

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
LAKE MICHIGAN SEWER UTILITY DISTRICT
SEWER UTILITY DISTRICT "D"
9915 39th Avenue
Pleasant Prairie, WI
March 5, 2007
6:30 p.m.**

A Regular Meeting of the Pleasant Prairie Village Board was held on Monday, March 5, 2007. Meeting called to order at 6:30 p.m. Present were Village Board members John Steinbrink, Alexander Tiahnybok, Steve Kumorkiewicz, Jeff Lauer and Mike Serpe. Also present were Mike Pollocoff, Village Administrator; Jean Werbie, Community Development Director; and Jane Romanowski, Village Clerk.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETING - FEBRUARY 5, 2007**

KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 5, 2007 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0.

5. CITIZEN COMMENTS

Clyde Allen:

Clyde Allen, 8059 57th Avenue. All Village employees and Commission members and Board members are bound by a code of ethics. Statements and messages should have integrity, be honest and straight forward. We hear the need now to lead us to financial recovery, a deficit and financial mismanagement. Look at the latest audited financials. Revenues exceeded budget by \$75,000. Expenses were under budget by \$250,000. That's a surplus of a third of a million dollars, not a deficit. This is good fiscal responsibility practiced by administration and department heads. In 2001 Standard and Poors gave us a rating of A+. Moody's gave us a rating of A3. A year later they bumped it to A2. A year later they bumped it to A1. That translates to a strong rating. There are only two ratings strong, very strong and extremely strong.

I tell you we're in good financial health and we have the best financial minds in the country that agree with me. A resolution establishing a 15 percent minimum reserve to increase our bond rating and save on future interest costs was passed. It was not unanimous. Mr. Lauer spoke up and voted against it. A typical \$1.5 million bonding would have cost the taxpayers an addition \$100,000 in interest. Financial recovery is another artificially created, misleading non issue. There was no deficit, and the only mismanagement was on the person voting against seeking a better bond rating.

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Some people keep saying \$93 million is the debt. That is like taking a portion of a quote, manipulating it to your advantage and making it sound completely different. The debt to the taxpayers is \$11 million. The recreation fund is based on self-sustentation. Program revenues pay the operational costs and the debt of \$26 million. Not one dime of taxpayer money. Program revenues come from people from other municipalities. In fact, a large portion comes from Illinois. Imagine that, Pleasant Prairie with a crown jewel of a facility at no cost to the taxpayer paid by Illinois money. What's the problem with that?

We have a high expectation for TID 2 which has a debt of \$43 million which taxpayers don't pay a dime. Abbott wouldn't be coming if it wasn't for the creation of TID 2. More jobs, an even better community paid by industry and businesses, not by the taxpayers. What's the problem with that?

In 1988 Chrysler pulled out and the news was all doom and gloom. Village Administration created a TID that led to the emergency of Lakeview Corporate Park. It was a huge, huge windfall to the taxpayers. It created 6,800 jobs, a solid infrastructure in addition to the windfall to the taxpayers. All this, including the bonding, was paid by industry and business. No cost to the taxpayer, and there was no problem or issue raised because the Board understood.

One can only conclude that if you're against the debt due to the creation of the RecPlex, the recreation fund, the TIDs, you're against the RecPlex, you're against the people that work there, the programs, the services offered, you're against the businesses coming in under the TID because you don't want the tax and you're against the economic impact that comes here from the creation of all that by staying at the hotels, eating out because people come from outside the community to do that, you're against the 6,800 jobs that came here because of that. That was no cost to the taxpayer. In fact, if you had your way the taxes would be higher because the infrastructure costs wouldn't be covered by the TID district.

You can't have it both ways. You can't have one without the other. It's like saying you like your house but you don't like your mortgage. One goes with the other and you had to make choices and you spoke against the debt so you must be opposed to the rest of it. I certainly hope those of you who feel that way are not in discussions with bringing business and industry to our TID 2 district.

Now we want to establish a Finance Commission. Remember the quote, I don't get paid enough to go to Commission meetings. Now you want to expand government, costing the taxpayers money, for a Commission meeting you won't attend just because you don't understand governmental finances.

Jane Romanowski:

John, excuse me, do you want him to finish up?

John Steinbrink:

If you'd just wrap it up.

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Clyde Allen:

I'll wrap it up. The smokescreen being cast lacks ethics, integrity and just doesn't agree with the financials, your voting record and the minutes of the meeting. Finally, Mr. Lauer seconded the motion to send the referendums to public vote in the fall. In fact, he wanted to add a fourth item to the vote. The vote was five to nothing to send three referendums to the voters. Since some of you voted against the referendums in the fall and you spoke of it, we know the very outcome of the very famous saying, I actually voted for it before I voted against it. Thank you.

Dan Shaw:

On a more mundane subject here. Dan Shaw from 10250 Lakeshore Drive. I would like some information. Right across the street from our house which is just south of 102nd Street there's a sign for lake access. It's a very thin parcel between two properties. It's been up at least eight to nine months. I was expecting since it was designated as lake access that the land would be cleared so there would be reasonable access to the lake. I understand it's a legal issue with respect to a rule that there has to be between certain properties the ability to get to the beach for water craft and that type of thing and it's also public access. As it stands right now its very dense vegetation. It's not even really a safety issue. You're not physically able to go through it especially in the spring and summer when the vegetation goes. So the question to the Board are there any plans or commitments to clear that parcel, and if not I just ask that plans are maybe to clear it prior to spring when it grows.

John Steinbrink:

Thank you.

Walter Safran:

Good evening. Walt Safran, 4733 93rd Street, Pleasant Prairie. I'd like to talk tonight about the Devonshire Subdivision. We currently are the adjoining household right on the northwest corner of proposed 48th Avenue and 93rd Street with the Devonshire Subdivision completely to the south of our house. Primarily what I want to talk about is the widening of 93rd Street and the construction of the 48th Avenue intersection to 93rd Street. Across the front of our house we have four mature oak trees that are 50 years old minimum that are right in the road right of way, and there are an additional two oak trees that are 75 to 100 years old that are to the east of our property line and they were the original dividing lines between the Rumachik farm and the farm directly to the east which is now Meadowdale Subdivision.

Increasing the road width means that I will be losing five oak trees that are 50 to 75 years old, losing a maple tree planted in the 1980s, losing one evergreen tree along the driveway that was planted in 1964 that's 50 feet tall right now. Our cement driveway is affected. Gas and sewer and water hookups are affected. We also have a telephone pole that's in the road right of way and increasing the road width is affected. I don't know how that you can say that you can compensate us financially for the loss of the land across the front of our property and the loss of the mature

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trees. Removing the trees and removing the land devalues our property. It devalues our property by making it smaller. It devalues our property by removing the mature trees.

I did have some conversation with Mr. Pollocoff just prior to the meeting. It's the first time I've actually seen the drawings. It appears that there's a curb lane across the front of our house and still keeping the road width to the current 66 foot road right of way which, in fact, does save the trees. I urge you to vote unanimously on saving the trees. That's my biggest concern right now is just to keep the property, keep the land, respect our property, respect our property lines.

The other thing is that I'm not sure this entire road right of way and increasing the width of the road right of way is that going to be a special property assessment to all the homeowners along 93rd Street, or is that the developer's responsibility?

One thing further on the diagram, the curbing relatively ends at the east side of our property. What I would like to see is that the curbing extend further to the east to protect the larger more mature trees that are the 75 to 100 year old trees. They are directly right along the existing curbing. Thank you.

John Steinbrink:

Thank you.

Doug Snow:

Good evening. My name is Doug Snow. I'm at 10320 32nd Avenue. Ladies and gentlemen, I'm here tonight to express my grave concern about activities of one of our Board members. On January 5th of this year, Trustee Lauer filed complaints against eight Village residents in the Pleasant Homes neighborhood. These complaints relate to the parking of campers, motor homes and boats in the driveways of these eight residents.

Jeff Knutter, one of those cited by Mr. Lauer, sent a letter about the situation. I'd like to talk about this letter. First of all, after receiving his notice from the Village about a code violation, Mr. Knutter called Mr. Lauer as Mr. Lauer's name was on the notice. Mr. Lauer stated that he would call him back and he would, quote, try to find out who initiated the complaint and talk to them. If he can get the person who complains to drop it the Village will no longer press the issue, unquote.

Next, Mr. Lauer called Mr. Knutter back and told him that the complaint against him had been filed anonymously. This is untrue. Trustee Lauer filed the complaint himself at the Village Hall. I have a copy of the complaint right here with Mr. Lauer listed as the complainant. I have copies for all of you.

Third, Mr. Lauer told Mr. Knutter that he had helped him out by getting him an extension until spring to comply. Another untruth. As a matter of policy, the Village works with those who have a complaint filed against them giving them ample time to comply.

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Fourth, and this is the most egregious act of all, according to Mr. Knutter, Mr. Lauer then asked him if he would support him in the upcoming election. He also asked if Mr. Knutter would put a yard sign up supporting him. Since Mr. Lauer had helped Mr. Knutter deal with the complaint, a complaint Trustee Lauer himself had initiated, could he now count on his vote according to Mr. Knutter.

I have obtained a copy of all the complaints that Mr. Lauer made that day. I also have copies of them for all of you. As a matter of fact, I have talked to five of the eight people who had a complaint filed against them by Mr. Lauer. None of them are very happy. Some of them said they would be here tonight. I don't know if they are. One of them is a firefighter for the Village.

In my opinion this behavior by Mr. Lauer is shameful. An elected official during an election campaign files a complaint against a citizen for a code violation, and Mr. Lauer doesn't even live in the same neighborhood. Then Mr. Lauer has the gall to ask for his support in exchange for help. It appears Mr. Lauer asked for support after he knowingly placed Mr. Knutter in legal jeopardy. It also appears that he used his position to secure a gain for himself, a vote, at the expense of another.

I'm glad that Mr. Lauer is here tonight, because I will not hide behind some claim of anonymity. I have gone to the Pleasant Prairie Police Department and I have filed my own complaint. I have asked that Mr. Lauer be investigated to determine if he has violated State election laws or State ethics laws. That investigation is ongoing.

Finally, you may ask why Mr. Knutter is not here to speak for himself. Mr. Knutter and his family have suffered a terrible personal tragedy last week. Their 17 year old son passed away. Some of you may have read about it in the paper. I want to offer my personal condolences to the Knutter family. Thank you.

John Steinbrink:

Thank you.

Evory Patterson:

I'm Evory Patterson. My home is 11885 25th Court. We're in the Tobin Woods Subdivision. Our developer is Kevin Stein. I met with Kevin last week about an issue about having the roads installed as soon as possible with whether it be May or June or whatever. He says that they're kind of at a stalemate between him and a potential developer of Lighthouse Pointe which would be to the east of Tobin Woods. There's a detention pond issue. Our hope as homeowners in Tobin Woods is that we can get a green light to go forth with putting the roads in somehow. I'm not sure what the resolution to that is. Possibly the detention pond that's currently in the road on 119th Street could remain there until a development would be put into the east and the roads could be put in.

We will have compliance with the Village rule that 50 percent of the homes need to be hooked up to the sewer before the roads go in. That should happen by the end of April. With that out of the

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way my hopes are that there are no other obstacles in our way to be able to have roads put in there. It's unbelievable going into that subdivision every day. And hopefully we can get some answer from the Village as to what can be done for that. Kevin Stein and Vince Ruffalo don't seem to be able to come to an agreement, and I think we need another resolution at this point. That's all I have to say. Thank you.

