

**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
July 17, 2006
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, July 17, 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 MEETING - JUNE 19, 2006**

TIAHNYBOK MOVED TO APPROVE THE MINUTES OF THE JUNE 19, 2006 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

5. CITIZEN COMMENTS

John Steinbrink:

I know we have some people here who want to speak on Item 7A, Unfinished Business, on Devonshire. If you want to hold your comments on that one you will be given an opportunity to speak at the time that item comes up. Maybe some of your questions will be answered for you in the presentation that will come forward at that time. If not, under citizens' comments anybody wishing to speak?

Jane Romanowski:

I'm looking at the addresses. I'll pull a few of them out that I don't know if they're on Devonshire. If you are please hold your comments. Marie Devito?

Marie Devito:

My name is Marie Devito. I live at 8608 Lakeshore Drive. I would like to request that the Village Board consider instituting an appearance committee for the entire Village of Pleasant Prairie. In Illinois the Towns of Skokie, Evanston, Bannockburn, Lake Forest and Glencoe all have appearance committees. This not only applies to residential areas but retail as well. In the Town of Bannockburn shopping centers are enhanced by trees and shrubs on the perimeters of the

Village Board Meeting
July 17, 2006

streets so that most times you don't even know a shopping center is there except for the sign. The local residents know it's there but it blends in with the surrounding landscape.

In Pleasant Prairie when a builder plans a housing development such as Tobin Creek, for instance, you don't see a 1,200 square foot ranch home next to a 4000 square foot colonial. Yet, anywhere else in Pleasant Prairie the property owner can build any size and style he or she wants as long as it stays within the building codes. No consideration is given to the existing surrounding homes and landscape. If the Village is concerned with the cost of such a committee perhaps it could be a volunteer committee thus incurring no cost to the Village.

Pleasant Prairie is a wonderful place to live. We are growing by leaps and bounds. And if some checks and balances aren't brought into the planning of existing areas, we could end up with a hodgepodge which we all know that no one wants. I thank you all for your consideration in this matter.

Jerry Beaver:

Pastor Jerry Beaver, Victory Baptist Church. I just want to encourage you to pass under New Business B the amending of the text 420-129. This would still allow for the conservation which seems to be the nature and intent of the ordinance and not make who fall under this to forfeit unnecessary land. Thank you.

Jane Romanowski:

I think everybody else is for Devonshire.

John Steinbrink:

Anybody else wishing to speak on an item other than the Devonshire item? Hearing none, I'll close citizen comments.

6. VILLAGE BOARD COMMENTS

John Steinbrink:

First off I want to thank and congratulate all the volunteers and the staff that worked so hard at the Danskin Triathlon. It was a record turnout of folks there. A lot of people to work with, large crowd, lot of participants, and I guess if the numbers hold up we may be the largest one in the nation for Danskin. Seattle is yet to have their event and we'll know how many they'll have. But with a lot of people turning out for a great cause none of it could happen without the volunteers and the staff that put in a lot of time. A lot of people showing up there at three in the morning and getting things organized and the preparation ahead of time. So a big thank you to everybody. Other Board comments?

Steve Kumorkiewicz:

Village Board Meeting
July 17, 2006

One comment from the Chief of Police. They were counting 4,000 cars here in the Danskin and . . . parking place. And about 8,000 cars, Brian?

Chief Wagner:

Over 8,000.

Steve Kumorkiewicz:

Over 8,000 so 4,000 to over 8,000 just indicates how successful this event is for the Village. So we will look for alternate parking place for the coming year. Thank you again to all the people for volunteering for that event.

John Steinbrink:

Jean, maybe you want to address the issue there of an appearance committee. Just touch on it. I know the Planning Commission does quite a bit. Your staff does a lot of work with developers on what the appearance is, the plantings, the layout of the homes, repetition of the homes, colors of the homes and all that. Maybe you can address that and maybe clarify some of those points.

Jean Werbie:

I guess there are two different things that we need to look at. In all of the brand new subdivisions in the Village of Pleasant Prairie all of them are required to have a declaration of restriction, covenants and easements. And all of the new subdivisions address housing appearance, the size of a home, how the home is laid out, how it's placed on the lot, the square footage of the home, the style of the home, so there's a lot of details with respect to new homes that come in. And they have to meet through an architectural review committee of the developer and the developer's staff and eventually the homeowners association, and then they also have to meet any criteria that the Village states with respect to our design criteria. That is how it works for all new brand new subdivisions and I think it's been working very well.

We've now actually added some new monotony provisions especially when they're single builders or tract builders in a particular subdivision to avoid monotony or issues with respect to the same cookie cutter homes being placed within a subdivision. That being said, however, down in the Carol Beach area it's an older platted subdivision. So to my knowledge I'm not sure whether or not they have recorded declaration of restrictions and easements that are being enforced by the association down in that area. They may be but it's not an obligation of the Village because we use our specific ordinances and work with the developers to draft the new declarations.

So it's a concept that this community has talked about for a number of years. We have implemented some height restrictions, some area restrictions. We've limited any type of accessory structure on older platted lots from being overpowering or too big for that lot, bigger than the single family homes that are being constructed. So we've implemented a number of amendments over the years but we have not gone that next step as some communities down in

Village Board Meeting
July 17, 2006

Illinois, Menominee Falls, Mequon, Grafton. There's some that have specific architectural review committees that actually review each of the new single family homes that come in to make sure there's not a conflict with homes on either side in an existing area. It's not something that we've ever gotten specific direction from the Board to look at but, again, typically it's been handled by the individual associations within that particular area. Again, we've addressed some of the items but not everything.

Carol Beach is probably one of the most dynamic areas for changing so rapidly and very diverse housing and very unique housing that's going on down there and various sizes of housing. So in that area there's a lot more diversity than in most subdivision. I don't know if Alex wants to comment with respect to your association if it covers all of Carol Beach or not. The covenants are probably--we're the oldest down there and maybe you've renewed some of those and looked at areas down there.

John Steinbrink:

I'm not sure if Mrs. Devito is here anymore. Did she leave?

Alex Tiahnybok:

She's gone.

John Steinbrink:

Maybe we can send her some correspondence explaining that seeing as it was a concern of hers.

Alex Tiahnybok:

To answer your question, Jean, the Carol Beach Property Owners Association does have some restrictive covenants but they're not really enforceable without taking owners to court. Of course, that incurs legal expenses, and the association is really not prepared to cover those costs.

Going back to Mrs. Devito's comments, if you recall, Jean, probably three or four years ago you and I had been in contact about the very same issue because there was some construction occurring that was very much out of character with the neighboring properties. I've never heard of an appearance committee per se but I guess that's what they call it. I think it's something we need to look at. Obviously the job is taken care of with new developments, but with existing neighborhoods that are going through some kind of evolution or revolution, I think there needs to be some sort of level of integrity in terms of architectural styles, size. There as a single family home that because of the construction next door to it in Carol Beach it's permanently in the shade. Even when the sun is highest in the sky it's always in the shade now. I think that has obviously a negative effect on peoples' property values, too.

So I would like the Board to ask the community development office to review this issue, maybe touch base with communities like Bannockburn and Glencoe and Lake Forest. The example I think Marie was driving at is not necessarily a residential area but a commercial area. There's a

Village Board Meeting
July 17, 2006

strip mall right at the intersection of Waukegan Road, Route 43, and Half Day Road, Illinois Route 22, the southeast corner, and you could literally drive past it and not realize you went past a strip mall. It's beautifully landscaped. I realize the Village has had sort of a goal to prevent Sheridan Road from ever being developed into a more commercial thoroughfare, but that kind of development I don't think would be objectionable.

Let's face it, with organizations like Target that want to build here, we worked them over pretty good in terms of facade colors and materials, and I don't see why we shouldn't do that at least to some level in areas that are being redeveloped. So I hope the Board agrees with me and asks the community development office to look into this anyway.

John Steinbrink:

Other Board comments?

Mike Serpe:

I don't totally disagree with you, Alex. Sometimes people label Pleasant Prairie as elitist. I don't think we are, but that's kind of the nickname we've been given. I would approach that appearance committee with a lot of caution. I wouldn't want a citizens group dictating to a property owner just what he can and can't do to his property within reason. I think we have to look at that very carefully if we are going to do it. Right now the way staff is swamped with what they have going, I'd rather they not look at that and put something else on the back burner that they're already working on. So when they do have time maybe they can look at it but I wouldn't put that ahead of anything else that they're presenting working on.

I do have to commend staff. I think they are doing a good job. I think our neighborhoods are looking good when they're developed. Prime Outlets is a good example. You see plantings and trees and every one of our new subdivisions has an enormous amount of trees going in and plantings that have to be approved by the architectural committee. So I think we're doing that. I just don't want to see us being labeled as a total elitist community. I don't think we're there yet. And I don't think we even compare to Bannockburn or Lake Forest and that's fine.

John Steinbrink:

Other comments from the Board?

Steve Kumorkiewicz:

I have to agree with Alex and Mike, but I know that some municipalities have an architectural committee or commission but here actually the Planning Commission is doing that. So some readjustments in the Planning Commission may be able to accommodate that. But the problem you have with the older property is it is pretty much covered by the grandfather law and trying to make changes in that is difficult. I don't think it will be possible to do that. That's all I can say about that.

Jean Werbie:

I just also wanted to mention that in the last few years we completely rewrote our site and operational plan provisions which are the provisions that contain the design guidelines for new commercial development. So a good example is the old Oakes Professional Office Building that's just north here of the Village Hall and just north of Gordy's. They're aware of the standards with respect to the materials and the shape and the size and the roof pitch and all those details. And that's a good example of what the new regulations show that we do take the time and the Plan Commission does take the time to review all those details from an architectural standpoint, and that is basically our appearance committee when it comes to new commercial or industrial development in this community. Even whether we're renovating an existing center or we're building a new. Again, a lot of those provisions are already in there.

We're just starting to see the beginnings of some commercial development. We're working with a lot of folks, but we still haven't seen a lot of commercial development take off yet in the Village. But you will see that those standards are set pretty high. And for the most part they're being developed as planned developments or planned unit developments, and the Board has been getting a shot at looking at all of those as well. So we will continue to move towards that direction.

Mike Pollocoff:

I think one of the best examples of how far commercial development has been impacted by the ordinance that Jean was talking about, if you think back to the Lakeway Supermarket on Highway 50 off of 88th Avenue that thing was an eyesore and they wanted to redevelop it and they wanted to do something there and add onto it. Now anybody who hasn't been in the Village very long would think that that's a brand new building. That was what the ordinance that we had enabled the Village to bring that very poor old rickety building into a modern building. On the other hand, you can't make somebody do that if they're not doing anything with your building. The only time you can really trigger that is if there's going to be an improvement there.

Alex Tiahnybok:

Again, I'm not expecting this to be a priority project by no means, but it's something that I think a lot of people have expressed concern over. There's existing programs like this in place. Marie just gave you a list of five communities that do so and I don't necessarily believe in reinventing the wheel, so when there's a gap in the action or whatever, maybe the community development office could look into it and I think that would be great.

John Steinbrink:

I think that's a direction they've been going in. A lot of the concerns you raised in your comments those have been addressed already. Every day is a new adventure here and you have to in some way or another keep up with somebody's way of getting around the Village's rules and ordinances. It keeps Jean and her staff pretty busy and I think they do a pretty good job of it.

7. UNFINISHED BUSINESS

Village Board Meeting
July 17, 2006

- A. Receive Plan Commission Recommendation and Consider a Conceptual Plan for the request Kari Kittermaster, agent for Regency Hills-Devonshire, LLC for the 86 acre property generally located south of 93rd Street between 48th Avenue and Cooper Road for the proposed 114 single family lots to be known as Devonshire.**

SERPE MOVED TO REMOVED ITEM A FROM THE TABLE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

Jean Werbie:

Mr. President and members of the Board and audience, I am going to hopefully not repeat myself too much from the previous meeting this afternoon as well as the meeting we had on July 5th, but I'd like to just set the stage and put things in perspective for our developments here in Pleasant Prairie and how much work is involved in going through the process. None of what we do is taken lightly. A lot of work is being put into it and it's not just the planning staff, it's engineering, police, fire, many departments, many departments, administration, everyone is involved in reviewing these plans as they're advanced to the Plan Commission and the Board.

We're here to talk about the concept plan for the Devonshire Subdivision. They're specifically requesting approval of this approximately 114 lot subdivision which is generally located south of 93rd Street between 48th Avenue and Cooper Road. This particular subdivision is located in the northwestern corner of the Village Green neighborhood plan. As I'm going through these slides I do have a couple of boards that are still up from the previous meeting. The one to the far left is the Comprehensive Plan for the Village of Pleasant Prairie with all the multiple colors. It shows the entire Village. It identifies all the land uses in the Village. This is a second generation plan that was adopted by this community in 1996. It's been amended a couple of times since then. And then the map that's on the far right is the neighborhood plan map for the Village Green Neighborhood and I'll be referring to the two of those.

On June 26, 2006, the Plan Commission held a public hearing and recommended conditional approval of the Devonshire conceptual plan. On July 5th the Village Board held a public meeting on that conceptual plan and they tabled it at that meeting in order to allow the Village staff an opportunity to review the public access connections at 93rd Street, as well as to bring some additional answers to some questions that were raised at the meeting and to meet with the neighbors and get their feedback on this particular project.

