

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

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, March 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 Vesna Savic, Deputy Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - FEBRUARY 6, 2006 AND FEBRUARY 9, 2006 JOINT MEETING WITH PLAN COMMISSION.**

SERPE MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 6, 2006 VILLAGE BOARD MEETING KAND THE FEBRUARY 9, 2006 JOINT MEETING WITH THE PLAN COMMISSION AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

5. CITIZEN COMMENTS

John Steinbrink:

Was there a sign up sheet?

Vesna Savic:

Yes, we did. Diane Schoen.

John Steinbrink:

I'm sorry, sir. We have a sign up sheet.

Ron Sierra:

I signed up first on it. I assume its first come, first serve?

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Vesna Savic:

He's first on the public hearing.

John Steinbrink:

You're first on the public hearing if that's what you wish to speak on. You signed up for the public hearing?

Ron Sierra:

There was more than one sheet here?

John Steinbrink:

Yes, there was. So we will recognize you yet at citizens' comments.

Mike Pollocoff:

Mr. President, I think Mr. Sierra's issue is not with the--if he wants to speak at the public hearing of course that's fine, but he also has a matter on the agenda for--

Ron Sierra:

Are there two meetings here tonight?

John Steinbrink:

I presume he wishes to speak under citizens' comments, but we have people signed up ahead of him so we're going to take that order of people and then let you speak after those folks.

Ron Sierra:

I've been here since 5:30.

John Steinbrink:

I understand that, sir, but people did sign the right sheet.

Diane Schoen:

Diane Schoen, 6320 109th Street. I want to let you know I'm quite upset about the \$4.20 monthly fee charged to me for the Clean Water Utility while others are paying less than \$1. I knew some kind of fee was coming, but I expected it to be minimal, and looking back at your minutes I think most Board members did also. The Federal Clean Water Act was enacted in 1997 with recent emphasis on enforcing some of these laws. What have you been doing for eight years? Why suddenly is this costing so much money? I have just under two acres of land, and my lot size is

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average for my older, established neighborhood.

Once again, I feel you are unfairly penalizing the long-term residents who bought land when it was cheap and now are being asked to fix the problems caused by denser development. Landowners already pay a premium in taxes due to soaring land values, and land does not require any services from Pleasant Prairie. Many of us have just enough land to cost us dearly in taxes, but not enough to divide and make the millions by selling to developers.

I believe you are using backwards math by charging more to a person with extra land for water runoff associated with the impervious area. The same size footprint of a single family home on two acres will generate less water runoff than that home on one-third acre. The ratio of the impervious to the pervious is much less and water is more likely to be absorbed and filtered through the ground and is less likely to end up in storm sewers or waterways.

I am an environmentalist and I care very much about clean air and water. I do not use any pesticides, herbicides or chemical fertilizers in my yard and garden. I even clean out accumulated leaves from the catch basin outlet to the ditch in front of my home. Some of my neighbors routinely trash their ditches with brush and other yard debris. One even built an illegal retaining wall in their ditch. Both of these practices are against the ordinances but nothing has been done over the last several years to obtain compliance. It is illegal to make money on a fee charged to residents. The excess fee charged to me and other residents with larger lots is illegal unless you have some way of proving that we contribute more than any other single family home to water runoff problems. My contention is we actually contribute less.

I have contacted all the Board members that publish their e-mail addresses, spoke to Dave Goss at the utility department and looked at your website. I have not read or heard any reasonable explanation of the sudden need for these costs other than maintenance neglect, nor have I heard the rationalization for the means of calculating it. I know you will probably not review the expenses and look for ways to cut costs, like maybe asking residents to clear debris from their own ditches similar to what people in the City do for fire hydrants. I do ask that you give some kind of explanation of the calculation rationale and a review of these excessive and very unfairly distributed fees. Thank you for looking into this for me.

Wayne Koessler:

Good evening, Mr. President and Trustees. I'm here to speak on behalf of Resolution 06-13 regarding the bonding you're going to endorse hopefully tonight. I would encourage you to approve that issue. There's only one chance you get to do things like this that have a far reaching impact on the community and I would request you to endorse it. Thank you.

John Steinbrink:

Thank you.

Howard Cooley:

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I'm here to make a confession. About 25 years ago I was a founder of the Kenosha Area Development Commission. I still have the brass clock they gave me on my mantelpiece. And as I was just saying to Jerry I remember our group going out by the power plant and him saying they're going to build a big industrial park here. And what I'm confessing is that I said, Jerry, you're not going to get anybody to build out here on this farmland. You got no water, you got no sewage, you got no access roads. We'll support you but it looks hopeless, so I'm confessing to being really wrong about that. I have to say that this Abbott thing, like the rest of that park, can be compared to an iceberg. Right now you look and you see this beautiful white peak, but those who know icebergs know that three quarters of it is under water and you don't see it, and I want to thank this group and some of your predecessors as well as our hero, Jerry Franke.

I was having lunch the other day with Howard Brown and he was telling me how the Brass Works is gone, the foundry is gone, Snap-On is gone, Jockey has dropped their manufacturing and now we lost a line in the engine plant. In 1982 we had the highest unemployment on record. That's why they created the Commission to get some jobs into the area. I told Howard, I said, Howard, the jobs are in Pleasant Prairie. Go out there and take a look. He said, well, it's mostly warehouse jobs at \$10 an hour. I'm suggesting that somebody make a study of what jobs are in Pleasant Prairie and what they pay and the benefits that the people have. Because I think this is an iceberg. It's beautiful to see, but not too many people know what went on under the water and what's out there. Thanks, Jerry Franke, thanks WisPark and thanks to this group and its predecessors. I apologize. Sorry, Jerry.

John Steinbrink:

Anybody else wishing to speak under citizen comments? Mr. Sierra?

Ron Sierra:

I have handouts for each Board member. I was told five handouts would be sufficient for the Board. Is that correct? A week ago I came before the Plan Commission requesting a rezoning of two small wetland areas. They are C-1 zoned areas, and the request is on the agenda tonight for a final vote. I'm looking for you to approve that.

John Steinbrink:

Ron, just to remind you that most of the Board members were in attendance that evening so we have heard the presentation.

Ron Sierra:

And now you have in front of you expert opinion. You have a written letter there on top from the wetland experts that I hired. Their letter alleges compliance with the contract. They say that letter is there in fulfillment of an obligation. You turn the page you see the contract they have with me. The contract was for a full delineation with a report or a letter of no findings. You're looking at a letter of no findings. Then if you go beyond the contract you have a letter dated March 1, 2006, where a soils expert says the soils on my property are non hydric. That's one of the requirements for a wetland. You have three things, wetland vegetation, hydric soils and

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wetland hydrology.

