kinds of changes to this subdivision since we met from that open house. We're shifting one thing one place and one thing another. The park was here and now the park is not here. We want a variance on the road and change that around. There's maybe some changes happening to the wetlands. We heard a couple of weeks ago at the Planning Commission that this has been a long time, 15 years. Fifteen years this has been going on so we've got to do something about it. Nothing against Ted with regard to the development and so forth, but there's been a lot of changes in 15 years. It just hasn't been one owner. That thing has went through several owners and a lot of changes have taken place, and I think that we need to come back together with an open house. I'm asking this Board to kick it back to the planning staff and open this up for another discussion with the residents in the community. I think the Village Board needs to hold steadfast on not crossing the bike trail as it said before.

There were mentioned comments here tonight about a fellow who said he lives near the bike trail off of 26th of 28th and he's nearly hit a couple of kids there himself going down 116th Street. That's all we need to do is open up another crossing on the bike trail. So, come on, it's not needed. That cul-de-sac is not needed. We heard from Karl tonight with the dead end road and so forth not being maintained. Be proactive. Take that road out of there, that spur that's on 122nd Street or what happened to the bollards that you guys promised us a couple years ago? We don't see them.

You really need to send this thing back. You need to send it back to the planning staff, to the Planning Commission. They need to take another look at it. They need to involve more people in the community to come up with some workable solutions for it. We also heard about 26th and 28th Avenues going to the north. The Planning Commission ought to look at that as maybe the first option to say, wait a second, we're not going to have any development without proper roads. I think, Mike, you even talked about that once before. Those roads really need to be substantially upgraded before anything takes place and not behind some closed door or something talking about let's cross the bike trail at 122nd Street which seems to be coming back all the time.

Jean, I don't know, you had some picture up here, too, with the new subdivision that's 145 houses or so forth and 61 school age kids. I don't know, I'm finding that a little bit hard to

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believe. Over in our area, if that's true, if that's 146 homes we've got maybe about 50 kids or so forth going to school. A couple of weeks ago I think I had 50 kids over at the house and they were all fourth graders. So I think maybe that needs to be taken a look at. We also heard that there's not been any traffic studies done along 39th Avenue. Why not? Again, fellows, this thing needs to go back to the Planning Commission, to the planning staff. It needs to be looked at again and you need to make a hard decision. I know we've heard you make hard decisions sometimes, that the bike trail is not being crossed in Pleasant Prairie. Thank you.

John Steinbrink:

Jean, maybe you can help Mr. Kull out. Are any of the wetlands being encroached upon or moved?

Jean Werbie:

No. What I was referring to down at the State Line was the floodplain that still needs to be mapped, and that's all located within the outlot.

The other thing I wanted to mention is I met with the school district again this week and they're the ones that put the projections together for school age population kids, public school age kids. There probably will be some private school age kids as well in this development, but they're the ones that give me the numbers based on the trends and evaluating everything that I've been giving them with respect to new development in Pleasant Prairie. So they're the ones that put those numbers together.

The other thing with respect to the variance that's being requested tonight, without the variance being granted there's no connection to the State Line.

John Steinbrink:

That's what we're dealing with tonight.

Jean Werbie:

We need to have that variance otherwise we won't be able to put in the road to connect to the State Line unless we fill in wetlands and take property from an adjacent landowner. So we don't want to do either of those two things and that's why the variance is so important so that we have that one connection to the State Lie.

The other thing is every time that a neighborhood plan or concept plan is presented, these plans are sent to Kenosha County. They've also been sent to Kenosha County public works. And I've spoken with the director there, and repeatedly they've said that there was no need for a traffic study on 39th Avenue as a result of this development. I can certainly go back to them again this year and ask them the question. When the traffic study was done by HNTB I believe it was, SRF a number of years ago, they evaluated all the traffic from all the arterials, Sheridan, 116th, 39th Avenue, State Line when they did their study. But Kenosha County has not requested a TIA or any type of traffic study on 39th Avenue.

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John Steinbrink:

Anyone wishing to speak on this item that didn't sign up?

Kim Yapchek:

I'm a newcomer to Pleasant Prairie. My name is Kim Yapchek. I live at 12067 32nd Avenue. I just wanted to comment on I think you should go ahead with the variance and push as much traffic towards Russell Road as possible just to save everybody. I have nothing against the people in the subdivisions on the other side of the bike trail. I don't know anybody except my little group. We're not elitists and we're not snobs. I work every day just like everyone else, and our children are as valuable to us as yours are to you. However, I just wanted to point out one thing. You guys are getting a new park on your side on the Prairie Trails East. Our park is on the other side of the bike trail adjacent to where you want to put that road. That's our only outlot where our children can play in our entire subdivision. As a parent I find it appalling that you would even allow traffic to come through there, not to mention the wildlife, the trees, the animals and everything else.

As a new resident of Pleasant Prairie, I hate to say I grew up on the north shore, Mr. Pickus, and I've seen you in action and your family in action. I moved to Pleasant Prairie to avoid that scenario and that's all I have to say. Thank you.

Ron Levens:

I live on 26th Avenue. A couple things. Ron Levens, 11720 26th Avenue. First of all, I hope the Board can get it together. As a scientist I work with objective data as well as being passionate, but unfortunately what I see here is a lot of emotions and subjectiveness, and I hope the Board that I don't have to continue to read is having these emotional outbursts. It's kind of embarrassing.

Another thing is that living on 26th Avenue I have an 8 year old and a 10 year old and there's also a couple of kids at the house next door and down the road again, and, yes, nobody likes to see a very large subdivision like this coming to their area. But, I agree with some of the comments that we all have to share the burden and you cannot stop growth and we know that. You can be wise about growth. I think one of the things is that is, again, driving on Pleasant Prairie West over there, there are a lot of children that play in the street on Prairie Trail West because where do they go? There's no sidewalk and the houses are very close together. My children have piano lessons on Prairie Trail West and I have to dodge with a 3,000 pound car around kids playing in the street because they don't have a sidewalk and the houses on top of each other.

And, again, I see here a very crowded subdivision with 147 houses and I guarantee you're going to drive down those roads and you'll see kids in the street that you're trying to dodge. Again, I don't want to have my children having a bunch of cars coming down the road at a high rate of speed. I don't want to cross the bike trail either, but we all have to share in that. I think maybe we should do what some of the northern Illinois communities are doing is make it that you have to have larger lots. These are an okay size but they're not that large. And do we need 146

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homes? Again, in Highland Park in know they're not that crowded, but if they are they have a lot of roads and sidewalks.

I think with Pleasant Prairie in the future we really should look at some of these subdivisions going up and the kids playing in the roads because they don't have anywhere else to play. When I was growing up my parents said make sure you stay on the sidewalk. You don't play in the road. But that's what is forcing in these subdivisions it looks more like the City of Kenosha in some of these than the Village. Thank you.

John Steinbrink:

Anyone else wishing to speak? Hearing none I'll close the public hearing and open it up to staff comments, Board comments.

Mike Pollocoff:

Do you want Jean and I to go through some of the questions?

John Steinbrink:

Sure.

Mike Pollocoff:

I'll start and, Jean, you pick the ones I don't get. I think that with respect to the planning process that took place in 1990, having a bike path crossing at 122nd was not meant to bring solely people from 122nd into Prairie Trails West from Prairie Trails East. It was also meant to bring people from Prairie Trails West to Prairie Trails East being able to have the opportunity to go north on 26th or 28th or continue through as far as the next subdivision that's developed or go south. From an emergency standpoint, I think a few people made a comment as we only have two accesses. Without the third access ultimately being available, at that time in 1990 the Village wouldn't have approved the plat for Prairie Trails West which is two accesses. You need to have a third access so as the area develops there's another way in and out of the subdivision.

I think that one of the question as to why we didn't install bollards on 32nd Avenue, we were prepared to do that. In fact, I think we were out there ready to core holes, and Mr. Christiansen indicated he lives on the corner lot, he parks cars or vehicles on his side lot and he wanted to be able to have access to it. So we decided at that point not to install the bollards, but the road is still there but the road isn't maintained. We don't like to drive a snowplow down a curving road, plow it, and then back up on a curving road not knowing if there's kids over there behind us or what have you. So we don't maintain that road and that was the direction that the Board determined at that point and the bollards weren't put in. Back at that point we also offered an option to the subdivision to take the road out and make it additional parkland and that was declined. In part that would be a subdivision expense.

Mr. Adams asked a couple questions, 147 cars on 39th Avenue, 147 additional cars. I think the traffic plan shows that if the development goes in with more than one access point those cars get spread around. The County has looked at our traffic study for the Village. County Trunk EZ is an arterial and it gets evaluated by the County every year as to traffic load and what's going to go on there. There's no question there will need to be a bypass lane put on that as the subdivision goes through. But to do a traffic study for this development would be redundant versus the ones that have already been done.

With respect to why aren't we doing commercial development for the area, the Village doesn't do commercial development. The Village provides a land use plan that indicates where commercial development can occur, and then the marketplace will dictate when there's enough rooftops warrant somebody making the investment to construct a grocery store or a gas station. Those sites exist in Pleasant Prairie. We haven't turned anybody down who has brought one here, but the Village doesn't buy land and then put in grocery stores or gas stations. That's a marketplace decision that's driven by the marketplace.

Mr. Renzulli brought up the point about the tree lines. I think Jean has indicated as part of our planning process we require those tree lines to be surveyed and preserved as much as possible as part of the plat and I think in this one here they are.

Another interesting question, and I think when we go to the next step, to the final plat, and they start designing is the demand on electricity. Part of the developer's expense they're required to make any electrical upgrades to service that subdivision so that, one, they have service and, secondly, they're not drawing it off of the neighboring areas. I haven't heard of electrical problems in that area because of growth, but we'll forward that onto Wisconsin Electric and have them examine that to make sure that we're not having a problem there. But as part of this development if it proceeds with Mr. Pickus or whoever they're going to have to address that.

I think the other question, and I want to be frank with the Board, I think Mr. Renner as I read through his description is why have any access points into the subdivision. If I was to give you a recommendation tonight that recommended that maybe your problem goes away. But professionally I can't make the recommendation. You're taking a subdivision with an entrance on the State Line and you're going to require every fire engine, every ambulance, every police car if there's a call in there to go down 39th or if they're not on 39th come around from Sheridan Road to spin around to come back in that off side. That's an unnecessary delay for an emergency response and I can't recommend that.

In an emergency situation whether it's a fire or someone is calling for a rescue squad call or there's malicious mischief going on in the neighborhood, there's vandalism going on, it's not always address specific. When the call comes in sometimes that trouble is moving or the person who is causing the trouble is moving. And what this means is say you had kids vandalizing cars out there. And if we only have one access you're going to have to go down to the State Line to get in there, and as that moves you're not going to be able to get from one subdivision or one area to the next. Where people on their feet doing that kind of stuff are going to be able to move from one subdivision to the next. It doesn't make sense. You're handicapping things in providing emergency services. You're handicapping the people that are going to depend on getting a good response.

