

**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  
April 21, 2008  
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, April 21, 2008. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; and Jane Romanowski, Village Clerk.

**1. CALL TO ORDER**

John Steinbrink:

Before we do the pledge of allegiance, as we're standing, I wonder if we could stand for a moment of silence for Corporal Richard "Ricky" Nelson who gave his life in Iraq for our country. His parents reside in Pleasant Prairie. And also for Wats Hubbard, former Fire Chief, who passed away a few days ago. Our thoughts and prayers are with their families and their spouses. Please rise for a moment of silence.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. MINUTES OF MEETINGS - APRIL 7, 2008**

**YUHAS MOVED TO APPROVE THE MINUTES OF THE APRIL 7, 2008 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

John Steinbrink:

I wonder if we could bring up Item B at the same time as Item A. They kind of tie together. Do we have a motion to bring up Item B?

**SERPE MOVED TO CONSIDER NEW BUSINESS ITEM B AT THE SAME TIME AS PUBLIC HEARING ITEM A; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**5. PUBLIC HEARING**

- A. Consider the request of Mark Eberle, P.E. of Nielsen, Madsen & Barber, S.C. agent for Louis and Krystyna Tricoli, owners for a Variance from Section 395-60 C of the Land Division and Development Control Ordinance to allow for a cul-de-sac street to be greater than 800 feet from the nearest intersection for the proposed 20 single-**

**family lot subdivision generally located south of 104th Street at 22nd Avenue to be known as Paradise Lake.**

**9. NEW BUSINESS**

- B. Receive Plan Commission Recommendation and Consider the request of Mark Eberle, P.E. of Nielsen, Madsen & Barber, S.C. agent for Louis and Krystyna Tricoli, owners of the properties generally located south of 104th Street at 22nd Avenue for approval of a Conceptual Plan for the proposed Paradise Lake development for the proposed 20 single family lots and four (4) outlots.**

Jean Werbie:

Mr. President and members of the Board. There are two items. The first item is a public hearing. It's a request of Mark Eberle, who is the principal engineer of Nielsen, Madsen & Barber, S.C., agent for Louis and Krystyna Tricoli, owners. They're requesting a variance from Section 395-60 C of the Land Division and Development Control Ordinance to allow for a cul-de-sac street to be greater than 800 feet from the nearest intersection for the proposed 20 single family lot subdivision generally located south of 104<sup>th</sup> Street at 22<sup>nd</sup> Avenue. The development would be known as Paradise Lake.

Then the second item which is related, under New Business Item B, to receive Plan Commission recommendation and consider the request of Mark Eberle of Nielsen, Madsen & Barber, agent for Louis and Krystyna Tricoli, owners of the properties, generally located south of 104<sup>th</sup> Street at 22<sup>nd</sup> Avenue, and this is for the approval of a conceptual plan for the proposed Paradise Lake development for the proposed 20 single family lots and four outlots.

The petitioner is requesting approval of a conceptual plan for a proposed 20 single family lot subdivision. This subdivision as shown on the slide is just south of 22<sup>nd</sup> Avenue coming off of 104<sup>th</sup> Street. It's the area that is cross-hatched on the slide. And on the second slide it does show that there's a large lake that's located in the center of their proposed development, and the lots would be located around the lake on the north, east and west sides.

In accordance with the Village's Comprehensive Plan, this project is located within the Tobin Road Neighborhood. It does require that lots be within the 12,000 to 18,999 square feet or more per dwelling unit category. In addition, the western portion of the site is located within an urban reserve area. What that means is the urban reserve area is an area that should not develop until such time as there is a neighborhood plan and municipal sewer and water that is readily available to the site.

On May 24, 2004, the Plan Commission held a public hearing and approved the Tobin Road Neighborhood Plan. This is about a mile square area that is between 104<sup>th</sup> and 116<sup>th</sup> Street between the bike trail and Sheridan Road, and this includes the Paradise Lake area which is in the north/north central portion of this neighborhood. The neighborhood plan indicated that single family lots on the west side of the lake would be developed on a private road. However, as you'll

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see this evening, that the staff is recommending that this area and this subdivision be served by all public roads.

Paradise Lake Subdivision, the site area is 45.83 acres. There are 20 single family lots and four outlots that are being proposed. The lots range in size from 13,776 to 31,335 square feet in area. The average lot size is just under one half acre at 20,472 square feet. The net density proposed is 1.5 units per acre.

Under population projections for this subdivision, there would be 55 persons and 13 school age children at full build out.

This particular subdivision has a great deal of open space. Approximately 68.5 percent of the entire site or 31.6 acres would remain in open space which includes, of course, the lake in the center. 28.3 acres were field delineated on the site as wetlands, and the developer has been working with the Wisconsin DNR. There are two small areas that are on the west side of the lake located just south of where 24<sup>th</sup> Avenue would be located that would need to be filled in in order to accommodate the extension of the public road on the west side of the lake.

This development, because of its uniqueness, is proposing a series of wetland restoration areas adjacent to the lake and adjacent to the existing wetlands in order to mitigate the wetlands that would be filled in as a result of the extension of the public roadway. This is a copy of the wetland mitigation and restoration plan and, again, they're working with the Wisconsin DNR in order to make those accommodations and to compensate for the wetland being filled.

Public improvements for the site. The site is intended to be serviced by public sanitary sewer, water and storm sewer. All roadways within the development are recommended by staff to be public which is the extension of 22<sup>nd</sup> Avenue, and then running east/west would be 106<sup>th</sup> Street, and then running north/south 24<sup>th</sup> Avenue on the west side.

A cul-de-sac is being construction at the south end of 24<sup>th</sup> Avenue. The Village staff is recommending that not only there be a temporary cul-de-sac there, and it will be permanent in the future, but there would also be provisions for the extension of that roadway further to the south in order to service additional vacant lands if and when those lands develop. So this would be a right of way that would be extended to the south.

The developer is intending that those lots which would be built on by single family homes and the orientation of those homes would stay on the cul-de-sac even though that road does get extended.

If the conceptual plan is approved by the Village Board, the staff recommends that the neighborhood plan then be amended. As previously indicated there are a couple of different things that would need to be amended. First of all, that the private road is proposed to be public, and then in addition that there would be extension to the south in order to interconnect to the vacant land to the south. And right up here at about 106<sup>th</sup> Street that there will be an extension, again, to interconnect the neighborhoods and provide other opportunities for cross-access between the developments.

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As part of the public hearing this evening, the developer is requesting a variance, and that is from the Village's Land Division and Development Control Ordinance. And it has to do with the length of a proposed dead ended roadway that would exceed the allowable distance of 800 feet. As previously discussed pursuant to the plan, 106<sup>th</sup> Street is proposed to be extended to the west and 24<sup>th</sup> Avenue is proposed to be extended to the south. But until that time, in order for this development to occur, a variance would need to be granted.

Specifically, 24<sup>th</sup> Avenue would be temporarily terminating in a cul-de-sac. And, as you can see on the slide, there are varied distances if you measure all the way to the end of that cul-de-sac at the end of 24<sup>th</sup> Avenue. There would be 2,150 feet from the proposed intersection of the construction with the emergency access at 106<sup>th</sup> Street, 1,300 feet south of the proposed intersection of 24<sup>th</sup> Avenue and 106<sup>th</sup> Street, 4,075 feet from the intersection at 104<sup>th</sup> Street and 22<sup>nd</sup> Avenue. So depending on where you measure from, that distance could be determined to be a longer distance.

One of the things that I'd like to mention is that the developer is proposing to utilize an existing gravel roadway which would be I believe 20 or 24 foot wide. They're going to have to improve it to that distance. Parallel and to the west of 22<sup>nd</sup> Avenue would be 23<sup>rd</sup> if it would be a public street to access for all road construction, vehicles, public infrastructure, improvement vehicles going in and out of that site. So 22<sup>nd</sup> Avenue would not be used for construction activity. So that would be one of the roads through an easement of the adjacent landowner that construction would come north and south from 104<sup>th</sup> Street.

In consideration of the variance this evening, the developer has agreed to the following:

1. All single family homes built in the subdivision will utilize a residential grade sprinkler system that is designed and constructed to the current edition of NFPA 13D, installation of sprinkler systems in one and two family dwellings. This is something that was discussed with the fire chief and was considered to be a wonderful alternative to having that interconnection in that the sprinkler systems could help to provide some suppression prior to the fire department getting to the site.
2. 24<sup>th</sup> Avenue would need to be a public street rather than a private street as shown on the original neighborhood plan, and 24<sup>th</sup> Avenue should be extended to the south in the future as vacant land to the south is proposed to be developed. When the roadway is extended to the south by the developer the Lots 18 and 19 will remain on the cul-de-sac. There will be no adjustments to those lots. The developer shall dedicate the right of way for the future extension of 24<sup>th</sup> Avenue to the south as shown on the conceptual plan.
3. And the third point is that in consideration of the variance a temporary 40 foot wide off-site easement shall be secured, and we have a draft of that easement, from the adjacent property owner to the north, Rosman Excavation c/or Domineck Tirabassi, Jr., to be used for construction vehicles while installing the required public improvements for the home construction and as emergency access until additional public roadway access is provided either south towards 116<sup>th</sup> Street or west and then north to 104<sup>th</sup> Street. The temporary access shall be maintained so that it is accessible for emergency vehicles and

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construction vehicles at all times. It is not intended that that would just be a regular open public road, but it is intended to allow for the heavy equipment to go north and south.