Taking a step back to the beginning of our planning process, the Village's Comprehensive Plan, as I mentioned this is a second generation plan. The first generation plan was completed in 1967. It was completed by the Regional Planning Commission for the entire area east of I-94, so it included the Town of Pleasant Prairie, the Town of Somers, as well as the City of Kenosha. At that time that plan represented some great ideas. And, in fact, many of the ideas that were set forth in that plan came to our vision and came to develop here in Pleasant Prairie. That plan was good for about 25 to 30 years, but as times were changing the market demands were getting stronger. Pleasant Prairie was a place that was being found by many areas. We felt that it was time to update the Comprehensive Plan. Again, with SEWRPC, which is the Regional Planning Commission, the City, the Town of Somers and Kenosha County we updated this plan. And this Comprehensive Plan was updated in 1995 and adopted by the Plan Commission and the Board in

1996.

There were some changes that the plan underwent in about 2002, and that was because technology of mapping had come to the Village of Pleasant Prairie. We have now very sophisticated cadastral mapping that shows property boundaries and details in a computerized format which allows us to update these maps and to get very refined details to these maps, so that was another major change in 2002, along with a clear definition and rewriting of the business districts, so that was one significant event for us in updating the map to reflect where the commercial areas, the areas in red on that map, would be located within our community and that this new zoning district would reflect exactly the direction of the Village.

Just as an overview so people understand where I'm going with this, Comprehensive Plans are used to guide development decision making and project direction of future growth in the Village. The Comprehensive Plan provides information related to identifying existing and planned land uses, protecting and guiding the existing population and warehousing is going to be directed in the Village. It identifies where the natural resource base elements are located and how they're going to be protected into the future. In particular as shown in our Comprehensive Plan primary secondary corridors, isolated natural areas, wetlands, floodplains and other areas of significant woodlands are all being identified for protection for the most part within our Village.

Other things that are looked at are public park and recreational facilities, community facilities, and protecting and guiding the economic viability of the community. With our third generation update to this plan which is going to be under way next month, we are projecting and putting together a 2030 plan. We'll be working with the same groups as we did before as well as all the communities west of I-94. We're doing it as a County wide effort in response to the Smart Growth grant that we receive.

This is just a map of that 1967 Comprehensive Plan. Actually it's quite ingenious and there were some great, great recommendations that came from it including the identification of Lakeview Corporate Park, and they didn't call it that but an industrial area, some commercial areas for development where the population centers would be. It was a very intensive planning effort and it took us many years.

The next plan, again, was in 1995, the Comprehensive Land Use Plan which we adopted as a community with some minor revisions at the time of its adoption. We went through a series of public meetings and public hearings and, again, this was the plan that was put together for a design year of 2010 to guide our growth in this community. It did not mean that we were going to be built out by 2010. By no means was that the case. The intent is that it was a design year of when and how development would occur if it did occur. One of the things that is not clear on this slide or maybe until you walk up to the map is there's a number of areas that look like they're cross-hatched. Those areas that ideally were never to develop until well after 2010 because they lacked available services like sewer, water, they lacked planning through neighborhood planning, and they lacked some other essential features that would warrant them to be in place before development could occur. So, again, I'm not sure what the 2030 plan is going to look like but we're going to take it that next step. Obviously, it's going to show all of our land west of the I. Again, this is the map that's on the board, the 2002 land use plan update with the most recent comprehensive adjustments that we have made. And this reflects other minor modifications that

we made.

What's important to note is we refine our planning process through neighborhood plans. The neighborhood plans also refine the Comprehensive Plan. So whenever a new neighborhood plan is adopted, it might refine that mile or mile and a half square area on the Comprehensive Plan so these are dynamic. Not in every community do they serve that purpose. But in Pleasant Prairie they are the guide that we have been using in order to allow for development to occur in a more systematic way and to make sure that our services are there for when the development does occur.

A couple of other things I want to mentioned regarding the Comprehensive Plan is that the plan identified that Pleasant Prairie would be divided up into 22 different neighborhoods. I'm not just talking about a subdivision but neighborhood areas that are about a mile or a mile and a half square areas that are bounded by public streets, railroads, major environmental features. They're planning units, they're planning areas to help us facilitate a more refined plan. If we tried to do this for the entire community it just becomes so overwhelming and very difficult for us to plan out a smaller area so we try to do it in smaller planning units and they're referred to as neighborhood plans.

Neighborhood plans take into account compatibility of existing and planned uses; identify how future land divisions and developments could occur; plans our access roadways to the land division should be provided and how they're interconnecting existing roadways; examines how practical it is to lay out certain lots, roads, parkways, open space areas, park areas, preservation areas, infrastructure improvements as well as how municipal services can service an area. Because as budgets are getting tight, we need to make sure that all of our subdivisions in our neighborhoods are interconnected, because it's not cost effective for police, fire, public works or anyone that is provided services in this Village to have to go in and out and in and out of subdivisions. We want to make sure that they're interconnected so they can move freely from one area to another when providing services.

Neighborhood planning is something that's been around since approximately 1962. It's a concept that's been presented by the Regional Planning Commission, has been endorsed by most communities in Southeast Wisconsin, but I can actively say that Pleasant Prairie is one of the communities that I think is doing it as aggressively as we are. I know the Town of Salem is starting to do it and some of the other townships in Kenosha County are. Waukesha County has a number of areas and so do Racine and Ozaukee County that are actively doing this type of planning because it really helps to set the stage and helps us to plan into the future.

The neighborhood that Devonshire is located in then is the Village Green neighborhood plan. This particular area has undergone a number of changes with each conceptual plan that has refined the particular areas, the board map that we have across the room. The concept plan provides an even greater level of detail, and it's probably one of the most cost intensive for the developer or anyone who wants to develop their land in an up front situation. They have to start doing some real serious research on whether or not there's wetlands, woodlands, shorelands on the property, floodplains, how sewer and water can get to the site, where the low areas area, where storm water management can readily handle the particular site. It looks at any environmental corridors, isolated natural areas for protection, and also examines where public

park areas, for example, need to be located and how they impact that particular development. Conceptual plans now are all drawn by computer, but now they have an element of Wisconsin registered land surveyors are now involved in the process with respect to making sure that roads are where they're supposed to be, they're lined up, lots and lot areas can be defined and much more detail is being provided so that we can get a better idea of how the subdivision is going to lay out.

Upon staff's review of the concept plan a public notice is prepared and a public hearing is held by the Plan Commission who, in turn, makes recommendations to the Board. A conceptual plan is not required by State statute. It's required by Village of Pleasant Prairie Land Division Ordinance. It's a step that we have added because there are so many policy considerations and there's so many opportunities for us to get some questions answered earlier in the process before we get to the platting stage. So it's a step that we have added in our community to get information out and get responses back and to get questions answered earlier in the process.

Concept plans in the Village are valid for one year which means that after the first year from their approval they have to be moving on to that next planning step. If they don't, they've got to go back to the first step. So planning in Pleasant Prairie is a series of multiple steps. If you run past the time frame you've got to go back. So it's important to note that it's not approved forever but for a limited period of time.

The next step after the concept plan has been conditionally approved is the preliminary plat. This is a refinement of the conceptual plan. It's required by State statute, and it's a step that requires from a developer's standpoint a whole lot of detail to be submitted to the Village, not just on how the subdivision is going to be laid out but engineering, declarations of restrictions, covenants and easements, by laws, landscaping plans, lighting plans, signage plans, all the detailed easements, all of the preliminary information that is going to make that subdivision come to fruition. Preliminary plats by State law are valid for two years. During that two year time period the developer needs to move to the next step and that's final plat. They have to satisfy all the conditions of the preliminary plat during that time period or they can't move to the final plat. Final plat is a step that conforms substantially to the preliminary plat, they're entitled to an approval, but they still have to have all of their documents finalized. I want to say there's about 20 different exhibits including letters of credit and development agreements and a number of other security documents that are put in place to secure public improvements, but all of those documents are finalized and all need to be submitted and have to be reviewed before they go to Plan Commission and Village Board. There are a number of obligations that do need to be satisfied.

Now we're working and looking specifically at the concept plan for the Devonshire Subdivision. Again, as I mentioned, the Devonshire Subdivision is being developed as part of the neighborhood plan area in a low density residential land use category as identified in the Comprehensive Plan. This allows for some lots to be larger in one area of the neighborhood and some to be smaller. On an average in this particular subdivision the lots are averaging anywhere between 15,000 and 25,000. So depending on where you are in this particular subdivision and within that neighborhood they vary in size. Again, in the Meadowdale Estates Subdivision those lots are a little bit larger. Devonshire are a little bit smaller. They're averaging probably between 15,000 and 17,000. So throughout the whole neighborhood we have to comply with the overall

density as set forth by the Plan Commission and the Board back in 1996. Again, the latest neighborhood plan for this area was approved on February 13, 2006.

Some of the things we talked about at the neighborhood meeting before the Village Board meeting now respond to some of the questions and concerns that were raised by the residents as well as by the Board. One of the things we looked at is to re-examine 93rd Street as well as the north/south interconnecting roads to 93rd Street and any other possibilities. I'll start first with 93rd Street.

93rd Street was formerly known as County Trunk Highway T. In 1991 it was transferred in jurisdiction to the Village of Pleasant Prairie, but it was identified still to be a local arterial street. The map that I found going back the farthest in this point in my research was back in December of 1990 Cooper Road was identified to be an arterial connecting off of 93rd, and 93rd was identified to be an arterial road of four lanes extending all the way from 39th Avenue to Highway 31. Obviously, there has been some work that has been done at 93rd and 95th, but the plan at that time and as still shown in the regional and the County transportation plans, as well as the Village transportation plans, that eventually 93rd Street is proposed to be widened to four lanes when the traffic warrants that it be widened. The accumulation of traffic counts from this development by itself will not trigger a widening of 93rd Street to four lanes.

But, again, as part of the work that Bob has been doing with respect to the Village's local transportation plan, he's been examining all of the transportation within the Village and what arterial roads are being taken and what the number of traffic counts that are going to be generated from each of these developments to determine when the traffic widening is going to be warranted. What needs to be made clear is that at this point the final traffic engineering reports and design studies are not completed for 93rd Street. So it's something that's ongoing with this and other developments to determine exactly how wide 93rd Street is going to be and what profile that it would be constructed to.

At a minimum, the developer is going to be required to dedicate an additional 17 feet of right of way for the future widening of 93rd Street. They'll also be responsible for providing a transportation improvement fee as a condition of final plat approval for their subdivisions fair share cost of improving 93rd Street in the future. Again, with any new development that occurs within this corridor, they are all going to be responsible for paying certain fees that will go into a separate segregated fund to help pay for the improvements on 93rd Street when they're warranted. In order to efficiently, effectively and safely move traffic into and out of the subdivision, it's been identified that multiple roadway connections to 93rd Street as well as future connections to the east and to the west are going to be needed for this development. And that comes at the direction and the policy of the Village's Land Division and Development Control Ordinance and the transportation plans of the Village. This slide that's up here actually shows where all the various points of connection will eventually be for this particular subdivision. Some of them will be constructed early in the process and some are waiting for additional development to occur to the west.

In your packets and on the board across the hall from me as well as on the slide, the Cooper Road and 93rd Street intersection was the first intersection that we looked at. Cooper Road has been identified, as I mentioned earlier, for the past 26 years as a local arterial street that would

eventually connect from 93rd Street south to 104th Street. The type of intersection at 93rd Street and Cooper Road will need to be further evaluated by the Village Engineers as well as the developer's engineers after the developer submits traffic study information. Traffic study information will determine whether the traffic warrants a four way stop, a signalized intersection or a roundabout at this intersection. and what the geometrics would need to be to accommodate the intersection.

We had a pretty good lengthy discussion about a potential roundabout at Cooper Road and 93rd Street. Based on work that Bob and I and Mike have been doing with the Wisconsin Department of Transportation, they are basically requiring us to take a look at all options of all intersections whenever we're looking at local arterials intersecting. No different than Highway 165 is looking at roundabouts. We can't just discard a roundabout at this location. We need to look at all the different options, weigh out what is the best case scenario not only from traffic safety, traffic design, cost, all those things, and then we'll be bringing those back to the Village Board to look at. So we wanted to make sure that at least a roundabout is considered.

We're planning on getting some information back out on the website. We had a good 15 minute video on the website for a long time on how roundabouts function, and just to get people more familiar of what they look like we're going to get that back out so that they can view that on channel 25. In my conversations with the DOT it looks like the Highway 165 project is going to be coming back for its third public informational meeting this fall, and roundabouts at this point are still being considered. So as a community we need to become aware of them. We need to be educated on them, and we need to find out if they work for us.

This suggested intersection at 93rd Street and 50th Avenue--I'm sorry, we're going to the next intersection to the east, 93rd Street and suggested 50th Avenue. At the last meeting we talked about possibly moving 48th Avenue over to the west closer to Cooper Road. So we had the developer take a look at 50th Avenue. This suggested intersection would be approximately 370 feet from the center line of the intersection of Cooper Road and about 700 feet from the intersection of the existing 48th Avenue. 50th Avenue would align with the house across the street at 4930 93rd Street, and pursuant to the Village Zoning Ordinance and the transportation requirements, new public streets connecting to arterial streets that serve residential development shall be a minimum of 460 feet apart from center line of the intersection to the center line of the next intersection when based at the posted speed of 35 miles per hour, and in this case it would be 93rd Street.

