



MINUTES VILLAGE BOARD

Village Hall Auditorium
9915 - 39th Avenue
Pleasant Prairie, WI

A regular meeting of the Pleasant Prairie Village Board was held on August 19, 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; Kathy Goessl, Finance Director; Dave Smetana, Chief of Police; Craig Roepke, Chief of Fire & Rescue; Matt Fineour, Village Engineer; Sandro Perez, Inspection Superintendent; John Steinbrink Jr., Public Works Director; Carol Willke, Human Resources Director; Tom Patrizzi, Facilities Superintendent; Emily Kolosso, Media Specialist; and Jane C. Snell, Village Clerk. 11 citizens attended the meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC HEARINGS

- A. Consider approval of Kwik Trip Incorporation's Application for a Class "A" Fermented Malt Beverage License and a "Class A" Cider Only License for Kwik Trip #296 to be located at 10215 120th Avenue.**

Jane Snell:

Mr. President and Trustees, this public hearing is due to an application that was filed by Donald Zietlow who is the President for Kwik Trip. Filed it with the Clerk's office on July 22nd for a Class "A" Fermented Malt Beverage License and a "Class A" Cider Only License. Application requirements have been satisfied. Application requested Lee Alan Rockwell as agent. Chief Smetana has conducted a background check and has approved the agent.

As of this meeting there are outstanding municipal charges of \$14,765.37 for sewer connection, utilities, and engineering and community development department fees. Kwik Trip anticipates opening the first week of September with an open house and a ribbon cutting on September 18th. Pursuant to Chapter 194 of the Municipal Code it requires an establishment to be open within 90 days of the issuance of the license. And so we're clearly within that time frame.

I am requesting approval of the Kwik Trip application and the approval of the issuance of a Class "A" Fermented Malt Beverage License and a "Class A" Cider Only license subject to the Clerk's office receiving the following items: Certificate of occupancy, payment in full of any and all municipal charges, payment of annual license fees which will be prorated from the date of

issuance to the end of the term which is June 30th of 2020, and payment of the publication costs which I do know at this time is \$54.05.

John Steinbrink:

This being a public hearing I'll open it up to public comment or question.

Jane Snell:

There were no signups.

John Steinbrink:

Anyone wishing to speak? Anyone wishing to speak? Anyone wishing to speak? I'll close the public hearing and open it up to Board comment or question. I have one question. Since my apple tree died I'm not sure what a "Class A" Only Cider License is.

Jane Snell:

Cider is a certain fermented percentage of alcohol. So it would be like your wine coolers and those type of things so that's what that would be.

John Steinbrink:

So it's more of the cider.

Jane Snell:

Well, yes, it's not like apple cider.

John Steinbrink:

Okay. Other Board comments or questions?

Michael Serpe:

Move approval.

Dave Klimisch:

Second.

John Steinbrink:

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

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED FOR APPROVAL OF THE KWIK TRIP INCORPORATION'S APPLICATION AS PRESENTED ON THE RECORD AND IN WRITTEN FORM SUBJECT TO CERTIFICATE OF OCCUPANCY, PAYMENT OF LICENSES FEES AND PUBLICATION, AND ANY OUSTANDING MUNICIPAL CHARGES FOR KWIK TRIP #296 TO BE LOCATED AT 10215 120TH AVENUE; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

- b. Consider approval of Final Resolution #19-27 authorizing construction of public improvements and levying special assessments against benefited properties for the construction of a 12-inch water main and appurtenances beginning approximately 120 feet south of 91st Street and extending north approximately 730-feet along Old Green Bay Road in the Village of Pleasant Prairie.**

Matt Fineour:

So this is a public hearing for the extension of a water main and levying of assessments. The public water main extension along Old Green Bay Road is being completed by Creekside MF, LLC, or Bear Development as part of the Vista Creekside resident project. As you can see from the map which will be coming up shortly, the developer will be connecting to the existing water system along Old Green Bay Road and extending it south to their development. The existing 12 inch water main will be extended to 91st Street which they will extend into their development to serve their properties.

A right of recovery and funding agreement between the Village and developer may be entered into with the cost over and above that portion of the cost properly chargeable to the developer may be subsequently recovered by the Village and returned to the developer which is referred to as a right of recovery. The right of recovery agreement will be taken up by the Board this evening under a separate agenda item under new business.

The preliminary resolution, Resolution 19-16, was adopted May 20, 2019 declaring the intent to exercise special assessment police powers in connection with the construction of The Vista at Creekside Old Green Bay Road water main project. Upon adoption of the preliminary resolution, the Village Engineer prepared a special assessment report computing the assessment amount

levied to the benefitted properties. The assessment report which is included in your packet and also mailed out to the affected property owners includes the final plans for the water main improvements, the cost of the improvements, the assessment method and rate calculation, and the schedule of proposed assessment against each parcel benefitted by the improvements.