In addition, the Village staff is recommending that 22<sup>nd</sup> Avenue be improved. At a minimum 22<sup>nd</sup> Avenue shall be milled and resurfaced from the development north to 104<sup>th</sup> Street and shall remain as rural profile. This would be at the developer's cost.

The engineering plans would include information related to the existing 22<sup>nd</sup> Avenue roadway including the core samples for the Village's review and evaluation. A 20 foot cross-section is desired, and depending on the result of the core samples the road bed may need to be improved to meet roadway specifications.

Twenty second (22<sup>nd</sup>) Avenue extending north from the subdivision shall be tapered north of the property line to connect and blend into the existing 22<sup>nd</sup> Avenue. In addition, additional storm water improvements may also be required to ensure drainage is not an issue at the end of 24<sup>th</sup> Avenue. The engineer for the project did have an opportunity to speak to some of the residents after the Plan Commission public hearing regarding the conceptual plan, and so possibly he can shed some light on some of the concerns or additional things that they would be looking at.

A ten year right of recovery could be afforded to the developer for municipal water, sewer and roadway improvements, and that would be for that portion of 24<sup>th</sup> Avenue south of 106<sup>th</sup> Street as if and when lands to the west do develop and connect to the services in 24<sup>th</sup> Avenue. That is if the project is approved by the Village Board.

Again, construction vehicles utilized for the installation of public improvements and home construction shall enter and exit the site only from the temporary roadway, not through the 22<sup>nd</sup> Avenue leading to the north. As noted, the construction access for wetland mitigation on the southeast portion of the site, that does need to be discussed, because in order to get to that site unless they're going down and through and they're going to take vehicles cross-country, they have to be able to get to that very southeast corner for restoration of the project.

The property is currently zoned M-3, Mineral Extraction and Landfill District, and a portion of the property is also zoned R-4(AGO) so a portion of it is residential. There is no 100 year floodplain on the property. A zoning map amendment will need to be advanced by the developer at such time as a preliminary plat is presented to the Village. The zoning map amendment will also be required to make the modifications to the wetland areas. They have had a series of wetland delineations out there that have been approved by the Wisconsin DNR, and those areas that are wetland will have to be placed into the C-1. Of course, the one area of question because of the restoration will be that area of 24<sup>th</sup> Avenue where they're proposing to extend the roadway.

The petitioner then is requesting approval of the conceptual plan for the proposed 20 lot single family subdivision south of 104<sup>th</sup> Street at 22<sup>nd</sup> Avenue. That is Item B under New Business. The first item is consideration of the variance to allow for the dead ended roadway based on the considerations as set forth by the Village staff. With that I'd like to continue the public hearing.

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John Steinbrink:

Does the developer care to add anything to this?

Mark Eberle:

Mark Eberle, Nielsen, Madsen & Barber, 1339 Washington Avenue, Racine. Mr. Tricoli could not attend tonight, but he has agreed to the additional requirements for the variance and will be working with the adjacent property owners to provide that . . . access, second access point to the site. He will also be working with the homeowners to provide the residential . . . . If you have any other questions we'll be . . . .

Mike Pollocoff:

Before Mark leaves, one of the other items under the staff recommendation is Item 3 as it relates to 22<sup>nd</sup> Avenue. I guess I'd like to add in at the end of that. Going out there and taking a look at it and looking at some of the plans the road isn't centered. So when that remilling takes place it's to re-center that asphalt strip in there within the right of way that we have. So I'd like that to be considered a condition or a scope of work in your plans as you prepare your final documents.

Mark Eberle:

Okay, that probably will require some ditching and some excavation, some base course work.

Mike Pollocoff:

I think it will, but it will also probably alleviate some of the drainage problems that we heard in that area so we need to take a look at it.

Mark Eberle:

I did meet with two or three residents that are at the far end dead end of the road last week after the meeting, and there's a distinct hump in the road before you get to the end. Those last two or three properties do drain towards the Paradise Lake Subdivision. And in making that transition from the existing section to the new section we will have to take care of that water in that area. So I will discuss with the developer the other requirements of 22<sup>nd</sup> Avenue. Thank you.

John Steinbrink:

Thank you, Mark. That being said we'll open it up to the public hearing. Anybody wishing to speak on this item we ask that you come forward, use the microphone, and give us your name and address for the record.

Jane Romanowski:

Nobody signed up on the sheet, Mr. President.

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John Steinbrink:

Anybody wishing to speak on this item? Hearing none I'll close the public hearing and open it up for Village Board comments or questions.

Mike Serpe:

Jean, who owns the gravel road right now?

Jean Werbie:

Rosman Excavating, Domineck Tirabassi, Jr., to the north.

Mike Serpe:

And what if he doesn't want to maintain that road after this subdivision goes in?

Jean Werbie:

Possibly Mark can address that, but there is a temporary easement and the easement needs to be in place for a period of time so that that road can continue to be maintained. And my assumption was that it was the neighborhood association that's going to be maintaining that roadway unless they've entered into a separate agreement with Domineck for him to maintain it and them to pay him to maintain it. But that's one of the conditions that that road has to be plowed and it has to be graveled.

Mike Serpe:

I don't recall the answer at the Plan Commission. Is there a chance that any of the land east or west of the gravel road can be developed into single family lots?

Jean Werbie:

If it's a public municipal roadway there are possibilities that land could be further subdivided on the east side. Domineck has not had a full blown wetland delineation done on the west side. So I couldn't tell you today whether or not lots could be further subdivided on the west side without that delineation.

John Steinbrink:

Other comments or questions?

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Monica Yuhas:

Jean, how many other roads in the Village are greater than 800 feet from the nearest intersection? I know we talked about this about a month ago, month and a half ago, giving another variance for The Orchard. Now we're discussing a variance for this subdivision.

Jean Werbie:

I think we came up with maybe 20 to 30.

Monica Yuhas:

That are this long?

Jean Werbie:

Yes. Again, all of those other roads are existing Village roads that don't have any type of turnaround at the end of them. Most of them don't. They just terminate and they're much narrower. The difference here is that we're also requiring that residential sprinkler systems be installed in every single one of the homes which is a significant upgrade to a protection system in each of these homes. And maybe the Fire Chief could address that further if you'd like him to.

Monica Yuhas:

Thank you.

Clyde Allen:

Jean, can you tell me why we're referring to this as variance to the cul-de-sac. Shouldn't it be a temporary variance, from what I understand, that it would become a through road when it is developed to the south so it would be temporary?

Jean Werbie:

It is considered temporary. And I think on a number of the papers I did identify it as temporary.

Clyde Allen:

Thank you.

Mike Serpe:

Jean, if the gravel road were to be turned into a Village approved right of way, street, would a variance be even needed for this?



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Jean Werbie:

Yes, because we still have that distance. That's why I gave you so many different distances. Because of the length all the way down to the end of 24<sup>th</sup> Avenue I believe it would still need a variance, and I will take a look at that real quick - 1,300 feet so it would still be 500 feet more.

Steve Kumorkiewicz:

I have a question for Jean. Jean, since when do they have to have a sprinkler system in single residential?

Jean Werbie:

I'm sorry?

Steve Kumorkiewicz:

Sprinklers.

Mike Pollocoff:

We haven't required that.

Jean Werbie:

We've never required that.

Steve Kumorkiewicz:

We never did before.

Jean Werbie:

Never.

Mike Pollocoff:

No, but as far as mitigating the length of the cul-de-sac, the water main, it just provides some added protection for both the homeowners that are going to be there as well as the Fire Department. We're not going to be able to loop that main until that development proceeds in that area and right now we don't have any current plans. So this would provide additional fire protection over and above what we do normally. I don't believe there's no other place that has single family sprinklers.

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Mike Serpe:

If I could ask a member of the audience a question. Sue or Dick, is there any plans of developing anything south of this area in the near future?

(Inaudible)

Mike Serpe:

Not in the near future? Okay.

John Steinbrink:

Let the record show that the response was not in the near future.

Mike Serpe:

That was Sue Saftig that responded on behalf of Dick Stiles. Thank you.

John Steinbrink:

Other comments or questions? Do we have motion on Item A?

Clyde Allen:

Motion to grant the variance.

Mike Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Further discussion on this item?

