

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
LAKE MICHIGAN SEWER UTILITY DISTRICT
9915 39th Avenue
Pleasant Prairie, WI
April 20, 2009
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, April 20, 2009. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Monica Yuhas, Steve Kumorkiewicz and Mike Serpe. Clyde Allen was excused. Also present were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; 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 - APRIL 6 AND 13, 2009**

YUHAS MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS OF APRIL 6 AND APRIL 13, 2009 AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

5. CITIZEN COMMENTS

Jane Romanowski:

There were no sign ups tonight, Mr. President.

John Steinbrink:

Anyone wishing to speak under citizens comments?

6. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President . . . I was gone last week but I wanted to take the opportunity to give to the Board what we released last week is that we had advertised the position of Director of Public Works for four or five days (sic months). We went through a list of candidates. We interviewed two candidates with some outside experts from three different communities. The result of that interview and the information received from the interviewers as well as my observations of the interview I offered the position to John Steinbrink, Jr. to be our Public Works Director, or really our first Public Works Director. He started last week. Congratulations to him . . .

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Mike Serpe:

Mike, I have to agree. I've witnessed John move from the bottom to the top and he's one of a number of employees that we have in this Village that are just great. But John has shown his value to this Village in countless ways. Anybody who is head of a municipality would love to have an employee like John running their public works. John, you're in that job and congratulations.

7. NEW BUSINESS

- A. Receive Plan Commission Recommendation and Consider a Zoning Text Amendment (Ord. #09-19) to amend Specific Development Plan #5 entitled "Truesdell Plaza Planned Unit Development" in Chapter 420 Attachment 3 Appendix C of the Village Zoning Ordinance.**

John Steinbrink:

Jean, good to have you back with us.

Jean Werbie:

Thank you. On April 13, 2009, the petitioner, Steve Schuler, representing the owner, had requested amendment to a zoning text amendment, Ordinance #09-19, to amend a specific development plan for the Truesdell Plaza Planned Unit Development. Specifically, he is requesting a modification to the PUD because of his primary monument sign. The original store was reconstructed as a convenience store a number of years ago, and at that time they received a zoning text amendment which is a PUD, a sign permit, and as part of that they were given permission to put a sign up that met the existing zoning regulations at the time.

Since that time there have been some changes to the zoning regulations and we've modified the size of certain signs, primary monument signs in particular, and what they are requesting to do is to replace the northern portion with their sign with an electronic display area. They're doing this for a number of reasons, but in order to attract more customers and to be a little bit more visible on Highway 50 they feel that they need to modify the northern portion of the top part of their sign. And so specifically they are requesting that the sign that they were originally permitted to have, that their PUD be modified in order to accommodate that original same size of the sign.

Again, this original sign was installed seven years ago and it met the size height and aesthetic requirements pursuant to the sign ordinance at that time. And this PUD would allow them to have those same requirements. Again, this is for property that is located at 8531 75th Street, and the property is currently zoned B-2, PUD, and they also have some C-1, Lowland Resource Conservancy in the rear, but they have that PUD overlay. With that the Plan Commission did recommend approval at their last meeting and the staff also recommends approval as presented.

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Mike Serpe:

Mr. Chairman, it certainly makes no sense to put up a business and have a sign where you can't read it. So I definitely agree with the PUD on this and move approval of Ordinance 9-19.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT A ZONING TEXT AMENDMENT (ORD. #09-19) TO AMEND SPECIFIC DEVELOPMENT PLAN #5 ENTITLED "TRUESDELL PLAZA PLANNED UNIT DEVELOPMENT" IN CHAPTER 420 ATTACHMENT 3 APPENDIX C OF THE VILLAGE ZONING ORDINANCE; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

B. Consider Resolution #09-08 to establish a Complete Count Committee for Census 2010.

Jean Werbie:

Mr. President, you have before you Resolution #09-08. It's regarding the formation of the Census 2010 Complete Count Committee. This is actually the third census that I have been involved in with the Village of Pleasant Prairie, and as with the previous census ventures that we have been on, the federal government looks to the individual communities to work with them to help get the word out with respect to the census, to provide an opportunity for people to come in, to help us and have them explain the sample surveys to the residents, and just to get that information out in order for us to get more of a complete count for our community.