So if the roadway would be moved from 48th to 50th, these are some of the conclusions that we had come to. A roadway connection of 50th Avenue would be too close to the Cooper Road intersection. A three way controlled intersection is awkward at a T-intersection. Acceleration and deceleration and bypass lanes would be required. And, again, bypass would be on the opposite side. So we'd be affecting any driveways or any properties on the north side of 93rd Street. Accel or decl would affect people on the south side.

Driveways on the north side of 93rd Street would need to be relocated because of their location of the bypass. Traffic design manuals and our ordinance references the Policy in Geometric Design of Highways and Streets that's prepared for the American Standards for Highways and Traffic Operations and the Village's Land Division and Development Control Ordinance, along with the

Village Engineer, do not recommend adding another public roadway T-intersection on the local arterial when other opportunities exist to align the public roadways.

Some references in the Land Division Ordinance to support this concept or conclusion include streets shall be continuous and in alignment with existing and planned streets with which they are to connect. The number of local road intersections on the arterial streets shall be held to a minimum. Center lines of the continual of a minor street on either side of an arterial street shall be formed to create a single intersection. Roadway offsets shall not be allowed unless minimum spacing criteria can be met between non arterial roads intersecting arterial roads. Again, our Land Division Ordinances and all these other sources give us all the references for us to help lay out these potential roadway connections to the local arterials.

The next intersection that we looked at was 93rd Street and suggested 49th Avenue intersection. Again, this is the next one coming over to the east. This intersection would be approximately 760 feet from the intersection of Cooper Road and 310 feet from the intersection of existing 48th Avenue. 49th Avenue would align with the house across the street at 4838 93rd Street. Pursuant to the Village ordinance, new streets connecting to arterial streets that serve residential developments should be 460 feet apart from center line to center line at that posted speed of 35. In addition, the location of 49th Avenue would be located within an area of a lower elevation and further roadway improvements may be needed to raise a portion of 93rd Street to provide safe sight lines for traffic at this intersection. Also, the natural low area for the subdivision's storm water retention basin and drainage area is to the northeast.

This next slide shows you that they have presented conceptual grading plans to us, and this came to us a number of weeks ago but, again, what the developer's design engineer tries to do is to design the retention basin to the low areas where the drainage is naturally going so we don't disrupt a lot of the grading on the adjacent properties. So I show this slide to show that basically this is the area where they've identified for their retention basin on the north end of the site.

With respect to 93rd and 49th Avenue intersection our conclusions are as follows: A roadway connection at 49th Avenue would be too close to the 48th Avenue intersection. A three way controlled intersection is likely to occur at a T-intersection. Acceleration and deceleration lanes would be required putting a number of driveways on the north side of 93rd Street within a bypass area. And then we've got this low area near 93rd Street within the proposed Devonshire Subdivision which is needed to handle and store the natural drainage and storm water management facilities.

The final intersection that we looked at was the original intersection and that's 93rd Street and 48th Avenue. This intersection would be approximately 1,070 feet from the intersection of Cooper Road. The intersection would be approximately 930 feet from the intersection of 43rd Avenue. Just to note on the slide, St. John's relocated their private driveway to be more half way between 43rd Avenue and 48th Avenue. Because when they originally had proposed their driveway, and 43rd Avenue the timing it was almost happening at the exact same time, that we kept shifting one to meet the other and finally St. John's felt due to them wanting a greater presence going straight north into their monastery, they were willing to relocate their driveway to the west, and then the eastern driveway was eliminated so, again, to avoid the jogged driveway scenario.

For the 93rd Street and 48th Avenue intersection, the separation meets and exceeds the required minimum 460 foot separation distances between the Village Zoning Ordinance for new public streets connecting to arterial streets that serve a residential development, again, based on the posted 35 mile per hour speed limit on 93rd Street. The local streets align as one intersection with the local arterial roadway. Aligning the local streets prevents a jogged roadway alignment and eliminates the need for the bypass lane. It meets the ordinance requirement of not offsetting roadways thereby creating less collision points. Having a great separation between Cooper Road and 48th Avenue connections to 93rd Street allows for more dispersed traffic flow onto 93rd Street local arterial from the Devonshire and contiguous developments to the south.

The 48th Avenue connection was identified on several previous neighborhood plans and adopted plans by the Village, again, for all of the same reasons that we're talking about. We look at a lot of these things at that neighborhood plan level so it's clear that we're trying to put these things in the right locations to benefit the entire community. The Village can control and restrict construction traffic from entering and exiting 48th Avenue. It's a local Road and the Village has the ability to say construction traffic that's building roads, that's building new homes, that's hauling material in and out we can restrict it so that 48th Avenue is not that haul road, that Cooper Road is that connection point so that we can eliminate a lot of that back and forth heavy construction traffic at that intersection. Obviously, there will be construction traffic there when that roadway is built.

Intersection types that were evaluated and discussed as part of 48th Avenue: Controlled two-way stop signs on 48th Avenue. This would require acceleration and deceleration lanes to be constructed and driveways to be relocated at the expense of the developer. A controlled four-way stop sign, again on 48th and 93rd. This would require control with a four-way stop sign. It would eliminate the need for acceleration and deceleration lanes and the relocation of the driveways. The driveways would still be close to the intersection, but they could remain at their present location. Center turn lane within 93rd Street. This was brought up by the Administrator at the last Board meeting. A portion of 93rd Street likely from 39th Avenue to Cooper Road would have a center turn lane constructed. Acceleration and deceleration lanes would not be constructed as that center lane would be the turn lane movement both directions.

This intersection could be build as a controlled four-way stop if and when 93rd Street traffic warrants a center lane and funding would be available and it could be done as a three lane. Again, the traffic study should really identify what's the most appropriate design for that segment of roadway based on the projected traffic.

Based on the staff's evaluation of these alternatives, the Village staff still recommends that the 48th Avenue intersection be approved with at a minimum a controlled four-way stop sign to be installed, thus eliminating the need for an accel and decel lane, and if the property owners wanted to keep their driveways connected to 93rd Street they could still do that.

The next area that I'd like to discuss is some questions that were raised by Kelsey Shepperd who is a 12 year old girl that lives on 93rd Street. And that had to do with some questions that had to do with purchasing of this property by the Wisconsin DNR. Right after the last Village Board meeting I had gotten on the phone with the Wildlife Management Biologist for the Wisconsin DNR, as well as some folks that are involved in land acquisition. What I specifically asked them

is that does the Devonshire property meet any of the DNR's criteria for identifying it as a preserve, a wildlife sanctuary, as an area to be preserved? What are the criteria that you look at? Can the DNR afford to do this right now? Are there grants available? And so on and so forth. So a lot of the next three slides are the response from Marty Johnson collectively from the Wisconsin DNR.

Marty Johnson, Wildlife Biologist with the Wisconsin DNR had indicated that when the DNR wildlife program considers a parcel for acquisition, there are certain criteria that they look at for property including the habitat for wildlife and the recreational opportunities for the public. Again, for the DNR that means hunting, trapping and different elements such as that, fishing if there would be a lake there. Typically in urban locations hunting or trapping are not an option because of the community's understandable safety concerns and restrictions. Another option for the State is to purchase land that would be a part of the Endangered Resource Bureau through the State and Natural Area Program. The criteria for considering land under this program are quite high. In this program the land must meet at least one of the following criteria but usually meets several: Outstanding natural community, critical habitat for rare species, significant geological or archeological features and exceptional site for natural area research and education.

We are quite blessed here in Pleasant Prairie because we have one of these areas. The prime example and the one that comes to most peoples' minds is the Chiwaukee Prairie State Natural Area next to Lake Michigan in the Village of Pleasant Prairie. This 600 acre plus site is home to over 400 plant species and several State and federal threatened and endangered plants. It's also home to the threatened Blanding's turtle and several endangered insect species. Based on Mr. Johnson's brief review of the site, it would appear that the Devonshire parcel does not meet any of those criteria.

Mr. Johnson then checked the Wisconsin DNR Natural Heritage Inventory for any possible rare plants or animals and found two plant species in the general area. The Yellowish Gentian threatened in Wisconsin and the Seaside Crowfoot endangered in Wisconsin. The Yellowish Gentian is found in dry prairies and oak openings and was last seen in the area in the early 1900s. The Seaside Crowfoot is found in sandy or muddy shores or marshes, ditches and marshes along Lake Michigan often in brackish or alkaline places and was last seen in the area in the 1800s. The information in the NHI does not always pinpoint items, so these plant species were not necessarily found on this property. It would appear from the aerial photos that the woodlands could have harbored this Yellowish Gentian and he is not so sure about the Seaside Crowfoot.

According to Mr. Johnson, as for the wildlife animals using the area now, the property provides minimal habitat. There are about 25 plus or minus acres of woodland on the property that provide habitat for different animals, song birds, small mammals, etc., and I need to clarify that what he's talking about with respect to the 25 acres is not necessarily 25 acres on Devonshire but this large stand that is right in the center of the Village Green Neighborhood Plan area which includes the woods over here that are being protected, over here that are being protected, the woods down here, the woods over here, the woods up here and the stands over here as well and there's a little bit right there. Some of that is in the Meadowdale Subdivision, in the Village Green Heights Subdivision, in the Devonshire Subdivision, and the future Swanson subdivision, so there's multiple areas within this 25 acres that already have been identified by the Village to be placed in an outlot to be preserved and not to be cut.

Many of the species using the area are used to urban locations and will still be in the area once the development moves in. Obviously, having grassland or other types of habitat will benefit a more diverse group of species, and the animals that they're seeing now will still be around but maybe not in the same numbers.

Wildlife use: Deer habitat consists of forested areas with brushy areas and scattered openings or agricultural areas with a combination of crop fields, woodlots and wetlands. The Devonshire property has a couple of those characteristics, woodlots, agricultural fields and small wetlands, but not enough to support large numbers of deer. The deer are likely using the scattered woodlots on and around the property and are also likely using the farm field as a food source. If the woodlots are developed into single family home sites, it will probably force the deer out but not completely. Like many animals in urban locations, though, they seem to find a way to survive. In an urban location there's not a lot of pressure on the deer, no hunting and there tends to be a good source of food.

As for the other animals species mentioned, the racoon, fox, coyote and rabbits, these are all species that have adapted well to urban environments. Urban areas tend to provide the shelter and food sources that helps these animals thrive.

This is interesting. An Ohio State University professor has been doing a study on coyotes in the Chicago area and was shocked at the results. They have been tagging and watching coyotes in the Chicago area for six years now and estimate the population in the City to be anywhere from a few hundred to a couple of thousand. Coyotes are turning up in City parks and in areas around apartments, commercial buildings and industrial parks. Coyotes are escaping hunting and trapping pressure in these urban locations and are finding abundant food sources, urban Canada gees, rabbits, domestic pets, dog and cat food and other things. So I don't think that we'll eliminate them but they're kind of moving around in the Village.

The dominant habitat type on the property is agricultural field. There are some small woodlots but they are isolated. The wetlands on the property are also small. That is not to say that these habitat types have no value, but because of their size and their location they do not support a diverse or abundant group of wildlife species. The animals that are using the area and that are typically found in urban locations are generalists. This means that their habitat requirements are pretty broad and as such they do well in urban locations which have varied and patchwork type landscape.

Pursuant to Mr. Johnson, wetlands do serve useful functions such as wildlife habitat, flood water storage and filtering water. Impacts to wetlands should be avoided as much as possible to help maintain these functions. I have not seen these wetlands in the field so I can't comment on the functions they provide but, again, wetland impacts should always be avoided or minimized. And we do have a wetland biologist that was out on the site. The DNR, Heidi Johnson, has seen these wetlands and the resources that have been found and so has the Army Corp of Engineers. And that's why the way the site has been laid out the wetland impacts are being minimized but for a few roadway connections that we have been identifying for many, many years such as Cooper Road.

The DNR typically works to purchase lands in areas that are not heavily developed or developing

and that can still provide quality wildlife habitat. The State would not be interested in this parcel and it would likely be out of the State's price range. A wooded parcel that the State purchased ran about \$6,500 an acre, and we needed conservation groups to help with the purchase before it was even approved.

There are things, though, that can be done to make the residential development more wildlife and environmentally friendly. Things such as preserving as much open space as possible in the subdivision; outlots put into native cover types such as prairies, wet meadows and wetlands; and reduce or eliminate the use of herbicides and fertilizers on the lawns.

And just to follow up with his comments, open space within the development occupies over 25 acres or close to 30 percent of the site. The open space within the development includes public parks, wetlands, woodlands, retention areas and other open space and this is within 12 different outlots. Wetlands, a total of 7.78 acres of the site have been field delineated as wetlands. .74 acre, less than one acre of wetlands, are proposed to be filled for the construction of Cooper Road, 96th and 97th Street and 50th Court. Again, the largest one is the Cooper Road connection going south and the rest are just nipping corners of wetlands. 7.05 acres of wetlands will remain on the property.

The petitioner has received a letter from the Army Corp of Engineers dated March 8, 2006 stating the Army Corp of Engineers will take jurisdiction over the wetlands on the property, and the developer has provided the Corp of Engineers with documentation and exhibits identifying the proposed wetland fill area for those public roads.