**ALLEN MOVED TO GRANT THE REQUEST OF MARK EBERLE, P.E. OF NIELSEN, MADSEN & BARBER, S.C. AGENT FOR LOUIS AND KRYSTYNA TRICOLI, OWNERS FOR A VARIANCE FROM SECTION 395-60 C OF THE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE TO ALLOW FOR A CUL-DE-SAC STREET TO BE GREATER THAN 800 FEET FROM THE NEAREST INTERSECTION FOR THE PROPOSED 20 SINGLE-FAMILY LOT SUBDIVISION GENERALLY LOCATED SOUTH OF 104TH STREET AT 22ND AVENUE TO BE KNOWN AS PARADISE LAKE, SUBJECT TO STAFF COMMENTS; SECONDED BY SERPE; MOTION CARRIED 5-0.**

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Mike Serpe:

Mr. Chairman I move approval of the conceptual plan.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second for approval of the conceptual plan.

Jean Werbie:

Subject to all the comments and conditions.

John Steinbrink:

Subject to comments and conditions. Any discussion on this item?

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND GRANT THE REQUEST OF MARK EBERLE, P.E. OF NIELSEN, MADSEN & BARBER, S.C. AGENT FOR LOUIS AND KRYSTYNA TRICOLI, OWNERS OF THE PROPERTIES GENERALLY LOCATED SOUTH OF 104TH STREET AT 22ND AVENUE FOR APPROVAL OF A CONCEPTUAL PLAN FOR THE PROPOSED PARADISE LAKE DEVELOPMENT FOR THE PROPOSED 20 SINGLE FAMILY LOTS AND FOUR (4) OUTLOTS; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

## **6. CITIZEN COMMENTS**

Jane Romanowski:

There were no signups tonight, Mr. President.

## **7. ADMINISTRATOR'S REPORT**

Mike Pollocoff:

Mr. President, I wanted to provide the Board with information on a notice that's gone out to residents in the 80<sup>th</sup> and 82<sup>nd</sup> vicinity of Cooper Road. We're going to be having some involvement with the 80<sup>th</sup> Street extension. There's a public information meeting on Tuesday, April 29<sup>th</sup>, a little over a week from now, at 6 p.m. regarding this plan, the extension of the improvements.

The plans for the extension of 80<sup>th</sup> Street have been incorporated in the Kenosha Planning District since 1957. So it's been a long awaited roadway improvement. As time has gone on and there's

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been more development in that area, we've been working on the 60<sup>th</sup> Street (sic "80th") extension which is critical to that area. The other one would be next year the planned improvements to 85<sup>th</sup> Street through the TRIP grant that we've received from the State. This project is being funded out of the capital improvement program, also by special assessment revenues collected from the properties that live there.

We have been acquiring right of way to complete 80<sup>th</sup> extension as time has gone on. We've moved a home or taken it down, got another one built. We've acquired strips of property over time as it's been possible to do that so we've been working on this probably in small efforts over the last ten years.

The volume of traffic traveling east and west on 80<sup>th</sup> Street east of Cooper Road in the Village and City exceeds the capacity of the existing streets and intersections. Many of these roads, Cooper Road, 82<sup>nd</sup> Street, 80<sup>th</sup> between Cooper Road and the City limits are all the rural residential profile roads, and the capacity that's required in that area is woefully below what we have right there.

Property owners that live along 80<sup>th</sup>, not all of them, but some of them requested an alternative to the construction of 80<sup>th</sup> Street which would involve the improvements to Cooper Road and 82<sup>nd</sup> Street. We'll be presenting the results of our traffic study along with a recap of where we are today with our planning that's been completed.

I've got two maps that pretty much show--this one here shows the proposed extension on 80<sup>th</sup> Street. Right now it basically starts right about here and would end right about there. So that's the area that's going to be the construction project for the extension of 80<sup>th</sup>. The little yellow dots that are indicated in here are trees that need to be removed with this project. With this project there's going to be sidewalks on both sides of 80<sup>th</sup> along with street trees planted. There's a significant amount of pedestrian traffic that needs to move from east to west associated with Lance Middle School, 60<sup>th</sup> Street (sic "Avenue") right here is an arterial in the City of Kenosha. They have that at two lanes. Of course, it meets up with Highway 50 and it will meet up with 85<sup>th</sup> Street. As 85<sup>th</sup> Street is widened it will be able to carry more traffic. The work we've already completed on 60<sup>th</sup> just north of 85<sup>th</sup> Street has served to allow a lot of traffic to move to the south that was difficult before.

The requested alternative that's proposed by some residents on 80<sup>th</sup> would involve, again, an intersection here at 80<sup>th</sup> and Cooper Road, improvements to Cooper Road between 80<sup>th</sup> and 82<sup>nd</sup>, and then improvements to 82<sup>nd</sup> between Cooper Road and 60<sup>th</sup> Avenue. Again, this road (82<sup>nd</sup> Street) was built as a residential street. Again, the yellow marks show the trees that would be impacted on this project. There are some existing sidewalks in this area already. The homes that show up as yellow on here, almost all of them, we would need to acquire additional right of way from those properties in order to fit the profile of the road in there. This road is a 50 year design. We don't believe that there's--there's not going to be that much more development. There will be some development. We want to be able to have it heavy enough and last long enough to take care of the traffic that's in there.

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This intersection here is particularly complicated. If you've seen garbage trucks or school buses or the Kenosha bus trying to move in this traffic movement here it's pretty difficult. That being said, it is an alternative that they'd like the Village to consider and undertake. We'll be walking through those alternatives on the 29<sup>th</sup>. It will be an open public informational (meeting) where the engineers and myself will be available before the meeting. And then after that's closed then there will be a public hearing allowing the affected residents the opportunity to comment on the project for the Board to give the staff direction on where to proceed. That's all I have tonight, Mr. President.

John Steinbrink:

Thank you, Mike. Clyde?

Clyde Allen:

Mike, as a follow-up can I just ask we've got a considerable amount of money already put into the 80<sup>th</sup> Street that we would be actually throwing away if 82<sup>nd</sup> went through. I guess for the meeting I'm guessing that a quick estimate would be that the cost would probably be triple, so instead of \$1.5 or so it would cost us about \$4.5 million. Can we have something ready for that meeting for the cost?

Mike Pollocoff:

Sure. I guess the other alternative I should bring up, if 80<sup>th</sup> doesn't go through here the proposal by some of the residents on 80<sup>th</sup> is to turn the 80<sup>th</sup> Avenue (sic "Street") right of way into a park. The acquisitions would go for public use which would be a park rather than a street. But we'll have all the numbers as far as the expenditures to date and the expenditures for both alternatives.

John Steinbrink:

With that being said, Mike, 82<sup>nd</sup> has never been looked at as being a thoroughfare through there because of its current design, the trees located there, the houses close to the setbacks. We have heard a lot from people about the 80<sup>th</sup> Street signal being on Cooper Road. That's something these folks have anticipated for a long time because of the traffic there going to Lance and down to Tremper even some of it. Those people have waited a long time.

What's even more surprising is the actual lack of accidents at that intersection considering the curve in the road and the elevations. Some of the very wide open intersections seem to entertain more accidents than one that appears very dangerous and heavy traffic. But I think a signal going in there is going to definitely prevent a serious accident from happening there.

Mike Pollocoff:

The difficulties with 80<sup>th</sup> in this area here really came about, and I'm not saying this to pick on the City, but 82<sup>nd</sup> Street it continues almost all the way to Green Bay Road where it ends in a dead end. It was supposed to connect up with the frontage road on Green Bay and the City turned that

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down. So people have been—it forces a lot of traffic onto a residential road and that's really all 82<sup>nd</sup> is - a residential road east and west. So once we get this thing done it should help that. But the people who live west of 60<sup>th</sup> there basically is one way out and that's 82<sup>nd</sup>. So as they continue to move east and try to get into Lance or Super Valu or anywhere that's going to Cooper Road that's a lot of traffic on that road. The asphalt on 82<sup>nd</sup> Street has half the life of what a typical residential road has because of the number of axles that are running over that on an ongoing basis.

John Steinbrink:

So hopefully the public hearing on the 29<sup>th</sup> will alleviate some of the concerns of those folks on 82<sup>nd</sup> because it's just not designed for and what some folks are saying it's an alternative. We get some of that traffic off of that hopefully it's going to restore that neighborhood back to a little more normalcy there.

**8. UNFINISHED BUSINESS**

- A. Consider Ordinance #08-20 for a Zoning Map Amendment to rezone the property located at 9249 Old Green Bay Road from the B-2, Community Business District to the I-1 Institutional District in order to be in compliance with the Village's adopted Comprehensive Land Use Plan.**

Mike Serpe:

I think we have to take it off the table. I so move.

Clyde Allen:

Second.

John Steinbrink:

Motion and a second to remove from the table.

**SERPE MOVED TO REMOVE ITEM 8A FROM THE TABLE; SECONDED BY ALLEN;  
MOTION CARRIED 5-0.**

Jean Werbie:

Mr. President, I would also like to ask if we could bring up New Business Item C. Both items are interrelated and I'd be making one presentation, and they're basically on the same property and the same request.

Mike Serpe:

So moved.

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Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion and a second.