If a fire truck or a police car get in that subdivision or think that's where the problem is going to be, and they've taken a roundabout route to get there, which when you're coming from station 2 you're going to come roundabout, you come all the way down 39th and down Sheridan Road, and they find out they really needed to be in Prairie Trails West, or they really needed to be up on 28th Avenue, then they're going to go back down to State Line Road, go back up to 39th Avenue, and go either on 122nd or go all the way back to 116th Street, come all the way back down 26th or 28th. Logic rules against that. Professionally I can't recommend that. I don't believe Chief Wagner or Chief Guilbert will recommend that. It would be a horrible way and inefficient for picking up garbage or plowing streets in the lightest sense. But the core essential services we provide we need to have as many opportunities so that we've got some opportunity, the people that work for us, have some opportunity to respond to a mistake for a call, or bring in additional units from a call. Not every single fire call or a police call there's going to be a squad on 39th. Some of those squads are going to be on 116th and Sheridan. They're going to be in other places. Not everything is going to be coming from 39th Avenue.

The Village has done numerous developments, or we've approved numerous developments across the Village, River Oaks, Chateau connected between an existing rural area. Whittier Heights connected into older areas of Whittier Heights. Foxmoor connected into 32nd Avenue. Prairie Lane and Mission Hills development connected into that. No one does this to irritate people, and no one does it to put anybody at danger. In fact, it's the exact opposite. You need to be able to give yourself some opportunities to be able to service that area. You need to be able to give an opportunity for the Fire Chief if he gets an engine in there and he needs to get out, to get out. If you only have one way in you've limited yourself. As much as that makes the problem go away, if that's what the Board decides to do you'll receive a recommendation from myself and Jean not to do that.

My recommendation is that you need to go back to the plan that was there and that was done for good reasons to minimize access impacts on everybody all the way around and spread that load out. That's the plan that was a product of a good planning process before, and I believe that still to be the case. I'm not sure what evaluating this thing and bringing it back to an open house would involve and I'm not sure what that would do. This has been going on since 1990. It probably sat dormant for a good five or six years because nobody was doing anything but it's been subject to some pretty active review.

In all things being equal when the Board decided not to cross the bike path I think that was done without some significant input from the people on 26th and 28th. Right or wrong I believe that's what happened. The only other alternative that was presented tonight which I think bears some merit, or maybe the developer should respond to it as he moves forward in the process is Mrs. Tisinai's recommendation to alter the phasing lines. I know from a water standpoint it would work. I'm not sure from storm water. No one has really looked at it, but it does protect the Village from the . . . if that development goes south or something happens where it doesn't proceed we're not hung up with a situation that's half completed.

One of the reasons I recommended at the last meeting that the cul-de-sac where 122nd is go all the way to the bike path was whatever we don't require the developer to put in for improvements then the Village is going to pay for in tax dollars later on. If we don't require the crossing to

occur at the bike path, when we do want that to happen the taxpayers are going to pay for it. And the farther that cul-de-sac is away from the bike path the more the Village is going to pay to extend from where that cul-de-sac ended over to the east side of the bike path. Given the fact that we're in a tax freeze environment, it doesn't make any sense to me to expose the Village to future expenses for a developer when we have the legal authority and ability to require a developer to pay for all the improvements that are required as part of their development.

I think that the comments, again, from Mrs. Tisinai's concerning the trees in that area, I went out and looked at that. I've been out there a couple times and looked at it, and there's no question that there's going to be some tree removal. I think that alignment coupled with the fact that we can move the detention basin over does quite a bit to minimize that. Again, I think what it does is it enables efficient flow for that area. That little stretch there would be one of the beautiful drives in the Village to be able to go through there and have that access point to the park.

I believe those are many of the comments. I think the other comment I'm hearing is having another access point on State Line Road, and environmentally I don't know how it happens or how you're able to make that happen. You push it all the way over to the bike path, but then you've got a great separation, a bridge, at the bike path that you're going to be looking at as you go to pull out on State Line Road. Even if we were to assume that would happen I guess I'd be surprised to see Lake County approve that.

I think finally one of the issues that the Village Board is going to need to address on the crossing of the bike path is Kenosha County will not give the Village, nor should they, give us approval to cross the bike path until we submit plans that we've approved that show would show that. They're not going to do that. They're not going to say go ahead and cross it whenever you want. They don't do that with us. The only time that they approve anything we do is when we submit the construction plan that shows what's going to happen, how it's going to take place, specifications detailing the nature of the work and what's going to happen. We haven't required that of the developer yet because we're not that far. We're not to that point. Now, if the County says no then the Village has to determine whether or not they're going to exercise their home rule authority and say, yes, that's going to happen. That's a decision the Board would have to make. But the County won't give you a permit and authorize construction unless you tell them, and we haven't done that yet, tell them here's the design, here's what the vision corners look like, here's what the slope is off the path, here's what it's going to look like. That hasn't happened yet. And that won't happen--I don't know when it will happen. The developer would still have to come back with a final plat with some engineering in order to get his plans approved and permits that he would need to proceed.

I think the policy question that the Board needs to deal with is where the crossings occur or not. Staff's recommendation is we shouldn't be boxing ourselves into a situation where we don't have as much access to Prairie Trails West but they don't have as much way out. 26th and 28th are compromised as roads, but you could do it. From the staff's standpoint we can't support one access point in the subdivision. We'd have to go on record as that being against the public interest. I think at that point the Board could deny the plat and I think at substantial legal risk given the fact that what's taken place in good faith on the developer's standpoint and the Village's standpoint, the number of times that a plan has been adopted and approved by the

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Village, our own master plan showing that there's a crossing there. I think to deny the plat and say we're not going to do that you've significantly gone against your own master plan. Jean?

Jean Werbie:

I think that you've addressed all the points.

Jeff Lauer:

Jean, I just have a couple questions. Regarding the variance map you had up earlier from 128th Street, what would the width be of 28th Avenue going from the State Line through?

Jean Werbie:

It would still be the same. We'd have a 66 foot wide right of way, and it would be an urban cross-section profile, 37 foot back to back, curb and gutter, back of curb to back of curb. So it's the same wherever we build a new urban roadway in the Village of Pleasant Prairie. So the standard with respect to the specifications of the roadway would not be reduced with respect to the roadway width.

Jeff Lauer:

Does that include going all the way--I know some concern some residents had to 116th Street, correct, or is it just until it abuts up?

Jean Werbie:

Just from 128th Street, which is State Line, to the northern limits of this development and then just going north just far enough in order to transition back into the existing profile. So it might be 100 feet. How far north would you need to extend do you think? 100 feet?

Ron Adams:

Ron Adams, Pierson Brown & Associates. We're the consulting engineer on this project since 1990. Generally what you have is in your Village subdivision ordinance if you have a curve turning to the left then you're supposed to go a minimum of 100 feet straight before you can have a curve turning to the right, so that's a reverse curve. And they're asking for a 100 tangent in that curvature. And all we're asking for is we curve to the right and then we curve to the left without that 100 feet of straight. So it's just a gentle curve going to the right and a gentle curve going to the left. And the sole reason for that is the fact of the existing outlot property is straight and parallel with State Line, and then just north of there there's a wetland, and your ordinance requires that the back of curb be 25 feet from the mapped wet line. So we have to swing the road over to the west or to the left to maintain the 25 foot alignment away from the wetland, and then we bring it back onto alignment to head northerly. So it's simply that 100 feet.

And in this case at a 25 mile an hour road, generally those subdivision regulations where they're asking for the 100 taper are for roads a little bit faster and a little bit more of a collector in nature.

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This is a minor road and then this would particularly because of the back to back of this road there's significant area to maneuver and maintain the driving lanes.

Jeff Lauer:

Okay, thanks.

Jean Werbie:

Ron, could you further explain. I think what Trustee Lauer was also asking about is that transition on the north end of 28th Avenue as it crosses the property line and then goes north.

Ron Adams:

What that means is that the urban cross-section of this subdivision is a 37 foot back to back road, so there's curb and gutter on it and it's a certain width. The existing roads of 26th and 28th are somewhere between 18 and 20 feet wide, so we just can't have our 37 foot road come and then just go over and meet their road exactly. So we're agreeing to add a tapered section to the north to have our widened road taper into the existing roadway. So that's happening at the north end of the subdivision.

Jeff Lauer:

Okay, good. Thanks. Jean, the other question I had for that State Line Road and 20th Avenue is there going to be any sort of stop signs at all in there to control maybe the speed concerns?

Jean Werbie:

Yes. There will be a stop sign at 28th Avenue as it approaches the State Line. So the subdivision traffic will stop for the east/west 128th Street traffic.

Jeff Lauer:

Okay. And I just have two comments or questions for Mr. Pickus if you don't mind. I know that we have a lot of residents here who may not have been here a couple weeks ago during the Planning Commission. Maybe you could reaffirm the lots that you own you would not be building there, correct? You would be selling them to individual developers?

Ted Pickus:

Right, our intention is similar to Prairie Trails West which we will be selling to customer builders, probably multiples of five to ten lots. I'm not saying they'll all be different builders, but the builders will have multiple lots is what usually transpires. But there will be different builders in the subdivision building semi-custom homes or custom homes.

Jeff Lauer:

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And the other question I have, do you have any thought on Bonnie she made a comment about including the phase more of the homes there. Would that be an issue?

Ted Pickus:

I don't think it would be an issue. Realigning our phases shouldn't have really any impact to us that I can see. I don't know if my engineering can--

Ron Adams:

Exactly I didn't understand the point of her question other than to get the road to this point in the first phase. In other words, right now the phase line comes up this backbone of lots and over and this is phase 1. It's driven by the sanitary sewer, it's driven by the detention and those types of issues. But I'm thinking what she's talking about is to get this road in now in case the second phase didn't happen that the road would be in at least to this point. I don't know whether-- obviously she wants it to cross the bike trail also as part of her request. But if we're going to just leave the cul-de-sac there, I'm not so sure what the benefit is of that going into phase 1. But I think Ted would entertain that. It's a few more lots. We tried to divide it up into what kind of made sense from half and half basically and then how the sewers and streets and stuff. This is the lower end of the project so you always have to start with the low end and go towards the higher end.

Jeff Lauer:

Okay, thanks.

John Steinbrink:

Jean, could you clarify the lot sizes? There was a comment made about density and too small a lot. Maybe compare them to the City of Kenosha and general lots around Pleasant Prairie and to Prairie Trails West.

Jean Werbie:

The average lot size platted in Pleasant Prairie is anywhere from 15,000 to 20,000, so anywhere from a third to half an acre is very typical to be platted in Pleasant Prairie. We typically do not plat anything smaller than that. There are some smaller lot subdivisions that were platted a number of years ago across the bike trail. Green Tree was a little smaller lot subdivision and we have some down in Carol Beach. We have some adjacent to the City of Kenosha, but primarily the lots that are being platted now are being 15,000 and 20,000. I think that allows them to still be affordable to the residents that are coming in. For public improvements, the lot itself right now in Pleasant Prairie for about a third of an acre is coming in right around \$100,000 to \$105,000 per lot with the improvement costs running anywhere from \$60,000 to \$65,000 a lot. So it gets very pricey. If you go up above a half acre then you're looking at the \$125,000 maybe to \$135,000 just for the lot.