As you know, the census is going to be taken April 1, 2010, and the political representations to the United States House of Representatives, State Legislature and local governments is determined by using the decennial census. So it's very important that we get a complete and accurate count. The purpose of this resolution is to basically pledge the Village's support for any additional marketing or efforts that we can do to encourage people to complete the census form.

The one thing I did want to mention with respect to trying to achieve 100 percent participation is that this time around there's not going to be an extended long form of the census, that basically everybody is going to be filling out the short form and then hopefully we can get a more positive and full turnaround with respect to that. Because even though it's a very simple thing to complete and turn around, not many people realize the importance of it to the local community. So we are pledging ourselves to have a Complete Count Committee which would be made up of the Community Development Department and Chris from the Administration Department to help us

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get the word out through our newsletters, through any press releases that we need to pass on and to advertise and encourage people to complete their census form. With that I'd recommend approval of Resolution 09-08 regarding the formation of the Complete Count Committee.

Steve Kumorkiewicz:

Move to approve.

Monica Yuhas:

Second.

John Steinbrink:

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

Monica Yuhas:

I have one question. Jean, with the last census do you recall what the percentage was of submitted forms?

Jean Werbie:

I have that information in my office. I think for Pleasant Prairie it was between 60 and 70 percent. But I could give you that. Every month I'm going to be bringing back new things for the Board to learn about and to present, so I can have that information at the last meeting. But it wasn't as high as I thought it should have been. There are certain pocket areas of the Village where it was rather low and other areas it was much higher. So we'd like to strive for closer to 100 percent or at least 80 to 90 percent in the Village.

Monica Yuhas:

Do you think that had to do with maybe the long form versus this time we're going to have the short form?

Jean Werbie:

It could have been.

Monica Yuhas:

Thank you.

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Mike Serpe:

And there are questions on that form that personally I thought were very unnecessary. In some cases they were getting quite personal.

Steve Kumorkiewicz:

And annoying. The County will provide the forms in March of next year Those representatives of the County government. At the County government's meeting last Saturday the citizens

John Steinbrink:

We have a motion and a second. No further discussion?

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #09-08 TO ESTABLISH A COMPLETE COUNT COMMITTEE FOR CENSUS 2010; SECONDED BY YUHAS; MOTION CARRIED 4-0.

C. Consider the request of Kevin J. Stein for an Amendment to the Development Agreement for Tobin Woods Subdivision to complete the required Phase 3 Public Improvements within the Tobin Woods Subdivision prior to 75% of the homes being completed within the development.

Jean Werbie:

Mr. President, the Tobin Woods Subdivision was a development that was closed on December 18, 2001. It was a 19 lot subdivision that's located south of 116th Street at about 26th Avenue. And the developer over time had indicated and we had supported that they were going to wait until at least 75 percent of the home were completed prior to the final lift of paving. Well, at this point there are only 61 percent of the residential units that have been completed in that subdivision, or 11 out of the 18 lots in this subdivision. And we have gone on now for almost eight years since that development has started. And they are now requesting an expedited paving in order to do that final lift of asphalt prior to having that 75 percent of the homes completed.

The developer has agreed to the conditions as set forth in the amendment for the second amendment to this development agreement. And they have secured the funds to do the final lift of paving with a letter of credit that's posted with the Village.

John Steinbrink:

So with the retention pond in there now we've kind of gone through the biggest traffic except for every time they build a home it comes in there.

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Jean Werbie:

Correct. There are still seven vacant lots in the development.

Mike Serpe:

How many are left to be built?

Jean Werbie:

Seven.

Mike Serpe:

Seven left?

Jean Werbie:

Yes.

Steve Kumorkiewicz:

Jean . . . outlots, right?

Jean Werbie:

Correct. One of the lots was converted to an outlot for the storm water detention or retention basin. It was intended to be a temporary basin, and at some point when the development to the east moves forward the intention was that there would be a shared basin in that particular development. And now I believe that development their approvals have all expired, so this will be a temporary basin but more or less in a permanent location until there's an opportunity to the east.

