

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY**

Village Hall Auditorium

9915 - 39th Avenue

Pleasant Prairie, WI

March 18, 2019

6:00 p.m.

A regular meeting of the Pleasant Prairie Village Board was held on March 18, 2019. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Mike Pollocoff, Dave Klimisch and Mike Serpe. Also present were Nathan Thiel, Village Administrator; Tom Shircel, Assistant Village Administrator; Jean Werbie-Harris, Community Development Director; Dave Smetana, Police Chief; Craig Roepke, Chief of Fire & Rescue; Matt Fineour, Village Engineer; Carol Willke, Human Resources Director; Dan Honore', IT Director; and Craig Anderson, Recreation Director. 13 citizens attended the meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

John Steinbrink:

Tonight the Pledge will be led by Brendon Hausinger [phonetic]. So please rise for the Pledge of Allegiance. Thank you, Brendon.

3. ROLL CALL

4. MINUTES OF MEETING - FEBRUARY 18, 2019

Dave Klimisch:

Move approval.

Michael Serpe:

Second.

John Steinbrink:

Motion and a second for approval. Any additions or corrections? Those in favor?

Voices:

Aye.

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John Steinbrink:

Opposed? Motion carries.

**KLIMISCH MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD
REGULAR MEETING OF FEBRUARY 18, 2019 AS PRESENTED IN ITS WRITTEN FORM;
SECONDED BY SERPE; MOTION CARRIED 5-0.**

5. CITIZEN COMMENTS

Bill Demo:

Good evening. Bill Demo, 9285 66th Avenue. I'm here to make comments regarding The Vista at Creekside Crossing, the item that's on the agenda tonight. I am the President the Creekside Crossing Homeowners Association. I've been up here a few time to talk about where we stand on it. We're opposed to the project.

Michael Serpe:

Is the microphone on?

John Steinbrink:

Give her a tap.

Bill Demo:

Okay. So we're opposed to this. Our desire is that those properties be developed and they're owner occupied, and that's the way it was originally planned. We understand that Creekside Crossing wasn't fully developed out. There's been confusion amongst the homeowners especially with what went on with the two Planning Commission meetings that we've been involved in. We left last Monday night believing that all four options that were presented were going to be rejected. Now I understand that 3a and 4 are back on the table. And 3a has six buildings. It has a building on the interior circle. If 3a is something that we have to live with we would reluctantly agree to it if we could get rid of this seventh building and have no rental properties inside of the circle.

Another bone of contention that we have with this is this puts an undue financial burden on the residents in our homeowners association with the sidewalks that are going to be constructed and if they are carried around the circle. Right now we have a snow removal contract that does our business. This would add and almost double the cost to our snow removal costs to remove that snow and keep those sidewalks clear. We don't understand the need for sidewalks. We are just a country living neighborhood. We've been well established. It has not ever been requested that we look into it by any homeowner up to this point.

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Another thing is we understand that it's low income housing. I take offense for our owners that it was brought up at the meeting that we because low income housing might be available believe that we're going to have bad people. We don't believe that low wage earners are bad people. What we're concerned about is just the inherent nature of transient living that comes through apartment buildings. We've all grown up, we all lived in apartments, we know you have great neighbors, and you also know that you have people that don't care about the property because they are not homeowners. So that's a significant issue. But I want everybody to understand we embrace the community. We don't feel that those people are bad.

But the financial burden is something that no other resident in the Village would have to accept if you wound up putting an apartment complex anywhere else. All those costs would be taken by the developer. And then residents that are adjacent to it would be unaffected financially because they would not have to deal with any additional costs. That would be it for my comments. Thanks.

Chris Demo:

My name is Chris Demo, Bill Demo's wife, 9285 66th Avenue, Pleasant Prairie, Unit 21. I want to give you a little background on how Bill and I came to live at Creekside Crossing. We followed the Mastercraft project for a few years before making our decision on where we were going to go. Mastercraft originally built over on 52nd Street by the YMCA. Also on the east side of Green Bay Road across from the Walmart. The property that was over on 52nd Street was the entrance to the YMCA. We felt that the traffic in and out of there was just going to be too much for us. We didn't want to be part of that. The property over on 52nd Street -- or on Green Bay Road had an entrance where you had to go through apartments to get to that property. We didn't want to be part of that either. It was just too much congestion, too much going on.

Mastercraft let us know when they were building in Pleasant Prairie, and we decided to go forward with that. And we truly live in a Pleasant Prairie. It is beautiful there, we love it. We are just happy with our surroundings. We're close enough to all the amenities that Pleasant Prairie and Kenosha has to offer. And we feel that putting something that is multifamily properties into that type of community is going to change the dynamics of where we are and how we live. Whether it's traffic, crime, people, whatever the case may be it's going to change the dynamics of how we live. And we would really appreciate your consideration of stopping this project and going back to the drawing board and reconsidering what does this area need to look like. Thank you very much.

Ken Harju:

Hello, everybody. Ken Harju, 9249 64th Court, Pleasant Prairie. I'm not going to give her same speech so we'll just get to where I'm at. A little confusion at the Plan Commission meeting, and I guess tonight we're looking at two options. I didn't realize we were going to get there. Option number 4 is on the original footprint, and according to the developer it would be 158 rental properties. So, of course, I don't think anybody wants that. The other option is 3a which includes seven buildings. One of them is on the inside of the circle as Bill says. And if we have to choose bad or really bad I'd rather go with bad. And I agree with Bill we need to take the

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seventh building out. It's been 140 units from the go. We still don't know why it has to be 140 units, and it would be 120 units. It would also put it into a PUD so there'd be some control on it when it's being built. So thank you very much.

Karen Denhartog:

Karen Denhartog, 9203 62nd Court in Pleasant Prairie. I didn't realize that we were just talking about two plans. I thought we still had three on the table so I'm going to address as I planned. I do not agree with the plan 3a which brings 20 units to the inside of Creekside Circle adjacent to the rest of the Workforce Housing units and unnecessarily within close proximity of the owner occupied condo units and future single family homes. As Mr. Mills attested to during the most recent Plan Commission meeting, plan 3a was created to appease the homeowner abutting that particular building unit. He changed the plan, and Mr. Mills said to appease this one owner. Mrs. Davidson stood at the podium and praised Mr. Mills on a wonderful product. She was the only person present who agreed with it. That says quite a lot, don't you think? Why not just remove that one building from the plan?

We don't appreciate being accused of fear mongering as Mr. Mills stated in the *Kenosha News*. We're trying to express our concerns about the real potential for an increase in traffic violations and crime rates in our neighborhood. Also, transient families don't typically share the same level of respect and concern for the surrounding properties as those of us who own our homes. It's important to reiterate that every one of us bought into Creekside Crossing with the knowledge that this would be a community of owner occupied units. It now seems that may not come to bear. That was a pun.

I also think having a sidewalk around the interior Creekside Circle right of way while appealing to ADA needs would also invite much more foot and car traffic into the area. This is not the RecPlex, and we don't want a walking trail open to the public in our yards. We definitely don't want to be saddled with paying for the upkeep and the snow removal requirements. We feel very passionately about what's right for our community, not what's easy. We urge you to not vote to approve this development. But if you feel pressured to make a decision tonight please make it option 3. We very much appreciate the time and consideration we've been given. Thank you.

Eric Davidson:

My name is Eric Davidson. I live at 9115 Old Green Bay Road in Pleasant Prairie. My wife and I live adjacent to Creekside Crossing just to the west. We built our 3,500 square foot home on two and a half acres 23 years ago when Creekside was a farm field. We like having open space around us, but Pleasant Prairie was and is going to continue to grow and develop. It is inevitable. We want it to be an attractive development. We have met with S.R. Mills and his team to discuss the plans for The Vista at Creekside, and they have been fair and honest about the multifamily units being built. Two of the units abut our land to the north. We have been promised landscaping to minimize any noise and light pollution that come from these units.