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In the City of Kenosha the last subdivisions that they've platted varied anywhere from 6,000 to 8,000 to 10,000. So they're a little less than a quarter of an acre depending on which subdivision. Their latest subdivisions, the White Caps Subdivision, the Neuman Homes, Peterman's Golden Meadows those all range--they have more tract builders up there. The homes are a little bit larger, the lots are a little bit smaller, but they range anywhere from 8,000 to 10,000 are the later ones that they're doing right now.

So we still have lots, again, that are a third to half acre. This subdivision will fall right within that criteria. Our master plan does identify that we'd like lots to fall within that area. There are a number of the lots in this subdivision in particular that abut up to outlots 3, 5, 6, 7 and 8 which all abut up to open space or open areas. So it will give the appearance that the lots are bigger than they are. The ones that are maybe on the inner portion those are the ones that may seem a little smaller at that 15,000 to 18,000 square foot. But it seems to be very comfortable and well perceived in Pleasant Prairie.

I want to say that the average home right now in Pleasant Prairie is right around 2,200 square feet, so the homes are a little bit larger than they have been in the past. But it still allows for a nice size home on the lot. It allows for three car garages, and there haven't been any complaints from any residents that their lots are too small, but there are opportunities for larger and smaller lots depending on which subdivision you go in.

Steve Kumorkiewicz:

A question for Jean. Jean, is the developer going to require to improve the State Line Road? Because they're going to have to go in the subdivision. If you go westbound to get in and get out for the main traffic . . . if you are eastbound so it doesn't stop the traffic in the State Line. It's going to have to be a center line so they can get access to 28th or not?

Jean Werbie:

I guess I'd like to have Ron Adam--I'd have to pull out my property file information. But there were a series of reviews through the traffic studies that were done with conditions of approval with requirements with respect to bypasses and I'll let Ron speak to that.

Ron Adams:

Ron Adams, Pierson Brown & Associates, 4721 75th Street, Kenosha. That's where I have an office. We have had numerous correspondence with the Lake County Division of Transportation during the years that we've been working on this particular project. The most recent correspondence was in January of 2006. During that correspondence the County has changed their position on our access. We previously twice or three times provided updated traffic studies for our development and for our access. As we changed lots or changed product or went past a certain threshold we provided a new traffic study.

Up until this January correspondence we were providing a bypass lane at this entrance. The traffic proposed to be generated by this subdivision per the County ordinance only required a

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bypass lane. However, because we have other access points on this subdivision to other public roadways, the County says you must ask for a variance, and the variance being that you have more than one access up to a public road for your subdivision. So during the course of us asking for a variance, because we have access at 26th, access at 28th and potential accesses to the west and to the east, they said because you're asking for a variance despite the fact that you don't meet the warrants for a left and right turn lane, we are not requesting you to provide left and right turn lanes at this access point. So as of January of this year through the variance process we are going to be getting full access to this street, which I presume is a good thing and that the Village--Jean has been diligent on asking that we continue and receive correspondence from Lake County Division of Transportation.

Steve Kumorkiewicz:

I've got one more question for you. Are you going to have to comply with the noise DOT rules for that?

Jean Werbie:

Yes.

Steve Kumorkiewicz:

The Department of Transportation.

Ron Adams:

Lake County Division of Transportation, yes, sir.

Steve Kumorkiewicz:

Okay, thank you.

Alex Tiahnybok:

Jean, would you mind telling us the status of the east accesses. Those look like they terminate in cul-de-sacs currently. What's the future plans? What's planned east of there? What the likelihood of those becoming viable access points?

Jean Werbie:

I have not received any telephone calls or correspondence with the landowners that lie to the east as to when and if they ever want to develop their property. Their properties were included as part of the overall neighborhood planning that we've done year after year. Kathy is trying to get back to the last one we did in 2004 I believe, and what it does show is an eventual connection to the east and then connection to a series of roadways and then eventually one connection to the south.

So what it shows is a connection to the east and then an eventual connection--this connection

right here which we thought we were going to be able to make north into Lighthouse Pointe, you know as of in the last 60 days or so the DNR has been out and field delineated a large pocket of wetlands right there, so as a result that connection cannot be made going to the north through Lighthouse Pointe. Actually we were going to have a connection come down and go through over here which eventually makes the way down to the State Line, so there will be eventually a connection there. And then this one over here eventually we had identified a connection again down to the State Line. But until property owners are willing, there's detailed wetland stakings and floodplain delineations and all that work is done, there's no guarantee that there will be multiple connections. There may be only one connection going to the east. It's just when and if it occurs and those landowners want to develop their land.

Alex Tiahnybok:

I'm by no means against somebody's ability to develop their property, but the analogy to Carol Beach and its problems with flooding for 15 years without being able to come up with a real good solution that analogy really fits here. The comment that I guess coming from Wayne Koessl wanting to get this off his desk after 15 years of reviewing one iteration after another I appreciate that. But that also to me suggests that there are a number of layers of problems that's caused it to be lingering for so long.

The notion of public safety and access to me that's frankly the only--it seems like first off this debate today has transitioned from whether or not this overall development plan is a good idea or not to actually whether we're going to allow the 122nd Street crossing or not. The resolution in front of the Board today doesn't include a position on that. It just includes the approval of the cul-de-sac being adjacent to the County bike path. Again, the public safety issue is the only one that I'm struggling with in terms of whether or not this is a good idea or not, allowing that cul-de-sac to abut the County bike path.

I truly feel that considering that Prairie Trails East doesn't exist right now, I truly feel for the neighbors both to the west and to the north. They both have very valid concerns. The experience as expressed by the residents of Prairie Trails West I can understand how they feel like they've been jerked around, because at one point in time there was going to be a crossing. Then suddenly there wasn't going to be a crossing. Then the status of the remainder of I think 32nd Avenue was in doubt and it was going to be torn up and then it wasn't going to be torn up. Two years ago there was a coordinated effort by the residents of Prairie Trails West to prevent the crossing of the bike path. They were told at that point I believe unanimously by the Village Board that that would not happen and here we are again. So I can understand how they feel misled and betrayed.

Simultaneously I can understand the concerns of the residents to the north on 26th Avenue and 28th Avenue. Their roads aren't built for that kind of volume of traffic, and I can understand their equal concerns and very valid concerns about the safety of their streets and their children. The particular neighborhood on the west side of the bike path, meaning Prairie Trails West again, there was some very good points raised. I went and took a look at the situation myself. I don't really see the apparent logic of viewing 122nd Street as a real good thoroughfare to get to Prairie Trails East. First off it's a residential street coming off of 39th Avenue, and then it t-bones into a pond. My understanding, and I haven't verified this, but my understanding is a vehicle did drive off of 122nd Street into the pond and there was a fatality there last year. Whether that's true or not

I can't confirm. But the geography of the specific area leaves me with some concern in terms of it being a real good thoroughfare in the first place.

Another point that was raised was that the lot immediately to the south of where that crossing would occur is an open field. I believe it's an outlot and currently used as a play yard by the children from that neighborhood. Again, I don't believe that the children of Prairie Trails West are any more or less important than those children on 26th and 28th, but that is where they play so I have concerns. The biggest one is that this has pitted two neighborhoods against each other. Again, the nature of the comments made tonight were all focused on whether or not 122nd Street should cross the bike path and not necessarily whether or not this whole plan is a good one in the first place.

Again, I'm not against development. My concern on behalf of the residents of Prairie Trails West is I believe that if the access to Russell Road was the primary access and the crossing did occur, my guess is that the predominance of traffic would be from Prairie Trails East into Prairie Trails West, traffic flow going that way towards all the commercial development. The gentleman that brought up the fact that we have to go somewhere to go to grocery stores and all that would be in a northwest flow direction, and then again those people returning to their homes in Prairie Trails East would be tempted to drive through Prairie Trails West again to return home. There would be little motivation for taking 39th down to Russell Road.

So, in summary, I appreciate the fact that the density of the development seems to be in line, but it still is 146 homes. Again, I'm not against development, but I'm concerned about the impact on traffic exactly at that spot. I realize this has been going on for 15 years, but I think we need to look at it some more.

Mike Serpe:

On the May 3, 2004 Board meeting, it was determined that the bike trail wouldn't be crossed. As Mike Pollocoff said that determination was made without any input from any resident from 26th and 28th Avenue. Since then, that has changed because there was a petition and 22 people signed it from 26th and 28th Avenue. I was the one that made the suggestion that when Prairie Trails East does develop that the cul-de-sac be put in on the east side of the bike trail just in case that lines change in the future and the crossing would want to take place by the residents. At least we wouldn't have to relocate a home, relocate the occupants and we can make the connection between 122nd Street over the bike trail without any major cost. So the infrastructure was put in place for that to happen if and when it were to ever happen.

I walked Prairie Trails West a week and a half ago, and I walked 26th and 28th Avenue. I'll tell you, we can't ignore 26th and 28th Avenue with what they've been putting up with all these years. That is a very narrow street. The people that live on the far south end that have little kids to go to school have to either take them in the car to 116th Street or they make them walk almost five blocks. Prairie Trails West, as beautiful subdivision as it is, has school buses come in, pick up their kids, and drop them off almost to their doorstep. At 26th and 28th Avenues the people don't have that. I appreciate what the people on 26th and 28th Avenue said tonight and say, hey, look, we love the quiet and dead end, but we also understand that development is going to take place, but I think we should all share in that development. I have to agree with that.

I would not want to make a decision to not cross the bike trail at some point and have something serious happen on either side of that bike trail where emergency services had to turn around, go back and get to the other side of the bike trail to answer that call and have that person or child or whatever die because they were a minute or two late. If that were to happen and I made that motion to never cross the bike trail I'd have to live with that the rest of my life as well and I don't want to do that. That's not that farfetched of a scenario. It's something that's a reality. It happens, and it happens all the time across this nation. I don't want to have it happen here.

122nd Street was destined from the day that plat was set in place before anybody purchased a lot that it would go over that bike trail. That has never changed. This Board, this staff, nobody came forward at the eleventh hour and said, by the way, we're going to go over the bike trail. That was always in place to take place and I believe it should happen today. Alex, I agree with you, public safety is important. If for no other reason we did this it's for public safety.

With reference to the crossing at the bike trail at 122nd Street, I don't envision that to be a major, major safety issue because of the fact I could envision the Village putting stop signs east and west on 122nd Street before they crossed that bike trail. The vision would have to be opened up to where you could see both north and south. So I don't anticipate that we're going to be picking kids off of their bikes as we cross. It's just not going to happen. It's not 116th Street where cars are going down that road 45 or 50 and sometimes 70 miles an hour.

(From the Audience):

You should walk the neighborhood more often

John Steinbrink:

You had your chance to talk. Let Mr. Serpe speak.

Mike Serpe:

This is a residential neighborhood. It is quiet, it is nice. I don't think anything could be nicer than to create a subdivision and not let anything happen around you where it would be nice and peaceful and quiet. That's not what Pleasant Prairie has done since we've been a Village is to create subdivisions to become islands. That's not good planning. It doesn't make for good, efficient services and it doesn't move people efficiently. I think all of us have to share in the development. When somebody says take it back, send it back, send it back, we could send it back 100 times. The fact remains 26th Avenue is not going to disappear, 28th Avenue is not going to disappear. That's not going to change. The wetlands have been identified, the ponds are in place where they're going to go, the retention, the roads are in place. Sewer and water lines that's all going to be engineered and put in place.