Under woodlands, a detailed tree survey was prepared by Natural Resources Consulting, Inc. Some trees will be removed, again, that are in the pathway of Cooper Road in particular. However, 3.6 acres of wooded areas located within the lots are proposed to be preserved through dedicated easements. And, in addition, there's going to be added easements on Lots 1, 2, 7, 9, 12, 13, 27, 28 and 29. Again, the woodlands within the outlots are being preserved. So we've got about 16, almost 17, acres of woodlands, wetlands and other open space that's being preserved.

Under parkland the developer is proposing to dedicate Outlot 1, which is almost 9 acres, to the Village of Pleasant Prairie for part of that Village Green Neighborhood Public Park. Again, this is one developer of five developers that are all dedicating land for this park to be developed. They have also offered to donate \$200,000 for park related improvements in the Village Green Neighborhood Park, again, to get this development and the park area under way. This park is based on a park plan that was adopted by our Village Park Commission within the last six months. This park is going to have several amenities including softball fields, soccer fields, tennis courts, play equipment, shelter and parking. Again, the wooded area has already been dedicated that's east of this in the Meadowdale Estates Addition #1, and the Village Green Heights Addition #1 is dedicating part of this as part of their final plat. We're looking for additional dedications from other developers to the west as it continues to develop.

Construction access we talked about previously. Construction access for the installation of public improvements the primary access will be Cooper Road. Secondary access points for residential traffic will eventually be open at 48th Avenue as well as 97th Street coming out of the Meadowdale Estates Subdivision. Again, the Village has the ability to restrict construction traffic

Village Board Meeting
July 17, 2006

to the main entrance which is at Cooper.

Outlots 3 and 4, there has been discussion back and forth as to whether or not Outlots 3 and 4 would be dedicated to the Village as part of the right of way from 48th Avenue, or it would be attached to the properties on either side. I think the Village can go either way. We just need to make a decision whether or not the outlots should be attached to 48th Avenue or to be transferred to the properties on either side.

One of the things we didn't get a chance to talk about and some of these things are coming up now, I had a conversation with Mr. Safran a couple of weeks ago, and I had a follow up conversation with Rich Hooper who is the customer service technician from We Energies on July 10th. He stated that the only pole at this time that We Energies anticipates moving for the construction of 48th Avenue and 93rd Street is the one that is currently on the west side of the proposed intersection. So at our previous discussions we thought that the existing pole on Mr. Safran's property close to his east property line was going to be relocated as part of this project and that is not correct. What We Energies is telling us now is not until 93rd Street is widened or there is a need for them to push all the poles south will the pole on Mr. Safran's property be relocated. So it's going to stay where it is. So at this point there's no need to be cutting down the oak trees along his north property line or to move that pole, because the ones that We Energies is looking to relocate is the one that's right in the 48th Avenue right of way and the one that's in the Cooper Road right of way. Those are the two that they're going to be relocating as part of this development project.

The petitioner, again, is requesting a conceptual plan approval this evening. I think the staff has answered most of the questions, and I do need to introduce the developer's represented. Apparently I miscommunicated to them at the last meeting that we were having a special Board meeting on July 5th. It was their understanding that this item was coming to the next regularly scheduled Village Board meeting, so for that reason they were not present at the July 5th meeting. They're here this evening to make additional comments and presentation so that the Board can understand some of the questions and concerns to be answered from their perspective.

John Steinbrink:

Thank you, Jean. Maybe the developer would like to make a presentation.

Kari Kittermaster:

Hi, I'm Kari Kittermaster with Regency Hills Development. I just want to thank you for your time and consideration of this project and respectfully request that you approve tonight the Devonshire concept plan. Nancy Washburn and I ware here to answer any questions of the citizens or the Board and I want to thank you.

John Steinbrink:

I'm not sure if this is a public hearing anymore. Is this still a carried over public hearing, Mike?

Mike Pollocoff:

Village Board Meeting
July 17, 2006

No, it's not a public hearing but it's really an opportunity for comments and questions to be presented.

John Steinbrink:

Once again we'll entertain comments on this item. We ask that you use the microphone, of course, and give us your name and address for the record. We'll give you three minutes to comment on it. If there's something more to it we'll give you a little more time. Anybody wishing to speak on this item? We had a sign up. We'll start with that.

Patricia Miller-Ennis:

Hi, my name is Patricia Miller-Ennis. My mother is Lily Miller who lives at 4825 93rd Street, Pleasant Prairie. My name is also on the deed to her house. I grew up in that house with my parents, my brother and my grandfather, George S. Rumachik, who built that home and farmed the land that MasterCraft has purchased and will be building many single family homes on. I plan to return and live in that home in the very near future where I will live the rest of my life with my family. Our family has lived in Pleasant Prairie for more than 60 years. I feel that as long time residents who have lived and contributed to the Village we deserve consideration. To me this means I want my personal property and property lines to be respected. They are what I have left of my grandparents' legacy. This may not mean much to big business but it means the world to my family and me.

I want my driveway left where it is. At the open forum they had before the Village meeting they were talking about different intersection types at 48th and 93rd. I don't want a four way stop right in front of my east driveway. I feel a two way stop on 48th Avenue with a three lane road with a center turn lane should be explored and would be sufficient.

In closing, I know that Devonshire Subdivision will be built, but I feel the Village and MasterCraft should show respect and consideration for all of us who have been lifelong residents of Pleasant Prairie. Thank you.

John Steinbrink:

Thank you.

Walter Safran:

Good evening. My name is Walter Safran. I'm at 4733 93rd Street. And in the conceptual plans we are the adjacent property owner to 48th Avenue. I have a couple of pictures I'd like to present. Pursuant to the proposed Devonshire Subdivision, on behalf of my wife, Marcia Urbanski and myself, we object to the construction of an entrance access roadway to the Devonshire development at 48th Avenue and 93rd Street. For the past several weeks we've been talking about the blockage of our driveway due to construction of an acceleration lane from 48th Avenue to 93rd. The newspapers have been reporting that we are trying to block the subdivision. It's not the subdivision, it's the construction of 48th Avenue and the intersection of 48th Avenue and 93rd

Village Board Meeting
July 17, 2006

Street.

The intersection of 48th Avenue is the cause of all the concerns. 48th Avenue in the conceptual plan required deceleration and acceleration lanes which in turn blocked our driveway entrances onto 93rd Street, and the blockage in turn resulted in the proposal to relocate or turn our driveway. The driveway is just the tip of the iceberg. It's not the subdivision, it's the 48th Avenue intersection that's causing all the problems. 48th Avenue is not the right place for the entrance road. The proposed 48th Avenue entranceway has only 90 feet frontage on 93rd Street and is surrounded by an established residential area in existence over 50 years.

The long established neighborhood consists of at least 20 houses, but there are some, Mr. and Mrs. Wellman at the corner of Cooper Road have been there for 34 years. He's retired from the Kenosha Police Department. Mr. and Mrs. Hubbard, in the middle of 93rd Street, 39 years and retired Pleasant Prairie Fire Chief. Mrs. Pat Rumachik on 48th and 93rd Street directly opposite of our house has been there for 49 years. Mr. Paul Rumachik is retired from American Motors as a body engineer. He was an accomplished pilot and owner of Coast to Coast Hardware on 22nd Avenue. He was also the Chaplain of Pleasant Prairie VFW. Mrs. Miller whose house is the original George Rumachik home built in 1946. And then our house built by Mr. and Mrs. Mitchell and Jessie Urbanski built in 1959, 47 years.

The Rumachik family has been the forefathers of Pleasant Prairie. Mr. George Rumachik actually owned three properties, one on the south side of 116th Street, a large property, one on the south side of 104th Street, another large property, and the third this 50 acres on the south side of 93rd Street. They're actually the founding fathers of Pleasant Prairie. They've actually owned these lands since 1930.

48th Avenue is a dead end street with seven households ending in a cemetery. That's the photograph that I passed out. 48th Avenue was constructed in 1950 as a country lane. It's uncurbed, it's asphalt drive, measuring only 16 feet wide. There is no traffic on this road except for the seven residential households. There is absolutely no reason to make this a through connecting street to the south. The expansion will cause a severe safety concern to the households with many small children and other traffic problems.

Jane Romanowski:

Mr. President, do you want him to continue? He's well over his time.

John Steinbrink:

If you could wrap it up within 30 seconds or so.

Walter Safran:

Thirty seconds? Traffic in and out of 48th Avenue will be a nightmare for years to come. Case in point Meadowdale Subdivision has been in construction since the late 1980s. Phase 2 has just broken ground in June 2006 for the remaining . . . that's 20 years of construction. Case in point Village Green has been in construction for the past four years and is still short of 50 percent

Village Board Meeting
July 17, 2006

occupied. There are still 21 spec homes completely built and still for sale. After four years curbing is just being roped off. With the construction of the intersection of 48th Avenue and 93rd Street the Village is creating a dangerous and unsafe situation. Thank you.

Betty Simpkins:

Betty Simpkins, 9219 48th Avenue. I'm an avid walker and I walk every day, and I hope that the people who decide what they're going to do as far as safety goes will think about us people who live on 93rd and 48th. We have to come up an incline to get to 93rd off of 48th Avenue, the dead end going north. But this is really a hazard. How many times my pant legs have been rubbed with cars because they come so close and they travel so fast. Something has to be done to slow it down. If you get on 93rd to the east you'll find a hill. If you go to the west you'll find an incline, and oftentimes it's very hard to even see cars coming because they blend right in with the blacktop. So I hope you will make a wise decision as what to do with 48th and 93rd. Thank you.

Nancy Niemietz:

Hi, my name is Nancy Niemietz and I live at 4910 93rd Street, one of the properties that will be adversely affected by Devonshire developments wherever they put their secondary entrance to their planned subdivision on 93rd Street. I understand the conflicts of putting their currently planned entrance between the Safran's and Miller's property on the proposed extension of 48th Avenue. If the developers were to put their entrance further to the west that would be across the street from our property. Why put another entrance only a few hundred feet from the intersection of Cooper Road and 93rd Street which is already going to be a busy intersection?

There are also a number of oak trees that would need to be eliminated. Would Devonshire and the Village protect those trees? Will the Village protect this neighborhood? Many of these residents live in homes well over 40 years old and have lived here for a long time. As for Jean Werbie's comment at the July 5th meeting saying that back then the Village used to let people build anywhere, that is not true. Were people to build in the middle of their corn fields because one day in the distant future there would be a subdivision there? No, they built on the roads because that is how they delivered their products from their farms. That is how they got to town, school and church.

Don't make us feel that our older homes are now out of ordinance or in the way of progress because some out of town developer wants to make money by putting up as many homes as they can on what used to be productive, fertile farmland. This is progress? I'm sure you are thinking that there are only a few homes that stand in the way of Devonshire getting what they want. Think of the impact that it will have on these current Village residents. We will not quietly put up for sale signs which is what a lot of developers hope for, or they either buy out the current homeowners who stand in the way of their business. These are our homes, this is our neighborhood. I hope that something can be worked out between the old and the new that would keep everybody happy and keep our home values going up like they say property is doing everywhere else in Pleasant Prairie. Thank you for your time.

John Steinbrink:

Village Board Meeting
July 17, 2006

Thank you.

John Niemietz:

Thank you. John Niemietz at 4910 93rd Street. Jean, I would like to thank you for the information you presented tonight. It was kind of overwhelming. I hope it is available to us so we can review it in a little different atmosphere. I oppose having the road to Devonshire placed anywhere other than 48th Street. I feel it is the right spot for it. I understand the long time residents that live there, and it's not to say any disrespect for them, but they were aware I'm sure of the impact when they sold the property to MasterCraft. And it seems like it's the next generation that is really concerned about the outcome of this. I think what is being proposed is proper. Thank you very much.

John Shepperd:

Hi, my name is John Shepperd. That's my wife, Julie. I live at 4732 93rd Street, and we bought the place probably about three years ago. And one of the reasons we did purchase it is because of the area it was at and it had open fields and the traffic was less. I understand that progress is one thing and we have to move forward. But I just hope the Village takes into consideration the people that have lived there all these years. Putting a deceleration lane and acceleration lane kind of screws up the south side of 93rd Street. Putting a four-way stop there I'm really

concerned of noise levels and that type of stuff. I know that we need to slow the traffic down, too. I guess if you have to pick your poison I guess I would have to go with the third lane option that has been brought up for 93rd Street. Thank you.

Dale Wellman:

Dale Wellman, 9245 Cooper Road. I don't want to cut down a neighbor, but I've only lived there just under 33 years. I'm against you making a roundabout at Cooper Road and 93rd for several reasons. I understand I think from what I heard here tonight the developer would have to pay restitution for any property that you're going to have to take widening the road. I don't know how you put a figure on what I see if the roundabout goes through a 300 or 400 year old oak tree that I measured today that's 16 foot in circumference. I don't know how you put a price figure on that. And I would be losing at least one apple tree, one hickory tree, an oak tree, three black walnut and three maple, an 80 feet by 2 feet wide red raspberry patch and about 300 feet of privet hedge. I don't feel my driveway is that close to the intersection. It's well over 100 feet away.