Just to take a step back since the map's up, the extension is shown in yellow on the map. It will be extended south, and the north part is existing water main that they'll be connecting into, extending it south, and then they'll take it down 91st Street into their development to service their properties. On the map you'll see the properties labeled 1 and 2. Those are the two properties that benefit from the water main extension and the right of recovery and special assessment includes.

The water main right of recovery and Village special assessment is based on frontage of benefitted properties. The linear foot cost is calculated as the total project cost divided by the total water main length. The cost was then divided in half to account for both sides of the road. The size of the water main being constructed is 12 inch in diameter. The water main cost was reduced to represent an 8 inch main equivalent cost for the assessment. Water services are not included in the 8 inch main cost and are accounted for separately in the assessment schedule.

A front footage assessment rate is applied to each benefitted property. The frontage is the lot dimension abutting the public right of way of each benefitted property. In this project the total project cost as a 12 inch water main was \$220,565. That's the bid price for that section of water main. That cost was reduced, like I said, as an 8 inch equivalent main. That cost is \$166,530. So for the assessment purposes the project cost was reduced from \$220,565 to \$166,530.77. The total length of water main was 851 feet which puts it as \$195.68 per lineal foot. That, again, was divided in half to account for both sides of the road, so that's \$97.84 per front footage which is the assessment cost per front footage. There are two water laterals which were priced out at \$2,117 per lateral.

The right of recovery assessment, this right of recovery assessment is subject to the right of recovery and funding agreement between the Village of Pleasant Prairie and the developer of Vista at Creekside for the public water main extension in Old Green Bay Road. The property owners may defer payment of the right of recovery assessment until the property connects to the municipal system or as a precondition or land division approval. At the time the property owner connects to the municipal water system or the property is subdivided, the entire assessment shall become due and payable. After the right of recovery date, obligation is expired per the funding agreement which is ten years. The right of recovery assessment will expire, and it will be deemed at that time if they have not connected at that time.

Like I said, there are two properties that were affected or benefit from this project. Schedule C identifies both of those properties, and the right of assessment or right of recovery amount for each one, property 1 had a total assessment of \$19,815.28, and parcel 2 was \$14,836.20. Again, those are deferred until they connect, or if they wait over ten years then it becomes deemed paid

to the right of recovery being paid by the developer. That being said, if there's any questions I'll turn it back over to the Board for the public hearing.

John Steinbrink:

This being a public hearing I'm going to open it up to public comment or question. Any signups?

Jane Snell:

Mr. President, there were no signups this evening.

John Steinbrink:

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

Dave Klimisch:

I move approval of Resolution 19-27.

Mike Pollocoff:

I'll second that.

John Steinbrink:

We have a motion and a second for Resolution 19-27. Is there any further discussion on this item? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

KLIMISCH MOVED FOR APPROVAL OF FINAL RESOLUTION #19-27 AUTHORIZING CONSTRUCTION OF PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTIES FOR THE CONSTRUCTION OF A 12-INCH WATER MAIN AND APPURTENANCES BEGINNING APPROXIMATELY 120 FEET SOUTH OF 91ST STREET AND EXTENDING NORTH APPROXIMATELY 730-FEET ALONG

OLD GREEN BAY ROAD IN THE VILLAGE OF PLEASANT PRAIRIE; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.

5. CITIZEN COMMENTS

Jane Snell:

Mr. President, there were no signups this evening.

John Steinbrink:

Anyone wishing to speak on citizen's comments? Hearing none I'll close citizen's comments.

6. ADMINISTRATOR'S REPORT

A. Village Board Strategic Plan

Nathan Thiel:

Village Board President and Village Board members, just a couple of items to pass along. Within the slides you'll see that I provided the draft of our strategic plan. We've spent a considerable amount of time, staff, refining and revising the work that we did back in February in which we identified the core values of the Village. Primarily as we discussed about our mission one word in particular resonated and came to the forefront. Our mission is to promote and preserve investment in our community as drafted. With that investment we felt that there were four core values that stood out, one being vision, second professionalism, collaboration and then finally quality.

We have then identified basically our top ten strategic initiatives based on the five items that we felt are key problems or key focuses being succession planning, fiscal constraints and resources, development of a Village Green, managing development as a total and then staffing and workload balance. Clearly we identified several initiatives. I think we came up with a total of 26 or 30 in that realm. But clearly to focus in on all 30 would require a lot more staff and a lot more minds. So we narrowed our scope to the top ten. These were the items that we voted on both by department heads and also as a Village Board. And so those are before you.

Again, this is in draft form, so I guess my plan is to send this strategic plan in this format to you for you to review. The intent is we'll have one more meeting tied with the budget planning process. In the next slide the 20 year outlook is an area where we'll need to refine a little bit more. On this it was just to give you kind of an overview or an outlook. But clearly as we talked both as department heads and also as Village Board we probably identified a good 30 more items in this 20 year outlook. And so we will be spending some time just to hone in on kind of the priorities in that outlook, what we want to be focusing in on as far as projects into the future.

