

**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
January 19, 2009
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, January 19, 2009. 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 Peggy Herrick, Asst. Village Planner, Tom Shircel, Asst. Village Planner and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - JANUARY 5 AND 8, 2009.**

YUHAS MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF JANUARY 5 AND JANUARY 8, 2009 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

Before I move on to Item 5, Public Hearings, today is Martin Luther King, Jr.'s birth date. We did this last year or two years ago. We played an audio of portions of Dr. King's speech he gave in Memphis the night before he was assassinated. The speech is entitled I See The Promised Land and addressed to the need for nonviolence due to the 1,300 municipal sanitation workers who were on strike claiming they were being treated unfairly. Again, this is just a few paragraphs of the speech he gave in Memphis the night before he was assassinated. In honor for his birthday today and the fact that we're meeting here tonight I'd like to play a few paragraphs.

(Speech Played)

John Steinbrink:

Again, thank you for sharing that with us and being here in honor of Dr. King's birthday. His words never ring truer resolution without confrontation. I think that's something we look forward to in the future also.

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5. PUBLIC HEARING

- A. Consider an application for a Class "A" Fermented Malt Beverage License submitted by Tina Doyle, agent for R & D IV, Inc., for premises known as BP Amoco, 10477 120th Avenue.**

Jane Romanowski:

Mr. President and Board members just a little history. This license has been in effect for a while, a license at BP Amoco. It was renewed as of July 1st of the past year. On July 28th the Board did approve an application because of the sale of this location to R & D IV., Inc. At that time Lisa White was the agent that was appointed and approved by the Village Board. And once the purchase went through the license was issued on October 2nd.

Due to some employer/employee matters Lisa White surrendered the license - she held the license as agent for this corporation - on December 29th and R & D has not sold fermented malt beverages since that date. So the day after she surrendered that license, they submitted an application with Tammy Doyle as agent for the same license that they had in effect until it was surrendered, and that's for the location at 10477 120th Avenue.

The police check has been approved for Tammy as agent for the license. The publication and training requirements have been met. So basically as you've seen before we've had new agents come in because of different employees leaving or different corporate matters. This happened that she surrendered the license and they had to apply for a new one. So everything is in order on my end and I would recommend approval. This license would run through June 30th of next year.

John Steinbrink:

Once again this is a public hearing and we're going to invite public comment or question on this item. We had a sign up sheet for this?

Jane Romanowski:

Nobody signed up to speak on this.

John Steinbrink:

Anybody wishing to speak on this item? Is the petitioner present this evening?

Tammy Doyle (from audience):

Yes.

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John Steinbrink:

Anything you wish to say? Hearing none I'll close the public hearing and open it up to Board comment or question.

Mike Serpe:

Move approval, Mr. Chairman.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Trustee Serpe, second by Trustee Kumorkiewicz. Do you need a roll call vote on this?

Jane Romanowski:

No, we don't.

SERPE MOVED TO APPROVE AN APPLICATION FOR A CLASS "A" FERMENTED MALT BEVERAGE LICENSE SUBMITTED BY TAMMY DOYLE, AGENT FOR R & D IV, INC., FOR PREMISES KNOWN AS BP AMOCO, 10477 120TH AVENUE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

B. Consider an application for a "Class B" Intoxicating Liquor License, Class "B" Fermented Malt Beverage License and Cabaret License submitted by Ann Daniels, Agent for JAAD, LLC for premises known as The Starlite Club, 8936 24th Avenue.

Jane Romanowski:

This application comes before the Board because of the sale of the Starlite Club, potential sale, it hasn't closed yet. So Angela Daniels, agent for JAAD, LLC has applied for the licenses that are currently there, the Class B fermented, the Class B intoxicating and the cabaret license for premises known as the Starlite Club at 8936 24th Avenue. As I said, John and Angela Daniels are in the process of purchasing the property, and the tentative closing date is January 30th. Training and publication requirements have been satisfied, and Chief Wagner has approved Angela Daniels as an agent for the license.

As I said earlier, Ms. Daniels has also applied for a cabaret license. Just as a refresher, a cabaret license is required when patrons are afforded the music of one or more musicians and dancing privileges and/or when dancing is advertised where mechanical devices are used to produce music.

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The record that I have in the Village Hall indicate that this establishment has had not only the Class B fermented malt beverage and Class B intoxicating but also a cabaret license back in 1990 and they've had it since. And I'm sure I have records downstairs that probably indicate that they've had it more than that but that's what I could tell from my records.

If approved, I would recommend these licenses be issued upon the following conditions: Obviously they'd have to close the deal, they'd have to show that they owned the property so a copy of the deed and closing statement. Some other items would be a Wisconsin seller's permit and federal ID number for the corporation named JAAD, LLC. I would need the original licenses, the cigarette license and the cabaret license surrendered by the current holder of that who is Lorraine Aker, and she obviously wouldn't surrender those until everything was taken care of and they close and all these conditions were taken care of, because obviously she wouldn't want to surrender her license until the deal is done. A certificate of occupancy would have to be issued after inspections by both the fire department and the inspection department, and all the fees would have to be paid and publication costs.