The letter from the soils expert, a federal government official with the United States Department of Agriculture, NRCS, that's the Natural Resources Conservation Service, he says I have neither hydric soil nor wetland hydrology. He doesn't use the term wetland hydrology. The criteria I told you last week was the water table has to be within a foot of the surface for there to be wetland hydrology. He says the worst case scenario is two feet below the surface during the wettest periods. It never gets higher than two feet below the surface. That's federal government data, and that's a federal government official saying the wetland hydrology is not there, the soils are not there. That should prove my point. And included with his letter is the data that he gave me. You have an aerial photograph that maps the soils and a data sheet that gives the data that he addresses in his letter. No hydric soil. I'd like you to approve my rezoning. Thank you.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

--:

I didn't sign up

John Steinbrink:

We're offering everybody the opportunity to speak.

Jim Parks:

I would like to first thank the people--

John Steinbrink:

First we need your name and address for the record.

Jim Parks:

Oh, I'm sorry. Jim Parks, 3199 106th Place, Pleasant Prairie. I want to thank the people of Pleasant Prairie for the opportunity to speak here. They're the ones who give me the right and not this Board. First, I would like to thank Alex and Jeff for the work they have done when women come up here like the previous speaker and talk about \$4 fees a month affecting them. It means the \$40, the \$50 the \$100 you save us a year matters, and people that are really trying to make it, trying to get to maybe where other people have been, where they have acres of land they

can sell for hundreds of thousands of dollars is where we want to be, and that's where we're trying to go. So I appreciate the job you've done, Jeff and Alex, and I am sorry that I have not come to forums like this to say my piece and show my support.

Two quick issues I would like to hit. The first is I see a lot of times when I read the Voice of the People this idea that divisiveness is in the Board and somehow that's a bad thing. Most of the criticism is basically pointed towards Jeff and Alex. And I would like to say to you thank you for being divisive. Your job is not to be yes men for the other three Trustees. Your job is to do what the people who voted you in wanted you to do. That was the point. And I'm very grateful that you guys are not going along with the crowd for everything they want to do. For instance, would you say maybe that 70 or 80 percent of the votes you do go along with the Board on? That seems fair. But the 20 percent that you don't that's somehow a bad thing. You're being divisive because you won't go along with 100 percent of the crowd and I think that's ridiculous. So, again, thank you. That's why I voted you in. If I didn't want you in I would have voted for the incumbents the last time around.

The second issue is the idea of cronyism. Obviously people probably know a new site that came up called keepthepolice.org being someone who cares about the issues that are happening in this Village. I read the report and I read things like Alex and Jeff are cronies to Sheriff Beth. And somehow Jeff is just doing the will of what the Sheriff wants. Cronyism, by the way, means, Jeff, that you must be good friends with Mr. Beth. I'm sure you're great friends with him, right. What about the relationship between Mr. Pollocoff and the other three Trustees? Might that be considered cronyism for the years that you've worked together? Is that possible? Is it possible that perhaps the Superintendent of Streets, John Steinbrink, Jr., might be cronyism. No, that wouldn't be cronyism. That would be nepotism, correct? So instead of throwing rocks at Jeff from glass houses think about what you're saying and try to maybe work with them instead of being so divisive all the time.

The last point I would like to make is that obviously this election coming up is important to the future, the future of everybody in the Village, the future of my son, my daughter-to-be in June. And the way I see it and I know even some of the people that may agree with my views may actually see it that I am wrong, but it seems to me that the election and the future of the country is really based on a war between the young and the old. Because it seems to me that the baby boom generation, which has done hardly anything in the years and years that they have been in control, and I'm not talking about the greatest generation, I'm talking about a majority of the baby boomers and what they've done and the burdens that will be on my son and my daughter when they are born and the consequences of the actions that you make now are on them. They will be paying the Social Security taxes. They will be paying the property taxes. They will be paying your impact fees as they try to enter in this Village. Do you have any concerns about that? Is that at all on your minds? It seems to me not. And I just wanted to have this forum. I'm very grateful to the people of Pleasant Prairie for letting me speak and I wish you all a good night.

John Steinbrink:

Anyone else wishing to speak? Anyone else? Hearing none we will close citizen comments.

6. VILLAGE BOARD COMMENTS

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Mike Serpe:

I heard Howard talk of Jerry Franke and WisPark, and I can't help but think every time we land another company in LakeView Corporate Park or in the Village I think back of the days of Dick Abdo and Joe Andrea coming together and creating a holding bill that allowed WisPark to take place for Pleasant Prairie. That marriage of Lakeview Corporate Park and WisPark and the Village of Pleasant Prairie has created a lot of offspring in the way of beautiful factories, great tax relief and now we're talking of Abbott. All of this is here because of a start that we had with Wisconsin Energy. We can never forget the amount of effort and contribution they made to this Village and for that I will always be grateful.

Alex Tiahnybok:

To Diane Schoen, your comments and concerns about the Clean Water Utility this was brought up two weeks ago at the Board meeting. I had some correspondence with a resident who owns 20 acres of land in Pleasant Prairie with a relatively small house, and she had indicated to me that she was getting a \$28 a month Clean Water Utility charge. At that meeting I shared the information with Mr. Pollocoff and I'm sure he looked into it in the two weeks that passed. I agree with you it's a plan that was maybe misinterpreted by many of us including myself. I didn't realize it would be acreage based and not actually improvements based. I don't see how a single family home on a 20 acre parcel has a greater impact on the community than a single family home on a quarter acre parcel. They both deliver the same amount of runoff.

To Howard Cooley it's always nice to hear somebody recognize that they can make a mistake so I welcome that. The agenda today has several items. It ends with Item 9F. If it's allowable by law I'd like to introduce Item 9G which is an impact fee for dropping microphones. We've got to do something about that. That's all.

Jeff Lauer:

Diane, on what you spoke about tonight, the clean water fee, I've received a good number of calls on the phone and I've even had a couple of residents stop by my house not very happy with the situation on how they're being charged each month. I think what I'd like to do is I think we may have to maybe take another approach on this clean water utility, maybe see what other communities are doing, taking a different route, because I know the residents aren't happy. As was mentioned, it's another fee, and unfortunately some of the fees come from mandates. However, I think we've got to look at ways of saving the citizens money. I don't know, maybe this could be a topic for the next Board meeting or something, but I think we should maybe visit that avenue of how those fees are actually calculated and maybe we can bring them down at the best.

Steve Kumorkiewicz:

Mr. President, I'd like to make a comment. I had an opportunity to talk to a person representing . . . I was very glad to hear from this person that it was a pleasure to deal with Mr. Pollocoff and Jean Werbie. The high level of professionalism that they've got is the best she ever saw. As a resident for 42 years last week I saw this Village grow from a little township to what it is today

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with people that dedicate their life leaving political parties out and just working for the good of this community. And when everybody got a chance to talk today we can thank those guys even before my time that worked in this that made this possible, give the chance to come here. The gentleman talked about the older generation. Well, I'm pretty much right there with Howard Cooley, not too far behind him. But I saw the dedication all these years to make this park, Howard . . . I think everybody in the room sees that. Especially when people come here from out of town we've got a model park . . . 600 mile radius and shopping centers and so on for . . . nothing compares with what we've got here. It's nice to hear somebody talking and you don't have to be sorry for what you say. It was a dream that was fulfilled by people that worked very hard for this and we appreciate it. Thank you.