A few of the things to consider, Bear is a trusted name in our community, and they will remain here unlike many of the other developers who have made attempts at Creekside and failed. We

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know have the level of quality that Bear brings to all of their developments. If you don't, drive around Kenosha and you can see them. We also know that Bear plans to sell many single family lots in and around the multifamily units. It wouldn't make sense for them to put in a substandard multifamily unit with subsidized rent with lots that are seeking to sell at market value and occupy homes in the \$400,000 plus range. We are concerned about the entire project, but not just the multifamily units. We support option 3a presented this evening. Thank you very much.

S.R. Mills:

Good evening. S.R. Mills, 4011 80th Street, Kenosha, Wisconsin. I'm really appreciative of the time and consideration certainly. There's been a lot of discussions throughout the process here and I think in the Plan Commission and the prior Village Board meeting a lot of different iterations. I think that makes a strong development and ultimately a stronger community. I'm here to answer any questions that you have this evening. Appreciate the time. Thank you.

Vesna Savic:

There are no other signed up speakers.

John Steinbrink:

Anyone else wishing to speak under citizens' comments this evening? Seeing none I'll close citizens' comments.

6. ADMINISTRATOR'S REPORT

Nathan Thiel:

The only item that I just wanted to bring to the attention of the Board is that I did have the opportunity to visit in Madison with our State Representatives regarding the We Energies power plan closure and had some productive discussions. As more information comes forward we are working on some legislation to try to address the shortfall that we will see when they file with the PSC the actual closure. So I just wanted to pass along to the Board and to the public that we're trying to address that issue.

John Steinbrink:

All right, thank you.

7. NEW BUSINESS

John Steinbrink:

A request has been made to move Item F to the first and Item J to second and then continue with A, B, C. Do I have a motion to do that?

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Mike Pollocoff:

So moved.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOTIONED TO MOVE NEW BUSINESS ITEMS F FIRST & J SECOND; SECONDED BY KECKLER; MOTION CARRIED 5-0.

F. Consider and approve 2019-2020 Liability and Property Insurance proposals.

Laura DeLaRosa:

Mr. President and members of the Board, I present to you the liability and property insurance proposal for the 2019-2010 policy year. This is the first year of a new three year bid cycle. And we received proposals from the three companies. First off the League of Wisconsin Municipalities along with the Municipal Property Insurance Company at \$635,600. We've also received one from Community Insurance which is also with Travelers at \$656,500. And lastly EMC at \$854,908.

There's an estimated \$219,000 spread between our highest bidder EMC and our lowest bidder the League of Wisconsin Municipalities. These premiums do not include a deduction for dividends since they are not guaranteed. However, over the last six years we have received a dividend. We estimated the League's dividend at about 10 percent, and it is on all lines of coverage, and it's based on experience and longevity. Community Insurance dividend is at a flat 10 percent with a loss sensitive slide and is only based off of Worker's Comp.

Last year the Village premium was \$565,043 with liability coverage through the League and Worker's Comp. and property with Travelers. This year we're seeing an increase of about 12 percent which is roughly \$71,000 from last year. Worker's Compensation accounts for the majority of the increase, and that's due to increase in our MOD from .82 to 1.02. Liability

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coverage also increased by about \$5,000, but that was due to the increase in the values of vehicles added and additional officers hired.

My recommend is the League of Wisconsin Municipalities for liability coverage including Worker's Compensation, the Municipal Property Insurance Company for contractor's equipment and boiler and machinery, and Hanover for crime. Our agency that we will be working with is R & R Insurance Services, and our agent Rick Kalscheuer is here tonight for any questions you may have. Overall based on this recommendation our premium increases by about 12 percent as mentioned before. The Village, RecPlex and utilities have an expense budget of \$617,288 for insurance coverage and a dividend budget of \$18,000 which is a net of \$599,288. With estimated dividends subtracted from our proposed amounts our recommendation net estimate is \$578,944 which will allow us to be under budget for the 2019-2020 policy year. If you have any questions please let me know.

Mike Pollocoff:

Laura, is there any changes in the deduction levels on any of the policies?

Laura DeLaRosa:

The deductible amounts, no, it has stayed the same.

Michael Serpe:

Do we know what the average is going up across the country or in the area at least?

Laura DeLaRosa:

I don't. Rick may be able to tell you. But like I said the significant increase that we had was at Worker's Comp. and that was due to our claims.

Michael Serpe:

I'm just curious of what the averages are going up.

Rick Kalscheuer:

The League insurance premium --

John Steinbrink:

Could you just give us your name and address for the record?

Rick Kalscheuer:

I'm Rick Kalscheuer, N3846 Round Hill Circle, Pewaukee, Wisconsin.

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John Steinbrink:

Thank you.

Rick Kalscheuer:

Thank you. We represent the League Insurance Company. I'm with R & R Insurance. The League Insurance Company this year our rates have been flat. Now, the premium increases that Laura referred to is because you hired more police officers. If you had the same amount of police officers and the same amount of vehicles as last year it would have remained the same from the League standpoint. Where your largest premium increase was was in increasing your Worker's Compensation MOD which went up -- how many points?

Laura DeLaRosa:

It went from .82 to 1.02.

Rick Kalscheuer:

To 1.02. And we projected that next year that's probably going to be going up to close to 1.10 based on the information that we have now. And that's based on the losses that Village employees have sustained over a three year period. That's what's driving your costs today.

Kris Keckler:

And we're estimating and planning for that throughout the three year cycle, potential increase and we may be adding addition staffing especially in the emergency services area?

Laura DeLaRosa:

When we budget for the following year yes.

Dave Klimisch:

So that MOD is an average of the last three years?

Rick Kalscheuer:

The way the MOD's calculated this is the 2019 policy year so it's not using 2019 data. The 2018 data is too new so it's using '17, '16 and '15 years. Any other questions?

John Steinbrink:

Thank you.

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Michael Serpe:

I'd move to concur with Laura's recommendation and go with the League of Municipalities.

Kris Keckler:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

SERPE MOVED TO APPROVE 2019-2020 LIABILITY AND PROPERTY INSURANCE PROPOSALS; SECONDED BY KECKLER; MOTION CARRIED 5-0.

John Steinbrink:

Opposed? Motion carries. Before I go to item J a little bit of housekeeping business. In the back we have I believe the Cub Scouts. Is the leader here for the Cub Scouts? Did you notify the Village about the Pinewood Derby?

John Steinbrink:

If the Scout Master could talk to the Fire Chief I think we can resolve your issue here. All right.

J. Discuss and consider New RecPlex Membership Levels.

Brian Luburich:

Brian Luburich, 8444 66th Court, Pleasant Prairie.

Elizabeth Caruso:

Elizabeth Caruso, 2650 Cadbury Circle, Lake In The Hills, Illinois.

Brian Luburich:

Elizabeth and I are here to kind of introduce you guys to a new membership structure that we're looking to roll out at the RecPlex. This all started a year ago. We took a member survey, surveyed I think it was about 35 percent of our members. And from that survey we identified a few things. First off was that our membership base wanted a loyalty program, specifically a program that rewarded them for the duration of their membership length. So the longer the member essentially the greater the perks. The second most requested item within that survey was

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that people are looking for a reduction in their rates. This is probably the result of some of the other gyms opening in the area. And then with that data we further unveiled that our cancellation rate due to cost has increased.

So with those two things in mind that we got out of the survey we spent the last year kind of developing a plan that addressed those things. First and foremost we figure out kind of a new loyalty program that we're looking to unveil at the RecPlex that's based more on the duration of their memberships. So as it stand now our membership base does not get really any perks. Mike, I think you've been a member for about 18 years, and we value your business. But right now we aren't doing a ton to kind of keep you there.