I would like to know if the road does get widened if you would put it where it actually belongs, because right now between Niemietz and Hubbard I know you're more than five feet beyond your 33 foot right of way. This has been told to me by several of your Pleasant Prairie road crews. All you had to do is come out there and look and you can see there's a big bend in the road. It doesn't show up as much on the aerial photos but it's there. At my property you're only two to three feet past your 33 foot right of way at this time. Like I said, I don't know who is going to pay us and how much but I'm not in favoring of widening the road. I don't think you're allowed by State law to put speed bumps there, but that may be all that's going to slow the people down

Village Board Meeting
July 17, 2006

because they sure don't stop for that stop sign the majority of the time.

I'm probably getting close on time. I'd just like to make a statement on my wife's behalf. She couldn't be here tonight. I'd like to thank Pleasant Prairie's Fire Department for getting her to Kenosha Hospital as soon as they did last Wednesday. Although the doctor was a little upset and so am I after I found this out, my wife said when she called she was told it will be a minimum of 13 minutes before we get to your house. From my house to here should be no more than five minutes. Three years ago when I needed them they did the same thing as they did for my wife. She told them our driveway was on 93rd Street, to turn into the driveway before they get to Cooper Road. Both times they went down Cooper Road. I feel the Fire Chief should give his men a little better communication skills. When you're told where the place is don't totally disregard it. My wife, as I said, is alive only because at the hospital they put defibrillator patches on her and she had to be shocked twice because her stopped twice between the ER and the cardiac care unit.

She was going to basically say the same things I was tonight. We don't feel the road should be widened. With that many houses going in I think the speed limit should be brought down to 25 or 30 miles an hour, not 35. Thank you.

Steve Ennis:

Mr. President and members of the Board, my name is Steve Ennis and I am Patty Miller-Ennis's husband, and I, too, will one day live at 4825 93rd Street. Currently it seems like we have two choices as far as our property and our driveway goes. Either keep the driveway where it is and have a stop sign right at the end of it, or install acceleration lanes and move the driveway over onto the proposed 48th Avenue. Both of those choices, from what I understand, violate currently ordinances for the distance of a driveway from a corner. The presentation tonight spoke quite a bit about ordinances and why we have to do this and why we have to do that because it's according to ordinance. It seems kind of convenient that they're brought up when they need to be and ignored when they're in violation.

I would really think that the traffic study would need to be completed and these details finalized before any decision on this plan could be made. I mean so much depends on that plan that I don't know how you can finalize this proposal without having the traffic study finished and knowing what we're going to do at all these corners. If I had my druthers I'd really rather not see 48th there at all. I totally understand why people don't want it at 49th and 50th. I completely understand that.

Third, this neighborhood plan, the Village Comprehensive Plan, has been in the works since 1996. It appears that the current residents and their property weren't considered very much. The neighborhood plan says compatibility of existing land and development. It looks like only the progress was considered.

I guess, finally, at the very beginning we were talking about this appearance committee and it was

Village Board Meeting
July 17, 2006

mentioned that the Board is really overloaded and really doesn't have time to take on any more projects like that. Well, if the growth in Pleasant Prairie continues the way it is, I don't know how you could possibly serve the current residents effectively. Thank you.

John Steinbrink:

Anyone else wishing to speak?

Nancy Washburn:

My name is Nancy Washburn. I'm the development coordinator for MasterCraft builders. Change is very difficult and I've heard a lot of emotional words said tonight. I've heard a lot of things in the last few weeks. My own family being a family from not the Village of Pleasant Prairie but the Racine area, we live on a farm that's been in the family since the 1860s, and we've had a number of situations over the years where we've shed tears and I've seen grown men cry over the taking of land by the Department of Transportation and other municipal taking situations. Change is very difficult.

I guess from what I've heard tonight to stay away from the emotion is what I'd rather do and very quickly just offer a couple of comments. I believe that several years ago when we negotiated the purchase of this property from the Rumachik family, as I sat before three different attorneys and seven different heirs, it was obvious because of the three different attorneys that they were not in total agreement as to what needed to be done or what they wanted to do with that property as they were inheriting it from their parents. And I do believe that Lily Mueller and Jessie Urbanski were the two ladies that sat together with their attorney, and they at that time were definitely opposed to disposing of the property. They wanted to keep it in the family. They didn't want to see it go away. They wanted to see it remain a farm field.

And yet based on the Judge's order it was divisible property. It's highest and best use based on the appraisals that had been obtained by the Court was for residential development. That was the price tag that was on it, and all of the people that had been lined up for the Court date pending for the sale and disposition of the property were developers. There were no Urbanskis, there were no Mueller's, there were no Ennises, there were no Safrans and there were no Rumachiks in line at that gate. They were all developers. And for that I guess I have to say I can't say I'm really sorry for being one of them. It's a beautiful property. Our goal as a developer is to protect the natural resources on it as Jean Werbie has outlined to you in our tree preservation plans and wetland preservation plans.

In terms of some of the outlying questions that need to be answered tonight and the guidance we need from you tonight, as part of our approval we would request as the developer that Outlots 3 and 4, which are the outlots abutting the Mueller and the Safran property, which had originally been talked about either being dedicated to the Village for right of way or given to the property owners, I would recommend and request that the Board dedicate those and accept those dedications to the Village. One of Patricia's comments was that she hoped we would be a respectful developer and she hoped that we would protect their personal interest. I think that the best way to do that is create dedicated land owned by the Village so that when we create that roadway at 48th Avenue we are not going to then be impacting any properties of theirs at all. We

Village Board Meeting
July 17, 2006

will have no need for grading easements. We won't be touching any properties owned by them, and we will be able to blend in nicely with Village owned lands. Our road will be able to blend in with Village owned properties. I think that is a great way to help protect their personal citizenship.

The intersection design I think is another situation that I've heard a lot of emotional conversation about, but the bottom line is as a developer and the bottom line is as a Village Engineer, as a Village planner you are mandated to make your decision based on sound engineering, and traffic engineering is based on traffic counts, warranted intersections, and then public safety. It was clearly made clear at the Plan Commission that public safety was of utmost importance and concern over the layout of that intersection and the ability of the Safrans or Mrs. Mueller to keep their existing driveways. I think the four-way intersection based on all of the conversations I've heard, engineering versus sentimental, is a very, very good compromise to that. It allows Mr. Safran to keep his driveway where he wants it to, to continue to use it as he has been for all of the years he's lived there prior to his mother-in-law living there. It allows Mrs. Mueller to continue to use her driveway the way she currently uses it until such time as Patricia and her husband they've talked about enlarging the house and they're going to definitely need to make some changes at that point.

So we would recommend that the four-way section alleviates the accel/decel lanes and any further encroachment onto any of their properties. Additionally the woman's name who I didn't get who spoke regarding safety, slowing down traffic, she's a walker and she walks from 48th Avenue up to 93rd Street, well, you'll slow them down. You'll stop them. So it's a great traffic control device.

Obviously, the intersections of Cooper Road and 93rd Street are going to be designed and determined under the preliminary plat. We're going to have to do traffic impact analysis that's going to have traffic engineers make the recommendations to you of what should go there, not just me or local residents. We need to have, obviously, professional guidance in that regard.

I guess finally all I have to say is that we've done our job. We are asking you tonight as a Village Board to approve our concept plan based on the fact that, number one, we have followed the Comprehensive Land Use Plan. We've made additional acquisitions so that we could create the connectivity of the major arterial of Cooper Road. We have followed the neighborhood plan. Again, these are plans as Jean mentioned that the early stages of them, the early thoughts of them, go back over almost 40 years. So we have followed the planning process. We've provided then incredible detail at great expense in terms of our concept planning going through engineering exercises, going through the wildlife preservation, doing all of the wetland delineations.

The concept plan meets the zoning requirement of the neighborhood plan and the Comprehensive Land Use Plan. It meets the connectivity requirements of the subdivision and the Village of Pleasant Prairie with multiple entrances that are lined up with either existing intersections or create new ones as you look to the property to the west of us known as the Swanson property. So based on that we would request that you move to approve our concept plan tonight. Thank you, and I'd be happy to answer any additional questions.

Village Board Meeting
July 17, 2006

John Steinbrink:

Questions from Board members? First, I want to make sure nobody else wishes to speak. Anyone else wishing to speak on this item? Hearing none, I'll open it up to Board comments or questions.

Mike Serpe:

In all the years that this Board has been approving new development it's never come without controversy, not a one. Your concerns have been heard by this Board on every development that's come forward. It's very important that this Board listens to the old timers, for lack of a better word, and I think we have demonstrated that in our developments over the years.

I would ask that you consider the developments that have taken place in the Village over the last 16 or 18 years and please tell me where we have failed. I think of Foxmoor, I think of Mission Hills, I think of Meadowdale Estates, Meadowdale Farms and now Village Green. These are all developing very, very attractively for a lot of reasons. Number one, we have a staff that cares

about what comes forward and they listen to the people. I know that's hard to understand that because you're right now in the middle of a development. You think you're being picked on but you're not.

When people go to work on a completed development they all don't go to work at the same time and they all don't come home at the same time so it's not like a factory getting out at 3:30 or starting work at 7:00 in the morning. The traffic at most of these places leaves by different means. In this Devonshire development I'm going to guess that the majority of the people that leave for work are going to go to Illinois. That being the case, they're probably going to go south to 165 through Cooper Road. If and when Village Green develops in the commercial area which is right across the street, we're hoping that we're going to be able to supply some amenities that are going to serve the neighborhood like a gas station, like a grocery store and other needs that we all rely on. When that happens there won't be a total need for everybody to leave through Cooper Road and 93rd or 48th and 93rd to go to SuperValu or go to Walgreens. We're hoping we're going to get those types of stores right out here so people can come through their own neighborhood and go to the stores that are servicing those areas.

Hearing the amount of concern from the last Board meeting tonight, I think Jean has addressed many of the needs and the desires of the neighborhood. 48th Avenue to me after listening to all the testimony is the best site for the secondary road. Cooper Road is still going to be the main entrance to Devonshire. We've satisfied the concerns by offering a four-way stop to control traffic, to eliminate the deceleration lanes, to eliminate the cutting down of the trees. I showed some concern at the last Board meeting about roundabouts at 93rd and Cooper. Although I believe roundabouts are a good way to go, I believe that this section, and without measuring and knowing what's going to happen, I have to agree with Mr. Wellman I don't want to see a 16 foot tree being taken down and 300 feet of privet hedge and a lot of other things for a roundabout to take place that may encroach too close to his house if it were to go in.

So, your concerns are not new to us and they're legitimate concerns. The only thing I'm asking

Village Board Meeting
July 17, 2006

you tonight is to put some faith in this Board and this staff that when the end product is done it's going to meet your approval as we have in the past 16 or 18 years with all our developments. We're not going to stuff something down your throat and be sorry for it later. That's not what we're all about and that's not how we created Pleasant Prairie. We're proud of what we've done. You have allowed us to do it because you've elected us to represent you. We'd like to continue that way. Thank you.

John Steinbrink:

Other comments from Board members?

Steve Kumorkiewicz:

One comment. On 93rd and Cooper Road right now we're talking about a conceptual plan. The corner of 93rd and Cooper road is going to be discussed more when they go to a preliminary plat, right, Jean?

Jean Werbie:

That's correct. If the conceptual plan is approved then the detailed engineering studies will be done as part of the preliminary plat process.

Steve Kumorkiewicz:

Every meeting that we have, conceptual plan, preliminary plat, final plat, whatever, we always notify the neighbors that are being affected and with the issue on 93rd I agree with Mr. Wellman right on the corner as I have been on that corner many times . . . back in 1963 when I came to this country so I knew some of them way back. So I'm an old timer myself.

The issue at that time on 93rd or Cooper Road, either a roundabout or traffic light is going to be considered at that time so right now it's not an issue. The issue is the property was sold by the Rumachiks with the knowledge that it was going to be a subdivision. It was purchased by the developer with a purpose and denying is going to be considered a taking of property in Wisconsin – we say no - we purchase all the property at market value and all the taxpayers in the Village would pay for that property. I don't think that's an issue right now because we don't have that kind of money to start with. Besides that, we have to realize those issues are presented to us many, many times.

Somebody mentioned . . . before we started this meeting and Mr. Pollocoff mentioned the typical case . . . 49th Avenue. I've lived in Pleasant Homes for 43 years . . . took his truck or car at the stop signs those lights go directly into my living room so every resident in that area that stops at that sign. So that's why I'm going to be opposed to anything . . . 49th Avenue . . . stop sign, yes. 49th Avenue, no. The intersection that goes in a T, no So I think that this issue has been worked out pretty much. I can understand the changes now.

Nancy, you met with the neighbors over there, so there was agreement or disagreement but you met with them plus the informational meeting today and the presentation by Jean Werbie was

Village Board Meeting
July 17, 2006

very well explained. It's a very good explanation. We know that this is not going to have to be . . . it can't be denied. We're going to have to live with that . . . every subdivision coming to the Village . . . Mission Hills, Foxmoor, all the new subdivisions in the Village were constructed properly with everything in place or we suffer the consequences. This one is planned properly with almost 30 percent of open space is a nice percentage for the environment, public parks and whatever. So I don't know how much we can discuss this issue . . . take into consideration and make a decision. So any more discussion I don't know.

John Steinbrink:

Other Board comments?