So at this point I would recommend approval. Everything is in order on my end except these conditions, and they wanted to make sure before they purchased the property that their application would be granted. Obviously I wouldn't issue anything until all the conditions have been met. If any of these conditions would not be met I would recommend that the approval would be granted subject to and then I would have the authority not to issue the license until they did, in fact, come into compliance. If the licenses are approved they would be approved through June 30th of this year. They would get all the paperwork in a couple months to renew everything, but everything is in order on my end to date.

John Steinbrink:

Once again this being a public hearing we ask that you give us your name and address for the record and please use the microphone. Was there a signup sheet?

Jane Romanowski:

There was a signup sheet but nobody signed up tonight.

John Steinbrink:

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

Clyde Allen:

I'll make a motion to approve subject to the six conditions as set forth by the Village Clerk.

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Mike Serpe:

Second.

John Steinbrink:

Motion by Trustee Allen and second by Trustee Serpe.

ALLEN MOVED TO APPROVE AN APPLICATION FOR A "CLASS B" INTOXICATING LIQUOR LICENSE, CLASS "B" FERMENTED MALT BEVERAGE LICENSE AND CABARET LICENSE SUBMITTED BY ANN DANIELS, AGENT FOR JAAD, LLC FOR PREMISES KNOWN AS THE STARLITE CLUB, 8936 24TH AVENUE, SUBJECT TO THE CONDITIONS SET FORTH BY THE CLERK; SECONDED BY SERPE; MOTION CARRIED 5-0.

6. CITIZEN COMMENTS

Chad Kerkman:

Good evening. I'm a candidate for Circuit Court Judge and I just wanted to take a moment to introduce myself. I'm a lifelong resident of Kenosha County. Kenosha County is receiving a new Branch 8 Court and there are four of us running for that new position. I live in the western end of the County in Randall with my wife, State Representative Samantha Kerkman. We have two sons, Ian and Evan. I think I'll be a good, fair judge because I have over 11 years of experience as an attorney. I've been a prosecutor. I've been a criminal defense attorney. I also specialize in family law which is great because the new Branch 8 Court is going to be half family and half criminal law.

Some things that people don't know about me is that I have a degree in engineering. I was an engineer for a couple years before I went to law school. I've traveled to 39 countries. I'm proficient in Spanish. I've studied half a dozen other languages. I just think it's important for a judge to be well rounded and to have a lot of courtroom experience. I'm endorsed by over 30 elected officials and 40 attorneys. Thank you.

John Steinbrink:

Thank you.

Jane Romanowski:

There were no other signups, Mr. President.

John Steinbrink:

Anyone else wishing to speak under citizens' comments?

7. NEW BUSINESS

- A. **Receive the Plan Commission Recommendation and Consider the request of Mark Eberle, P.E. of Nielsen, Madsen & Barber, S.C. agent for the properties generally located on the south side of Bain Station Road west of STH 31 (Green Bay Road) for approval of a Conceptual Plan for the proposed Bain Station Self Storage facility. The facility includes an office building, 22 storage buildings with 448 rental units of various sizes.**

Peggy Herrick:

I'll be taking this. We're experience a little bit of technical difficulties with the projector and the PowerPoint so excuse me while I continue to try to present this while moving forward in the slide projections. This is a petition - the petitioner is requesting approval of a conceptual plan for the proposed Bain Station Self Storage facility. It's generally located west of State Trunk Highway 31 and south of Bain Station Road. As you can see from the overhead, the comprehensive plan indicates that this area be designated for community commercial land use, and the proposed use is allowed in the B-2 Community Business District with approval of a conditional use permit.

This property as shown on the slide, the yellow area on the slide, is the areas where there are floodplain on this property, I'm sorry, wetlands on the property. The red line demarcates the location of the floodplain. Everything to the west of that line in the yellow is in the 100-year floodplain as well. So you can see there is approximately 29 acres total on this site, and approximately 25 acres of that site is environmental areas which will be preserved as part of this project. Areas in white are the areas that will be developed for 22 storage buildings and the remainder will be open space.

This is the proposed conceptual plan. As you can see there are two entrances to the facility. There are two storm water facilities on the south end of each of the storage basin areas. The office is on the east side. There is a finger of wetlands that separates the two areas so the office with some storage units are on the east side and there's another entrance with the remainder of the storage units on the west side of the property. Again, the wetlands and the floodplain will be preserved on the property.