**SERPE MOVED TO CONSIDER NEW BUSINESS ITEM C WITH ITEM 8A:  
SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**9. NEW BUSINESS**

**C. Receive Plan Commission Recommendation and Consider Ordinance #08-21 for a Zoning Text Amendment to amend Section 420-126 B related to permitted uses in the I-1 District.**

Jean Werbie:

Mr. President and members of the Board, the first item, Item A under Unfinished Business, is to consider Ordinance 08-20 for a zoning map amendment. This is to rezone the property located at 9249 Old Green Bay Road from the B-2, Community Business District, to the I-1, Institutional District, in order to be in compliance with the Village's Comprehensive Plan.

The next item is under New Business Item C, and this is to consider Ordinance #08-21, and this is for a zoning text amendment to amend Section 420-126 B, and this is related to permitted uses within that I-1 District.

On January 22, 2007, the Plan Commission had adopted a resolution to initiate a review of the I-1, Institutional District, which may include amendments to the map as well as to the text of the ordinance as well as to some of the definitions. In addition to reviewing the Institutional District requirements and the maps, the Village also wanted to make sure that we were in compliance with our Smart Growth planning as we decided to continue to move forward at this time. As you know, Smart Growth requires that on or before January 1, 2010, all municipalities who participate in planning, development and zoning activities shall prepare, adopt and maintain a Comprehensive Plan, and the Comprehensive Plan shall be the cornerstone of all local land use decisions. Therefore, all land uses related ordinances need to be consistent with the Comprehensive Plan prior to January 1, 2010.

The Village's Comprehensive Plan update is part of a three year process that we have been working on with Kenosha County as part of the multijurisdictional plan update, and we have been as a Village re-evaluating each of our zoning districts and our Comprehensive Plan as part of our part in the process for Pleasant Prairie. As a result of re-evaluating the Institutional Districts and the land use plan map and our definitions and our guidelines, we were reviewing to make sure

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that all of the existing land uses as shown did reflect actually institutional land uses as originally identified back in 1996 and then moving forward.

On March 12, 2007, the Plan Commission adopted, and on March 19, 2007, the Board approved the Whittier Creek Neighborhood, which included some modifications to the institutional land uses and this included the Holy Family Catholic Bookstore property. On February 25, 2008, the Plan Commission adopted Resolution 08-08 to amend the Village's Comprehensive Plan related to a comprehensive wide update of all of our Institutional Districts. On March 3, the Board supported these decisions and adopted the I-1 District as well as the zoning text and related map changes.

As noted during the hearing on February 25<sup>th</sup>, and at the Board meeting on March 3, 2008, the Holy Family Catholic Bookstore property located at 9249 Old Green Bay road, which is at the northeast corner of 93<sup>rd</sup> Street and Old Green Bay Road, was currently zoned B-2, Community Business District, and that was not consistent with the Village's Comprehensive Plan. So according to the Village's Comprehensive Land Use Plan and the recently adopted Whittier Creek Neighborhood Plan, the property was identified as being in the Governmental and Institutional District. And so we took steps to make those modifications so that property would be consistent with the plans and the maps that we had already put into play.

On March 10, 2008, the Plan Commission held a hearing and recommended that the Board approve the zoning map amendment to rezone that property into the I-1 District. On March 17, 2008, the Board tabled the zoning map amendment at the request of the property owner in order to give the staff some time to re-evaluate some of the language within the I-1 District and the staff has done that.

So both items are before you this evening, the amendment of the Comprehensive Plan and map as well as the text of the I-1 District. And the language change that we came up with that was part of the public hearing process before the Plan Commission was that we would include the reference that the retail sale of any of the follow goods or products is a permitted use in the I-1 District provided that the retail area is less than 2,000 square feet, and that the retail use was in operation as of April 21, 2008, and further provided that the retail use does not cease its operations for more than 12 consecutive months. And these were some additional uses that we've added to the I-1 District, antiques; apparel; art; art supplies; audio recordings; bakery goods; books; candy; cameras and photographic supplies; cards; cosmetics; eye glasses and related products; fabric; flowers; frames; gifts; glassware; groceries without alcoholic beverages as package goods in a grocery store or convenience store; hardware; hobby and craft supplies; ice cream; jewelry; novelties; musical instruments and accessories; newspapers and magazines; office supplies; prepared food not for consumption on the premises; shoes and accessories; souvenirs; sundries; telephones; toys; and video recordings.

So with that modification to that district, the property owner was satisfied with any changes that we were going to be making. Again, the two changes that you have before you are Ordinance #08-20, and this has to do with the zoning map amendment to bring the property at 9249 Old Green Bay Road from the B-2, Community Business District, to the I-1, Institutional District; and



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Ordinance 08-21, and this is for a zoning text amendment for the I-1 District to include the paragraph which I just read into the record. The staff recommends approval of both.

Monica Yuhas:

Move for approval.

Clyde Allen:

Second with a question.

John Steinbrink:

Motion by Monica, second by Clyde.

Clyde Allen:

Jean, just for the record, can you state again the books, the videos, the newspaper and the magazines cannot possibly include adult bookstores and such.

Jean Werbie:

That's correct. Adult-related or oriented materials are expressly prohibited in the I-1 District.

Clyde Allen:

Thank you.

John Steinbrink:

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

**YUHAS MOVED TO ADOPT ORDINANCE #08-20 FOR A ZONING MAP AMENDMENT TO REZONE THE PROPERTY LOCATED AT 9249 OLD GREEN BAY ROAD FROM THE B-2, COMMUNITY BUSINESS DISTRICT TO THE I-1 INSTITUTIONAL DISTRICT IN ORDER TO BE IN COMPLIANCE WITH THE VILLAGE'S ADOPTED COMPREHENSIVE LAND USE PLAN; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

Mike Serpe:

Move approval of 08-21, zoning text amendment.

Steve Kumorkiewicz:

I second.

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John Steinbrink:

Motion and a second for approval of the zoning text amendment. Further discussion?

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #08-21 FOR A ZONING TEXT AMENDMENT TO AMEND SECTION 420-126 B RELATED TO PERMITTED USES IN THE I-1 DISTRICT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**9. NEW BUSINESS**

- A. Consider the request of Trustee Allen to discuss recent public finance issues with the Kenosha Unified School District.**

Clyde Allen:

Thank you, Mr. President. I think we have a responsibility to the taxpayers of the Village to look out for their best interests. Even though this isn't our responsibility, I think it is our responsibility to look out for their interests and make sure what's best happens for them. After all, they have a very heavy vested interest in the Kenosha Unified School District. They pay 25 percent of the taxes and only 12 percent of the children go to school there, so they are very heavily invested.

The *Milwaukee Journal/Sentinel* in their article painted a very gloomy scenario, while the *Kenosha News* picture wasn't as alarming but yet it was concerning. What is fact and what is fiction we don't really know at this point in time. I hope with all the people asking questions out there that we will find out that the *Journal* article was making a mountain out of a mole hill. That's my hope. But either way I hope that neither news outlet has given up on following through on this item. I think it's very important. And if it turns out to be nothing or is nothing the taxpayers need to know that to put their minds at ease and to not have a concern. I think that's very important that they follow up on that.

What has transpired that we can surmise? It appears that Kenosha Unified School District has borrowed nine and a half million dollars and they put that into a trust for post employment expenses. There was another borrowing it appears of over \$28 million or a total of over \$37 million in borrowings. It appears that the funds were invested in synthetic CDOs. It appears that the investment value at this time, even though they've borrowed about \$38 million, is only \$18 million. That's about a loss of \$20 million. That's a cause for concern. It appears that there could be a problem.

The news also goes on to report and it appears that they say that the taxpayers are only responsible for nine and a half million dollars of this debt. Who is responsible for the other over \$20 million? Who is paying it? Where's it from? Do they have a set of books with the trust accounting in it that is the responsibility of the taxpayers or who? The taxpayers have a large investment in the school district, and if that is truly the case that \$20 million has been lost in investments it would seem that the Village of Pleasant Prairie taxpayers are on the hook for \$5 million of it. To put that in perspective, the Village's entire tax levy is \$8 million. So that means

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that the way it appears that because of investments the taxpayers of Pleasant Prairie would get hit for another 60 percent of the equivalent of their tax bill by the Village to Unified. Quite alarming.

Kathy, if I can ask a couple questions. Maybe you can explain a little bit about what GASB 45 is requiring and maybe what we're doing or gearing up to do?

Kathy Goessl:

GASB 45 requires governments to evaluate and to value how much it is costing or will cost in the future to provide the retirement benefits other than a pension, so health is a main expense that the Village would have or any municipality would have and dental and that type of thing. So the standard actually all it does is require us to evaluate it. It does not require us to fund the liability. It actually just puts the liability onto our books. The Village is required to do this in 2008. The Unified School District probably was earlier because they're larger. The Village has done an evaluation. We used an actuary, Milliman Company, to do our evaluation, and that was done last year in the summertime. It actually looks at how much our employees have earned since they started here and employees that are eligible for retirement-type benefits. The current population is a little over 100 employees that are currently eligible for our retirement benefits. They value our liability actually for past service of our employees about \$5 million.

