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 January 21, 2019 6:00 p.m.

A regular meeting of the Pleasant Prairie Village Board was held on Monday, January 21, 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 Tom Shircel, Assistant Village Administrator; Peggy Herrick, Assistant Zoning Administrator; 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; Dan Honore', IT Director; Carol Willke, Human Resources Director; and Jane C. Snell, Village Clerk. Five (5) citizens attended the meeting.

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. RECOGNITION CITIZEN AWARD TO EMILY KAY BRENNER

Chief Smetana:

Good evening, Mr. President, and members of the Board. Tonight I'm honored on behalf of the Pleasant Prairie Police Department and Pleasant Prairie Fire and Rescue to award a plaque of recognition to Emily Kay Brenner. This stems from an incident that occurred on Highway 50 near 88th on December 9, 2018. It was a tragic incident. Ms. Brenner came upon it in traffic. It appeared to be a traffic accident. She assisted leaving her car trying to help. She quickly assessed the situation and noted that instead of an accident it was an accident plus a shooting with the shooting victim in the vehicle.

Now, Ms. Brenner who was only four days separated from the 101st Airborne from Fort Campbell, luckily for us she was in the area. As she assessed the situation she started first aid on the victim using her own shirt in frigid weather. So by the time the squads got there there was very little that they needed to do other than wait for Fire and Rescue as Ms. Brenner was already attending to the victim.

So I think it's fitting on this day of Martin Luther King Day which is known as a day of service that we recognize Ms. Brenner for the actions she took on December 9th in the Village of Pleasant Prairie as selfless service to others. So if Emily would step up. Congratulations, Ms. Brenner. The plaque is in grateful recognition of selfless services and assistance to the Village of Pleasant Prairie Police Department and the Village of Pleasant Prairie Fire and Rescue with our

Village Board Minutes January 21, 2019 sincerest thanks and gratitude. Thank you very much. I don't know if you have any questions or comments Ms. Brenner is here for you. I told her there would be no comments, but. John Steinbrink: Any questions or comments from the Board. Mike Pollocoff: Thank you, thank you very much. John Steinbrink: Congratulations and thank you for being there. Emily Kay Brenner: Thank you. Michael Serpe: Are you active Air Force right now or Air Force Reserve? Emily Kay Brenner: No, I was active duty, I just got back. Michael Serpe: Are you done with the service now? Emily Kay Brenner: Yes. Michael Serpe: Thank you for your service and for this, too. Thank you very much.

5. MINUTES OF THE MEETINGS - NOVEMBER 19, 2018, DECEMBER 3, 2018 AND DECEMBER 17, 2018.

Dave Klimisch:

Move approval.

January 21, 2019	
Michael Serpe:	
Second.	
John Steinbrink:	
We have a motion and a second.	Those in favor?
Voices:	
Aye.	

Opposed? Motion carries.

Village Board Minutes

KLIMISCH MOVED TO APPROVE THE MINUTES OF THE VILLAGE BOARD MEETINGS AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY SERPE; MOTION CARRIED 5-0.

6. CITIZEN COMMENTS

Jane Snell:

Mr. President, we have four signups this evening. The first one is Stephanie Judge.

John Steinbrink:

John Steinbrink:

We're going to ask that you give us your name and address for the record. Thank you.

Stephanie Judge:

Hi there, everyone. My name is Stephanie Judge, and I'm a Land Protection Specialist with Nature Conservancy. And I'm leading the restoration effort at our new Chiwaukee West restoration site. My office address is 633 West Main Street in Madison, Wisconsin, 53703. So I believe all members of the Board were in attendance at the Planning Commission meeting last Monday night so I'll be as brief as possible.

As discussed then TNC has worked with local residents for over 50 years to help protect Chiwaukee Prairie. The site is part of the Chiwaukee Prairie/Illinois Beach plane which with over 4,500 protected acres is the largest nearly contiguous block of open land along the entire shore of southern Lake Michigan. As such the lake plane is an internationally recognized conservation area with an incredible diversity of plants and animals that welcomes more than two million visitors every year.

Chiwaukee Prairie here in the Village of Pleasant Prairie is core to the lake planes biodiversity. Chiwaukee is Wisconsin's most diverse state natural area, and was designated a national natural landmark in 1966. TNC and partners like the Chiwaukee Prairie Preservation Fund have worked to protect Chiwaukee since 1965. And acquisition efforts to protect the remaining privately owned parcels east of the tracks and south of 116th Street is ongoing.

Groundwater flows from the west are critical to maintaining Chiwaukee's wetlands. After groundwater modeling by the US Geological Survey was published in a 2004 Southeast Wisconsin Regional Planning Commission report, TNC realize that development west of Chiwaukee could threaten a half century investment in the property. We can only buy from willing sellers, and following the great recession two primary landowners west of the tracks decided to sell. TNC now owns 150 acres, and we're calling our site the Chiwaukee West Restoration Area.

Although TNC has already received Village permits to begin our restoration on the majority of the site, your consideration and approval of the items already approved by the Planning Commission last Monday night would enable our restoration to move forward most efficiently and will also ensure that we, Village staff and the public are all aligned in our understanding about the site's purpose.

As discussed in my presentation last week and as stated in a letter from myself to Village Administration Nathan Thiel in late November of last year, the Conservancy plans to transform a degraded vacant site into an attractive natural area with excellent wildlife habitat that enhances groundwater recharge by stemming the otherwise ongoing discharge of water from the property. Increase groundwater recharge means less flooding and cleaner drinking water. The project will also provide new opportunity for outdoor public recreation including hiking, bird watching and cross-country skiing.

To accommodate these activities and engage and educate the public we are installing informational signage at sites along our property's perimeter. In addition to these benefits we envision that with community support, continued funding from those who have provided financial support in the past, and with participation from other conservation partners at Chiwaukee, mowed trails will meander through prairies and past restored wetlands. Educational interpretive signs detailing a variety of subjects including the site's natural and cultural history, plans and animals may be staged along trail routes.

Beyond these initial public amenities the conservancy hopes that funding and partner support may be secured to provide additional nature-based outdoor education opportunities at the site. And we are actively exploring the feasibility of potential features like an ADA accessible bird watching platform and outdoor classroom area that could provide a destination for area school groups.