Mike, you and I talked about this a while back, recently as a matter of fact, and I don't know if you did any more follow ups since we talked about it, I don't know what kind of time frame you had, but if this plat were to be denied, did you have time to come up with some figures if that

were to happen if we were to be taken to litigation?

Mike Pollocoff:

Basically I think if you want to deny the plat, if the reason for denying the plat is you get a recommendation from staff that . . . access at 121st or State Line is what you want, you need to be prepared to purchase the property. We'd be denying the use of a property that's already been in our own master land use plan slated for development. And the math on it isn't magical. You've got 147 lots. I'm sure that they would want to be able to get \$80,000 a lot for us to have the ability to say no development. I can't think of another reason. We've basically taken the value of that property. Or, we could condemn it and make it a big park. No matter how you cut it, this community is under a tax freeze. You as a Board don't have the money to be buying lots to stop a development. We'd have to take that to a referendum. So that's a significant expense for the Village not to follow its own comprehensive plan.

I might add we're not talking about a through street at 122nd, you're talking about a residential road. That road isn't designed to be anything other than any other residential street in a neighborhood. Should the Board decide to deny the plat on the basis of not allowing accesses to existing roads as identified by the plan, we have a policy record, we have an adopted plans record that do not run in the Village's favor for doing that. If you like Mr. Pickus or not, you're messing with his life and the value of his property in a capricious and arbitrary way.

Mike Serpe:

One other comment. I don't know what the total vote of this Board is going to be to the eventual crossing or not crossing of the bike path, but assuming that 122nd Street does go through over the bike path, I would have to suggest, Jean, that the County be renoticed again because, as Mr. Evans said, I think 39th Avenue would become a little bit busier with left turns coming into the subdivision than it is now, and there are no escape routes as that road exists today. And if we can avoid accidents and injury by putting a bypass lane in there I think it would be well worth looking into.

Steve Kumorkiewicz:

I can't count how many times I've been at 26th and 28th. I do recall the time that we got a big flood, we got nine inches of rain, and we had a lot of water next to Tobin Creek over there. I go through with my car and I see the kids. When you get close to them you start to go away to the side and you don't have much room. You have the ditches on both sides. That's a rural profile road. 122nd is a residential road with curb and gutters. We're talking the safety of the kids. 26th and 28th Avenue is dangerous for the kids. The parents don't have any choice that from the end to go to Tobin Road waiting for the buses and pick them up or let them walk. They have no choice. There's no turnaround. Nothing.

I do remember one instance when the gas company was working on 26th and . . . 28th back to Tobin Road and that was four or five years ago. But I have a dilemma with 26th and 28th. Those roads aren't big enough to hold the traffic. I do believe we've got an ordinance that specifies how many entrances we have to have up to 150 houses, don't we? We have to have three entrances

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when we have 150 houses?

John Steinbrink:

I think what' before us tonight is the variance for the curve, correct, Jean?

Jean Werbie:

We have three items before us.

John Steinbrink:

Right. The first one we had the public hearing for is the variance. The other one if for a plan with a cul-de-sac, is that correct?

Jean Werbie:

It's a preliminary plat. What conditions that the Board wants to set--

John Steinbrink:

If it does not cross the bike trail--

Jean Werbie:

Across the trail, not across the trail--

John Steinbrink:

Terminates at a cul-de-sac.

Jean Werbie:

Terminates at a cul-de-sac. That's a decision the Board has before them this evening, what to do with that plat and then finally the rezoning. So the Board can make any decisions on the plat or any conditions related to it.

Mike Pollocoff:

The Plan Commission received a petition to cross at the bike path. The developer submitted a plan that showed a cul-de-sac. So at the Plan Commission they directed that that come to the Board to make a decision on the crossing. You see a drawing for a crossing but you also have a petition from residents on 22nd and 28th saying we want the bike path crossed. I believe you have a petition from Prairie Trails saying don't cross the bike path, and you have a path that shows a cul-de-sac at the bike path. So that's you're bag of issues in front of you.

Steve Kumorkiewicz:

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John, I have a question of relevance in this case. We've got two subdivisions and only two entrances. How many houses have we got? That's my question. I would like to have that once and for all defined. I do believe there's 150 houses for three entrances.

Jean Werbie:

Jane needs to get my other code book. I can't answer that yet. He's looking for a response to that question and I need to get the book.

Alex Tiahnybok:

Just to go off of what Steve just said, if you allow the crossing, which again I think what this entire conversation is about, if Prairie Trails West has entrances off of 39th Avenue, by allowing that crossing aren't you effectively increasing the number of homes that get serviced by those two entrances off of 39th Avenue? So you're actually making the situation worse for them.

Steve Kumorkiewicz:

No. If you have . . . in 39th Avenue you don't have enough exits over there. We have an ordinance that says 150 houses and three entrances. That's what we've got in Pleasant Homes. Right now you have only one entrance that comes down north in 36th and goes to 122nd and goes to 39th . . . the other way around.

John Steinbrink:

Maybe our engineer can shed some light on that?

Bob Martin:

In reference to the traffic study that was done by SRF, I don't recall the exact numbers, I believe one lady said 650 trips, but the net effect was there was more traffic coming from Prairie Trails West through Prairie Trails East. And they're just based on SEWRPC's numbers of traffic that go north, south, east and west and those are the patterns. That's a general--the bottom line is if everybody worked south in Chicago, everybody would go south, but that's the general distribution is north on 39th, north on Sheridan and south on those two also.

Mike Serpe:

Are we looking for a motion on the variance first?

John Steinbrink:

I think we need to do the variance first.

Steve Kumorkiewicz:

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Okay, we can do the variance first and then Jean can look it up.

John Steinbrink:

So we can move on to new business afterwards.

Mike Serpe:

Realistically, I don't know what the vote is going to be on the crossing, but the County still comes into play with that as well.

Mike Pollocoff:

This is a preliminary plat. The purpose of the preliminary plat is to give the developer direction that this plat is how we want to look so they know how to lay out the final plat. So the assurances we give the developer tonight he'll have for two years to be able to design this. And in that design he's going to have to get permission from Lake County, Kenosha County, the Village, DNR, SEWRPC, but that's got to be based on some direction that the Board gives him as far as how he's going to develop his final plat which needs to look reasonably close to the preliminary plat.

Mike Serpe:

And as we're sitting here tonight, gentlemen, I can't see us denying this because of the fact that I think if we do we're going to find ourselves in court very quickly and with a checkbook wide open to purchase this from Mr. Pickus and I don't see that as a very viable solution. I would move approval of the variance for Mr. Pickus.

Alex Tiahnybok:

I'll second the variance.

John Steinbrink:

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

SERPE MOVED TO GRANT THE REQUEST OF TED PICKUS, AGENT FOR PRAIRIE TRAILS LLC, OWNER OF THE PROPERTIES GENERALLY LOCATED NORTH OF 128TH STREET AND EAST OF THE KENOSHA COUNTY BIKE TRAIL FOR A VARIANCE FROM SECTION 395-60 G (2) OF THE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE RELATED TO THE TANGENT BETWEEN REVERSE CURVES OF THE PROPOSED 28TH AVENUE BETWEEN THE PROPOSED 30TH AVENUE AND 128TH PLACE IN THE PROPOSED PRAIRIE TRAILS EAST SUBDIVISION, SUBJECT TO CONDITIONS OUTLINED BY STAFF; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

8. NEW BUSINESS

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A. Receive Plan Commission Recommendation and Consider Resolution #06-09 for a Preliminary Plat for Prairie Trails East Subdivision generally located north of 128th Street and east of the Kenosha County Bike Trail.

John Steinbrink:

Jean, you've made a presentation on that.

Jean Werbie:

I guess I just wanted to quickly respond to Steve's question. The Land Division and the Development Control Ordinance of the Village does set forth minimum number of access connections per residential subdivision, and if you have 81 or more lots it requires a minimum of three access points. So the larger the subdivision the more access points are desirable. 81 is the cutoff. So with our larger subdivision, well over 100 lots, we typically try to get as many access points as possible.

John Steinbrink:

Many times you go to Prairie Village and even the ones in the City, over by Jeffrey School, these subdivision, and you look at these access points that serve a vast area of homes, a vast number of homes in a vast area. You'll very seldom find any cars even sitting at the stop sign. Sometimes I think we worry ourselves into a frenzy over this by predicting massive amounts of traffic and traffic jams. It's just amazing when you look at some of the larger subdivisions and you look at the major intersections coming onto 39th and onto Wilmot Road, Highway 50, 104th Street, Highway C, Highway H, the congestion isn't there. The high volume of traffic isn't there.

Yes, we do get people that drive too fast and that's a shame because these are people that live in their own subdivisions and the other subdivisions and you need to talk to your neighbors about that. We can set our police out there, we can patrol, we can run radar, but unfortunately we can't do that 24 hours a day.

(Inaudible)

John Steinbrink:

And we work on the construction aspect of it also.

(Inaudible)

John Steinbrink:

Public hearing is over.

Mike Serpe:

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Mr. Chairman, I'd move to adopt Resolution 06-09 for the preliminary plat.

Steve Kumorkiewicz:

I second.

John Steinbrink:

Motion and a second for adoption of Resolution 06-09. Further discussion?

Jeff Lauer:

Regarding the motion, so there's an understanding, this does not include crossing of the bike trail?

Mike Serpe:

Yes, thank you. I'm going to have to stick to my guns and I'm going to have to say it does include crossing the bike trail. As Jean just pointed out it calls for it. It was in the plans since the beginning. We heard the people on 26th and 28th Avenue. I think we can't turn out back on those people.

Jane Romanowski:

Does the second still stand?

John Steinbrink:

We have a motion. Is there a second?

Steve Kumorkiewicz:

I second.

John Steinbrink:

We have a motion and a second. Any further discussion?

Alex Tiahnybok:

Again, I don't like the idea of pitting two neighborhoods against each other, and that's precisely what happened. This has been 15 years in the making. I don't know if there have been threats of lawsuits against the Village in these 15 years, but suddenly we have to do this immediately or forget about it. This is one of those tough decisions that I guess we have to make. Again, I don't want to unfairly burden the developer by hampering their right to develop their property but I think this is a unique situation. You have a development that has its primary access reasonably

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limited to one spot onto a State Line Road. And every other access at this point to that development is constricted by something or other, whether it's crossing a bike trail which I think excessive crossing of bike trails naturally can try to make it as safe as we want to, but you're always adding risk. Clearly it crosses ML and that's probably one of the worse spots. So I don't imagine this would be worse than that but probably a lot safer than that point.

Again, crossing the bike trail I think is a risky thing. Then we have two main north/south roads that in the various rounds of changes to this plan instead of being allowed to be better thoroughfares in the north/south orientation have been essentially cut off with right turns and left turns. Again, that's exactly what's happening with 122nd Street. It goes right into a pond with a nice slope right down into the pond. Again, this is one of those tough decisions. I have a lot of concerns about it, and I would much rather see some kind of modification to reduce the number of lots. Because for that spot with those encumbrances it's a lot of density. I'm having a hard time accepting it.