John Steinbrink:

Thank you.

Howard Cooley:

Howard Cooley, 8731 Lakeshore Drive. It's been a very difficult winter, very cold, a lot of snow. I'm here this evening to ask the Trustees to issue a letter of thanks from the citizens of the Village to John Steinbrink, Jr., his managers and the employees for the outstanding way they have handled the snowplowing and the waste collection under these extraordinary conditions. Our plowing teams and their organization are much envied in the City of Kenosha and in Lake County where packed snow, narrow plowing has caused a great deal of grief. A lot of us saw that 7th Avenue had been plowed twice and salted on every storm before 7th Avenue's extension into the City of Kenosha saw the first snowplow. All of this is a matter of not only public convenience but public safety.

We don't often recognize the waste collection crews, but I felt bound to put a sign on my bucket one morning, thank you, a sign thank you because it was 10 degrees, 45 mile an hour winds off the lake, blowing snow, and there they were doing their job. Doing this job in 10 degree weather with wind blown snow deserves a thank you. Surrounding communities, just about every surrounding community, you can check, missed at least one or more days of collection, some because they used snowplows hooked to their trucks, some because they just didn't get out and get the job done.

Unofficially, of course, we should thank Wisconsin Electric linemen who climb the poles in that freezing weather to solve the power outages we had in the Village. Our power outages were a matter of hours, where just a little ways south of us they lasted days in the same storm. So unofficially I'd like to see us thank the Wisconsin Electric linemen who climb up on top of those transformer banks, get up in those cherry pickers in all that mess and put everything back together before our freezers turn our food to slop. I guess I can end this by saying something I've known for 40 some odd years I've been in business. Good management pays off for everybody. Thank you.

John Steinbrink:

Thank you.

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John Humphreys:

Hi, I'm John Humphreys, 11947 24th Court. I, too, am a homeowner in Tobin Woods Subdivision. Similar to Evory Patterson I wanted to just express some of the frustration from us homeowners with regards to the disrepair and condition of the roads. I don't know if any of you have driven through there, but it is really hard to describe how bad those roads have gotten this winter and how painful it is to live back there.

In regards to a similar subject with the snowplowing, we recently had some snow obviously and the snowplowing that as done was really inadequate. In essence, what it did was it created a dam by not plowing that section of road that goes through. And for about four or five days we had a lake in the middle of that road that was over a foot deep that you had to literally go through just to get back into that cul-de-sac back there. So really all I'm asking for is I'm asking to understand what is the plan to get those roads finished this spring. I know it's been quite some time since those roads have been done and we really want to get that resolved. Thanks.

John Steinbrink:

Thank you. Anyone else wishing to speak under citizens' comments? Anyone else?

Carol Anhalt:

I'm Carol Anhalt. We live at 4297 123rd Street and we are one of those people that were listed on the complaint. I have talked to people here in the Village. My big concern is they're asking—I said why only eight of us? There are a lot of people in this area in the Town of Pleasant Prairie or the Village that have trailers or boats. To give us this complaint it's in the middle of winter. Tell us we have until February 22nd to comply with the order or to receive a \$666 fine a day is absolutely ridiculous. So when I called and I asked they were very, very polite and I have no complaints about that. What they're asking is for me to list all the other people in this Town or Village that have these trailers in the yard and eventually they will get to them.

Well, excuse me, but only eight people out of all the people in the Village that have trailers. Come on. That's ridiculous. You can't just—either somebody didn't have enough things to do to keep themselves occupied, but to pick eight people on a street in one little area and say, hey, you people are in violation of this ordinance? It wasn't there when we bought our property. We would never, ever have lived in this Village if it had been. Never. We have our trailer in our yard. We keep our yard very clean. My trailer is along side my house almost behind the garage. We don't have garbage there. I've driven by a lot of houses, but why should we tattle on all the other Village residents? It's ridiculous. That's not my job. Maybe the Village will get to it? Come on. Be more realistic than that. Be honest about it. I'm not going to complain about other people. Why should I do that? We're misfortunate because we got stuck with somebody's complaint. Don't ask me to complain about other people. I think the Village is wrong.

John Steinbrink:

Thank you. Anyone else wishing to speak? Hearing none I'll close citizens' comments.

6. VILLAGE BOARD COMMENTS

Jeff Lauer:

First off a comment on Mr. Snow. There seems to be an issue regarding RV's, boats, mobile homes and things of that nature. Prior to me to going over that I'll first say two years ago when I first ran for the Board those who didn't want me on the Board on the inside, the only thing they could run against me on was Jeff doesn't have his name in the phone book. And now it appears Jeff is going out there seeing who has RV's, boats and all that in their driveways.

What happened was, and I did learn from this and I'll explain the situation, somebody called me anonymously, obviously over in that neighborhood, if I remember it's Pleasant Homes where I grew up, saying that there's vehicles out here, I want something done, could you send somebody out here. I came to the Village not knowing what sure to do. I gave the addresses to the secretary up front because I was told by Peggy that that's who distributes notices out. So she gave it to Peggy and I think there's another gentleman she gave it to I don't recall.

But, Jeff did contact me and when he did I went over there and looked at it and I said, okay, I understand your situation. I then talked to the Village Administrator saying, hey, Mike it's the middle of winter do they have to put up a fence for that. And Mike said, no, they can contact the Village and work around that. There was no written formal thing filed. I know it's a political season and I do have e-mails from Jeff. I did not say since I helped you do you want a yard sign. He e-mailed and said he wanted one and I do have the e-mails. And then a couple days later he said I'm sorry I lied to you, my wife didn't want them in the yard and I didn't want them in the yard. So I have all the documentation. I do have a paper trail. That's why I believe everything should be in writing. But there was no formal complaint done by me. I was following up on an anonymous call.

Now, since then I received another anonymous call about something and I said, excuse me, unless you give me your name and address I am not going to follow through on this because I don't know if you live in the Village, if you have a vendetta against certain people in the Village. I'm not going to do it that way. So if you want me to do something give me your name and address that you live in the Village. Obviously that person hung up. So I don't know if it's on the other side trying to do this so Jeff will follow up and then look like the bad guy but that's where it is. There's no written formal complaint. And if there is I'd like the Village to provide it to me.

Unfortunately, someone within the Village as I found out anonymously again that somebody released the information that Jeff filed the complaint. I did not. I followed up on an anonymous call. I learned from it. From now on if anybody calls without the name, address, phone number, unfortunately I can't help them on a complaint. So that is the story about that particular issue. No, I'm not out there, in my opinion we don't need an ordinance on the book for that because there's enough subdivisions going up where they have covenants, and some covenants say you can't have this you can't have that, so to me there's no need to even have an ordinance on it, because most homes in the Village subdivisions now have covenants, and some don't even allow

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pools, some don't allow fences, clothes lines outside. So unfortunately it's the political season and I guess if that's the only thing they can find against me then I guess they can run with it.

The second item I have is regarding there was a comment made down by Lakeshore Drive regarding the sign. Mike, do you know are there any plans for that parcel to be picked up or cleaned? I think Dan Shaw brought that up and I'm not aware if the Village is going to be doing anything or not.

Mike Pollocoff:

We looked at that parcel last year, and if it's the one I'm thinking of at approximately 102nd it's overgrown with brush probably from day one. I don't know that it looks like it's ever been touched. But in that area if the issue is lake access, the Village has acquired significant land to the south of that and to the north of that that has open access. It's the purpose of the public access to the lake is to provide access to the lake. If the Board directs me to clear cut the woods and the brush out of there so that there's another access, I guess my counsel to you would be that you'd be significantly altering the cover that the people on either side of that access have. And if there was no access within a half a mile I could see it, but there is that long stretch of open access south and there's a fair amount north. But that would be your call. If the goal is public access I think that access is there. If you want public access at that exact spot to make a point then we can do that.

Jeff Lauer:

The other question I have, Mike, I don't know if it's for you or we can wait until it comes up during the discussion here regarding Mr. Safran's concern if 93rd Street is widened and it affects his sewer and water would he have to pay to have that reconnected or hooked up or is that part of the developer's cost?

Mike Pollocoff:

Any road work that happens on 93rd Street shouldn't involve the relocation of utilities. There may be relocation in the case of gas or water a shut off, but that would be part of the project cost to relocate that, relocate gas, electric, telephone. Whatever utilities are there that's the responsibility of the road contract to take care of that. That would all be in the right of way so it wouldn't be a homeowner responsibility.

Jeff Lauer:

And you may discuss this later again, Mike. Again, I'm not up to speed on this, but I know a couple months ago we had a couple people from Tobin Woods about the road issue. Have we made any headway regarding that if that's going to be taken care of yet.

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Mike Pollocoff:

There really isn't any headway to make on that. The issues are pretty stark. The Tobin Woods developer put in a temporary detention pond based on the premise that the Lighthouse Pointe development would take place, and in turn if that took place that detention basin would be abandoned and the storm water would go into the Lighthouse Pointe storm water system and retention. At the time we drafted that agreement, both myself and the Village planner were concerned that we shouldn't tie one development to the other. We had no certainty that Lighthouse would proceed, the developer could walk away. So as part of that development agreement and outlot was identified in the Tobin Woods development and we set out a specified amount of time which ended this last year in December that if that basin is not abandoned, the temporary basin, then a lot, and I think it's Lot 8, it's 9, would be abandoned for development use and be made to be a detention basin.

We put the developer on notice that they were in breach of their agreement because that's not in place, although again it's wintertime construction and you can't build right now, so that storm sewer is going to go to that former lot and that's going to be a detention basin. And the roads will be paved this year because sometime in April they will have met their 50 percent requirement to be paved. Those are municipally maintained roads. Those roads are maintained by the developer because we haven't accepted them. That's why they're in that condition. As people buy lots in the subdivision when the improvements aren't accepted the taxpayers don't pay for half improved properties. That's the developer's responsibility to do that and that's why the roads are marginal. We feel bad that it's at that point, the market for whatever reason didn't go fast enough in there.

So this year the basin is going to be constructed, the storm water is going to be there. I know there were some concerns by somebody that the storm sewer won't go to that lot, but the engineer signed a set of plans and certified them that they would and we reviewed them and if his plans are accurate that water will go to that basin. If not, then he needs to do whatever he's got to do to get the water to that basin and the road be paved.

Even though the last home that's going to achieve that 50 percent which will allow the paving to take place will be in April, the paving will not occur in April. It's going to have to be a little warmer before we permit the asphalt to go there. And not to mention the fact the gravel base of the road is going to have to be brought up to spec because it's been taking a beating. So that will have to occur, too. And then the paving will take place for the binder core only. And then whatever happens at Lighthouse Pointe happens at Lighthouse Pointe and the two issues are divorced from each other.

Mike Serpe:

With reference to zoning ordinances, we have two Chiefs of Police in the audience, Dan Wade and Brian Wagner, and I'm a retired Assistant Chief of Police. Ordinances are put out for people to obey the law and they're usually enforced only when they turn to the extreme. So in other words if the speed limit is 30 miles an hour and a citizen calls up and says the people in front of my house are going 31 miles an hour and I want them arrested it's not going to happen. Usually you take action when something gets out of control and out of hand. Any one of us can go

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through this Village and find hundreds of zoning violations. Unless they're extreme I don't think that's what you want your government to do to the residents of this Village to point out little nitpicking things that somebody somewhere is upset with. That's not what government is all about.