We are currently focused on assuring our restoration starts successfully and on time this winter while the ground is frozen. But throughout the entire multi-year restoration process I will be looking ahead with the Village and other partners to think big about what's possible for this new restoration area. Because if support from the Village and other partners continues or expands in the years ahead even more public amenities could be associated with the site.

For example, Village staff has advocated construction of a nature center or natural history museum for the site. While we cannot commit to a brick and mortar feature like a nature center at this time, we are happy to continue working with the Village and other partners to cooperatively explore what future features should be, whether they're feasible for the site and how they would be funded and maintained. We are excited about the amount of interest there is in providing a rich public experience at the property. And it's our goal to not only restore natural communities to this site but also to use this site to help people connect with nature.

Last week Board member Pollocoff raised two concerns during discussion by the Planning Commission Board, and I want to address those concerns now. First, Village staff confirmed after last week's meeting that they believe that all special assessments relating to sewer and water installation along Sheridan Road were paid by previous property owners. I've not received a final confirmation yet, but I know they were looking into the details.

Second, some concerns were raised about hunting. Although hunting is allowed on our properties in the Village due to the requirements of State funding, hunting activity is subject to both State law and local ordinances. As such the Village's ordinance which prohibits any use of a firearm with a single projectile on properties east of Sheridan Road will govern users hunting on our land. If the Village would like to govern hunting activities different it's within your power to do so. This concludes my statement. I thank you all for your time and consideration of the items before you this evening.

Jane Snell:

The next person on the list is Nancy Washburn.

Nancy Washburn:

Good evening, Nancy Washburn, 7450 County Line Road, Land Development Administration. Just letting you know that I am here if there are any questions on the Harpe Development items tonight. I am here to answer your questions, and I just anted to say hello. Thank you.

John Steinbrink:

Thank you.

Jane Snell:

The next person is Pam Holy.

Pam Holy:

Pam Holy, property owner 204 102nd Street, President of the Chiwaukee Preservation Fund. I just want you to know that our Board and our over 300 supporters are 100 percent behind the Chiwaukee West development. So thank you.

Jane Snell:

And the fourth person is Ingrid Verhulst.

Ingrid Verhulst:

Mr. President and Board members, I'm Ingrid Verhulst, and I also own property at 204 102nd Street. And I'm also a member of the all volunteer Chiwaukee Prairie Preservation Fund. Needless to say what The Nature Conservancy has done here has greatly reinforced our efforts, and we are in complete support of it. And anything we can do to add any kind of positive reasons, I don't want to reiterate or be redundant, but I think this will benefit Pleasant Prairie in totality. Because it's amazing how many people we're run into in the area that have actually moved to this area to be near the prairie or actually in the prairie. So to that extent I think it will be very beneficial, and I hope you will support the three issues that need to be done. Any questions?

John Steinbrink:

Citizen comments, we can't -- it's not an agenda item.

Ingrid Verhulst:

Okay, I didn't know.

John Steinbrink:

Well, it is an agenda item but it's not a public hearing.

Ingrid Verhulst:

And I'm not likely to have any answers so thanks.

John Steinbrink:

If we think of something we'll call you. Anyone else wishing to speak? Yes, sir? Give us your name and address for the record.

Randy Michael:

My name is Randy Michael, and I live at 9612 4th Avenue down in Chiwaukee Prairie. I grew up there, lived in Carol Beach almost my whole life from. Approximately 1990 to 2005 I had to move away for work. But as soon as I could I came back because I was one of the ones that loved the area so much that I wanted to live in Chiwaukee Prairie or by it. As I said I've lived there almost all my life. The road in front of our house is gravel like many of the roads down in Chiwaukee Prairie is.

Since I've lived there there's been a lot of development along my road which is, again, gravel. And I've had to call unfortunately twice about the maintenance of my road. There's almost potholes that I have to buy a four wheel drive vehicle to adequately get down the road. Also, where I live there's Chiwaukee Prairie immediately to my right and across the street, and there's culverts there that are not tended to. The water is backed up, a lot of times it goes over the road. And unfortunately in the springtime there's water that goes across my road that's as wide as this room. That's not an exaggeration. So we don't know what's under there other than the potholes that are always there.

And I'd just like the maintenance to be done on the road. I'd like to bring it to the attention of the Board that we're down there, we fight this every single day. I called about two weeks ago, and they're real good about coming out and plowing after I address it, called, I'm not sure who I talked to there. But immediately a couple days after they come down my road and plowed it. They skipped a day and came out and plowed it again, but it does not last.

As I said the area has been developed, there's people building houses, there's more traffic on the road. I know that when they build new developments out here besides laying out where the homes are going to be the first thing they do is put the roads in. So I think it's time that we need to address that issue down there and make Chiwaukee Prairie the most beautiful as it can be. We need some help down there. And so I came to the meeting tonight just to present my case and bring it to the attention of the entire Board. I'm not really trying to -- I guess I am complaining, but I just think that we need somebody to come out and take a look at maybe improving our area like these young ladies have addressed that we need help down there, and we appreciate anything you can do in that regard. Thank you.

John Steinbrink:

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

7. ADMINISTRATOR'S REPORT

Tom Shircel:

Thank you, Mr. President, and Board members. I do have a couple items tonight I'd like to bring you up to date on. The first one, at the last meeting in December, the Village Board meeting, there was a gentleman under citizens' comments who had questions and concerns about the east side of Cooper Road across from Whittier School and some parking issues. I know that John Steinbrink, Jr., our Department of Public Works Director, Nathan Thiel, our Village Administrator, they met with the principal out there at Whittier School and with Patrick Fennimore, the Facilities Director at KUSD.

And they're weighing different options. But one option they came up with to solve this issue of people parking on the grass on the east side of Cooper Road was to look at widening the shoulder on the east side of Cooper Road. That's one of the options that the Department of Public Works is looking into and to perhaps fold into the paving program for this year. So I just wanted to bring you an update on that.

> And secondly, the second thing was as you know most of you or all of you were at the kickoff meeting last Thursday evening for the Village Green community collaboration process. It was a big success as far as attendance goes. We had over 150 attendees. And of those 150 attendees 80 people signed up thus far for subcommittees. So going with eight subcommittees that would be at least ten people per subcommittee. So according to the consultant, Todd Streeter, that's the most people he's ever had at a kickoff meeting. It's the most people that he's every had to sign up for a subcommittee. So it's exciting. It will be interesting to see how this unfolds and see what these subcommittees can come up for the new Village Green Center, what kind of plan they come up with. So that's the two things I had to update you on.