John Steinbrink:

Thank you, Steve. There's been a lot written about the events this last week and the grant to KABA. Needless to say it was the result of a lot of people who did a lot of work. To name a few here would be Michael Pollocoff, Jean Werbie, KABA, Commerce Department. They put countless hours in to make sure we could provide what was needed to attract world class companies to this Village. I can't tell you how proud I am of the work they did in representing us in southeast Wisconsin in this Venture. It takes the right people doing the right job and it takes the right community to provide the home to what we're going to see in the future. It was a long road to get there. It wasn't overnight and it wasn't easy. As Mr. Cooley said, the tip of the iceberg.

And we know working with Wayne and Jerry what's already happened out in WisPark. And we look at a new area west of the I and what that holds for the community, and it's something we can look forward to and our families can look forward to. Good communities just don't happen. They're the work of a lot of dedicated people, and I believe local government plays a key part of that, and I believe Pleasant Prairie with its departments of police, rescue, fire, community planning play a big part of that.

When you can show folks a recreation facility which is probably the largest publicly operated recreation facility in the nation and you can show you did it with no taxpayer dollars and that you have pride in the infrastructure and you were blessed with the location between Milwaukee and Chicago, and you know development is going to happen here. It can look like some of the development we see around us but it doesn't. It's the kind of development we're proud to have in our community. It's the kind of development that provides a sound tax base to our community. So working with the Village and KABA and the Department of Commerce we were able to bring this project more to fruition.

I've heard a lot of speculation in the papers and on the radio, and I think nothing says it more than when you look at a site called wistechnology.com, this is out of Madison, these are people who think a little deeper than some of the others in the area, and they tell us what we can look forward to, the spinoffs, the other corporations, the kind of jobs we're going to see, the kind of effect it's going to have on our community and the rest of the State. Actually the whole Midwest is going to be affected by this. So I think it's something we can be proud of and hopefully we can prove that we've done the right thing and we've left a legacy for the next generation. If there are any other comments?

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Steve Kumorkiewicz:

One last comment. I think it's very easy to confuse two words, cronies with teamwork. What we've got here is-

John Steinbrink:

We don't even want to go there, Steve. It's shameful rhetoric so we won't even go there, okay?

Steve Kumorkiewicz:

Thank you, that's fine.

7. CORRESPONDENCE

A. Correspondence with Kenosha County regarding the curve on Springbrook Road in the 2400-2600 block.

Mike Pollocoff:

Mr. President, we've been working with Kenosha County at the request of residents on Springbrook Road to minimize the impacts of that curve. They've taken some steps to sign it and they're going to look to stripe it. And they've indicated to us that this coming season they're going to look and see if the edge of that needs to be super elevated, to bank it in order to stop some of the cars that have been careening.

This section of road is one of the oldest roads in the Village of Pleasant Prairie. In fact, back right before the first World War it was a demonstration project for road paving in the State of Wisconsin so it's been there a long time. I know when we've excavated in there to do some repairs for water main and stuff like that there's pavement on pavement on pavement on pavement. So it could be that the geometrics have gotten out of control over the years and that's what the County is going to look at to see whether or not there needs to be some modification in that sign. Short of that in the interim, since we're in winter conditions, the signs would be the first step, and as soon as there's an adequate temperature on the road they'll see if they can stripe it and do whatever. But the real question they're going to evaluate is to see whether or not that road needs to be repitched and looked at.

We have had a number of problems there. The police department is aware of them and they're going to continue to monitor it. There's some kind of fix there and I guess the County will determine at what level that repair is going to come at.

John Steinbrink:

In the paper we've all corresponded with the gentleman there and we understand his problem, but once again it's out of the realm of the Village. He had placed concrete barriers along his property line. Does he assume any liability with actions such as that if somebody is injured or killed if

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they hit those barriers?

Mike Pollocoff:

Right. I'm not sure if I've looked at those and they kind of look like they're straddling the right of way. But we've indicated you leave yourself open to some kind of challenge. Some attorney is going to--if somebody goes off there and is damaged because that's there, they're going to look to challenge that. I'm sure the people that live there are going to say stay on the road and you won't have those problems. But putting obstructions alongside the roadway is generally opening the door to some added liability that most people don't want. That's why we have setbacks. That's why we want to keep improvements 30 feet away from the road in case somebody does happen, and accidents do happen, there's some forgiveness. There's room for a mistake to happen and nobody will be hurt.

John Steinbrink:

I bring that up because I share his concern and we're familiar with the accidents that happen there, but just that he doesn't make his situation any worse with his actions.

Mike Serpe:

That road was reconstructed partly because of a death that occurred on that stretch of road, and the County I believe banked Springbrook Road to accommodate or at least to try to eliminate some of the accidents. My feeling is that the higher the bank the higher the speed. You compare that to the Milwaukee Mile, compare that to Daytona 500, the higher the bank the faster they'll go. I definitely believe we have to look at something that's going to allow more safety to take place there, if it's going to be flashing lights. It's hard to put a squad car there all day long to monitor speed, but I think the flashing lights would be a start. I do think there's got to be some type of protection for some of the residents there. A guardrail would create a ricochet effect I'm afraid. If somebody hit it they'd end up going across the street and who knows where they'd end up. It's a problem. I'm glad those people brought it to our attention. They didn't have to say too much because anybody who lives around here or drives around here sees accidents there all the time. I hope the County can come up with something that's going to be meaningful and safe.

Steve Kumorkiewicz:

One question with the comment from Mike. I don't know if we have the jurisdiction to put flashing lights over there or not? Can we or is that County?

Mike Pollocoff:

It's the County. The County assumes the--they have the responsibility for the road and they have the liability so we have to let them and their engineers deal with it how they see fit. We can suggest things and talk to them about it and they've been receptive to our concerns and they're

working on it, but I don't think they would appreciate us going in and making some modifications to their road. Again, that's their responsibility and liability to maintain.

Alex Tiahnybok:

One option that I've seen for approaching curves at too high of a rate of speed is when you exit Mitchell Airport to get on the on ramp going south. If you approach that curve too quickly I guess it's radar or maybe it's motion sensors or something like that triggers a flashing kind of thing, you're going too fast and slow down. That might be an option that the County might want to look at, too.

8. PUBLIC HEARING

A. Provide the Citizens an Explanation of the Community Development Block Grant for Economic Development Program Application process and the Economic needs of the Village of Pleasant Prairie.

Mike Pollocoff:

Mr. President, before we open up the hearing, this hearing has been noticed in the paper under our citizen involvement requirements as a Class 1 notice in the local paper. We have with us tonight the application for this. This is a culmination of, again, a significant amount of work that's taken place to plan this CDBG program out for the \$12.5 million. It's in part and parcel with the proposed Abbott development. We've been working on it for quite a while. At the outset I'd like to acknowledge the Village's team in this which is Jean Werbie and Bob Martin, our Engineer, and Rocco Vita our Assessor. We've worked on it internally, and our long-time economic development partner, KABA, has been of incredible assistance in this. Todd Battle has been key in helping get this thing along, as has Mark Jaeger at KABA. As we go through this document, KABA is the one that's going to pick the ball up and run with it in this phase of the project so they've been very helpful.