So what we're looking to do is roll out a new process that identified different milestones at the RecPlex, a 5 year, a 10 year, a 15 year, based on the duration members will receive increased day passes or t-shirts, different member appreciation events. Probably the most I think exciting thing we're looking to unveil is that anybody who has been a member for more than a year is going to have access to a bring a buddy Wednesday. So every Wednesday night our existing members will have access to bringing one addition person to the RecPlex.

Secondly to kind of address our cost question we're looking to simplify the whole membership process and really who we are, and that's a family recreation center. When we first opened 18 years ago we really were membership driven. It was more of a gym-type mentality. I've been here for the last 14 years, and I can tell you that dynamic has shifted a lot. Our membership revenue now accounts for about half of the revenue at the facility, so we're really program driven. And the way that we're looking to kind of grow that is to shift the way we do our memberships to really try and bring in more families because all those families feed into the different programs we have at the RecPlex. With that said, Elizabeth is going to kind of talk to you about what we're looking to do.

Elizabeth Caruso:

It's pretty exciting. Before our process was very cumbersome not only to staff but to members. Ultimately we're trying to get this membership structure available online. That's the way of the future. Our new membership tiers are going to be called basic, and that's what the basic membership currently is that all of you have at the facility if you're a member. So that's not going to change, and the rates are not going to increase. But we have the basic individual so that would be one adult, basic couple that would be husband and wife, basic family I which will be one adult and unlimited children, basic family II which will be one adult and unlimited children.

Previously with our old tiers not only was it complicated for staff but it wasn't user friendly, and members said that we were nickeling and diming them by child. So ultimately as Brian was saying we're looking to redefine who are, and we're not just a fitness center. We also have a water park and we have an aqua arena and we have an ice arena and beach in the summertime and all this program that we offer for families. But with the previous structure it was almost like you were penalized for the more children that you had.

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So with this structure we're really going to embrace the idea of we have our family facility. No one will experience a rate increase, so none of the current members will experience a rate increase. With this family friendly membership structure we should see increased dollars with our program registration. The time line for implementing this structure requires administrative setup, system updates, training of staff. So we're introducing this structure today, and will return with our ordinance changes at a later date.

John Steinbrink:

Questions?

Nathan Thiel:

More like a comment. I just want to specifically identify that this was not just -- because I have six children this was not driven by Nathan Thiel. So just for the record I wanted to point that out. However, in the time that I spent with Craig and staff in reviewing this new rate structure I'm really excited. I think it's going to be a value add for the membership in general. I am appreciative of the time and effort that was spent in creating a basic, a preferred and a VIP. And the amenities that were identified in each of those categories. And so I just want to thank the RecPlex and staff for the time that they took in developing this plan.

Mike Pollocoff:

I think this is going to really work out well for the community. I know when we first started the Village's guidance on this was the facility couldn't land on the tax roll and it hasn't. There hasn't been any property tax dollars that have been spent on the facility. But I think initially it caused us to really be aggressive in the pricing to make sure that we've done that. And I think since that point the RecPlex has evolved and grown. And to be able to provide a rate of \$99 for a family of whatever size I think is a good value. And it gets rid of the fertility tax that existed for people who have a lot of kids. When I think back I'm surprised we did it. And I think that the other options are everybody is a little bit different, everybody's family is different, and I think you've got three different plans here that will suit different motivated people. So I think it's a good option, and I'm looking forward to seeing the ordinance when it comes to get implemented.

Dave Klimisch:

Is there any indication that corporate discounts have fluctuated at all in the last several years? Do we see more people taking advantage of them?

Elizabeth Caruso:

Yeah, quite a few people take advantage of all of our discounts, and none of that will change. So you'll still get a discount as a resident. You still get a discount as a senior which is 60 plus. You'll still get a discount if you work for one of the corporations, and a lot of people do take advantage of that.

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Dave Klimisch:

And that list of applicable corporations has that grown?

Elizabeth Caruso:

Actually we fine tuned it a little bit because some of the corporations were coming in and taking advantage of that discounted rate with only having one or two employees, and the minimum requirement we try to have is ten. Now, we don't eliminate those individuals, but I actually reached out and contacted the corporations, got updated agreements, and we have 89 agreements now with corporations that are promising those minimum of ten employees. And they're actively sending out our marketing material every time we have a special. So we pared down the list and we are hitting it a lot harder. We always have daily interest, though, and people are always looking to get involved in it.

Nathan Thiel:

Elizabeth, one addition question that did come up today that I think would be beneficial, for the basic family I and II sometimes families are differently structured. So, for instance, grandparents might have grandkids that are living with them. I presume that these rates would equally apply, that it's not just the parents or it could be guardianship?

Elizabeth Caruso:

Absolutely. If there's a guardianship situation we absolutely will let them take advantage of that. Foster children also, children that are adopted those will all fit in this structure. I'm always available to work out a situation that's best for the member, and they can contact me directly. Brian also has the ability to make those exceptions to rules, but yes.

Michael Serpe:

Competition you mentioned is out there, and I commend you for looking at this now and addressing it. And I'm sure you'll continue to do so in the future as well. So good job. I don't care where you're at, nobody can compete with what we have to offer.

Elizabeth Caruso:

Absolutely.

Michael Serpe:

The largest municipal owned facility in America.

John Steinbrink:

No further questions? Thank you. Is that a receive an file?

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Mike Pollocoff:

Yes, I make a motion to receive and file the report.

Dave Klimisch:

Second.

John Steinbrink:

Motion and a second to receive and file. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOVED TO RECEIVE AND FILE NEW RECPLEX MEMBERSHIP LEVELS; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

- A. Receive Plan Commission recommendation and consider Ordinance #19-07 a Zoning Text Amendment to Section 420-125.2 L (4) of the Municipal Code as it relates to dock doors.**

Jean Werbie-Harris:

Mr. President and members of the Board, this is a Zoning Text Amendment, Ordinance 19-07, and this is to amend the Zoning Ordinance as it relates to a provision in the M-5 Production manufacturing district. On March 11, 2019, the Plan Commission conditionally approved some Preliminary Site and Operational Plans for a developer for the recently created Stateline 94 Corporate Park. At that time they approved a project for a new facility known as Fresenius Kabi. That project approval was subject to the modification that we're talking about this evening as it relates to the Production and Manufacturing District.

The M-5 District provides for manufacturing, assembly, office and research and development uses with limited warehouse and distribution uses within an enclosed structure. No high hazard uses are allowed. The M-5 District limits the storage and distribution areas to not more than 30 percent of the building, and not more than 25 percent of exterior linear footage of a building can be used for docks.

One of the other things that the M-5 District states currently is that there should be no dock doors facing a public street. So there's a slide up on the screen right now that shows the proposed new Fresenius Kabi facility. And looking at the slide now what we're looking at is their first building.

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It's on a corner lot on 120th Avenue, the East Frontage Road, and 122nd Street which is County Trunk Highway ML. So with most distribution facilities, most manufacturing facilities, assembly facilities, those that are doing some type of related manufacturing process or related use per the ordinance, it's oftentimes the situation where there will be dock doors on two sides of the building.

Unfortunately for this particular building is that they are a corner lot. So the staff while it's typically required by ordinance that there should not be any type of dock door facing a public street, we worked with the developer in this particular circumstance in order to specifically address the concerns, and I'm going to just jump ahead a little bit. Their project was also known as project BluePoint if you've seen that. But specifically what they're requesting is that dock doors may face a public street only under special circumstances with approved screening and maintenance plan as approved by the Village Plan Commission.

So this is a matter that went before the Village Plan Commission. And Fresenius Kabi through Stateline 94 has developed a very detailed screening so that when you're driving on Highway ML and you're facing the building looking to the north that between the grade variation between the adjacent roadway and where the building is situated as well as the landscaping, the fencing that's going to be required and the distance, all of those combined make it virtually impossible as you're driving on Highway ML to be able to see the dock doors on the south side of Project BluePoint or Fresenius Kabi.