I think the more disturbing thing about what Mr. Snow said tonight about the supposed inaccuracies that were made by Mr. Lauer. I guess when people see this and read this it puts a black eye on every elected official anywhere because now the people say what's he looking for, what's he want, and that's not something that's easy to handle because you're constantly explaining yourself on what you're doing and why you're doing it.

John Steinbrink, Jr., Howard your assessment of him is fantastic. One of the best employees this Village has ever hired. I don't know if everybody here knows who John Steinbrink, Jr., is or what he looks like. John, why don't you come up for just a second. This is the guy that makes sure your streets are plowed and your garbage is picked up. Mr. Humphreys I'm going to make you a guarantee. The problem in front of your house will not happen again. I'll guarantee that John will make sure that that snow bank isn't there to create you a hazard. I hope we don't get any more snow between now and next year, but if it does I guarantee John will make sure that doesn't happen.

John, it's unfortunate that your dad is sitting here as Village President and you being his son have to be the brunt of a political game. Anybody who owns any business anywhere would love to have you as an employee because you have this attitude whatever it takes we'll get it done and that's not very common or in your case very appreciated. I can't tell you enough how many times I thank God that you're in the position you're in to keep this Village moving the way it's going.

John Steinbrink, Jr.:

Thank you very much, Mike.

Mike Serpe:

Thank you, John. Keep up the good work. I think I've said enough.

John Steinbrink:

I think we want to make sure we remember all the other folks that work for John. They're the guys that get up there and I don't know how early they start with the garbage routes and plow all through the night and make sure the job gets done. These folks it's been for many, many years and I think garbage is one of the newer things we've taken up in the Village and we took it up when we have problems with our other collector when there was a strike and all of a sudden our garbage was left in the streets. But it was amazing to see our crews out there with dump trucks and front end loaders picking up that garbage so it didn't lay there un-picked up throughout the Village. We saw that in other areas but not in our Village. Once we gave them some real trucks to work with they've done a phenomenal job. So I want to thank all of those folks. Other Village Board comments?

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Steve Kumorkiewicz:

One comment. John, I'm one of the officials in this Village that most thank you for the excellent job you're doing. It has nothing to do that your dad as the Village President. That's a political . . . being done now. You have a degree in business and also you've got a degree in engineering. How many communities in Wisconsin got an employee like you, a supervisor of public works. . . and everything else with two degrees. I don't believe the City has that but we've got it. So you having started from the bottom of the ladder with part-time . . . and you worked your own way up to the job where you are today. Nobody gave you the job. You earned it and I commend you for that, for the excellent job you and your crew are doing in the community. Thank you.

John Steinbrink:

Other Board comments?

Alex Tiahnybok:

In looking at today's agenda it looked like it was going to be an affirmation of the activities of the Plan Commission but I guess that's not to be these days. Regarding Tobin Woods, it sounds like there's a game plan in place. Is it a 50/50 Village/property owner shared plan? Is that what we're planning on doing there?

Mike Pollocoff:

No, the Land Division Ordinance, as you recall, requires that when a developer develops they have to pay 100 percent of the improvements. And in the case of building a road the stone goes down after the undergrounds have been put in, and then the nature of construction with the cement trucks, gravel trucks, trucks hauling trusses and lumber in, if we don't put the binder course of the asphalt down, we don't allow that to be put down, we don't pay for that either but we don't allow it to be put down until 50 percent of the houses are done. Because if you do and there are some older subdivisions in the Village where you can see it just beats the asphalt up.

So irrespective of what's going on with the storm sewer there, if they weren't at 50 percent we still wouldn't allow them to do it. Because if that happens and then the Village gets beat up the Village is accepting a substandard road which we're going to be taking care of. So the only 50 percent is that there has to be 50 percent of the houses put up. Then we'll put the final course of asphalt down when we get to 75 percent of the houses. They have to be up and completed.

Alex Tiahnybok:

So the developer is aware of the commitment to install proper roads but it's just a matter of timing because the project is taking longer that the roads have deteriorated. Is that a fair understanding?

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Mike Pollocoff:

No, he's aware of the commitments, although with some of the comments he said there's a stalemate. There's not stalemate, it's just market. If he doesn't sell enough houses with lots that houses get on then it sits.

Alex Tiahnybok:

Is there an ability in the interim if the roads deteriorate a significant amount for some kind of repairs to be done in the process?

Mike Pollocoff:

We notify them of repairs. We hold money in the letter of credit if he refused to do it, but we have to give him the opportunity to do it before we draw on the letter of credit. Repairs in Wisconsin in the winter are problematic. There's just not too much you can do. You can smooth it out a little bit. If he doesn't want to pave it the money is there to pave it.

Alex Tiahnybok:

Okay. Regarding the lake accesses, it was presented today by folks that live on Lakeshore Drive, it was responded to almost as if it was a new issue. This has been an issue, the lake accesses, for I'm guessing a year and a half now and there have been commitments to clean those up specifically. If you put a sign saying this is access to Lake Michigan and there really isn't any and it's overgrown and there's what appears to be construction debris left over, I think it's a wide idea to clean it up for a whole bunch of reasons including the purpose of those lake accesses. My understanding it's primarily not a convenience for people to go to the lake but if there was an emergency on the lake to have access to it. And if it's overgrown and covered with debris that is a problem.

Furthermore, I believe that if a private property owner had that property in that kind of condition, I'm very well aware of noxious weeds complaints, and I believe if a private property owner left their property in that condition they would get fined. And I think the Village should live up to the same standard that citizens are expected to live up to.

Mike Pollocoff:

Would you not agree, though, that there is access to the lake close by on either side for an emergency?

Alex Tiahnybok:

I wouldn't disagree with that.

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Mike Pollocoff:

So it's really just a matter that you'd like to see the access--

Alex Tiahnybok:

And it's also a commitment to the past when either a mowing season or a snowplowing season would be finished that those things would be done. And it is an eyesore. I don't think anyone can deny that. Anyway, moving onto some comments made. First off, I'm glad to hear Jeff's comments on the series of events. It is a difficult environment if somebody calls him, and we see names withheld in Voices of the People in the paper. If somebody calls you and gives you a tidbit of information and says I'd really like you to look into this, you'd like to do the honorable thing and honor that request. Unfortunately, sometimes and I think I've been on the receiving end of this, when I started probing the question further the person didn't want to information. So I think Jeff unfortunately stepped into it and relayed what he thought was honest information to the Village. And it sounds like there's no signature on anything by you. You just relayed information and it was carried out.

What really troubles me about this is not the fact that Jeff did his job and relayed the information but that the response and the lady from the back of the room, I think her name is Carol, the response that you got was, well, we want you to squeal on some of your neighbors to make the situation even worse and that's disturbing.

(Inaudible)

Alex Tiahnybok:

I agree. I'm said to hear that was the response. Regarding John Steinbrink, Jr., I applaud you, too, for the great job with snowplowing and garbage and all that. As Jeff suggested, and of course this is a political season, I strongly believe that a no nepotism ordinance is something any growing community needs. The City of Kenosha has it. All sorts of communities have it. And I don't believe anyone in a position of authority or influence should be able to influence the hiring of a relative. I'm not going to give up on that belief.

An article was written in the *Prairie Sun* suggesting that maybe I was in favor of targeting John, Jr. I'm not an idiot and if something is working well I'm not going to go and break it. There's a concept of grandfathering. The question was never asked would this be grandfathered. And, furthermore, if I'm successful on April 3rd John, Jr. will not be the son of the Village President any more so that will take care of itself right there. So there's nobody targeted. That's it. I wasn't planning on saying anything today but I had no choice.

Mike Pollocoff:

I think there are a couple things that I need to discuss with respect to Mr. Lauer's comments that I want to make sure the Board and everyone understands. It's that as an elected official when a Village Trustee comes to the office and requests an action or makes a complaint they're not doing

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that as a citizen. They're a Trustee exercising their responsibilities as an elected official to invoke some type of action.

When a citizen calls and has a complaint to issue, we request that the citizen come down and make that complaint formally for a couple reasons. One is there are more instance than I'd care to relate where there's a neighborhood argument going on or a battle of wills and that's one way to exacerbate the situation is have neighbors calling in on each other and that's not helpful. But the main reason we do it is at that point that person is gaining anonymity. At that point a citizen can file a complaint if they're willing to put it in writing and say I'd like to be anonymous they get that. And if there is some concern over some retribution after the inspection, either myself or the Village Planner, Jean Werbie, we will be the complainants after we visualize, saw the problem, saw the violation, then we'll take ownership of enforcing that violation.

Mr. Lauer came into the office as Trustee Lauer, he is Trustee Lauer, and he directed staff to issue orders on the eight addresses he gave us. We didn't do that for a political reason. We didn't try to hide that. It was totally transparent. We copied Mr. Lauer on all the orders he had so that he knew that they went out and that's what happened. Nobody in the Village staff concocted anything. We responded to your request. We took and filled out a form because these cases if we can't work them out are going to be adjudicated. There's got to be a document that says why we're doing what we're doing and that was done and a letter was sent.

So I don't want anybody to leave thinking that Mr. Lauer kind of breezed by and we saddled some complaints with his name. That's not the case. He made the complaints which is fine. As a Trustee you've got that authority and you've got that responsibility if you see something that's egregious or someone tells you of it, and after you look at it and you think you want it done then you do what you've got to do. You deal with that how you want to deal with it. But once staff is advised about it from you or any other Trustee then we're going to act on it and we're going to take a look at it and see whether or not it's a violation. I think one of those might not have been a violation and we didn't send it out but we process them.

How you dealt with the parties after that is between you and them and how you're going to act as a Trustee. But how it got to the parties is based on a complaint that we processed and we processed that from you. You didn't indicate at that time that it was for somebody else. It doesn't matter. You're the one that brought it in and filed it. If you wanted someone else's name on it then they should be the name on it or you should talk to somebody about it when you bring it in so that we know that's the case.

With respect to Carol Anhalt's concerns about why she was singled out, the Village didn't single you out. You were singled out by the person that filed the complaint. We don't have enough staff to go out and run around and look for complaints. And I think as Trustee Serpe said we can just about find a complaint for anything if we really want to go look. We don't want to be telling people to go find complaints across the Village and I'm troubled that you were told that. But I think what we're saying is if there are other complaints that you feel are egregious under equal protection you have the opportunity to say you should treat this person the same as me. That's really not a goal to make you snitch on people but I think that's what we were driving at.

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I think the real question at hand, and I think it was an opportunity for Trustee Lauer to bring it up, was maybe there's an issue with the ordinance more so than how many people violated this. But that question hasn't been asked. It's an extremely old ordinance. That ordinance existed when we were a Town. It was under the County zoning, and there's been modifications as recently as 2005. But the basic ordinance that RVs aren't allowed predated 1983.

I've been somewhat troubled, too, about the discussions on nepotism. I think it kind of speaks to either a misunderstanding of how about our government works or what's going on, but some of you have been here quite a while and some of you have only been here a couple years, but I'm certain that in that time period none of you have hired any employees. Have you? There has been no employees hired by the Village Board. The Village Board does not hire employees. The Village Board does not terminate employees. I'm the only person that you hire or fire. I do the hiring and even then most times I'm not doing it unless I'm doing it through the human resources department.