There's another Todd from the Department of Commerce who has been very critical in getting this thing done and helping in put this thing together. We've worked with him on some other projects over the year, and Shelly who is with him from the Department of Commerce has also been of good assistance in this. We've actually had one of these before, and the Kenosha County has had some, KABA has been involved with them. So it's something that as a team we put together that's going to facilitate the Abbott site coming here. The \$12.5 million is for land acquisition that the Village will be receiving the money, the money goes to KABA. KABA is going to be making a purchase of that land, and down the road some of that land is going to go to Abbott, and the other part will be retained by KABA until it's deemed ready to be sold. At that point that money will again affect economic development in the sense it will be used for improvements in the area that the Village won't be required to make because that money is available. Neither will Kenosha County or the other jurisdictions.

So this is the best example of a win/win for everybody. The Village taxpayers don't assume any risk with this. The risk really tends to run with KABA, but for collateral they have one of the best pieces of land along the Interstate between here and Milwaukee, definitely one of the most

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valuable pieces.

So tonight at this hearing is for anybody's comments on our application for this grant. We have the application here. The application involves a series of commitments that the Village makes to administer this grant. Again, many of these things as far as our commitments to comply with federal laws we've already made with previous grants and we'll continue to honor those. If you want to open it up for the hearing we can take comments and get any questions and we'll answer those as they come up.

John Steinbrink:

This being a public hearing, I'll open it up to public comment or question. We ask that you give us your name and address for the record and you use the microphone. We had a sign up sheet I believe.

Jerry Franke:

Good evening. Jerry Franke, 10411 Corporate Drive. I'm actually here as more of a defense mechanism in case there were any questions of the activity that's proposed by this public hearing. In the meantime - two things. First, I'm here as a defender of the baby boomers. I don't know what it is that we did to deserve that earlier tirade, but I'm pretty proud of what we've done, and I think that all of southeastern Wisconsin is a much better place. I'm proud of what my father's generation did and we just built on it.

But most importantly I'm here in my role as Vice Chair of the Kenosha Area Business Alliance, KABA. A few weeks ago at the Board meeting we unanimously passed a resolution creating a development entity that will be in place to work with the Village of Pleasant Prairie, State of Wisconsin and others on this very important activity of helping Abbott move forward. We think this is an exciting and intriguing as well as appropriate area for the Kenosha Area Business Alliance to enter into. So we do stand prepared to work with the Village. We are 100 percent supportive of this activity and we're here to answer any questions you might have. So thank you.

Todd Battle:

Todd Battle, 600 52nd Street, Kenosha. I wanted to echo a lot of the comments that were made here tonight. KABA is very excited to be playing this role along with the Village of Pleasant Prairie and the Wisconsin Department of Commerce. We're excited that we were able to team up and put this project together. We're excited about the caliber of company that Abbott is and the promise that this project holds. It's been a joy to work with both the State and the Village of Pleasant Prairie to put this together. It was a highly sensitive and highly confidential project, and at all times all parties involved were very professional. It's been worked on for quite some time, so we're just kind of taking another step in the right direction this evening hopefully.

The project allows us to gain control over a critical piece of real estate that does have kind of a

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central impact on this, and in addition it does create a mechanism that allows us to pay for needed infrastructure improvements. At the end of the day KABA will sign on as a recipient of the funds and take a forgivable loan on the project. We'll acquire the real estate and are happy to do that as our small part in this project. But we're really excited about it and look forward to having your support on this. Thank you.

John Steinbrink:

Anyone else wishing to speak on this item? Anyone else wishing to speak on this item? Hearing none, I'll close the public hearing and open it up to Board comment or question.

9. NEW BUSINESS

A. Resolution #06-13 - Resolution Authorizing the Filing of an Application for the KABA, LLC Land Acquisition Project.

Alex Tiahnybok:

I wholeheartedly welcome Abbott coming to Pleasant Prairie. As a former Illinois resident, lived in Gurnee for ten years. Obviously Abbott Park being just south of Gurnee was always viewed as a first class corporate citizen in Lake County. And I think their arrival here in Wisconsin and Pleasant Prairie is a fantastic thing. For a number of years growing up in the metro Chicago area as a child driving to the Wisconsin Dells, etc., it was always kind of disconcerting to cross the border and see various establishments that my parents didn't want me to look at. I think with a first class corporate park that WisPark and Lakeview currently is being enhanced by some version of either a division headquarters, etc., of Abbott at the northwest corner of Wisconsin Route 165 and Interstate 94 is a fantastic thing. It looks like everyone did do their homework very well.

I attended the ceremony on Thursday last week and was impressed by the depth of work that was done by the Village and the State and organizations like WisPark and KABA. So I wholeheartedly support this. Unless anybody has anything further to add I'd like to move for adoption.

Mike Serpe:

Second with a comment.

John Steinbrink:

Motion and a second. Further discussion?

Mike Serpe:

Again, I think it's important to identify Mike Pollocoff and Jean Werbie for the work that they have done with KABA, with Abbott and to bring this forward. The economic impact that this is going to have not just on Pleasant Prairie but the entire County and the State of Wisconsin is just unbelievable. I'm very, very proud to be a part of it taking place.

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Steve Kumorkiewicz:

It's phenomenal to see, again, Jerry Franke after all these years still working strong for Pleasant Prairie. Teaming up with KABA and the other organizations I feel very encouraged to see that that continues through the years, over 20 years I believe from the time the power plant was built. We went a long way and Jerry was one of the men . . . where we are today. So thank you to everybody involved in this project. It speaks big words about the area in our Village and the people we have working in this Village, professionalism. Thank you.

Jeff Lauer:

I just also want to say I think this is an exciting time for not only Pleasant Prairie but for the surrounding communities, Kenosha County and everybody. I can only imagine what the site is going to look like when it's finished because we have some exciting news down the road with Prime Outlets. So there you have right off the major highways two wonderful things and then some in Pleasant Prairie. I'm excited about it. I'm excited about the development, about the jobs that it's going to bring to the community. I think we're all going to look forward to getting it going. So I as well support this resolution.

John Steinbrink:

I think the article out of Madison said it best when they said Abbott Labs campus in Kenosha could send ripples through the local biotech. This is all about growth. This is all about new technology. Pleasant Prairie and WisPark have always been known for their well known companies that have chosen to locate here and a lot of them have grown quite a bit while they've been here. I don't think there's a company better known or more respected than Abbott. And if this will be a place for Abbott to grow we wholeheartedly welcome that.

The CDA, the folks that Mike and I worked with on the CDA, the citizens of that, that put in their time and had the vision to make sure that, as I said earlier, this was a location that companies like Abbott would look at and say this is where we want to put down our roots, this is where we want to grow. The Planning Commission of the Village those folks have always been there to make sure that this stays the kind of Village that companies like Abbott want to come to. People want to come here and raise their families. I can tell you that those folks on the Planning Commission nothing gets past them without it being thoroughly researched, and their actions are always in the best interest of the community. Nobody is ever 100 percent happy sometimes, but in the long run it will prove to be beneficial.