And so I guess in preparation what I wanted to relay to you tonight is this is the draft. I will send this out to you via email. And then at the end of September, the third or fourth week, Kathy plans on us having a budget workshop. During that budget workshop I'm hoping that we will be able to spend a little bit of time just reviewing the outlook, reviewing the whole list of items. Clearly what I have on this sheet is just a condensed version. So I'd like us to identify together kind of what items are kind of the key priorities, the ones that we want to recognize on the plan. And then we should have a document that is in final form. And so if there are any questions I can entertain those later.

B. 2019 Halloween Trick or Treat date and time for Sunday, October 27, 2019 from 3:00 p.m. to 6:00 p.m.

Nathan Thiel:

Finally, the last item, well, I have two more items. One of the last items just for Halloween instead of making an action item just moving forward we know that it will be the Sunday prior to Halloween. And so we're just announcing it now that Sunday, October 27, 2019 we're earmarking the hours of 3 p.m. to 6 p.m. as the official Village Halloween hours.

And then a final item just to bring, I've had some ask me or inquire about when we will modify our Village Board meeting hours. We plan on bringing that to the Village Board at the next Board meeting, September 16th. It is a part of our ordinance. And so we'll bring it as an ordinance update. So if there are any questions or concerns feel free to comment or bring that to my attention. But I think the intent is to move to the 5 p.m. time frame for all Village meetings. With that, that's all I have to report.

John Steinbrink:

Any questions for Nathan?

7. NEW BUSINESS

A. Receive Plan Commission recommendation and consider approval of a Conceptual Plan as it relates to properties located on the east side of 47th Avenue between Main Street and 104th Street for the development of Keystone Condominiums.

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request for a Conceptual Plan at the request of Joe Bukovich of Point Real Estate on behalf of Sagewood 47, LLC. And they are requesting to develop the east side of 47th Avenue south of Main Street north of Highway 165. This is not technically in the Village Green Center. This is a project area that the staff has been working on

and working with this particular landowner for the last couple of years since about 2016. Keep in mind that the Village Green area is an area that saw its first Preliminary Plat back in 2003. And at that time this area was identified as a townhome project or project area.

Since that time the concept kind of sat on the shelf and the developer moved forward with a single family development. And eventually in 2016, '17 and '18 they brought us the condominiums to the north of Main Street. And now the petitioner is requesting to develop the vacant, undeveloped land south of Main Street. At that time it was referred to as Sagewood Condominiums. There were actually two buildings built as part of that condominium development.

And now he would like to finish the rest of the development, and he would like to develop it as basically two unit condos or ranch style condominiums. Specifically he is looking to develop 18 two-unit ranch style condominium units that are proposed to be 1,589 square feet with two bedrooms, two baths, two car attached garages. They'll have full basements, sun room and a rear porch patio deck area. It's anticipated that the construction on the required public improvements would commence in the spring of 2020, and that all the units would be completed within two to three years. In addition, the developer has submitted a draft declaration of condominium along with some conceptual elevations and floor plans for the proposed condominium developments.

As you can see on the slide I've identified specifically the area. Again, it's just east of the Village Green Heights single family development between Main Street and 104th Street. Just to give you some perspective from an aerial view, again, this Sagewood Circle area which also is known as 103rd, the units will be completed in that area and then coming off of 47th Avenue coming up to and pretty much touching into the woods but not cutting down the trees for this particular area.

Again, before you we see some of the elevations. We are working with them on those elevations. The slide on the left shows the placement of where each of these units would be located. The intent is to convert that southern horseshoe roadway from a private road to a public road. And then the northern, too, would be also, again, public in nature for the development.

There have been a series of new wetland delineations done for the property as required because it's been more than five years. These wetlands have been field delineated, identified. A few of them will be considered artificial wetlands, specifically where the pond is located so they can continue to manage that pond. And there are some other small wetlands that have been identified on the property as well. With respect to Comprehensive Plan compliance and density, it complies with the existing Comprehensive Plan. In fact, the density is a little less than what was originally envisioned because it has a net density of 2.72 units per net acre.

The zoning of the property is currently R-9 which is Urban Single Family Residential District with a Planned Unit Development Overlay District for the Sagewood area at the very south end. And then there's an R-10 UHO, and there's some C-1 and C-2 on the property. We will need to

have the properties rezoned appropriately based on the density that we're looking at, more of an R-8 two family, our condominium two family that we're looking at in this location. And those wetlands will need to be placed into the C-1, and the remaining C-2 areas undisturbed will be placed into that Conservancy District as well.

The staff is going to begin preparing the PUD, the Planned Unit Development Overlay for the property as we get a little bit further into the reviews of the detailed plans for the development site. The municipal improvements, municipal sanitary sewer and water will need to be provided to service all the condominium units within the development. The stormwater retention basin for the development was already constructed as you can see on the slide really at the southeastern corner of this development. The pond is going to be shared with the Sagewood condominium development, and a flowage easement would need to be granted. All required access and maintenance easement, restrictive covenant restrictions will all be shown on a new Certified Survey Map for the development.