John Steinbrink:

Jean, how many changes have there been to this plan as far as lots and density over the 15 years?

Jean Werbie:

Probably about 10 to 15. Is the Board going to have some suggestions on how it should be changed?

John Steinbrink:

I guess that will be my next question is what suggestions you have. This has been studied until people are silly.

Steve Kumorkiewicz:

Yes, we've been around it over and over again.

Alex Tiahnybok:

The natural suggestion is more open space or larger lots so there's less individuals . . . I wasn't prepared to address this aspect today. But the natural thing would be increased lot size with larger more valuable homes which would ultimately lead to the same amount of tax dollars coming to the Village but would have less impact on the uniqueness of that area. That would be my suggestion.

John Steinbrink:

Jean, have we preserved more open space over the years on this plat?

Jean Werbie:

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We have preserved more open space, because as time goes on the wetlands actually have gotten larger and now the floodplains have been mapped, but we've not looked at lot sizes any larger than the 15,000 to 20,000 at this point due to the current zoning.

Alex Tiahnybok:

I'm from Illinois originally and there are suburbs like Wadsworth--Hunt Club in Gurnee and Wadsworth that have two acres minimums of their lots because of the uniqueness of the spot they're in. I don't know if Pleasant Prairie is ready for that, but maybe that's one way of looking at it.

Mike Serpe:

One thing with Hunt Club is they don't have sewers so that's all septic. They needed the lot size to handle the on site sewage problem. Jean, the zoning present in Prairie Trails East is R-4, is that correct?

Jean Werbie:

It might be ag if I can grab the file.

Mike Serpe:

What's the recommended zoning?

Jean Werbie:

R-4 is recommended.

Mike Serpe:

And if you go to 20,000 or more you're looking at an R-3. I don't know where this is going to go with the developer at this point. Don't get me wrong. The more open space the better. The bigger the lots the better, I agree, but I think somebody should have told us and Mr. Pickus before coming to the preliminary plat stage.

Mike Pollocoff:

Just to unwind, the zoning and the neighborhood plan is predicated on the master plan that's been adopted for the Village. And that master plan, as Jean indicated, sets forth in areas what the density is going to be. That's been in place. This Board has reviewed that a number of times. The Plan Commission has reviewed it a number of times. I guess what you're saying is you want to unwind the master plan and go up and raise densities up from half acre to acre. Right now people who own property who have purchased property and rely on the fact that the Village has an adopted plan that sets forth some of the rules of how land is going to develop, they make those purchases in reliance on the fact that that's what that plan says. It's not to say that there isn't

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adjustments that are made in the plan, but if we want to talk about a change of--this would be a significant change. I don't know what you're talking about as far as your moving units. If you want to cut it by a third by moving it up to--it's already at a half acre. If you want to move it up to an acre you've removed that many units and you're going to adjust that price accordingly. Plus you would need to go through the process to amend the comprehensive plan. That's the underpinnings that governs all this.

Just look at the map you've got Conservancy. This is a restricted area to begin with as it always was. You've got Conservancy on the south . . . to squeak out one access point on the State Line. You've got conservancy all along the east side of it, being able to squeak out another access point. You've got existing development on the north side, and you have a bike path. It's probably one of the most constrained areas that we have. The lot sizes in here are larger than Prairie Trails West. In fact, if you look back when we approved the neighborhood plan for this area and the master plan, there's a number of homes that are on 39th Avenue, between 39th Avenue and Prairie Trails West, that are significantly larger lots. So when Prairie Trails was developed the Village again with the comprehensive plan adopted a preliminary plat and plat that showed smaller lots than the existing lots that approached almost that three quarter to half acre size and this here.

My caution to the Board and the issue of lawsuit, Alex, hasn't just flown up today. We deal with this on an ongoing basis. We don't want to--the staff doesn't play with property owners' rights whether they're existing platted lots or unplatted lots unnecessarily. If we're going to change this we need to go through the process to amend the Village's Comprehensive Master Land Use Plan and have some logic to do that so that it would stand the test. It would significantly change--the improvements are there. The Village is part of bringing sanitary sewer to Green Tree Estates and the Pleasant Homes Subdivision, extended sanitary sewer through this development. In reliance on that that developer had that sewer go in there that they were going to be able to develop that.

If the Board wants to redo--I guess I'm looking for some guidance as to what you want. If you want to change the game then we need to know what that is. But I think given as long as we've gone on this we need some direction as to what you want. If you don't want half acre lots and 147 half acre lots, what size lots do you want?

Jean Werbie:

The current zoning of the property, the bulk of the property is R-4 currently PUD. It's the same zoning as Prairie Trails West and Prairie Trails First Addition, or the addition area. And then the C-1 areas are identified as wetland or C-1 PUD. And actually a number of years ago when this was originally rezoned based on the concept as drawn by Bill McLaughlin, this area in the southwest quadrant just north of the open space area was rezoned to R-9 which is a multi-family district.

Ted Pickus:

It was 119 townhouses which is a multi-family district for the Village.

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Jean Werbie:

So this was the zoning way back when the last concept plan was approved sometime in the mid 1990's. And at that time we were concerned with the density. And at that point we had talked to them about making it all single family, third to half acre lots as opposed to having the town homes on that south end, and they agreed to do that. But, again, the current zoning is R-4, R-9, there's some PR-1 and C-1.

Jeff Lauer:

Jean or Mike, if we cross on 122nd Street, obviously we know there's stop signs both ways and the brush on the bike trail would have to be cut back to see. As you come over and you're going west, because I live over in that general area, we know there's a pond there. Is it possible for safety concerns to have some sort of guardrail that might start at the intersection there in case by chance there's a vehicle that decides not to stop or something that would avoid going into the pond?

Another question I have over by Mr. Christiansen's house, 32nd Avenue there, would it be possible also, because I know there's some concerns about speed, maybe putting a stop sign right there on the intersection of 32nd Avenue and 122nd Street? I don't know if that's part of the development plan or if that's something that the Village would have to do.

Jean Werbie:

The Village could require or impose those requirements on the developer as part of the construction of the crossing over the bike trail. Bob Martin is our Village Engineer and maybe he could address some of those concerns.

Bob Martin:

Stop signs and existing I think is controlled now by the warrants that are established by standards that the Village has adopted so you'd have to look at those in particular in an existing situation.

And the guard rail that's a safety issue so if that were agreed upon by the Board that could be installed.

Jeff Lauer:

I guess, and I know this is a hot topic because when I first heard about it over a year and a half ago, I read and somebody told me do what's right no matter who it favors and that almost applies right here. I do appreciate Carol Alter your comments, neighbors being nice to neighbors, and I appreciate your comments you said because that's really what it comes down to is everybody sharing within the Village. I think that does apply here. I know there are concerns on both sides. I do know I've had a concern with this issue because of emergency vehicles, fire, ambulance, snowplows, school buses. So it's one of those situations where, as I mentioned almost two hours ago, sometimes you have to make tough, hard decision. But I think if we all think about doing

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what's right no matter who it favors, I think really in the end that's what it comes down to.

Steve Kumorkiewicz:

There are two things that concern me. One of them is the taking laws. If we deny Mr. Pickus to build, the taking laws from the State, we buy the property. Now, it was mentioned I believe in the Planning Commission, Mike, I do remember in one of the Planning Commissions it was mentioned that . . . in case but in the future and that could be 50 years from now it would never happen—

Mike Serpe:

The cul-de-sac was only for the east side of the bike trail and the west side was just to be left as it is. If we were to cul-de-sac the west side, then that would have been an expense paid for by the homeowners and they elected not to do that. So we cul-de-sac'd the east side and left the west side just as is.

Steve Kumorkiewicz:

What I'm concerned with Mr. Christiansen's property over there and how a snowplow can't turn around. Can we add a condition for the developer of Prairie Trails East to fix that.

Mike Pollocoff:

You can't require the developer to put in an improvement that won't benefit their development. So if your recommendation is that there be a cul-de-sac on both sides, the Village would have to pay for the cul-de-sac on the west side.

John Steinbrink:

We have a motion. Did we have a second?

Jane Romanowski:

Yes, Steve seconded it.

Mike Serpe:

Let me amend my motion to include that we look into some type of protection around that pond area.

Steve Kumorkiewicz:

I second.

John Steinbrink:

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Motion and a second. Further discussion?

SERPE MOVED TO ADOPT RESOLUTION #06-09 APPROVING THE PRELIMINARY PLAT FOR THE PRAIRIE TRAILS EAST SUBDIVISION GENERALLY LOCATED NORTH OF 128TH STREET AND EAST OF THE KENOSHA COUNTY BIKE TRAIL, WITH SAID APPROVAL TO INCLUDE THE CROSSING OF THE BIKE TRAIL AND THE DEVELOPER TO CONSTRUCT SOME TYPE OF PROTECTION AROUND THE POND; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-1 WITH TIAHNYBOK DISSENTING.

John Steinbrink:

Motion carries with Trustee Tiahnybok voting against.

- B. Receive Plan Commission Recommendation and Consider Ordinance #06-03 for a Zoning Map Amendment for properties generally located north of 128th Street and east of the Kenosha County Bike Trail to rezone the property for the proposed Prairie Trails East Subdivision as follows: the field delineated wetlands into the C-1, Lowland Resource Conservancy District, the proposed single family lots into the R-4, Urban Single Family Residential District and the non-wetlands of the proposed Outlots into the PR-1, Park and Recreational District.**

John Steinbrink:

Jean, you've made your presentation. Any further comments?

SERPE MOVED TO CONCUR WITH THE RECOMMENDATION OF THE PLAN COMMISSION AND ADOPT ORDINANCE #06-03 FOR A ZONING MAP AMENDMENT FOR PROPERTIES GENERALLY LOCATED NORTH OF 128TH STREET AND EAST OF THE KENOSHA COUNTY BIKE TRAIL TO REZONE THE PROPERTY FOR THE PROPOSED PRAIRIE TRAILS EAST SUBDIVISION AS FOLLOWS: THE FIELD DELINEATED WETLANDS INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT, THE PROPOSED SINGLE FAMILY LOTS INTO THE R-4, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT AND THE NON-WETLANDS OF THE PROPOSED OUTLOTS INTO THE PR-1, PARK AND RECREATIONAL DISTRICT; SECONDED BY STEINBRINK; MOTION CARRIED 4—1 WITH TIAHNYBOK DISSENTING.

John Steinbrink:

The vote is 4-1 Trustee Tiahnybok voting in the negative. We'll take a short two minute recess and we will be back here quickly.

(Recess)

- C. Receive Plan Commission Recommendation and Consider Resolution #06-08 for approval of the Final Plat, Development Agreement and related documents for the Westfield Heights Development generally located south of 70th Street, north of STH**

50 and west of 88th Avenue.

Jean Werbie:

Members of the Board, the petitioner is requesting approval of the final plat, development agreement and related documents for the proposed Westfield Heights Development. It's proposed to be located south of 70th Street, north of State Trunk Highway 50 and west of 88th Avenue. The proposed final plat is in compliance with the neighborhood plan, conceptual plan and preliminary plat that were all conditionally approved by the Village.