So I just want to say welcome and I want to thank the State for their part in this and KABA, because it took everybody working together. As I said on Thursday, when some of the loudest voices we hear are the ones trying to take away from local control trying to stomp out biotechnology in the State, this is how we're going to bring the good jobs. This is how we're going to keep the youth of our State that have gotten the degrees and want to stay home and want to raise a family here and want to locate here. This is what it's going to take. So we're laying the groundwork for that, and I think we're going to see it in the future. So sometimes people disagree with what we do. I apologize for that, but I don't apologize for what we do because we

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think we do it right, and I think we can show we've done it right. If there are no further comments we have a motion and a second on the floor.

**TIAHNYBOK MOVED TO ADOPT RESOLUTION #06-13 - RESOLUTION
AUTHORIZING THE FILING OF AN APPLICATION FOR THE KABA, LLC LAND
ACQUISITION PROJECT; SECONDED BY SERPE; MOTION CARRIED 5-0.**

- B. Receive Plan Commission Recommendation and Consider Ord #06-11 for a Zoning Map Amendment for the request of Carlos R. Sierra, owner of the vacant property generally located on the west side of Lakeshore Drive in the 9900 block to rezone the wetlands on his property from C-1, Lowland Resource Conservancy District to R-5, Urban Single Family Residential District as a result of a challenge to a 1998 wetland delineation.**

Jean Werbie:

Mr. President and members of the Board, the petitioner is requesting a zoning map amendment to rezone the wetlands on his property which is generally located on the west side of Lakeshore Drive in the 9900 block. The property is known at Lot 15 of Block 34 in the Carol Beach Estates Subdivision Unit #4. It's identified as Tax Parcel Number 93-4-123-203-0200. He's proposing to rezone two pocket wetlands from the C-1, Lowland Resource Conservancy District, to the R-5, Urban Single Family Residential District. This is as a result of a challenge that he has made to a 1998 Wetland delineation. The LUSA, Limited Use Service Area overlay district on the property would remain.

As you can see on the map, there were two small pocket wetlands that were delineated by SEWRPC back in 1998. It is the Wisconsin DNR's policy that wetland stakings are valid for five years, and after that five year time period we need to have a redelineation done by a qualified or certified biologist who is recognized in the State of Wisconsin as being someone who has taken the appropriate course work and has passed a certification program set forth by the DNR and SEWRPC.

There has been a great deal of discussion that has taken place at the Plan Commission meeting and a great number of e-mails and information that was presented as part of the public hearing record back at the Plan Commission. Additionally, some new information was presented to you this evening during citizens' comments. I did not have an opportunity to take a look at that information, but we did get some additional information since Thursday of last week from Don Reed who is the principle biologist, senior biologist, at the Southeast Wisconsin Regional Planning Commission, along with some information from the NRCS individual who had sent that original letter to Mr. Sierra on March 1, 2006.

The e-mail that I received was from Don Reed. he indicates Jerry Hebard at NRCS this morning. He emphasized that he simply was reiterating what was shown on the soils survey map. He also stated that he told Mr. Sierra that soil samples should be taken to verify those conditions exist on the property. When told of our findings Jerry stated that perhaps the mapping for some of the swale areas is incorrect. I noted that we should send him the data for the subject site, the property

to the north, and identify some other areas where soil mapping is a bit off. He's going to have one of his soil scientists spend some time checking and remapping the Carol Beach/Chiwaukee Prairie soils. He indicated that he is going to be responding to Mr. Sierra next week.

At the Plan Commission meeting I went through a great deal of background information regarding the Chiwaukee Prairie, and I believe all the Board members were here and heard that presentation. If you'd like to read through some of the information, basically what the narrative is talking about is the significance of the Chiwaukee Prairie. It's a 400 acre stand and it extends from the Kenosha Dunes on the north end to the Chiwaukee Prairie south of 116th on the south end. The Prairie was formed over 13,000 years ago when Lake Michigan receded and the prairie plants followed that edge. As a former lake bed the prairie stands on beach sand covered with about 10 inches of top soil.

It goes on to talk about the significance. The concept changed for some lands that were originally going to be developed on the north end by Wisconsin Electric Power Company. They had made some determinations with some nature conservancy groups that that warranted protection as well. Over the years from the 1920s through the present the area of Chiwaukee Prairie had been an area that had been platted out over the years to be developed as various subdivisions. But what had happened after its original platting in the 1920s was the stock market crash and a lot of changes that had occurred with respect to slowing down some housing growth in the Town of Pleasant Prairie.

So a lot of the area sat without any development for a number of years down in Chiwaukee Prairie/ Carol Beach. And it was not until some significant efforts in the '60s, '70s and then in the mid '80s where there started to become quite a clash between environmental groups wanting to preserve the prairie and property owners' rights and being able to develop their land. As a result a very significant result was undertaken, and a great deal of work was done by various environmental groups down in the Chiwaukee Prairie area.

The plan, which was adopted by Kenosha County and SEWRPC and the Town back in the late '80s was known as the Land Use Management Plan for the Chiwaukee Prairie/Carol Beach Area of the Town of Pleasant Prairie. That was adopted back in 1985. The purpose of that plan was to set forth land use objectives for Chiwaukee Prairie, to identify those areas which would be warranting preservation, those areas that could be developed under certain circumstances and with certain limited urban infrastructure. As a result, what has happened is some of Chiwaukee Prairie and Carol Beach has been developed and some of it has been preserved.

As part of the plan, there were two major areas that were identified as acquisition areas for preservation purposes. The area south of 116th Street was identified by The Nature Conservancy of Wisconsin in their acquisition efforts, and they've worked with UW-Parkside and a number of other groups to acquire lands south of 116th Street. And the areas north of 116th Street extending north towards Carol Beach towards . . . actually the Wisconsin Department of Natural Resources had identified an acquisition area, that they had set forth a pretty extensive plan. For over the last almost 20 years they have been acquiring lots through purchases made by willing sellers/willing buyers based on fair market value. Typically what they have been acquiring are lands that have been identified with wetlands or some type of significant natural or scientific areas or those that

had threatened or endangers species, and so they would go through the process of contacting property owners and identifying lots for acquisition, getting the lots appraised, and then working with the property owners to acquire the lands.

The property in question that is owned by Mr. Sierra now is a property that the previous landowners back in 1998, the Kempiners, had it delineated, and it had been identified for them that there were two pocket wetlands that were shown on the property. What was presented to them was that the two pocket wetlands could not be filled or developed, but if they could place a single family home on this particular property that met the setbacks from the side, the rear, as well as wetland setbacks, they would be able to build something on this property. I'm not sure why they did not build on this property, but the land was sold to Mr. Sierra. The situation over the years is that Mr. Sierra was aware of the wetlands on the property when he first purchased the land. It had been presented to him. It was identified to him.