Mike Serpe:

And after the final lift is in the developer is still responsible for any faults that take place for how long?

Jean Werbie:

We've written into the development agreement that instead of the one year warranty that there would be a two year warranty.

Mike Serpe:

Okay, move approval.

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Monica Yuhas:

Second.

John Steinbrink:

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

Steve Kumorkiewicz:

Yes, one question. Jean, did we improve the roads in Tobin Woods about three or four years ago? There was a question from the neighbors.

Mike Pollocoff:

Two years ago and the Village took over the development . . . and completed the work as necessary . . . the project . . . the construction of the basin and storm sewer that were necessary as part of taking care of that storm water going back to the basin plus the asphaltting . . . we're still . . . in that project . . . the developer. That doesn't mean he's absolved of the obligation to pay for the improvements. But we took control of the project and we've done whatever we needed to do.

Steve Kumorkiewicz:

Thank you.

SERPE MOVED TO APPROVE THE REQUEST OF KEVIN J. STEIN FOR AN AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR TOBIN WOODS SUBDIVISION TO COMPLETE THE REQUIRED PHASE 3 PUBLIC IMPROVEMENTS WITHIN THE TOBIN WOODS SUBDIVISION PRIOR TO 75% OF THE HOMES BEING COMPLETED WITHIN THE DEVELOPMENT; SECONDED BY YUHAS; MOTION CARRIED 4-0.

D. Consider Amendment #2 to the Development Agreement between the Village and BFU-II, LLC.

Mike Pollocoff:

Mr. President, we have an amendment to our existing development agreement with BFU-II which is TID District #4 where the shopping mall was taken out and redone or planned to be redone. We've amended this agreement once before in recognition of the difficulties in the market right now of constructing and selling condominium units. So as such we've extended this agreement out for another year so that we could put this out for one more year before it would be built. That doesn't mean that Mr. Mills still wouldn't be able to start. I guess it puts the risk on Mr. Mills that he won't be able to recoup all his TID . . . from this project . . . be able to meet the deadline. But whatever happens happens I guess. He's here tonight. I don't know if he wants to make any

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comment or if you have any questions for him. My recommendation would be we approve the agreement.

Mike Serpe:

Steve, a question for you. With the market as it is with the condominium sales that are really relatively flat right now, in the event that doesn't change is there some thought being given to that parcel for something other than condominiums?

Steve Mills:

Certainly, we have various thoughts. Anything that we would do, of course, would have to come back through here to rethink the project. But you're right, the marketplace doesn't justify moving forward with four condominium units at this time. Really nothing is being broken, no ground really is being broken for any new projects, and there's lots of existing inventory that's somewhat lingering on the market. If you have any good ideas I'd be glad to come over here and you can tell me what we should do now that we have the site cleaned up. But I appreciate your concern and your consideration on this. If the market was here I think you know us well enough that we'd be moving forward. But to create units that are going to be dark doesn't make any sense.

We have a rule that says we basically have a significant limitation on what we might be able to lease to people if we were to convert it to multifamily. It could still be in a condominium concept if we could lease it at some point in time and the market will we believe recover, that you could sell the units as condominiums as many people have converted apartment units. We're willing to discuss that, too, to get something going and on the tax roll. Any other questions I'd be pleased to try to answer them. Thank you.

John Steinbrink:

Thank you, Steve.

Mike Serpe:

I move for approval of the development agreement.

Steve Kumorkiewicz:

Second.

John Steinbrink:

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

SERPE MOVED TO APPROVE AMENDMENT #2 TO THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE AND BFU-II, LLC; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

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E. Consider an Award of Contract to purchase one tandem axle chassis.

Mike Pollocoff:

Mr. President, sealed bids were received on April 15th for the purchase of a tandem axle chassis for a snowplow. Four bids were received. The low bid was submitted by Truck Country in the amount of \$75,154 for a Freightliner. The Public Works Director is recommending that a contract be awarded to Truck Country in an amount not to exceed \$75,154. We anticipate delivery in 90 days. And then we'll be coming back with other awards for the plow, the box and salter and other appurtenances that are needed. So I recommend that the contract be awarded to Truck Country.