If you think back to 2005 you adopted an employees' handbook with a set of rules that called for—that has a specific nepotism provision in it. You already have that rule. That rule exists. So in as much as, and if you were to influence hiring or tell me who to hire or tell me who to terminate, I've got a certain set of standards and rules that operate that are promulgated by the State of Wisconsin. I haven't violated those and I haven't been asked to violate those and that's how hiring is done here. It's not done from the Board. Now, you may want to change that and make appointments based on like they do in Illinois. There's an election and then you start shuffling the deck, but it doesn't work that way here and it hasn't worked that way here.

I know it's a political season and the charges of nepotism fly around and I think they're harmful and, one, they're not based on anything. And, secondly, unless any of you have a recollection of somebody that you've actually hired you're not in that position. I'm the last guy you hired and I'll be the next guy you fire, but no one else is hired or terminated by the Board. I think that to invoke that discussion with the employees I think it begs that question. I think it's harmful to morale and it makes people wonder what the hell is going on.

I'm going to speak with the planner and this spring we'll bring back a proposed ordinance that modifies or addresses the recreational vehicle parking issue and updates that with what's current. If you look at that ordinance, and this is what tells you how old the base of the ordinance is before amendments, is that it assumes that a recreational vehicle could be hidden behind a six foot fence. Well, nowadays there's no recreational vehicle that can be hidden behind a six foot fence. So we really need to rethink that ordinance. We rarely enforce it. We never enforce it in the winter unless we're asked because there's not too much you can do in the winter. But we'll take a look at that. I think that might be the most productive course to go rather than issuing citations and I encourage the Board if they do find any they want to issue that you may want to give yourself a vacation from that for a while and we'll deal with the ordinance.

John Steinbrink:

Is that all, Mike?

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Mike Pollocoff:

Yes.

John Steinbrink:

Just one final thing here. I want to commend Mr. Allen for his understanding of public finance. Very rarely have I found anybody that has come to this microphone and expressed so eloquently the knowledge of public finance and the position of this Village. Oftentimes we're rebutting comments we hear here especially during tax time. And unfortunately we even have people go door to door misinforming the public of the Village debt, the TIDs and our budget. That's pretty sad. And, of course, we get the same people that come here to the microphone meeting after meeting, year after year, expounding on those same beliefs. That's unfortunate because we present a budget that's audited, that's presented in how many meeting, Mike do we hold on that?

Mike Pollocoff:

About 80 hours.

John Steinbrink:

Eighty hours of meetings and yet there's folks that just can't grab the reality of what the Village budget or finances are. So, Mr. Allen, I want to thank you for that. To me that was very refreshing to hear somebody that really understands it. I wish you well.

Jeff Lauer:

Just one final comment here. Unfortunately, with this agenda we thought we'd be out here by eight but I guess if someone wants us to stay until midnight so be it. It's been told by many who sit up here you should come in and talk to Mike Pollocoff and get all the answers. Well, again, since we're talking about the RVs and that, Carol, I'll make a point in a second that I think you will agree with. When I was asked what should I do, take it up front, give it to the secretary, they write a letter up and then they hand it out to Peggy and whoever and then they go. The spin what you're hearing, Mr. Snow and Carol, is that Jeff filed a claim. I have better things to do with my life than drive around. Where I live there's three boats outside, there's an RV parked in the driveway, I don't have a problem with it. I say next Board meeting we bring the ordinance that's currently on the books, come in and we scrap it. Let's see how serious the Board is about doing that. Bring it forward and we'll get rid of it.

Second, those letters that went out, because the first time I heard of it is when Jeff called me and then I went over there and spoke to him, since those letters did go out and it's been admitted tonight the ordinance is old, I'd say it's a motion and I'll make a motion the letters that were sent out to those individuals that they be null and void. It's very frustrating. It's politics and I'll say this publicly I have better things to do with my life. I ran because of the years of how dictatorial style some Board members have been. You have never seen that from me at all, period. And, again, two years ago when I first ran Jeff Lauer doesn't have his name in the phone book. Now,

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oh, my God, he's driving around looking for RVs. Nothing could be further from the truth. The spin is I came in, I asked what should I do, I did what was suggested to do. I did not file a complaint although that's the spin of it. Again, I have them all around my neighborhood and I don't have a problem.

So, Carol, maybe you'd join me and Mr. Snow you'd join me in having the next Board meeting bring forth the ordinance and we'll get rid of it since it is old and mundane and it shouldn't apply. We have covenants throughout the Village. I think that would be a great start to getting rid of laws that we don't need because, you know what, government shouldn't be running our lives or dictating to us what we should do. So if the Board approves that I say we do it next Board meeting.

Mike Serpe:

Number one, we can't act on that, Jeff, because it's not an agenda item.

Jeff Lauer:

Next Board meeting.

Mike Serpe:

Number two, I don't believe in removing any ordinance until we have a better ordinance to take its place, so I would not opt to operate without any ordinance until we get something to take its place. I think the biggest concern there, Jeff, is the inference of the line that took place in this whole thing.

Jeff Lauer:

Yeah, right.

Mike Serpe:

And that's the unfortunate thing. Let's move on, Mr. Chairman.

Jeff Lauer:

I can sleep at night, Mike.

John Steinbrink:

Okay, I'm going to call the end here to Village Board comments.

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7. ADMINISTRATOR'S REPORT

John Steinbrink:

Mike, do you have anything further under Administrator comments?

8. NEW BUSINESS

- A. Receive Plan Commission Recommendation and Consider a Conceptual Plan for the request of Russ Swanson, agent for Westminster Swanson Land Partners, LLC for the proposed 112 single family lot residential development to be known as Stonebridge Farms located south of 93rd Street and west of Cooper Road.**

John Steinbrink:

For this item I'm going to turn the Chair over to Trustee Serpe because the Swanson property abuts property owned by my family and it would be inappropriate to vote or act on this item.

Mike Serpe:

Thank you, John.

Jean Werbie:

Trustee Serpe, I would ask that Items A, B and C be taken up because I'll be doing three presentations and then we'll be doing a transportation related presentation. You'll need to act on them separately.

Mike Serpe:

Okay, let's give a minute's break here, Jean.

John Steinbrink:

It's okay if we just act on A first? We did it that way with the Planning Commission.

Jean Werbie:

Sure. I would just reserve if there's any concerns as it relates to the arterial adjacent to Item A that that discussion take place in whole and not just for one part of the development.

Members of the Board, Stonebridge Farms is presenting a conceptual plan this evening. The petitioner is requesting the approval of a conceptual plan for a proposed 112 single family lot residential subdivision or development. It would be known as Stonebridge Farms. It's located south of 93rd Street and west of Cooper Road, and this development is also west of the Devonshire Development.

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In accordance with the Village's Comprehensive Plan and the Village Green Neighborhood Plan, this particular subdivision is classified as being within the low density residential category which requires lot areas to be 19,000 square feet or more per dwelling unit. For this particular subdivision, the Village Green Neighborhood Plan was approved by the Plan Commission on February 13, 2006 by Plan Commission Resolution 06-02. As you can see, the proposed Stonebridge Farms Development is in the extreme northwest corner of this mile and a half square area of the neighborhood plan for Village Green.

The Stonebridge Farms Subdivision is 70 acres of land and is proposed to be developed into 112 single family lots and eight outlots. The lots range in size from 15,000 to 30,362 square feet in area. The average lot size within this subdivision is just under 17,000 square feet. Outlots 1 and 2 are proposed to be open space and woodland preservation. Outlot 3 is proposed to be open space, storm water management, wetland, floodplain and woodland preservation. Outlot 4 is open space and storm water. Outlot 5 is open space, wetland and woodland preservation. Outlots 6 and 7, which is at the south end, are proposed to be dedicated to the Village for park purposes for the Village Green Neighborhood Park. And Outlot 8 is proposed to be transferred to the developer to the east, Devonshire, for future single family lots.

The proposed net density for this development is 2.25 units per acre. As you can see, what the developer has done is all of the open space, woodland, wetland, floodplain, all the preservation areas they've all been tied together and located within outlots for permanent preservation purposes. The largest area of conservation in this particular development is at the north end where the majority of open space, woodlands and floodplains and wetland are located.

This development is proposed to be developed within two different stages as shown on the map. A stage 1, which is kind of the eastern and northern portion of the development site, and stage 2 which is the western portion of this development. At full build out this development would net approximately 306 persons, 70 school age children or 47 public school age children. And these calculations are based on census calculations as well as information provided to us by the Kenosha Unified School District relating to the number of children that would be anticipated from a new development in the Village of Pleasant Prairie.

There's a zoning map amendment that's going to be required as part of this project. Typically the zoning map amendments are presented at the time of the preliminary plat. The properties are currently zoned R-4 (ALHO), which is a Single Family Urban Development District but it currently also has an Agricultural Land Holding Overlay District which allows it to continue to be farmed until it's development. A portion of the northern part of the site is designated as FPO, Floodplain Overlay District. Both the zoning map amendment and a floodplain boundary adjustment will be required prior to the development of this property.

The zoning map amendment would be as follows: First all of the field delineated wetlands would be placed into the C-1, Lowland Resource Conservancy District. The single family lots, excluding any wetlands on Lot 96, would be placed into the R-4, Urban Single Family Residential District. And the outlots identified 1, 2, 3, 4, 5, 6 and 7, again excluding any wetlands, are proposed to be placed into the PR-1, which is a Park and Recreational District.

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Approximately just under 12 acres or 17 percent of the entire site is proposed to remain in open space, and these areas include public park, floodplain, wetlands, woodlands, retention areas and other open space. These areas are primarily identified as those areas in green or blue on the slide. There is a parkland dedication that is being provided. Again, it's a part of the Village Green Neighborhood Park. There's approximately two acres that would be dedicated for this particular park from the developer.

As you know, the Village Green Neighborhood Plan, through Resolution 06-02, identified that there be a large Village Green Neighborhood Park in the central portion of Section 23. It's proposed to have several park amenities including softball fields, soccer fields, tennis courts, play equipment, a shelter and parking, and this is shown on the slide. This is a project that the Village's Park Commission had been working on for several months. And this is one of the last pieces that is going to be needed for the entire parkland dedication for this Village Green Park. As you remember, there is approximately nine acres that was dedicated as part of the Meadowdale Estates Addition #1 Subdivision from VK Development. There was just under seven acres dedicated from Land and Lakes from the Village Green Heights Addition #1 Subdivision. The developers of Devonshire have dedicated eight acres. The Swanson Group will also be donating a couple of acres, and then the Simon Group will also be donating a couple of acres. In total, this area will be developed as a 24.5 acre park to service not only these immediate neighborhoods but also the general public.

Wetlands, within the subdivision a total of .86 acres of the site has been identified as wetlands. A total of 319 square feet are proposed to be filled, and that's for the construction of 96th Street as it extends west from Cooper Road. There still will be .85 acre of wetland that will remain on the property. The developer will be required to obtain proper permits from the Army Corps of Engineers prior to filling in that small segment of wetland for the road extension prior to final plat consideration.

There is some 100 year floodplain that is on the northern portion of the site. Approximately 2.59 acres of the site is located within the 100 year floodplain. No public roadways and no lots can be located within the floodplain, so there is a small area identified in the greenish-yellow area that needs to be adjusted so that we can pull portions of lots and the roadway out of the 100 year floodplain. They will need to do a compensatory analysis, and they will need to create an equal amount of volume of floodplain in order to compensate for the area that's being filled. So approximately 3.27 acres of floodplain with the same or greater storage capacity will need to be located on the site as part of this development.