The situation in Pleasant Prairie is that in order to build on a property closer to a setback line than what is allowed for in the ordinance would require a dimensional variance. And so one of the options that Mr. Sierra has, if he would like to build the home of his choice on this particular lot, would be to apply for a dimensional variance to the Village Zoning Board of Appeals. The question of whether or not that variance would be granted is up in the air until he actually makes that application. What I can tell you is that typically zoning variances are granted due to an unnecessary hardship and practical difficulty, and if a home of reasonable size and design can be placed on this particular lot, then it's likely that a variance would not be granted. I'm not sure if that's the petitioner's intent or request to apply for that variance, but that is for a different body for a different time.

The question that you have before you this evening is whether or not this Board has sufficient information and evidence as to rezone this property from the C-1, Lowland Resource Conservancy District. This property also happens to be within the shoreland jurisdiction of Lake Michigan. So the State Statutes and Administrative Code are very clear that as a municipality if it's in a shoreland and it's a wetland then it's bound to be put into that C-1. So unless there has been sufficient evidence presented to you that it is no longer a wetland, such as a redelineation or a letter of no significant findings of a wetland, then it would be very difficult for this Board to grant any type of approval to change the zoning from this property.

As you can see in the previous correspondence, there has been numerous correspondence letters between the DNR, the Army Corps of Engineers, Don Reed. Three different wetland biologists had contacted Don Reed and then he had passed that information on to me as well that they were concerned about the property. But the bottom line from just about everyone who's looked at this property is that we are not under normal conditions at this point, and the best time to afford a wetland delineation is in the spring after the thaw, after it stops snowing, and after the vegetation that had been previously cut and burned on the property has grown back, and then a determination should be made at that point.

Right before the Plan Commission meeting and this week again as of today, Don Reed again has sent some soil information and soil identification information for the lands to the north that were delineated by SEWRPC as well as this land when it was done by the Kempiners when it was requested by the Kempiners property. The Wisconsin DNR and SEWRPC, the Army Corps of

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Engineers and the other individuals that I have spoken to are not in support of the requested rezoning. The Village Plan Commission and the staff recommend that this requested rezoning be denied at this time. If at such time that sufficient evidence by a qualified, certified biologist has been brought forth for a determination to be made, then I think that the matter could be taken up again at that time. But until we have that information and in absence of that information, it would be difficult for the staff to make any different recommendation to you.

The biologist that we did talk to with SEWRPC and others had indicated that they'd be willing to come out as a group in the spring to take a look at the property and to evaluate the soils again and the plant life and to see if anything has changed. But that has been the standard operating procedure as how we've handled things for the last many years that we've been doing this, and this is the procedure that SEWRPC and the DNR have endorsed.

Mike Serpe:

When we discussed this at the Plan Commission meeting last week, I think it was determined the best that I recall that a house could be built on this parcel as it stands right now with the supposed wetlands as they were identified a number of years ago. As best I understood from Mr. Sierra he wanted to put a larger house on this parcel but was claiming that there are no more wetlands so, therefore, he should be able to go ahead with this project and we should approve the rezoning.

It just keeps on coming back to me that if Mr. Sierra is so certain that there are no more wetlands on this parcel then go through the process, have it delineated and come back to us. And if what he's saying is true I don't think the Plan Commission or this Board would have a problem rezoning that parcel. But short of that there's no way that I'm going to put my stamp of approval on something that's an unknown especially when it comes to the wetlands. The documents that he showed us tonight I don't know if he's showing this to us tonight indicating that everything is fine and that there's no wetlands, it doesn't say that. What it says is that, and I'll read the highlighted area, "Therefore because of the above issues we are unable to render a professional opinion whether the property contains wetlands. This report fulfills our obligation to provide you documentation of our field visit and terminates our involvement with this site." And that was stated because of all the issues that Jean just mentioned in her report about the cutting of the wetlands, the burning of the property. I can't see this Board reversing the Plan Commission's recommendation for denial, and I would so move that we deny the application.

Steve Kumorkiewicz:

I second that.

John Steinbrink:

So a motion to concur with Planning Commission and a second. Further discussion?

Jeff Lauer:

Jean, I just have a few questions or comments. According to what Mr. Sierra handed out he said he had it delineated from the Natural Resources Conservatory Service from Gerald Hebard, H-E-

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B-A-R-D. What he says it's not a hydric soil and that there is no flooding there. I guess the questions come up at the Planning Commission tonight to have a qualified company to do it. I'm assuming is the NRCS who he had done is not qualified?

Jean Werbie:

I'm sorry, I just got the information.

Jeff Lauer:

According to the letter from Mr. Sierra from NRCS who went out there and did the study according to the letter, I guess my question is what do we, as a Village, consider qualified and not qualified company to do something like this type of work?

Jean Werbie:

Let me first as a question. The Natural Resource Conservation Service letter is that dated March 1, 2006?

Jeff Lauer:

Yeah.

Jean Werbie:

That was an opinion that was made by Gerald Hebard from the District Conservationists. Don Reed contacted Jerry once he received this information, and that was the response that I wrote into the record when we first started, that he emphasized that all he was reiterating was what was shown on a soil survey map. Soil survey maps can be wrong. Soil survey maps are not necessarily the end all. You need to go out there to do detailed soil survey samples and you need to go out there with qualified biologists in order to make those determinations. I don't know what Gerald Hebard's qualifications are as a certified biologist. I'm not sure if he is one or not, but just based on this e-mail that I received from Don Reed, again, what I'd be happy to do is coordinate a meeting of all these folks to come down at the same time in the spring and look at the property at the same time to verify whether or not through soils, through plant life, through hydrology, through all the different mechanisms they use to determine wetlands to determine whether or not these pocket wetlands still exist or they don't.

Just receiving a simple letter from someone, I guess without having any other qualified biologists or certified biologists taking a look at that raises some doubt in my mind whether or not the accuracy just because he may not have seen the site.

Jeff Lauer:

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And I think I heard this last at the Planning Commission, but can a house be built there but the size of the house is what's in question at this time?

Jean Werbie:

Yes.

Jeff Lauer:

So if Mr. Sierra worked it out with you then that's where we see that, yes, this house is buildable or this one isn't, is that correct?

Jean Werbie:

We would sit down and take a look at the plat of survey that he's prepared and the 25 foot setback to the existing pocket wetlands that we're aware of today to determine what his building envelope is. If those wetlands don't exist or if one of them doesn't exist after a wetland delineation, then he's going to have a much bigger building pad for someone to build a larger home. So we need to verify exactly if those wetlands truly do exist or they don't exist before we can measure any setbacks, before we can issue any building permits because I don't know where to measure the setback to and from at this point.

Jeff Lauer:

So my understanding is obviously when in doubt there wouldn't be any permits issued anyways.

Jean Werbie:

I wouldn't know how to verify whether or not the information was accurate until I got some accurate information provided to me.

Jeff Lauer:

Okay, thanks.

Alex Tiahnybok:

Jean, I feel for you. As a matter of protocol I sure hope that we learn from this experience that accepting information just before a Board meeting in which we're supposed to make a decision on a matter really doesn't give one a chance to review it, check to see if the data provided is real, etc. For future protocol I would say if something is not an emergency we should always table something before taking action on something especially when there's information to review.