Alex Tiahnybok:

There's a lot of emotional statements and I truly feel for all of you. The comment that was made about the appearance committee notion definitely applies in this case also. But I think as Trustee Kumorkiewicz has stated there's a process and this process has moved along to a great extent. I don't think the Village Board is in a position to stop anything from happening. I wish we could but I don't think we can. I think the big debate as to where the secondary access to 93rd Street is going to be. It sounds like there's two choices. One is a four-way stop sign and the other one is a third lane that would require acquiring some property.

One question I have for Jean, and maybe you covered this in your presentation, the distances, and this was brought up during one of the comments, are the distances of their driveway from that four-way stop are they outside the ordinances or not?

Jean Werbie:

They don't meet the current ordinance requirements. They are closer than what would be desirable in the ordinance for a driveway. We've approved them from the Village building inspection standpoint as close as 70 feet, but desirably they should be at least 100 feet. In this case it's a controlled intersection so I would have to defer to the engineer to find out if that makes a difference because traffic isn't moving along that fast at that location if you've got a controlled intersection. But, no, it doesn't meet today's standards. I don't think any one of those connections at 93rd would meet the standards because somebody's driveway along 93rd would be impacted because they're existing. What we always try to do is make the best decisions based on the best available information and the current conditions that we have.

Alex Tiahnybok:

So are we, in fact, granting a variance if we approve this to allow those driveways to stay in place? Or, do we have the authority to do that?

Jean Werbie:

They would be grandfathered in.

Village Board Meeting
July 17, 2006

Alex Tiahnybok:

Another very valid point is that we are seeing more vacancies as these developments grow, units left unoccupied and for sale and all that. So not to go off on too much of a tangent, but I think our impact fees, all the consternation about that ultimately will slow down the process as we examine each development to make sure that it pays for itself and that existing property owners aren't footing the bill. I guess just out of curiosity is MasterCraft one of those evil Wisconsin Builder Association members that caused all this stuff to happen and, therefore, I think you would be really upset about this.

Nancy Washburn:

I definitely would like to answer your question. MasterCraft Builders is a member of the Wisconsin Real Estate Board or Realtors Association because they carry a real estate license so, therefore, they need to be. MasterCraft Development tends to take the position that impact fees are an evil necessity. That in order for you as a Board to be able to recommend to your constituents the approval of development, we have to be heads up about it in order for us to be able to create viable communities where there is good public police and fire protection, good parks and recreation, which are going to attract jobs and business and growth within our State as Governor Doyle would like us to be. We have to have impact fees, because it is not right for old development to pay for new development. That, in fact, is why we offered through a cost sharing agreement to write the check for \$90,000 which was misprinted at \$990,000 in the paper last week, but we offered to write the check for \$90,000 as a cost sharing agreement so that you as a Board would feel comfortable in recommending approval of a development that is doing exactly what it should do and that is pay for its own development.

Additionally, as I've spoken to President Steinbrink about, I also am in favor and I think it's high time that the State of Wisconsin got on the right track and also allowed for the ability for the school districts to impact. We are never going to get the referendums passed. I was up at a school district in Ozaukee County, a phenomenal school district, 92 percent fourth grade testing scores, 89 percent fourth grade math national testing scores. 11 leaks in their roof, one roof that needs to be replaced, they're running at a negative budget. They need students actually. They're one school system we've been to that needs students and has a lot of room in their enrollment, but they need impact fees. They need their budget. They cannot raise money through tax generated revenue and keep taxes down which are already too high in the State of Wisconsin. We can't do it without impact fees. I've offered to go to Madison and support that kind of a role. I think it's really time we look into it for our school system. Does that answer your question?

Alex Tiahnybok:

Good enough.

John Steinbrink:

And I have to commend MasterCraft. They've taken an attitude with this development, stepped up to the plate. Impact fees don't slow development down. They create sound communities to protect the taxpayers and they keep taxes down. This Board looks out for this community.

Village Board Meeting
July 17, 2006

That's why we imposed impact fees on new development and we're willing to work with quality developers who are willing to step up to the plate, who are willing to work with neighbors, the community to do things the right way and preserve as much as we can in a growing community. No, this community will not be the same as it was in the '60s. We've all seen that change. Every time a person moves here, every time a business moves here, but our goal is to make sure that this remains a sound, open community where people want to locate and that is the case today.

So this being an item, to back up, we're looking for the approval of the conceptual plan. This being the first step in a process yet that we have to go through.

Jeff Lauer:

I just want to make a couple comments on Mr. Wellman. I know where you live and I think I've been there and have seen that tree. I agree with Mike I don't think a good roundabout would be good there at all. I know I've met with Mr. Safran and other residents for a while. I guess before I go on I have a question or two for Jean. Jean, is it possible to make the secondary road go to 43rd Avenue through Meadowdale and come out on 39th Avenue that way?

Jean Werbie:

No.

Jeff Lauer:

Or is that because of the preservation?

Jean Werbie:

There was at one point supposed to be a connection down here anywhere along this area, and it was actually even platted as such. And when Devonshire moved forward they had a series of wetland stakings done, and in three locations where we thought we could have pulled it through the wetlands and the woodland areas and the conservation areas all would have need to be impeded or cut or filled in order for that to happen in a more significant way. So for that reason we did not identify that for a connection further south at 97th.

Jeff Lauer:

So this development would have three access points, correct, two onto 93rd and one—

Jean Werbie:

One at 48th, one at Cooper Road and one at 97th Street. Eventually Cooper Road will connect south into Village Green Heights, and at some point there will be interconnections to the west for that development to come in towards Cooper Road and then go north.

Jeff Lauer:

Village Board Meeting
July 17, 2006

I know I've met with you Mrs. Safran a couple times and a couple other residents and I know some of the major concerns. I wrote them all down. I could probably list them all off here for you tonight, but this is one of the things on how I feel on the emotional side to say no. Yet, even when I talked to Jean after I met with you I think most of the concerns were done. The driveways stay on 93rd, the trees aren't lost, and I guess it's like President Steinbrink said a few weeks back sometimes we have to make the hard decisions. I think this looks like the only spot for the road to go, and from what I understand, Jean, Cooper Road is going to be used strictly for the construction, right?

Jean Werbie:

Yes, it will be the construction road.

Jeff Lauer:

I guess I do agree with Mike, what you said, it was eloquently said. It's just one of those difficult things at this time that if the road issue wasn't taken care of with the driveway I know my position would be much different, but it seems like everything has been taken into consideration. There's no acceleration/deceleration so nobody loses frontage on that. So it looks like most of the concerns have been gone through. The only outstanding one is where does the road go.

Mike Serpe:

Mr. Chairman and the people, this is a conceptual plan. There's going to be some refinements made to it and hopefully those will be in your favor when they are done and the final plat comes forward. I can tell you that we have worked with Nancy Washburn in the past and MasterCraft and they are good people to work with. Again, change is hard, change is difficult, but it's a growing area and as long as it's going to grow be thankful that we have people in place like Jean Werbie and Mike Pollocoff and my fellow Board members that are going to make sure that development is going to be taken care of and it's going to be done right. With that I move approval of the conceptual plan.

Steve Kumorkiewicz:

I'd like to second that.

John Steinbrink:

Motion and a second. Any further discussion on this item?

Steve Kumorkiewicz:

Yes, I want to . . . the four-way stop sign at 48th Avenue. That's number one. Also, this is only the beginning. We have preliminary plat, final plat I hope with the informational meetings and public hearings and notify . . . in the area I hope to see everybody here attending the Planning Commission meetings.

Village Board Meeting
July 17, 2006

Mike Pollocoff:

I think one other thing is the motion is to approve with the staff's recommendation for a four-way stop at 48th Avenue. And I think the other issue would be the developer would need guidance and I guess the public would want to know whether or not the ownership of the outlots on either side of 48th Avenue would remain in public ownership.

John Steinbrink:

We have a conceptual with modifications, a four-way stop.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND CONSIDER A CONCEPTUAL PLAN FOR THE REQUEST KARI KITTERMASTER, AGENT FOR REGENCY HILLS-DEVONSHIRE, LLC FOR THE 86 ACRE PROPERTY GENERALLY LOCATED SOUTH OF 93RD STREET BETWEEN 48TH AVENUE AND COOPER ROAD FOR THE PROPOSED 114 SINGLE FAMILY LOTS TO BE KNOWN AS DEVONSHIRE, INCLUDING A FOUR WAY STOP AT 48TH AVENUE AND THE VILLAGE TO TAKE OWNERSHIP OF THE OUTLOTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

I want to thank everybody for coming. It was a long hearing on this but we like to make sure we listen to everybody. A lot of times ideas come forward that allow changes to be made that benefit the whole community. I think, Watts, you've seen a lot of changes over the years from when you used to drive those fire trucks into the potato barn and store them over there where Menards now sits. I think we've maybe got some better doors than you guys had now.

8. NEW BUSINESS

- A. Receive Plan Commission Recommendation and Consider Ord. #06-33 for a Zoning Map Amendment for the request of Richard Steffes, agent for Laurel Steffes & Georgette Bates owners of the vacant property generally located on the west side of 3rd Avenue and south of 110th Street to rezone a 15 foot portion of the field delineated wetlands seven (7) feet from the south property line from C-1, Lowland Resource Conservancy District to the R-5, Urban Single Family Residential District as a result of the Wisconsin Department of Natural Resources permit to allow the owners to fill the area for the installation of a driveway from 3rd Avenue to the non-wetland portion of the site. The LUSA, Limited Use Service Area Overlay District will remain on the property.**

Jean Werbie:

Mr. President and members of the Board, I'm going to go through some of these slides rather quickly. They were set up for the many previous meetings that we had regarding this property.

Specifically, the petitioner is requesting that the Village amend the zoning map to remove a 15 foot wide portion of the property generally located on the west side of 3rd Avenue south of 110th Street. The property is identified as Tax Parcel Number 93-4-123-304-0240. It's part of Lot 3, Block 20, Carol Beach Estates Subdivision Unit 2.

What we're doing is removing a portion of area, a small area, that is currently zoned C-1, Lowland Resource Conservancy District and placing it into the R-5, Urban Single Family Residential District. This comes as the result of the issuance of a Wisconsin DNR fill permit to allow a 15 foot wide driveway to be installed through a wetland area in order to get back to a buildable area of land for a single family home to be constructed. The Limited Urban Service Area Overlay will remain on the particular property.

Again, to abbreviate some of the background information, back in 2004 the Village received a wetland delineation request in order to have the biologist from SEWRPC go to the property, delineate where the wetlands were located. The Plan Commission once we received that plat of survey initiated a resolution, and the Plan Commission and the Board had before them the rezoning of a property based on that wetland delineation.

What had happened is the property owner realized that the only way to get access to the buildable portion of his property was to request a fill permit from the Wisconsin DNR for the driveway. He petitioned and requested a fill permit. He was granted a fill permit from the Wisconsin DNR in 2005. He applied for a permit from the Village to have a culvert installed, and the next step of the process was just to rezone that filled driveway out of the C-1 and put it into the R-5. Some property owners within that particular area objected, filed an appeal. The Plan Commission then had decided that this item would be tabled and not moved onto the Village Board until we had some questions answered with respect to whether or not that appeal was going to be upheld by the DNR and whether or not Carol Beach Subdivision area storm water management plan was going to be approved by the Village Board.

There was a considerable amount of discussion about the land use management plan for the Chiwaukee Prairie. It identified this particular property and that there are a lot of platted wetlands in this particular area. We talked about in the past the land use management plan and what area would be preserved, which areas would be developed. This happens to be a property that was located in a development area in Carol Beach Estates Unit #2. Again, this was an area of considerable discussion with respect to a drainage and management plan. There was some discussion that for ten years there was an area wide fill permit that was issued to the Town of Pleasant Prairie. Anyone within the development area could have filled their property in order to build. Some chose to do that and others did not. The permit expired. When the permit expired individuals had to apply for the fill permit. No longer would the Village of Pleasant Prairie be applying for these permits, and that's what brought us to them applying for that fill permit. Again, there was a lot of discussion on the drainage and the storm water management plan which was eventually denied by the Village Board, and we needed to wait for the outcome of the discussion of the DNR with respect to filling. The contested case hearing with the Wisconsin DNR was considered on May 1, 2006, and the State of Wisconsin, Division of Hearing and Appeals upheld the public hearing and the Administrative Law Judge issued the decision that the driveway area of wetlands would be filled and it would be upheld to be filled.

Village Board Meeting
July 17, 2006

So that brings us back to the Village of Pleasant Prairie Board to consider the zoning map amendment to rezone the areas that was filled for this 15 foot wide driveway to rezone it from the C-1 to the R-5 designation. The Village staff and Village Plan Commission recommend approval of Ordinance #06-33 in order to amend the Village Zoning Map to reflect the area that has been filled with wetlands.

Steve Kumorkiewicz:

I have a question for Jean. Jean, this is one of the 14 lots in that area that were discussed when we were talking about the storm sewer for this area, 14 lots?

Jean Werbie:

Was it one of the 14 lots that the Village was going to acquire? Is that what you're asking?

Steve Kumorkiewicz:

No, not acquire.

Jean Werbie:

That was part of the drainage plan study?

Steve Kumorkiewicz:

There were 14 lots that were mentioned by somebody over there, I think one of the neighbors. I have to think about what it was, that they had wetlands and they can't build.