John Steinbrink:

Thank you, Tom. That moves us on to Item 8, New Business. And a request has been made to

KECKLER MOVED TO CONSIDER NEW BUSINESS ITEMS 8A & 8B TOGETHER; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.

8. **NEW BUSINESS**

A. Receive Plan Commission recommendation and consider approval of Ordinance #19-01 for a Comprehensive Plan Amendment as it relates to property located at the corner of Old Green Bay Road and STH 165 to be known as Green Bay Trail Condominiums.

B. Receive Plan Commission recommendation and consider approval of a Conceptual Plan as it relates to property located at the corner of Old Green Bay Road and STH 165 to be known as Green Bay Trail Condominiums.

Peggy Herrick:

Thank you. Just a little background. As you may recall back in 2007 the Village Board approved a Final Condominium Plat and Development Agreement for the Vintage Park condominium development which included 3 6-unit and 12 4-unit condominium buildings for a total of 66 buildings at this southeast corner of Old Green Bay Road and 104th Street. Infrastructure construction began, and some public improvements were installed. They mass graded the site, they installed the retention basins, some underground utilities. Utility and the binder course of the roadway were put in including curb and gutter. However, due to the downturn in the economy all required public improvements were not completed, and no condominium buildings were built, and the existing Development Agreement remains in effect.

In November 2018 you may recall you folks approved an assignment of the existing 2007 Development Agreement to Harpe Development who is now the current proposed developer of this property and owner of this property. They had agreed to assume all obligations under the original Development Agreement including being financially responsible for the completion of the required public and private improvements in the development. It's intended that the new Development Agreement will be entered into with the developer based on these new development plans, and any additional cost to finish up the work will need to be submitted in a supplemental letter of credit as we continue through the planning process.

So at this time Harpe Development, LLC, who owns the property and will be the developer is requesting approval of a conceptual plan for the redevelopment of this property. Again, the existing Vintage Park final plat is proposed to be vacated along with some easements, and the property is proposed to be developed with 6 3-unit and 14 2-unit condominium buildings for a total of 46 units. That's a 20 unit reduction from the current Vintage Park plat that's out there right now.

This development is to be known as Green Bay Trail Condominiums. They intend to utilize as much of the existing infrastructure as they can. The stormwater pond will be reshaped slightly, and some utilities will need to be relocated to allow for the new development layout. They have two different buildings. They have a two unit building, these will be ranch-style buildings with two car attached garages. They will have full basements. There will be a two bedroom unit with a two bath, and there will be a three bedroom unit with a two bath around 1,600 and some odd square feet per unit.

The three unit buildings there will be two lower levels that will be ranch-style with a three car attached garage. They will have a full basement. They will be two bedrooms and two baths. The third unit is on the upper level, and they will have a two car attached garage that is extra deep since they will not have a basement there on the upper level. This unit has three bedrooms, two bathrooms, an office and a covered deck.

The developer anticipates starting construction in the spring of 2019 and projects that the development will be completed within two to three years. In addition, the developer as submitted draft deed restrictions, covenants and easements along with the conceptual elevations and floor plans of the proposed condominium buildings.

The other item on the agenda tonight is a Comprehensive Plan Amendment. The Comprehensive Plan Amendment as shown on the above screen indicates the new development layout changing the number of units from 66 to 46 units. So this portion of the neighborhood plan is proposed to be amended. The property is currently zoned R-10 PUD which is a multifamily residential district with a planned unit development overlay. And that planned unit development overlay is based on the current Vintage Park development.

At the time the Final Condominium Plat is considered for this new development with a new layout a new PUD ordinance will be created for the development, and the Vintage Park PUD ordinance will be repealed. The Village staff will begin preparing this detailed PUD ordinance for review by the developer when the Preliminary Plat is submitted. But the required public hearings for the PUD ordinance will be held at the same time the Village Plan Commission and the Village Board considers the Final Condominium Plat and all the related documents.

I just want to touch briefly on some municipal improvements. Municipal sanitary sewer and water will be required to provide to all the units within the development. Sanitary sewer and water were installed by the previous developer. However, due to the reconfiguration of the building some sewer and water mains and laterals will be relocated or extended. Again, I mentioned earlier the stormwater basin will be re-constructed into a little bit different shape to accommodate the new layout of the units.

Sidewalks are now required in all developments and will be required in this development pursuant to the engineering comments which are attached to this memo. Public roadways will be constructed pursuant to the Village specifications as noted in Chapter 405 of the Municipal Code with some slight adjustments since a portion of this development the public improvements were already installed.

In addition to the required preliminary and final condominium plats a Certified Survey Map will be required to be approved to dedicate any new easements and to set forth additional restrictive covenant language as a result of the reconfiguration. As part of the Final Condominium Plat and the CSM approval the developer will be required to execute a new development agreement, provide all required exhibits and provide a supplemental letter of credit as financial security to the Village as a guarantee for the installation, inspection and warranty of the remaining public improvements.

As you may recall, some of you were not here at the time, but when the original development agreement was entered into with the Vintage Park they paid \$187,000 for intersection improvements for Green Bay Road and State Trunk Highway 165 intersection. These intersection improvements are anticipated to begin in the late summer or spring of 2019 as part of the Main Street Market development. So the money that was submitted by the previous

developer in the mid 2000s will be used as a contribution to help put those improvements in that are being done by Main Street Market.

Again, on January 14th the Plan Commission held public hearings on both these items, and they recommended that both items be approved subject to the conditions as noted in the staff report. If you have any questions I can try to answer them. And the developer is here if you have further questions.

Michael Serpe:

Peg, what is the projected amount of students coming out of this development?

Peggy Herrick:

Students?

Michael Serpe:

Students, yeah.

Peggy Herrick:

Pursuant to the 2010 census about a little over 20 percent are typically public school age children per residential unit. We find that lower typically in condominiums. Kenosha Unified School District indicates that 42 percent of the number of units is the number of school age children that will attend public school. So 42 percent of 46.

Michael Serpe:

The reason I bring that up is because condominium projects do not furnish a lot of students to the Unified system.

Peggy Herrick:

Correct.