I happen to be the President of the Carol Beach Property Owners Association, and as a result of

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that I'm very intimately familiar with that area, and from a property rights perspective I'm motivated to help people extract maximum value out of their property. Simultaneously Carol Beach abuts a lot of very valuable preserve land, and I also support the activities of organizations like Chiwaukee Prairie.

I guess my biggest question at this point, and a lot of the questions I was going to ask have been covered, this sounds like in its current form with our current understanding of the wetlands it is a buildable lot. So if it is a buildable lot, from my experience as a vacant lot buyer in the past, if he wants to enhance the building envelope, you go for the, there's a term used and I'm missing it right now, but it's dimensional--

Jean Werbie:

Variance.

Alex Tiahnybok:

--variances rather than trying to change the rules overall. I was at the Plan Commission meeting and it seemed evident to me that the very experienced members of that Commission had a very strong opinion against this. With my comparable lack of knowledge in this specific area, although I absolutely want to help somebody get the maximum property value for vacant land, simultaneously I'm not motivated to overturn the strong recommendations from the Plan Commission and the staff.

Steve Kumorkiewicz:

My question is, is Mr. Sierra biologist?

Jean Werbie:

Are you asking me or are you asking--

Steve Kumorkiewicz:

Yes, I'm asking you.

Jean Werbie:

I'm not aware of him being a certified biologist. You'd need to direct that to him.

Steve Kumorkiewicz:

Mr. Sierra, can you please approach the podium?

John Steinbrink:

I'm not going to open this up to a back and forth. He doesn't have those credentials, no.

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Steve Kumorkiewicz:

Okay, he doesn't. Then it's very simple. He can go to the Board of Appeals and ask for a dimensional variance for the property, because today the property is buildable. So I don't see what can we do beside that. We don't have a choice but to deny the request at this time.

Mike Pollocoff:

Mr. President, there's two things going on here. One is Mr. Sierra could go to the Board of Appeals and get a dimensional variance to put a difference house on there. The other thing that Jean, and I think that when you look through the e-mails that have been going at great pains to describe is there's in the Carol Beach/Chiwaukee Prairie area there's a process to go through to determine wetlands and whether or not those wetlands exist or not. And if the wetlands are not fixed, they tend to migrate, they shrink, they do a lot of things. And Mr. Sierra wants to maximize the buildability of this lot. We, and when I say we it's the Village of Pleasant Prairie, has approved buildings on lots where the wetlands weren't what anybody thought. The original mapping when compared against a field survey done by a qualified biologist that's familiar with that area, if they've shown the wetlands aren't sufficient to stop a house being built, the Village has granted that ability to have that happen.

But it needs to go through a process where the lot is identified during the season when there's life on that lot and when it's not in a drought. It's a little more burdensome and it's a little cumbersome, but that's the nature of the area down there. And mowing the lot down or burning the wetlands or whatever doesn't eliminate the wetlands. That doesn't mean they're gone. There's still a process to go through. I think the choice of Mr. Sierra is to use the lot as it is now and work with dimensional variances if he thinks he can get a variance for that, or work without the dimensional variances. Or, wait out the process and let it be staked in a meaningful way by people who can do that and then come back in with whatever those results are and go from there. I don't think what the Village has done in this area is that the whole lot is not zoned C-2. It's just those areas there.

So there's a process to move through here but it's got to be moved through. It can't be circumvented by trying to destroy the wetlands or hide the wetlands that are on the site. It's got to be evaluated. We've done it before on other cases, and if it ends up being the case, I'm sure based on precedence the Board would grant him the rezoning and he'd be able to build whatever it is he wants to build on that lot. My recommendation would be to support the Plan Commission.

John Steinbrink:

Jean, I do believe we have a motion on the floor for denial which would be concurrence with the Planning Commission at this point.

Jean Werbie:

I just want to clarify that the Board of Appeals will likely require the wetlands be delineated

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before they can decide if they can grant a dimensional variance and for how much.

John Steinbrink:

That is the process, yes.

Jean Werbie:

Right. So whether it comes back before this Board or goes to the Board of Appeals, we still need to know because the DNR Administrative Code says you need to have them redelineated every five years, and if they're not there, then the maps will be changed. If they have grown the maps will be changed.

John Steinbrink:

We have a motion and a second. Any further discussion? Haring none, those in favor? And once again the motion is for denial which is in concurrence with the Planning Commission recommendation.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND DENY THE ADOPTION OF ORD #06-11 FOR A ZONING MAP AMENDMENT FOR THE REQUEST OF CARLOS R. SIERRA, OWNER OF THE VACANT PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF LAKESHORE DRIVE IN THE 9900 BLOCK TO REZONE THE WETLANDS ON HIS PROPERTY FROM C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT TO R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT AS A RESULT OF A CHALLENGE TO A 1998 WETLAND DELINEATION; SECONDED BY KUMORKIEWICZ; MOTION TO DENY CARRIED 5-0.

- C. Receive Plan Commission Recommendation and Consider Ord #06-12 for a Zoning Map Amendment for the request of Mark Eberle, P.E. of Nielsen Madsen and Barber, agent for Dianna Holland owner of the properties located south of 110th Street at 40th Avenue to rezone the property from R-1 Rural Single Family Residential District to R-3, Urban Single Family Residential and to rezone Outlot 1 to PR-1, Park and Recreational District for the Woodfield Estates Subdivision.**

Jean Werbie:

Mr. President, Ordinance #06-12 is for a zoning map amendment for the request of Mark Eberle at Nielsen Madsen and Barber. He is requesting the rezoning of the property located south of 110th Street at approximately 40th Avenue. This is just to the south and to the east of the Mission Hills Subdivision west of 39th Avenue.

Specifically they are requesting to construct at some point seven single family lots and one outlot for storm water management facilities. As such, the petitioner is requesting to rezone the property to place it into the R-3, Urban Single Family Residential District. The outlot 1 will be placed in the PR-1, Park and Recreational District. This is for the Woodfield Estates Subdivision.

A small portion, approximately 33 feet by 66 feet that extends off to the south/southwest, identified as Tax Parcel Number 92-4-122-264-0221, is proposed to be transferred to the adjacent property owner which lives immediately to the west at 11109 42nd Avenue. This is lot 30 of the Mission Hills Addition #1 Subdivision. And this is prior to recording the final plat for this subdivision.

As you can see in the very northeast corner of this proposed subdivision, there is a small retention pond that will handle the storm water management from the seven lots that would be created by plat, and that would be adjacent to 110th and 39th Avenue.

With that, this is a pretty small subdivision development. It's only approximately 5.5 acres. They're proposing to create seven single family lots. The projected population from this development would be approximately 19 persons or three public school age children. The site access would be off of 110th Street south into 40th Avenue. There would be no direct access from this subdivision development to 39th Avenue.

So with that, again, the current property is zoned R-1, Rural Single Family Residential District, and they are proposing to put it into the R-3, Urban Single Family along with the outlot into the PR-1. The staff and the Plan Commission recommend approval of Ordinance #06-12 for the zoning map amendment for the property.