So we were asking for some flexibility in the zoning ordinance to allow dock doors to be facing a public road but only under certain circumstances, again based on the screening plan and the specific approval of the Plan Commission. So that is the request this evening is to modify the M-5 to give a little bit of flexibility based on a very specific and unique set of circumstances and facts for a new project coming to the community. The staff and the Plan Commission recommended approval. And, again, this is exactly how it would look for the first building that would take advantage of that.

Dave Klimisch:

Makes sense. Move approval of 19-07.

Michael Serpe:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

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KLIMISCH MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #19-07 A ZONING TEXT AMENDMENT TO SECTION 420-125.2 L (4) OF THE MUNICIPAL CODE AS IT RELATES TO DOCK DOORS; SECONDED BY SERPE; MOTION CARRIED 5-0.

John Steinbrink:

Opposed? Motion carries. Do you want to do B and C together, Jean?

Jean Werbie-Harris:

Yes.

- B. Receive Plan Commission recommendation and consider Ordinance #19-06 a Comprehensive Plan Amendment relating to the Whittier Creek Neighborhood Plan, located north of 93rd Street and east of Old Green Bay Road.**
- C. Receive Plan Commission recommendation and consider a Conceptual Plan for the properties north of the Creekside Crossing development and adjacent vacant properties to the west of The Vista at Creekside development.**

John Steinbrink:

These items will be taken together, but separate action will be taken.

Jean Werbie-Harris:

So Mr. President and members of the Board, this is a project that has been before the Board in the past. It was referred back to the Plan Commission, and there were a number of various options that were looked at for this particular development. Let me just go through the slides, and we'll just highlight on some of the things. I know you've seen some of these before. The request this evening is to amend the Comprehensive Plan for a portion of the Whittier Creek Neighborhood Plan, Ordinance 19-06. And the second item is to approve a conceptual plan for The Vista at Creekside.

As some background information, as you know the original Creekside development that was developed between 2005 and 2010 included a total of 312 dwelling units that was intended to be developed in several phases. This particular project at the time when we were working with Mastercraft Development was intended to be an owner occupied condominium development with some single family lots to be located on the east side of the development. As you can see based on what was developed back then, then the recession hit, a total of 158 additional condominium units generally could have been still developed on the very north and northeastern portions of the development as well as kind of the northwestern portions of the development if the development would have proceeded forward.

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A couple of other things with respect to some history, in 2015 a Conceptual Plan had been submitted by the current developer, and that plan originally had showed single family development. After further evaluation by the developer, again this is through Bear Development and their LLC that they've created for this development, they found that it wasn't cost effective to just put the single family in this particular area because of the significant costs for the completion of Creekside Circle, the bridge over the Jerome Creek as well as some of the other public improvement requirements that have been modified by the Village.

In 2019 the developer had proposed a Conceptual Plan which was presented at the January 28, 2019 Plan Commission meeting. This was 62 acres, 58 acres that were remaining in the Creekside development, and then there was some acreage that was to the west along the south side of 91st Street. At that time they were proposing 43 single family lots, 1 2-family lot and 7 20-unit apartment buildings. And these apartment unit buildings were intended to be identified as Workforce Housing. In addition, there was a clubhouse that was proposed right at the entrance of 91st Street and Old Green Bay Road that would bring you into the development.

Since that time there had been a series of public meetings going back and forth, and based on comments that we received at the public meetings different options were re-evaluated and brought back to the Plan Commission. And we're going to talk about four or five of those options today. Option 1 which was initially presented to the residents in November of 2018 was more of the developer presenting it to the Creekside Association. The Village was not involved in that process, but they had presented it to the residents in November of '18. It included 37 single family lots, 2-family lots and then 7 20-unit apartment buildings and a clubhouse.

Option 2 that was actually presented to the Plan Commission and the Board again was actually the one that was presented on the January 28th Plan Commission meeting. Again, that showed 5 of the 20-unit apartment buildings to the north and two of them to the west south of 91st, and a clubhouse close to 91st and Old Green Bay Road, with the balance of the development to be single family homes.

Option 3 that was then presented by the developer identified an additional land acquisition possibly by the developer and moving six or the multifamily buildings on either side of 91st Street as you're coming off of Old Green Bay Road. Four of them would be to the north, two would be to the south. And then the seventh building was actually on the west side of Creekside Circle. The balance of the area that was undeveloped as shown would be identified for single family lots. They had identified 55 single family lots.

The next option that was looked at was option 3a, and it was similar to option 3 except a revised location of one of the 7 20-unit buildings. Instead of it being on the west side of Creekside Circle it's now shown at the intersection of 91st Street and Creekside Circle on the east side of Creekside Circle between Creekside Circle and the creek. And then the balance of the area would be developed for single family homes.

Then we discussed an option 4. And this was an option that was just generally prepared by my staff that illustrated under current zoning under the basic use district that the developer is entitled to under the current zoning what could be built within the Creekside development area; 21 2-family lots or 42 units, 3 4-family lots or 12 units, 6 8-family lots or 48 units for a total of about

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102 multifamily units. Again, each of these districts, the R-8, R-9 and R-10 are all considered multifamily districts. And one of the things that we discussed at the Plan Commission meeting was that under these districts the Village cannot control, direct or require whether or not they be multifamily owner occupied or multifamily renter occupied.

So there was considerable discussion at the Plan Commission meeting with the residents coming up and discussing that they were concerned that they really wanted to have owner occupied, but the zoning ordinance does not require it, and it does not force it to be an owner occupied multifamily. So under the current zoning it could be either multifamily apartments or it could be multifamily condominiums. Again, the original concept in this area was for it to be owner occupied. But the current zoning ordinance by law does not require it to be owner occupied.

The next option was an option 4a that the developer had presented. And when he re-laid out the options of the multifamily buildings using a little bit more exactness because they had it in the CAD system, they had come up with a possibility of 138 multifamily buildings, again, by use, by right entitled zoning for the property, again, whether it was R-8, R-9 and R-10. So as part of this process this evening either way we would need to, if any of these options get approved, a Comprehensive Plan Amendment would need to be moving forward because currently the Comprehensive Plan delineates this area as single family, and any option that involves multifamily would involve a plan amendment.

Let me just clarify that at the Plan Commission meeting the motion by the Plan Commission was that the Plan Commission denied all options. Options 1, 2, 3, 3a, 4, 4a, they denied all the options. However, they further made the recommendation that they ask the staff to continue to work over that week time period to discuss and to look at options 3a and 4 again. So all the options were denied by the Plan Commission. They make only recommendation. But the request by the developer was that the Board consider all of the options again but knowing what the Plan Commission recommendation is. And, again, for us to further look at options 3a and 4. It's not that all of the options are off the table, they're not. I mean the Board has the purview to do and to look at any of the options.

With respect to the Comprehensive Plan compliance, we did talk about the density. And because there is a considerable amount of open space within this particular neighborhood which is over a mile square area, that the additional apartments in this particular area did not put us outside of the requirements of the density of the land use plan for this particular area. So although multifamily area is close to the industrial park and employment opportunities, again, we always are looking for a variety of housing types, and we are always looking at net density. But even with the apartments or without the apartments it does not change the Comprehensive Plan Requirements.

There were some things that have been brought up earlier in the process that talked about a neighborhood park on the north side of the Creekside development. And that was the case in the early 2000s, but since that time a community park has been identified and developed by the Village just to the east known as Ingram Park when we received the land donation. That happens to be a community park, a dog park, a sledding hill and has other amenities tied to it in proximity to this development. Again, we did look at this option, we did talk about the basic zoning district ordinance requirements. Under that basic use district in each R-8, -9 and -10, those districts

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regulate building size, design, setback, materials and general requirements, but they do not regulate any type of ownership.