Specifically for the Keystone then, again, net density, proposed zoning, municipal improvements. The construction access for this development will be from 165 in the south on 47th Avenue and then to service each of the various units that will be under construction.

There's a number of additional steps that would need to be completed by the developer. We'll need to go through preliminary and final condominium platting, certified survey map preparation in order to dedicate the public roadways, required easements and set forth additional dedication and easement provisions as well as restrictive covenant language on the CSM. As part of the plat and CSM approval the developer will be required to execute a development agreement, provide all the exhibits, provide the letter of credit, other financial securities and guarantees to the Village. And this will be for the installation, inspection and warranty of the public improvements.

As mentioned at the Plan Commission, that southerly roadway was a private roadway, and that will need to be reconstructed to Village standards. There will be a public sidewalk as noted on the slide in blue. There are sidewalks that run east/west in Main Street in the right of way on the south side. And so there's going to be a public sidewalk that is connected from Main Street on the east side of 47th Avenue south to 165 and then east to the property boundary on the east corner.

The Plan Commission recommended approval of the conceptual plan subject to all the comments and conditions as outlined in the staff memorandum. Obviously, this is the first step for them. The next steps will be preliminary condominium approval, engineering plan approval, and then we'll continue with final plat approval and going through all the rest of the final documents for this development. Plan Commission recommended approval subject to the comments. The petitioner is also in the audience in the event that the Board has any additional comments or questions.

Michael Serpe:

Jean, I should have brought this up at the Plan Commission meeting last week. Condominiums are usually for empty nesters, senior citizens and many senior citizens. The concept that Doug Stanich brought to the Village with The Cottages is there's no steps entering the household either from the garage or from the front sidewalk which is nice for seniors that may be a little handicapped. Are we taking into consideration the interior of these buildings that would accommodate maybe wider doorways for the purpose of wheelchairs? You don't want to see a person have to move out of the condo because they can't move around in it. Is that an option at all here?

Jean Werbie-Harris:

So I think that's a great question to direct to the developer. I have not seen and gone through individual floor plans yet. I've measured them, I should say, I've seen them. But maybe he can address some of those comments. This is like his third or fourth or fifth project that he's worked on similar to this.

John Steinbrink:

Thank you, Mr. Becker. Could you just give us your name and address for the record.

Todd Becker:

Todd Becker, N77W23806 Sun Valley Run in Sussex. Thank you, everybody. The plan here was to do traditional construction where we've got not flush entries from either the garage or the front door. That's something I'd like to offer as an option. As we get into that realm we're taking up the costs, and obviously we're trying to keep this cost as affordable as possible. So it's something that would be considered on an optional basis but probably not as a standard basis at this time. With respect to the interior design, obviously we think about that as we develop these plans. Off the top of my head I don't know if every single door within each condominium unit is 36 inches. But that's certainly something that we could address on a unit-by-unit basis as well.

Michael Serpe:

Thanks, Todd. I would recommend that in the future, Jean that maybe we study that and especially for condominium uses since senior citizens are the major occupants of condos. Just something to think about. I think it would be a wise move for us to consider.

Mike Pollocoff:

I had something and, again, I also wish I would have brought it up at the Plan Commission. And after looking at the plan it kind of jumped out at me. If you look at the background sheet on the

map that shows the plat, and we have the -- you've identified the parcels that the condos are going to be, that one there, where the parcels would be where they are, is there a setback that they're aiming for between those parcel lines and the buildings? Or does that include the outside areas like the patios and circular walks around the building?

Jean Werbie-Harris:

So they do need to meet minimum setbacks to the property lines as well as to the street property line and right of way. They also have to meet minimum setbacks for the foundations between the buildings as well as minimum between the patios or decks in between units as well. So they have to meet all of those different minimums.

Mike Pollocoff:

Because what I'd really like to see this do is, if you look at The Cottages, you've got a -- it's not a real symmetrical layout of the buildings. And they seem to be cornered, and a couple of them seem like they're shoehorned onto the site where there isn't a symmetrical layout of each building which is what the parcel lines look like. So the parcel lines could be like that as long as the building doesn't lay out that way. So I want to make sure one doesn't lead to the other where you have buildings that are kind of offset, and you've got a differential in the site lines from one building to the next. And that's something I realize we haven't seen the final draft. I just would like the staff to look at that as they're going through the process.

The next thing is on the road to be vacated that's public coming out of Sagewood, right now that road aims at somebody's front door or front window when they come out there. And I'd like to see that just shifted a little bit so that if you're coming out and your headlights are shining between two houses instead of right at one house. There's less of a problem on the next road north. And, of course, with that one circle drive there isn't any problem. I think that's something with just a little bit of manipulation of that street layout that can be avoided. Those people will be seeing headlights pointing at their house every time somebody comes in and out of that land division.