A detailed tree survey was prepared. Some of the trees greater than eight inches in diameter will be removed, however six acres of the wooded lands within certain outlots will be preserved. Again, the intention is to preserve as much as possible as part of this development. The developer has also agreed to put penalties to be imposed by the association or by the Village for removing any trees without permission. Again, we would encourage that the homeowners association be the first point of enforcement, but they are giving the rights but not the obligation, but the right, for the Village to do it as well.

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With respect to other open space we do have some other open space throughout the development site and there will be some open space areas that will be located within the outlots that are not going to be used for retention purposes.

Site access, when this site is fully developed it will have multiple points of access. Initially with the stage one there will be one access point onto 93rd Street at 55th Avenue, and this will be in the extreme northwest corner of the development site. The second access point will be down at the south end here at 97th Street, because 97th Street will be installed as it extends through Devonshire into Meadowdale, and then Cooper Road is going to be coming north from the Village Green Addition #1 Development so it will be two or three immediate access points when Cooper Road is extended north and south from 93rd Street down to Village Green. There's going to be points of connection at 94th Street and 96th Street, and then going to the west we're also going to have points at 94th, 96th and 97th. So there will be good access and movement and interconnection from all of the subdivisions through this particular development.

Public improvements, municipal water is going to be extended through this development at the developer's cost. Municipal sanitary sewer as well. With respect to sanitary sewer, they will need to get their sanitary sewer through easements in the first instance through Devonshire, because Devonshire is only developing the first phase of their development. When Devonshire goes ahead with their second phase, the sewer will already have been connected through some of the roadways to get to the Swanson development. Storm sewer will be provided throughout the development, and retention facilities will be located within Outlots 3 and 4 for the stage one of the development.

There will be some temporary cul-de-sacs that will be located for roadways that do not interconnect at this point. The Village requires temporary cul-de-sac turnarounds. We've identified where those temporary cul-de-sacs with red dots will be located in stage one, and in stage two the temporary cul-de-sacs are identified with yellow dots. Construction access for the installation of public improvements and home improvement construction will be from 55th Avenue at 93rd Street. No construction access will be allowed from 97th Street east or west or Cooper Road from the south.

With respect to this development, the one thing that I would like to add so that we can take action on this item is that with respect to the next item on the agenda we will also be talking about 93rd Street, and 93rd Street will be going into some detail because we'll be talking about the improvements that are needed to 93rd Street and the important of 93rd Street future widenings and improvements and the roundabout at 93rd Street and Cooper to these two developments. But for these developments these improvements would not be needed at this time. But a detailed traffic study was completed. I'll be introducing Wayne Higgins and he's going to go through some of that with us to help us understand exactly why these improvements are going to be needed.

Again, this improvement is needed for both developments. Mr. Swanson understands that their development as well as Devonshire will be responsible for cost sharing for this particular project. We've also indicated that the Village will make attempts for grant opportunities to the State of Wisconsin in the spring of 2007 as well as later in order to see if we can obtain any funding from the State for this type of widening and improvement. I think that the Village will probably need

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to look at it from a more global perspective for this street from 39th Avenue all the way to at least 63rd which is right adjacent to Creekside. I think we should probably look at the entire arterial length through the Village for possible grant opportunities. But, again, Mr. Higgins will address that.

But we have gone through all of these items as well as the conditions of approval with Mr. Swanson and have been items that he has agreed to at the Plan Commission meeting as well as with the staff ahead of time. So it's staff's recommendation that the conceptual plan for this project, Stonebridge, be approved subject to the comments and conditions as presented in the staff memorandum and as discussed by the Plan Commission that are incorporated into this memorandum.

Mike Serpe:

This was a matter for public hearing at the Plan Commission and I believe it was unanimously approved. Any comments or questions?

KUMORKIEWICZ MOVED TO CONCUR WITH THE RECOMMENDATION OF THE Plan Commission Recommendation and APPROVE a Conceptual Plan for Westminster Swanson Land Partners, LLC for the proposed 112 single family lot residential development to be known as Stonebridge Farms located south of 93rd Street and west of Cooper Road, SUBJECT TO CONDITIONS SET FORTH BY STAFF; SECONDED BY TIAHYBOK; MOTION CARRIED 4-0 WITH JOHN STEINBRINK ABSTAINING AS HE RECUSED HIMSELF FROM THIS MATTER.

Mike Serpe:

Let the record show President Steinbrink abstained.

John Steinbrink:

That moves us on to Item B.

- B. Receive Plan Commission Recommendation and Consider Resolution #07-04 for the request of Kari Kittermaster, agent for Regency Hills-Devonshire, LLC for the property generally located south of 93rd Street between 48th Avenue and Cooper Road for a Preliminary Plat for the proposed 120 single-family lot subdivision to be known as Devonshire.**
- C. Receive Plan Commission Recommendation and Consider a Zoning Map Amendment (Ord #07-06) for the request of Kari Kittermaster, agent for Regency Hills-Devonshire, LLC for property generally located south of 93rd Street between 48th Avenue and Cooper Road to rezone the field delineated wetlands (except the 0.73 acres of wetlands proposed to be filled) into the C-1, Lowland Resource Conservancy District; to rezone the non-wetland areas or the single family lots and Outlots 7 and 9 into the R-4 Urban Single Family Residential District; and to rezone**

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the non-wetland areas within Outlots 1, 2, 3, 4, 5, 6, 8, and 10 into the PR-1, Park and Recreational District in the proposed Devonshire Subdivision.

Jean Werbie:

Mr. President and members of the Board, the petitioner is requesting approval of a preliminary plat and a zoning map amendment for the proposed Devonshire Subdivision. This subdivision is generally located south of 93rd Street between 48th Avenue and Cooper Road within the Village Green Neighborhood. The Development proposes to create 120 single family lots.

As with the previous development, this particular subdivision is located within the Village Green Neighborhood, and it's within a neighborhood that's been identified for low density residential land use development. This is a project that does comply with the Village's Comprehensive Plan as presented. It also complies with the Village Green Neighborhood Plan that was approved by the Village Plan Commission on February 13, 2006 as Resolution #06-02. As you can see on the slide, this project or this subdivision is also located in the northwest corner of the Village Green Neighborhood just to the east of Stonebridge and to the west of the Meadowdale Farms/Meadowdale Estates Subdivisions. The Devonshire Conceptual Plan was approved by the Village Board on July 17, 2006. And, as I indicated, it complies with the Village Green Neighborhood Plan.

The Devonshire Subdivision is 89.45 acres of land. They are proposing to develop it into 120 single family lots, and they would have ten outlots within this development. The lots range in size from 15,000 to 21,593 square feet. The average lot size within this subdivision is just over 16,400 square feet. Outlots 1, 3 through 6 and 8 are proposed to be used for open space, wetlands and woodland preservation. Outlot 2 is proposed to be dedicated to the Village for park purposes for the Village Green Neighborhood Park. And Outlots 7 and 9 are proposed to be subdivided into additional single family lots.

The concept is that because of the configuration of Cooper Road, Devonshire and Stonebridge are going to do a lot swap or switch. And instead of having half lots and half lots, they're each going to be switching so two lots go in one direction and two lots go in the other direction.

The net density within this proposed development is 2.16 units per acre. At full build out population projections would be 328 persons or 75 school age children or 50 public school age children. Again, this information is based on U.S. Census calculations as well as information provided to us by Kenosha Unified School District as part of their long-range planning.

Open space within the development is approximately 18.45 acres or 21 percent of the entire site. As you can see on the slide the open space includes public park, wetlands, woodlands, retention areas and other open space. Wetlands, a total of 7.81 acres of the site have been field delineated as wetlands. .73 acre of the wetlands are proposed to be filled for the construction of public roads. A small piece of Cooper Road, 96th and 97th Street and 50th Court. There are a number of pocketed small wetlands that were scattered throughout this particular site, so we've minimized as many wetlands that would be disturbed with the public roadway system when this is developed.

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The petitioner received a letter from the Army Corps of Engineers dated March 8, 2006 indicated that they would take jurisdiction over the wetlands on the property, and the Army Corps of Engineers have issued the fill permit for the .73 acre of wetlands on this site.

A detailed tree survey was prepared by Natural Resources Consulting. There will be some trees removed that are located within the proposed right of ways. However, over seven acres of woodlands will be preserved. These are primarily in dedicated tree preservation and protection areas as well as outlots scattered throughout the site. Similar with the last subdivision, penalties will be imposed by the homeowners association for removing any trees without permission. In addition, the Village will also have that right but not the obligation to enforce the covenants within the subdivision.

Under parkland the developer is proposing to dedicate Outlot 2 which is just over eight acres. This includes some wetlands and some woodlands as well, and this is for the development of the Village Green Neighborhood Public Park. The developer has also offered to donate \$200,000 for park-related improvements in the Village Green Neighborhood Park. The developer recognized and realized the importance of having public park amenities for their particular development, and they felt that having these within walking distance to their community was a definite selling point for this particular project.

As mentioned previously, a Village Green Neighborhood Park Plan was approved, and the Village Park Commission and the Plan Commission approved the plans. As we indicated, a total of 24.5 acres are being provided for this neighborhood park for these subdivisions. Approximately 10 acres of other open land located within outlots will remain as open space. A portion of Outlots 1 and 3 will be used for storm water retention facilities for this development.

For this development two access points onto 93rd Street will be the northern access points at 48th Avenue and Cooper Road. There will be one access point to the east, and that connects this development at the southeast corner to the Meadowdale Estates Subdivision. There will be future access points when Cooper Road is installed at 94th Street and 96th Streets. And eventually Cooper Road will extend south to 97th and then continue south into Village Green all the way down to 104th Street. So, again, there will be multiple points of connection for this development.

The staging plan for Devonshire will include two stages. Stage one will include Lots 1 through 63, and access will be provided at 93rd Street at 48th Avenue and access to 97th Street. Again, we need a minimum of these two points of connection for this development to start. Stage two, then, will have additional access points for Lots 64 through 120.

Public improvements, municipal water will be extended throughout the development to service all of the lots at the developer's expense, and municipal sanitary sewer and storm sewer will also be extended throughout the development at the developer's expense to service all the lots within the subdivision.

Construction access is always a concern with respect to new developments. And since there's existing single family homes on either side of 48th Avenue at 93rd Street, the Village requested

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and the developer agreed that there would be a temporary access point on 93rd Street between Cooper Road and 48th Avenue at approximately 50th Avenue. It would be going through Lot 89 so they will not convey or build on Lot 89 while it's being used as a construction access for this particular development. So the only time that construction activity will occur on 48th Avenue and 93rd is when construction does need to occur to complete that road connection and any public road improvements at 93rd Street at 48th Avenue.

The zoning map amendment is the second part of the request this evening. They are proposing to rezone the field delineated wetlands and place them into the C-1, Lowland Resource Conservancy District. They're requesting to rezone the nonwetland areas or the single family lots in Outlots 7 and 8 into the R-4, Urban Single Family Residential District, and the nonwetland areas within Outlots 1, 2, 3, 4, 5, 6, 8 and 10 would be placed into the PR-1, Park and Recreational District.