This is an illustration as to what the office buildings will look like. It's approximately 1,000 square feet. The metal roof on this building will be shingles. On the podium here there are some samples of the materials. This office building is on the east side, again, of the development. There will be a fence and a gate similar to the image below that will enclose the storage facility. The office area and the parking for the office will be outside this enclosed area but the storage facilities will be fenced in and there's gated key entries.

This slide shows where the parking areas by the office will remain. The other areas they showed parking to meet some minimum standards of the ordinance which doesn't make much sense. We are recommending that through the planned unit development which is required on this property to reduce the number of parking spaces. The ordinance requires one space for every ten storage units which doesn't make sense. Typically when you have a self storage unit you go to the

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storage unit, unload your car or load or whatever you're going to do right in front of your unit and leave. So the need for that many parking spaces is not required. The parking spaces for the office area where people might come to inquire about renting a unit those parking spaces will remain by the office area on the east side of the site.

Municipal sanitary sewer and water will need to be extended to develop this site. Sanitary sewer will need to be extended to service the office building and municipal water will be extended across the front of the property.

A certified survey map will also be required to combine the two properties into one property to dedicate an additional seven feet along Bain Station Road, to dedicate storm water retention, maintenance and access easements for the private retention basins, to dedicate the wetland and floodplain preservation easements, and there will also be restrictive covenants related to all these easement areas on the certified survey map as well.

Again, this is a conceptual plan for 22 storage buildings, 448 units including storm water retention facilities, office areas. Upon approval of a conceptual plan if approved by the Village Board tonight they will need to move forward with their public improvement approvals, development agreement, certified survey map, site and operational and joint conditional use permit application and a zoning map amendment. All of these items were presented at the Plan Commission in conjunction with the conceptual plan, and the Plan Commission made a recommendation to approve the conceptual plan based on the staff recommendations and comments in the staff memorandum that's before you tonight. So, again, this is for their conceptual plan only at this time.

Mike Serpe:

Peg, I hope I didn't miss this. Is this to all be built out at the same time if it were to take place?

Peggy Herrick:

That's my understanding.

Mike Serpe:

And at the Plan Commission meeting I mentioned or questioned the keypad code being available to the police department, and I have to ask the Chief tonight as he wasn't at the Plan Commission meeting. Chief, could the keypad code to this facility be placed into the computer system of the squad cars in case entry needed to be made?

Chief Wagner:

Chief Brian Wagner, 8600 Green Bay Road. Good evening. Yes, we have multiple facilities in the Village that are handled in exactly that way.

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Mike Serpe:

I kind of figured that but I didn't want to speak about the police department without having assurance that it is going to happen.

Chief Wagner:

Not a problem.

John Steinbrink:

Any other questions?

Mike Serpe:

One other question for Brian. Would your guys just randomly go through that on third shift, just drive through it at will even though it's a locked gate where they just enter just for patrol purposes, or would they wait for a call?

Chief Wagner:

Typically, again, it would depend upon—you can look at this on paper and you can say this or that may or may not happen, but I can tell you that the existing storage facility we have in Pleasant Prairie we actually do enter and we do drive through. Now, if this particular storage facility was very visible from the road and you could drive by and spotlight it and be able to see adequately, then that might not be the case. I can tell you that the way it is now with the existing facility that's the way we do it.

Mike Serpe:

Thank you.

John Steinbrink:

Other questions for the Chief?

Clyde Allen:

Peggy, I got a call and I want to make sure we're straight on the parking. I'm sorry, not for the Chief. Thank you. Peggy, if I understand correctly eight were originally proposed by the developer units for the office area and those eight will stay?

Peggy Herrick:

All the ones shown on here were proposed by the developer because our ordinance states that you need one space for every ten storage units. When we discussed this with the developer and in

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looking at his revised plans that showed all these parking spaces, to the Village staff it did not make any sense to have the parking spaces where they were showing them on the west end of the facility. That would encourage people to maybe store a vehicle there or do other things that we don't want to have happen because these facilities are not for vehicles, combustible or flammable materials or whatnot. And typically people when they go to a storage unit to load or unload will go right to their unit, not park half a block away to walk their stuff to their unit. They'll park in front of their unit, load and do what they need to do in a short period of time and then leave.

So they were trying on this plan to show where we could put additional ones to come closer to that 44 that are required. In talking with the Village Administrator and the Zoning Administrator and just as a staff we feel that the eight that they're providing including the handicapped by the office is adequate for that type of purpose and what's being proposed. As noted in the staff memo they will have one full-time employee so they're not taking up half those spaces by the employees that are parking there. And as stated in the staff memorandum that would be something we'd write into the planned unit development for this facility.

Clyde Allen:

Thank you. The parking on the west side, and my question came I don't know if I was confused or I want to make sure the developer is fine with all that parking removed from there. Is that correct?

Bruce Johnson (from audience):

Yes.

Clyde Allen:

We then need to request a variance from the ordinance then, correct?