It would be nice to see a separate map on the layout, on the setbacks and on the new buildings as they're set up so we don't see a similar situation that we have in The Cottages. If it's possible if you could have the developer lay that out. Maybe they're already had that -- if you look at the one drawing it's not a problem. But depending on how much latitude they have on the setbacks you could be right back into the same thing we have in The Cottages. With that I second. Was there a second on the motion?

John Steinbrink:

I don't think there was a motion yet. Just give us your name and address for the record.

Joe Bukovich:

Joe Bukovich with Point Real Estates, 19000 West Bluemound Road, Brookfield. I just want to address the Trustees' comments. From the layout perspective, the color rendering that you see on the screen right here that is the way it's set up in the computer right now. And you'll see that when you're on curves they're parallel to the cord on the curve so they're not crammed in there like turned cockeyed or anything. And when they're on tangents the front of the buildings are parallel with the road. So what you see right here is what you're going to get. If that's acceptable we'd like to continue with the way it's designed at this point.

Mike Pollocoff:

If that ends up -- from my standpoint, I mean I'm speaking for myself, I can live with that if that ends up being the actual product. If you look at the plats those aren't. I guess depending on how much advantage you took of the setbacks you wouldn't end up with that, that same alignment. So on the plat that gives you the latitude to do it. The picture shows that you won't. I just want to make sure of that.

Joe Bukovich:

Right, on the plat we'll be defining the foundations as well on the condo plat. And then shifting the road is going to be difficult. All the utilities are already in and the storm sewer and the sanitary sewer. So trying to align that between the wooded area and the existing condos to the south and keep the utilities in the roadway is going to be difficult. I just want to point that out for the Board. And I think that should address it.

Mike Pollocoff:

I think if we see how far we can push the utilities from -- the utilities are there, right?

Joe Bukovich:

Correct, everything is built. All we have to do is go in and --

Mike Pollocoff:

So however far we can offset if the utilities are more towards one side or another I guess I'd leave that to the Village Engineer to take a look at that.

Joe Bukovich:

Very good, we'll work with them on that. So thank you.

John Steinbrink:

Thank you.

Dave Klimisch:

Jean or Matt, do we know the range of price points? I mean it's better for you guys -- where are you hoping to be at on the prices?

Todd Becker:

Starting price point is going to be \$350,000. Average price point when all is said and done with basement buildouts and other upgrades we anticipate \$400,000 today.

Dave Klimisch:

And then there's the monthly HOA.

Todd Becker:

\$250 a month.

Nathan Thiel:

Todd, can I ask a question? Just in regards, I know that you've mentioned that you're planning on ranch style. Is there any thought process whatsoever to consider a taller story like a two story condo towards the north?

Todd Becker:

Getting back to that topic of the empty nest product that's the design here if we wanted to stick to ranches. There wasn't any thought of going to two story homes quite frankly.

Nathan Thiel:

Okay.

John Steinbrink:

Any other questions for Todd?

Michael Serpe:

Do we have a motion or are we looking for one?

John Steinbrink:

We're still looking for one.

Michael Serpe:

I'll move approval of the Conceptual Plan.

Mike Pollocoff:

I'll second that with the comments made.

John Steinbrink:

We have a motion and a second. Is there any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED FOR APPROVAL OF A CONCEPTUAL PLAN AS IT RELATES TO PROPERTIES LOCATED ON THE EAST SIDE OF 47TH AVENUE BETWEEN MAIN STREET AND 104TH STREET FOR THE DEVELOPMENT OF KEYSTONE CONDOMINIUMS; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

- B. Receive Plan Commission recommendation and consider approval of Ordinance #19-24, Ordinance #19-25 and Ordinance #19-26 to amend Chapter 420-26 through 420-29, Chapter 395-97 and Chapter 420-131T(3) of the Village Zoning Ordinance.**

Jean Werbie-Harris:

Mr. President and members of the Board, the Village staff is recommending that the zoning and development application fees be increased from \$225 to \$250 for minor applications such as certified survey maps, zoning map amendment. And also then to increase fees from \$825 to \$850 for applications including such as site and operational plans, PUD ordinance, conceptual plans

and plats. Fees after approved by the Board would become effective on September 1, 2019. The current fees have remained unchanged since January 1, 2011.

The other change which is to Section 420-131T(3) of the Zoning Ordinance is to indicate that upon FEMA approval of a Floodplain Boundary Adjustment the Village will set the required public hearing to amend the Village Zoning Map, Zoning Text and 2035 Comprehensive Plan Amendment to reflect the approved amendment. So we are asking for the fees up front, and then we will follow the process to make sure that we get the Zoning Map and the Comprehensive Plan Maps all updated without having to chase back down the developer or the individual that actually applied for that initial change. A lot of times that happens anywhere from six months to two years later. So instead of chasing back to them for another application and another fee, we will collect everything up front, and then we will just process it when the applications have been formally approved by FEMA. The staff and the Plan Commission recommend approval of Ordinance 19-24, 19-25 and 19-26.

Mike Pollocoff:

I move approval to modify the fees as presented.