Monica Yuhas:

So moved.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Monica, second by Steve. Any further discussion or questions? We got a bid all the way out of Superior, Wisconsin.

Mike Pollocoff:

The numbers are pretty close, too.

John Steinbrink:

We have a motion and a second.

YUHAS MOVED TO AWARD A CONTRACT TO TRUCK COUNTRY TO PURCHASE ONE TANDEM AXLE CHASSIS IN AN AMOUNT NOT TO EXCEED \$75,154; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

F. Consider disallowing the claim of Walgreen Company for excessive assessment.

Rocco Vita:

Mr. Chairman, Walgreen Company has filed a claim for excessive assessment against the 2008 assessment. In their filed claim they state the value of the property is worth \$2.2 million. We feel strongly that we can support a value in excess of \$2.2 million so we're requesting that the Board consider denying or disallowing the claim.

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Mike Serpe:

Move to concur with the assessor.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Mike, second by Monica.

SERPE MOVED TO DISALLOW THE CLAIM OF WALGREEN COMPANY FOR EXCESSIVE ASSESSMENT; SECONDED BY YUHAS; MOTION CARRIED 4-0.

G. Consider Resolution #09-09 to dispose of a surplus vehicle.

Mike Pollocoff:

Mr. President, this resolution authorizes us to dispose of in particular the Chief's car in the Fire Department. It's a 1998 Crown Vic. I think it has in excess of 138,000 (sic 104,000) miles on it. Who knows . . . fails so we're searching to get him another car. I'd recommend that the Board adopt this resolution authorizing us to dispose of the Crown Vic.

Steve Kumorkiewicz:

So moved.

Monica Yuhas:

Second.

John Steinbrink:

Motion by Steve, second by Monica. Comment or question? There's not too many of those old Caprice's around that we used to have. Just about extinct, collectors.

KUMORKIEWICZ MOVED TO ADOPT RESOLUTION #09-09 TO DISPOSE OF THE FIRE CHIEF'S COMMAND VEHICLE AS PRESENTED; SECONDED BY YUHAS; MOTION CARRIED 4-0.

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H. Consider commission appointments.

Mike Pollocoff:

Mr. President, we have a memorandum on appointments. The Commission are the Plan Commission Donald Hackbarth, the term to expire May 1, 2012; Judy Juliana and Andrea Rode as alternates for terms to expire May 1, 2010. Park Commission is Mickey Day with a term to go to 2011, Glenn Christiansen, 2011, William Mills and Monica Yuhas to 2011, alternates Troy Holm and Jim Bandura through 2010. Recreation Commission Greg Scheppler, Travis Laib and John Skalbeck through 2011, Clyde Allen also through 2011, alternative Dino Laurenzi and John Roscioli through 2010. Police and Fire Commission Larry Nelson for a term through 2014. Board of Appeals is Jennie Holman term to 2012 and Sheryl Berner alternate through 2010. Finally, Board of Review John Braig through 2014.

Mike Serpe:

Move approval of the list.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Further discussion if any?

SERPE MOVED TO APPROVE THE COMMISSION REAPPOINTMENTS AS PRESENTED; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

I. Consent Agenda

- 1) Approve a Letter of Credit Reduction for the Creekside Hill Development.**
- 2) Approve a Letter of Credit Reduction for the Meadowdale Estates Addition #1 Development.**
- 3) Approve Bartender License applications on file.**

KUMORKIEWICZ MOVED TO APPROVE CONSENT AGENDA ITEMS 1-3; SECONDED BY YUHAS; MOTION CARRIED 4-0.

8. VILLAGE BOARD COMMENTS

Steve Kumorkiewicz:

John, I got a chance to attend last Saturday morning the County meeting of local governments. It was very interesting. There were a lot of issues that were discussed . . . the prevailing wages and how they're going to affect the communities was an hour. I'm really pleased to see the article in

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the newspaper was excellent explaining what was talked about during that meeting. Looking forward to the next meeting.

9. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY YUHAS; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 7:55 P.M.