Michael Serpe:

But we still get inquiries from people saying you're going to flood our system. And Chris handled that the last time that came forward. And the people just think that we're adding all these students to the school system and that's not the case with a condominium project. So I wish there was a better way to --

Peggy Herrick:

I think we'll have better information when the new census comes out in 2020. Because in 2010 the Village didn't have very many apartments or condominiums so everything is kind of grouped into per unit. So I think we're going to be able to give better assessments because we'll be able to break it down versus condominiums, apartments and things like that. Where before in 2010 and prior predominantly we were single family so it kind of skews those numbers a little bit.

prior predominantly we were single family so it kind of skews those numbers a little bit.
Michael Serpe:
Okay, all right. I'd move approval of 19-01.
Dave Klimisch:
Second.
John Steinbrink:
We have a motion and a second approval of Ordinance 19-01. Further discussion? Roll call vote has been requested.
Jane Snell:
Mike Serpe?
Michael Serpe:
Aye.
Dave Klimisch:
Aye.
Mike Pollocoff:
Aye.
Kris Keckler:
Aye.
John Steinbrink:
Aye. Motion carries. That brings us to Item B.

Village Board Minutes January 21, 2019 Dave Klimisch: Move approval of the Conceptual Plan. Michael Serpe: Second. John Steinbrink: Motion and a second for adoption of the Conceptual Plan. Any further discussion? Those in favor? Voices: Aye. John Steinbrink: Opposed? Motion carries. SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #19-01 FOR A COMPREHENSIVE PLAN AMENDMENT AS IT RELATES TO PROPERTY LOCATED AT THE CORNER OF OLD GREEN BAY ROAD AND STH 165 TO BE KNOWN AS GREEN BAY TRAIL CONDOMINIUMS; SECONDED BY KLIMISCH; ROLL CALL VOTE – SERPE – YES; KLIMISCH – YES; POLLOCOFF – YES; KECKLER – YES; STEINBRINK – YES; MOTION CARRIED 5-0. KLIMISCH MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A MASTER CONCEPTUAL PLAN AS IT RELATES TO PROPERTY LOCATED AT THE CORNER OF OLD GREEN BAY ROAD AND STH 165 TO BE KNOWN AS GREEN BAY TRAIL CONDOMINIUMS; SECONDED BY SERPE; MOTION CARRIED 5-0. John Steinbrink: A request has been made to take Items C, D and E together. Kris Keckler:

So moved.

Village Board Minutes January 21, 2019	
Mike Pollocoff:	
Second.	
John Steinbrink:	
We have a motion and a second.	Those in favor?
Voices:	
Aye.	

Opposed? Motion carries.

John Steinbrink:

KECKLER MOVED TO CONSIDER NEW BUSINESS ITEMS 8C, 8D & 8E TOGETHER; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0.

- C. Receive Plan Commission recommendation and consider approval of Resolution #19-01 to vacate a portion of the Schmidt's First Addition to Pleasant Prairie Subdivision rights-of-way.
- D. Receive Plan Commission recommendation and consider approval of Ordinance #19-02 for a Comprehensive Plan Amendment to amend Village 2035 Land Use Plan Map 9.9 as it relates to property located between 116th and 128th Street east of Sheridan Road.
- E. Receive Plan Commission recommendation and consider approval of Ordinance #19-03 Zoning Map Amendment as it relates to property located between 116th and 128th Street east of Sheridan Road.

Peggy Herrick:

Okay, thank you. The Nature Conservancy or the TNC has purchased approximately 150 acres of land which is located generally between 116th and 128th Streets east of Sheridan Road for a wetland restoration project to be known as Chiwaukee West Restoration Plan. The land area is west of the Chiwaukee Prairie Natural Area, and this is west of the railroad tracks between Sheridan Road and the railroad tracks.

This area has been ditched, drained and is degraded agricultural land that the TNC intends to restore with the natural hydrology and vegetation to host a mix of dry prairie, wetland swales and oak savannas. The TNC plans to work with the Village in the future to plan public access opportunities for this site, including walking trails. The site will feature a mix of grassy habitats intermixed with shallow wetlands, providing additional habitat for shorebirds including greater yellow legs, sandpipers, plovers, dowagers and godwits. Blanding's turtles have already been

documented successfully nesting in the site's sandy agricultural fields, but restoration will enhance opportunities and enhance viability.

Beyond providing new wildlife habitat, improving degraded habitat and offering the public opportunities for nature-based outdoor recreation on this site, the planned restoration will also stop the excess flow of storm water runoff from this site through its ditch and drain tile network. By restoring the site's hydrology to hold back storm water, the project will decrease downstream flooding and increase infiltration of clean groundwater follow to benefit drinking water supplies and feed springs that upwell to the adjoining State Natural Area.

The site currently hosts about 67 acres of undesirable woody brush and trees interspersed with oak and hickory trees, 74.9 acres are agricultural fields, and approximately 5.8 acres are emergent low-prairie, and a few acres of remnant native vegetation along the railroad right-of-way on the east side of the plan. These areas are more particularly described in the restoration plan which was attached to your Board packet.

The restoration plan is envisioned to be executed in four primary phases. Phase 1 includes ongoing planning, permitting and neighborhood notification. Phase 2 covers site preparation between now and mid-2019 including removal of all undesirable woody trees, shrubs and vines this coming winter. Stipulated Conservancy Permit and Erosion Control Permits have already been applied for and issued by the Village for these phases.

Phase 3 covers restoration of the site's hydrology and replanting of native vegetation in late summer and early fall of 2019. Phase 4 covers intensive monitoring and follow-up for at least three years thereafter to assure restoration success before transitioning to a long-term plan of maintenance. As part of this they are requesting to vacate a portion of rights-of-way within the Schmidt's First Addition to Pleasant Prairie Subdivision. And this was your Resolution 19-01.

Since TNC now owns all of the lots involved and it's been more than 40 years since the plat was recorded down in this area, and the public streets were not built and have not been used by anyone, a court procedure to vacate the portion of the plat is recommended by the Village. Furthermore, Wisconsin Statutes Section 236.43(4) provides that if a plat area being vacated includes streets, roads, alley or public ways it can be vacated by a court if there is a resolution passed by the Village Board approving and requesting such vacation and the owners of all frontage of the lots and lands abutting the area sought to be vacated request in writing that such action be taken.

The TNC has decided to follow the court procedures and will be responsible for petitioning the court to vacate the portion of this plat. The Village can assist in the vacation of the area which includes a street, road, alley or public way by passing a resolution which is before you tonight which is Resolution 19-01 to support and petition the vacation of these rights-of-way as shown on the overhead. In addition to vacating portions of the plat and the right-of-way that does not vacate any easements that may have been granted to any utility company so they will have to search that out to see if there are any easements granted. It's unlikely that they were. This area was platted quite some time ago, I believe in the 1920s.