Michael Serpe:

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 FOR APPROVAL OF ORDINANCE #19-24, ORDINANCE #19-25 AND ORDINANCE #19-26 TO AMEND CHAPTER 420-26 THROUGH 420-29, CHAPTER 395-97 AND CHAPTER 420-131T(3) OF THE VILLAGE ZONING ORDINANCE; SECONDED BY SERPE; MOTION CARRIED 5-0.

C. Receive Plan Commission recommendation and consider approval of a Right of Recovery and Funding Agreement between the Village of Pleasant Prairie and Creekside MF, LLC., for the extension of public water main on Old Green Bay Road.

Matt Fineour:

Mr. President and members of the Board, this is the right of recovery agreement for the water main that we discussed earlier in the public hearing. This allows the Village to recover funds from that special assessment for a ten year period. If somebody connects into that water main and the assessment is due we would give that money to the developer. Again, the right of recovery agreement expires in ten years or August 19, 2029. With that if there's any questions I'd be happy to answer them.

Mike Pollocoff:

I have one. One of the things I'd like to, if we could explore it, is to have the right of recovery agreement, and we'll have it in our files and it will be on file with Bear Realty, but I'd like to make sure they're recorded with the files on the affected properties for a couple reasons. One is that if there's a change of personnel here that it protects that property owner from having to connect to water when the original deal was that they didn't have to connect to water. And if they go to sell their house that privilege of not having to connect to water it's obvious it goes with the property so it doesn't cloud a buyer/seller transaction. And in the fact that that date is set for August 19th in this case 2029 would be the wall where if they don't hook up by then and the developer -- there's no reason for them to have hooked up or made that change, that that sticks. I really believe that's recorded as an agreement on the parcel.

If there's a subsequent change by the Public Service Commission that might modify how the water utility is collecting these fees that are in right of recovery would protect the property owners who -- I don't know if there's any here as part of this, but it would protect their knowledge that they didn't have to pay if they waited until after ten years to connect, that right would still be recorded as a benefit on the property. I think it just makes the Village record keeping easier because they've got that in their hands since it's on their title and it protects them from any subsequent changes whether it be by Bear or some future property owner or from the State modifying the regulation.

I know we've had some in the past and they weren't on the affected property's file. And there's so many different ways where people can get deed information other than going to the County Register of Deeds. I think it's one way to protect us from a transaction happening outside of the loop that we don't have any control over. I don't think it's an adverse posting on the individual's property. It's really a beneficial one. It protects their rights on this. But that's my recommendation. You might want to run it by counsel.

Nathan Thiel:

We'll look into it.

Kris Keckler:

Move approval of the right of recovery and funding agreement.

Dave Klimisch:

Second.

John Steinbrink:

Motion by Kris, second by Dave. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

KECKLER MOVED FOR APPROVAL OF A RIGHT OF RECOVERY AND FUNDING AGREEMENT BETWEEN THE VILLAGE OF PLEASANT PRAIRIE AND CREEKSIDE MF, LLC., FOR THE EXTENSION OF PUBLIC WATER MAIN ON OLD GREEN BAY ROAD; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

D. Consider approval of the Third Amendment to the Declaration of Restrictions of the Meadowland Subdivision.

Jean Werbie-Harris:

Mr. President, the staff received a letter from Bride Puntillo. He's the Assistant Property Manager for the Meadowland Homeowners Association. They're seeking approval for an amendment to their declaration. And 75 percent of the property owners consented to this amendment which is required as part of their document approval. At one of their previous association's annual meetings, a motion was entertained that the Board of Directors seek legal counsel regarding the current language in their declarations pertaining to mailbox maintenance and parkway tree maintenance and replacement.

Specifically, members were concerned about how expensive the trees are and that their annual budget did not collect enough to keep replacing trees on behalf of the residents on an annual basis. Members also spoke about the need to keep their association fees as stable as possible. So after seeking their counsel they were advised that the current language in their declaration regarding late fee collection is unreasonable, and they would not be supported in courts. So, for example, their current language called for a per diem percentage and monetary fees that could quickly escalate into the thousands of dollars for being late on a payment.

So they were sent a package of information, and they did receive 75 percent of the owners' consent for the following changes. First, if they need a new mailbox they'd notify their property management office, they'll need to replace it for them. The cost of replacing the mailbox will be charged to the homeowner. Next, if they need a parkway tree replaced they'd be notified by the property management office that they will ask that they provide them with the type and size of the tree that they are requesting to plant. The Village has restrictions on what you could plant in the parkway so that is why they have to continue to monitor this. Once they receive permission in writing from property management they will need to replace the tree. The cost of the tree is the responsibility of the homeowner. If any trees are replaced without approval they are subject to any fines as stated in their declaration.