Mike Pollocoff:

That's what Jean was describing.

Steve Kumorkiewicz:

That was one of those lots?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

That's what I'm talking about. Okay. So right now my question is that culvert going to be deep enough or too high concerning the road? That's what I'm looking at.

Jean Werbie:

Village Board Meeting
July 17, 2006

I guess I'd have to ask that question of our Superintendent of Streets, but I'm sure that they designed and installed that culvert prior to the adoption or not adoption of that drainage plan for the Carol Beach study area.

Mike Pollocoff:

All the culvert is going to do is get the driveway through a wet area because there is no drainageways there that work. The culvert that's going to go in there, the wet area defined by Jean you have to bridge that wet area and that's what it does. It will bridge over the wet area and that's it.

John Steinbrink:

The Planning Commission has also asked that it be kept to a minimum and guidelines be strictly followed.

Steve Kumorkiewicz:

We attended the Planning Commission and I'll make a motion for approval.

Mike Serpe:

Second.

John Steinbrink:

Motion and a second. Any further discussion?

Alex Tiahnybok:

Does this action create a precedent that we can't avoid but approve in the future?

Jean Werbie:

It's not an action by the Village that has been set. It's by the Wisconsin DNR.

Alex Tiahnybok:

So if the DNR and the Army Corp approve something we'd be obligated in a way to follow through, right?

Jean Werbie:

Possibly.

Mike Pollocoff:

Unless you want to buy it.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #06-33 FOR A ZONING MAP AMENDMENT FOR THE REQUEST OF RICHARD STEFFES, AGENT FOR LAUREL STEFFES & GEORGETTE BATES OWNERS OF THE VACANT PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 3RD AVENUE AND SOUTH OF 110TH STREET TO REZONE A 15 FOOT PORTION OF THE FIELD DELINEATED WETLANDS SEVEN (7) FEET FROM THE SOUTH PROPERTY LINE FROM C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT TO THE R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT AS A RESULT OF THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES PERMIT TO ALLOW THE OWNERS TO FILL THE AREA FOR THE INSTALLATION OF A DRIVEWAY FROM 3RD AVENUE TO THE NON-WETLAND PORTION OF THE SITE. THE LUSA, LIMITED USE SERVICE AREA OVERLAY DISTRICT WILL REMAIN ON THE PROPERTY; SECONDED BY SERPE; MOTION CARRIED 5-0.

- B. Receive Plan Commission Recommendation and Consider Ord. #06-34 for a Zoning Text Amendment to amend Section 420-129 E of the Village Zoning Ordinance related to lot size and width requirements in the C-2, Upland Resource Conservancy District.**

Jean Werbie:

Mr. President, the Village staff at the direction of the Plan Commission has put together an ordinance text amendment to the C-2, Upland Resource Conservancy District. The purpose of this text amendment is not to minimize or destroy the benefit of trees within the Village of Pleasant Prairie. The intention of this ordinance is to identify those areas in the community that had been pre-zoned by Kenosha County back in 1983 by having a C-2, Upland Resource Conservancy District designation that are less than five acres.

The way the ordinance is structured today is that all lots within the C-2 District must be five acres. If you create a new buildable parcel regardless of the trees on that particular property. So what had happened in 1983 is there were situations where there were lots larger and much smaller that had trees on them. The purpose of this amendment before you is to specifically outline an exception provision so that if you have a parcel of land that is ten acres and only three acres is wooded, it would require you to create a three acre wooded parcel of land within the C-2 acreage as opposed to a five acre. So the way this is worded lots can be reduced down in size in order to allow for land divisions to occur insofar as the land division encompasses that area that's designated as wooded.

I'm not sure if that's really clear but it's intended to be. The lot size and lot frontage can be reduced then but it's only permitted that if you reduce your lot size below the five acres that it can be used for preservation of scenic, historic and scientific areas, park and recreation areas or one single family dwelling. What we did with this exception is that if you created a smaller parcel that's fully wooded that not all of the encompassing C-2 uses would be permitted, but only limited uses so as to avoid any large destruction of the trees on a particular parcel. We also

Village Board Meeting
July 17, 2006

minimized the amount of accessory structures that would be allowed in that particular district. And we also put in a provision that you needed to have a tree survey done prior to you doing the land division in the first place.

Again, when Kenosha County first did the comprehensive wide rezoning for the Town of Pleasant Prairie back in 1983, they primarily used aerial photo interpretation and they kind of drew rectangles and boxes around various wooded areas. They did not necessarily look at property boundaries and they didn't necessarily look at the quality or type or size of any of the trees that were in that particular area. So this helps to address various situations in the Village where those things were not taken into consideration. What it doesn't do is it does not rewrite or create a tree preservation ordinance. That's something that has been discussed by the Plan Commission, and they have asked us a number of times when we find the time to write a tree preservation ordinance that addresses tree cutting, tree clearing, preservation of wooded areas, street trees. It addresses all sorts of types of things. We are going to be moving towards this in the next year or so to write that specific ordinance, but this actually provides something different. It provides us the ability to create lots and still preserve the trees that have been identified on that particular property. It doesn't force someone to create a five acre parcel if there is only three acres of trees on that particular property. It should probably not have been identified that it had to be five acres because we wouldn't place the C-2 over farmland.

With that, the staff and the Plan Commission recommended approval of this proposed ordinance amendment which actually serves as a modification to the C-2 District.

John Steinbrink:

The Planning Commission members discussed this and studied it pretty thoroughly. You kept bringing them back to the point which is what we see before us. You explained it well then and you explained it well this evening.

Mike Serpe:

I think I asked this after the last meeting, Jean, after the Plan Commission meeting and I don't remember what the answer was so I'm going to ask it again. Smart Growth, 2010 all zoning has to be in place at the adoption of Smart Growth, is that correct?

Jean Werbie:

What needs to be in place is that our zoning map needs to be a mirror image or reflect what has been adopted on our comprehensive plan. So what's that saying is that it needs to make sure that if there is a primary environmental corridor with a large stand of trees it has to be zoned C-2. So whatever our plan dictates that what our zoning map needs to dictate. We will be rezoning areas or zoning things for eventual conditions or actual conditions, depending on whether it's trees or future commercial.

Mike Serpe:

Okay.

Village Board Meeting
July 17, 2006

TIAHNYBOK MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORD. #06-34 FOR A ZONING TEXT AMENDMENT TO AMEND SECTION 420-129 E OF THE VILLAGE ZONING ORDINANCE RELATED TO LOT SIZE AND WIDTH REQUIREMENTS IN THE C-2, UPLAND RESOURCE CONSERVANCY DISTRICT; SECONDED BY LAUER; MOTION CARRIED 5-0.

John Steinbrink:

The one item that was discussed there was the quality of the tree. Jean, we're not changing that at all?

Jean Werbie:

This ordinance doesn't address the quality of trees. Again, a tree preservation ordinance will need to do that that gets into species, type, size.

John Steinbrink:

Through discretion.

Jean Werbie:

It's the same as it was before.

Mike Serpe:

When you're talking quality of trees right now this air conditioner doesn't work because I'm willing to bet it's full of cotton seed.

C. Receive Plan Commission Recommendation and Consider the request of Lenore Velardo, property owner, for a Certified Survey Map, to subdivide the property located at 10415 22nd Avenue.

Jean Werbie:

Mr. President and members of the Board, the Velardos are requesting a certified survey map to subdivide their property into two lots, Lot 1 and Lot 2. Their property is located at the southeast corner of 104th Street and 22nd Avenue. It's identified as Tax Parcel Number 93-4-123-302-0510. Lot 1 is unimproved with a single family dwelling and shed. It's a corner lot. It's approximately 28,621 square feet. They have about 155.56 feet of frontage on 104th Street and 184.16 feet of frontage on 22nd Avenue. Lot 2 is unimproved and vacant. It's 15,071 square feet in area. It's proposed to have 97 feet of frontage on 22nd Avenue and a lot depth of 155.48 feet.

There was one question that was raised at the Plan Commission meeting and that was a shed that

Village Board Meeting
July 17, 2006

appears to be located in the future right of way of 22nd Avenue, and it's our understanding after talking with the property owner that the surveyor missed something and that was an old shed. It's been relocated so it's not a requirement that it be razed or be relocated because it already has been and it's part of the new certified survey map that's going to be submitted to the Village.

The staff recommends approval of the certified survey map as presented subject to the comments and conditions as outlined by staff and bringing a recorded copy of the certified survey map to the Village within 30 days of recording.

John Steinbrink:

Petitioners concur with all the setbacks and dedications?

Jean Werbie:

Yes.

Jeff Lauer:

I move to approve.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second.

Steve Kumorkiewicz:

A question for Jean. Why do you call it unimproved with a single family dwelling.

Jean Werbie:

The new Lot 2 is vacant.

Steve Kumorkiewicz:

Number 1 you said it's unimproved with a single family dwelling.

Jean Werbie:

That should say improved. That's a typo.

Steve Kumorkiewicz:

Village Board Meeting
July 17, 2006

That's what I thought.

Jean Werbie:

It's improved.

John Steinbrink:

The structure did suffer a fire but now it's rebuilt.

LAUER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND CONSIDER THE REQUEST OF LENORE VELARDO, PROPERTY OWNER, FOR A CERTIFIED SURVEY MAP, TO SUBDIVIDE THE PROPERTY LOCATED AT 10415 22ND AVENUE, SUBJECT TO STAFF COMMENTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

D. Receive Plan Commission Recommendation and Consider the request of Michael & Jeanine McCrary, property owners, for a Lot Line Adjustment between 10310 28th Avenue (McCrary) and 2808 104th Street (McCrary).

Jean Werbie:

The McCrarys are requesting a lot line adjustment between two properties on 28th Avenue. The southern one is also on 104th Street and 28th Avenue and they're looking to relocate or shove the property line further to the south. The two properties are at 10310 28th Avenue and 2808 104th Street.

The northern property is improved with an existing dwelling and existing garage. The house is 720 square feet with a one story single family house. It was constructed in 1955, and there's a 576 square foot detached garage. The lot line adjustment will result in 90 feet of frontage on 28th Avenue. Currently there's only 50 feet of frontage, and the lot area will be increased by just under 6,000 square feet resulting in a conforming lot to 15,440 square feet. Since the property is currently zoned R-4 to be a conforming lot it needs to have 90 feet of frontage and 15,000 square feet in area.

The second property is 2808 104th Street and that is currently improved with an 840 square foot one story single family dwelling. It was constructed in 1954 and it also has a detached 576 square foot garage. The lot line adjustment will transfer 40 feet of 28th Avenue frontage and transfer the related 5,855 square feet of lot area to the lot immediately to the north. The lot width and area requirements for this property will remain conforming as a result of the lot line adjustment.

The staff recommends approval of the lot line adjustment as proposed subject to the comments and conditions as outlined in the staff memorandum.

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND GRANT THE REQUEST OF MICHAEL & JEANINE MCCRARY, PROPERTY OWNERS, FOR A LOT LINE ADJUSTMENT BETWEEN 10310 28TH AVENUE (MCCRARY) AND 2808 104TH STREET (MCCRARY), SUBJEC TO STAFF COMMENTS; ECONDDED BY TIAHNYBOK; MOTION CARRIED 5-0.

E. Consider Ordinance #06-35 - Ordinance to Amend Chapter 348-8 of the Municipal Code Relating to Prohibited Parking.

Mike Pollocoff:

Mr. President, this ordinance is in response to the problems that the Village has been dealing with in Lake Michigan Park in Carol Beach. We previously adopted an ordinance that prohibited launching of water craft from any public property or park property along Lake Michigan. What's happened is now people are--two things are happening. One is people are launching either at the marina just south of the State Line or some other place and they're bringing their vehicle and boat trailer up to the park area, parking it there and riding and doing what they want to do out by the beaches there, and then they're bringing their water craft on the shore.

The other thing is once somebody is on the shore or parked there and they're gone, it's not always readily apparent who it is, who they are, who do we site. We can only assume that they launched the water craft. The Chief has indicated that many of the park goers there are less than cooperative in helping us chase down somebody. We could eliminate parking of trailers along Lakeshore Drive, but then there's a number of side roads they can park on and they'll be in the neighborhoods, and most people in the neighborhoods don't want anybody at the beach as it is anyway let alone having them park their cars on their roads.

Right now we allow parking of boat trailers on Park Drive at Prairie Springs Park in a specific area so we do permit it. What this ordinance does is it prohibits parking anywhere in the Village. We have to make this rule Village wide because otherwise I don't know where you start and stop enforcing it in Carol Beach, so no where in the Village can you park your boat or your trailer on the public street. Currently the zoning ordinance doesn't allow you to park it in your front yard or in your driveway. It needs to be secured back behind in your back yard. So this would prohibit parking anywhere in that area.

It's probably the one step we can take as far as the water craft at lake Michigan and the beach there. If they do come down to the area from someplace else and then they head back to that area then that's where they have to be. Chief Wagner advised me that we forwarded those complaints to the Sheriff's Department who advised us to forward those complaints to the Coast Guard. It's going to be difficult to get after them I think if they do come from the lake side.