Specifically, the request you have for the plat this evening includes 18 single family lots to be located south of 70th Street and would be known as the Westfield Heights Subdivision, and 8.9 acres of office/ retail development adjacent to Highway 50 to be known as Westfield Plaza. The proposed Westfield Heights, again as I mentioned, is compliant with all of the plats and plans including the comprehensive plan of the Village. They were all conditionally approved, and the developer is required to get the approval of the first step before moving onto the next step. He is actually at the final step prior to starting any construction on the development.

Under the residential development, the northern 6.2 acres is proposed to be developed into 18 single family lots. A portion of 70th Street, which is along the north edge of the family development, was vacated by the Village Board on May 2, 2005 by Village Board Resolution 05-23. The lots in this particular development will range in size from 12,648 square feet to 19,016 square feet with the average lot size of 14,984 square feet with a net density of 2.9 units per acre. This development is immediately east of the White Caps development. Those lots in that area range just a little over 6,000 to 7,000 square feet, so these lots are actually double the size of the ones that abut to them to the west.

Population projections, 49 persons are likely to come from this development at full build out, and according to the Kenosha Unified School District 11 school age children with 8 public school age children are likely to result from this development.

According to the Village's comp. plan, the southern portion of the property adjacent to Highway 50 is identified as community commercial. The northern portion is identified as residential. On March 21, 2005 the Village Board had conditionally approved a conceptual plan to not only develop the single family but also the office and retail along Highway 50. The conceptual plan also included a .93 acre vacant property west of the commercial portion of this development to be developed as commercial. Again, it's a separate landowner, but we have developed the land surrounding it including the access, the parking and the sewer and water on the roads, everything keeping in mind that that could eventually develop for commercial purposes. On August 15, 2005, the Board conditionally approved a preliminary plat and a zoning map amendment for the development.

The commercial development, again, which is on the south end of the site, is proposed to be developed somewhat at the same time but just following the single family. The developer is proposing to dedicate and construct 74th Street which will extend to the west to 91st Avenue, and then 91st Avenue will connect down to Highway 50. Three commercial buildings are proposed on

this particular property. A fourth commercial building, again, would be constructed to the west on that .93 acre property when and if that land does development. However, shared access, retention facilities, as well as parking and utilities have been provided in order to accommodate for all of the commercial identified on the conceptual plan.

At the time the preliminary plat was considered the developer submitted a revised conceptual layout for the commercial area to comply with the conditional approval of the Village Board on March 23, 2005. Just as a reminder, site and operational plan approval, which is a more detailed zoning level approval, will be required for all of the commercial properties that are located within this area of the plat which we'll be looking at the details of the building plans and site utilities and parking lot configurations and we'll be refining all those details as the developer moves forward with that project.

Under public improvements the Wisconsin Department of Transportation is not requiring any additional right of way to be dedicated on Highway 50. However, the developer will be responsible for paying for and making any required improvements in Highway 50 as required by the DOT such as removing any existing driveways, restoring the ditch line and any improvements to any turn lane movements that would be required.

Municipal water shall be extended by the developer at the developer's cost up front. He will be required to go north from 74th Place to 73rd Street, east to 89th Avenue, north in 89th Avenue to 70th Street, west to 91st Avenue, and looped from 91st Avenue between lots 9 and 10 to 74th Street. So the developer is required to make off site public water main improvements in order to loop this system adjacent to his development. The developer has already contacted the property owners to determine whether or not laterals are going to be installed, and I believe he's given them a deadline of February 15th to get back to him if, in fact, any of the property owners would like laterals installed by the developer at the property owner's cost.

The road at a minimum will need to be pulverized and resurfaced by the developer where the water main is installed. It's intended that the roads will remain as a rural profile and they would not be widened any further than what they exist today.

Municipal sanitary sewer shall be extended in 74th Street to service the commercial buildings and will be installed in 91st Avenue to service the residential lots. All lots will need to have nine foot gravity basement service. Municipal storm sewer and retention facilities, there are two retention basins proposed for the development, and the basins actually separate physically the commercial area from the residential area to the north. The developer's engineer has evaluated the development site based on actual field conditions, and he's prepared a storm water management plan that has been reviewed and approved by the Village and does meet the new requirements of the Wisconsin DNR's 151 regulations. The retention basins have been sized to accommodate storm water from the entire area including that adjacent 9.3 acre property.

An urban roadway profile will be required to be installed on the south side of 70th Street adjacent to the development. It will taper to a rural cross-section east of lot 18 and north of 70th Street adjacent to the development and will remain a rural cross-section but, again, it's completely an urban cross-section in 91st Avenue as it enters south into the residential development.

Under right of recovery the developer has requested that the Village Board consider a right of recovery for the off site water improvements being installed on 70th and 73rd Streets and 89th Avenue. An initial resolution was approved by the Board on November 21, 2005, and a public hearing related to the request for the right of recovery was held and approved by the Village Board on December 19, 2005. If the right of recovery is approved it will require that the property owners will existing homes to pay the cost for municipal water only if they choose to connect to the water main. All new homes will be required to connect to the water and pay the right of recovery prior to connecting to the water main, and if there's any new lots created they'd be required to pay that special assessment as a condition of a land division approval or a plat.

The second part to the right of recovery is that the developer also requested that the Village board consider a right of recovery for off site improvements being installed within the development that serviced that point, the .93 acre property adjacent to Highway 50 that is currently owned by AMG LLC. The right of recovery includes costs associated with storm water retention, water quality basin, the Highway 50 improvements and roadway improvements on 91st Avenue and 74th Street. An initial resolution was approved by the Board on December 19, 2005, and a public hearing related to the request was held and approved by the Village Board on January 19, 2006. Prior to development, the property owner will be required to pay the right of recovery costs.

Construction access for the commercial development that access will come from Highway 50 at 91st Avenue. With respect to the residential development we are trying to minimize any impact to the adjacent property owners. Obviously the water main construction will take place on 74th, 89th, 73rd and on 70th Street; however, the intention is that construction traffic come in off of 70th Street, go right down to 91st Avenue to minimize any disturbance to any of the adjacent landowners during construction.

The wetlands and woodlands on the property that are to be preserved are identified in dedication and easements. A total of 1.535 acres of wetlands have been field delineated and will be protected. A tree survey was prepared and a number of the larger trees are being preserved. In particular, there was some concern from the residents of the White Caps developments to the west that those trees that are along the southwestern corner, that those all be preserved adjacent to the commercial development to act as a buffer area between the future commercial area and the residential development.

Zoning map amendment for this project was approved by the Village Board on August 15, 2005, and this property was rezoned into the R-4.5 Urban Residential District, and the Lowland Resource Conservancy C-1 designation was placed on the wetlands, and the business are was placed into the B-2, UHO District.

All of the documents and exhibits as listed in the Resolution 06-08 are in order. The Plan Commission and the staff recommend approval of the final plat for Westfield Heights Subdivision subject to the execution of this resolution and the closing that has been set for this Thursday and pre-construction meeting that would follow.

John Steinbrink:

Thank you, Jean.

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Alex Tiahnybok:

I'd just like to remind everyone that at that December 19th meeting I tried to advocate strongly for the developer and I think there was a misinterpretation of the right of recovery and the improvements that were going to be done on 89th Avenue. I'd like to think that I helped the citizens that live on 89th Avenue understand the situation better. In light of my newly earned anti-development reputation, I move for approval of Resolution 06-08.

Jeff Lauer:

Second.

John Steinbrink:

Motion and a second. Further discussion?

TIAHNYBOK MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT RESOLUTION #06-08 FOR APPROVAL OF THE FINAL PLAT, DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS FOR THE WESTFIELD HEIGHTS DEVELOPMENT GENERALLY LOCATED SOUTH OF 70TH STREET, NORTH OF STH 50 AND WEST OF 88TH AVENUE; SECONDED BY LAUER; MOTION CARRIED 5-0.

D. Consider the request of Martin Hanley, agent for Village Green Development LLC, owners, for a one (1) year extension of the Preliminary Plat for the Village Green Heights Subdivisions, and the Preliminary Condominium Plats for the Village Green Heights Townhomes North and Village Green Heights Townhomes South on the property generally located at 47th Avenue and STH 165 and the area north of Main Street between 47th and 55th Avenues.

Jean Werbie:

Village President and members of the Board, the petitioner is requesting another one year extension of the preliminary plat and the preliminary condominium plats for the Village Green Heights Subdivision and the preliminary condominium plat for the Village Green Heights Townhomes North and Village Green Heights Townhomes South. The Village Board approved the plats on March 17, 2003, and pursuant to the Village's Land Division and Development Ordinance the preliminary plats are valid for two years, during which that time period the final plats do need to be submitted to the Village and all the conditions satisfied in order for it to be considered timely filed.

The final plat for the first stage of the Village Green Heights Subdivision was approved on February 2, 2004, and the final condominium plat for Townhomes South known as Sagewood was approved on October 3, 2005. However, this is a very large project and the developer has been working with the staff as well as adjacent property owners to obtain easements for

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installation of the sanitary sewer that's needed to complete the second stage of the single family as well as the Townhomes North, as well as been working with the Village to help us put together our Village Green Neighborhood Park in this particular area. So we've had a lot of dealings and a lot of work that we've been completing over the last year or so. So the Village staff, along with the developer at his request, is asking for a one year extension of the preliminary plat for the Village Green Heights Subdivision, as well as the condominium plats for Village Green Heights Townhomes North and Village Green Heights Townhomes South subject to all the comments and conditions that are on file with the Village through the previously approved Village Board resolutions as noted in the staff comments 03-14, 03-15 and 03-16.

TIAHNYBOK MOVED TO APPROVE THE REQUEST OF MARTIN HANLEY, AGENT FOR VILLAGE GREEN DEVELOPMENT LLC, OWNERS, FOR A ONE (1) YEAR EXTENSION OF THE PRELIMINARY PLAT FOR THE VILLAGE GREEN HEIGHTS SUBDIVISIONS, AND THE PRELIMINARY CONDOMINIUM PLATS FOR THE VILLAGE GREEN HEIGHTS TOWNHOMES NORTH AND VILLAGE GREEN HEIGHTS TOWNHOMES SOUTH ON THE PROPERTY GENERALLY LOCATED AT 47TH AVENUE AND STH 165 AND THE AREA NORTH OF MAIN STREET BETWEEN 47TH AND 55TH AVENUES; SECONDED BY LAUER; MOTION CARRIED 5-0.

E. Consider Ordinance No. 06-04 - Ordinance to Amend Chapter 242 of the Municipal Code Relating to LakeView RecPlex Rental Fees.

Mike Pollocoff:

Mr. President, we have before you an ordinance to amend RecPlex fees, park pass rental ordinance fees modifications. This is an outgrowth of the budget that was adopted. I guess in light of concerns that were brought out in the paper, I'd like to know if there's anything else that the Trustees would like to do, further modifications to be made or, given our precipitous point where this budget sits.

Jeff Lauer:

I think Ken when he spoke last time on the new programs should benefit the IcePlex so I have no problem with this. I make a motion to approve.

Mike Serpe:

Second.

John Steinbrink:

Motion and a second for approval. Further discussion?