And, finally, the third change, in addition to an 18 percent interest charge a late charge of up to \$5 per day may be imposed, not \$50, but \$5 per day may be imposed by the Board of Directors against the owner if any balance in common expenses remains unpaid for more than 30 days after the payment is due. So our ordinance requires that any property owners that make amendments to their declarations that they need to be reviewed by staff and approved by the Village Board. We remove them just to make sure that there aren't any conflicts with Village ordinances. And they are recommending approval so they can record this amendment to their declarations.

Mike Pollocoff:

And that's the staff's recommendation as well?

Jean Werbie-Harris:

Yes.

Mike Pollocoff:

I'd move that we approve the third amendment to the declaration of covenants for Meadowland Subdivision as submitted.

Kris Keckler:

Second.

John Steinbrink:

We have a motion and a second. Any further discussion? Jean, they were collecting \$50 a day on the late fee?

Jean Werbie-Harris:

I think that's what it said in their declarations, that there was a penalty fee of \$50 instead of \$5. We weren't collecting that.

John Steinbrink:

That's quite a change.

Jean Werbie-Harris:

Yeah, I think it might have been a typo or something. I think it meant to say -- yeah, it said interest on any unpaid assessment or charges, and it was a late charge of \$50 per day which seemed extensive so they changed that to \$5.

John Steinbrink:

Okay. Further comment or question? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

POLLOCOFF MOVED FOR APPROVAL OF THE THIRD AMENDMENT TO THE DECLARATION OF RESTRICTIONS OF THE MEADOWLAND SUBDIVISION; SECONDED BY KECKLER; MOTION CARRIED 5-0.

E. Consider approval of Ordinance #19-27 to amend Section 234-8 as it relates to enforcement for the abatement of nuisances.

Jean Werbie-Harris:

Mr. President and members of the Board, this is a request to amend Ordinance #19-27. And this has to do with enforcement and abatement of nuisances. With our new Code Enforcement Officer there has been an aggressive enforcement of nuisances on Village properties throughout the community, several of them. And there was some questions as to whether or not the Code Enforcement Officer had the right to do the inspections on the property, and that they had the right to access the property to take photographs, and that after presenting identification to proceed in the code enforcement process on the property or to serve a special inspection warrant on the property.

And right now the Chief of Police, the Fire Chief and the Building Inspector and the Health Officer and the Zoning Administrator all have that permission. But the Code Enforcement Officer is not specifically listed. And since we have a full-time Code Enforcement Officer we wanted to make sure that the rights were given to this position as well. And the changes as noted are stated in the staff comments. The staff recommends approval as presented.

Michael Serpe:

John?

John Steinbrink:

Mike?

Michael Serpe:

I agree with this, Jean. The only correction I would add to this is we're assuming that our Code Enforcement Officer is always going to be a male, and the ordinance says him and he where it should said he, him or her. I just want to be politically correct here.

Jean Werbie-Harris:

And I understand that. But there is a provision in the Zoning Ordinance and the Municipal Code that it doesn't refer to her anywhere in the Zoning Code or the Municipal Code. So I think it's intended that it could apply to either sex.

Michael Serpe:

And for what it's worth Greg is doing for us, very good job.

Nathan Thiel:

Just for clarity on that, too, just to follow up, in legal terms most of the time when we go and do recodifications and things of that nature that's one of the items that the legal team will come back and say we shouldn't take it as a sexist comment.

Kris Keckler:

Just for clarification and to help educate me a little bit and maybe anybody in the audience, so some of these violations obviously are visible from the road, that they can stay in their car and see them. But for some that they may need to exit the vehicle and do some further inspection, is it customary to knock on the door first to let them know they're there for that? Or is it to a point where if somebody has to go around back maybe by a fence or through some obstruction that only if somebody comes out and asks then is ID shown? I'm just wondering what the typical process is.

Jean Werbie-Harris:

So typically what happens is any of our enforcement officers will typically go up and knock on the door. And if there's nobody home or if a neighbor has given them permission to go in their backyard to look over a fence and things like that then we've done that as well. If the inspector is asked to leave the property then we immediately leave the property. But then what typically would happen is that an inspection warrant would be obtained.

Kris Keckler:

And how often does it get to that level where they're requested to leave and you have to get the warrant?

Jean Werbie-Harris:

It has happened a few times.

Kris Keckler:

That's a shame. Okay, thank you.

Dave Klimisch:

A follow up on that one, Jean. So currently if one of these staff knock on the door and no one is home, does the staff walk around the property or only if they have permission from the property owner or their designee?

Jean Werbie-Harris:

I'd have to speak with Greg to see what he's done. Typically what I used to do is I used to go to the neighbors on either side and then I would ask to go through their property to see. Because I never knew if there might be a dog or other type of things on the property that would prevent access. I never felt comfortable going to the backyard of somebody's property without knowing what was back there in advance. So oftentimes I would go to the neighbor on either side. I'd have to talk to Greg. But he's done multiple different things. He's gone to the front door. He's gone to a neighbor. He's come back to the side. But I mean if it's all fenced and gated and locked off obviously he can't get to the backyard and he can't see to the backyard.