Ordinance 19-02 is the Comprehensive Plan Amendment. And this is as a result of the forgoing, the Comprehensive Land Use Plan is proposed to be amended to change the Low-Medium designations, the Commercial and Mixed USE CT with an Urban Reserve Area land area use designations on the properties to the Park, Recreational and Other Open Space lands. The Isolated Natural Resource Areas and the wetland land use designations on the properties will remain unchanged. In addition, Appendix 10-3 of the Village Comprehensive Plan is proposed to be updated to reflect the above noted changes to the 2035 Land Use Plan 9.9.

The Zoning Map Amendment which is Ordinance 1903 will allow the Land Use Plan and the Zoning Map to be consistent, therefore they are requesting to rezone the properties from the A-2, General Agricultural and the C-2 areas which is Upland Resource Conservancy District, they are proposing to place those into the C-1, Natural and Scientific Area Resource Conservancy District. The lands that are zoned C-1, Lowland Resource Conservancy District will remain unchanged.

I just want to give an update to the land that the Chiwaukee Prairie has purchased south of 116th Street on the east side of the railroad. TNC continues to acquire land as identified in The Carol Beach Chiwaukee Prairie Land Use Management Plan for preservation when there is a willing seller. As of 2015 when TNC transferred their own property to the Wisconsin Department of Natural Resources, 56 lots still needed to be acquired. Since that time, the Chiwaukee Prairie Preservation Fund, an all volunteer charitable organization dedicated to acquiring, managing and preserving Chiwaukee Prairie, especially in this area, has acquired 14 additional lots within this area and 3 more lots further north.

At the Plan Commission meeting on the 14th a public hearing was held and there were some questions that were asked at the public hearing. The Plan Commissioners inquired about the hunting laws. Attached is the current ordinance 250-3 of the Village Municipal Code that was adopted in 2015. This ordinance does not allow for shooting of a single projectile weapon east of Sheridan Road. If there are more specific questions related to that ordinance the Police Chief is in the audience, I believe he's still here, he could answer any of your questions.

In addition, the Plan Commission inquired about any outstanding sewer and water assessments on the properties. According to the Village Finance Department records there are no outstanding assessments on properties owned by the TNC or other properties abutting Sheridan Road between 116th and 128th Streets. With that I can entertain any questions if you have further questions for the petitioner. As she indicated she is here for any additional questions.

John Steinbrink:

I'm going to open it up to questions and comments from the Board. Mike?

Mike Pollocoff:

Thank you, Mr. President. I have some concerns about this. And it's too far gone for it to be undone. But I'd like to reorder the agenda a little bit and have the vacation of the right-of-ways be acted on after we consider the amendment to the Plan Commission [inaudible] to the Comp. Plan. One of my concerns was and the reason I asked for the information on the sanitary sewer

and water assessments is when the Chiwaukee Prairie Compromised Land Use Plan was adopted it was a years long effort to come up with a document that was going to satisfy competing interests on what lands should be developed in that area and what lands should be preserved. It was a difficult process. And it was one of those processes where I don't think everybody got everything they wanted, but it was an acceptable document at the end.

In this area here as you can see from the Comp. Plan was an area that was not slated for conservation, but it was identified for some development. In reliance on the Comprehensive Plan and as people petition for sewer and water, sanitary sewer and water were extended on Sheridan Road from 116th Street down to State Line Road, 128th. People paid special assessments for the extension of that sewer. In some cases its individual lots, in some cases its open land, but they paid those assessments off.

The sanitary sewer and water that was installed was oversized to handle more than just the people that were on one side of the road or the other because it was a larger area. So the people who were assessed paid for the cost of an eight inch line, and then anything over that cost was paid for by the rate payers of the utility, and the rate payers were going to be compensated back as development occurred. And people hooked up to the sanitary sewer and the water in the case of sanitary sewer there would be a connection fee that would help to fee the debt. And in the case of the water there just be usage that would help that fee.

My concern is that when the Village makes an investment of public funds to make improvements in an area, and those investment of public funds when we prepare the plans and specifications, we review them to make sure that we're in compliance with our own plans, in this case the Comprehensive Plan. Before those sewer and water plans are approved they go to the Southeaster Wisconsin Regional Plan Commission and the DNR to make sure that those plans are in compliance with the adopted land use plan and the 208 service area plan for sanitary sewer. And all those plans were approved. And, in fact, the utilities were installed.

I know there's been a couple proposals where individuals wanted to develop the vacant land, and those developers were met by a lot of resistance for the reasons that were described by Peg and the representative from TNC. There's no question that there's some environmental issues in that area that you'd like to protect. But the issue never really got far enough for a compromise to be reached on that and so it sat. Eventually the guy dies and they buy his land.

Before we amend our Comp. Plan, I think that it's important as a community that we be transparent about it and we say, okay, here's a proposal to change this block of land. It was going to be one use, and I would advocate for the same thing, it was Conservancy and you were taking out of Conversancy and putting it into development, but when we approve a plan and we allocate our resources to it we should be more than willing to take a look at what those costs are, what our investment's been before we go with the real estate deal of the day. And in this case, and it's happened in various areas in Chiwaukee Prairie where a group will go out and say we think this is really valuable, we're going to buy this parcel, these parcels, and all of a sudden we have stranded utilities, we have stranded oversizing. They're happy they acquired the land, but it wasn't land that was supposed to be acquired as part of the Chiwaukee Prairie Plan.

And I think conservation is a good thing. I don't think this Village needs to apologize to anybody, 25 percent of the Village is in conservancy zoning. We've done more than our fair share to ensure that there's enough conservancy zoning and more than enough to relate to the total ratio. But I think in this case we're really going back against the plan that we've actually spent money on and people who live there have spent money on. We're assessed them and here we are. And I think before we vacate these portions of right-of-way I think we should take a vote on -- I'd recommend voting on the Comp. Plan amendment first and then vote on the vacation of the properties.