Alex Tiahnybok:

Just to clarify, John you commented that sometimes everything that is said doesn't necessarily

wind up in print. I did voice at the budget hearing for specifically IcePlex my concern about depending on those expected revenues to help balance the final numbers for the year. But I also stated in my conversation with the reporter that I had every confidence, and I was hoping that, in fact, those results would come true, and I think it was suggested in that article that, in fact, if it does result that way I would have no problem supporting any future budget. I expressed my concerns and I still have them. I expressed them at the budget hearing and I expressed them in my conversation with the reporter. But I indicated that I think there's a bright side to this, and if the expectations and plans come through that I'll have no problem supporting it in the future. I wanted to make that clear, because not everything does get in print and I'd agree.

Mike Pollocoff:

One thing I'd want to comment as it relates to the revenues for RecPlex and IcePlex, there was a comment made by Trustee Lauer that we could be defaulting on these bonds and the RecPlex or IcePlex would end up on the tax roll. The Village has never defaulted on bonds, and really in Wisconsin that's a misnomer, you're not allowed to default on a bond. You go to court before that happens.

To characterize IcePlex at the point of default after 15 months worth of operation I think is quite a leap. The budget that Alex talked about that he had concerns about and was approved was really the first full operational year budget. Some of the programs that you saw in there weren't stop gap measures. They were programs that we were unable to implement given the timing of when the facility opened up to start with. So the program that was put together for IcePlex is a program that we've anticipated all along. As the staff out at RecPlex does on everything they worked really hard to get that put together and I think that's going to happen.

One of the things that I want to make sure that everybody understands or has a good picture of, because I think again there was some allusion to the fact that people in RecPlex were missing something because of IcePlex being in place. It's a recreation department. It's a recreation enterprise. It all operates under the same budget. We showed a breakdown of how both of those two entities operate. But if you looked at the budget there's also breakdowns of how the sports department operates. There's a breakdown of guest services, concessions, aquatics, all those divisions that makes up IcePlex operates and RecPlex. It's really one enterprise. At the end of the day the enterprise was to the positive. There was no fudging of the numbers at IcePlex to make them come up to where they were. That's the first real good budget we've had to work on this year.

If the Village Board or the staff fails and the Village Board ignores their fiduciary responsibilities to address revenues, someone is going to look at the situation long before you'd be in a classical case of default which, again, can't happen. Whether or not this ends up on the tax roll, you as a Board in the community you approve bonds for sanitary sewer, you approve bonds for municipal water. You've approved Tax Increment District bonds. You've approved sanitation bonds. You've approved industrial revenue bonds. You have all sorts of bonds that have been issues with the full faith and credit of the Village as the underpinning support for that. That enables those operations to be able to borrow money at the most competitive rate and in return to verify the capabilities of this government to be able to retire those bonds you as a Board seek insurance to guarantee that.

You also seek ratings from Standard and Poors and from Moody's, and you have excellent ratings for that because they've come in and they've evaluated, one, the revenue capacity of your enterprise operations. They've evaluated the ability of this Village to grow. They've evaluated what the trend is going to be. And they've also evaluated our record of expenditures based on the budgets. Based on that they issue a bond rating to this Village. If you want to contend that RecPlex is going to go out of business or if we have a bad year that it's going to go on the tax roll, I think you need to be able to say that about everything. The fact of the matter is that RecPlex is not performing or IcePlex is not performing any different than we've anticipated they would. RecPlex had a difficult year when we were under construction. People weren't inclined to use the place when there was plywood all over the walls in the fitness center. We didn't have the fitness space.

It makes great political fodder for a campaign year to indicate that this thing could be on the tax roll, it's a danger. And I think that's something that was a directive and charge from the very beginning that RecPlex or IcePlex not be in that position. We didn't start IcePlex and get that project under way in a vacuum. We knew full well that it was going to take a while to get it started. There's no way that you're going to start a \$10 million operation, get it up and going, and have it generating profit in the first three months, 2004, or the 12 months of 2005, or possibly 12 months of 2006, or 2007 possibly. Our pro forma indicated we shouldn't be turning a profit until 2007. We think we're going to come real close in 2006.

Your staff that works for you, people that are under your employ, are working very hard and are counting on the Board to support them in funding and authorizing programs that are going to help them meet that goal. These aren't people that don't have any casual relations with you people. They're your employees. So I think it's important that you just don't look at this as--you've got to look at it in more detail than what you looked at in the meeting and reading through the notes. I think that if you're not a member of RecPlex you owe it to yourself to take a spin and go to a Recreation Commission meeting and see what it is they do. You need to visit with myself or some staff. This is one of your biggest operations, and I think that . . . saying this could be on the tax roll and we could be in problems and not looking at the full picture isn't doing the morale out there any good and I don't think it's serving the public very well because there has been a significant amount of work that's taken place to get it to that point.

We're at a point now, and I think Ken had to leave because it's going on so late, we already have ice booked for the 2007 season that we don't have ice for the 2007 season. Based on where we've come through now we're looking for ways to find people to get more ice time than we have available. Those are discussions I think that if you have concerns rather than popping out, well, I'm worried it's going on the tax roll, I think that's valid discussions to have at the time we had the budget discussions. If you want to call the paper after the meeting and let them know your view on it I guess you're going to do that, but there's a lot more to the issue than just saying it's going on the tax roll because it clearly isn't. It clearly isn't. I think that the people that are working out there to make sure that, one, they're delivering a quality product which is their first goal, secondly, that they're doing it to meet the standards of the Village. Third, they don't want to be on the tax roll any more than anybody else. That's not their drive out there believe it or not. I think if they take care of business and deliver a good product everything takes care of itself.

Unless there's something in these documents that the staff hasn't seen, we're open to suggestions. We were open to suggestions at the budget meeting. If you think there's other things we should be accomplishing, other ways to go at it, we're here and at your disposal. We were here and at the disposal of the Park Commission. We were here and at the disposal of the Recreation Commission, and we were here for the Board. If there's other things to be said I'd like to hear them. But I think there's a lot more to this than saying, gee, it's going to end up on the tax roll. Anything can end up on the tax roll. You're probably in greater danger for your sewer utility to end up on the tax roll going away than you are your recreation utility. If you think back to the budgets you approved for that you're skinny on that for about \$80,000. I didn't hear the same comments there. Everything you've issued here is general obligation debt, because no one, no community in Wisconsin can afford to issue revenue debt. It just doesn't happen. If you do issue revenue debt you can afford to pay more because you're going to pay a lot more for it than you do for general obligation debt. No one wants to pay more for any debt issuance at all so you use the least expensive vehicle and that's general obligation debt.

Jeff Lauer:

There's a big difference between \$80,000 and over \$27 million. Again, I don't want to be mischaracterized by saying what was said. I mean I can use the excuse but that's not what I said. The paper didn't print everything I said. If you're going to do your own editing. There is a concern out there. And if some here, some hired staff and others, want to try to scare the employees out there that's not true. I would be very irresponsible, for example, if I wasn't looking out for the best welfare of the employees out there. The Village has never gone bad on its debt and that's good, but there's also a lot of Americans who said I would never file bankruptcy and they do. Why? They lose their job, they don't have the income. The same applies to a business. If there's not a good stream of income coming in or expenses aren't low enough, things happen. But people know me. Whether they agree with me or like me because I don't play the political games . . . at least I have what I consider good character. That last vote we took, we had two guys coming up here saying I never want to see you again, don't come in my yard or anything. Well, were they really my friends to begin with? That is the question.

If there's an issue it would be better to have us called in, and I did not hear no comments--the only comments I heard some make tonight, and it's kind of dangerous for somebody higher to take shots at a Trustee. And you have to understand the reason why maybe some of us didn't complain last time for the bonds is we based on what you said and others said. And I told you before if I ever vote a certain way based on what staff tells me and I find out later that I wasn't told the whole truth, just enough to make me vote a certain way heads will roll. See, that's honesty. That's who I am. And what you based on to pass bonds here you said we need to do this or else this will happen. Obviously, we don't want the later part to happen. So, yes, let's go ahead and go with it.

So let's please--months ago everybody promised to keep everything in house and not do this and that. But you know what, I vow anybody to come forth and say I have not kept my end of the bargain. We can go through all the minutes and see these little snide shots at me. But I can hold my own. I've got alligator skin. But if we really want to stop it then stop. It's not that complicated. As I said earlier it's not about you, it's not about me, it's just about doing the right thing. Those who I thought were my friends because I voted in favor of the road going through

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there's security issues why I voted that way. Were they really my friends? I was doing the right thing.

So let's please keep that in mind at this time, and I did vote in favor of the RecPlex and IcePlex budgets especially because I liked the presentation that Ken gave with the new programs that could possibly really generate some money. That's a good thing. We approved alcohol sales in there. Why? Because it could bring in more money. That's a good thing. So let's keep it all in mind that I would really appreciate it if nobody behind the scenes try to scare staff. If the staff has an issue call me. Call me at home, call me at my-

Mike Pollocoff:

Nobody behind the scenes is scaring staff.

Jeff Lauer:

Well, that's a good thing. I wonder . . . it's important to me that it was told that way, but maybe they weren't being honest to me then. But let's keep it all under play because that's what I've heard tonight and it's not fair to the staff to do that.

Mike Serpe:

John, if I could. The only time I think that, with the exception of a couple of times that this Board has any contention amongst itself, has always been as a result of articles in the paper that somebody called in and wanted to get a headline. That's when I brought it up that time that, hey, let's not do that, let's get along, let's settle our differences here. And that's probably a good reason why you shouldn't be calling the paper because they're not going to quote you exactly the way you think they should.

Jeff Lauer:

Who called the paper?

Mike Serpe:

I don't know. I don't know how the article got in.

Jeff Lauer:

They called me. The first thing when John called me is I said, did you call any other Trustee? Oh, yeah.

Mike Serpe:

They love this.

Jeff Lauer:

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Maybe we should say no comment.

Mike Serpe:

That probably would be the best thing we can do.

Alex Tiahnybok:

I want to restate I'm a fan of the RecPlex and I hope to be an equal fan of the IcePlex. Jeff made some good points. We did vote for the budget. I think in a fashion that's probably unusual for Pleasant Prairie we voted for alcohol sales. Again, things unsaid whether intentionally or not, unprinted whether intentionally or not, but in my conversation with the reporter from the *Kenosha News* I had indicated that it's the Village Board's responsibility to enable the RecPlex and the IcePlex to have revenue programs that can balance those books and have both enterprises, whether you want to consider them separately or not, be in the black. I said those things. Those didn't get printed. Of course, the down side gets printed. So I agree you've got to be careful what you say.

But, with that said, and sort of bouncing off what Jeff said, I am offended by this notion, it comes from you, Mike, and it comes from you, Mike, all the time about Jeff and I running to the paper to get our voice heard. Your picture was on the front cover of the paper today. Did they come to you or did you come to them? I'm annoyed by that and that's got to stop. If you really want a kinder and gentler environment you've got to stop the, oh, you guys keep running to the paper. Well, you know what, how did you get your name in the paper. Your picture was in the paper. Your comments were in the paper. You said hogwash. I mean, what, they're all hounding you down and we're all running to them, right?

Mike Serpe:

Tell us how it got in the paper.

Alex Tiahnybok:

Well, you tell me how your hogwash got in the paper. Did they call you?