Again, with that option 2 the developer was looking at acquiring additional and to the west in order to move as many of these units further west and then south of 91st Street. But the purpose of this slide also is to look at one of the items that had come up, and that is the extension of public sidewalks. Identified in green are the proposed public sidewalks as you could see would be on the south side in this option 2 adjacent to 91st, and then on either side of Creekside Circle on the west side, on the inside of Creekside Circle, and then extending down and around the loop. So there would be sidewalks the entire loop of Creekside Circle as well as on the east side. In addition there was some discussion about looking at pedestrian walkways that would be private, again, under this option. And then a sewer access trail which is a gravel path over the existing sanitary sewer easement.

Then options 3 and 3a, again, as we had talked about, they either moved that seventh building either on the inside or the outside of Creekside Circle. But what I want you to focus in on this particular one, 3 and 3a is the location of the sidewalks. Again, sidewalks in these options would be on 91st Street on the north side and the south side. And on the south side they would interconnect and link on Creekside Circle. And on the inside of Creekside Circle it would loop all the way around. So adjacent on the north side and the south side it adds some additional sidewalks. What it doesn't do is it does not bring sidewalks into any of the cul-de-sac areas or any of the dead ended cul-de-sac areas. And then what we did is we just generally at the Plan Commission meeting, again, talked about sidewalks. And that's what each of these options do is really identify where sidewalks would be located per each of the different options.

Again, as part of the PUD development that the developer is seeking tonight with respect to the seven multifamily apartments on the west end adjacent to 91st Street some of the benefit items for the Village, one in particular would be the sidewalks would be installed at this time. And they'd also be installed outside of his development, and they would loop at the inner side of Creekside Circle abutting the existing multifamily owner occupied condominium development. So none of those existing residents would be obligated to install any of those sidewalks. But when sidewalks are installed once they're in and they've been accepted by the Village the abutting landowners, and in this case it would be the condominium association, they would have the obligation to plow them, salt them or replace them if they were ever damaged.

And then, again, option 3a is one of the preferred options from the conversation from the Plan Commission if it moves forward. And, again, that shows where the public sidewalks would be located. And, again, that sewer access pedestrian trail, again, would be gravel over the top of the sanitary sewer in order for us to access that system. And then this final option was the 4a, and this was the followup that was presented by the developer at the Plan Commission meeting that would show multifamily rental buildings if any of the other options were dismissed.

We did go through in detail at previous meetings the square footage, the location of the buildings, what they would look like, the stone, the brick materials for all the buildings. They are set up similar to condominiums in that they have individual entries, no common hallways and no shared entrances. Then we went through all of the building elevations, again, on all four sides as well as

identifying that each building would have eleven one bedroom one bath, one two bedroom one bathroom, six two bedroom two bath, and two three bedroom two bath.

We did go into some detail before the Plan Commission in talking about Workforce Housing, that it's designed for active individuals and families. And then there was considerable discussion as to what the minimum rents would be, the maximum rents, how many units would be in each building, the minimum/maximum incomes, the hourly wages that people would have to make in order to rent one of these units. S.R. had mentioned that the goal of these units is to offer efficient and sustainable housing solutions that enable working individuals in moderate income locations or emerging professionals to live in the communities in which they work.

And we went into quite a bit of detail in talking about the 2018 ESRI data for Pleasant Prairie that was provided to us by Baker Tilly Virchow Krause. And we talked about the 28 percent of the Village residents have annual incomes less than \$50,000 per year, and 42 percent of the Village residents have annual incomes less than \$75,000. Bear indicated that no more than 30 percent of the gross income of any of the renters would be spent on monthly rent. And so they had put together a chart that shows that there would be a number of individuals that would qualify that could rent at one of these units.

We did go into quite a bit of detail, again, between the income levels of who could rent where. And there was a comparison based on what a typical mortgage was in Pleasant Prairie and with taxes and insurance what someone would pay for a typical single family home that's average. One of the other points that we wanted to make with respect to this is that, and I think we say it later, is that these rental rates do not include the additional amounts for utilities as well as I think garages.

So we did go through and obtain information not only from Bear Development but also from the state, WHEDA and others with respect to rental rates, how Workforce Housing is provided in each community, the followup work that needs to be done by the IRS in verification of incomes every year. This is not a rental subsidy. The full monthly rent as stated does need to be paid by the residents. They cannot get any vouchers or tax credits themselves in order to afford these units. Some of the units, 56 of them, actually have market rate rents based on the monthly rents for our particular market. And that residents have to also post security.

Some of the other things that were mentioned is the Workforce Housing compliance and the 30 year last use restriction agreement upon Bear's receipt of the final approval from WHEDA with respect to post construction. Requirements need to be monitored by WHEDA for a period of 30 years at this location. Some resident qualification information, it's intended that any prospective resident based on credit history will be reviewed, criminal background checks, employment verification and asset verification. Again, it's important to note that anybody who would live here must be working or has to have a steady income. They can't just live here without having an income. Bear Property Management engages a third party provider to complete background checks. And then all residents have to demonstrate that certifiable monthly income equal to three times the monthly rent.

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Leases will limit the maximum number of occupants per unit. Bear must comply with all federal requirements. And then we went to how many individuals could be in each of the bedrooms and whether or not they were married, married couple with an infant and so on and so forth, how many could actually be located within each. And then finally we did go back through the options one more time, 1, 2, 3, 3a, 4, 4a.

So just a couple other things just to highlight. We've talked about these things before, public infrastructure, site access, traffic. Again, all infrastructure must be paid for by the developer to complete Creekside Circle. And in this case also sidewalk installation, 91st Street, the bridge, the sewer, the water, the storm sewer, the curb and gutter, the lights and landscaping and all those other types of public requirements. We did talk about sidewalks based on the new ordinance regarding installation of sidewalks by the Village Board and the current policies to complete loops or neighborhood blocks and to minimize dead ends that are mid block. The alternative is to have the developer in this case as part of the public benefit for this development to have and install five foot wide concrete sidewalks adjacent to the areas that are being developed as well as finishing off the dead end and looping Creekside Circle around the project.

We did get into some of the details with respect to Bear Property Management and their history within the community. How people would contact management, that there would be a leasing office, and that all of their buildings would be monitored by video surveillance exterior. This would not be in the single family area but just the multifamily area as part of our DSIS system requirements. There's a parking management plan that Bear implements that addresses vehicles from being parked for extended periods of time in certain areas and parking lots. They are also going to request that there will be no parking on 91st Street as well when the buildings are occupied so that it would not clutter up 91st Street with respect to parking of vehicles.

They also worked with the staff with respect to a community benefit item is that there will be some pet free buildings for residents and others who for allergies or for whatever other reason cannot have pets within their building, so they agreed to have three of the buildings would be pet free. They agreed to limit the pets to one and a maximum of 40 pounds. And they also agreed to restrict breeds. And then they talked about their eviction process and their nonrenewal process which is required nonrenewal each year if people become un-income qualified.

We did talk about property values, and we read a report that was presented by our Village Assessor. I know most of you had heard that because you were at the Plan Commission meeting. We did talk about the floodplain boundary adjustment work that still needs to be done with respect to the grading and the site work, and it has to be field verified and presented to FEMA upon completion of the project. We did go into the fact that there are some pocket wetlands within the wetland that do need to be filled and would be allowed to be filled under the requirements as set forth by the DNR. And then I believe finally we just had the various options again.

So that was the presentation before the Plan Commission. Again, as you know, the Plan Commission went back and forth a little bit on Monday with respect to the various options. Again, I think that they eventually decided at that time that they could not make a decision, and so they decided to deny all the options. But they felt that option 3a and 4 were still two options, one was more of a viable option as requested which is 3a, and the option 4a or 4 both of those

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basically show the similar concept that if the other options were denied the developer could come back and actually just request what was referred to then as straight line zoning or basic district zoning which is what would be entitled by law based on the R-8, -9 and -10, meeting the underlying basic district requirements and setbacks.