Peggy Herrick:

No. As I said this will be included in the planned unit development. A planned unit development will be required for this development to occur because they're having more than one building on the property. The planned unit development will allow for some flexibility in some dimensional standards in the ordinance. Some of the requirements as noted in the staff memo buildings 18 and 19 which are located on the east side are proposed to be set back a minimum of 25 feet from the side property line where a 30 foot setback is required. This variation is being requested by the developer to include in the PUD because of the location of the wetlands and the separation needed between the units to provide enough space for vehicles to drive between the units. So those are the variations from the zoning ordinance that are proposed with the PUD in addition to having more than one building on the property.

Clyde Allen:

Okay, thank you.

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Steve Kumorkiewicz:

Yes, for Peggy. Peggy, I've got a hard time trying to visualize how the access is going to be from the office to the west buildings because we've got a wetland between both buildings actually.

Peggy Herrick:

The access is back out onto Bain Station Road into the entry on the west end of the development. There is not crossing between these.

Steve Kumorkiewicz:

That's what I was concerned about. Okay, thank you.

Peggy Herrick:

And the Plan Commission raised that at the public hearing and the petitioner explained that there's very little need for someone in the office unless they're showing a unit to physically go over to the other portion of the facility.

Steve Kumorkiewicz:

That's what I understood in the Planning Commission last week but I wanted to double check to make sure of that. Thank you.

Mike Serpe:

On 60th Avenue in the City there's a storage facility I believe its Barth, and there's a business that runs out of that facility out of a couple of storage units. Is that possible to happen here?

Peggy Herrick:

No, that is not, and those specific requirements will be addressed specifically for the use in the conditional use permit that's also required. When they come in with their site and operational and conditional use permit that's another public hearing before the Plan Commission, and those specific requirements will be listed as to the uses that can occur in those storage units. So no commercial business. Other typical requirements have been no rummage sales can occur from the units themselves. They also understand and have agreed that no combustibles and vehicles and those type of things. So those things will be put in the conditional use permit and be considered by the Plan Commission at a public hearing at a subsequent meeting.

Mike Serpe:

Very good. Move approval.

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Monica Yuhas:

Second.

John Steinbrink:

Motion by Trustee Serpe, second by Trustee Yuhas. Any further discussion on this item?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE REQUEST OF MARK EBERLE, P.E. OF NIELSEN, MADSEN & BARBER, S.C. AGENT FOR THE PROPERTIES GENERALLY LOCATED ON THE SOUTH SIDE OF BAIN STATION ROAD WEST OF STH 31 (GREEN BAY ROAD) FOR APPROVAL OF A CONCEPTUAL PLAN FOR THE PROPOSED BAIN STATION SELF STORAGE FACILITY, SUBJECT TO STAFF COMMENTS; SECONDED BY YUHAS; MOTION CARRIED 5-0.

B. Consent Agenda

- 1) **Approve a Letter of Credit Reduction for Hwy. 50 Shoppes at Prairie Ridge and Target Store.**
- 2) **Approve a Letter of Credit Reduction for Shoppes at Prairie Ridge and Target Store.**
- 3) **Approve Bartender License application on file.**

Mike Serpe:

I'll move approval of the Consent Agenda Items 1 through 3.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Trustee Serpe, second by Trustee Yuhas.

SERPE MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3; SECONDED BY YUHAS; MOTION CARRIED 5-0.

8. VILLAGE BOARD COMMENTS

Clyde Allen:

I'd like to make a comment about I've had a chance to recently observe the therapeutic rec program and daily proceedings what goes on there and what happens. I don't care if it's a youth, a member, an employee, part of the staff, anyone that walks through that door is treated and acted like the person entering there is their best friend forever. You can feel the compassion, the faith,

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the trust and the respect amongst everybody. It makes your heart really go out to these people, not only the members there, the youth but the staff as well for the job they do that's so very needed in this municipality. I'd like to just say kudos to them and thank you very much for the job they do and what transpires there. So thank you.

John Steinbrink:

Any other Board comments?

Mike Serpe:

What Clyde is talking about you just have to wonder what these people, both the adults and the youth, would be doing or what would they have to do if this facility wasn't here to help them with their daily exercise and daily needs. It's a facility that's almost a Godsend to those that use it every day and really those that need it. Again, we thank the guy that's not here tonight, Mike Pollocoff for those efforts.

Steve Kumorkiewicz:

I'm reminded, too, in the same line that Clyde is talking and Mike, this facility is the only one that provides that type of service on both sides of the State line and goes all the way to Kenosha County west and north. So it's unique. These people that move here, people from the base that use the facilities is one of the reasons they've got traffic here.

9. ADJOURNMENT

YUHAS MOVED TO ADJOURN THE MEETING; SECONDED BY SERPE; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7 P.M.