As I've said TNC has already bought this land. I know that the Community Development Director was an avid supporter of this and I appreciate that. She's doesn't go t these things with her eyes closed. But I think it's a significant thing we need to do. And if this thing proceeds which I'm not going to fight it if it proceeds, but I really recommend anytime somebody who is going to come in and amend the Comp. Plan that we require that the staff tell us what we've invested in these properties before we change it and modify it so the public knows that we're going to be walking away from some kind of public investment, or in this case we shouldn't be making a public investment if it's a piece of Conservancy land. So it cuts both ways.

And I think in this case here it's a lot. Probably when the first thing came in we probably should have before they bought it brought the question up at that time and we didn't. But for all the good will that we've shared with TNC and the goal to develop it I really think that -- my hope would have been that money would have been spent in acquisition areas rather than outside the acquisition areas. So that's my concerns on this. If there's any questions I'd be glad to answer them. I think that all the assessments are paid which means all the investments are done.

And when these things are done -- one gentleman came up and spoke about he can't get his road plowed. A lot of these places we're limited on what we can do for ditching because it's going to affect the wetlands. So in Chiwaukee Prairie and Carol Beach there's a lot of compromised areas because it's conservancy. So everybody has to live with what's there. And I just think that kind of should fit both sides of the issue and not just one side.

Michael Serpe:

Mike would this help if we put this back on staff and let them vet this thing out a little bit better and bring it back to us?

Mike Pollocoff:

I mean it could. They already bought the property, and I think they bought it on commitments made by staff that this was a good deal. So I think that TNC is acquiring a piece of property that a [inaudible] amount of money has been spent on by both the public sector and private property owners that's gone by the wayside. That consideration that was adopted in the plan to begin with has now gone by the wayside when we adopt this Comp. Plan amendment. I think the horses are out of the barn. And I think its TNC's job to acquire as much land that they think is important for conservancy, but it's also important I think that the Village protect the public in being fair and

square about the plans that are adopted. Sometimes we might be stuck with a plan that we might not be completely happy with, but it was a plan that everybody adopted and signed onto.

Michael Serpe:

What do you think will be the recommendation for a fix here? What do you want to do?

Mike Pollocoff:

I myself I'm going to vote against the Comp. Plan amendment just for that reason. And I'm not expecting everybody else to. But I think the one fix that we can forward with is that before we make any more Comprehensive Plan changed that I think the staff needs to bring to the Board what does this mean as far as what actions have been taken and what expenses have been made by the public or have been levied upon the public by the Village before we can make changes like this. Right now there's a lot of people that have got great ideas to build this here, build that there, fill that well in and do this. Like I say it's going on both sides. And I think that going forward that's something that needs to be looked at. And I would apply that to any other area in Carol Beach or the Chiwaukee Prairie.

Michael Serpe:

I wish we would have had this at the Plan Commission what you just said tonight. Peg, do we have any figures on investments that the Village has made in this area.

Peggy Herrick:

I don't know. I have no idea what those investments are.

Tom Shircel:

Trustee Pollocoff, so what you're saying is you're saying it's sort of a buyer beware sort of deal? I'm not sure that The Nature Conservancy was aware of any assessments on this. I'm not sure. Because many times these properties are purchased prior to that kind of research being done.

Mike Pollocoff:

I'm assuming given the time that the people who we assessed for sewer and water paid for those assessments, paid for it with interest, and in some cases those property owners were bringing development proposals to the Plan Commission, the Village and we were considering them. And I think as I remember there were the local groups as TNC were opposing those developments for the very reasons that they're saying that they're buying it. So the guy who is making the proposal to get it developed he's sandwiched. He's got the conservancy group on one side saying he shouldn't develop it, don't let him develop it. And the other side is the Village assessing him for improvements that we made in reliance on the plan. I think that ends up being the core of the issue.

Michael Serpe:

We don't know how many people are still interested in developing here do we?

Mike Pollocoff:

Well, I'm assuming if The Nature Conservancy bought it, they bought it, and the people based on what they've seen on previous proposals they're not going to be able to develop it.

Michael Serpe:

All that land is gone now, is that correct?

Peggy Herrick:

No, there's still areas in red along Sheridan Road and 116th Street where Buoy Storage is, the [inaudible] is there, there's vacant property to the north of that on the east side of Sheridan Road. There is land further south that has existing development that could be redeveloped for commercial further at the south -- I'm sorry, at the northeast corner of 128th Street and Sheridan Road. That is still owned by private properties. Everything on the west side of Sheridan Road is still owned by private properties. The issue you have on Sheridan Road is on the west side you have that small frontage, and then everything behind there is wetlands so it's going to be very hard to redevelop that area, built for commercial just due to the lack of depth. But that is not owned by The Nature Conservancy. It's still privately held.

Michael Serpe:

And that's another perfect example. The utilities were put in there meant to service that land to the east. We're not going to allow anybody to build in the wetlands, but that service is still going to have to go the east when it develops to the west or under it. And if for some reason they decided, well, this should be acquired, too, you have the same issue. Only in this case the people that were assessed are right along the road. At least they have access to what they had to pay assessment for.

Michael Serpe:

Would it be -- I'd like to know the figures that we have out there that we've invested in and still what's out there.

Peggy Herrick:

All the assessments have been paid. So if that's all paid up I guess we'd have to find out what the initial investment was from the Village to put in those improvements, what was oversized that was paid for by the utility. And we'd have to come up with some number as to what the lost revenue is for those utility connections based on some service number. We don't have an approved land use plan -- a neighborhood plan for this --

Michael Serpe:

I'm not against the conservancy effort. But I think what Mike brought up tonight makes a lot of sense.

Peggy Herrick:

Correct, that's what we'd have to do. We'd have to find out what the initial investment was, what was paid for, what was charged for oversizing that wasn't paid for by the assessments, and then come up with a number to see what future connection fee revenues are being lost.

Michael Serpe:

Could you have this ready for us in the next couple meetings?

Peggy Herrick:

I don't have the expertise to do that, but our finance department would have to look into that, and we'd have to come up with some estimate as to how many units could be serviced for this area. We'd have to probably work with our engineering department. I don't know how long it would take them to do that, probably a few weeks. I don't know what their schedules are.

I just want to let you know that everything they're proposing to do in the restoration plan meets all of our ordinances with the exception of the wooded area that is currently zoned C-2 which was property owned by Mark Bourque which is right in this area up here. This was an area right up here that's zoned C-2. By grading the agricultural lands, taking and redoing their drain tiles and things like that that's all allowed in all the rest of the districts that are existing out there. So the C-2 area is the only area that they couldn't remove any trees or do any grading with that.