John Steinbrink:

Mike?

Michael Serpe:

On the January 28th meeting the plan that was submitted was met with considerable opposition from the residents and understandably so. This area is a high growth area. We're going to see development coming, and it's going to continue from the state line all the way to Milwaukee. We have to provide housing for our residents who are going to work in this area. When the people spoke I don't think a Plan Commission member went home that night and felt good about what he heard, and I was one of them. And I said that night that we have to come to compromise. And between staff and Bear Development they came to compromise, and I think what I heard tonight and I have to agree with is 3a might be the compromise that we're looking for.

The one thing I think we have to consider is we're dealing with a developer that's local. We're not dealing with somebody that's from Illinois, California, Madison, Green Bay. Their development is local and it's been local, and as far as I know will continue to be local and that means something. I've been a part of their development in the Village, I have no complaints with the quality that they put out. I think in the past we're hearing comments about a certain type of people living in the apartments. I think it's important that we don't look at a person's income, we look at the person for what they are and what they do. I'm in favor of 3a. I think it's the way to go right now.

As far as sidewalks go, if this goes forward we're going to be putting a considerable amount of more people in this area. With the single family homes that's usually going to be families. And with families they have young kids that want to ride their bicycles, four or five or six or seven years old you don't want to put them on the street so you let them ride their bikes on the sidewalk. I wouldn't want to be a part of a neighborhood that got a kid picked off by a car passing him up or a loved one walking on the street instead of a sidewalk. So there's a safety factor. I realize there's an expense to go along with it, but I think it's a safety factor that we should consider. And ultimately I think when it happens we're going to be glad it did. As I said I'm glad the people spoke as they did. I think we've come to a good compromise, and I'd be in favor of 3a. Thank you.

Mike Pollocoff:

Time changes all things, and the Plan Commission and the Board back when Mastercraft developed Creekside it was a condominium development, it laid out pretty nice. At the time we felt it was going to be a little bit difficult to build that out because there was a lot of vacant land, and there was some fairly large improvements to be put into the development mostly related to

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the stormwater management for the ponds and for a bridge over that branch of Jerome Creek. As it turned out as we all know the development fell to the same axe that most developments fell to during the great recessions. And even though I think the land was acquired at a lesser cost probably than Mastercraft acquired it for, putting those improvements in still weren't sustainable without putting a plan together that would accomplish it.

I felt from a public service standpoint not having Creekside Circle be a full circle to encircle the whole development, plus having that extra access out at 91st Street really compromises public safety at some point. When someone makes a call for a police officer or a rescue squad especially on something that's called Creekside Circle there's all the opportunities you could imagine for somebody to get the wrong address. And if the circle wasn't closed somebody is going to be backing up and going out, back out to 93rd Street to get back over to the other side.

And it's important that public safety vehicles and those most important services we deliver you can get to a place in an organized manner. I've seen it happen in some places where that couldn't happen. And I've seen the worse case scenario where a snowplow couldn't maneuver around to get out and actually backed over a person because there wasn't enough room to articulate the truck around and get out like they should. And ever since that happened the Village has made a concentrated effort to make sure that all the roads as they go in they can be traversed and be safely managed and safely used by the traveling public.

I had some initial concerns about moving all the multifamily development on that area between the Creekside development and the Frontage Road. It was pretty well packed in. I think that moving one of the buildings onto Creekside Circle, and I understand that's not probably preferred by everybody, but I think it helps loosen up that density. And to be honest with you people coming on 91st Street they're going to be looking in at an apartment building and you're not going to be shining lights on a single family home with their picture window looking at 91st Street.

I think for me, again as I said, what we could have done when the original development was done in requiring owner occupied housing versus what we can require now doesn't exist. It's not to say that we should say no until we get owner occupied housing, I don't see how that happens. I don't see how we legally get to that point where we say we're going to allow multifamily housing here, and we can't say whether it's homeowner or rental. I'm not sure -- that was in use probably prior to the great recession.

And I know there were a lot of communities that had problems with it at the time because someone buys a condo, they lose their job, the first thing they might try to do is rent out their condo so they don't lose what they have as an investment and they go someplace else where they can afford it. Well, they can't rent their condo out. So then it's the worst of all worlds. Somebody is living in a condo, they can't rent it out, they can't afford to pay for it and it ends up going to the bank. And that was happening in a lot of the condo communities that were out there. And in the end it didn't help anybody. That doesn't mean it's a license to make them cheap or do it the wrong way.

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But I think that's one of the things that drove the State Legislature to change that law that says if you have multifamily housing you can't sit there and say whether they have to buy or rent it. It's got to be multifamily housing that meets the standards of the community, meets the development standards, it looks appropriate, it functions well, and if it's rental it's rental. If the developer wants to do it as condominiums that's fine. But we can't make that controlled statement now.

So if we go away from 3a then you're looking at option 4a or 4, and then you're looking at all apartments. And I'm pretty positive from everything I heard that that was one of the things that nobody wanted within that Creekside Circle was all apartments. But I think by in a sense winning the battle you end up losing the war because I think it ensures that the next development is going to be apartments. Whereas at this point the developer and the staff with input from property owners that were at the hearings have come up with something that not everybody is getting what they want, but everybody is getting the most of what they want and something that's doable.

I feel comfortable as Trustee Serpe indicated that Bear Development is a known quantity. We've worked with them in other areas of the Village. We haven't had problems. And just by the structure of their development here they've got a vested interest for 30 years to make sure that this place operates the way they need to operate. And the Village standards for how the place is kept up is going to go on regardless of who owns it, 30 years, 32nd year, 35th year. So I support and I concur with Trustee Serpe's opinion on this. I think it's the best for public safety. I think it's the best for people who are trying to move to the Village and get to a place that's close to the corporate park, whether they're going to buy a house in Creekside Crossing or they're going to rent an apartment at Creekside Vista. It's still a very nice neighborhood. I don't think it's going to be diminished at all.

But one question I had, and I think I probably know the answer to it from looking at these maps, but the original plan for Creekside Crossing identified that the sidewalk or the trail was going to parallel the creek or be in that corridor, does the floodplain preclude that from happening? That's why we have to use sidewalks around it.

Jean Werbie-Harris:

Yes.

Mike Pollocoff:

Okay. And the sidewalks if you have a developer that's willing to pay for that up front construction cost which I believe is over \$200,000, rather than having the Village come back at some point after something has happened out there or whatever, then we're going to be assessing the existing property owners for the cost of the sidewalk. I've been at those hearings. I hate them. Nobody is really happy with it. Nobody is happy paying more for maintenance either, but it's a lot less than paying for installing a whole brand new sidewalk system and fooling around with the trees that are in the way. I think this is an expense that the developer is willing to take on, I think it saves the existing property owners a lot of money down the road. That's all the comments I have.

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Nathan Thiel:

President Steinbrink, just one comment just for clarification because there were some questions or some comments made about why it's coming before the Board this evening. Jean covered that in a basic manner, but just I wanted to highlight one specific detail. And that is that the Plan Commission isn't a body that makes a decision. They make recommendations. And according to our ordinance and processes it is required for us to bring this action or this item all the way to the Board independent of the decision or not the decision but the recommendation that came from the Plan Commission.

And just another case in point of complication, in making a decision tonight in one of the discussions that we've had as staff and also with S.R. Mills is that the concept of bringing 4 and 3a back to the Plan Commission is somewhat complicated. Because technically speaking 3a would require another public hearing since the Plan Commission rejected the plan, it wasn't tabled or anything of that nature. Four on the other hand does not require any public hearing or public notice or discussion. And so that also complicated the situation in the sense that then it's the developer who would be making kind of their choice of what would be their preferred option knowing that they've already sent a significant amount of time bringing the options to the table, to the Plan Commission. My guess is that it would just continue to push them towards the 4 or 4a option that was presented to you tonight.