The Park Commission last year considered implementing a regulated beach at Lake Michigan and decided not to do that. This year we're starting the budget process and maybe that's another option we're looking at. My advice to the Park Commission is the same as to the Village Board that unless we structure Lake Michigan park in such a manner that we can regulate the activities

Village Board Meeting
July 17, 2006

there and control who comes there by pass, it's going to be pretty difficult to manage because it's wide open. And until that happens this is probably the least at that one particular annoyance of jet skis or whatever water craft that would be going in that. That's going to affect everybody. You have to remember those parks were built down there to protect 1st Avenue and the total Village paid for the construction of those revetments there that created the parks, so there's a lot

of people that like to use them because that's a Village recreational amenity. But this would eliminate parking of those trailers there and everywhere. Chief, if you've got anything else you want to add to that?

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. The only thing that I would add is just to impress upon the Board the level of use that that area is seeing now on the weekends. Yesterday at one o'clock we counted 62 vehicles parked in that area of 110th and 1st Avenue. My staff spent a significant amount of time there this weekend. We logged 15 incidents in that area over the weekend. We issued 10 citations ranging from parking to disorderly conduct to drinking. So it's becoming an area that I think given the weather and, granted, I suspect this is going to be a temporary phenomenon. As it gets hot obviously the beach gets used and when it cools off that use diminishes. But just so that the Board understands the level of use that we're seeing down there.

Mike Serpe:

I have to agree with this ordinance, although it's a shame that Pleasant Prairie has the amount of shoreline that it has on one of the greatest lakes in the United States and we don't have a public launch area someplace or a public beach area that's big enough to accommodate exactly what we're trying to prohibit because it is a recreational lake. It's too bad that we couldn't have done something years ago before all the development took place and now it's pretty much shaded that out, that we could have put some type of launch in there.

You look at Lake Geneva, Williams Bay, Fontana, these places are booming and everybody has a good time going there. This isn't the place to do that I agree and I think we're making a mistake if we don't adopt this ordinance. But it's too bad we couldn't establish something on the lakefront where we could accommodate things that we're prohibiting right now.

Alex Tiahnybok:

I appreciate this being brought before the Board because my previous answer would have been how many cars and I would have said a lot but I never counted 62. That's probably a record I'm guessing or close to it. I'm also troubled by the Village wide impact of this. How much trailer kind of use in Prairie Springs are we talking about that this would affect?

Mike Pollocoff:

No, what the ordinance does is you can still park in an area where it's permitted. So Prairie

Village Board Meeting
July 17, 2006

Springs is permitted.

Alex Tiahnybok:

Got it. Fair enough. I didn't understand that. Last year the Park Commission which I sit on approved buoying of the beach area to have a no water craft area but that was cut during the budget and obviously we'll be talking about that again this year I'm sure but it's a problem. I read in the newspaper this weekend I think it was that there's actually, and I didn't know this was the case, there's actually I think it's the County's job to enforce, but there's a 200 foot no water craft zone off of public beaches. I was not even aware of that, but that is a County issue and not a Village issue, right?

Chief Wagner:

We have no authority beyond the edge of the beach.

Alex Tiahnybok:

So the whole idea of buoying the area really makes sense because then it's basically--

Mike Pollocoff:

We can buoy it, but if you buoy it and you don't have enforcement and you don't have the physical structures there to regulate people who go in there, you just have the same problem we have now only you have buoys out there.

Alex Tiahnybok:

I was contacted last week by a person that uses the beach regularly with his family, and Brian you were copied on that e-mail also, with water craft buzzing by. They're swimming off the beach, so it's a disaster waiting to happen. And as the volume of use gets higher we're just--I think this is the right thing to do also.

Steve Kumorkiewicz:

I have to admit, too . . . answer from Brian . . . the only question I have on that is the . . . pick up and launch it here and they can recover on the beach, right?

Chief Wagner:

No, I told my staff that my interpretation of the ordinance that was passed I think two meetings ago is that I don't care if you're launching a water craft or if you're recovering a water craft as far as I'm concerned that violates the spirit of that ordinance and we're going to enforce the ordinance if we see that.

Steve Kumorkiewicz:

Village Board Meeting
July 17, 2006

So you can't launch and you can't recover craft over there.

Mike Pollocoff:

The other thing Brian pointed out that you guys should be cognizant of is when that goes to Municipal Court by statute that's a \$10 fine. So it's going to be a nuisance.

Alex Tiahnybok:

A lot of people would just pay that as a use fee.

KUMORKIEWICZ MOVED TO ADOPT ORDINANCE #06-35 - ORDINANCE TO AMEND CHAPTER 348-8 OF THE MUNICIPAL CODE RELATING TO PROHIBITED PARKING; SECONDED BY KUMORKIEWICZ; MOTION CARRIED; MOTION CARRIED 5-0.

F. Consider Reappointments to Community Development Authority.

Mike Pollocoff:

Mr. President, the Community Development Authority's appointment periods is upon us. Pursuant to the resolution that created the Authority and the statute governing it, the Village President is an official member and is designated as the Chair. Mike Serpe is currently a member of the authority and his appointment would be sought as well as reappointment of Gary Hutchins who is the President of Bank of Kenosha and a current member of the Authority and has done good work and been of valuable assistance to the Authority. I'd recommend that all appointments be made.

Steve Kumorkiewicz:

I'll make a motion to approve.

Mike Serpe:

I'll second that.

John Steinbrink:

Motion and a second. Any further discussion?

Jeff Lauer:

I'd like to suggest, I know John and Mike served on this since it's inception. I would prefer to see new Board members on here rather than the same individuals all the time. I think it provides good continuity and not some are on blue ribbon committees. I'd rather see the change in that

Village Board Meeting
July 17, 2006

than have repeat individuals all the time.

John Steinbrink:

I think what we see here is we find it hard for some of our members to make the five o'clock Planning Commission meetings, and among other citizens they have a problem also. This Board meets at 4:30. Myself, Mike, Gary Hutchins and the other Board members pretty much make all of those meetings at 4:30 to conduct the business of the CDA, those staff members and whoever else is involved, the attorneys. I want to commend them for their work on it. They're all very able bodied people much involved in the community, knowledgeable in many parts of knowledge where knowledge is needed on this, and they offer a great deal to the Authority. I don't know why you want to turn people over.

Jeff Lauer:

. . . specifically, John, who doesn't show up? Who says 4:30 is a problem for me? Don't assume. I would prefer having Alex and/or I on here. I mean Mike Serpe serves as a Trustee on the Planning Commission and he's on the CDA. Steve has been here for years, School Commission.

Steve Kumorkiewicz:

I'm on the Recreation Commission, too.

Jeff Lauer:

So I would just like to see different names. When I say different names let's put it differently, different Trustees to serve on this.

John Steinbrink:

We have a motion and a second. Further discussion?

Mike Serpe:

I'm not going to tell any other Board member how to conduct their business or how to handle their affairs while they're in this position, but myself, John and Steve and former Board members have spent a lot of time at this Village Hall either calling, coming in, and I do that as well. You have to do that if you're going to keep up with what's happening with as much as going on with this Village. You have to stop in, you have to call, you have to discuss things with people. If, Jeff, and you run your affairs the way you want, you answer only to the people that elect you, if I saw you took the interest that other Board members have taken with coming in here talking to Mike, talking to Jean, meeting with the staff, I would say you've taken the necessary interest that would allow you to serve on these committees and I wouldn't object to you doing that. I don't see you here during the week. I'm here a lot. I've never been interrupted by one of your phone

Village Board Meeting
July 17, 2006

calls while I was meeting with Mike or Jean. And, Alex, the same with you.

You guys run your affairs the way you want, but if you're going to serve on these committees I think it's important that you know what's going on in the Village so you can make the right decisions. You can't do that from your house or your place of work but you certainly have a phone call and you could find out.

Jeff Lauer:

Well, Mike, I do show up here. Just because I don't walk in holding your hand doesn't mean I'm not here. I've met with Jean at times on certain issues as well and Mike. And the other thing, you know, am I always getting the truth from certain people? I can come in and meet with certain individuals. Am I getting the full story or half the story? I've requested information in the past, Mike, and from you and it's like pulling teeth. As a Trustee I should not have that problem. When I ask for something I should get it. You don't have to live here in order to show that you're productive. I still believe I outrank everybody walking door to door even to this day going to neighborhoods and that. I don't see you out there when I'm doing that.

Mike Serpe:

I'm very proud you on that, Jeff. That's good.

Jeff Lauer:

It should be tit for tat. You shouldn't have the same individuals day in and day out especially in positions where obviously it does have an impact on other peoples' lives such as the CDA does. So I know some of you keep saying come in and see Mike and come in and see Jean. Well, I do see Jean. If I need to see Mike I'll call him or e-mail him or see when he's available. So just because one doesn't come in here seven days a week, and again I'm not retired, doesn't mean anything.

Mike Serpe:

Jeff, I don't come in seven days a week. I've only been retired for eight and a half years and I've been on the Board for 17 and I've been coming in a lot. If I can't make it in I'll call.

John Steinbrink:

Any other comments or questions? Alex?

Alex Tiahnybok:

To follow up on some of the comments that Jeff made, when I ran for Trustee I didn't know I was running for Plan Commission, too. I recognize that it's one of the most important functions of the Village, and I think Jeff alluded to this, I'm not retired. The last two Plan Commission meetings I was in Amsterdam one week and I was in Jacksonville, Florida the following week. I don't have

Village Board Meeting
July 17, 2006

the flexibility of being here every Monday of my life and I don't get paid enough to do it either. Again, it's not part of the job description. I feel it's an important function of the Village and that's why we have a Plan Commission to make recommendations. I'd like to think that when the recommendations from the Plan Commission are forwarded in our packets to this Board that we have adequate time and resources to review what's there and ask proper questions at this meeting. Again, I don't see Plan Commission as part of the job description of Trustee. Frankly, this is I think the sixth meeting in a row where there's been shots taken across the bow about these Plan Commission meetings and it's getting pretty tiring. I thought we were going to try to work together and have a more congenial environment. It's not working if you're going to take a shot at me every single time. Again, I wasn't elected to the Plan Commission, and if you want to keep going down this road I guess we can keep going down this road but I'm tired of the shots. I volunteered to back off and all I get is shots across my bow over and over again and it's tiring.

Mike Serpe:

What shots are you referring to, Alex?

Alex Tiahnybok:

Every single meeting Mr. Steinbrink makes a comment, well, if we all made our Plan Commission meetings then we'd all understand what's going on. It's getting boring. Number two, why on earth are Community Development Authority meetings at 4:30?

Mike Serpe:

The members aren't complaining about it.

Alex Tiahnybok:

But the current members being okay with the meeting time shouldn't create an environment where other people that may be interested can't even consider doing it because the meeting times aren't convenient for them. Are we doing this for ourselves or are we doing this for the Village? Are we trying to have an environment where we can have fresh thought and new opinions and all that sort of stuff, or do we want the same old story and make sure that nobody else can do it because it's at 4:30. That's wrong.

Mike Serpe:

Talk about talking shots, Alex.

Alex Tiahnybok:

I'm doing it now. I am doing it now because, like I said, because I'm tired of it.

Steve Kumorkiewicz:

Village Board Meeting
July 17, 2006

. . . you were here . . . olive branch. The only thing I saw is cactus leaves.

John Steinbrink:

This doesn't go with the subject here. The final comment, Alex, is if you want to make accusations then expect responses. So when you make these accusations, these innuendos, whatever it is, we will respond to you. We will ask the question and that's what we've been doing for clarification.

Alex Tiahnybok:

Well, it's the way it's done. You could say it was discussed in the Plan Commission meeting--

John Steinbrink:

We have Item F, consider reappointments to the Community Development Authority. Motion and a second.

Jeff Lauer:

Just for the record I wasn't here last Monday because I was on vacation with my family. That trumps coming to a Plan Commission when I can read the documents.

Alex Tiahnybok:

And also for the record 100 percent Board meeting attendance at the consequence of some backlash from my employer. I don't think you've missed a meeting since I've been on the Board but everyone else here has.

Mike Serpe:

I have.

Alex Tiahnybok:

This is what I was elected to do.

**SERPE MOVE TO APPROVE THE REAPPOINTMENTS OF JOHN STEINBRINK
MIKE SERPE AND GARY HUTCHINS TO THE COMMUNITY DEVELOPMENT
AUTHORITY AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 3-2
WITH TIANYBOK AND LAUER DISSENTING.**

John Steinbrink:

I just have a feeling that we'll be reading about the attendance somewhere in the open records request by the *Kenosha News* very soon I would think.

Village Board Meeting
July 17, 2006

G. Consent Agenda

- 1) **Approve Bartender License Applications on file.**
- 2) **Approve Letter of Credit Reduction for Regency Hills - Creekside Crossing Development.**
- 3) **Approve Letter of Credit Reduction for Creekside Hill Development.**
- 4) **Approve Letter of Credit Reduction for Woodfield Estates Subdivision.**
- 5) **Approve Letter of Credit Reduction for Crestwood Development - Meadowdale Estates Addition #1 Subdivision.**
- 6) **Approve Letter of Credit Reduction for Westfield Development.**

LAUER MOVED TO APPROVE CONSENT AGENDA ITEMS 1-6 AS PRESENTED; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

H. Adjournment.

LAUER MOVED TO ADJOURN THE MEETING; SECONDED BY SERPE; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 9:15 P.M.