The rest of the site as it's currently zoned allows for what they're proposing to be done based on current regulations. That's why stipulated conservancy permits and erosion control permits have been issued for those portions of it. The erosion control and the stipulated conservancy allows for work to be done in all the areas except that area that is zoned C-2 until and unless they get approval from the Plan Commission. So that's why those permits have already been issued because the only area in question that they can't do what they're looking to do based on current zoning is that C-2 area.

Mike Pollocoff:

So, Peg, did the Plan Commission approve a conceptual plan for Mr. Bourque?

Peggy Herrick:

No.

Village Board Minutes January 21, 2019 Mike Pollocoff: Okay, so he just --Peggy Herrick: You mean back in like the early 2000 when --Mike Pollocoff: I'm not sure -- I remember he brought it in but I don't remember in. Peggy Herrick: That never got -- it either got tabled or it got denied. It was never approved. Mike Pollocoff: Okay. Michael Serpe: I'd like to recommend that we table this and give staff and finance, and I'd like to have Mike involved in those meetings as well because he's got the most background of all of this. I think tabling would be in order. Peggy Herrick: Do you think you're interested in both sewer and water or was the water not oversized, or is water something you want them to look into as well? Mike Pollocoff: I believe the water was oversized. Peggy Herrick: Water was oversized as well? Mike Pollocoff:

I think it's [inaudible] as well.

Peggy Herrick:

We can certainly look into that. I can talk to the engineering department and finance and see if we can't get some numbers pulled together. If we can by our next meeting I don't know. Nathan is out of the office until next week Monday. I'll see what we can pull together.

Mike Pollocoff:

I know we've got the design and in the files we had the bid packet. And we got the special assessment.

Peggy Herrick:

That's the easy part. It's figuring out the other part of --

Mike Pollocoff:

When you do the special assessment you're reducing the assessment down to what an eight inch or just a residential line is. So then at that point you know what the Village would be carrying as far as the overage.

Peggy Herrick:

Just for the overage. But are you looking for also lost revenue in someone connecting to that? So that is what going probably take some time to get to that number.

John Steinbrink:

Mike is correct this goes back over 30 years ago we started with -- when both you and I started with the Village. And it was quite a contentious time between the property owners down there and conservancy and everybody else. And a plan was adopted, and the Village has always abided by that as far as extending the utilities or services into these areas. And as Mike said there was a cost to this. I know people have bought outside the area, and I don't blame them for that. It's probably what should have been done all along but it wasn't the plan. And the Village is on the hook for some of these, or the taxpayers I should say or the utilities.

Mike Pollocoff:

I just think to be transparent in our decision making we need to recognize what that is.

Michael Serpe:

I'd move to table this.

Village Board Minutes January 21, 2019
Dave Klimisch:
Second.
John Steinbrink:
What do we need to table here?
Michael Serpe:
You want all three tabled or just the plan?
Mike Pollocoff:
I'd recommend tabling all three. I think the way the agenda is reading we really should act on the Comp. Plan amendment first because that would dictate whether or not you want to [inaudible] public streets. I would just I'd recommend tabling all three.
Peggy Herrick:
The area of the public streets being vacated pursuant to the Chiwaukee plan indicated that those streets should be vacated and most of that land is wetland so that it's not contrary to the plans, but it could be tabled until all the information is received.
Tom Shircel:
Peggy, do we have to table this to a specific meeting date?
Peggy Herrick:
I don't believe so, it's not a public hearing unless you want to to let the audience people know when they could come back. I don't know if this could be pulled together by the fourth because we have to get everything –
Michael Serpe:
Bring it forward when you're comfortable to give us
Peggy Herrick:
I would say by the second meeting of the Board. I think the fourth would be too soon to get this pulled together.
Tom Shircel:

I agree.

Peggy Herrick:

To get everything pulled together by next week Tuesday.

Kris Keckler:

Is there a chance to ask a question of somebody that manages the purchase of these lots? Can I ask a question? In the notion that 56 lots still need to be acquired as of the 2015 date and you guys purchased approximately 17 of them --

[Inaudible]

Kris Keckler:

I'm just trying to get a sense of is that because those are the only ones that became available since that time, or have there been others? The crux of this is I'm getting that if there's competition from other people that may want to buy outside of this and for other particular purposes for potential future development that we need to be aware of. Or if you guys are the only buyers that any time these lots become available.

Stephanie Judge:

So in speaking about the east side all of that is pretty much wetland. And we have made a [inaudible] effort to try to reach out to any of those given landowners to make them offers. So for one reason or another they've decided not to sell those lands. CPPS or Chiwaukee Prairie Preservation Fund is now making an effort to try to buy those really because we turned our attention t the west. We would love to buy the remaining lots so that the site could just be cleaned up so that there's not odd rights-of-way. So the landscape just makes sense, so the streets are where the streets should be and the conservancy areas are where the conservancy areas should be. So it's just the fact that we can only buy from willing sellers. And so we make our best efforts. And we just have to take opportunities when they arrive. Can I just address a little bit of the conversation that you've just had? Can I take one or two words?

John Steinbrink:

Sure.

Stephanie Judge:

Just from the Conservancy's standpoint the Village has always been a fantastic partner. I think you've primarily been referring to the 1985 Land Use Plan for Chiwaukee Prairie. It was a really fantastic landmark land use plan for its time, unique for how well researched it was. It was really so many partners came to the table and did, in fact, make compromises. I would just say that that plan was done in 1985, and it was based off of the best information at the time. But really the information on the table changed, and it was the Southeast Wisconsin Regional Planning

> Commission with USGS modeling that really showed us the importance of the groundwater coming from the west to protect the resources to the east.

> And so we and you and everyone else involved in the prairie really hand this long-term investment there. And so it was in 2004 that that modeling was done that that report came out. And so that's what caught our attention. So it took time, and then over time the developers really I think decided that they were struggling to develop the property because of a variety of reasons. And so that's when they opted to sell. Again, we can only buy from willing sellers. So I think that's primarily what I have to say.