The second part of my presentation includes a detailed analysis and discussion of 93rd Street and a traffic study that was commissioned by Mastercraft as part of this Devonshire Development. We did go into some significant detail back at the Plan Commission meeting, but for the benefit of anyone in the audience or those that weren't here for the entire presentation I think it would be of benefit for Mr. Higgins to go through his discussion and his findings and how he came to his conclusions. So as part of my presentation I'd like to introduce Wayne Higgins.

John Steinbrink:

Jean, maybe before Mr. Higgins starts we can point out that Mr. Higgins has some deep roots to this area, and ironically enough to this very intersection here that we're going to be talking about. If people can remember back to the Higgins Greenhouses and I believe that was your father you stated to me had that enterprise, and you pulled your roots up and went into the traffic business.

Wayne Higgins:

Yes, a two family business. I'm Wayne Higgins. I'm a Registered Professional Engineer in the State of Wisconsin, a Professional Traffic Operations Engineer certified. I'm President of Traffic Engineering Services in Elm Grove, Wisconsin. And we prepared a traffic study which went beyond the first stage of just looking at Devonshire. We've seen this before. We included basically five developments as to how the traffic would come out to 93rd Street, so it wasn't just focused on one development.

Here's the two focus projects for tonight, but remember the projects to the south are included, too, so we can look fully at what would be here as we take a look at the future connection of Cooper Road to the south. The development is pretty substantial to the north. We have an aerial that brings back the memory of what's there for you. I am not going to spend a lot of time on details, but I'm going to get enough that I can have my subjects introduced. Here again we see the road network system and Cooper Road as it heads down.

Cooper Road as it extends south, of course, through the two subdivisions will eventually become the connection making its way to 165. And timing is important. The staging of the two developments give us a couple of years before Cooper Road and 93rd Street improvements have to

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be in placed. So as we look here we see the phasing that was shown. And on the next slide we see some important information that you probably can't read so I'll read it to you. This is the State of Wisconsin traffic count map. And something significant to deal with is 39th Avenue. You're familiar with the four lane cross-section of 39th Avenue. It is currently at 93rd Street between 8,000 and 9,000 vehicles. We want to remember that number because that can give you a perspective of what we look at next.

In the next one we're looking at the historical traffic volumes. Along 93rd Street we've been looking at traffic volumes in the 2,500/2,100 vehicles per day range, so we're about a quarter of what's over on 39th Avenue. When we start looking at the projected traffic for the future from your functional classification maps, Cooper Road starts taking on a whole new identity. Cooper Road now is being looked at with the dashed line here showing the connection. We've got 10,000 vehicles on Cooper Road north and south north of 93rd Street. East and west of Cooper Road we've got 7,000 and 6,000. So 93rd Street will almost approach what we see on 39th Avenue right now. And Cooper Road will be a little of both what we see on 39th Avenue right now. The purpose of that is a true perspective and understanding of what your street system is going to have to accommodate.

We went through details of collecting the existing traffic counts and turning movements at the Cooper Road, 93rd and 48th Avenue intersections. We went through an analysis to compare our traffic growth projections to the projections that have been done on the previous exhibit. We went through each individual development and listed the number of dwelling units and then calculated out the peak hour operations and daily traffic from each one. This was done for all the five study developments. We then took that and created new trips for all the developments and distributed them to the net work that existed on 55th, Cooper and 48th Avenue at 93rd Street.

The new development trips were then added to the projected future trips so we got into 2016. Those 2016 volumes show us that as this traffic grows it doesn't represent all the traffic that we're going to have. As Cooper Road is connected to the south, it is going to draw traffic off of Highway 31, off of 39th Avenue and that's where your 10,000 vehicles are coming from. It is not because of these developments. They don't get you to those numbers. But as you start growing you start looking at cross-sections. This first cross-section is what we have pretty much at the far west end of 93rd Street at 31. You have a section of four lane roadway which functions just as that, two lanes in each direction. Anybody wants to make a lefthand turn they're making a lefthand turn in the left lane which is the high through lane and they have the potential of being struck in the rear. Those left turns are a safety issue that we have to try to address.

One of our proposals is a section here where we show eight feet of parking on each side, a through traffic lane, and a center section that is known as a TWTL, a two way left turn lane. The two way left turn lane takes that motorist out of the through traffic lane into a zone where they can make their left turn without being struck in the rear. A much higher level of safety. The right turns always exit the roadway smoothly. They don't have to wait for somebody else to come and make a turn in front of them in order for them to make the turn or proceed on through. So the right turning movement out of this right lane is only needed to be accommodated in as proper a way as possible for safety.

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Here we have a slide that shows looking at a bike lane in this same complex where we would have parking and a bike lane and a through lane in each direction and a two way left turn lane. In the bottom here we have the two lanes and parking and 14 feet of TWTL lane. You may ask why are we using 14 feet. These two way left turn lanes can be anything from 12 to 18 feet, and the difference is generally related to the traffic speeds on the road. When we're dealing with 35 mile an hour speed limits 14 feet is very adequate and it does some other positive things for us that we wouldn't get any other way.

What does the three lane accommodate in traffic? 8,000 to 15,000 vehicle a day leaving Cooper Road handled with its 10,000 and if it should grow over that it still can handle it, leaving 39th Avenue handled with its 6,000 or 8,000 or 9,000 and still have adequate safety capacity with minimum disruption. Because as we look at the next slide when we look at right of way the three lane roadway can be built in 66 feet when you use curb and gutter. You have an 11 foot terrace on either side.

If we look at areas where there is no driveway permitted at all, we can even go to create some green space in that middle area where it's not needed. You don't want the green space to be an extended distance because you have to provide for capability of somebody who has a flat tire to be able to have a distressed vehicle cared for.

This is an important element of 93rd Street. I'm glad you slowed me down. Here is the existing roadway on the existing right of way. This street was built with the south edge of the pavement on the survey section line which is actually the center of the right of way. So where we're used to seeing roads centered on the right of way, this road has shifted one entire traffic lane north. If we mirror this down and we put in the three lane system that we're recommending centered on the section line we don't go any further north than the current roadway goes right now. So all those existing homes on the north side have very minimal disturbance other than what we might have for easements to be able to get sloping correct or something like that as final designs take place. This north side may have some sloping problems, but we still have 11 feet to do it in.

On the south side in working with your Village staff, we've talked about where are we going and how can things be done. Yes, we can stay in a 66 foot right of way. It's desirable to be a 40 foot either side and have a little extra space, especially if you start looking going to the west and to the east where you've got the hills and you're going to have a little bit more need for space to work with in right of way. We talked about utilities, and the bottom line is possibly to the south where we have the developments still keeping the plan of 50 feet, reserving 10 feet of that. So if it's needed as design goes forward they've got it to be able to put the wood poles in it, whatever utilities are there. Traffic wise we're giving you the best possible full picture we can.

All this information was taken and put together--there's two weeks of it here that show it with a background of the outlines of the various different homes and the distances back that each home would be from the right of ways. And over here you can get the aerial view. And last we have if the intersection were signalized what would be the impact on right of way as compared to the impact on right of way for a single lane roundabout. This single lane roundabout will adequately handle the traffic as it grows. It will not have large backups like we will with the four way stops. We will not need the two lanes on the approach southbound for a right turn as we would under a

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traffic signal scenario. We don't have large left turn lanes to carry through. We use it for the tapering and the simple design of a roundabout.

I've left these here this past week. I hope you've had a chance to look at them a little bit. If you don't I am leaving them again tonight so they'll be here and you can look at them at your leisure. I have one other item. Could you go back one more? The original design on this one we started was Cooper Road going south was going to be four lanes. And this is some of the approach concepts developed by the general civil engineer and the general civil engineer's plans they asked me what to do. I said at this point you carry it forward with the four lane and the 80 foot right of way and we wait and see what your action is.

My recommendation is that Cooper road south be built with the three lane because of one main reason, driveways have been permitted to be accessed directly onto Cooper Road as it's extended south. It will be the same condition as we have to the north. The safety aspect of the ability to turn from the middle lane is what we want to try and incorporate into the long-term operation for the best possible safety.

I'll talk a little bit about the two intersections, 48th and at 55th. Most City streets and Village streets have a regular radius around the corner to turn out. We added a taper into the right turn lane so that we could have a smooth, easy transition for right turns and a normal right turn out which also then took the southeast corner here and the northwest corner here and have very minimal impact on the existing homes. We have no existing homes at 55th, but for uniformity sake we treat it the same way. And this becomes a pattern for how to treat everything as you get to the intersections along 93rd Street from 39th Avenue to 62nd Avenue.

We have these same aerials that were shown and the ones with just the home outlines are shown on the slide shows. They are here, again, if you'd ever want to use them. I would entertain questions if you have them. But beyond that we have found a very good way to minimize the impact to existing homes and provide the same and high level capacity operation with an initial investment in a roundabout that minimizes your future operating costs.

Mike Serpe:

A couple questions. What is the width of the roadway going to be on Cooper Road south of 93rd?

Wayne Higgins:

I'm recommending that it's the three lane, so it was 44 feet on the initial presentation plus curb and gutter.

Mike Serpe:

And there's only driveway accesses on the west side of Cooper Road, not the east side? Am I correct on that?

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Jean Werbie:

The right of way from 93rd Street down to Village Green Park for Cooper Road is an 80 foot wide right of way.

Mike Serpe:

That's the right of way. The roadway is going to be what?

—:

What do we have in Village Green? It's 49 foot back in there>

Mike Serpe:

Okay, a couple things. Jean, we only have driveway accesses on Cooper Road south of 93rd Street for the west side of the homes, not the east side, is that correct? If I'm looking at this right there's no driveway access on the houses to the east?

Jean Werbie:

We have some on the east and there are a few on the west. There are more on the west than on the east. There's more on Stonebridge than Devonshire but there are some. Wherever there were corner lots they have to come off of the side streets.

Mike Serpe:

Mr. Higgins, you're recommending a three lane road with only one lane for left turns either side?

Wayne Higgins:

The three lane operates as a left turn lane going both directions. You oppose one another as you make the turns. And the reason for that is this is a series of single family residential driveways, not a commercial use where you queue up left hand turns, so it functions very safely.

Mike Serpe:

Here's my concern with that, and you're going to hear this from the cop's side of this whole thing. A three lane road on a main thoroughfare such as we have here with as much traffic as we're going to have, I'm fearful of some head on collisions. Two people not to make a left turn but maybe to pass the car in front of them are going to elect to do so at the same time. I'm going to guess that that's probably common place in some parts of the country where they do have three lane roads. Sheridan Road, if you remember, was three lanes years and years ago. Massive dangerous head on collisions on Sheridan Road between the City limits and the State line. They eliminated the three lanes. But that was high speed. This isn't supposed to be high speed, but at the same time we have a lot of impatient drivers and it appears they're becoming more impatient

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as time goes on. So the propensity of somebody passing a car in front of them at the same time going opposite directions I think is pretty good, especially on a heavily traveled road such as this.

So I guess what I'm getting to is if there's enough room in this right of way that we could create four lanes and still squeeze in some then a fifth lane in the middle for left hand turns I think we're totally eliminating, at least minus the alcohol influence, the chance of a head on collision on it.

Wayne Higgins:

What you're talking about is a cross-section that accommodates somewhere in the vicinity of 24,000 vehicles a day, and what I'm looking at is following the current practice of traffic calming where we're looking to build something that aids in controlling the speeds of traffic. And, yes, you may have a need to pass, and in the situation where there's a stopped vehicle you can pass it. If somebody is going slow there is a no passing zone created by the left turn TWTL lane and it is prohibited.