And then in saying that one of the things that I noted, the feedback that I received just in brief from the public after the meeting is there was not much appetite for 4 or 4a from the public. Now, I realize that I only spoke with a few, but I think that, again, both Trustee Serpe and Trustee Pollocoff your assessment of 3a being the better solution of those options presented I think is reflective of what I also heard from the public. So I just wanted to make those comments to just clarify the process in case there were any further questions amongst those who attended this evening.

John Steinbrink:

Any further discussion?

Dave Klimisch:

Jean, I has a question on the price points for the houses. One of the notes said the average was in the \$300,000 range. Do you know what the low and the high price range will be?

Jean Werbie-Harris:

So currently that \$300,000 was a number that was provided by our Village Assessor, and that's based on the average existing housing value in the Creekside development currently with respect to single family. S.R. Mills is indicating that based on the construction costs and land costs that that is going to be closer to between \$425,000 and \$500,000. It's going to be a much higher than when the other homes were built. And I think he did mention that they would be probably comparable to the homes that are under construction right now in Arbor Ridge.

Kris Keckler:

I don't have the longevity and awareness that both Mike's do and President Steinbrink with this type of development. But I'm trying to approach this from the practical sense from my few years on this Board as well as coupled with my day job for Kenosha Unified. And having the role there that allows me to make decisions that impact tens of thousands of people I don't think one's ever been made in which everybody is happy. And usually when you try and work with people to understand the compromise you have to educate them in certain areas.

And in doing research for projects like this it's usually a much better outcome for all involved the longer people are residents of whatever location that they choose to be, whether they're owner occupied or whether they're renters or condo owners. It also helps that it's organized and managed in a quality manner and not just some external party that might be a greater distance from a physical sense away from that which they manage.

I also try to approach this from the standpoint that I don't know what my neighbor's credit history is, but if it didn't meet the threshold do I have the right to argue to not have them live there? I don't know what their criminal background checks are for all of my neighbors or what their employment verification is. And not knowing that from that standpoint doesn't diminish my responsibility to work to be a good neighbor for my responsibility. And it's been highlighted, and I think this needs to be reiterated that this governing body does not have full extreme authority in this matter. We have the expectation and the responsibility to address the needs of this community, and it is a larger community. We need housing, not just the Village of Pleasant Prairie and not just Kenosha County, but we need housing, and we need housing for a lot of people. And that's only become more and more abundantly clear as either the Village puts on presentations or KABA does reports based on growth. We just need some type of housing.

And so in that same sense I concur with what's already been said for these reasons that if it's a quality development and we work to find the appropriate compromise. And I listened, last week I sat in the back and listened, and I'm very appreciative of everybody and their comments, both the residents as well as the developer. And the fact that everybody is conducting themselves in a very responsible manner I think is a tremendous asset for this community.

John Steinbrink:

Okay, discussion being made is there a motion for the Ordinance 19-06?

Michael Serpe:

I will move approval of Ordinance 19-06.

Mike Pollocoff:

I'll second that.

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John Steinbrink:

We have a motion and a second for adoption of Ordinance 19-06. Further discussion? If not a roll call vote has been requested.

Vesna Savic:

Dave Klimisch?

Dave Klimisch:

Aye.

Mike Pollocoff:

Aye.

Kris Keckler:

Aye.

John Steinbrink:

Aye.

Michael Serpe:

Aye.

John Steinbrink:

Motion carries.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #19-06 FOR A COMPREHENSIVE PLAN AMENDMENT RELATING TO THE WHITTIER CREEK NEIGHBORHOOD PLAN, LOCATED NORTH OF 93RD STREET AND EAST OF OLD GREEN BAY ROAD; SECONDED BY POLLOCOFF; ROLL CALL VOTE – KLIMISCH - AYE; POLLOCOFF – AYE; KECKLER – AYE; STEINBRINK – AYE; SERPE – AYE; MOTIONED CARRIED 5-0.

Michael Serpe:

With that, John, Item C I would move that we send Conceptual Plan 3a forward. Is that what we're looking for?

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Mike Pollocoff:

I would second that.

John Steinbrink:

We have a motion and a second for looking at Conceptual Plan 3a. I don't think I can remember a plan that has been more discussed in the years I've been here. And I appreciate all the comments made by Board members and the comments made by the residents and the developer. And I have to concur with the fact I appreciate the fact that we have a known quality, quantity developer that we're working with versus something we may not have the control over or the reputation that this developer has. As it's been said not everybody is going to be happy, but I think at the end of the day we're going to have a product that is quite doable and an addition to this community. With that, is there any further discussion? We have a motion and a second. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE CONCEPTUAL PLAN 3A FOR THE PROPERTIES NORTH OF THE CREEKSIDE CROSSING DEVELOPMENT AND ADJACENT VACANT PROPERTIES TO THE WEST OF THE VISTA AT CREEKSIDE DEVELOPMENT; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.

Michael Serpe:

To the residents, again, thank you very much for your input. Thank you.

D. Receive Plan Commission recommendation and consider Certified Survey Map, Easement Vacation and Addendum to the Memorandum of Understanding relating to the vacant property east of 9201 Wilmot Road.

Jean Werbie-Harris:

Mr. President and members of the Board, this is a consideration of a CSM, some easement vacation documents and an addendum to the memorandum of understanding including site and development plans. And this is at the request of Kevin Risch who is the agent on behalf of Prairie Holdings LLC. This is for the development of the vacant land that is located to the east of 9201 Wilmot Road. The petitioner is looking to create three properties and to grade the properties and to install some private improvements to service the new lots being created.

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Previously before you was a Master Conceptual Plan that evaluated this area adjacent to 9201 Wilmot Road. It created and identified to create three lots, Lot 1, 2 and 3. At that time Extra Space Storage which is an indoor climate controlled storage unit development was identified as the first designated user within this development. At that time the conceptual plan identified that there would be what is referred to as like a north/south road that would connect as a private road between Wilmot Road and 88th Avenue. And this would also provide backdoor access to Fire and Rescue Station #2.

In addition, there was an east/west road between Extra Space Storage and Lot 3 that would provide access to the 9201 Wilmot Road building, as well as an access road that kind of wound around and provided access to the Village's water tower and substation.

As you can see there were three lots that are proposed, Lot 1 3.7 acres with a building that could be just over 14,000 square feet; Lot 2 which is just over 6.2 acres, and that would be for 127,000 approximately climate controlled mini storage building known as Extra Space Storage; and Lot 3 which would be 7.7 acres which could be developed with a 43,500 square foot building. Again, access for all of these uses would be off of Wilmot Road or 88th Avenue, no direct access to the adjacent county highway on C or on 88th Avenue which is County H.

The Certified Survey Map is presented to you, and we actually had received a more current one that addressed the one that you had in your packets was all marked up with red. These comments for the most part I'm going to relook at it one last time but have all been addressed. And our Village Attorney has been working with their Attorney Adam Bardosy out of Milwaukee to make sure that all of the detailed dedications as well as the declarations that they all mirror together so that we were having the same restrictions on both the CSM as well as the declarations to be recorded for the development.

Again, this is a project that does require that there be some private improvements that are to be developed on the site. That being said there are some sets of private improvements that have an impact on the Village, one of which is the private roadway improvements, and the second is the stormwater basin improvements. So for that reason the Village is asking for security to be posted to guarantee that the private improvements related to stormwater as well as the private improvements for the roadway, again, that provides service to Station 2, that those elements be incorporated into the letter of credit. Matt Fineour, our Village Engineer, provided some additional information to them so that they know that the letter of credit or cash on deposit that they provide at a minimum does need to provide that financial security to the Village.