I would love it if you could pass the zoning aspect of the zoning item. The reason being we are beginning our restoration. And as Peggy indicated the one thing that we cannot do with the current zoning is to clear trees on that particular footprint. And that actual footprint the only reason vegetation there are invasive black locust trees and invasive honeysuckle. And it would just be particularly efficient to our process to be able to clear those trees when we're clearing the rest of the property. So to just move along and keep things I think looking as clean as possible. The said I do respect that you want to know numbers for investments in infrastructure. It makes sense. I think that mostly goes towards the Comprehensive Plan. So does anyone else have an questions?
Kris Keckler:
Thank you.
John Steinbrink:
What is your question going to pertain to?
Pam Holy:
It's not a question. The only point was [inaudible].
John Steinbrink:
You're going to have to come forward here.
Pam Holy:
Thanks.

John Steinbrink:

I mean we had the public hearing on this and we're past that. I'm going to allow you to speak briefly.

Pam Holy:

Okay, very brief, I promise. It's just that of the properties, the parcels that we have bought or purchased there was no competition. There was no one else interested in these properties. And, frankly, the people who contact us they want their cash out.

John Steinbrink:

We understand that. It's always a willing seller on that?

Pam Holy:

Yeah, but we've not had a single competitive.

Kris Keckler:

Thank you for that. And I do with the majority being wetlands. But, again, we heard from one gentleman who has an associated or adjacent property who has issues with his drive area. And it's hard to address that because of the surrounding areas. So, again, it's how the Village choose to approach this in the best interest. Still trying to keep in mind what has been invested over decades from a monetary standpoint and an infrastructure standpoint. So thank you.

Michael Serpe:

So my motion is to table C, D and E.

Dave Klimisch:

There a second.

Michael Serpe:

Yeah, I think you seconded. But I want to make sure we get all three items.

John Steinbrink:

And we'll get to it as quickly as possible here. The motion has been to table C, D and E. Is there a second? Dave. Motion and a second. Any further discussion? Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries. We understand where everybody is coming from. We're just trying to clean up all the loose ends here. I'm sorry it's not citizens' comments.

[Inaudible]

John Steinbrink:

After the meeting you're welcome to talk up to us. You live in a very unique area. We understand that.

[Inaudible]

SERPE MOVED TO TABLE NEW BUSINESS ITEMS 8C, 8D & 8E; SECONDED BY KLIMISCH; MOTION CARRIED 5-0.

F. Consider and approve the Offer to Purchase of property known as 10214 39th Avenue, Pleasant Prairie.

Tom Shircel:

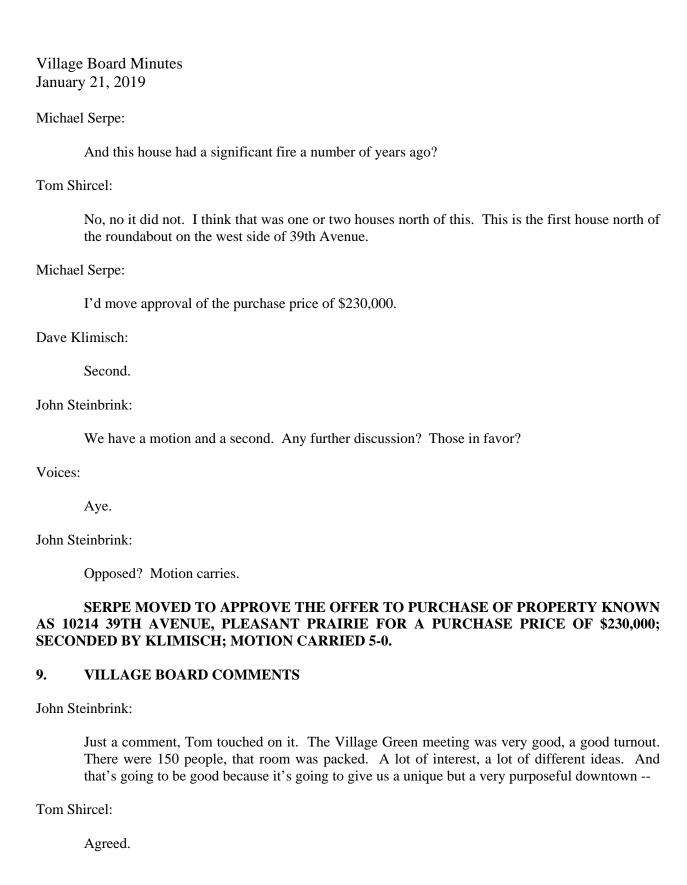
Thank you, Mr. President, and Board members. Before you is a residential offer to purchase. It's been the current owner, Prairie Place, LLC which is Land & Lakes Development Company, Marty Hanley the President, and the Village is looking to purchase this property. It's improved with a 1,740 square foot single family ranch house that was constructed in 1956. It's located at 10214 39th Avenue which is the first house on the west side of 39th Avenue north of the 104th Street roundabout, Parcel Number 92-4-122-234-0380. It contains 1.33 acres. It's located in the Village Green Center. The Village has the property assessed at \$252,000. According to the agreement there's a due diligence period for the Village of 45 days. Closing date is 60 days after the due diligence period. And the negotiated recommended purchase price for the Board to consider tonight is \$230,000. With that I'll give it to the Village Board. If you have any questions I'll be glad to answer them.

Michael Serpe:

This is all a part of the Village Green?

Tom Shircel:

It's in the Village Green Center project area. And I think it would beneficial when the opportunity arises like it has here for the Village to purchase these single family properties as they become available.



John Steinbrink:

-- or Village Center [inaudible] downtown.

Tom Shircel:

Yes, everyone was very interested. I think there's some skepticism as well because this is a new process that the Village has never really encountered before where the citizens take ownership of this plan and they devise the plan. Usually it's the other way around, the Village devises the plan so there's some skepticism. But I think as we go through this process I think it will be a learning process for everyone. I think it will be hopefully a success and come up with a good plan. And I think we have some very talented, I know we have some very talented residents here and they'll produce a great plan.

John Steinbrink:

As with our commissions we look for a broad spectrum of people to serve on there, use their expertise, and this is going to be a really great opportunity to use that expertise of all our citizens who want to become involved.

Tom Shircel:

Right. I think having 155 people present and getting over half of those to sign up for subcommittees that's a great sign. That's just awesome.

John Steinbrink:

Further Village Board comments?

10. ADJOURNMENT

Michael Serpe:

Move to adjourn.

Mike Pollocoff:

Second.

John Steinbrink:

Motion and a second for adjournment. Those in favor?

Voices:

Aye.

John Steinbrink:

Opposed? Motion carries.

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY POLLOCOFF; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 7:10 P.M.