The experience that has been gained through Wisconsin even where there's three and five lanes has been very positive and it has not had a high accident rate. If you would like statistics on that we certainly could research it a little bit and get you some statistics. The high incidence of crashes in my experience, and I started in this business in 1965, is on the four lane roadway where we have a motorist traveling at their selected speed and someone makes a left turn from their same lane and runs into the rear of them or sideswipes another car that's in the right lane as they move over. The volumes here and all of the safety concerns and being in a residential area really lend itself to having a true operation with safety under three lanes.

Mike Serpe:

The reason I brought this up now and not last week is after the meeting I talked with a gentleman in the audience who frequents Arizona. He lives in Wisconsin and frequents Arizona as well. The roads you're describing, the left turn lane roads, the three lane, he said they have a pretty high accident rate down there. I'm not too sure exactly if he was referring to the same road that you're recommending here or if it's different, but he said people sneak out into these lanes to get into a safety zone type of thing to get into traffic, and he said sometimes it's pretty chaotic during high traffic times.

Wayne Higgins:

And the roads you're talking about are generally high volume roads of the 24,000 range, not of the less than 10,000 that these are projected to be. It is a significant difference. I've been through Arizona, seen their roads, and as a traffic engineer I'm very interested in how they operate and what's going on. Though other people stay home during the peak hours I drive them and I know exactly what he's talking about, and it usually is five lane concept where somebody is trying to sneak in and they generally then are even wider.

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With the width being to the point that you have 16 or 18 feet it looks like a two way lane, and it encourages people to sneak into it. At 14 feet it lets you know it's not a two lane operation that you can be in. It's a location to slow down and make a turn.

Mike Pollocoff:

One of the things that we may want to visit as we go through the design process is looking at a different material in that center lane.

Wayne Higgins:

We did talk about that.

Mike Pollocoff:

It's concrete, switch from asphalt and having a concrete center lane there. I've even seen out west particularly where that TWTL lane will be a reddish colored concrete so you know that you're in a different space. I don't know if that would be necessary but it really distinguishes that you're not on the same travel surface anymore. It is a bigger space. I'd agree with the engineer that I think for the traffic counts that we're looking at, that's not saying somebody will throw their brains away and do something stupid, but they've got more room to do it because it's a wider lane than just what a regular lane is on a four lane if they're going to do something stupid.

Alex Tiahnybok:

Mr. Safran indicated some significant concern about encroaching on those trees on his property. And with the south edge of the pavement being at the center line of the right of way it looks like any improvements are going to come to the south of the right of way, correct, south of the center line?

Wayne Higgins:

That is correct.

Alex Tiahnybok:

Is there any solution? I'm looking at I think the last slide.

Wayne Higgins:

There isn't anything that would go outside of 33 feet, and at the end of his presentation he did mention that outside of 33 feet the trees would be probably saved. But in the final design of things you have to look at drip lines of trees and root systems, and if you're going to disturb the root systems how to properly get someone involved to trim the trees to save them when you do have some root damage. You can't just arbitrarily go and cut the roots and expect the trees to still have the same degree of potential for life.

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Mike Pollocoff:

I'd even recommend, and as I discussed with Mr. Safran before the meeting, the curbs are the way to go. I think that's what's going to save those trees there. When you think about what we did on 39th Avenue between here and just north of here into the City, it's curbed on one side of the street and not on the other. The whole reason we curbed that was to save those trees in that area. When you put a ditch in in a slope you're going to take up area. So at least on the layout we have here those trees are behind that curb, and as the engineer indicated as we get into final design there's some other things they can look at. I think they made a reasonable request to include in the design to extend that curb farther to the east to protect the oaks that are just a little bit farther east. But my experience is if you're going to put a new road in if you can have those trees behind a curb rather than putting in ditches it's going to make life a lot easier on the trees and you can work around them without excavating.

Alex Tiahnybok:

Is that were the curb ends now?

Mike Pollocoff:

There is no curb there now.

Alex Tiahnybok:

I mean in the plan, is that were the curb would end currently and these are the additional trees that would be exposed? That looks like the trees right there, right, so that's where the current plan ends?

Mike Pollocoff:

You can almost see it on there better.

Alex Tiahnybok:

It sounds like his request makes sense so if we can manage to work that in that would be a good idea.

Jean Werbie:

The Plan Commission had me put their recommendations in writing so the Board could understand what they were talking about at their meeting. 93rd Street is classified as a local arterial pursuant to the adopted long-range plan for the Village. 93rd Street would be improved and widened to allow for increase in roadway capacity when traffic counts and new developments warranted such improvements.

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As part of the conceptual plan approval, the Board required that a detailed traffic study be completed to determine the profile for 93rd Street and to examine if the traffic warrants a four way stop, a signalized intersection or a roundabout at the intersection of 93rd Street and Cooper Road. Based on the projected traffic, the intersection of 93rd Street and Cooper Road will need to be expanded to either a signalized intersection with adequate left and right turn lanes or a single lane roundabout. In addition, the projected traffic counts warranted a three lane profile, one travel lane in each direction and a center turn lane rather than a four lane profile which would have been two travel lanes in each direction on 93rd Street.

The Village staff further recommends, as did the Plan Commission, that a single lane roundabout at Cooper Road and 93rd Street be constructed rather than a typical signalized intersection. A signalized intersection would require the same or more right of way at this location for the existing properties at the corner than would the single lane roundabout. The signalized intersection would be more problematic for existing properties at the northeast and northwest corners to continue to utilize their existing driveways. The traffic would not be stopped at the intersection with a roundabout, thus allowing the existing driveway to remain with full access. The roundabout is proposed to be 120 feet in diameter which would allow for semi trucks, fire trucks, school buses, garbage trucks, snowplows, etc., large vehicles, maneuvering space and a 25 foot diameter green space island would be constructed in the center as previously shown on the slides here and on the boards across the room. There would also be a sidewalk availability constructed north and south from Cooper Road in the event that sidewalks eventually go north and south on the east side of Cooper. This is what the intersection would look like if we went back to a signalized intersection.

The Village staff recommends that a three lane urban profile roadway on 93rd Street be constructed. This design would allow for less right of way being required from the properties on the north side of 93rd Street. This design would allow for easy and safe access to the existing residential homes. They'll have driveways on 93rd Street because of the designated center turn lane. The three turn lanes would be provided for, is it an 11 foot? I guess we need to work that out whether it's an 11 foot or 12 foot travel lane and a 14 foot center turn lane identified as a TWTL. It was 12 foot, okay.

Roadway improvements, the traffic report indicated that a four-way stop sign at 48th Avenue and 93rd Street is not warranted since a three lane profile is recommended on 93rd Street. The intersection would not need to be widened even though slight tapers would be provided for right turns onto 48th Avenue. These tapers would likely be located within the existing right of way. It's hard to see on this one as well, but I think the trees that Mr. Safran is talking about are these right here. These four oak trees and then the two that are located just east of his property line. He's requesting to have that curb extended to try to preserve those trees as well. I think those are the six oaks that he was primarily concerned about.

Implementation and timing of the improvements, the required improvements on 93rd Street will be completed at the time that Cooper Road is paved south of 93rd Street which would be during the construction of the second stage of the required public improvements, excuse me, during the second phase of improvements during the second stage of Devonshire. This would be estimated between 2009 and 2010. In the interim, 93rd Street would remain a rural two lane roadway,

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Cooper Road will remain a three way stop and 48th Avenue will have small tapers within the existing right of way. 48th Avenue will be a two way stop stopping traffic on 48th Avenue only.

Then the Plan Commission had me go ahead and outline for Devonshire development additional right of way is going to be needed. We had still identified that even though it will likely be an 80 foot wide right of way, they had indicated that they would still continue to dedicate a 50 foot wide right of way to allow for utilities and other things to be placed into that right of way. Cooper Road, a local arterial, and this is something that the Village engineer was just talking to me about, between 93rd and Village Green would be designed as a 49 foot back of curb to back of curb urban cross-section roadway profile within an 85 foot wide right of way with a five foot wide sidewalk constructed on the east side of Cooper Road from 93rd to the Village Green Park.

I believe that 85th Street is a 49 back to back within a 66. So I would assume it would be set up similar to that, that you've got those two travel lanes and then you've got those auxiliary lanes for turning movements, parking and other things on Cooper Road. It wouldn't be striped, my understanding, for two fast lanes of travel in each direction. It would not be striped in that manner. The difference also between 85th and this segment of Cooper Road is 85th is a straight shot and it goes a straight shot for several miles. Cooper Road is going to do a little bit of meandering. We are going to have some additional driveway and turn movements and such, and so I don't see it as a fast profile roadway and I don't see it carrying the capacity that 85th Street would.

48th Avenue should be constructed with minimal tapers for right hand turn lanes and existing driveways on 93rd Street at 48th Avenue. They could remain. This alternative would anticipate the existing utility pole on the west side of the proposed 48th Avenue and 93rd Street intersection would need to be relocated. We Energies is fully aware of what we're working on here and they are coming up with suggestions and comments as to how these utility poles would need to be moved and adjusted. They're aware of Mr. Safran's concerns with respect to the trees and driveways and things, and so we would be working with them and the developers and others to do this as painlessly as possible.

The full improvement of 93rd Street as a three lane urban roadway and a roundabout at Cooper and 93rd Street would be constructed as part, again, of the second phase of the required public improvements for stage 2 of Devonshire. We don't want to open it up too fast and we don't want to open it up in a gravel condition.

The cost for improvements to 93rd Street and the roundabout is proposed to be shared between the Devonshire and Stonebridge subdivisions. In addition, the Village staff is proposing to apply for grants to assist in the project costs. It is anticipated that a grant application would be submitted in April of 2007 for improvements to 93rd Street between 63rd Avenue and 48th Avenue including the roundabout at Cooper Road. And the staff intends to work with Mr. Higgins to work with our staff to get those grant applications in on time.

For Stonebridge, and I indicated that I'd be coming back, similar requirements with respect to right of way being dedicated, connections being made, the improvements of 93rd with the three lanes and the cost sharing between Stonebridge and Devonshire, and this was my comment that

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we did need to come back to Stonebridge just to reiterate that there would be some of those improvements that would be affecting Stonebridge as well.

With that, that is pretty much the completion of our presentation for 93rd Street as it relates to Devonshire and Stonebridge. We have already acted on Stonebridge, and we do need a motion of approval for Devonshire for the preliminary plat, the zoning map amendment, and any related conditions as it relates to the traffic work that we've been doing with respect to these two subdivisions.

Alex Tiahnybok:

I move approval. Do we have to do one by one?

Jean Werbie:

yes.

Alex Tiahnybok:

Resolution 07-04.

Mike Serpe:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion on this item?

Jeff Lauer:

Jean, for the roundabout for 93rd and Cooper is the house off Cooper Road just to the east and the west how would the roundabout be affecting their properties if at all? I believe the house to the east has trees there as well so I'm not sure how that's going to—

Jean Werbie:

There's a very large oak tree that is at the northeast corner of Cooper Road and 93rd Street on the Wellman property. My understanding is that tree will be able to remain but we might have to do some trimming of some of the limbs that kind of jut out or extend towards 93rd and Cooper. But that tree could remain at that location. The one at the northwest corner on the Schlitz property that tree, I don't know if you can see it on this slide, that tree is right there and that would be a problem. That one would need to be removed. I can't remember but I think it might be a pine tree, conifer.