Each year per the study from Milliman we're required to recognize a liability or expense on our books of about a half million dollars. The majority of that, around \$300,000 is general government, and the rest of it is our enterprise funds, sewer, water, RecPlex, solid waste utilities. For the enterprise funds we are recognizing the expenses on the statements on our books. They're running through the actual expenses. For the general government they will be recognized on our financial statements, our issue next year for 2008.

If you create a separate trust then you can earn a higher interest rate or you can recognize a higher interest rate and, therefore, your liability is less. But we're not required to set up a trust. All we are liable to do is to recognize the expenses and liabilities and tell how much we are actually funding of it.

Our plans for general government currently we're at the top of the tax levy in terms of how much we can raise our tax levy so this year we couldn't do anything about it. I didn't recommend and Mike doesn't recommend to borrow to fund a liability that's not required to be funded. So we're looking at next year, 2009, we're getting a bump up in terms of our shared utility tax from the power plant, and we're looking at considering this is one of the things that could be funded in part or in full to the general government at that point.

Clyde Allen:

Thank you. That was my next question is would you recommend to borrow to fund a trust and I guess the answer is no. Would you ever consider investing in CDOs?

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Kathy Goessl:

From what I've read and heard about CDOs I would not recommend the Village to invest in CDOs.

Clyde Allen:

Thank you. I certainly hope this turns out to be nothing, and I do have reason to be optimistic I think, because Mr. Hujic is an expert in investments so I have a hard time believing that it would fall into a gloomy situation through investment. I think he has way too much experience for that to happen so hopefully I'm maintaining an optimistic outlook that it could be okay. Because sometimes it don't always appear aren't always real reality what they appear to be. I think we should really be optimistic at this point in time and take a wait and see approach for the time being.

But, I guess I'm recommending that the Pleasant Prairie School Commission accept the responsibility and would be accountable to the Board by placing this item on their May 8<sup>th</sup> meeting. Is May 8<sup>th</sup> correct, Thursday? May 8<sup>th</sup> meeting with this being an agenda item inviting Mr. Johnson and Mr. Hujic to make a presentation to them and the School Commission would come back to the Village Board with the outcome and recommendations at the first meeting in June. That's my recommendation.

Mike Serpe:

I don't totally disagree with everything you're saying, Clyde, or asking. I'm just wondering if the time frame that you're giving the School Commission and the response by the School Board to this Board is going to be adequate with the time frame. This might be a pretty big—it may require a little more time than what you're giving them. I would recommend that they come back with something but I don't know that we can do it in just a few weeks.

Steve Kumorkiewicz:

We can take a look at this . . . the question is inviting Mr. Hujic and Mr. Johnson and we don't know whether they are going to accept or not. Maybe we have to change the agenda, definitely we'll have to change the agenda, but we have to change the time of the meeting . . . postpone from May 1<sup>st</sup> to May 8<sup>th</sup>. On that particular occasion there's also a second meeting from the Women's Club from the Ladies of the Pleasant Prairie Society. Consequently, we may have to change the time of the meeting so we can accommodate Johnson and Hujic for when they can come to the Village. We will have to meet and make sure we have an open day so they can attend it. So those are the logistics we'll have to work on.

Monica Yuhas:

And, Steve, being on the School Commission I see this being more than just one meeting with them. So my question to you is we meet in May, we meet in June, we're off in July and August.

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If we need to work through the summer because we only meet once a month can we meet in July and August?

Steve Kumorkiewicz:

. . . request . . . if Clyde wants to wait until June and July to do it.

Monica Yuhas:

No, I'm saying we can meet in May but I do see more than one meeting with the School Board. So my question is if this does go into—we have our meeting in May and then we have another meeting in June and there's still questions or there's still things that need to be wrapped up. Can we meet in July? I've never met in July. In all the years I've been on the School Commission we've never met over the summer. So my question is are we able to meet throughout the summer if need be?

Steve Kumorkiewicz:

It's our decision to make. In the past we met in August. It is an issue that has to be considered before the beginning of the school year . . . in years past.

John Steinbrink:

You want to bring in outside testimony from folks that have talked on this issue in the papers?

Monica Yuhas:

I do think if we're going to—well, when we do do it through the School Commission it should be in the auditorium.

Steve Kumorkiewicz:

That's why we could decide to change the date and make sure that they are going to attend the meeting, and the auditorium is going to be open to us.

Clyde Allen:

I think all those are good points. To have a meeting and have them make a presentation to then come back with a recommendation, even if you still have more questions, I would think the appropriate response would be coming back to the Board or a recommendation to meet and have the presentation at a Board meeting to follow up any further questions, because you do have concerns and I think that's your right in saying you might have more follow up, but it might be more appropriate to then do it at the Board seeing it's a little more complex and it will take more time. That could be a reasonable response. But I do know that—and my intent wasn't to restrict it just to Mr. Johnson and Mr. Hujic. Anybody obviously is invited from Unified, but I do know in

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making phone calls that it appears the only one allowed to speak on the topic is Mr. Hujic and taking phone calls.

Steve Kumorkiewicz:

Why?

Clyde Allen:

I don't know why. That's the response I get.

Monica Yuhas:

We'll invite the whole Board.

John Steinbrink:

We refer this to the School Commission as has been suggested. The School Commission can make those contacts and see what's available, some dates, and then set up that time and report back to the Village Board.

Steve Kumorkiewicz:

. . . to make recommendations because you can make a decision or you can hear a decision that they make in that particular meeting and in a subsequent meeting they decide to change it or readjust or whatever to get one final report.

Monica Yuhas:

I would also like to ask at that School Commission meeting that it is recorded and we do have minutes like we do for Board meetings and Plan Commission.

Steve Kumorkiewicz:

Yes, being that we're in the auditorium definitely we'll use the recorder.

Monica Yuhas:

But I'm requesting that we have written minutes like this.

Steve Kumorkiewicz:

Yes, we can do that.

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Mike Pollocoff:

This is the only room we can do that in. We'll provide staff to the Commission to help them work through the issues.

Steve Kumorkiewicz:

We want to make sure the recording system is working properly. We had a problem with the . . . we were here and the recording system did not work.

Clyde Allen:

That's sufficient, turned over to the School Commission and I thank you.

Steve Kumorkiewicz:

Thank you, Clyde.

John Steinbrink:

Do we need a motion on that?

Mike Pollocoff:

Just a motion to refer it to the School Commission.

John Steinbrink:

Receive and file and refer. Did we have that motion already?

Mike Pollocoff:

No.

Clyde Allen:

I make that motion to refer to the School Commission.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mr. Allen and second by Ms. Yuhas.

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**ALLEN MOVED TO REFER THE PUBLIC FINANCE ISSUES OF THE KENOSHA UNIFIED SCHOOL DISTRICT DISCUSSED TONIGHT TO THE SCHOOL COMMISSION FOR REVIEW; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

- D. Receive Plan Commission Recommendation and Consider Ordinance #08-22 for a Zoning Map Amendment to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District and the non-wetland portions of the property are to remain in the M-2, Heavy Manufacturing District for the approximate 5.5 acre subject property located immediately north of the Cherry Electric site at 11200 88th Avenue (CTH "H").**

Jean Werbie:

Mr. President and members of the Board, this is a recommendation from the Village Plan Commission to consider Ordinance 08-22 for a zoning map amendment, and this is to rezone the field delineated wetlands into the C-1, Lowland Resource Conservancy District, and the non wetland portions of the property would remain in the M-2, Heavy Manufacturing District. This is for an approximate 5.5 acre property that's located immediately north of Cherry Electric at 11200 88<sup>th</sup> Avenue. The existing Floodplain Overlay District designation would remain in its current configuration.

Just as some brief background information, on April 14, 2008, the Plan Commission unanimously conditionally approved the site and operational plans at the request of the petitioner, Panattoni Development, for L-shaped addition to the Cherry Electric Building at 11200 88<sup>th</sup> Avenue. The addition was a 98,370 square foot addition. This was for the developer to potentially subdivide an existing building to create overall multi tenant space. The expansion and renovation is speculative in nature and no new tenants have been identified at this time.

So as part of that development of that site and operational plan, the property needed and was required to have a wetland delineation. A wetland delineation was completed on the property and 14,236 square feet, which would be at the very northwest corner of the site, was identified as wetland by Dave Meyer of Wetland & Waterway Consulting, LLC on August 25, 2004. It's now been proposed to be rezoned from M-2 to C-1. All existing floodplain would remain the same.

The petitioner and the Village Plan Commission and the staff are recommending approval of this zoning map amendment to reflect the field delineated wetlands as zoned.

Mike Serpe:

Move approval of 08-22.

Steve Kumorkiewicz:

I'm going to second that.



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John Steinbrink:

Motion by Mike, second by Steve. Any further discussion on this item?

Steve Kumorkiewicz:

It was discussed in Planning Commission.