In addition because of the request by Extra Space Storage, the future owner, to close sooner than later, they have agreed to be a cosigner to the first amendment to the memorandum of understanding in addition to Dave Doro to provide some additional assurance and security with the Village that they as a partner and future owner of Lot 2 that they would be committed to satisfying any requirements of the Village. In addition, our intention really is to not issue the building permit until actually these improvements have been secured and the improvements have been completed.

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So with that we have worked through a lot of these issues. We're finalizing everything as they would like to close next week with respect to Dave Doro. And we just need to get some final reviews of these documents. And the staff recommends approval of all of these documents including the first amendment to the MOU, the Certified Survey Map, the declarations as well as the other items that include the vacation of one of the easements and the detailed engineering plans as prepared by Mr. Risch and then reviewed by our engineering department subject to the staff comments and conditions as outlined.

Mike Pollocoff:

I'd move that the CSM, easement vacation documents, the addendum to the memorandum of understanding including site plans and engineering and the staff comments be approved as presented tonight.

Kris Keckler:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE CERTIFIED SURVEY MAP, EASEMENT VACATION AND ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING RELATING TO THE VACANT PROPERTY EAST OF 9201 WILMOT ROAD; SECONDED BY KECKLER; MOTION CARRIED 5-0.

E. Consider and approve Resolution #19-05 for 47th Avenue Water Main and Sanitary Sewer Extension.

Matt Fineour:

Mr. President and members of the Board, you've seen this before you one previous time, and that was for the design service agreement for this project. Now we're before you to pass the preliminary resolution for assessments. To give you, again, an overview of the project, the project is to extend the sanitary sewer approximately 400 feet to service an existing home that's being rebuilt. They have a failed septic system. They're rebuilding their home, so we're going to

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extend the sanitary sewer so they can hook up to the municipal sewer system. At the same time we're going to basically do a system improvement for the water main and connect an existing loop -- or not an existing loop, we're going to extend the water main to provide a new loop where two mains dead end currently.

The preliminary resolution is just an intent to exercise police powers for assessment. We will be back another time with the final resolution which will include the engineering report for the project final plans and an assessment schedule in which a public hearing will be held when we complete that. With that if there's any questions I'd be happy to answer them.

Dave Klimisch:

Move approval of Resolution 19-05 for the water main.

Michael Serpe:

Second.

John Steinbrink:

We have a motion and a second. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

KLIMISCH MOVED TO APPROVE RESOLUTION #19-05 FOR 47TH AVENUE WATER MAIN AND SANITARY SEWER EXTENSION; SECONDED BY SERPE; MOTION CARRIED 5-0.

G. Consider and approve Letter of Credit Reduction No. 1 for The Cottages at Village Green, LLC - Phase 2.

Matt Fineour:

Mr. President and members of the Board, this is a letter of credit reduction for The Cottages Phase 2. They started their construction earlier this spring, and as construction commences they have periodic reductions in their letter of credit. This is their first reduction amount in the amount of \$201,470.99. With the approval of this reduction they'll still have a remaining letter of credit of approximately \$1.9 million. With that I would recommend that the letter of credit reduction get approved. If there's any questions I'd be happy to answer them.

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Michael Serpe:

So moved.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO APPROVE THE LETTER OF CREDIT REDUCTION NO. 1 FOR THE COTTAGES AT VILLAGE GREEN, LLC - PHASE 2; SECONDED BY KECKLER; MOTION CARRIED 5-0.

H. Consider disallowance of claim submitted by Kenneth Kataja for damage to his vehicle that occurred near Highway H and Highway C on March 1, 2019.

Tom Shircel:

Thank you, Mr. President and Village Trustees. Before you is an insurance claim from Mr. Kenneth Kataja. The League of Wisconsin Municipalities Mutual Insurance insures the Village of Pleasant Prairie, and Statewide Services, Inc., administers our insurance claims. As you stated, Statewide Services has reviewed the claim from Kenneth Kataja and recommends that the Village deny the claim alleging that a piece of cardboard flew out of a Village garbage truck and damages his vehicle near County Trunk Highways H and C. The basis for denial is the investigation revealed no negligence on behalf of the Village, and there's no proof that the cardboard in question came from the Village truck and that it caused the auto damage that Mr. Kataja claimed. And with that the Village staff recommends a disallowance of the claim submitted by Mr. Kataja for damage to his vehicle allegedly caused by a piece of cardboard that flew out of a garbage truck near County Trunk Highway C and H on March 1, 2019.

Kris Keckler:

Move approval.

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Michael Serpe:

I'd second that. I'd like to know how a piece of cardboard can fly out of an enclosed trucks.

Tom Shircel:

Your guess is as good as mine.

John Steinbrink:

We have a motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

KECKLER MOVED TO DISALLOW THE CLAIM FILED BY KENNETH KATAJA FOR DAMAGE TO HIS VEHICLE THAT OCCURRED NEAR HIGHWAY H AND HIGHWAY C ON MARCH 1, 2019; SECONDED BY SERPE; MOTION CARRIED 5-0.

I. Consider disallowance of claim submitted by Doug Anderson for damage to his vehicle by a snow plow truck on January 28, 2019.

Tom Shircel:

Thank you, Mr. President and Village Trustees. Again, Statewide Services has reviewed this claim by Mr. Doug Anderson and recommends that the Village deny the Anderson claim alleging that a Village snowplow truck damaged the side of his vehicle that was parked in the street in front of 7405 45th Avenue. The basis for this denial is the investigation revealed no negligence on behalf of the Village. The snowplow drivers maintain that they did not strike Mr. Anderson's vehicle. There are no known witnesses to the alleged incident. Investigation showed red marks on Mr. Anderson's vehicle door whereby Village plow trucks are all painted yellow. The height of the hit was also more similar to that of a residential snowplow truck rather than a Village vehicle.

And, finally the damage to the claimant's vehicle does not correspond with the height of Village snowplow trucks and their blades. And with that the Village staff recommends a disallowance of this claim submitted by Mr. Anderson for damage to his vehicle allegedly caused by a Village snowplow truck on January 28, 2019.

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Michael Serpe:

Move to deny.

Mike Pollocoff:

Second.

John Steinbrink:

Motion and a second for denial. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? So carries.

SERPE MOVED TO DISALLOW THE CLAIM FILED BY DOUG ANDERSON FOR DAMAGE TO HIS VEHICLE BY A SNOW PLOW TRUCK ON JANUARY 28, 2019; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.

8. VILLAGE BOARD COMMENTS

9. ENTER INTO EXECUTIVE SESSION PURSUANT TO §19.85(1)(E) WIS. STATS., TO DISCUSS, DELIBERATE OR NEGOTIATE THE PURCHASE OF PUBLIC PROPERTY, INVEST OF PUBLIC FUNDS, OR CONDUCT OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION.

Michael Serpe:

So moved.

Kris Keckler:

Second.

John Steinbrink:

Motion and a second. A roll call vote is requested.

Vesna Savic:

Mike Serpe?

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Michael Serpe:

Aye.

John Steinbrink:

Aye.

Kris Keckler:

Aye.

Mike Pollocoff:

Aye.

Dave Klimisch:

Aye.

John Steinbrink:

Motion carries. The Board will return to open session for the purpose of adjournment only. No other business will be conducted.

SERPE MOVED TO ENTER INTO EXECUTIVE SESSION; SECONDED BY KECKLER; ROLL CALL VOTE: KECKLER – AYE; KUMORKIEWICZ – AYE; SERPE – AYE; KLIMISCH – AYE; STEINBRINK – AYE; MOTION CARRIED 5-0.

10. RETURN TO OPEN SESSION AND ADJOURNMENT

After discussion, **SERPE MOVED TO RETURN TO OPEN SESSION AND ADJOURN THE MEETING; SECONDED BY KECKLER; ROLL CALL VOTE – SERPE – YES; STEINBRINK – YES; KECKLER – YES; POLLOCOFF – YES; KLIMISCH – YES; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 8:45 P.M.**