LAUER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD #06-12 FOR A ZONING MAP AMENDMENT FOR THE REQUEST OF MARK EBERLE, P.E. OF NIELSEN MADSEN AND BARBER, AGENT FOR DIANNA HOLLAND OWNER OF THE PROPERTIES LOCATED SOUTH OF 110TH STREET AT 40TH AVENUE TO REZONE THE PROPERTY FROM R-1 RURAL SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3, URBAN SINGLE FAMILY RESIDENTIAL AND TO REZONE OUTLOT 1 TO PR-1, PARK AND RECREATIONAL DISTRICT FOR THE WOODFIELD ESTATES SUBDIVISION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

- D. Receive Plan Commission Recommendation and Consider the request of Dianna Holland owner of the properties located south of 110th Street at 40th Avenue and Robert and Jennifer Falcon owners of the property located at 11109 42nd Avenue for a Lot Line Adjustment between the two properties.**

Jean Werbie:

The petitioner and the developer is requesting a lot line adjustment for a small notched area of property approximately 33 feet by 66 feet, and it's adjacent to the property located at 11109 42nd Avenue. As a condition of the preliminary plat approval of the Woodfield Estates development,

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the developer, as well as the adjacent landowners, had agreed to do a lot line adjustment to snip off this little edge of the development and attach it to the adjacent lot in order to create a more rectangular lot for the person in Mission Hills, and it was land that was not really needed for this particular development.

The land has already been rezoned by the Village Board earlier this evening, so with the lot line adjustment the property owner will not need to rezone the property because both Mission Hills and this subdivision are already rezoned into that R-3 District.

The staff recommends approval of the lot line adjustment subject to recording the property transfer documents with the Kenosha County Register of Deeds office for the plat of survey for the lot line adjustment within 30 days. Again, the developer is just transferring this small outlet extension to the adjacent landowner.

TIAHNYBOK MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND GRANT THE REQUEST OF DIANNA HOLLAND OWNER OF THE PROPERTIES LOCATED SOUTH OF 110TH STREET AT 40TH AVENUE AND ROBERT AND JENNIFER FALCON OWNERS OF THE PROPERTY LOCATED AT 11109 42ND AVENUE FOR A LOT LINE ADJUSTMENT BETWEEN THE TWO PROPERTIES, SUBJECT TO CONDITIONS SET FORTH BY STAFF; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

E. Consider Award of Contract to for Improvements to Village Water Towers.

Mike Pollocoff:

Mr. President, the Village received sealed bids for improvements to the Village water towers, removal of four altitude valves, installation of a control altitude valve and tank gauging system at the Lakeview water tower, the installation of new altitude valves at I-94 and the Ladish tower and other miscellaneous work.

One bid was received from J.F. Ahern of Fond du Lac in the amount of \$83,975 for the improvements. The estimate for the improvements from Bonestroo and Associates who is the engineer who designed it was \$105,600. There's going to be additional work that's required but was removed from the bid and will be performed by Village utility crews. That miscellaneous work amounted to approximately \$70,000.

We only received one bid but it was underneath our estimate, so the Village Engineer and myself are recommending that we award this contract. Bob, do you want to describe for the Trustees the nature of what we're accomplishing with this work?

Bob Martin:

Bob Martin, 8600 Green Bay Road. The altitude valves are essentially trying to control the elevations and the towers at the same level so the pressure is consistent in the water towers throughout the Village. We'll have one pressure zone. Even though the pressure varies

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throughout the Village due to elevations, that's what it does, so the equipment is doing a couple of things. One is replacing some of the retired equipment and the other is to prepare for what's happening out on the other side of the I, and this is conjunction with probably a new water tower that's going to be placed out near the Abbott site, so that's in conjunction with that.

This is for changing one location of one of the altitude valves, and we're putting in a monitoring system within one of the tanks for the control. So all that's connected through a system that we monitor electronically and we can monitor all the tanks throughout the Village at any given time. The valves are operated on pressure, and when they get so much pressure above that's when they shut off. They're simple in operation so to speak but they're very important to the overall operation of the system itself so we don't get overflows from the towers. We have experienced a couple of those in the past. If there's any questions, I'd be happy to answer them.

Mike Serpe:

How many businesses are in existence that would offer a bid for something like this that we only received one?

Mike Pollocoff:

Probably about three that I can think of. Ahern is familiar with the Village. They've done work here. They did the Sheridan Road tank. I'm not sure what else they did, but there aren't a lot that are going to come in and do that.

Bob Martin:

Part of it was we had actually extended the bid period and called some contractors. Sometimes there's a bidding climate that maybe it's too little or there's different things into why they bid or why they don't bid. But when we looked at the bottom line with the estimate and actual work there we felt that it was a good bid. We check with the manufacturer. We specified certain valves and so we certainly check with them.

Mike Serpe:

I'm not questioning the bid. I was just curious as to why more companies had not bid on this. It's a substantial amount of money for them and it did come in under estimate so that's good.

Mike Pollocoff:

I might add this work is part of Tax Increment District #2, work as far as we centralized our water system and bringing water out there. As Bob indicated, there could be an eventual tower out on the other side of the Interstate. That was part of the project plans for that TIF District. When we put that up, even if we put that up, we're a ways away from knowing that, but it would be nice to get these valves in place before our push for water demand comes as the temperatures go up.

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Mike Serpe:

Just a question, Mike. Which tank would service west of the I, Sheridan Road or 31?

Mike Pollocoff:

Both.

Mike Serpe:

Both would service that?

Bob Martin:

They're all part of the system.

Mike Pollocoff:

They're all together, yeah.

Bob Martin:

And that's what those altitude valves essentially do. Depending on demand at a location, so if you have a high demand in one given area, it will use the closest tower. As that drops the other ones will try to fill back in. So they kind of work in conjunction.

Mike Serpe:

I'd move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second for approval. Any further discussion?

Steve Kumorkiewicz:

I have a question. Do you foresee the need for another tower in Abbott or no?

Bob Martin:

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The new tower?

Steve Kumorkiewicz:

A new tower over there?

Mike Pollocoff:

We're not far enough along.

Bob Martin:

We're not really far enough along. But the plan, as Mike indicated, when you look at the thousand acres that's out there that will develop it will need another tower as it does develop.

Steve Kumorkiewicz:

Because we're going to supply water on that side to Bristol, right, water from that tower or not?

Mike Pollocoff:

No.

Steve Kumorkiewicz:

Thank you.

SERPE MOVED TO AWARD OF CONTRACT TO FOR IMPROVEMENTS TO VILLAGE WATER TOWERS. TO J.F. AHERN CO. IN AN AMOUNT NOT TO EXCEED \$83,975; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

F. Consent Agenda

- 1) **Approve Staff Recommendation for Bartender License Applications on file**
- 2) **Approve Request of Paul McCune for a Certified Survey Map to subdivide the property located at 2619 89th Street.**

LAUER MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2; SECONDED BY SERPE; MOTION CARRIED 5-0.

10. ADJOURNMENT.

LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 8:30 P.M.