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #08-22 FOR A ZONING MAP AMENDMENT TO REZONE THE FIELD DELINEATED WETLANDS INTO THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT AND THE NON-WETLAND PORTIONS OF THE PROPERTY ARE TO REMAIN IN THE M-2, HEAVY MANUFACTURING DISTRICT FOR THE APPROXIMATE 5.5 ACRE SUBJECT PROPERTY LOCATED IMMEDIATELY NORTH OF THE CHERRY ELECTRIC SITE AT 11200 88TH AVENUE (CTH "H"); SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

- E. Receive Plan Commission Recommendation and Consider Ordinance #08-23 for a Zoning Text Amendment to amend Section 420-118 K (4) and Section 420-121 J (3) of the Village Zoning Ordinance related to Operational Standards in the B-1, Neighborhood Business District and B-4, Freeway Service Business District, respectively.**

Jean Werbie:

Mr. President and members of the Board, this is a Plan Commission recommendation to consider Ordinance 08-23 for a zoning text amendment. This is to amend Section 420-118 K (4) and Section 420-121 J (3) of the Village Zoning Ordinance related to Operational Standards in the B-1, Neighborhood Business District, and B-4, Freeway Service Business District, respectively.

At the March 10, 2008 Plan Commission meeting and the March 17, 2008 Village Board meeting, the Village Board approved and the Plan Commission recommended approval of Ordinance 08-19 which amended two different sections of the Village zoning ordinance related to operational plan standards specifically as it pertained to conditional uses in the B-2 District.

With the adoption of Ordinance 08-19, gasoline stations and convenience stores that were zoned B-2 are now allowed to have no more than one outdoor ice storage container and no more than one outdoor LP gas cage per gasoline station and convenience store property as a permitted use in the B-2 District subject specifically to the regulations and ordinance provisions as set forth in 08-19.

Prior to the adoption of the ordinance no outdoor storage, including ice or LP or any other type of display, was allowed in the B-2 District. Ordinance 08-19 only allows for outdoor ice and LP gas storage. Still no other type of outdoor storage is permitted within the districts. However, the adoption of 08-19 affected gasoline stations and convenience stores only in the B-2 District. The

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purpose of this ordinance before you is to bring the same requirements forth in the B-1 as well as the B-4 Districts.

Currently we have four different gasoline/convenience stores and one other site that's located in the Village, a Walgreens, Citgo, a Philips 66 and a BP-Amoco. All four of them have requested LP storage and ice storage at their places of establishment. These four uses are identified as being within the B-4 District, and so this amendment would carry through so that they would be allowed, again, to have the one ice and one LP storage. As the ordinance currently states, no other outdoor storage or displays of merchandise, vehicles, or any other types of materials would be allowed in the B-1 and the B-4 Districts.

In your packet is a copy of the current ordinances as adopted for the B-2, and we intend to recommend that the same provisions apply to those districts as well. There was some considerable discussion at the Plan Commission meeting with respect to LP storage cages, and I just wanted to point out in 420-121 J (3) (d) [1] and [2] that the provisions that were provided to us were provisions that were provided by the Village's Fire and Rescue Chief. And the staff feels that as these requests for LP storage units or containers are advanced to the Village, that the Village's Fire Chief recommendation will be the recommendation that's used by the Community Development Department in recommending how and where these LP storage cages will be located and how they are to be protected.

The two different points that are set forth in the ordinance, [1] the LP storage cages shall be in compliance with the most current edition of the National Fire Protection Association, NFPA, Standard 58, Liquefied Petroleum Gas Code; and [2] Shall be protected by a bollard, guard rail, fence, raised sidewalk or some other acceptable means of protection as approved by the Zoning Administrator. The means of protection shall not obstruct or inhibit on-site vehicular or pedestrian traffic flow. Again, our recommendation is that the Fire and Rescue Chief will have that recommendation and that recommendation will be made each time. If we need to make a slight modification so that's very clear we can certainly do that to the ordinance, but with any type of situation like this a recommendation of the Fire and Rescue Chief is always in order prior to their approval.

With that the staff does recommend approval as does the Plan Commission.

(Inaudible)

Jean Werbie:

He is here, he was here, and I spoke with him today and that was his recommendation again that he is best equipped to be able to review this information, compare this and compare it with the codes.

John Steinbrink:

Jean, Trustee Serpe had brought up at Plan Commission the issue of the curb and vehicles being able to jump this. An example of this just occurred at the Culver's in Plymouth, Wisconsin,

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where a vehicle did jump the curb. We talked about the cages and the tanks and how solid they were, but when you saw the damage done to the cement tables at the Culver's and the injury received by some of the folks there that day on those outside tables, you can't dismiss the fact that you're dealing with a flammable explosive product and curbs only hold so much back. I'm not sure where we had left that one with Planning Commission. Mike, do you have that?

Clyde Allen:

The March 17<sup>th</sup> meeting I did have two objections to the ordinance. One was resolved. The first one was the raised sidewalk I did not think was sufficiently safety. I'd rather err on the side of safety and be cautious. After we adjourned that meeting and I thought to myself I wanted to go over this what was really the good answer, and I asked myself would you want to stand next to that cage when a car hits it with a guarantee that it wouldn't explode? I certainly wouldn't. And I think for the small cost for the safety it would provide I think a bollard should be in front of them. I just can't see that it's any different. I would rather be safe than to be sorry. Thank you.

John Steinbrink:

Where these cages are located that bollard would probably have to be closer to the curb than to the cage, because that bollard is then going to interfere with the opening and closing and dispensing of the product from the cage.

Jean Werbie:

Correct.

Mike Serpe:

I, too, saw the news, John, about the Culver's up north where a 76 year old man hit the gas instead of the brake and he destroyed a cement table and chair. I objected, Clyde, to the raised sidewalk portion of the ordinance as to me not being adequate enough to stop a vehicle if it were to jump a curb. Whatever kind of protection that you'd like to put in front, whether it be a guardrail or some other acceptable protection would be fine with me. It doesn't necessarily have to be a bollard. A bollard is fine, a guardrail is fine. Anything, not the raised sidewalk. Can we—this is State Fire Code that we're following here. Can we alter from that legally?

Mike Pollocoff:

You can enhance it.

Mike Serpe:

So if we took out the raised sidewalk or the raised curb we're within our right to do that?

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Mike Pollocoff:

I think what my recommendation to the Board would be is if you're going to removed the raised sidewalk we should identify the things that we're most comfortable with and that would be, if I'm hearing you, a system of bollards to protect that tank area and say that's what it is rather than just leaving out the sidewalk. I would recommend that if the Board wants to tank frame that cabinet and protect it with bollards, it shall be protected with bollards and then designate that to the Chief to specify the distance from the cage that the bollards would be and they'd have to construct those in a manner that in turn wouldn't create another traffic hazard where somebody would be hitting the bollards if they're moving parallel to it. But that would be my recommendation that you do that rather than just take out the raised sidewalk. Because I think really what I hear you saying is you want bollards in front of that thing to protect it.

Steve Kumorkiewicz:

I think it should have both, raise the sidewalk and the bollard.

Mike Serpe:

The sidewalk is going to be raised because it's going to be above the parking surface. So the bollards would be the answer. That would satisfy my—

Steve Kumorkiewicz:

Yes, that makes sense.

John Steinbrink:

The bollards rather than the guardrail because the guardrail can flow through it and actually allow somebody to be pinned into that, versus a bollard with snow you can shovel around it. People can move through it freely, and it gives you the protection.

Steve Kumorkiewicz:

And they've got to have access to the cages.

Mike Serpe:

If this were to pass tonight with the bollards, would we then have to revisit the ordinance again that we just passed a couple months ago?

Jean Werbie:

Yes, right, the B-2 District we'd have to come back and go through the public hearing process again in order to incorporate that same language into that district as well.

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Mike Serpe:

I'll be honest with you, Jean, I know it's a little cumbersome but I feel strongly about this. I think it's for the protection of—it at least gives another level of protection to the public and I think we need to do that.

Steve Kumorkiewicz:

We should table.

Mike Pollocoff:

No, I guess my recommendation would be that the Board remove this from the agenda and allow staff to get the amendment for the B-2 area and the language we want to put in there and have that all come through at the same time.

Clyde Allen:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

One moment first.

Jean Werbie:

The Fire Chief did step back in so I'm not sure if we could just put forth the recommendation to him so that he can understand and I can take some notes on what you're recommending.

Mike Pollocoff:

Chief, what the Board is concerned about is they want to have bollards around the cage for the natural gas enclosure. So what we want to do is send it back, have it reworked between the Fire Department and CD, come up with a standard for what the bollard installation needs to look like. It may involve raising a sidewalk where the bollards are so that nobody hits them in addition to hitting the tank. And then providing that in addition with giving the authority to you to determine what's going to be sufficient, because not all the enclosures are going to be the same installation. They're all going to be different. So if we bring that back within a month that would give you and Jean time to work up a new standard to incorporate, and then we'll amend the B-2 District as well as this B-4 District at the same time. It would go back to Plan Commission and everybody would get another kick at it.