Dave Klimisch:

So I don't know what the court background is on this. This new ordinance, the inspection would only occur with a warrant signed off by a third party?

Jean Werbie-Harris:

If he's denied access.

Kris Keckler:

Do they have the ability to use a drone by any chance for inspection?

Jean Werbie-Harris:

We have talked about that. We have not used one up to this point, but we have talked about that ability to use one.

Kris Keckler:

The fire department has one, correct? No?

Jean Werbie-Harris:

IT works has one.

Nathan Thiel:

I'm going to chime in. There are privacy laws, and so there are some cautionary tales. I don't want to go down a rabbit trail that --

Kris Keckler:

There's height limits and other stuff, too. In some situations it might be beneficial. [Inaudible] but something to help.

Mike Pollocoff:

One additional question. We have the Health Officer, is that still the old throwback to when we had a Health Officer?

Jean Werbie-Harris:

I think that's the Administrator, isn't it?

Mike Pollocoff:

If he wants the additional title he can have it.

Jean Werbie-Harris:

It is a throwback.

Mike Pollocoff:

Maybe we ought to just take the opportunity to eliminate it because --

Jean Werbie-Harris:

I mean there is a Health Officer, a technical Health Officer for the community is from Kenosha County. So we have not taken that out of our ordinance.

Mike Pollocoff:

They'd be operating under their own ordinance.

Jean Werbie-Harris:

They'd be operating under their own ordinance, but we have not removed it from our ordinance at this point.

Nathan Thiel:

Along those same lines we could easily add Health Officer to Greg's title and resolve it that way, too, as well. The fact is that this is just a clarifying factor. I think the majority of times Greg is permitted, I think it was mostly just an opportunity to raise a question. And so now we're resolving that and making it so that it's no longer a question.

Michael Serpe:

Move approval of Ordinance 19-27.

Kris Keckler:

Second.

John Steinbrink:

We have a motion and a second for adoption of Ordinance 19-27. Further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED FOR APPROVAL OF ORDINANCE #19-27 TO AMEND SECTION 234-8 AS IT RELATES TO ENFORCEMENT FOR THE ABATEMENT OF NUISANCES; SECONDED BY KECKLER; MOTION CARRIED 5-0.

8. CONSENT AGENDA

- 1) Minutes of Meeting - August 5, 2019**
- 2) Reappointments to various Boards/Commissions.**

Kris Keckler:

Move approval of the consent agenda.

Dave Klimisch:

Second.

John Steinbrink:

Motion and a second. Any discussion on those two items. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**KECKLER MOVED FOR APPROVAL ITEMS 1 AND 2 UNDER CONSENT AGENDA;
SECONDED BY KLIMISCH; MOTION CARRIED 5-0.**

9. VILLAGE BOARD COMMENTS

Mike Pollocoff:

I have one thing. I just want to say that we had the Pan American swimming meet open water course at RecPlex this weekend. Apparently it went off really well. The first one, and I know that RecPlex and the Village's Convention and Visitors Bureau did a lot of work to get that put together. And apparently the end result was everybody was happy and they want to look at coming back in two years. Hopefully they'll bring more people here. Some of the countries had some passport problems from South America. I don't know what that issue was. But, anyway, it's nice to know you can have an international competition out there that does well and they did a good job of it. I think the one complaint I heard was that the water was too cold. It was 80 degrees, and they're used to swimming in 90 degree water.

John Steinbrink:

Maybe you could just highlight a little farther exactly what the Pan American Games are.

Mike Pollocoff:

It's an open water swim similar to what they have in the triathlon. And prior to this it was held in the Bahamas. And that was a really nice place to go to swim I'm sure. But it was cost prohibitive for a lot of the U.S. and Canadian people and maybe even to some extent for the South American people. So we had participants from Argentina, Guatemala. Ecuador and Venezuela couldn't make it. There was another one, I think there was some Brazil people there.

--:

Honduras.

Mike Pollocoff:

Honduras, okay. Steve was our good will ambassador to the Argentinean contingent. So they come here, and this is an event that's held every two years. And they're not competing between countries. They are from countries but they're really working against the clock. And this enables them to go on to bigger and better meets. So Lake Andrea is a really clean lake. And typically it's at 80 degrees, that's pretty warm water, it's warmer in the 50 meter pool. So it's the opportunity to get out there and be in the lake. It showcases the Village. They had the opportunity -- we had two members from the USA Open Water teams to conduct clinics at RecPlex for the swimmers that wanted to come and were viewing it or in the competition. It was a nice event. I think to the extent that we can make it a little bit better and round out some of the rough edges, there weren't many but there were some, I think it will be a good event for us to have in the future.

John Steinbrink:

Other Village Board comments?

10. ADJOURNMENT

Michael Serpe:

Move to adjourn.

Dave Klimisch:

Second.

John Steinbrink:

We have a motion and a second for adjournment. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY KLIMISCH;
MOTION CARRIED 5-0 AND THE MEETING WAS ADJOURNED AT 6:57 P.M.**