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Mike Pollocoff:

It's in the right of way.

Jean Werbie:

I can't remember but there's a large tree there. That one will not—that's actually in the vision triangle right now so that one would not be able to stay.

Jeff Lauer:

I'm assuming that they have been notified? I'm assuming they have?

Jean Werbie:

They have been notified. They were notified of the previous meetings and at the Plan Commission meeting as well.

Jeff Lauer:

I guess the other question I have, I don't know Jean if it's you or the Board here, I know the traffic, 39th and 93rd, Mr. Higgins mentioned between 8,000 and 9,000. Do we think maybe in the future, because obviously I think that's going to be a high volume traffic area, that maybe we look at what the County if that's the case to put stop lights there or that because maybe stop signs could really back up more than—

Jean Werbie:

I think that the traffic engineer probably has a comment with respect to that.

Wayne Higgins:

39th Avenue and 93rd Street as far as the traffic light when traffic volumes grow to the point, if they do, a signal is warranted there would be one installed through some means. I'm also the County's traffic engineer so we deal with some of those things on an ongoing basis. But as intersections are found to be hazardous as we're finding that traffic is growing to the point that conditions warrant improvements, as your project on 93rd Street may be designed for it's connection of 39th Avenue, it certainly would be designed in such a way that a traffic signal installation would not have to rebuild the roadway for that portion that you'd do.

Jeff Lauer:

Okay, and maybe one other question for you. I know Cooper Road let's say traffic is coming south, because the road is very narrow and from the traffic studies it might even be picking up more and more because that's a straight shot to 50 and 80th Street, is there something in the future

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that that road may have to be widened itself or is it even possible, because it is small lanes and I know at times when I take it to go straight to 50 or that it's kind of a speedway as well.

Wayne Higgins:

Cooper Road from 39th Avenue to Highway 50 will not operate with two lanes safely or even at a reasonable level of capacity at 10,000 vehicles a day. It would be a real problem. It will need to be rebuilt. It will need some attention as the traffic grows. So you're looking at a starting point but there is another major connection between 50 and 93rd Street that will have to be addressed. Future funding requesting it won't be long before it would be a hazard elimination project.

Jeff Lauer:

Okay, thank you. I guess the final question, Jean, is the time table of this. Is it kind of once it starts everything is done or do we have to wait for the granting?

Jean Werbie:

Well, that's a good question. Both of the developers recognize that if we do not receive any grants either in '07, '08, '09 or '10 that the full funding the project will be on their shoulders for a segment of 93rd as well as the roundabout. The traffic engineer feels confident that due to the fact that we're doing a number of things here including putting in a roundabout and we're planning ahead and doing a number of things that I think might score us higher points on the grant application, that he feels confident that over the four years if funds don't dry up that there's a good chance that we could get that type of funding. I don't know if you want to comment on that.

Jeff Lauer:

Good, thank you.

**TIAHNYBOK MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND ADOPT RESOLUTION #07-04 APPROVING THE REQUEST OF
KARI KITTERMATER, AGENT FOR REGENCY HILLS-DEVONSHIRE, LLC FOR THE
PROPERTY GENERALLY LOCATED SOUTH OF 93RD STREET BETWEEN 48TH AVENUE
AND COOPER ROAD FOR A PRELIMINARY PLAT FOR THE PROPOSED 120 SINGLE-
FAMILY LOT SUBDIVISION TO BE KNOWN AS DEVONSHIRE, SUBJECT TO
CONDITIONS SET FORTH BY STAFF; SECONDED BY SERPE; MOTION CARRIED 5-0.**

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION
RECOMMENDATION AND ADOPT A ZONING MAP AMENDMENT (ORD #07-06)
APPROVING THE REQUEST OF KARI KITTERMATER, AGENT FOR REGENCY HILLS-
DEVONSHIRE, LLC FOR PROPERTY GENERALLY LOCATED SOUTH OF 93RD STREET
BETWEEN 48TH AVENUE AND COOPER ROAD TO REZONE THE FIELD DELINEATED
WETLANDS (EXCEPT THE 0.73 ACRES OF WETLANDS PROPOSED TO BE FILLED) INTO
THE C-1, LOWLAND RESOURCE CONSERVANCY DISTRICT; TO REZONE THE NON-
WETLAND AREAS OR THE SINGLE FAMILY LOTS AND OUTLOTS 7 AND 9 INTO THE R-**

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4 URBAN SINGLE FAMILY RESIDENTIAL DISTRICT; AND TO REZONE THE NON-WETLAND AREAS WITHIN OUTLOTS 1, 2, 3, 4, 5, 6, 8, AND 10 INTO THE PR-1, PARK AND RECREATIONAL DISTRICT IN THE PROPOSED DEVONSHIRE SUBDIVISION; SECONDED BY LAUER; MOTION CARRIED 5-0.

John Steinbrink:

Thank you, Mr. Higgins. I have to tell you it's a pleasure listening to you describe this because you have a means of doing that that is so simple and clear I think basically every one of us can understand it. So we do appreciate that. Thank you.

D. Consider Resolution #07-06 - Resolution to initiate certain Amendments to Chapter 420 of the Village Zoning Ordinance and certain Amendments to Chapter 395 of the Village Land Division and Development Control Ordinance.

Jean Werbie:

Mr. President and members of the Board, Resolution 07-06 is a Resolution to initiate certain amendments to Chapter 420 which is the Village Zoning Ordinance and Chapter 395 which is the Village's Land Division and Development Control Ordinance.

Whereas a planned development zoning district is under consideration;

Whereas certain amendments to the Village Zoning Ordinance are required in order to effectuate and implement the potential planned development district; and

Whereas certain amendments to the Village Land Division and Development Control Ordinance are required to effectuate and implement the potential planned development district.

Now, therefore, be it resolved that the Village Board of Trustees consider the following:

1. That the Village Board hereby initiates and petitions to amend the text of the Village zoning Ordinance in four areas. First, to allow storm water detention, retention, and/or water quality ponds or basins and related improvements and signage to be located outside of the staked wetlands within the C-1 District. Second, to create an additional performance standard relating to infectious agents to accommodate anticipated development in the potential planned development zoning district. Next, to clarify the role of development agreements in the site and operational plan review and approval process. And, finally, to create Section 420-153 of the Village Zoning Ordinance providing for the creation of planned development zoning districts within the Village.
2. The second portion for you to consider is that the Village Board hereby initiates and petitions to amend the Village Land Division and Development Control Ordinance. This, again, is for four different items. To allow the creation of lots with no public street frontage as part of a unified and coordinated development within a planned development zoning district served by an approved system of private roads. Second, to clarify the

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applicability of certain portions thereof to development and development plans in the absence of a land division. Third, to clarify the inclusion of site and operational plans approved by the Village Plan Commission or the Village Zoning Administrator in references therein to development plans. And, finally, to facility the incorporation by reference of the requirements of portions thereof in the development agreement and in the site and operational plan approval process.

3. That these proposed changes to the Village Zoning Ordinance and Village Land Division and Development Control Ordinance are hereby referred to the Village staff for further study and recommendation; and
4. That the Village Board is not, by this resolution, making any determinations regarding the merits of the proposed changes to the Village Zoning Ordinance and to the Village's Land Division and Development Control Ordinance, but is rather only initiating the process by which the proposed changes can be promptly evaluated, considered and/or drafted.

The staff recommends approval of this resolution on this 5th day of March, 2007.

Jeff Lauer:

So moved.

Mike Serpe:

Second.

John Steinbrink:

Motion and a second. Further discussion?

Steve Kumorkiewicz:

Yes, I have a question for Jean. Jean, in Section 2 (a), to allow the creation of lots with no public street frontage, do we create land locked property?

Jean Werbie:

The proposed plan development district ordinance that's going to be presented to the Village later this month and early next month will be identifying a system of unified private roads that will allow for future land divisions to occur if the Village approves for those land divisions to occur. The private roadway system will be set up and constructed and built to a standard that is acceptable to the Village for providing public services to this area. So we would not be creating a situation where we would be developing or building substandard roadway systems or access to future buildings within a particular area. So we would be creating an area that should land divisions occur in the future they could happen and we are setting forth some guidelines and

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regulations in a planned development ordinance and a development agreement to outline how those can happen and the best way to achieve efficient and effective services for the Village and the ability to be flexible for a future developer and/or owner of that area.

Steve Kumorkiewicz:

So there will be no land locked properties like in certain areas we used to have.

Jean Werbie:

The ordinance would not even acknowledge that there is a land locked property because there will be adequate access.

Steve Kumorkiewicz:

Okay, thank you.

Alex Tiahnybok:

Jean, can you describe the background behind 1(b) and what exactly it does.

Jean Werbie:

The Village of Pleasant Prairie performance standards in our zoning ordinance were drafted prior to 1983. They came with us as a carry over function ordinance from Kenosha County. The provisions within the performance standards are somewhat dated and are not brought up to today's standards when it comes to new businesses and new types of uses coming to the community. At this point we are not going to be completely redrafting all of our performance standards, but it does not address some of the testing and some of the experimentation that could occur at a future business in the Village of Pleasant Prairie. So we just wanted to make sure that there were some standards set forth that do reference federal and State standards with respect to how materials are handled, how things can be defined as a nuisance, how things can be dealt with if there happens to be any type of situation that needs to be dealt with.

LAUER MOVED TO ADOPT RESOLUTION #07-06 - RESOLUTION TO INITIATE CERTAIN AMENDMENTS TO CHAPTER 420 OF THE VILLAGE ZONING ORDINANCE AND CERTAIN AMENDMENTS TO CHAPTER 395 OF THE VILLAGE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE; SECONDED BY SERPE; MOTION CARRIED 5-0.

E. Consent Agenda

- 1) Approve a Letter of Credit Reduction for Stanich 47th Avenue Development.**
- 2) Approve a Letter of Credit Reduction for the Meadowland Subdivision.**
- 3) Approve a Letter of Credit Reduction for the Westfield Development.**
- 4) Approve LakeView Technology Academy's request for one night camping at Prairie Springs Park.**

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- 5) **Approve the request of Gregory Paielli of the JLP Family Limited Partnership, property owner, for a Certified Survey Map to subdivide the property located at 909 92nd Street into two (2) single-family lots**
- 6) **Approve Resolution #07-05 - Resolution Authorizing the filing of Recycling Grant Applications.**

SERPE MOVED TO APPROVE CONSENT AGENDA ITEMS 1, 3, 4, 5 AND 6 AS PRESENTED AND SUBJECT TO STAFF CONDITIONS – ITEM 2 WAS REMOVED FROM THE AGENDA FOR FURTHER REVIEW BEFORE CONSIDERATION; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.

John Steinbrink:

Note that we've eliminated Item 2. Item 2 is not being brought up at this time.

9. ADJOURNMENT

John Steinbrink:

Before we move to adjournment I want to thank everybody who participated in the polar plunge. It was a big success again. People from all over lined up to jump in our lake. Some old faces, some new faces but it was for a good cause. Especially thank our department out at the lake for preparing that and getting it ready. I think you saw them out there working if you saw the photos in the news.

KUMORIEWICZ MOVED TO ADJOURN THE MEETING; SECONDED BY TIAHNYBOK; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 8:50 P.M.