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John Steinbrink:

We'll entertain a motion.

Jane Romanowski:

The motion is out there but it would be to postpone. Monica made the motion and I believe Steve seconded it.

Monica Yuhas:

Clyde made it and I seconded it.

Jane Romanowski:

Okay, Clyde and then Monica. Thank you.

John Steinbrink:

Probably keep those bollards a little closer to the street side, parking side, so we allow the free access to it. I don't think they have to surround it, just in front of it to protect it. Another barrier there that will protect the people and the building. The Plymouth incident wasn't a lone one. This has been happening throughout Milwaukee. If you watch the news at night it's almost an every other day occurrence that somebody plows into a restaurant, a storefront or something like that. We're trying to prevent bigger accidents.

Chief Guilbert:

I'm Paul Guilbert, I'm Chief of Fire and Rescue. I'm at 8044 88<sup>th</sup> Avenue. If you drive around the Village we use bollards all the time to protect various aspects of sprinkler systems. So we'll just write that to reflect such. We can do that. But I would also recommend that we revise the fire ordinance and include this language within the fire ordinance that would give us the ability to enforce these things since we're at all of these buildings twice a year.

John Steinbrink:

Thank you, Chief. We had a motion and a second.

**ALLEN MOVED TO POSTPONE CONSIDERATION OF ORDINANCE #08-23 FOR A ZONING TEXT AMENDMENT TO AMEND SECTION 420-118 K (4) AND SECTION 420-121 J (3) OF THE VILLAGE ZONING ORDINANCE RELATED TO OPERATIONAL STANDARDS IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT AND B-4, FREEWAY SERVICE BUSINESS DISTRICT TO INCORPORATE THE CHANGES WITH RESPECT TO THE REQUIREMENT OF BOLLARDS AS DISCUSSED; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

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- F. Receive Plan Commission Recommendation and Consider Ordinance #08-24 for several Zoning Map Amendments to rezone nine (9) properties that were acquired in 2006 and 2007 by the Wisconsin Department of Natural Resources or The Nature Conservancy of Wisconsin for open space preservation within the Carol Beach/Chiwaukee Prairie area south of 90<sup>th</sup> Street, west of Lake Michigan, north of 128<sup>th</sup> Street, and east of the Union Pacific Railway.**

Jean Werbie:

Mr. President and members of the Board, Item F is to receive the Plan Commission recommendation and consider Ordinance #08-24 for several zoning map amendments to rezone nine properties that were acquired in 2006 and 2007 by the Wisconsin Department of Natural Resources or The Nature Conservancy of Wisconsin for open space preservation within the Carol Beach/Chiwaukee Prairie area south of 90<sup>th</sup> Street, west of Lake Michigan, north of 128<sup>th</sup> Street and east of the Union Pacific Railway. The properties are proposed to be rezoned into the C-3, Natural and Scientific Area Resource Conservancy District.

On February 11, 2008, the Plan Commission adopted the resolution to initiate the rezoning of these properties. Again, these are properties that were acquired by the Wisconsin DNR or The Nature Conservancy, TNC, and they are proposed to be placed into the C-3, Natural and Scientific Area Resource Conservancy District. As you know, the Community Assistance Planning Report No. 88 entitled A Land Use Management Plan for the Chiwaukee Prairie-Carol Beach Area of the then Town of Pleasant Prairie dated February of 1985 recommended that ultimately all lands within the plan identified area as open space preservation should be acquired in the public's interest and placed into the C-3, Natural and Scientific Area Resource Conservancy District in order to protect the natural resource base.

The C-3 District is intended to preserve and enhance existing natural features including scenic, historic and scientific areas and associated plant and animal communities and to prevent the destruction of natural resources. The Land Use Management Plan seeks to preserve a substantial portion of these features in the area through the maintenance of a continuous and primary environmental corridor. Both the DNR and The Nature Conservancy of Wisconsin do have acquisition areas that they have been purchasing lots in over the last 20 plus years, and once they've been acquired then they can be placed into the C-3 District in the public's interest.

Just to clarify, Kenosha County and since 1989 the Village has been following Chapter NR 115 and NR 117 of the Administrative Code that does require the rezoning of wetlands into the shoreland area of Lake Michigan. So we have been placing them into a shoreland jurisdictional district or a significant C-1 District, but the higher and more protective district is the C-3 District.

The remaining lands within the proposed open space preservation area shall be preserved and, again, we have been working through the process. The properties that have been acquired by the DNR and the TNC in 2006 and 2007 have been marked with dots on this map and we'll be showing you in more detail.

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The following properties have been acquired in the public's interest and include those identified as 93-4-123-191-0775, -191-1465, -194-0275, -292-0205, -293-0340, -323-0935, -323-0940, -323-1500 and -323-1505. All of these properties will remain in the LUSA, which is the Limited Urban Service Overlay District, and any of the properties that were designated in the FPO, Floodplain Overlay District, will remain in that district.

This is just a close up of the properties. The first property is at the northeast corner of 93<sup>rd</sup> Street and 4<sup>th</sup> Avenue. It's being rezoned from C-1 to C-3. The next is generally located on the east side of 4<sup>th</sup> Avenue south of 98<sup>th</sup> Street. It's proposed to go from the C-1 to the C-3. The next property is on the east side of 4<sup>th</sup> Avenue north of 102<sup>nd</sup> Street. It's proposed to be rezoned from R-5 and C-1 to the C-3 District. The next property is located at the northwest corner of Lakeshore Drive and 106<sup>th</sup> Street. It's proposed to be rezoned from the R-5 and C-1 to the C-3 District.

The next property is at the northeast corner of 2<sup>nd</sup> Avenue and 115<sup>th</sup> Street, and it will be rezoned from R-5 to the C-3 District. The next properties are generally located at the northeast corner of 125<sup>th</sup> Street and 3<sup>rd</sup> Avenue. There are two properties at that location, and they will be moved from the C-1 to the C-3 District. Then the properties located at the south side of 127<sup>th</sup> Street west of 1<sup>st</sup> Court are proposed to be rezoned from the R-5 to the C-3 District.

The Village Plan Commission recommends approval of all of these rezonings into the C-3 District. Staff recommends approval.

Steve Kumorkiewicz:

So moved to approve Ordinance 08-24.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Further discussion on these items?

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #08-24 FOR SEVERAL ZONING MAP AMENDMENTS TO REZONE NINE (9) PROPERTIES THAT WERE ACQUIRED IN 2006 AND 2007 BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES OR THE NATURE CONSERVANCY OF WISCONSIN FOR OPEN SPACE PRESERVATION WITHIN THE CAROL BEACH/CHIWAUKEE PRAIRIE AREA SOUTH OF 90TH STREET, WEST OF LAKE MICHIGAN, NORTH OF 128TH STREET, AND EAST OF THE UNION PACIFIC RAILWAY; SECONDED BY YUHAS; MOTION CARRIED 5-0.**



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**G. Consider Agreement for Professional Services with JSD Professional Services for public improvements to be constructed within Tax Increment District #2 located in the vicinity of CTH Q and the West Frontage Road.**

Mike Pollocoff:

Mr. President, we have an agreement here with JSD Professional Services to provide engineering services for public improvements, primarily sanitary sewer, on the ULine property. The scope of work is for preparing the plans, specifications, delineating the public utility easements, making permit applications from the necessary agencies and preparing bid documents. JSD proposed to provide this service for \$17,500. This is to be funded through Tax Increment District #2. It's my recommendation in order to keep the ULine project on schedule we accept the proposal from JSD as presented.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion on this item?

**SERPE MOVED TO APPROVE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH JSD PROFESSIONAL SERVICES FOR PUBLIC IMPROVEMENTS TO BE CONSTRUCTED WITHIN TAX INCREMENT DISTRICT #2 LOCATED IN THE VICINITY OF CTH Q AND THE WEST FRONTAGE ROAD; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**H. Consider Ordinance #08-25 - Ordinance to Amend Chapter 180 of the Municipal Code relating to Fire & Rescue Protection.**

Mike Pollocoff:

Mr. President, this is an ordinance to amend our sprinkler ordinance. I'd like to ask Chief Guilbert to come up and describe the changes that he's proposing in the existing ordinance.

Chief Guilbert:

Again, I'm Paul Guilbert, Jr., Chief of Fire and Rescue, and I'm at 8044 88<sup>th</sup> Avenue. What you have before you is our request to revise Village Ordinance 180 that pertains to the Fire and Rescue Department. The first change occurs in Section 180.1 where we add a definition, and I'll

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talk about that in a few minutes and then several changes within Section 180.16 with regards to automatic fire sprinklers, fire suppression, fire alarms and fire hydrants.