Mike Serpe:

I never said hogwash. I don't know how it got in the paper. I never said that.

Alex Tiahnybok:

Okay, now the paper is lying. Whatever.

John Steinbrink:

The bottom line is this facility, these facilities have done more for this community than anything

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else here. When you look at the youth, the adults, the people that frequent them, the kind of crap we read in the paper today does no good.

Alex Tiahnybok:

I agree.

John Steinbrink:

To this community, to the facility, to any of us.

Alex Tiahnybok:

And I stated it in my response to—

John Steinbrink:

And it all starts—

Alex Tiahnybok:

Sorry.

John Steinbrink:

--when somebody has concerns. Did you go to Mr. Pollocoff with those concerns first? He's the Village Administrator. Or, are you just going to air it in the news? That's what happens all the time and that's unfortunate.

Mike Pollocoff:

I'll tell you, they called me in and said that you had called him and said you were concerned about--because they weren't at the budget hearing. You know that. I know that. We all know that because they weren't here.

John Steinbrink:

The bottom line is the facilities are operating far ahead of what the pro formas projected them to be.

Mike Pollocoff:

I agree that public policy is reviewed in the paper but you don't make it in the paper. I mean you make it sitting up here arguing.

John Steinbrink:

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I'm going to steer the comments back to Item E now.

Jeff Lauer:

Just one quick question. You're telling me that John said Alex and I called him about the IcePlex and RecPlex.

Mike Pollocoff:

He didn't say him but you called. I'm assuming it was him.

Alex Tiahnybok:

Then we need to have a talk with the reporter.

Mike Pollocoff:

And in my discussions with him he was iterating what your concepts were.

Jeff Lauer:

But he said we called him.

John Steinbrink:

He was very clear on that.

Jeff Lauer:

I'll make sure he's here next time.

Mike Serpe:

If what you guys are saying is true then we're playing right into their hands for them to get a headline. Shame on all of us.

Jeff Lauer:

I had my cell phone and incoming calls say it.

John Steinbrink:

We're on Item E right now, consider Ordinance 06-04. We have a motion and a second. Any discussion on this item?

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LAUER MOVED TO ADOPT ORDINANCE NO. 06-04 - ORDINANCE TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO LAKEVIEW RECPLEX RENTAL FEES; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

F. Consider Ordinance No. 06-06 – Ordinance to Amend Chapter 242 of the Municipal Code Relating to Park Fees.

LAUER MOVED TO ADOPT ORDINANCE NO. 06-06 – ORDINANCE TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO PARK FEES; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

G. Consider Ordinance No. 06-05 – Ordinance to Amend Chapter 242 of the Municipal Code Relating to Pleasant Prairie IcePlex Rental Fees.

KUMORKIEWICZ MOVED TO ADOPT ORDINANCE NO. 06-05 – ORDINANCE TO AMEND CHAPTER 242 OF THE MUNICIPAL CODE RELATING TO PLEASANT PRAIRIE ICEPLEX RENTAL FEES; SECONDED BY SERPE; MOTION CARRIED 5-0.

H. Consider Resolution No. 06-10 - Resolution Relating to Adoption of the Village Employee Handbook.

Mike Pollocoff:

Mr. President, this is a handbook that's been compiled by Carol and her staff. Over the years we've developed a lot of policies that we've hung together and they haven't been put forth in a document. We have cleaned up some of the policies in here, particular sexual harassment and some of the other things we needed on equal employment opportunity. This is something that our external auditor has been requesting we get completed, having a formalized document, be able to provide it to all the employees and have them sign off on it and issue it to new employees as they come on. And we do hire a lot of new employees, especially at RecPlex, where there are program employees, their program is done and they're gone, and we get another new program and we come in with a new employee or a part time employee. So if you have any questions Carol and I would be glad to go over it with you.

Jeff Lauer:

I have a couple, at least two items I highlighted. Page 4, both on the front and back, second paragraph, last sentence it states, "The only recognized deviations from the stated policies are those authorized and signed by the Village Administrator." The question I have, since the Board has to approve this, shouldn't it be approved by the Village Board?

Carol Willke:

It would start with Mike.

Mike Pollocoff:

As far as deviations of the stated policies that are authorized, I can't think of any--I think the ones I'd be signing off on would be interim residency requirements where someone couldn't make residency. As far as whether or not we're going to have a sexual harassment policy or we're going to have a change in benefits or anything like that, that's really structured by individual agreements that occur. But in the ordinance I'm the one that's charged with administering personnel policies for the Village, so unless you want to change that ordinance that's really where it rests.

Carol Willke:

And any policy that we would change that would go into the book would have to be approved.

Jeff Lauer:

Okay, that is an ordinance, okay. I was just a little concerned about that. We have to approve it or someone else could make changes without us knowing it. The other item I have is on page 10. Since I work in this area very closely it's kind of a concern for me. Under the technology use policy, under the item where it says additional guidelines are as follows. If you go down to third sentence where it starts, "All passwords must be registered with the IT Director." That is a huge security issue not only for the employee but for the IT Director, because I work with this, and we are not even allowed to know anybody's password. The only time we integrate with passwords is if someone forgot their passwords or enter it in too many times and then we just make up a generic one. They use that generic one. As soon as it pops up they have to change it right now. It's a security issue. I don't understand at all why employees have to know--why an employee has to give their password to somebody. It's a security on their hand for one hand, and I'm not saying the IT Director would do this, but this is how our company and how they do it in the IT world. The liability could then fall upon the IT Director. Because that means somebody could sign in Jeff Lauer, that's my password, and start doing stuff, and who's going to get blamed if some sort of changes are done? It's going to be Jeff Lauer because that's who logged in with their password.

So I think if it's a policy issue maybe we have to address it different, but I would not recommend that employees give their passwords out. Because as an IT person myself, the supervisor and the director, that person has capabilities of getting into anything they want, and then there's a paper trail, an audit trail, because when you log in, hopefully the Village works this way, you log in and it shows who is logging in, what time, what files are they accessing, that way it's a security thing. So this is more or less of a protection and concern for me because we've got to make sure employees are protected as well as any IT personnel.

Mike Pollocoff:

This is a provision that was worked up by our IT Director in consultation with our attorney. And it was their feeling, in part, based on the public nature of what we do different than a private company that the IT Director have control over that. You're right, we do have a report that she can pull off to know when anything has been logged onto the network or onto the system, but in order to guarantee that open records, public records are preserved, unlike what you'd see or

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counterintuitive of what you'd see in the private business world where you're maintaining security, she needs to be able to, as the IT Director, and for compliance with open records, be able to have everybody's passwords and have access to it. That's my understanding of it. She had a death in her family and she is not able to be here, but that was specific from her request and from Quarrels.

Jeff Lauer:

It's just a concern I have. Again, if she needs to get to records they do what I do. You have an administrator account, you log in, you have access to the whole world and then some. But it's a good security thing because then you say, okay, who has access to the admin, probably just two or three people. Where if somebody has my log in name and password, that's a whole different ball game.

Mike Serpe:

I can't believe this. I agree with him.

John Steinbrink:

Time to adjourn.

Mike Serpe:

I think it is an issue. I guess if you trust your top employees that have this capability that's one thing, but you just--I think there's always that chance where you just don't know. I don't know if something better can be devised here that these passwords aren't in one person's access I would

feel better as well. Unless Ruth can give us a good reason why, which I'm willing to listen to and maybe next time she can come in.

Jeff Lauer:

And, again, so everybody knows it's nothing against Ruth, it's just that I've done this for 16 years.

John Steinbrink:

You want to move on the whole handbook except for this provision?

Mike Pollocoff:

We can move on with it and we'll bring it back to make a decision on that specific item if you want.

John Steinbrink:

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Is there a rush on this?

Mike Pollocoff:

Well, we'd like to have it adopted.

John Steinbrink:

It's important to have it adopted.

Mike Pollocoff:

We'll bring it back for the next Board meeting and she'll be here.

Steve Kumorkiewicz:

So you want to table?

Alex Tiahnybok:

I just want to comment that Jeff's point, at least in the private enterprises, it's very common that there's sort of a global administrator access, and then anytime you have a system where there's a trail of activities it's noted if it's the administrator accessing it or if it's the person with the password accessing a particular account. I think it's very customary. Again, I have to defer to others as to whether or not that's done in government or not, but I think it's the right move also. So we motion?

Mike Pollocoff:

You can move to strike it.

Mike Serpe:

Unless you want to just--you can approve it subject to explanation by Ruth or if she wants to change it.

Jane Romanowski:

Are you planning on handing these out or holding them then?

Mike Pollocoff:

We were going to hand them out and get them going.

Jane Romanowski:

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Are you going to make the change now or just leave it?

Mike Pollocoff:

There's going to be amendments to this over time so we would just send out an amendment and language on that if you chose to do it. Or, we can amend it now and then amend it later on and re-insert it.

Mike Serpe:

Then strike the sentence I would think.

Steve Kumorkiewicz:

Can you amend it right now and get it done with?

Alex Tiahnybok:

If you strike the sentence it still has the same meaning as the Village Administrator can still have global access. It doesn't prohibit that. So maybe just strike the sentence.

John Steinbrink:

Are there any other changes?

Jeff Lauer:

No, that's the only one I saw as I read through this. The only issue is if we strike it, which obviously I'm in favor of that, I guess this is a second question if it's included in the motion is this a policy change where employees should be notified to change their password because of a change in the handbook, or does she still have access, they just use their password and IT--again, I'm not saying this bad about Ruth. It's a protection for her as well, because if something ever happened, not that it would, but if it did I've seen it in the IT world where the employees blame the IT people. They say they've got my password.

Mike Serpe:

You can change your password to anything you want, can't you? Actually you're encouraged to do that. Some companies require you to change passwords monthly.

Jeff Lauer:

I would move to remove the words "all passwords must be registered with the IT Director."

Alex Tiahnybok:

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I second.

LAUER MOVED TO ADOPT Resolution No. 06-10 - Resolution Relating to Adoption of the Village Employee Handbook WITH THE PROVISION THAT THE WORDS “ALL PASSWORDS MUST BE REGISTERED WITH THE IT DIRECTOR BE REMOVED; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

I. Consider Tabled Bartender License Application of John Gotti.

Mike Serpe:

At the request of me at the last hearing, at the last meeting when we denied his, it was on his record--we tabled it I mean. We were going to do some checking and got the proper--

Jane Romanowski:

Actually Mr. Gotti brought in the paperwork himself.

Mike Serpe:

From his lawyer and everything else, and I'm satisfied that the record is okay and I'd move approval of his license.

Steve Kumorkiewicz:

Second.

SERPE MOVED TO APPROVE THE BARTENDER LICENSE OF JON GOTTI; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

J. Consent Agenda

- (1) Approve Letter of Credit Reduction for Stanich 47th Avenue.
- (2) Approve Letter of Credit Reduction for Creekside Crossing.
- (3) Approve Letter of Credit Reduction for Village Green Heights.
- (4) Approve Staff Recommendation for Bartender License Applications on file.

LAUER MOVED TO APPROVE CONSENT AGENDA ITEMS 1-4 AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

9. ADJOURNMENT.

LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 10:40 P.M.