The Village Board first adopted a comprehensive fire sprinkler ordinance in 1994. And the reason for that is the ordinance at that time was copied after what I refer to as the Greenfield model. The City of Greenfield adopted the first sprinkler ordinance in the State of Wisconsin in the mid '70s, and in 1994 we were realizing significant growth throughout the industrial park and outside the industrial park and many times were challenged, and this way we were able to put our thoughts in print where we were then considered treating everybody as equal. Although we felt we were doing that, now we had an ordinance that we could hand out and say this is what we want to do.

The ordinance was revised in the year 2000, and we created a minimum threshold that any building 5,000 square feet or more or having more than two stories, in other words a three story building, would have to be sprinklered. There are communities that have a minimum square footage of less than 5,000 square feet within the State of Wisconsin and, in fact, there are some communities in northern Illinois that have a zero threshold, that if you build a building you're going to put fire sprinklers in it.

We came up with the 5,000 square foot threshold in the year 2000 while working with our subcontractor, Fire Safety Consultants and after we met with several fire sprinkler contractors here in Southeast Wisconsin. Since the year 2000 when we revised the ordinance the last time, we've seen a number of buildings constructed up to 4,999 square feet. Well within the ordinance we set 5,000 and that's what they did, they brought it right to the threshold.

The typical buildings that were constructed were fast food restaurants, an animal clinic, a bank and gasoline convenience service centers, stop and goes. The irony is that when one of those fast food restaurants came to the Village, the plans that I took under my arm and carried to my office showed that the building was going to have fire sprinklers in it. And when I called the architect I was told that the one in Pleasant Prairie is not going to have sprinklers in it, but this one was slated for another community just north of Milwaukee and they required sprinklers.

Many times this Board has asked developers you know your building out by the Interstate, you know you're probably the longest run for the Fire and Rescue Department, have you considered sprinklers? And we've had those discussions between Fire and Rescue and them and they chose not to do it. They were under the 5,000 square feet. But I would just remind the Board that at times that has been your concern that they should be sprinklered.

Our current proposal, the one that's before you, is that we now recommend any building 3,500 square feet or more or over three stories be sprinklered. How this can be accomplished is there's been a change in National Fire Protection Association standards, as well as significant changes in technology which translates into making that sprinkler system more cost effective at 3,500 where at one time it was cost effective only once it reached 5,000 square feet. How they do that, sprinkler heads, although they all look the same to you and that's okay, there are over 1,000 different fire sprinkler heads. The current ones that we're proposing flow more water more efficiently, which means they can use smaller pipe. When you use smaller pipe it costs less. The

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new pipe is called CPVC. It allows for greater water flow without the need to increase pipe size. Smaller diameter pipes reduce the need for several sprinkler fitters to be on the job . . . bigger pipes.

And just in summary the reason we've proposed 3,500 is we feel it better serves the Village because of the change in codes, because of the change in sprinkler head design, because of the production of more efficient pipe, and computer programs now are better able to make all these calculations which, in summary, makes a less expensive sprinkler system.

The byproduct to the Village is that we would have more buildings protected by fire sprinklers. It certainly protects the people within those buildings. If there is a fire the fires are either smaller or extinguished before we get there, thus reducing the danger to our people. Buildings such as your typical fast food restaurant they burn very quickly, they fall down very fast. A sprinkler system would protect our firefighters who would ultimately have to go in. The building protects saving real estate and ultimately jobs. If a building burns down it's typically a fast food restaurant that's never rebuilt. Examples of that are the Burger King in Bristol and the Red Lobster building on Highway 11 in Racine. Both those buildings burned. They were never rebuilt. And the major impact to the Village is that every sprinklered building protects itself and, hence, the Fire and Rescue Department does not have to protect it. It reduces the demand for service from Fire and Rescue which ultimately is a tax savings.

The second significant change occurred, we created a definition for mini storage units and we did not create the definition. We adopted that from the National Fire Code and placed it within our ordinance. We have one mini storage facility today. It's on Sheridan Road. And we worked with the owners when that was established to put a number of protections and detections into that building that would alert us to a fire and would keep the fire smaller without having fire sprinklers in there. So when we put the size that any building over 3,500 square feet would require sprinklers, we copied what we did at Buoy Storage on Sheridan Road, and we offer any future developer of mini storage facilities to say, one, you have to sprinkler the building or, two, if you add two hour fire separations, if you put detections in each unit, if you connect that to a fire alarm system, then that's a reasonable alternative and that would be accepted per our Village ordinance. Those are the two significant changes that we have before you tonight.

John Steinbrink:

Comments or questions for the Chief?

Steve Kumorkiewicz:

So, Chief, that eliminates the iron pipe for CPVC?

Chief Guilbert:

And there's areas that they can use, if you will, plastic pipe to a point, and then after that they need to use iron pipe but that iron pipe is still smaller.

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Clyde Allen:

Motion to approve Ordinance 08-25 as recommended by the Chief.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Clyde, second by Steve. Any further discussion?

**ALLEN MOVED TO ADOPT ORDINANCE #08-25 - ORDINANCE TO AMEND CHAPTER 180 OF THE MUNICIPAL CODE RELATING TO FIRE & RESCUE PROTECTION AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

Chief Guilbert:

Thank you.

**I. Consider a Proclamation designating May 18-24, 2008 National Public Works Week.**

Mike Pollocoff:

Mr. President, we have this proclamation prepared. It is National Public Works Week. I think it's an appropriate activity for the citizens of the Village to recognize. Public works touches every part of our lives. Think about this last winter with the snow removal, the garbage and solid waste collections, the recycling programs, the bins that have been delivered this last couple of weeks, sanitary sewer and water services that have been provided to the Village with very little interruption if any. I think it's attributed to the men and women that work in that department. They're very conscientious employees. They get a lot done with a small budget. So this proclamation recognizes those employees in the department and calls upon the citizens in the civic organizations to acquaint themselves with issues involved in working and providing our public works and recognizing the contributions which public works officials make every day to our health, safety, comfort and quality of life. It would be my recommendation that the Village President and Clerk adopt the proclamation as presented.

Mike Serpe:

So moved.

Steve Kumorkiewicz:

Second.

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John Steinbrink:

Motion by Mike, second by Steve. Any further discussion?

Mike Serpe:

Mike, I have to echo your comments. The job that these guys do is just fantastic. Just the snowplowing itself this past winter and then seeing the crew in the last couple of weeks distributing the garbage bins, the organization involved and the effort put forth to get everything done, and aside of that picking up the leaves in the spring they do a heck of a job in the Village and it's definitely appreciated.

Steve Kumorkiewicz:

The job that they did two weeks ago when we got a big flood, that was in Tobin Creek, where they have those crates over there they were completely plugged, and the whole area to 23 was flooded complete. For two employees trying to clean that they cleaned it and drained the area. They did an excellent job. It was Thursday night and raining. That's the same way they did in Carol Beach and 110<sup>th</sup> between 3<sup>rd</sup> and 4<sup>th</sup> Avenue . . . River Oaks in the old station they were . . . so there's been a lot of hours and they deserve the credit for that.

**SERPE MOVED TO ADOPT A PROCLAMATION DESIGNATING MAY 18-24, 2008 NATIONAL PUBLIC WORKS WEEK; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

**J. Consent Agenda**

- 1) Approve a Letter of Credit Reduction for the Vintage Parc Condominium Development.**
- 2) Approve Bartender License Applications on file.**

Steve Kumorkiewicz:

Move to approve.

Monica Yuhas:

Second.

John Steinbrink:

Motion and a second for approval.

**KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1 AND 2 AS PRESENTED; SECONDED BY YUHAS; MOTION CARRIED 5-0.**

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## **10. VILLAGE BOARD COMMENTS**

Jane Romanowski:

I'd just like to make a statement. For the record, on April 2<sup>nd</sup> the Board of Canvassers for the municipal election that was held April 1<sup>st</sup> confirmed that Steve Kumorkiewicz and Mike Serpe were re-elected to the positions of Trustee #2 and Trustee #4 respectively. Both gentlemen have taken their oaths and they official take office as of tomorrow (Note: Office term began April 15, not April 22 as reported). Congratulations.

Steve Kumorkiewicz:

Thank you.

John Steinbrink:

Just a reminder. Its spring, the streets are cleaned up now. Some of the potholes are patched. People are starting to speed in the neighborhoods, running the stop signs. We're getting a lot of complaints. I hope neighbors are considerate of their neighbors and drive respectfully in their neighborhoods. It's going to save a lot of heartache for a lot of people.

One other item. I keep reading in the paper once in a while complaints on 91<sup>st</sup> Street east of Sheridan Road. Unfortunately there's a section in there that's not in the best of shape. I think the Village picks it up at 7<sup>th</sup> Avenue, Mike, is that correct?

Mike Pollocoff:

That's correct.

John Steinbrink:

And just to make folks aware that 91<sup>st</sup> Street is not a Village road. It's a City street. I think maybe pass it onto the City that we've been receiving a lot of complaints and if they could address some of those it would be helpful.

Mike Pollocoff:

Sure.

John Steinbrink:

Any other Board comments?

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**11. ADJOURNMENT**

**YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY KUMORKIEWICZ;  
MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 8:10 P.M.**